

**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: Response to LUMA's Submission
of Performance Metrics Report for April
through June 2024

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 PREPA's 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 Pursuant to Section 5.6 of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement, LUMA² is now responsible for submitting data regarding the Transmission and Distribution System in this docket.

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, 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.³

On January 15, 2023, the Energy Bureau approved an operation and maintenance agreement with GENERA PR, LLC ("Genera").⁴ 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 Fiscal Year 2024 (FY24).

On July 22, 2024, LUMA filed a document titled *Submission of Performance Metrics Report on System Data for April through June 2024* ("July 22 Submission"). With the July 22 Submission, LUMA included a file titled "Resumen Metricas Master_July2024.xlsx" along with supporting data spreadsheets. This submission includes data through the fourth quarter of FY24 for metrics reported by both LUMA and Genera. LUMA stated this file also restated historical values for certain metrics. This included corrections to OSHA Fatality and 12-month Rolling OSHA Fatality Rate metrics, as well as the Number of Customer Complaints Closed by Class metric for certain sub-groups.

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 LUMA Energy LLC and LUMA Energy ServCo LLC (jointly referred as, "LUMA").

³ 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").

⁴ 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").



II. Requirement of Information

The Energy Bureau has reviewed LUMA's July 22 Submission and **DETERMINES** that additional information is required for it to properly evaluate LUMA and Genera's Fiscal Year 2024 performance as provided in the July 22 Submission.

III. Conclusion

The Energy Bureau **ORDERS** LUMA to respond, **within fourteen (14) calendar days from the notification of this Resolution and Order**, to the Requirement of Information ("ROI") set forth in Attachment A to this Resolution and Order.) set forth in **Attachment A** to this Resolution and Order.

The Energy Bureau **ORDERS** Genera to respond, **within fourteen (14) calendar days from the notification of this Resolution and Order**, to the ROI set forth in **Attachment B** to this Resolution and Order. to this Resolution and Order.

The Energy Bureau **WARNS** LUMA and GENERA 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 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 has so agreed on August 9, 2024. I also certify that on August 9, 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, today, August 9, 2024.


Wanada I. Cordero Morales
Interim Clerk



ATTACHMENT A

To better understand LUMA's data as provided in its July 22 Submission, the Energy Bureau requires the following information from LUMA on performance metrics.

1. Explain why the annual system SAIDI (T&D) has increased in FY24 (1,448 minutes) compared to LUMA's reported annual system SAIDI (T&D) for FY23 (1,218 minutes).
2. Explain why the annual system SAIDI (T&D) has increased in FY24 relative to PREPA's FY2020 baseline of 1,243 minutes.
3. Explain why the annual system SAIFI (T&D) has increased in FY24 (8 interruptions per customer) relative to LUMA's reported annual system SAIFI (T&D) for FY23 (7 interruptions per customer).
4. Explain why the districts of Barranquitas, Caguas, Guayama, Utuado, and Vega Baja experienced notably higher SAIDI levels in June 2024 compared to the past months.
5. Provide an update on the island-wide efforts that LUMA has been undertaking to improve reliability and resiliency, and state how LUMA is working to decrease SAIDI and SAIFI going forward.
6. Explain why LUMA's reported OSHA severity rate for FY24 has increased relative to FY23.
7. Explain why the number of customers on AMI in Guánica and Peñuelas has decreased in FY24 relative to FY23.



ATTACHMENT B

To better understand Genera's data as provided in its July 22 Submission, the Energy Bureau requires the following information from Genera on performance metrics.

1. For expenses versus budget finance metrics in the Resumen Metricas file, Genera left a comment that said "Genera shares Company 01 in ORACLE with PREPA. For the month of June 2024, PREPA is still making changes and adjustments. Until PREPA finishes this process final reporting is pending." Please provide a timeline for when final numbers will be available and submitted to the Bureau.
2. For the cost of generation metrics listed below, explain why Genera has reported zero costs throughout FY24. This includes:
 - a. Cost of generation (system total), excluding PPOA's gen
 - b. Cost of generation (system: O&M), excluding PPOA's gen
 - c. Cost of generation (by Plant Type) for fuel, O&M, and total
3. If available, provide an updated Resumen Métricas file with the values populated for the list of generation metrics below. If not available, state why not.
 - a. Cost of generation (system total), excluding PPOA's gen
 - b. Cost of generation (system: O&M), excluding PPOA's gen
 - c. Cost of generation (by Plant Type) for fuel, O&M, and total

