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

IN RE:	**CASE NO.:** NEPR-MI-2026-0002
ENERGY EFFICIENCY AND DEMAND RESPONSE THREE YEAR PLAN	**SUBJECT:** Motion to Comply with Resolution and Order of August 10, 2026

MOTION TO COMPLY WITH RESOLUTION AND ORDER OF AUGUST 10, 2026

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. Relevant Background

1. On March 2, 2026, LUMA filed a Three-Year Plan for Energy Efficiency (“EE”) and Demand Response (“DR”) (this plan, the “TYP”) covering the two-year period from July 1, 2026, through June 30, 2028. *See Motion to Submit the Three-Year EE and DR Plan* filed by LUMA in Case No. NEPR-MI-2020-0001, *In re: Energy Efficiency and Demand Response Transition Period Plan*.

2. On March 4, 2026, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“March 4th Order”) initiating the referenced proceeding for the review of the TYP and setting forth a procedural calendar for such

purposes, which included a virtual Technical Workshop for March 17, 2026, and associated comment periods. *See* March 4th Order, p. 2.

3. On March 17, 2026, the virtual Technical Workshop was held.

4. After other procedural events, on April 8, 2026, SunStrong Management, LLC ("SunStrong"), submitted a motion titled *SunStrong's Comments Regarding CBES Program Administration and Recommended Safeguards for the 2026-2028 EE and DR Plan*. In it, SunStrong recommended that additional tracking and safeguard measures be included in the TYP to avoid situations in which an aggregator exceeds its contract ceiling under the master aggregation agreement with LUMA that is part of the Customer Battery Energy Sharing Program (CBES).

5. On May 29, 2026, the Energy Bureau issued a Resolution and Order ("May 29th Order") in which it temporarily approved the implementation of the TYP and directed LUMA to implement its programs as stated in the TYP, focusing on maintaining program continuity and ensuring a smooth transition into Fiscal Year 2027 while the Energy Bureau completed its review and issuance of a final order for the approval of the TYP. *See* May 29th Order, p.2. In addition, the Energy Bureau directed LUMA to fund the programs using the EE rider at the currently established rate. *See id*.

6. On August 10, 2026, the Energy Bureau issued a Resolution and Order indicating that it required additional information from LUMA and SunStrong to facilitate its review of the TYP. *See* August 10th Order, p.1. The Energy Bureau then ordered LUMA and SunStrong to respond to the Requirements of Information included in Attachment A of the August 10th Order

(the "August 10th ROIs"), within fourteen (14) calendar days of the notification of the August 10th Order.

II. Submittal of Responses to August 10th ROIs

7. In compliance with the August 10th Order, LUMA hereby submits, in *Exhibit 1*, LUMA's responses to the August 10th ROIs.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the foregoing; **accept** *Exhibit 1* **in compliance** with the August 10th Order.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, this 24th day of August 2026.

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 alexis.rivera@prepa.pr.gov; 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; apc@mcvpr.com.

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Exhibit 1

Responses to August 10th ROIs

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-01

SUBJECT

CBES Contract Ceiling

REQUEST

1. Please explain the purpose of the contracted pricing ceiling within LUMA's CBES contracts with aggregators.

RESPONSE

The contracted pricing ceiling is the total budget authorized under the Approved EE/DR Transition Period Plan and currently under the EE/DR Three-Year Plan. This ceiling represents the maximum amount LUMA as an agent of the Puerto Rico Electric Power Authority (PREPA) may pay under the Master Aggregation Agreement (MAA) and reflects PREB approved funding levels for the CBES program. The ceiling ensures fiscal control and compliance with public contracting rules, including oversight statutes and fiscal controls with the Puerto Rico Comptroller requirements, by preventing expenditures above the authorized program budget unless PREPA formally amends the Agreement in writing. In practice, it does not set or regulate aggregator pricing; rather, it defines the total available funds PREPA may disburse for CBES services.

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-02

SUBJECT

CBES Contract Ceiling

REQUEST

2. Please explain how LUMA determines the contractual price ceiling dollar amount. As part of the response, explain whether the ceiling varies by aggregator.

RESPONSE

LUMA determines the contractual price ceiling by evaluating several operational planning assumptions, including the expected number of dispatch events, anticipated battery performance, expected dispatch activity, historical program results, and the projected energy contributions of each aggregator's enrolled customers. These inputs collectively inform the ceiling amount.

