

**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: Stakeholder Participation and Comments on Permanent CBES Program Proposal.

MOTION TO REQUEST A PROCEDURAL SCHEDULE FOR STAKEHOLDER PARTICIPATION AND COMMENT ON THE PERMANENT CBES PROGRAM PROPOSAL

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 respectfully states as follows:

1. On June 21, 2022, LUMA Energy ServCo, LLC and Luma Energy, LLC (“LUMA”) filed its Energy Efficiency (“EE”) and Demand Response (“DR”) Transition Period Plan proposal (“TPP”) containing the description and associated budgets of various quick-start EE and DR Programs to be implemented by LUMA during a two (2)-year Transition Period, which included a Battery DR Program (now known as the “CBES program”).¹ The CBES program was described as a program directed to residential customers with behind the meter (“BTM”) batteries and providing incentives to said customers for load shifting to batteries during DR event periods.²

2. On June 28, 2022, the Energy Bureau issued a Resolution and Order initiating the instant proceeding for the review of LUMA’s proposed EE and DR TPP, stating that a Workshop would be held on June 29, 2022 and providing until July 13, 2022 for the public to provide comments to the Proposed EE and DR TPP.

¹ 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.

² See *id.* Exhibit 1, Section 4.3.2.

3. Throughout this important proceeding, there has been ample participation from stakeholders which have provided comments and input on the EE, DR programs and the TPP as required by various Resolution and Orders.³ However, SESA respectfully submits that the proceeding is currently lacking a procedural schedule that allows for stakeholder participation and comments on LUMA's Permanent CBES program.

4. On October 23, 2024, the Energy Bureau issued a Resolution and Order ("October 23 Resolution and Order") in which it (a) extended the TPP by six months until December 31, 2025, while ordering LUMA to submit a revised TPP by December 2, 2024 and (2) deferred the requirement to submit the draft EE and the DR Three-Year Plan in December 2024, while ordering LUMA to begin stakeholder engagement on this draft plan on or before April 15, 2025.⁴ In addition, the Energy Bureau issued directives regarding the CBES Pilot, in which it required LUMA to submit the Permanent CBES program proposal by December 2, 2024 and that the Energy Bureau anticipated it would host a Technical Conference on LUMA's Permanent CBES program proposal.⁵

5. However, on December 5, 2024, the Energy Bureau issued a Resolution and Order ("December 5 Resolution and Order") granting the requested extension by LUMA⁶ to the submit the filing of the revised TPP and Permanent CBES program proposal until January 31, 2025. The Energy Bureau reaffirmed that there would be stakeholder participation in the preparation of the draft EE and DR Three Year Plan as initially required by the October 23 Resolution and Order. However, it did not address the stakeholder technical conference, as initially required by the October 23 Resolution and Order, on LUMA's eventual filing of the Permanent CBES program proposal.

6. On January 31, 2025, LUMA complied with the December 5 Resolution and

³ For example, See Resolution and Order, dated February 16, 2023, In re: Determination of LUMA's June 21, 2022, Proposed Transition Period Plan ("February 2023 Resolution and Order"). See Section V, in which the Energy Bureau determines that LUMA's proposed EE and DR TPP is approved but states the following regarding stakeholder collaboration: "Consult Table 1 Transition Period Report and Filing Schedule in this Resolution and Order for timing and sequencing of important reporting and stakeholder engagement milestones".

⁴ See October 23 Resolution and Order, pg. 4-6

⁵ See id. pg. 3-4.

⁶ See *Motion for Extension of Deadlines and Modification of a Reporting Requirement in Resolution and Order of October 23, 2024* in the instant proceeding.

Order by filing the Revised TPP⁷ and Permanent CBES program proposal⁸.

7. As of the date of this filing, no Technical Conference, as initially required by the October 23 Resolution and Order, has been scheduled to provide stakeholders with the opportunity to provide their comments and input on the Permanent CBES program proposal. Accordingly, SESA respectfully submits that a procedural schedule should be established providing for stakeholder participation in the Permanent CBES program proposal and the Three-Year Plan. This proceeding is extremely important to meet regulatory and policy objectives under applicable law.⁹ Moreover, SESA believes that the eventual approval of the Permanent CBES program and the Three-Year Plan are likely to have implications on the Integrated Resource Plan, which underlines the importance providing stakeholder participation at this stage.

WHEREFORE, SESA respectfully requests that the Honorable Energy Bureau issue a Resolution and Order (a) establishing a Technical Conference with regards to LUMA's Permanent CBES program proposal; and (b) a procedural schedule providing ample opportunity for stakeholder participation, which SESA suggests may mirror the procedural schedule established in its February 2023 Resolution and Order.

Respectfully submitted, on February 28, 2025, 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 hrivera@jrsp.pr.gov; arivera@qmlex.net; mvalle@qmlex.net; agraitfe@agraitlawpr.com, info@sesapr.org, bfrench@veic.org, shanson@veic.org, evand@sunrun.com, jordgraham@tesla.com, forest@cleanenergy.org, customerservice@sunnova.com, javrva@sesapr.org, picleanenergy@gmail.com, mrios@arroyorioslaw.com.

⁷ See *Motion to Submit Revised Energy Efficiency and Demand Response Transition Period Plan and Request for Modification of Deadlines Relating to Three-Year Energy Efficiency and Demand Response Plan* in the instant proceeding.

⁸ See *Motion to Submit Permanent Customer Battery Energy Sharing Program Proposal in Compliance with Resolution and Orders of October 23, 2024 and December 5, 2024* in the instant proceeding.

⁹ Please see Section 1.6 of Act 17 of April 11, 2019, known as the "Puerto Rico Energy Public Policy Act" ("Act 17-2019"); see Section 2.3 of Act 82 of July 19, 2010, known as the "Public Policy on Energy Diversification by Means of Sustainable and Alternative Renewable Energy in Puerto Rico Act" ("Act 82-2010"); see Regulation For Demand Response, Regulation No. 9246, dated December 21, 2020 ("Regulation 9246"); see Regulation For Energy Efficiency, Regulation No. 9367, dated March 25, 2022 ("Regulation 9367") and see Section 6.23 of Act 57 of May 27, 2014, known as the "Puerto Rico Energy Transformation and RELIEF Act" ("Act 57-2014").

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