

COMMONWEALTH OF PUERTO RICO
PUERTO RICO ENERGY COMMISSION

IN RE: AGUIRRE SITE ECONOMIC ANALYSIS

CASE NO.: CEPR-AP-2017-0001

SUBJECT: Ruling on Requests for Intervention.

RESOLUTION AND ORDER

On February 10, 2017, the Puerto Rico Energy Commission (“Commission”) issued an Order Initiating the Proceeding on the Aguirre Site Economic Analysis (“February 10 Order”). In such Order, the Commission established that the purpose of this proceeding is “to compel PREPA to ensure that both, AOGP [Aguirre Offshore Gasport] and alternative options to AOGP, are assessed on a fair and equitable basis to ensure a least-cost long-term resource plan.”¹ Furthermore, the Order established the requirements for the Economic Analysis to be submitted by the Puerto Rico Energy Power Authority (“PREPA”), which shall include the examination of the specified resource plans under a range of fueling plans, fuel price trajectories, and load forecasts.

With the purpose of ensuring transparency in its proceedings, and in order to promote ample public participation, the Commission invited any person or entity interested in intervening in this proceeding to file a written petition. Also, the Commission established that any party authorized to intervene in the Integrated Resource Plan (“IRP”) proceeding,² shall be authorized to participate in the present proceeding subject to the filing of a notice of intention. The term for requesting intervention ended on February 27, 2017, as established on the Procedural Calendar of the February 10 Order.

The Commission received twelve (12) petitions to intervene, including requests from intervenors that participated in the IRP proceeding, as well as new entities interested in participating in this proceeding. Furthermore, the Commission received a request from the Commonwealth Energy Public Policy Office (“CEPPO”) to participate as *Amicus Curiae* in this proceeding. After reviewing the petitions filed by all parties, and pursuant to Regulation No. 8543³, the February 10 Order, Section 3.5 of Act No. 170 of August 12, 1988, as amended, known as the Puerto Rico Uniform Administrative Procedures Act (“LPAU”, for its Spanish acronym), and applicable jurisprudence, the Commission **GRANTS** the petitions filed by the following entities:

¹ See Order Initiating Proceeding on Aguirre Site Economic Analysis, CEPR-AP-2017-0001, at 4.

² In Re: Integrated Resource Plan for the Puerto Rico Electric Power Authority, CEPR-AP-2015-0002.

³ Regulation No. 8543, Regulation on Adjudicative, Notice on Noncompliance, Rate Review and Investigation Procedures.

a. *Amicus Curiae*

- Commonwealth Energy Public Policy Office

b. Intervenor

- Independent Consumer Protection Office (“ICPO”)
- National Public Finance Guarantee Corp.
- Gas Natural Aprovechamientos SDG, S.A.
- Enlace Latino de Acción Climática – El Puente de Williamsburg, Inc. y Comité de Diálogo Ambiental, Inc.
- Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico
- TY Croes Group, Inc.
- Arctas Capital Group, LP
- Aguirre Offshore Gasport, LLC
- Windmar Group
- SeaOne Puerto Rico, LLC

The Commission also received a Notice of Intervention from EcoEléctrica, L.P. (“EcoEléctrica”) and a Petition for Intervention from ENGIE Development, LLC (“ENGIE”). The Commission notes that both, EcoEléctrica and ENGIE, share the same legal representation. Attorney Carlos E. Colón Franceschi, from the law firm Toro, Colón, Mullet, Rivera & Sifre, P.S.C., appeared as the undersigning counsel for both, EcoEléctrica and ENGIE. The shared legal representation between EcoEléctrica and ENGIE suggest a lack of conflicting interests. Therefore, with the purpose of avoiding duplicity and promoting an efficient procedure, the Commission **ORDERS** EcoEléctrica and ENGIE to, **no later than Wednesday, March 8, 2017**, show cause as to why the Commission should not order their joint appearance in the instant case.

In order to provide the intervenors in this proceeding with an opportunity to clarify any questions regarding the February 10 Order and the procedural calendar established therein, the Commission will hold a Technical Conference via telephone on **March 9, 2017 at 10:00 a.m.** Moreover, the intervenors must inform the Commission during this Technical Conference if they are filing an independent analysis of PREPA’s proposals or alternatives thereto. During the Technical Conference the Commission will also address any questions PREPA may have regarding the scenarios to be modeled as part of their economic analysis. Dial-in information will be shared at a later date.

In its February 10 Order, the Commission established an aggressive procedural calendar, aimed at ensuring a timely conclusion to the instant proceeding. The Commission also established flexible norms that would apply to the discovery process with the purpose of facilitating PREPA and intervenor participation. The Commission expects, and will enforce, strict compliance with the procedural calendar and all applicable norms. Full

cooperation from PREPA and intervenors is crucial for the Commission to comply with its statutory responsibilities.

