

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

**IN RE: ELECTRIC VEHICLE  
CHARGING INFRASTRUCTURE  
DEPLOYMENT**

**CASE NO. NEPR-MI-2021-0013  
SUBJECT: Informative Motion**

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**NOTICE OF BARRIERS TO IMPLEMENTATION OF INTERIM EV-TOU PILOT  
PROGRAM RATE FOR NEM CUSTOMERS**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

COMES now LUMA Energy ServCo, LLC (“LUMA”), through the undersigned legal counsels, and respectfully states, submits and requests the following:

**I. Introduction**

1. Since April 30, 2024, LUMA has been implementing the Interim Electric Vehicle Time of Use Pilot Program (“Interim EV-TOU Pilot Program”) to encourage the adoption of electric vehicles in Puerto Rico, encourage off-peak electricity consumption, reduce strain on the electricity grid during peak demand periods, and gain insights to address barriers to adoption.

2. A pilot program is a key step in the implementation of any novel program, particularly when such a program requires the development and design of new policies and technological solutions that may not be readily available or require development before they can be deployed to serve a broader customer base. The insights gained through a pilot program help inform and identify necessary modifications and the level of acceptance by targeted customers. As part of the Interim EV-TOU Pilot Program, LUMA launched the Interim EV-TOU Pilot Program website and carried out direct interaction with stakeholders, and as a result gained valuable insights

into participant behavior, including level of interest and engagement. The level of interest and interaction seen by LUMA is consistent with the nascent nature of Puerto Rico EV market.

3. Through the Interim EV-TOU Pilot Program LUMA has identified limitations in the current technology which may prevent participation in the program by all customers. These include eligible vehicle and charger types that are not supported by key vehicle makers, customers who may not have access to household EV charging infrastructure, and application of combined or multiple customer tariffs that require additional time and resources to be supported in the Customer Care and Billing System (CC&B).

4. Pilot programs also serve to identify barriers and design limitations that must be addressed in order to increase market participation and adoption and inform the program design and technological modifications that must be adopted prior to scaling up implementation. During the development of the Interim EV-TOU Pilot Program and prior to its launch, LUMA identified some of the barriers that would need to be addressed to enable the future implementation of a permanent EV-TOU rate. After the Interim EV-TOU Pilot Program was launched, LUMA has identified billing configuration limitations within the CC&B that prevent the simultaneous participation of a General Residential Service (GRS) customer in both the Net Energy Metering (NEM) program and the Interim EV-TOU Pilot Program. Therefore, while the Interim EV-TOU Pilot Program rate has been successfully applied to GRS customers, the rate is currently unavailable to Net Energy Metering General Residential Service (NGRS) customers.

5. Given these configuration limitations, enrolled NEM customers will not see the Interim EV-TOU rate reflected in their upcoming bills. LUMA intends to notify these customers regarding this billing configuration limitation and that their billing cycle will remain unchanged with their NEM agreement still active, as detailed in Exhibit 1 to this Motion.

6. LUMA is informing the Energy Bureau of these barriers before issuing the notice to NRGs customers. LUMA is currently gathering relevant information, identifying prudent solutions or alternatives, and plans to submit its findings and recommendations on or before August 2, 2024.

## **II. Procedural Background**

7. On July 21, 2022, LUMA submitted to this Energy Bureau an Electric Vehicle Rate Design Proposal (“EV Rate Design Proposal”) proposing an Interim EV-TOU Rate”) and including a proposed tariff sheet for this interim rate (the “Proposed Tariff Sheet”), in compliance with the Energy Bureau’s orders in this docket.<sup>1</sup> *See Motion Submitting Revised EV Rate Design Proposal* filed on July 21, 2022 (“July 21<sup>st</sup> Motion”). Also, in compliance with such orders, LUMA submitted on September 1, 2022, a draft Phase I EV Plan (“Phase I EV Plan”). *See Motion Submitting Draft Phase I EV Plan and Request to Postpone Compliance Technical Hearing NO. 3 and Concomitant Deadline to Submit Revised Phase I EV Plan* filed on September 1, 2022.

