

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

NEPR
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IN RE:

ENERGY EFFICIENCY AND DEMAND
RESPONSE TRANSITION PERIOD PLAN

CASE NO.: NEPR-MI-2022-0001

SUBJECT: Request For Extension of
Deadlines and Modification of a Reporting
Requirement in Resolution and Order of
October 23, 2024

**MOTION FOR EXTENSION OF DEADLINES AND MODIFICATION OF A
REPORTING REQUIREMENT IN RESOLUTION AND ORDER OF
OCTOBER 23, 2024**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”), (jointly referred to as “LUMA”), and respectfully state and request the following:

I. Introduction

As the Transmission and Distribution system operator, LUMA is responsible for facilitating the implementation of Puerto Rico’s public energy policy, including key customer initiatives such as Energy Efficiency (“EE”) and Demand Response (“DR”) Programs, which are required by law and mandated by the Puerto Rico Energy Bureau (“Energy Bureau”). LUMA has been implementing a Transition Period Plan containing various quick-start or pilot EE and DR programs (“TPP”), which will be setting the stage for the design and implementation of larger

scale, more permanent programs that would form part of a Three-Year Plan submitted by LUMA and approved by the Energy Bureau.

By Resolution and Order of October 23, 2024, the Energy Bureau established a revised schedule for the preparation of the draft and final Three-Year Plan, which would enter into effect in January 2026, in light of delays in the completion of certain baseline market and potential studies required by regulation which will contain key information for the preparation of the Three-Year Plan. Among others, the Energy Bureau established the deadlines to start stakeholder engagement by April 15, 2025 and file the Three-Year Plan on or before July 15, 2025, respectively, while also requiring, among others, the preparation and filing of a revised TPP and proposed permanent Customer Battery Energy Sharing program (“CBES”) program for December 2, 2024 and the preparation of a new proposed backup generator emergency DR program to be implemented by June 2025 and subject to monthly reporting commencing on January 15, 2025.

For the substantive reasons provided herein, LUMA is requesting with this Motion that this Honorable Energy Bureau extend some of these deadlines and modify one reporting requirement to ensure the associated tasks are better developed and achieved and the deadlines reflect identified practical considerations. More specifically, LUMA is respectfully requesting that the deadline of December 2, 2024 set forth in the October 23rd Resolution and Order to submit a revised EE and DR Transition Period Plan (“TPP”) and a proposed permanent Customer Battery Energy Sharing program (“CBES”) be extended by sixty (60) days so that LUMA can leverage additional data that can be collected during that time period, as well as better conform both documents and associated program transitions, among other reasons. LUMA is also respectfully requesting that the frequency of the reporting related to the new proposed backup generator emergency DR program be modified from monthly to quarterly to ensure better allocation of resources and informative reports that

better convey to the Energy Bureau, interested stakeholders and customers the progress that is achieved through this program.

LUMA submits that these changes do not alter the deadline to present to the Energy Bureau the Three-Year Plan established under the October 23rd Resolution and Order nor the implementation of the corresponding TPP programs or the permanent CBES in accordance with the October 23rd Resolution and Order.

LUMA reasserts its continued commitment to the successful implementation of the EE and DR programs to build a more reliable and resilient energy system for the people of Puerto Rico and advance the energy efficiency marketplace in the region.

II. Relevant Background and Procedural History

1. On June 21, 2022, LUMA filed with the Energy Bureau, in Case No. NEPR-MI-2021-0006, *In Re: Demand Response Plan Review, Implementation and Monitoring*, LUMA's proposed Energy Efficiency and Demand Response Transition Period Plan containing the description of various quick-start EE and DR Programs to be implemented by LUMA during a two (2)-year Transition Period and associated budgets for Fiscal Year ("FY") 2023 and FY2024 ("Proposed TPP"). *See Motion Submitting Proposed EE/DR Transition Period Plan* in Case No. NEPR-MI-2021-0006, *In Re: Demand Response Plan Review, Implementation and Monitoring* of that date and its *Exhibit 1*. The EE and DR Programs in the Proposed TPP included an Education and Outreach Program; a Residential EE Rebate Program, providing a prescriptive incentive to customers purchasing energy efficient equipment from a list of qualified measures, a Business EE Rebate Program, offering incentives to businesses for eligible energy efficiency measures; an In-Store EE Discount Program, providing a point-of-sale discount for eligible energy efficiency measures and geo-targeting of stores in low-income areas to provide low-income customers with

