

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

**NEPR**  
**Received:**  
**Jul 12, 2019**  
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IN RE:

INTEGRATED RESOURCE PLAN  
FOR THE PUERTO RICO  
ELECTRIC POWER AUTHORITY

NO. CEPR-AP-2018-0001

**SUBJECT:** PETITION OF  
ENVIRONMENTAL DEFENSE FUND  
TO INTERVENE

**PETITION OF ENVIRONMENTAL DEFENSE FUND TO INTERVENE**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW Environmental Defense Fund (EDF) and respectfully submits the following Petition of Environmental Defense Fund to Intervene, pursuant to Section 3.03 of Regulation No. 9021, known as the Regulation on Integrated Resource Plan (IRP) for the Puerto Rico Electric Power Authority (PREPA or Company), and Section 5.05 of Regulation 8543, known as the Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures.

Section 3.03 of Regulation No. 9021 references Section 3.5 of Act 38-2017, which evaluates a petition to intervene on the following points:

- 1) Whether the petitioner's interests may be adversely affected by the proceeding;
- 2) Whether there are no other means in law for the petitioner to adequately protect its interest;
- 3) Whether the petitioner's interest is already adequately represented by the parties to the proceeding;
- 4) Whether the petitioner's participation can reasonably assist in preparing a more complete record of the procedure;

- 5) Whether the petitioner's participation may extend or excessively delay the procedure;
- 6) Whether the petitioner represents or is a spokesperson for other groups or entities of the community; and,
- 7) Whether the petitioner may provide information, expertise, or technical advice that would not otherwise be available in the proceeding.

**I. Whether the Petitioner's Interest may be Adversely Affected by the Proceeding and Whether There are No Other Means in Law for the Petitioner to Adequately Protect its Interest**

EDF is a global non-profit corporation engaged in linking science, economics and law to create innovative, equitable and cost-effective solutions to society's most urgent environmental problems. EDF has over two million members worldwide and has eighty four (84) members in Puerto Rico. EDF is working in Puerto Rico on environmental policies relating to clean energy, climate change, renewable energy and microgrids.

EDF, through its current programs aimed at various clean energy policies, seeks to: (1) eliminate barriers to adoption of clean energy technologies; (2) advance cost-effective grid modernization; and, (3) support beneficial building and vehicle electrification. EDF tries to achieve these objectives by, among other things, intervening in federal and state public utility commission proceedings relating to these objectives. EDF works extensively with federal and state public utility commissions, industry, consumers, other environmental advocacy groups, academia and other stakeholders across the country and in Puerto Rico to evaluate, improve and advance prudent integrated resource planning, grid modernization and beneficial electrification investment plans so that these investments provide a full range of cost-effective resiliency, environmental, economic and consumer benefits.

EDF has advance clean energy policies by filing expert witness testimony, filing comments, participating in stakeholder working groups, and helping design utility service

offerings in many federal and state public utility commission proceedings. Additionally, EDF is implementing a microgrid demonstration project in Puerto Rico. PREPA's IRP calls for implementing microgrids and mini-grids.

This proceeding will decide the extent to which PREPA will incorporate both Company-owned and privately owned microgrids and mini-grids into its future grid planning processes. EDF and its members have an interest in this proceeding to ensure that microgrids and mini-grids are included in PREPA's grid planning process in a manner such that any unreasonable barriers to implementing microgrids are eliminated.

EDF and its members also have an interest in this proceeding because they want to ensure that PREPA adopts the optimum mix of clean energy resources, and that PREPA efficiently deploys microgrids into its grid. EDF's members were adversely affected by Hurricane Maria because they sustained prolonged electricity outages. The outages lasted so long, in part, because PREPA's resource plan was too dependent on electricity generated by large central power plants and because the grid did not incorporate a sufficient number of microgrids to make it more resilient. The present proceeding will determine PREPA's supply delivery plan, including the mix of central power plants versus distributed energy resources and how many microgrids PREPA will install to improve resiliency. The interests of EDF and its members may be adversely affected by this proceeding and there are no other means in law for EDF and its members to protect their interests.

