

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

IN RE: THE PERFORMANCE OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Updated Data Template for
Quarterly Reporting in Response to April
2024 Quarterly Report.

RESOLUTION AND ORDER

I. Introduction

On May 14, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“May 14 Resolution”) in which it determined that it would be in the public interest to begin as soon as possible the Puerto Rico Electric Power Authority (“PREPA”) data gathering process to help the Energy Bureau and the stakeholders in developing measures, metrics, and targets and to provide useful information for developing incentive and penalty mechanisms. The May 14 Resolution required PREPA to provide quarterly reports of key performance metrics/indicators, beginning September 15, 2019.¹

On April 8, 2021, the Energy Bureau issued a Resolution and Order (“April 8 Resolution”) that listed a set of prospective metrics to be reported, initially by PREPA and later by LUMA Energy LLC and LUMA Energy ServCo LLC (jointly referred as, “LUMA”), once LUMA began operations and took charge of the reporting.

On May 21, 2021, the Energy Bureau issued a Resolution and Order (“May 21 Resolution”) establishing baselines and benchmarks for certain performance metrics.² The Energy Bureau ordered the PREPA and LUMA to submit the required quarterly reports using the Excel template (“Data Template”) included as part of the May 21 Resolution.

Since then, LUMA has submitted quarterly reports on system data using the May 21 Data Template (See filings of June 22, 2021; September 20, 2021; December 22, 2021; March 21, 2022; June 20, 2022; October 20, 2022; and January 20, 2022.)

On January 15, 2023, the Energy Bureau approved an operation and maintenance agreement with GENERA PR, LLC (“Genera”)³. Genera has effectively taken over operation of the legacy generation assets beginning on July 1, 2023. While PREPA still owns the legacy generation assets, Genera became responsible for the performance of the units and reporting data to this docket beginning in FY24.

On April 3, 2023, the Energy Bureau issued a Resolution and Order (“April 3 Resolution”) to update the quarterly report data template in this docket. The modifications included formatting changes, new additions, renaming, subgroup creation, and correction of units. LUMA and PREPA were ordered to use this template going forward, starting with the January, February, and March 2023 report.

On October 20, 2023, LUMA filed its *Submission of Performance Metrics Report for July through September 2023*. As part of its submission, LUMA provided a file containing its performance data called “Resumen Metricas Master_October2023.xlsx” along with supporting

¹ See Resolution and Order, *In Re: The Performance of the Puerto Rico Electric Power Authority*, Case No. NEPRMI-2019-0007, May 14, 2019 (“May 14 Resolution”).

² See Resolution and Order, *In Re: The Performance of the Puerto Rico Electric Power Authority*, Case No. NEPRMI-2019-0007, May 21, 2021 (“May 21 Resolution”).

³ See Resolution and Order (Energy Compliance Certificate, *In re: Certificate of Energy Compliance*, Case No. NEPR-AP-2022-0001, January 15, 2023 (“Energy Compliance Certificate”).



data workbooks. The "Resumen Metricas" file also contained data submitted on behalf of Genera. This was the first quarter where Genera was responsible for reporting data. Within the *Resumen Metricas Master_October2023.xlsx* Excel file, Genera included requests to modify the template to report budgeted and actual employee heat counts by exempt and non-exempt employees, align financial reporting with Genera's approved FY24 budget categories, and report timeliness of permitting separately for new permits versus renewals.

On December 21, 2023, the Energy Bureau issued a Resolution and Order ("December 21 Resolution") that summarized the Fiscal Year 2023 performance of LUMA and PREPA. The December 21 Resolution included requirements of information ("ROIs") directed towards LUMA, PREPA, and Genera. These ROIs were intended to gain clarification on how to interpret the data being presented and obtain information the Energy Bureau needed to further evaluate certain metrics. This included a question on the emissions metrics historically reported by PREPA and soon to be under the responsibility of Genera.