greater access to energy efficiency opportunities; an Economic Demand Response Program, including voluntary load reduction and/or load shifting during DR events triggered by economic conditions; an Emergency DR Program, targeting commercial and industrial customers to voluntarily reduce load and/or shift load to back up generators during DR events; and a Battery DR Response Program targeting residential customers with behind the meter batteries and providing incentives for load shifting to batteries during DR event periods (now referred to as the Customer Battery Energy Sharing (“CBES”)). *See id.* Exhibit 1, Section 4.0.

2. On February 16, 2023, the Energy Bureau issued a Resolution and Order (“February 16th Order”) in the instant proceeding considering, amending, and approving the Proposed TPP (the Proposed TPP, as approved by the Energy Bureau, the “TPP”). Among others, the Energy Bureau established deadlines or milestones for various activities under the Approved TPP, including, among others, the deadlines of April 1, 2023 for filing the EE Rider, July 1, 2023 for the EE Rider to enter into effect, December 2, 2023 for preparation of a draft FY2025-2027 Three-Year Plan, December 2023 to conduct a stakeholder meeting to discuss the Three-Year Plan and the TPP annual report (for FY 2023), and March 1, 2024 to file the FY2025-2027 Three-Year Plan. *See* February 16th Order on pages 18, 27 and 30.

3. On April 3, 2023, the Energy Bureau issued a Resolution and Order (“April 3rd Order”) in which, among others, it modified the deadlines for certain requirements under the February 16th Order and ordered LUMA to file a petition for approval of the EE Rider on or before April 11, 2023.

4. On April 11, 2023, LUMA submitted a petition for approval of the EE Rider providing the proposed calculated factor to determine the EE charge (“EE Charge”) to cover the

budgeted amount for FY2024 set forth in the TPP (“EE Rider Petition”). *See Motion to Submit EE Rider*, Exhibit 1.

5. On May 19, 2023, filed a revised EE Rider Petition¹ with certain required clarifications and consolidating two DR programs into what is now the CBES but maintaining the same budget and EE calculated factor as the EE Rider Petition (“Revised EE Rider Petition”). *See Motion to Submit Revised Exhibit 1 to EE Rider Petition and Translation Thereof, in Compliance with Bench Order of May 5, 2023*, Exhibit 1.

6. On June 30, 2023, the Energy Bureau issued a Resolution and Order in Case No. NEPR-MI-2020-0001, *In Re: Permanent Rate of the Puerto Rico Electric Power Authority* (“Permanent Rate Case”) (“June 30th Order”) wherein it determined, among others, to suspend the EE Charge for the month of July 2023 given the “great probability that the costs associated with [EE] programs will be paid with funds not associated with the EE Charge.” *See June 30th Order* on page 11.

7. On July 1, 2023, the Energy Bureau issued a Resolution and Order in the Permanent Rate Case (“July 1st Order”) wherein it clarified that it did not suspend the EE and DR programs as a result of the suspension of the EE Charge and ordered LUMA to continue with the implementation of the TPP and the EE and DR programs. *See July 1st Order* on page 2.

8. On July 31, 2023, the Energy Bureau issued a Resolution and Order in the Permanent Rate Case (“July 31st Resolution and Order”), in which it determined, among others, that the cost of DR programs will not form part of the EE Rider and ordered LUMA to contemplate the DR programs as part of the proposal of factors corresponding to the Purchased Power Cost Adjustment (“PPCA”). *See July 31st Resolution and Order* on pages 8 and 10.

¹ In compliance with an Energy Bureau bench order of May 5, 2023.

9. On August 11, 2023, the Energy Bureau issued a Resolution and Order (“August 11th Order”) in which, among others, it ordered LUMA to file on or before August 23, 2023, for the Energy Bureau’s approval, estimated costs associated with the Battery Emergency DR Program of the TPP (now referred to by LUMA as the Customer Battery Energy Sharing Initiative or CBES) to be recovered through the PPCA. *See* August 11th Order on page 3.