8. On January 13, 2023, the Energy Bureau issued a Resolution and Order (the “January 13<sup>th</sup> Resolution and Order”) in which it approved the Interim EV-TOU Rate in the EV Rate Design Proposal, subject to certain modifications, and directed LUMA to file, by March 30, 2023, a Final Phase I EV Plan and complete, by September 30, 2023, the development and launch

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<sup>1</sup> *See* Resolution and Order of November 18, 2021 (“November 18<sup>th</sup> Order”), wherein the Energy Bureau ordered LUMA to file on or before September 1, 2022, a First Phase of an Electric Vehicle Charging Infrastructure Deployment Plan (“Phase I EV Plan”) in accordance with the specified requirements set forth in the November 18<sup>th</sup> Order (*see* November 18<sup>th</sup> Order on page 4) and file on or before May 31, 2022, a proposal for one or more rate designs targeting certain customer segments and addressing the requirements in the November 18<sup>th</sup> Order (*see id.* on pages 5-9). *See also*, Resolution and Order of May 19, 2022 (“May 19<sup>th</sup> Order”), wherein the Energy Bureau amended the deadlines for filing the draft of the rate design proposal to May 31, 2022, and for filing a draft Phase I EV Plan for September 30, 2022, as well as established a deadline to file a final Rate Design Proposal of June 30, 2022, among others. *See* May 19<sup>th</sup> Order on page 1. LUMA filed the first draft Rate Design Proposal on May 31, 2022. *See Motion Submitting Draft of EV Rate Design Proposal* filed on May 31, 2022.

of the Interim EV-TOU Pilot Program Rate. *See* January 13<sup>th</sup> Resolution and Order on pages 9, 10 and 14. The Energy Bureau also ordered LUMA to submit a report every thirty (30) days on the progress with the data collection and billing to integrate the Interim EV-TOU Rate (“Billing Integration Report”). *See id.* on page 11.

9. The Energy Bureau also required LUMA to develop customer information about the Interim EV-TOU Pilot Program Rate, including the complete tariff sheet (meeting specified requirements), and send it to EV owners before implementing the tariff, to advise them of the rate and invite them to enroll in it. *See id.* on page 11.

10. On February 14, 2023, the Energy Bureau issued a Resolution and Order ordering LUMA to present the Billing Integration Report commencing on March 13, 2023, and every thirty (30) days thereafter with progress on data collection and billing to integrate the Interim EV-TOU Pilot Program Rate.

11. On March 29, 2023, the Energy Bureau issued a Resolution and Order modifying, among others, the deadline to commence billing integrating the Interim EV-TOU Pilot Program Rate to November 30, 2023, or sixty (60) days following the date when customer enrollment has reached a minimum threshold number of customers, whichever occurs later.

12. On November 30, 2023, LUMA filed with the Energy Bureau a request for an extension to commence billing integrating the Interim EV-TOU Pilot Program Rate until April 2024. The Energy Bureau granted LUMA's request for an extension on March 1, 2024.

13. After other procedural events, On April 8, 2024, LUMA submitted to the Energy Bureau the tariff sheet for the Interim EV-TOU Pilot Program Rate (the “EV-TOU Pilot Program Tariff Sheet”), in Spanish and English, and informed that it would provide copy of the Tariff Sheet to all customers showing interest in enrolling in the Interim EV-TOU Pilot Program Rate via email

through its webpage. *See Motion to Submit April 2023 Billing Integration Report in Compliance with Orders of January 13 and February 14, 2023, and Inform on the Tariff Sheet for the Interim EV-TOU Rate and Customer Outreach Progress* (April 8<sup>th</sup> Motion”) on pages 4 and 5 and Exhibit 2.

14. On April 29, 2024, LUMA filed with the Energy Bureau an updated version of the EV-TOU Pilot Program Tariff Sheet informing the Energy Bureau that it had revised it to include the formula for the Interim EV-TOU Pilot Program Rate, instead of the specific rate filed in the April 8<sup>th</sup> Motion, which was subject to quarterly changes. *See Motion Re-Submitting the Tariff Sheet for the New Interim EV-TOU Rate* filed on April 29, 2024, on page 2.

