

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

IN RE: ENERGY EFFICIENCY AND DEMAND
RESPONSE TRANSITION PERIOD PLAN

CASE NO: NEPR-MI-2022-0001

SUBJECT: Applicability of Regulation No.
8701 to DR Aggregators.

RESOLUTION AND ORDER

I. Procedural Background

On June 21, 2022, LUMA Energy, LLC as Management Co., and LUMA Energy ServCO, LLC (collectively, "LUMA") submitted a Proposed Energy Efficiency ("EE") and Demand Response ("DR") Transition Period Plan ("Proposed TPP") to the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") in accordance with Regulation No. 9367, "Regulation for Energy Efficiency" ("EE Regulation"). As envisioned by Section 4.02(C) of the EE Regulation, the Proposed TPP incorporated an integrated approach to demand response. Therefore, the Proposed TPP was also a Demand Response Plan in accordance with Regulation No. 9246, "Regulation for Demand Response" ("DR Regulation"). On June 28, 2022, the Energy Bureau initiated this proceeding for the review of LUMA's Proposed TPP.

On February 16, 2023, the Energy Bureau issued a Resolution and Order ("February 16 Resolution") amending and approving LUMA's Proposed TPP. The Energy Bureau ordered LUMA to develop a battery DR program that leveraged the capabilities of third-party aggregators to launch the program. The Energy Bureau also ordered LUMA to file a revised DR portion of the TPP after the battery DR program launch, with updates that coordinated and integrated with the DR program.

On June 5, 2023, DR Third Party Aggregator, Inc., ("DR Third Party") filed a document titled *Motion for Clarification of DR Third Party Aggregator, Inc. Regarding Application of Demand, Response Regulation Section 2.02 and Regulation [8]701 to Emergency Batteries Demand Response Aggregators Under LUMA EE/DR Transition Period Plan* ("June 5 Motion"). In its motion, DR Third Party requested clarification of the requirements of the DR Regulation and Regulation No. 8701 with respect to certification of DR Aggregators.¹

On June 15, 2023, the Energy Bureau issued a Resolution and Order ("June 15 Resolution") temporarily waiving certain sections of Regulation No. 8701 for the duration of the TPP unless the Energy Bureau issued a resolution amending such waiver. The Energy Bureau also established a deadline of December 1, 2023 for DR Aggregators participating in the TPP emergency DR programs to apply for certification.

On October 23, 2024, the Energy Bureau issued a Resolution and Order ("October 23 Resolution") ordering LUMA to prepare and file a revised TPP and proposed permanent Customer Battery Energy Sharing ("CBES") program and a proposed backup emergency DR program to be implemented by June 2025.

On January 31, 2025, LUMA submitted a *Motion to Submit Permanent Customer Battery Energy Sharing Program Proposal in Compliance with Resolutions and Orders of October 23, 2024, and December 5, 2024* ("January 31 CBES Motion"). This motion included details regarding a proposed permanent CBES program that would begin July 1, 2025, and run for three years. The permanent CBES program was included in LUMA's revised TPP filed the same day in *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* ("January 31 TPP Motion").

¹ Amendment to Regulation No. 8618, on Certification, Annual Fees, and Operational Plans for Electric Service Companies in Puerto Rico, as amended ("Regulation No. 8701"), as amended by Regulation No. 9182, Amendment to Regulation No. 8701, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico, June 24, 2020 ("Regulation 9182").



On April 3, 2025, the Energy Bureau issued a Resolution and Order ("April 3 Resolution") through which the Energy Bureau partially approved LUMA's permanent CBES program proposal, specifically the customer and aggregator-facing aspects of the program that remain unchanged from the pilot stage.

On May 8, 2025, LUMA submitted a *Motion to Submit Proposal for Expanded Customer Battery Energy Sharing Program and Revised Technical Conference Presentation in Compliance with Resolution and Order of April 30, 2025* ("May 8 Motion"), through which LUMA submitted its proposal to rapidly expand the CBES program ("CBES+") to partially address the projected summer 2025 generation shortfall.