10. On August 23, 2023, LUMA filed a *Motion to Submit Costs Associated with Emergency DR Program in Compliance with Resolution and Order of August 11, 2023, and Request for Confidential Treatment* filed August 23, 2023 (“August 23rd Motion”) in which it provided estimated costs associated with the CBES, provided a breakdown of these costs, and explained that these costs included the payment of compensation to DR aggregators in the program. *See* August 23rd Motion on pages 9-10 and Exhibit 1.

11. On August 29, 2023, the Energy Bureau issued a Resolution and Order (“August 29th Order”) accepting the CBES budget proposed by LUMA and determining that administrative costs for DR Programs will be recovered through the PPCA. *See* August 29th Order on page 3. To ensure that expenditures are reasonable and strictly related to the DR Program, the Energy Bureau adopted reporting requirements pursuant to which, LUMA is required to report quarterly, within forty-five days after each quarter of a fiscal year closes. *Id.*

12. On August 29, 2023, LUMA submitted the FY2023 Q4 Quarterly TPP Report, in compliance with the February 16th Order. *See Motion to Submit FY 2023 Q4 TPP Report.*

13. On September 22, 2023, the Energy Bureau issued a Resolution and Order in Case *In re LUMA’s Initial Budgets*, Case No. NEPR-MI-2021-0004 (“September 22nd Budgets Order”) whereby, in pertinent part, it decided that the costs of the 2024 EE programs of the TPP would be

recovered through base rate revenues, rather than through the EE Rider, and approved a reduced budget for EE programs. *See* September 22nd Budgets Order on page 9.

14. On September 29, 2023, the Energy Bureau issued a Resolution and Order in the Permanent Rate Case (“September 29th Rate Order”) in which it indicated, based on the September 22nd Budgets Order, that the charge for the EE Rider for FY2023 was eliminated and ordered LUMA to include in the customer invoices an EE Rider charge equal to zero (0). *See* September 29th Rate Order on page 8.

15. On October 30, 2023, LUMA filed a motion requesting this Energy Bureau to extend for an additional fiscal year the TPP, given the delays beyond LUMA’s reasonable control in the startup of the programs, and to delay the schedule for the Three-Year EE and DR Plan by one year. *See Request to Extend by One Additional Year the Deadline to File the Three-Year Plan, Concomitant Deadlines and Extend the Term of the Transition Period Plan for An Additional Fiscal Year* (“October 30th Motion”) on pages 15-16 and Exhibit 1.

16. On October 30, 2023, LUMA filed a *Motion to Submit TPP FY2023 Annual Report* in compliance with the February 16th Order.

17. On November 14, 2023, LUMA filed a *Motion to Submit First Quarterly Report on Administrative Costs and Expenditures of TPP DR Programs*.

18. On November 29, 2023, the Energy Bureau issued a Resolution and Order (“November 29th Order”) granting LUMA’s request to extend the TPP by one year, to June 30, 2025, and delay the schedule (including all required drafts and stakeholder engagement processes) for the Three-Year EE and DR Plan by one year, so that the Three-Year EE and DR Plan shall be filed by March 1, 2025, and indicating that the joint schedule for EE and DR plans will be maintained and that the Three-Year EE and DR Plan filed in March 2025 “must cover both EE and

DR and meet the requirements of both the EE Regulation² and the DR Regulation³". *See* November 29th Order on page 7. In addition, the Energy Bureau ordered LUMA to file by December 8, 2023, a revised TPP and provide certain additional information specified therein in order to evaluate LUMA's plans for the extended TPP. *See id.*

19. On November 29, 2023, LUMA filed a *Motion to Submit FY2024 Q1 TPP Report*.

20. On December 20, 2023, LUMA submitted to the Energy Bureau the revised version of the TPP ("Revised TPP") and the information requested under the November 29th Order.⁴ *See Motion to Submit Revised TPP and Other Information Requested Under the Resolution and Order of November 29, 2023, filed on December 20, 2023 ("November 20th Motion")* and its Exhibit 1 (which is the Revised TPP). The Revised TPP maintained the same requirements pertaining to the TPP Quarterly Reports and TPP Annual Reports for FY2024, while extending these to FY2025; added the DR Administrative Costs Quarterly Reporting requirement; and included the deadlines of December 2, 2024 to have a draft Three Year Plan, December 2024 to have a stakeholder meeting to discuss it and the Annual Report, and March 1, 2025 to file the final Three-Year Plan. *See id.* Exhibit 1, Section 6.1.⁵