15. On April 30, 2024, LUMA informed the Energy Bureau that it had completed the development and launch of the Interim EV-TOU Pilot Program Rate, including beginning billing integrating the Interim EV-TOU Rate, and requested the Energy Bureau to release LUMA from the requirement to submit further Billing Integration Reports after the filing of the Billing Integration Report scheduled for May 8, 2024. *See Informative Motion Regarding Launch of EV-TOU Rate and Request for Release from Requirement to File Billing Integration Reports*.

16. On May 22, 2024, the Energy Bureau issued a Resolution and Order (“May 22<sup>nd</sup> Resolution and Order”) taking notice of the EV-TOU Tariff Sheet and releasing LUMA from the requirement to submit further Billing Integration Reports after filing the report scheduled for May 8, 2024. *See May 22<sup>nd</sup> Resolution and Order* on pages 4-6. In addition, the Energy Bureau indicated that it agreed with LUMA on using a formula-based approach in the Interim EV-TOU Pilot Program Rate Tariff Sheet as proposed by LUMA in the April 29<sup>th</sup> Motion. *See id.* on page 3.

17. The Energy Bureau also stated that item number four (4) of the Interim EV-TOU Pilot Program Tariff Sheet’s Terms and Conditions “does not align” with the EV Rate Design

Proposal because the former provides that “consumption under this rate will be subtracted from the main meter for purposes of billing the customer's energy charges for non-EV charging usage” while the latter provides that there will be no change to the Base Rate and “tiered pricing will be applied based on total consumption (non-EV + EV charging consumption).” *See id.*

18. The Energy Bureau stated further that it “ha[d] recently learn[ed] of the potential impacts of LUMA’s Interim EV-TOU Rate on net metering customers depending on the amount of solar [energy] generated and the timing of EV Charging consumption under the Interim EV-TOU Rate” and that “customers are concerned about the impact on net metering credits should they begin to charge an EV 100% Off-Peak, which corresponds to the time of day their solar system is generating the most energy (9:00a.m. -5:00p.m.)”. *See id.* on page 4. The Energy Bureau also mentioned that the EV Rate Design Proposal identified net metering customers as “in need of special consideration.” *See id.*

19. The Energy Bureau found that LUMA “ha[d] not provided enough information related to its customer outreach and enrollment specific to net metering or how the Interim EV-TOU Rate may affect this set of customers” and ordered LUMA to, within ten (10) days of the May 22<sup>nd</sup> Resolution and Order, respond to requests for information in Part III of the May 22<sup>nd</sup> Resolution and Order (“RFIs”), which RFIs included questions on enrollment specific to net metering or how the Interim EV-TOU Pilot Program Rate may affect this set of customers. *See id.* on pages 4-5.

20. On June 3, 2024, LUMA submitted Exhibit 2 as its response to the RFIs requested by the Energy Bureau. *See Motion to Submit Revised EV-TOU Tariff Sheet and Responses to Requests for Information in Compliance with Order of May 22, 2024, and Inform on Compliance with Requirement to Submit Model Bill* filed on June 3, 2024 (“June 3<sup>rd</sup> Motion”).

21. LUMA also re-filed with the Energy Bureau the Interim EV-TOU Pilot Program Tariff Sheet, as Exhibit 1 to the June 3<sup>rd</sup> Motion, in Spanish and English. *See* June 3<sup>rd</sup> Motion on page 9.