The ceiling can vary by aggregator because each aggregator has a different number of enrolled customers, which leads to distinct projected energy contributions.

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-03

SUBJECT

CBES Contract Ceiling

REQUEST

3. Have SunStrong and LUMA resolved this matter from August 2025? If so, please summarize the outcome. If not, please provide a status update on discussions and expected next steps.

RESPONSE

SunStrong Management, LLC initiated this matter under the dispute resolution procedure established in Section 24 of the Battery Emergency Demand Response Program Master Aggregation Agreement executed between Sunnova Energy Corporation and LUMA Energy Servco, LLC (LUMA), as agent of PREPA, on October 13, 2023. A formal Notice of Dispute was submitted to LUMA on April 10, 2026. The parties convened on July 13, 2026, to discuss the issues raised; however, discussions remain ongoing.

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-04

SUBJECT

CBES Contract Ceiling

REQUEST

4. Other than SunStrong, has LUMA determined that CBES compensation would not be paid to any other aggregators after CBES events were called? If so, identify all instances when LUMA has not paid aggregators following a CBES event.

RESPONSE

The only instance in which LUMA determined that CBES compensation would not be paid to an aggregator for CBES events that were called, involved Sunnova (succeeded now by SunStrong).

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-05

SUBJECT

CBES Contract Ceiling

REQUEST

5. For each instance in which LUMA determined that CBES compensation would not be paid to an aggregator after CBES events were called, provide information.
    a. The number of aggregators that were not paid.
    b. The reason aggregators were not paid.
    c. The contracted price ceiling for each impacted aggregator.
    d. The amount of compensation that LUMA did not pay each impacted aggregator. (i e, the amount over the price ceiling).
    e. The number of MW and MWh provided through CBES that were not paid by LUMA.

RESPONSE

The only instance in which compensation was not paid to an aggregator for CBES events that were called involved Sunnova (succeeded now by Sunstrong) and pertained to three dispatch events conducted on August 22, 2025, August 25, 2025, and August 31, 2025. The details are provided below:

a. Number of aggregators not paid: One (SunStrong)

b. Reason aggregator was not paid: The submitted invoice exceeded the initial contracted price ceiling.

c. Contracted price ceiling for the aggregator: $4,277,813

d. Amount of compensation not paid (i.e., amount above the ceiling): $346,200.06

e. MW/MWh provided and not paid: 276,960.05 kWh

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-06

SUBJECT

CBES Contract Ceiling

REQUEST

6. Could LUMA provide vendors with progress towards the contracted price ceiling?
   a. If not, why not?
   b. If so, would LUMA incur additional costs to provide that data? If so, what is LUMA's estimated cost range for such data access and sharing?

RESPONSE

The Master Aggregation Agreement requires the aggregator to submit quarterly invoices including a report on the total energy dispatched for the quarter and the total compensation requested. This data is verified and audited by LUMA before issuing payment.

LUMA does not have a way to determine with certainty how much energy was dispatched through a particular aggregator before receiving the mentioned invoice and report from the DR Aggregator. Therefore, LUMA cannot provide progress reports to the DR Aggregator before receiving their invoice, at which time the DR Aggregator already has this information.

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-07

SUBJECT

CBES Contract Ceiling

REQUEST

7. If LUMA could provide vendors with progress towards the contracted price ceiling, how soon after a CBES event could LUMA provide that information? Could LUMA provide aggregators with an update within 5 hours, 24 hours, 3 days, etc.?

RESPONSE

Aggregators calculate their own event-specific costs and performance data immediately after each CBES event, and they hold this information before submitting it to LUMA. As a result, aggregators already know their position relative to the contracted price ceiling without needing any preliminary update from LUMA.

LUMA's role is to receive, validate, and process the data submitted by aggregators, not to generate it independently. Because LUMA does not maintain a separate real-time dataset, it cannot provide an update sooner than the information already available to aggregators. Consequently, the timing of any update from LUMA is dependent on when aggregators submit their data. In general, since the aggregator submits its more precise data quarterly, the earliest LUMA could obtain this information for this purpose would be quarterly.

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-08

SUBJECT

CBES Contract Ceiling

REQUEST

8. Please explain how LUMA validates each aggregator's CBES performance. As part of the response, indicate whether the estimated kWh delivered typically varies after LUMA's validation process and, if so, by how much and why.

