

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

NEPR

Received:

Jun 17, 2024

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In Re:
INTERCONNECTION REGULATIONS

Case no. NEPR-MI-2019-0009

Subject: LUMA Technical Bulletin on
smart inverter requirements

RENEWED REQUEST REGARDING LUMA'S TECHNICAL BULLETIN

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, the Puerto Rico Solar Energy Industries Association Corp. dba Solar and Energy Storage Association of Puerto Rico ("SESA"), represented by the undersigned legal counsel, and very respectfully prays and requests:

1. On April 4, 2024, SESA filed an *Urgent request Regarding LUMA's publication of a "Smart Inverter Setting Sheets- Technical"* in which it notified that LUMA Energy Servco, LLC and LUMA Energy, LLC (collectively "LUMA") had posted in its website Technical Bulletin 2024-0001 Smart Inverter Settings Sheet¹ ("Technical Bulletin") that stated the smart inverter requirements have an effective date of June 1, 2024.

2. On April 22, 2024, LUMA filed a motion titled "RESPONSE TO URGENT REQUEST FILED BY SESA ON APRIL 4, 2024" ("LUMA Motion 1"). LUMA's arguments in response can be condensed as follows: (a) the Technical Bulletin is not a regulation and, hence, neither a rulemaking process nor the Energy Bureau's approval was required to issue it because the Regulation to Interconnect Generators to the Electric Distribution System of the Electric Power Authority and Participate in the Net Metering Programs, Regulation No. 8915 ("Regulation 8915") provides for the application of

¹ Available at: <https://lumapr.com/wp-content/uploads/2024/04/Technical-Bulletin-2024-0001-Smart-Inverter-Settings.pdf> (last accessed June 17, 2024)

“applicable standards in effect, including, but not limited to, IEEE 1547”²; (b) the Technical Bulletin does not contradict Act 57-2014 with respect to the Energy Bureau’s authority pertaining to interconnection regulations and technical requirements, and it does not require the Energy Bureau’s review or approval because the Technical Bulletin is not an amendment to Regulation 8915 and merely a “clarification” which does not need to be reviewed by the Energy Bureau, which reasoning should also apply to other related Technical Bulletins³; (c) the IEEE 1547-2018 standard set forth in the Technical Bulletin is not a System Operation Principle and, therefore, the Energy Bureau’s approval is not required⁴; (d) the timeline of two months to implement the Technical Bulletin is reasonable, and there are no technical compliance issues of concern because the Technical Bulletin does not require the acquisition of new equipment or components and the IEEE 1547-2018 standard to apply has already been adopted in over 25 states and regions in the US and Canada⁵; and (e) stakeholder meetings or collective efforts are not needed to establish the technical specifics of the IEEE 1547-2018 standard set forth in the Technical Bulletin because it is “not a regulation of an amendment to a regulation but, rather, a clarification of an existing requirement of Regulation 8915”⁶.

3. On May 3, 2024, SESA filed a motion titled “REPLY TO LUMA’S APRIL 22, 2024 RESPONSE TO URGENT REQUEST” (“SESA’s Reply”) in which SESA presented its concerns regarding the implementation of the Technical Bulletin such as its publication without any review or approval from the Energy Bureau⁷. Also, SESA attached a commented version of the Technical Bulletin with margin notes providing brief explanations of the fundamentally flawed technical requirements being published by LUMA⁸. SESA reasserts its position regarding its concerns over the implementation of the Technical Bulletin.

4. On May 9, 2024, LUMA filed a motion titled “URGENT MOTION TO REITERATE REQUEST TO RESCHEDULE THE TECHNICAL CONFERENCE SET

² See LUMA Motion 1 at page 4-8

³ See LUMA Motion 1 at Page 8-9

⁴ See Id., at page 10

⁵ See Id., at page 13

⁶ See Id., at page 13

⁷ See SESA’s Reply, at page 6.

⁸ This document is already part of the record in this proceeding.

FOR MAY 16, 2024” (“LUMA’s Motion 2”) in which it stated that the effective date for the Technical Bulletin would be postponed until July 1, 202[4]⁹. However, as of the date of this filing, the Technical Bulletin with an effective date of June 1, 2024 is still available in LUMA’s website.

5. On June 12, 2024, the Energy Bureau issued a Resolution (“PREB Resolution”) regarding the June 18th Technical Conference and Stakeholder Workshop Agenda in which PREB held that “specific provisions for **smart inverter settings may modify the way the DERs interact with the grid** and warrant coordination with non-utility actors. The orderly activation of grid support functions will require equipment compliant with the IEEE STD 1547-2018 and UL-1741-5B certification. Requiring this equipment has an impact, therefore **it is within public utility commissions jurisdiction to evaluate how and when this requirement is to be effectuated**. Usually, **state regulatory bodies** provide a forum for stakeholders to evaluate proposed equipment specifications and then adopt requirements for when interconnecting customers are to start using IEEE STD 1547-2018 compliant and UL-1741-SB certified inverters. **Currently the Energy Bureau has not yet adopted such requirement**”¹⁰ (emphasis added).

6. The Energy Bureau has the authority to review and approve any “proposal to the interconnection regulations and minimum technical requirements (MTRs), additional technical requirements (ATRs), and any other type of requirement established for the interconnection of distributed generators and microgrids to the electric power grid, and oversee compliance therewith” under Section 6.3 (w) the Puerto Rico Energy Transformation and RELIEF Act, Act 57-2014, as amended. However, while the Energy Bureau’s statement quoted in the preceding paragraph is consistent with the Energy Bureau’s powers under the law, it did not address the effectiveness of the Technical Bulletin which was published by LUMA without any stakeholder engagement nor the approval of the regulator.

7. Therefore, to avoid any confusion among stakeholders, including designers,

⁹ See LUMA’s Motion 2, at page 7. The July 1, 2023 date referenced in the motion was evidently an error and should read July 1, 2024.

¹⁰ See PREB Resolution, at page 1-2.

manufacturers, distributors, and installers, SESA respectfully requests the Energy Bureau to instruct LUMA to remove the Technical Bulletin from its website.

8. In addition, SESA respectfully requests the Energy Bureau to clarify that no Smart Inverter Sheets have been approved by the agency; LUMA's July 1, 2024 implementation deadline has no effect; and that any smart inverters settings will be subject to the review and approval of the Energy Bureau.

WHEREFORE, the Solar and Energy Storage Association respectfully requests the Honorable Energy Bureau to (a) order LUMA to remove the Technical Bulletin from its website; (b) clarify that no Smart Inverter Sheets have been approved by the agency; (c) that LUMA's July 1, 2024 implementation deadline has no effect; and (d) that any smart inverters settings will be subject to the review and approval of the Energy Bureau.

Respectfully submitted, on June 17, 2024, in San Juan, Puerto Rico.

We hereby certify that we filed this motion using the electronic filing system of this Puerto Rico Energy Bureau and that copy of this motion was notified to

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