21. On February 14, 2024, LUMA submitted the FY2024 Q2 DR Administrative Costs Quarterly Report and requested the Energy Bureau to consolidate the DR Administrative Costs Quarterly Reports and the TPP Quarterly Reports into a single quarterly report to be filed within forty-five (45) days of the end of each fiscal quarter, commencing with the reports for Q3 FY2024

² Regulation for Energy Efficiency, number 9367, March 25, 2022 ("EE Regulation").

³ Regulation for Demand Response, number 9246, December 21, 2020 ("DR Regulation").

⁴ The deadline to submit the revised TPP and other information required under the November 29th Order was extended by the Energy Bureau by Resolution and Order of December 12, 2023, in attention to a request for extension filed by LUMA on December 7, 2023 (*see Request for Extension to Comply with the Order for LUMA to Provide Information Under the Resolution and Order of November 29, 2023*, filed by LUMA on December 7, 2023).

⁵ The Revised TPP also updated the portfolio of quick-launch programs, adding to the existing programs a new Energy Efficiency Kit program to be quickly launched in Q3 of FY2024 and provide basic EE measures free of charge to a large number of customers. *See id.*

and to consolidate the DR Administrative Costs Year-end Reports and the TPP Annual Reports into a single annual report to be filed within one hundred and twenty (120) days following the end of the fiscal year, commencing with the annual report for FY2024. See *Motion to Submit Second Quarterly Report on Administrative Costs and Expenditures of TPP DR Programs and Request to Consolidate Reporting Requirements*.

22. On February 29, 2024, LUMA filed the FY2024 Q2 TPP Quarterly Report in compliance with the February 16th Order. See *Motion to Submit FY2024 Q1⁶ TPP Report*.

23. On March 21, 2024, the Energy Bureau issued a Resolution and Order (“March 21st Order”) granting LUMA’s request to consolidate the TPP and DR Administrative Cost Quarterly Reports into a single filing (“Consolidated TPP and DR Administrative Cost Quarterly Report”) to be filed within forty-five (45) days of the end of each quarter, beginning with FY2024 Q3, and file its annual DR Administrative Costs reports as part of its TPP Annual Reports one hundred and twenty (120) days following the end of the fiscal year. See March 21st Order on page 2.

24. On May 15, 2024, LUMA filed the FY2024 Q3 Consolidated TPP and DR Administrative Cost Quarterly Report in compliance with the February 16th Order, the August 29th Order and the March 21st Order. See *Motion to Submit FY2024 Q3 Consolidated Transition Period Plan and Demand Response Administrative Cost Quarterly Report, Inform on Processing of Energy Efficiency Rebates, and Request Confidential Treatment*.

25. On June 11, 2024, the Energy Bureau issued a Resolution and Order in the Permanent Rate Case approving the implementation of the EE charge to cover the EE program costs for FY2025.

⁶ Please note that the title refers to Q1 instead of Q2 due to inadvertent error.

26. On August 13, 2024, LUMA filed its FY2024 Q4 Consolidated TPP and DR Administrative Costs Report and requested the Energy Bureau to approve the template used for this report as the established template for future filings. *See Motion to Submit FY2024 Q4 Consolidated Transition Period Plan and Demand Response Administrative Cost Quarterly Report and Request* (“August 13th Motion”) on pages 9-10 and Exhibit 1.

27. On August 19, 2024, LUMA informed the Energy Bureau in case NEPR-MI-2021-0008, *In Re: Review of LUMA’s Model Bill* (“Model Bill Docket”) that, as per the June 11th Order in the Permanent Rate Case, LUMA had commenced the implementation of the EE Charge on July 1, 2024 but identified that, due to an unanticipated situation in the billing setup, the EE Charge was not reflected in the July 2024 bills for some customers, and LUMA intended to collect the unrecovered July 2024 EE Charge amounts in the September 2024 bill. *See Informative Motion on Proposed Action Plan Relating to July 2024 EE Rider Charge* in the Model Bill Docket.

