

**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: Informative Motion and Requests
Relating to Timeframe to Submit Comments to
Recently Issued Market Baseline and Potential
Study and Timeframe Related to Draft Three-
Year Plan

**INFORMATIVE MOTION AND REQUESTS RELATING TO TIMEFRAME TO
SUBMIT COMMENTS TO RECENTLY ISSUED MARKET BASELINE AND
POTENTIAL STUDY AND TIMEFRAME RELATED TO DRAFT THREE-YEAR PLAN**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

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

I. Introduction

As the Puerto Rico 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”). The purpose of the TPP is to set the stage for the design and implementation of larger scale, more permanent programs that will form part of a Three-Year EE and DR Plan (“TYP”) to be prepared and submitted by LUMA for approval by the Energy Bureau.

Given delays in the completion of the Market Baseline and Potential Study (“Study”) required by regulation and necessary for the preparation of a complete TYP, the Energy Bureau has extended the deadlines associated with the submittal and implementation of the TYP on several occasions, the most recent being the establishment of the deadlines of October 1, 2025 for the presentation of the draft TYP (“Draft TYP”) to stakeholders and the filing of the TYP on February 1, 2026.

On a Resolution and Order issued on September 12, 2025, the Energy Bureau scheduled a Technical Workshop—to be held on September 30, 2025—to discuss the Study and informed that this study would be released prior to this Technical Workshop. The Energy Bureau also established a deadline of October 10, 2025, for stakeholders to submit comments on the studies.

On September 23, 2025, the Energy Bureau shared with some stakeholders the Study prepared by its consultants. The following day, the Energy Bureau held a Technical Workshop with the purpose of introducing stakeholders to the studies and their methods to facilitate written comments.

In this Motion LUMA is informing that—on September 30, 2025 and in accordance with Energy Bureau directives and regulatory requirements— LUMA held a stakeholders’ meeting to discuss the Draft TYP. Notably, since the Study was not shared until September 30, 2025 (as noted above) and, likewise, has yet to be thoroughly discussed with the stakeholders’, the shared Draft TYP was not informed by the results described in the Study.

LUMA is respectfully requesting the Energy Bureau to consider a change in the timeframe to submit written comments on the Study given the short period of time provided for review prior to the Technical Workshop, which limited the ability to ask substantive questions to and obtain actionable feedback from the study consultants. This more effective interactive process, visible to

all stakeholders, is needed to place the stakeholders in a better position to submit their written comments on the studies. This request aligns with the requests made by other stakeholders in the Technical Workshop.

Furthermore, the September 12th Resolution and Order did not provide a detailed timeline for finalizing the Studies and LUMA's EE targets which LUMA will need to finalize the TYP. With an eye toward the February 1, 2026, deadline for submitting a final TYP to the Energy Bureau, LUMA is proposing to submit, along with its comments on the Study, its proposal for the FY2027 and FY2028 targets grounded in the realities of scaling program growth from the FY26 program.

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 FY2023 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*.

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 TPP, including, among others, December 2, 2023, for preparation of a draft FY2025-2027 TYP,

December 2023 to conduct a stakeholder meeting to discuss the draft TYP and the TPP annual report (for FY2023), and March 1, 2024, to file the FY2025-2027 TYP. *See* February 16th Order, pp.18, 27 and 30.

3. On November 29, 2023, the Energy Bureau issued a Resolution and Order (“November 29th Order”) extending the TPP by one year, until June 30, 2025,¹ and delaying the schedule (including all required drafts and stakeholder engagement processes) for the TYP by one year, so that the TYP was to be filed by March 1, 2025. *See* November 29th Order, p. 7. In addition, the Energy Bureau ordered LUMA to file by December 8, 2023, a revised TPP. *See id.*

4. On December 20, 2023, LUMA submitted to the Energy Bureau the revised version of the TPP.² *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.

5. On September 16, 2024, LUMA submitted to the Energy Bureau a motion requesting clarification on the timeline for completion of the Study required under Section 3.02(D) and (E) of the Energy Bureau’s Regulation for Energy Efficiency³ and an extension of the deadline to submit the Draft TYP given the delay in the completion of these studies, 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.*

¹ This determination was in response to a request from LUMA on October 30, 2023, 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 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*, pp. 15-16 and Exhibit 1.

² The deadline to submit the revised TPP was extended by the Energy Bureau by Resolution and Order of December 12, 2023, in attention to a request from LUMA of 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.*

³ Regulation Number 9367, March 25, 2022 (“EE Regulation”).

6. On October 23, 2024, the Energy Bureau issued a Resolution and Order (“October 23rd Order”) in which, among others, the Energy Bureau determined to defer the requirement to submit the draft TYP and begin the associated stakeholder engagement until on or before April 15, 2025, and the requirement to file the first TYP until on or before July 15, 2025. *See* October 23rd Order, p. 5. The Energy Bureau also determined to extend the TPP by six months until December 31, 2025, and provided directives on matters to be included in the revised TPP. *See id.*, p. 6.

7. On November 25, 2024, LUMA requested the Energy Bureau to extend the deadline to submit the revised TPP. *See Motion for Extension of Deadlines and Modification of a Reporting Requirement in Resolution and Order of October 23, 2024.*

8. On December 5, 2024, the Energy Bureau issued a Resolution and Order (“December 5th Order”) granting the extension to file the revised TPP.

9. In compliance with the October 23rd Order and December 5th Order, on January 31, 2025, LUMA filed the revised TPP (“Proposed Revised TPP”). *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*, pp. 2, 7 and Exhibit 1. LUMA also requested the Energy Bureau to leave without effect the deadlines to submit and implement the TYP, given the delays in the preparation of the Study, and to provide that these deadlines be established at such a time when these studies are completed. *See id.*, pp. 11-12. Consistent with this request, the Proposed Revised TPP submitted by LUMA covered the period from July 1, 2025, to June 30, 2026. *See id.*, p. 7.