22. On July 15, 2024, LUMA re-submitted before the Energy Bureau the Spanish Interim EV-TOU Pilot Program Rate Tariff Sheet in order to correct an inconsistency between the language in the English and Spanish versions of the footnote found in item number four (4) of the Terms and Conditions of the Interim EV-TOU Pilot Program Rate Tariff Sheet submitted as Exhibit 1 in the June 3<sup>rd</sup> Motion. *See Motion Re-Submitting the Spanish EV-TOU Rate Tariff Sheet.*

### **III. Information on Interim EV-TOU Pilot Program Rate Integration for NEM Customers**

23. LUMA has identified a billing configuration limitation within the Customer Care and Billing system (CC&B) that prevent the simultaneous participation of a General Residential Service (GRS) customer in both the Net Energy Metering (NEM) program and the Interim EV-TOU Pilot Program. Therefore, the Interim EV-TOU Pilot Program rate is currently unavailable to NGRS customers, and the Interim EV-TOU rate will not be reflected in their upcoming bills.

24. LUMA intends to notify participating NGRS customers regarding this billing configuration limitation and the implications to their participation in the Interim EV-TOU Pilot Program before the billing cycle closes on July 28<sup>th</sup>, 2024. Therefore, LUMA is hereby providing the Energy Bureau advanced notice of this unexpected limitation and its intent to promptly notify impacted customers. This notice is being filed expeditiously to keep this Energy Bureau informed and considering that the billing cycle for July 2024 is closing on July 28<sup>th</sup>, 2024.

25. LUMA continues to explore alternatives for supporting Net Energy Metering customers in the Interim EV-TOU Pilot Program.

26. LUMA intends to provide the Energy Bureau with a detailed assessment no later than August 2, 2024. The assessment will include further information on the limitations encountered and how it proposes to maintain program participation while incorporating lessons learned up to this point.

27. LUMA is proud to continue working with its customers, the Energy Bureau, and stakeholders on the Interim EV-TOU Pilot Program and other efforts that support EV adoption in Puerto Rico.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 26<sup>th</sup> day of July 2024.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau and that we will send an electronic courtesy copy of this motion to PREPA's counsels, Mirelis Valle Cancel, mvalle@gmlex.net, Alexis Rivera, arivera@gmlex.net, and to the Independent Office of Consumer Protection by submittal to Hannia Rivera, hrivera@jrsp.pr.gov. LUMA understands that other participants or stakeholders in this proceeding will be notified as a result of the publicity of the filings in this process. Notwithstanding, LUMA will send a courtesy copy of the filing to the following stakeholders: agalloza@aggpr.com; alberto.cortes@warrendelcaribe.com; aldo@skootel.com; angel.d.rodriquez@outlook.com; antonio@velocicharge.com; apietrantonio@pmalaw.com; azayas@azeng.net; bigwheelcorp@gmail.com; blazquezmalu@gmail.com; brightsunpr@gmail.com; carloscedeno@gmail.com; clrivera@caguasexpressway.com; flota@caguasexpressway.com; cnegrette@solrenew.com; CR.Tejera@ddec.pr.gov; dacosta@aggpr.com; daniel.perez@totalenergies.pr; dcordero@group-em.com; direxec@ciapr.org; divine.energy@hotmail.com; ecruz@pmalaw.com; eduardo.pinera@toyota.com; Edwin.Acevedo@ddec.pr.gov; emelyies.torres@toyota.com; epenergypr@gmail.com; erica.cosme@gsonnell.com; Fberrios@peritoselectricistas.org; francisco.berrios@hotmail.com; franciscojrullan@yahoo.com; gerard.berlinski@toyota.com; gerardo\_cosme@solartekpr.net; gperez@solrenew.com; hamely@motorambar.net; ialsina@plazalasamericas.com; idiaz@glenninternational.com; info@carlosmatta.com; jack@pantekpartners.com; jameauxl@aim.com; jan.rodriquez@toyota.com; javrua@sesapr.org; jbouza@caguasexpressway.com; jcardona@aggpr.com; jmartinez@pmalaw.com; jorrodriquez@motorambar.net; jortiz@caguasexpressway.com; jose.maeso@crowley.com; jpibernus@motorambar.com; JSantana@motorambar.com; jtosado@motorambar.net; juan.diaz.galarza@guidehouse.com; jvazquez905@gmail.com;