On May 29, 2025, the Energy Bureau issued a Resolution and Order ("May 25 Order") approving LUMA's CBES+ proposal for Scenario B, and the remaining unapproved portions of LUMA's permanent CBES proposal, including the implementation of a DERMS platform.

II. Discussion

As stated in the June 15 Resolution, Regulation No. 8701 requires Electric Service Companies² ("ESCs") to file certain information with the Energy Bureau, both as an initial matter to become certified, and as an ongoing matter regarding their operations. Some types of ESCs have specific additional requirements, tailored to their type of business. Regulation No. 8701 also specifies certain fees that ESCs must pay to the Energy Bureau.

In the June 15 Resolution, the Energy Bureau clarified that DR Aggregators are considered Electric Power Service Companies under Act 17-2019³ and are required to follow the certification processes established by Regulation No. 8701. To allow the DR programs to launch quickly and reflect the pilot nature of the battery DR programs, the Energy Bureau waived certain sections of Regulation No. 8701 for participating DR Aggregators only during the TPP unless a Resolution is issued by the Energy Bureau amending such waiver.

The DR pilot programs have evolved faster than the EE programs within the TPP. On May 29, 2025, the Energy Bureau approved the first permanent DR program ("CBES"), thereby completing the transition from pilots to full-fledged programs.

The Energy Bureau's initial waiver applied during the TPP period. Now that the CBES program is permanently established, the Energy Bureau finds it appropriate to eliminate certain waivers of Regulation No. 8701 for DR Aggregators. The Energy Bureau **DETERMINES** that Regulation No. 8701 shall be applied to DR Aggregators prospectively⁴ as follows:

- Article 2: Waived, except for Sections 2.01 and 2.03A(1) (Personal Information) which are applicable.
- Article 3: Only Section 3.03(B) shall be waived.

The Energy Bureau **ORDERS** each DR Aggregator to comply with Regulation No. 8701 as specified above.

Be it notified and published.

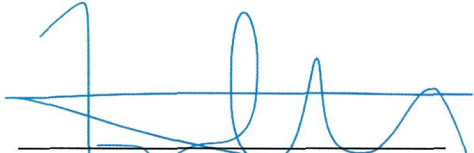
² Section 13(1) of Act 57 2014 defines the term "Electric Power Company" or "Electric Power Service Company" as follows: "Shall mean any natural or juridical person or entity, energy cooperative, engaged in the provision of generation services, transmission and distribution services, billing, wheeling, grid services, energy storage, resale of electric power as well as any other electric power service as defined by the Bureau. The Electric Power Authority or its successor as well as any Contractor under a Partnership or Sales Contract executed in relation 4 to PREPA Transactions conducted by virtue of Act No. 120-2018 shall be deemed Electric Power Service Companies for purposes of this Act."

³ *Puerto Rico Energy Public Policy Act*, as amended ("Act 17-2019").

⁴ The waivers here in shall apply to all new DR Aggregators requesting certification after notification of this Resolution and Order. Existing certified DR Aggregators shall commence with all filing requirements except the waivers specified herein commencing the start of the following calendar year January 1, 2026.



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 agreed on October 24, 2025. Also certify that on October 24, 2025. I have proceeded with the filing of this Resolution and was notified by email to:: RegulatoryPREBorders@lumapr.com; katiuska.bolanos-lugo@us.dlapiper.com; margarita.mercado@us.dlapiper.com; laura.rozas@us.dlapiper.com; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net, hrivera@jrsp.pr.gov; javrua@sesapr.org; mrios@arroyorioslaw.com; jordgraham@tesla.com; forest@cleanenergy.org; customerservice@sunnova.com; pjcleanenergy@gmail.com; agraitfe@agraitlawpr.com, info@sesapr.org; cfl@mcvpr.com; mqs@mcvpr.com.

I sign this in San Juan, Puerto Rico, today October 24, 2025.



Sonia Seda Gaztambide
Clerk