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On January 19, 2024, the Energy Bureau issued a Resolution and Order ("January 19 Resolution") to update the quarterly report data template in this docket. The modifications included renaming certain metrics for clarification, creating new rows for exempt and non-exempt employees, creating new rows for new permits and renewals, and modifying budget categories. LUMA and Genera were ordered to use this template going forward, starting with the October, November, and December 2023 report.

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On January 29, 2024, LUMA filed its *Submission of Performance Metrics Report for October through December 2023* ("January 29 LUMA Motion"). This included a motion, a workbook entitled "Copy of Resumen Metricas Master_January2024", along with supporting data workbooks. The "Resumen Metricas" file also contained data submitted on behalf of Genera. LUMA's motion included a request to add the Toa Baja Operational District to LUMA's reliability metrics and stated that LUMA had revised its historical values for several metrics to incorporate improved data.

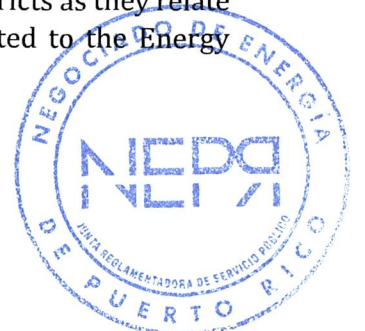
On January 29, 2024, Genera filed its *Motion to Submit Response to Requirement of Information in Compliance with Resolution and Order Dated December 21, 2023, and Quarterly Report of Performance Metrics* ("January 29 Genera Motion") which included Exhibit 1. In Exhibit 1, Genera confirmed in its response to ROI 16 of the December 21 Resolution that Genera is tracking the pollutants PM, SO₂, NO_x, CO₂, VOC, and Pb and could report these separately in this docket. In the "Resumen Metricas" file submitted by LUMA, Genera had left comments noting that NME expenses should be categorized as capital, rather than operational expenses in the workbook.

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On April 22, 2024, LUMA filed its *Submission of Quarterly Report on System Data for January through March 2024* ("April 22 Motion"). This included a motion, a workbook entitled "Resumen Métricas Máster_April2024", along with supporting data workbooks. The "Resumen Metricas" file used the template as finalized by the January 19 Resolution and had data provided to LUMA by Genera. LUMA's motion also renewed its earlier request to add the Toa Baja Operational District to the reliability metrics, requested to modify the Days Sales Outstanding-Government ("DSO Government") metric to align with the methodology adopted in the NEPR-AP-2020-0025 proceeding, and provided an update on the net work orders balance metric.

~~Am~~ II. Discussion

~~Am~~ A. Reliability District Request

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As part of LUMA's motions submitted on January 29, 2024, and April 22, 2024, LUMA included a request to add the Toa Baja District to the reporting matrix on reliability indices. Previously, the reliability data on the new Toa Baja district was being reported within the Bayamón district. LUMA stated that it continues to assess the operational priorities of the T&D system and customer needs and evolves its districts. LUMA also stated that adding the Toa Baja district would ensure the proper alignment of reporting with districts as they relate to LUMA's operations and ensure transparency in the data being reported to the Energy Bureau.



The Energy Bureau recognizes that districts may evolve over time as LUMA continues to operate the system. While it is beneficial to define districts appropriately to capture evolving needs, this will affect the ability for the Energy Bureau and stakeholders to compare performance of districts over time if they are constantly changing. LUMA has indicated that it intends to provide data for the Toa Baja district starting from October 2023 and going forward. However, it would be valuable for the Energy Bureau to have consistent historical data for both Toa Baja and Bayamón districts throughout LUMA's time as system operator since June 2021. If LUMA has the historical information required to calculate the SAIDI and SAIFI values for the Toa Baja and Bayamón districts using the new district boundaries, providing these results would enable consistent comparisons between fiscal years.

B. DSO Government Request

The Energy Bureau appreciates LUMA's request in the April 22 Motion to align the DSO methodology between this docket and the related NEPR-AP-2020-0025 proceeding. The Energy Bureau agrees that the calculations used should be consistent across both proceedings. However, it is also valuable to use a consistent method within a given fiscal year to allow for more accurate analysis of performance trends across the twelve-month period.

