

**GOVERNMENT OF PUERTO RICO  
PUBLIC SERVICE REGULATORY BOARD  
PUERTO RICO ENERGY BUREAU**

**IN RE:** ENERGY EFFICIENCY AND DEMAND  
RESPONSE TRANSITION PERIOD PLAN

**CASE NO:** NEPR-MI-2022-0001

**SUBJECT:** Resolution and Order for *Motion to Submit Second Quarterly Report on Administrative Costs and Expenditures of TPP DR Programs and Request to Consolidate Reporting Requirements*, filed by LUMA February 14, 2024.

**RESOLUTION AND ORDER**

**I. Introduction & Procedural Background**

On February 16, 2023, the Energy Bureau of the Public Service Regulatory Board of Puerto Rico ("Energy Bureau") issued a Resolution and Order ("February 16 Order") in which it considered, amended, and approved the Proposed Energy Efficiency ("EE") and Demand Response ("DR") Transition Period Plan ("TPP") that was submitted by LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, "LUMA") on June 21, 2022.<sup>1</sup> In the February 16 Order the Energy Bureau ordered LUMA to administer a specified budget for FY2023 for EE and DR programs and fund the FY2024 budget of the TPP using the EE Rider funding or alternative funding sources.<sup>2</sup> The February 16 Order established requirement to various TPP program-related tasks and associated deadlines and reporting requirements.<sup>3</sup>

On August 29, 2023, the Energy Bureau issued a Resolution and Order ("August 29 Order") that established requirements for filing documentation of administrative costs associated with the battery emergency DR program within 45 days of the end of each quarter, including the end of the fiscal year.<sup>4</sup>

On February 14, 2024 LUMA filed a document titled *Motion to Submit Second Quarterly Report on Administrative Costs and Expenditures of TPP DR Programs and Request to Consolidate Reporting Requirements* ("February 14 Motion") requesting to consolidate filing requirements for EE and DR programs, along with LUMA's quarterly report on its DR programs.

**II. Summary of LUMA's February 14 Motion**

The February 14 Motion contains LUMA's timely filing of the second quarter report on administrative costs of the battery emergency DR program, as well as a request to consolidate the TPP quarterly and annual reports with the DR administrative cost quarterly and annual reports.<sup>5</sup>

<sup>1</sup> *In re: Demand Response Plan Review, Implementation and Monitoring*, Case No. NEPR-MI-2021-0006, *Motion Submitting Proposed EE/DR Transition Period Plan* filed by LUMA on June 21, 2022 ("June 21 Motion").

<sup>2</sup> February 16 Order, p. 27.

<sup>3</sup> February 16 Order, p. 18. Table 1. *Transition Period Report and Filing Schedule*.

<sup>4</sup> August 29 Order, pp. 3-5, Section B.

<sup>5</sup> February 14 Motion, p. 8, ¶¶ 21-22.



LUMA proposes to file a single quarterly report that includes all requirements of both quarterly reports, within 45 days after the end of each quarter. LUMA proposes to file the TPP and DR administrative cost annual reports 120 days following the end of the fiscal year. LUMA identifies there is overlap in the required content of the two sets of filings and that combining internal review and approval of two filings would reduce administrative burden. LUMA states it has identified no other regulatory policies that depend on the 45-day filing deadline of the DR administrative cost annual report.<sup>6</sup>

LUMA's Q2 Report<sup>7</sup> on the administrative costs of the battery emergency DR program includes summary statistics for the participation and overall program costs during the second quarter of FY24. The report states that LUMA has enrolled (through aggregators) 1,952 participants, which have delivered up to 6.5 MW of capacity during the three dispatch events LUMA has called.

### III. Discussion

LUMA's quarterly TPP reports are due within 60 days of the end of each quarter. Filing the required information 45 days following the end of each quarter complies with this requirement and incorporation into a consolidated filing on a shorter timeframe is acceptable. The Energy Bureau therefore **GRANTS** LUMA's request to consolidate the TPP and DR administrative cost quarterly reports into a single filing, to be filed within 45 days of the end of each quarter, beginning with the next set of such reports (for Q3 of fiscal year 2024).