10. On April 3, 2025, the Energy Bureau issued a Resolution and Order (“April 3rd Resolution and Order”) (i) establishing the deadlines of October 1, 2025, and February 1, 2026, to present the draft TYP to interested stakeholders and to file the TYP, respectively, and (ii)

determining that the TYP shall cover the period from July 1, 2026, until June 30, 2028. *See* April 3rd Resolution and Order, p. 2.

11. In the April 3rd Resolution and Order, the Energy also scheduled a Technical Conference for April 24, 2025 (“April 24th Technical Conference”) to discuss, among other subjects, the Proposed Revised TPP and the progress of the TYP. *See id.*, p. 3-4.

12. On April 24, 2025, the Energy Bureau held the April 24th Technical Conference. LUMA provided a presentation and discussed the Proposed Revised TPP and the progress of the TYP, among other subjects.⁴

13. On June 26, 2025, the Energy Bureau issued a Resolution and Order directing LUMA to file an amended EE program plan for Fiscal Year 2026 that complies with certain other directives included in the June 26th Resolution and Order.

14. On July 21, 2025, LUMA submitted an amended EE program plan to be part of a revised TPP (“Amended TPP”). *See Motion to Submit Amended Energy Efficiency Program Plan for Fiscal Year 2026 in Compliance with Resolution and Order of June 26, 2025.*

15. On August 19, 2025, the Energy Bureau issued a Resolution and Order approving the Amended TPP for implementation in FY2026.

16. On September 12, 2025, the Energy Bureau issued a Resolution and Order scheduling for September 24, 2025, a Technical Workshop regarding the Study, indicating these studies would be released in advance of the Technical Workshop. In addition, the Energy Bureau granted stakeholders until October 10, 2025, to submit written comments to the Energy Bureau on the Study.

⁴ *See Motion to Submit Presentation for Technical Conference Scheduled for April 25, 2025*, filed on April 23, 2025, which includes as Exhibit 1 the presentation submitted by LUMA for the Technical Conference.

17. On September 23, 2025, LUMA received copy of the Study, which was sent by electronic mail by the Energy Bureau's clerk's office to LUMA and other stakeholders.

18. On September 24, 2025, the Technical Workshop was conducted regarding the Study. LUMA, the Independent Consumer Protection Office ("OIPC" by its acronym in Spanish) and other stakeholders participated. The Energy Bureau's consultants who prepared the Study provided a presentation about the study. In the workshop, OIPC mentioned that it had not received copy of the Study and asked for the opportunity to submit questions to the study consultants and receive responses prior to the deadline to submit comments, as they had not been able to review the studies prior to the Technical Workshop. The technical consultants indicated agreement with such approach. Additionally, LUMA requested during the Technical Workshop that the consultants send the Appendices to the study as separate attachments, as they could not be opened in the PDF format provided. LUMA would like to note that it is awaiting the receipt of the Appendices in order to be best positioned to complete its review of the study in its entirety.

19. On September 25, 2025, the Energy Bureau posted in the electronic docket of this matter the presentation provided by the Energy Bureau's consultants who prepared the Study during the Technical Workshop.

III. Request Regarding Period to Provide Comments on Market Baseline Study and Potential Study

20. Given the above considerations, LUMA respectfully submits the Draft TYP would benefit from the opportunity to consider the results of the final Study so as to inform decision in the final TYP. For example, LUMA is concerned that the Study does not separately analyze government buildings, instead assuming commercial energy savings apply uniformly. This does not seem to align with the EE Regulation and might overlook existing programs, and the critical

role the contributing entities responsible for contributing to reaching the energy efficiency mandates. Moreover, LUMA would like to review data in the Study attachments not yet received and ask questions to the consultants regarding top measures of initial LUMA concern including Windows, Smart Thermostats and Home Energy Reports. Alignment on these points and others that will be revealed as part of this iterative process is crucial to inform the final TYP.

21. LUMA acknowledges the importance of timely and meaningful stakeholder engagement and remains committed to maintaining an open and iterative dialogue throughout the review of the Draft TYP while staying on track to meet the February 1, 2026, deadline to submit the final TYP to the Energy Bureau. LUMA also welcomes the opportunity to participate in future Energy Bureau driven stakeholder workshops and other opportunities for input as we continue to be part of the process.

22. LUMA supports the request of OIPC to provide an opportunity for stakeholders to present questions and receive feedback from the study consultants to be in a better position to submit written comments. In the event the Energy Bureau was to set up a mechanism to do so, LUMA respectfully requests that this mechanism provides for visibility from all stakeholders of the questions presented and the answers provided, so all stakeholders are in a similar position to submit their written comments. This visibility may also be achieved by having another stakeholder conference to discuss these questions and answers.

23. LUMA respectfully requests that the Energy Bureau provide until November 7, 2025, for comments to be shared with the Energy Bureau and stakeholders. After the interactive process takes place, LUMA will then be in a position to provide meaningful inputs and to propose realistic FY2027 and FY2028 scaling targets based on the FY26 program and the results of the Study.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **consider adjusting** the timeline for submitting written comments on the Study to allow time for a question-and-answer process with the study consultants, that is visible to all stakeholders, to occur prior to stakeholders having to submit written comments on the studies.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 7 day of October, 2025.

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 to the attorney for PREPA at jmarrero@diazvaz.law and lionel.santa@prepa.pr.gov; the Independent Office for Consumer Protection at hrivera@jrsp.pr.gov; 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, pjcleanenergy@gmail.com, and mrios@arroyorioslaw.com.



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