C. Updates to Template

Given LUMA's template modification requests in the January 29 LUMA Motion and April 22 Motion, as well as ROI responses from the January 29 Genera Motion, the Energy Bureau deems it necessary to update and re-issue the data template. Given the current timing, the Energy Bureau believes that maintaining consistency of reporting is preferable to making modifications three quarters of the way through the year. The Energy Bureau will incorporate the requested template modifications commencing the first quarterly report of Fiscal Year 2025.

The Energy Bureau will make the following modifications to the template for the FY2025 Q1 report due to be filed in October 2024:

1. Given Genera's January 29 response to ROI 16 of the Energy Bureau's December 21 Resolution, the Energy Bureau will add new rows to the data template to separate emissions and emissions rates by the pollutants in the response.
2. Given Genera's comments within the "Resumen Metricas Master_January2024" file regarding the categorization of NME spending, the Energy Bureau will revise the data template to reflect that it is a capital rather than an operational expense.
3. Given LUMA's request to add Toa Baja to the list of reliability districts, the Energy Bureau will add new rows to the data template.
4. After reviewing the data, the Energy Bureau observed an appeared units-related data entry error for monthly thermal generation at San Juan - Combined Cycle from May 2023. The value was originally entered as 275,805 GWh and seems too high by a factor of one thousand. In the next iteration of the template, this will be corrected to be 275.8 GWh. This correction has been made to the [PREPARE Dashboard](#).
5. The revised template will be issued **before October 2024**.

III. Conclusion

The Energy Bureau **APPROVES** LUMA's requests to add the Toa Baja district to the reliability metrics in the data template and to align the DSO Government metric with docket NEPR-2020-0025 for the reporting cycle beginning in Fiscal Year 2025.

The Energy Bureau **ORDERS** LUMA to use the existing reliability districts and DSO Government methodology for the FY24 Q4 filing.

The Energy Bureau **ORDERS** LUMA to separately provide historical reliability data from June 2021 onwards for the Bayamón and Toa Baja districts using the new district boundaries

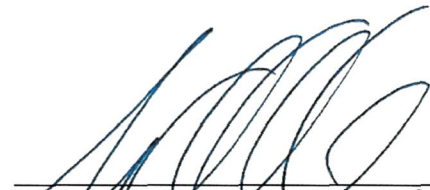


within thirty (30) days of the notification of this Resolution and Order if the information is accurate and available. If the information is not accurate and available, the Energy Bureau **ORDERS** LUMA to move to explain this within thirty (30) days of the notification of this Resolution and Order.

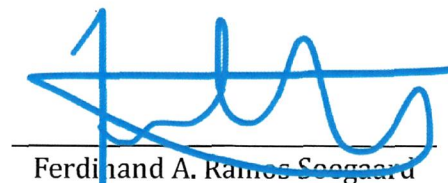
The Energy Bureau **WARNS** LUMA that:

- (i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions of up to \$25,000 per day;
- (ii) any person who intentionally violates Act 57-2014, as amended, by omitting, disregarding, or refusing to obey, observe, and comply with any rule or decision of the Energy Bureau shall be punished by a fine of not less than five hundred dollars (\$500) nor over five thousand dollars (\$5,000) at the discretion of the Energy Bureau; and
- (iii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than ten thousand dollars (\$10,000) nor greater than twenty thousand dollars (\$20,000) at the discretion of the Energy Bureau.

Be it notified and published.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Seegaard
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 has so agreed on July 10, 2024. I also certify that on July 10, 2024, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau, and was notified by electronic mail to margarita.mercado@us.dlapiper.com, Yahaira.delarosa@us.dlapiper.com; Valeria.belvis@us.dlapiper.com; mvalle@gmlex.net; arivera@gmlex.net; alopez@sbgblaw.com, jfr@sbgblaw.com, hrivera@jrsp.pr.gov, legal@genera-pr.com; regulatory@genera-pr.com.

I sign this in San Juan, Puerto Rico, on July 10, 2024.


Sonia Seda Gaztambide
Clerk

