

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

October 8, 2021

Mr. Wayne Stensby
President
LUMA Energy
Ave. Fernandez Juncos #644
Suite 301
San Juan, PR 00907

Dear Mr. Stensby:

The Committee on Natural Resources is examining the transition of the management of Puerto Rico's electrical transmission and distribution system from the Puerto Rico Electric Power Authority (PREPA) to LUMA.

In a letter to this committee dated July 28, 2021, you noted that unbundling transmission and distribution from electricity generation is consistent with best practices that enable "access to more expertise, improved customer choice, minimized conflicts of interest, and lower electricity rates." During the transition from PREPA to LUMA, however, local reports indicate that these benefits have not materialized and, in some cases, conditions have worsened.

For example, a fire at LUMA's Monacillo substation in June of this year resulted in a loss of electricity to 800,000 Puerto Rico customers.¹ The Independent Consumer Protection Commission found that complaints regarding the electrical grid were over twice as high after LUMA took responsibility for the transmission and distribution system in Puerto Rico.² Despite these problems, LUMA has attempted to increase electricity rates, notwithstanding promises to keep them constant for the first three years of operation. Recently, the Puerto Rico Energy Bureau rejected the attempt to recover \$52 million in additional fuel and other costs in June and July alone.³

One potential reason for these issues has been the size and experience of LUMA's workforce. Although the Operation and Maintenance Agreement between PREPA, the Puerto Rico Public-Private Partnerships Authority (P3A), and LUMA required that LUMA prioritize hiring qualified PREPA employees, a majority of PREPA's workforce did not transition to LUMA.⁴ Specifically, more than 3,000 of the 4,200 PREPA employees eligible to be transitioned did not move to LUMA and instead transferred to other

¹ LUMA. Incident Report: 001-2021 Monacillo Substation Fire. June 10, 2021.

² La Perla del Sur. [Contra LUMA: Se disparan los reclamos de abonados por daños y mal servicio](#). August 4, 2021.

³ The Weekly Journal. [Puerto Rico Energy Bureau Rejects Rate Hike This Month; Could Approve Higher Rate in October](#). September 8, 2021.

⁴ [Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement](#). June 22, 2020. Section 4.2.

departments in the Puerto Rican government.⁵ PREPA's grid is widely-known to be out of date, fragile, and unique among grids in the US. Those with the most experience in running and repairing the grid would be more likely to anticipate, prevent, and quickly mitigate problems that could result in outages. A shortage of workers would translate into longer response and repair times.

At the October 6, 2021 oversight hearing of the House Natural Resources Committee that examined the implementation of LUMA's contract since June 1, 2021, many of your answers were incomplete. You refused to answer others.

Pursuant to House Rule X.1 (m)(9), the Committee on Natural Resources has legislative and oversight jurisdiction over all U.S. Insular Areas, including Puerto Rico. To assist the Committee in conducting its oversight and legislative duties, please provide the following documents and information by October 22, 2021.

1. SAIFI, SAIDI, CAIDI, MAIFI and CEMI data from June 1, 2020 to September 30, 2021.
2. Documents sufficient to show the number of voltage fluctuations that resulted in personal property damage for customers.
3. All documents related to the cause(s) of each service disruption that occurred between June 1, 2020 and September 30, 2021.
4. For each category of positions listed below, documents sufficient to show (i) the total number of LUMA employees, (ii) the number of employees hired from PREPA (iii) the number of LUMA employees with less than 1 year of experience working in the Puerto Rico transmission and distribution system (iv) the number of LUMA employees that were not previously residents of Puerto Rico, (v) the number of temporary staff, (vi) the number of contracted staff, and (vii) the number of LUMA staff with less than 10 years of experience working in the Puerto Rico transmission and distribution system. For each, please provide the requested data as it existed on June 1, July 1, August 1, September 1, and October 1 2021:
 - a. Journeyman Lineworkers
 - b. Apprentice Lineworkers
 - c. Aerial Lineworkers
 - d. Foreman Lineworkers
 - e. System operators at Monacillo control center
 - f. System operators at Ponce control center
 - g. Relay technicians
 - h. Protection engineers
 - i. Mechanics for LUMA's vehicle fleet
 - j. Crane operators
 - k. Substation technicians
 - l. Customer service representatives
 - m. Repair crew dispatch operators
5. All communications between Luma and P3A regarding staffing or recruitment.
6. Documents sufficient to show the number of crews LUMA has dedicated to (a) maintenance and (b) outage repair and where the crews are based;
7. Documents sufficient to show how long LUMA expects Costa Sur unit 6 to be out of service;
8. Documents sufficient to show the impact on rates of the Costa Sur unit 6 outage;

⁵ PREPA had roughly 4,300 people working in areas that were privatized, but 3,118 of those employees transferred to other government jobs instead of LUMA, according to testimony provided at a meeting of the PREPA Board of Governors on June 30, 2021. See PREPA [Board Meeting](#). June 30, 2021 (1:42.05).

9. Documents sufficient to show the amount of Luma's expenditures on inventory, including but not limited to poles and transformers, from vendors requiring upfront payment; and
10. Documents sufficient to show the compensation packages for, and titles of, LUMA employees for whom total compensation exceeds \$200,000.

Sincerely,



Katie Porter
Chair
Subcommittee on Oversight and Investigations



Raúl Grijalva
Chair
Committee on Natural Resources

Responding to Committee Document Requests

In responding to document requests from the Committee on Natural Resources, please apply the instructions and definitions set forth below:

Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
3. Documents must be provided in electronic form (i.e., memory stick, thumb drive, or internet-based). Documents produced should also be organized, identified, and indexed electronically. Documents should be produced in their native file format. For example, emails from Microsoft Outlook should have a “.pst” file extension, Excel files should have an “.xls_” or similar extension, and Microsoft Word documents should have a “.doc_” extension. Consult with the Committee to determine the appropriate format in which to produce the information.
4. Each document produced should be produced in a form that renders the document capable of being copied.
5. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, or folder transmitted through the internet is produced, each should contain an index describing its contents.
6. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.
7. When you produce documents, you should identify the paragraph in the Committee’s schedule to which the documents respond.
8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses a non-identical or identical copy of the same documents.

9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.
10. In the event that any document or part of a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document or part of a document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
12. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
13. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
14. All documents should be Bates-stamped sequentially and produced sequentially.
15. Documents produced to the Committee in response to this request should be delivered to majority staff in Room 1324 of the Longworth House Office Building or directly through the internet.

Definitions

1. The term "**document**" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, text messages, MMS or SMS messages, other mobile-to-mobile messages, instant messages or online chat messages, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices

thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "**documents in your possession, custody, or control**" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. The term "**communication**" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, facsimile, mail, e-mail (desktop or mobile device), text message, MMS or SMS message, other mobile-to-mobile message, instant message or online chat, telexes, releases, personal delivery, or otherwise.
4. The terms "**and**" and "**or**" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms "**person**" or "**persons**" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The term "**identify**," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. The terms "**referring or relating**," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.
8. The term "**employee**" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.