28. On August 26, 2024, the Energy Bureau issued a Resolution and Order in the Model Bill Docket in which it directed LUMA not to collect the July 2024 EE Uncollected Amount in the September 2024 bill and determined that this amount shall be removed from the FY 2025 EE budget.

29. On September 16, 2024, LUMA submitted a motion requesting clarification on the timeline for completion of the Market Baseline and Potential Studies⁷, an extension of the

⁷ The Energy Bureau’s EE Regulation mandates two key studies to assess and guide energy efficiency efforts on the island: the Market Baseline Study and the Potential Study. *See* Regulation for Energy Efficiency, Regulation 9367 (“EE Regulation”), Sections 1.09(B)(29) and (38) and 3.02(A) and (B). Among others, the EE Regulation provides that, prior to the end of the TPP, and informed by the first Potential Study, the Energy Bureau shall estimate the energy efficiency savings achieved during that period for certain specified actions and that the Energy Bureau “shall use the results of the initial Market Baseline Study and the Potential Study, along with the estimated impacts of actions during the Transition Period Plan, to develop, in collaboration with the [the Public Energy Policy Program], estimated annual

deadline to submit the Draft Three-Year Plan given the delay in the completion of these studies which are to be used to develop the Three-Year Plan, and a concomitant extension of the TPP. *See Informative Motion, Request for Clarification Regarding Delayed Timeline for Completion of Market Baseline and Potential Studies, And Request for Extension to Submit Draft Three-Year Plan and Associated Tasks and Deadlines.*

30. On October 9, 2024, LUMA filed a motion requesting the Energy Bureau to approve a rollover of FY2024 EE unspent program funds to the FY2025 EE budget, to allow LUMA to continue to drive program growth, enhance customer engagement, maintain program momentum, and maintain the TPP on track to achieve the original cumulative savings target for both TPP Program Years, while positioning the EE programs for greater long-term success in meeting Puerto Rico’s energy goals. *See Informative Motion, Request for Clarification Regarding Timeline for Completion of Market Baseline and Potential Studies, and Request for Extension of Deadline to File the Draft Three-Year Plan and Associated Tasks and Deadlines* (“October 9th Motion”).

31. On October 23, 2024, the Energy Bureau issued a Resolution and Order (“October 23rd Resolution and Order”) addressing the August 13th, September 16th and October 9th Motions. Regarding the August 13th Motion, the Energy Bureau granted LUMA’s request to rollover the unused FY24 EE funds to the FY25 EE budget and approved LUMA’s request to use the Q4 report as a template for future filings, conditioned on LUMA supplementing the template with additional information regarding administrative costs set forth in the Resolution and Order, as

savings expected to be achieved by PREPA’s efficiency programs”, among others, “for each Program Year through 2040”. *See id.* Section 3.02(D) and (E).

well as including certain changes described therein, to be implemented in future reports. *See* October 23rd Resolution and Order on pages 2-3 and 6.

32. The Energy Bureau determined that “LUMA should transition from a pilot to a permanent program” and indicated its interest in “enabling LUMA to further grow and scale this resource before summer 2025”. *See id.* at page 3. Accordingly, the Energy Bureau directed LUMA to:

1. File a motion proposing the form of its permanent customer battery sharing program no later than December 2, 2024. The Energy Bureau anticipates that it will host a technical conference on LUMA’s proposed program in January 2025. LUMA and the Energy Bureau will retain the ability to make program changes within the permanent program, to increase program cost-effectiveness and scale, and to manage overall program costs as needed.
2. Design the permanent program based on successful elements of the CBES pilot, to build on these successes and reduce customer transition costs, shocks, or loss of participation between the CBES pilot and the permanent program.
3. Design the program with the expectation that the participating resources will be regularly dispatched during high -load periods on the grid (such as the summer months), as well as in other times of grid stress.
4. Design the program with the intention to not only increase the number of participants in the program but also to optimize the available energy and capacity from each participant so the grid resources can grow faster than the number of participants.

See id. at pages 3-4.