kenan.d.davila@sargentlundy.com; kkoch@tesla.com; l.marcano@aconer.org; jweil@tesla.com;  
luisgmoreno@gmail.com; Marangelly.Cruz@toyota.com; marilyn.maldonado@toyota.com;  
mlandron@plazaad.com; mpietrantoni@pmalaw.com; nannette.berrios@solpetroleum.com;  
nmontes@ccmpr.com; nrodriguez@senado.pr.gov; Ochavez@Padigm.com;  
odette@grupofernandezpr.com; omundo@plazalasericas.com; patlopez00@gmail.com;  
dany.oliva@toyota.com; pjcleanenergy@gmail.com; rdiaz@glenninternational.com;  
repagan@burnsmcd.com; rry@tcm.law; Ruben.Gonzalez@pumaenergy.com;  
rvega@guidehouse.com; salvadorlopez5@hotmail.com; shehaly.rosado@ddec.pr.gov;  
Veronica@pantekpartners.com; Victor.Aponte@toyota.com; victor.martinez@totalenergies.pr;  
wilfredsonllc@gmail.com; zlopez@efonalledas.com; mara.cruz@toyota.com;  
lizette.cotto@toyota.com.



**DLA Piper (Puerto Rico) LLC**  
500 Calle de la Tanca, Suite 401  
San Juan, PR 00901-1969  
Tel. 787-945-9122  
Fax 939-697-6092

*/s/ Margarita Mercado Echegaray*  
Margarita Mercado Echegaray  
RUA NÚM. 16,266  
[margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com)

*/s/ Julián R. Anglada Pagán*  
Julián R. Anglada Pagán  
RUA NUM. 22,142  
[julian.angladapagan@us.dlapiper.com](mailto:julian.angladapagan@us.dlapiper.com)

*Exhibit 1*

# EV-TOU Pilot - Net Energy Metering Customer Notification

**Subject:** Update on EV TOU Pilot for enrolled Net Energy Metering Customers

Dear Valued Customer,

Due to unforeseen technical limitations of our billing system, our team is working to solve an issue that currently prevents the reconciliation of Net Energy Metering (NEM) and Electric Vehicle Time-of-Use (EV-TOU) rates on your bill. Given this, your upcoming bill will remain unchanged with your NEM billing agreement still active, however, the EV-TOU Pilot Program rates are not able to be applied to your bill at this time.

LUMA is undertaking efforts to determine how current and prospective NEM customers enrolled in the EV-TOU Pilot program can participate. Your participation will further help contribute to data collection and research aimed at the evaluation and design of a permanent EV-TOU rate.

We value all our **Net Energy Metering customers** and remain committed to supporting your EV charging needs. We appreciate your patience and understanding therefore we will keep you updated as our team works on a solution.

LUMA EV Team

*(Spanish version below)*



# Notificación a los clientes de Medición de Energía Neta

**Asunto:** Actualización sobre el Programa Piloto EV TOU para clientes de Medición de Energía Neta

Estimado cliente,

Debido a limitaciones imprevistas en nuestro sistema de facturación, nuestro equipo está trabajando para resolver un problema que actualmente impide la reconciliación de las tarifas Medición De Energía Neta (NEM por sus siglas en inglés) y de Tiempo De Uso De Vehículos Eléctricos (EV TOU por sus siglas en inglés) en nuestra factura. Debido a esto, su próxima factura permanecerá sin cambios y su acuerdo de facturación NEM se mantendrá activo, sin embargo, las tarifas EV TOU no se podrán aplicar a su factura en este momento.

LUMA está realizando esfuerzos para determinar cómo los clientes actuales y potenciales de NEM inscritos en el Programa Piloto EV TOU pueden participar. Su participación ayudará aún más a contribuir a la recopilación de datos y la investigación destinada a la evaluación y el diseño de una tarifa TOU permanente para vehículos eléctricos.

Valoramos a todos nuestros clientes de Medición de Energía Neta y seguimos comprometidos en satisfacer sus necesidades de carga de vehículos eléctricos. Agradecemos su paciencia y comprensión por lo que le mantendremos informado mientras nuestro equipo trabaja en una solución.

Equipo de vehículos eléctricos de LUMA