LUMA's annual DR administrative cost reports are due 45 days after the end of the fiscal year, while TPP annual reports are due 120 days after the end of the fiscal year. LUMA's request would therefore delay by 75 days the Energy Bureau's receipt of annual and fourth quarter reporting on the DR program administrative costs. The Energy Bureau has weighed the cost of this delay against the value of a consolidated filing, and **GRANTS** LUMA's request. LUMA **SHALL** file its annual DR administrative cost reports as part of its annual TPP reports 120 days following the end of the FY24 and FY25 fiscal years. This filing schedule, for both EE and DR filings, does not supersede any other regulatory policies or orders that might depend on a 45-day filing deadline (or any other year-end regulatory deadline).

The Energy Bureau will revisit the schedule for filing quarterly and annual reports as part of its consideration of the Three-Year EE and DR Plan, which LUMA will file in the spring of 2025.

The Energy Bureau has reviewed the status of the battery emergency DR program as included in LUMA's February 14 Motion. The Energy Bureau is encouraged by the rate of participant growth for the program, and by LUMA's ability to call these resources. It is reasonable for LUMA to have dispatched only three events in the second quarter of fiscal year 2024 due to the lower overall loads in the fall and winter months and the nascent nature of the program. As a result of both a smaller number of events called than planned, and a smaller number of participants, LUMA's total program costs for the second quarter are over six times smaller than budgeted. The Energy Bureau **CLARIFIES** that LUMA need not be limited by quarterly budgets and that LUMA is authorized to grow participation in the battery emergency DR program beyond the budgeted level of 6,500 participants this fiscal

<sup>6</sup> February 14 Motion, pp. 8-9, ¶ 23.

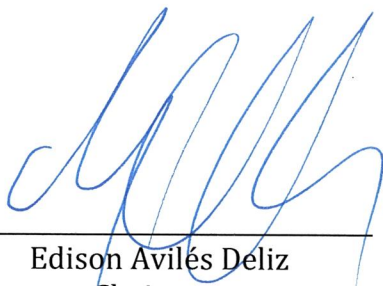

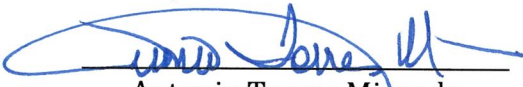
<sup>7</sup> February 14 Motion, Exhibit 1 – *Customer Battery Energy Sharing (CBES) Initiative Administrative Costs Q2-FY2024 Report – Reporting Period October – December 2023* ("Q2 Report")





year to utilize the full approved budget for this year. The Energy Bureau further **ORDERS** LUMA to notify the Energy Bureau as soon as it foresees that it may be forced to limit participation in the program this fiscal year due to budget constraints, so that the Energy Bureau may consider the merits of expanding the program and its budget to maximize this resource for the summer of 2024.

Be it notified and published.

  
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Edison Avilés Deliz  
Chairman  
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Lillian Mateo Santos  
Associate Commissioner  
\_\_\_\_\_  
Ferdinand A. Ramos Soegaard  
Associate Commissioner  
\_\_\_\_\_  
Sylvia B. Ugarte Araujo  
Associate Commissioner  
\_\_\_\_\_  
Antonio Torres Miranda  
Associate Commissioner

**CERTIFICATION**

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on March 21, 2024. Also certify that on March 21, 2024 a copy of this Resolution and Order was notified by electronic mail to [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.com), [info@sesapr.org](mailto:info@sesapr.org); [bfrench@veic.org](mailto:bfrench@veic.org); [shanson@veic.org](mailto:shanson@veic.org); [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com); [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com); [lionel.santa@prepa.pr.gov](mailto:lionel.santa@prepa.pr.gov), [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov); [evand@sunrun.com](mailto:evand@sunrun.com); [javrua@sesapr.org](mailto:javrua@sesapr.org); [mrios@arroyorioslaw.com](mailto:mrios@arroyorioslaw.com); [jordgraham@tesla.com](mailto:jordgraham@tesla.com); [forest@cleanenergy.org](mailto:forest@cleanenergy.org); [customerservice@sunnova.com](mailto:customerservice@sunnova.com); [pjcleanenergy@gmail.com](mailto:pjcleanenergy@gmail.com); and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today March 21, 2024.

  
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Sonia Seda Gaztambide  
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