33. Furthermore, the Energy Bureau indicated that the DR Regulation allows the use of backup generators as a DR resource in emergency situations, and that LUMA, to date, had not deployed a DR program “to be used in rare dire situations only, or one with backup generator participation”. *See id.* at page 4. The Energy Bureau then ordered LUMA to develop and implement such a program before summer of 2025 and to file monthly reports on the 15th of each

month, beginning on January 15, 2025, detailing its efforts to design and implement the program.
See id.

34. Regarding the September 16th Motion, the Energy Bureau determined to defer the requirement to submit the draft Three Year Plan by the original December 2024 deadline and ordered LUMA to begin stakeholder engagement on a draft Three-Year Plan on or before April 15, 2025, and file the first Three-Year Plan on or before July 15, 2025. According to the Energy Bureau this first Three-Year Plan must cover a 2.5-year period from January 1, 2026, to June 30, 2028. *See id.* at page 5. The Energy Bureau also determined to extend the TPP by six months until December 31, 2025. *See id.*

35. To “provide clarity to LUMA for program planning and implementation”, the Energy Bureau also directed LUMA to: “(i) plan to achieve aggregate EE savings of at least 0.5 percent of annual sales in FY26, split between six months of TPP and the first six months of the Three-Year Plan; and (ii) file, on or before December 2, 2024, a revised TPP, amended to cover the period through December 31, 2025, including EE and DR program offerings, budgets, and the estimated EE Rider amount for the first half of FY26”. *See id.*

36. The Energy Bureau also directed LUMA to, as part of the revised TPP, “include a detailed breakdown of its full expected FY25 revenue (from the EE Rider, rollover funds, and other sources) and spending”. *See id.* at page 6.

37. On November 7, 2024, LUMA submitted its responses to the October 23rd ROIs in compliance with the October 23rd Resolution and Order.

38. On November 15, LUMA submitted the FY Q1 Consolidated TPP and DR Administrative Cost Quarterly Report revised as per the October 23rd Resolution and Order.

II. Request for extensions and change in reporting frequency

A. Request for extension to submit revised TPP

39. Given the deferment of the requirement to commence stakeholder engagement on the Three-Year Plan to April 15, 2025, and the deferment to file the first Three-Year Plan to July 15, 2025, the Energy Bureau also determined in the October 23rd Resolution and Order to extend the TPP by six months until December 31, 2025. *See* October 23rd Resolution and Order on page 5. Accordingly, the Energy Bureau ordered LUMA to file, on or before December 2, 2024, a revised TPP, amended to cover the period through December 31, 2025, including “EE and DR program offerings, budgets, and the estimated EE Rider amount for the first half of FY26”. *See id.*

40. LUMA respectfully submits that it needs at least sixty (60) additional days to conduct the necessary analysis to complete and submit a revised TPP in accordance with the requirements in the October 23rd Resolution and Order. Given that this TPP will be a precursor to the ramp-up of cost-effective programs to be included in the Three-Year Plan, it will be important for LUMA to analyze as much program data as it can to provide insights on potential adjustments to the TPP programs applicable to the additional six-months added to the TPP, to better set the stage for the ramp-up to the Three-Year Plan programs. This information is particularly necessary with respect to certain EE programs that commenced late in FY 2024 (which is the case with most of the programs) or the beginning of FY 2025 for which there is limited data (that is, not the preferred 1-year period of data). The additional requested sixty (60) days will allow for a data-driven assessment of programs.

41. LUMA respectfully submits that the requested additional time will result in a better considered revised TPP with the necessary adjustments in program efforts and budgeting to more

successfully transition to the larger scale programs under the Three-Year Plan. Furthermore, this proposed extension will not affect the deadline to prepare the draft Three-Year Plan or submit the final Three-Year Plan nor the ongoing implementation of the TPP. Therefore, this extension will not result in implementation delays.

B. Request for extension to submit proposed permanent CBES

42. In the October 23rd Resolution and Order, the Energy Bureau ordered LUMA to file a proposed form of permanent CBES no later than December 2, 2024, regarding which the Energy Bureau anticipates that it will host a technical conference in January 2025. *See id.* at page 3. The Energy Bureau also indicated that it would retain the ability to make program changes within the permanent program, as specified in the October 23rd Resolution and Order, required that the permanent program be designed: based on successful elements of the CBES pilot, to build on these successes and reduce customer transition costs, shocks, or loss of participation between the CBES pilot and the permanent program; with the expectation that the participating resources will be regularly dispatched during high-load periods on the grid (such as the summer months), as well as in other times of grid stress; and with the intention to not only increase the number of participants in the program but also to optimize the available energy and capacity from each participant so the grid resources can grow faster than the number of participants. *See id.* at pages 3-4.