RESPONSE

LUMA validates each aggregator's CBES performance through a structured data-reconciliation process that contrasts the preliminary, telemetry-based estimates reported in the Post-Event Reports with site-level performance calculations contained in the Quarterly Energy Reports. Following every CBES event, aggregators must submit a post event report that provides an initial snapshot of estimated energy dispatched. This post-event report is intended as a preliminary estimate and does not reflect the full depth analysis performed during the formal reconciliation process.

LUMA's validation is based on the more detailed Quarterly Energy Report (QER), which aggregators prepare using a bottoms-up performance calculations at the individual-site level. As aggregators have explained, post-event estimates may differ from the QER for several technical reasons. Variations between Post-event reports and Quarterly Energy Reports within the CBES program may average around 7%, according to FY2026 performance data and inputs received from third-party aggregators.

For example, aggregators have noted that:

- Post-event reports (PER) are generated using aggregated telemetry within 24 hours and often rely on 15-minute intervals, while actual dispatch commands and battery behavior can vary at the one-minute level.
- QERs use higher-resolution telemetry, minute-level intervals, and redundancy checks across multiple battery signals to ensure accurate performance accounting for each site.
- Telemetry quality and connectivity issues can also impact initial post-event estimates, with the reconciliation process resolving any gaps or inaccuracies

As a result of these factors, variations between the post-event report and the validated QER may occur. In some events, the estimates align closely; in others, adjustments are required. These differences reflect the higher fidelity of the reconciliation process led by LUMA compared to the preliminary estimate. LUMA's reconciliation process relies on the preliminary data submitted by each aggregator in the PER, which is provided shortly after every event, and then aligns that information with the more detailed analysis included in the QER, submitted by the aggregator each quarter for invoicing and settlement purposes.

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-09

SUBJECT

CBES Contract Ceiling

REQUEST

9. Please explain whether LUMA has concerns with SunStrong's recommendations or if LUMA would support the recommended measures.

RESPONSE

LUMA has concerns over Sunstrong's recommendations and does not support the recommended measures due to the fact that Aggregators are responsible for calculating their own event specific costs and performance data, and they possess this information before it is submitted to LUMA. As a result, aggregators inherently know their cost position relative to the contracted price ceiling prior to any review or processing by LUMA.

It is important to emphasize that aggregators are responsible for tracking their own performance, including calculating event-specific costs and determining the amount of energy delivered and how much of the contract ceiling has been utilized prior to dispatching their batteries. Aggregators possess this information before submitting it to LUMA and therefore inherently know their cost position relative to the contracted price ceiling. The aggregator can choose not to participate and may opt out of participation at any time and for any reason, without penalty.

A more reasonable and cost-effective approach would be to require each DR Aggregator to include in the Post Event Report and Quarterly Report a simple line-item showing the aggregator's internal calculation of the remaining contract balance based on cumulative delivered energy. This would give the aggregator clear, immediate insight into their contract ceiling balance after each event and help them make informed decisions regarding participation in future events and any additional administrative steps.

LUMA remains committed to maintaining consistent engagement with all aggregators and continues to meet with them regularly to discuss various aspects of CBES operations.

2026-2028 EE and DR Three-Year Plan Requirements of Information NEPR-MI-2026-0002

Response: RFI-LUMA-MI-2026-0002-20260810-PREB-10

SUBJECT

CBES Contract Ceiling

REQUEST

10. Did LUMA include the total MWh provided by SunStrong customers and the associated total event cost in its August 2025 CBES report and its QI FY2026 Consolidated Transition Period Plan and Demand Response Administrative Costs Quarterly Report?

RESPONSE

Yes, all the information for the CBES program has been included in the CBES reports[1].

[1] The total MWh provided by SunStrong (Previously Sunnova) customers and the associated event costs are documented in: (1) the August 2025 CBES Report (see the section 'Total Program Cost to Date (Broken out by Incentive and Administrative Costs)' and Table 2), available at https://energia.pr.gov/wp-content/uploads/sites/7/2025/11/20250922-MI20220001-Motion-to-Subm-Monthly-Status-Report.pdf; and (2) the FY2026 Q1 Consolidated Transition Period Plan (see Table 20 and Section 5.0), available at https://energia.pr.gov/wp-content/uploads/sites/7/2025/11/20251114-MI20220001-Motion-to-Subm-FY2026-Q1-Consolidated-Trans-Period-Plan.pdf.