Any party adversely affected by this Resolution and Order may file a motion for reconsideration before the Commission, pursuant to Section 11.01 of Regulation 8543 and the applicable provisions of the LPAU. Said motion must be filed within twenty (20) days from the date in which copy of this Resolution and Order is notified and such notice is filed in the case docket by the Commission's Clerk. Any motion for reconsideration must be filed at the Commission Clerk's Office, located at the Lobby of 268 Muñoz Rivera Ave., San Juan, PR 00918. Copy of the motion as filed must be sent by email to all the parties notified of this Resolution and Order within the twenty (20) days established herein.

The Commission shall have fifteen (15) days from the date in which such motion is filed to consider it. If the Commission rejects it forthright or fails to consider it within said period of fifteen (15) days, the term to seek judicial review shall begin on the date in which the Commission notifies its rejection or the date in which said fifteen (15) days expire, whichever occurs first. If the Commission considers the motion, the term to seek judicial review shall commence from the date a copy of the notice of the Commission's resolution definitively resolving the motion for reconsideration is notified and copy of such notice is filed by the Commission Clerk. The Commission shall have ninety (90) days from the date the motion for reconsideration was filed to issue a final determination. If the Commission considers the motion for reconsideration but fails to take any action with respect to such motion within ninety (90) days of its filing, it shall lose jurisdiction and the term to seek judicial review shall commence upon the expiration of said ninety (90) day term, unless the Commission, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

In the alternative, any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date a copy of the notice of this Resolution and Order was notified and copy of such notice was filed by the Commission's Clerk. Filing and notice of a petition for review before the Court of Appeals shall be made pursuant to the applicable provisions of Regulation 8543, the LPAU and the Rules of the Puerto Rico Court of Appeals.

For the benefit of all the parties involved, the Commission issues this Resolution in both English and Spanish languages. Should any discrepancy between each version arise, the English version shall prevail.

Be it notified and published.



Agustín F. Carbó Lugo
Chairman

Ángel R. Rivera de la Cruz
Associate Commissioner

José H. Román Morales
Associate Commissioner

CERTIFICATION

I hereby certify that the Puerto Rico Energy Commission has so agreed on March 3, 2017. I also certify that a copy of this Resolution regarding Case No. CEPR-AP-2017-0001 was notified by electronic mail to the following: : n-ayala@aepr.com, n-vazquez@aepr.com, c-aquino@aepr.com, jperez@oipc.pr.gov, codiot@oipc.pr.gov, francisco.rullan@aae.pr.gov; epo@amgprlaw.com, acc@amgprlaw.com, ladrian@gasnaturalfenosa.com, rstgo2@gmail.com, cfl@mcvpr.com, carlos.reyes@ecoelectrica.com, ccf@tcmrslaw.com, agraitfe@agraitlawpr.com, hmc@mcvpr.com, molinilawoffices@gmail.com, sierra@arctas.com, tonytorres2366@gmail.com, richard.houston@na.engie.com, mgrpcorp@gmail.com, serdar.tufeci@na.engie.com, victorluisgonzalez@yahoo.com and lfortuno@steptoe.com.. I further certify that on March 3, 2017, I have proceeded with the filing of this Resolution and I have sent a copy thereof to:

**Autoridad de Energía Eléctrica de
Puerto Rico**

Attn.: Lcda. Nitza D. Vázquez Rodríguez
Lcda. Nérida Ayala Jiménez
Lcdo. Carlos M. Aquino Ramos
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**Oficina Independiente de Protección
al Consumidor**

Attn.: Lcdo. José A. Pérez Vélez
Lcda. Coral M. Odio Rivera
268 Ave. Ponce de León
Hato Rey Center, Suite 524
San Juan, PR 00918

**Oficina Estatal de Política
Pública Energética**

Attn.: Francisco J. Rullán Caparrós
Director Interino
P.O. Box 41314
San Juan, PR 00940

National Public Finance Guarantee Corp.

Adsuar Muñiz Goyco Seda & Pérez Ochoa, P.S.C.
Attn.: Lcda. Alexandra C. Casellas Cabrera
P.O. Box 70294
San Juan, PR 00936



Enlace Latino de Acción Climática
Lcda. Ruth Santiago
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Enlace Latino de Acción Climática
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Gas Natural Aprovechamientos SDG, S.A.
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EcoEléctrica, L.P.
Attn.: Carlos A. Reyes, P.E.
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ENGIE Development, LLC
Attn.: Richard Houston
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**Instituto de Competitividad y Sostenibilidad
Económica de Puerto Rico**
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Roumain & Associates, PSC
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San Juan, PR 00909

Arctas Capital Group, LP
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Aguirre Offshore Gasport, LLC
Attn.: Lcdo. Carlos J. Fernández Lugo
Lcdo. Hernán Marrero-Caldero
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Toro, Colón, Mullet, Rivera & Sifre, P.S.C.
Attn.: Lcdo. Carlos Colón Franceschi
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SeaOne Puerto Rico, LLC
Attn.: Luis G. Fortuño
1330 Connecticut Avenue, NW
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For the record, I sign this in San Juan, Puerto Rico, today, March 3, 2017.



María del Mar Cintrón Alvarado
Clerk