43. LUMA respectfully submits that it needs at least sixty (60) additional days to conduct the necessary analysis to complete and submit the permanent CBES in accordance with the requirements in the October 23rd Resolution and Order. The preparation of the permanent CBES would benefit from this additional time so LUMA can take into account the revised TPP, since the revised TPP must set the stage for this ramped up CBES, and, therefore, LUMA can

ensure the terms of the revised TPP and the permanent CBES program are in conformity and result in a smooth transition from the pilot to the permanent CBES program.

44. In addition, LUMA respectfully submits that it is appropriate to include this pilot program within the TPP to maintain the EE and DR programs in a single document and ensure that all programs are well coordinated and transition successfully. While the TPP will serve as the foundation for transitioning to the permanent CBES program, the start date for the permanent program will depend on the proposal submission and subsequent discussions with the Energy Bureau, including the planned technical conference in January 2025. The permanent CBES program will also be addressed in the Three-Year Plan, alongside the EE and DR programs, as directed by the Energy Bureau's November 29th Order.

45. In sum, LUMA respectfully submits that the requested additional time increase the likelihood of a successful transition towards a permanent CBES program. This proposed extension will not affect the deadline to prepare the draft Three-Year Plan or submit the final Three-Year Plan, the ongoing implementation of the TPP, or the implementation of the CBES.

C. Change in reporting frequency relating to new DR Program

46. In the October 23rd Resolution and Order, the Energy Bureau ordered LUMA to develop and implement a DR program using backup generators as a DR resource in emergency situations ("DR Backup Generator Program") before summer of 2025 and to file monthly reports on the 15th of each month, beginning on January 15, 2025, detailing its efforts to design and implement the program. *See id.* at page 4.

47. LUMA respectfully requests the Energy Bureau to revise the frequency of these reports and provide for a reporting period that enables the collection of sufficient information and encompasses a broader range of efforts and activities. LUMA suggests instead quarterly reports

that would commence on February 14, 2025, consistent with the filing timeline for other quarterly reports.

48. The proposed quarterly reporting serves as a reasonable cadence for providing a comprehensive and accurate assessment of the program's progress. This schedule allows for the collection of relevant data, offering a clear and complete picture of the ongoing processes, including any data still under evaluation. Monthly reporting may not provide the necessary timeframe to assess the program's activities thoroughly, potentially resulting in less meaningful insights. Quarterly reports enable a robust analysis and will help ensure the DR program's continued development, incorporating lessons learned from the previous iteration. LUMA will continue to provide updates to the Energy Bureau on any significant changes, if any, to the program outside of the regular reporting schedule.

WHEREFORE, LUMA respectfully requests that the Energy Bureau (i) **take notice** of the aforementioned; (ii) **grant** an **extension** of the deadline to submit the revised TPP and the proposed permanent CBES program description set forth in the October 23rd Resolution and Order by sixty (60) days- that is, until January 31, 2025; and (iii) **modify** the frequency of reporting required under the October 23rd Resolution and Order in connection with the new proposed backup generator DR program from monthly to quarterly starting on February 15, 2025.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th day of November 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 copy of this Motion the Independent Office for Consumer Protection at hrivera@jrsp.pr.gov; PREPA at arivera@gmlex.net; and mvalle@gmlex.net; and agraitfe@agraitlawpr.com, info@sesapr.org, bfrench@veic.org, shanson@veic.org, evand@sunrun.com, jordgraham@tesla.com, forest@cleanenergy.org, customerservice@sunnova.com, [javrua@sesapr.org](mailto:javrui@sesapr.org), pjcleanenergy@gmail.com, and mrios@arroyorioslaw.com.



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147
Fax 939-697-6147

/s/Laura T. Rozas
Laura T. Rozas
RUA No. 10,398
laura.rozas@us.dlapiper.com