**II. Whether the Petitioner's Interest is Already Adequately Represented by the Parties to the Proceeding and Whether the Petitioner Represents or is a Spokesperson for Other Groups or Entities of the Community**

EDF's members who live in Puerto Rico have an interest in the generation supply mix that PREPA will use to provide electricity service, the resiliency of PREPA's service, and in the cost and other terms and conditions that PREPA will use to supply and deliver

electricity to customers after the Company's IRP is approved. Specifically, EDF's members have an interest in receiving safe, adequate, reliable and resilient electricity service at a reasonable cost, and that the electricity supplied by PREPA incorporates cost-effective clean energy policies such as renewable energy, microgrids, integrated distribution system planning, energy efficiency and demand response programs. The IRP approved in this case will determine the generation mix and resiliency of PREPA's service. The costs for implementing PREPA's IRP ultimately will be reflected in the electricity rates that PREPA's customers will pay. EDF will advocate for policies in this case that reflect these interests of its members who live in Puerto Rico. No other party can adequately represent these interests of EDF and its members in this proceeding because no other party has EDF's focus on developing market-driven solutions to environmental problems.

EDF represents others in the community in the sense that EDF is a non-profit consisting of members who voluntarily join because they want to support EDF's objective of using economic analysis and developing market-driven solutions for the world's most pressing environmental problems. EDF has members who live in PREPA's service territory and so, in that sense, it is a spokesperson for those members.

**III. Whether The Petitioner's Participation Can Reasonably Assist in Preparing a More Complete Record of the Procedure**

EDF will advance legal positions that relate to the merits of the case and assist the Energy Bureau in reviewing PREPA's IRP. Section 2.02 of Regulation No. 9021 sets forth the information that PREPA must include in the IRP. Section 2.03 of Regulation No. 9021 describes the analyses that PREPA must perform. EDF will review the information supplied and the analyses performed by PREPA to determine whether the IRP is based on the best available information and that PREPA's analyses were performed in accordance with industry best practices.

The IRP process requires the utility to forecast economic conditions, regulatory conditions, energy demand, fuel prices and many other factors for the next 20 years. The assumptions that PREPA used to develop these forecasts are critical to developing the IRP. EDF will use its experience from other regulatory proceedings to determine whether PREPA's assumptions and analyses are reasonable. Another important factor is the source of information PREPA used for its assumptions. EDF will help determine whether PREPA used the best available sources for developing this information. Finally, EDF will offer recommendations regarding the analyses that PREPA performed, based on EDF's experience with IRP cases and related proceedings from other jurisdictions. The analysis and recommendations that EDF will provide will assist the Bureau in reviewing PREPA's IRP.

**IV. Whether the Petitioner may Provide Information, Expertise, or Technical Advice that Would Not Otherwise be Available in the Proceeding**

The information that EDF supplies in this proceeding will contribute to the full development and just and equitable resolution of the facts. EDF's Energy program, consisting of approximately sixty (60) professionals in the fields of law, economics, and science, works to reduce the climate, health, and environmental impacts of the current energy system while accelerating the transition to a low carbon energy economy with clean energy access for all. EDF's team in Puerto Rico has extensive experience in integrated resource proceedings and related public utility commission proceedings and energy supply and delivery projects.

EDF has participated in integrated resource planning cases and related proceedings before public utility commissions in many states, including some of the nation's groundbreaking initiatives. These cases include the New York *Reforming Energy Vision* case, the California case to replace the energy supply related to closing the Diablo Canyon nuclear reactor, the Illinois

*NextGrid* project and Energy Modernization Act cases and the Ohio *Power Forward* grid modernization initiative.

EDF will rely on the expertise of its team members and its experience in these regulatory proceedings to contribute to the full development and just and equitable resolution of the facts in this case.

**V. Whether The Petitioner's Participation May Extend or Excessively Delay the Procedure**

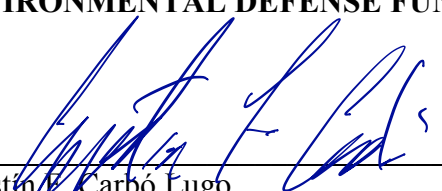
Granting EDF intervention will not prolong or delay this proceeding. PREPA filed its revised IRP on June 7, 2019. EDF filed this petition to intervene in a timely manner and within the procedural deadline of August 2, 2019 for submitting Requests for Intervention. The Bureau's review of the IRP is at its early stages. EDF will present its comments on PREPA's IRP within the scheduled timeline for this proceeding. EDF does not seek to prolong or delay the Bureau's review of PREPA's IRP

WHEREFORE, EDF respectfully requests that the Bureau grant this petition to intervene.

RESPECTFULLY SUBMITTED,

IN SAN JUAN, PUERTO RICO, THIS 12TH DAY OF JULY, 2019.

**ENVIRONMENTAL DEFENSE FUND**

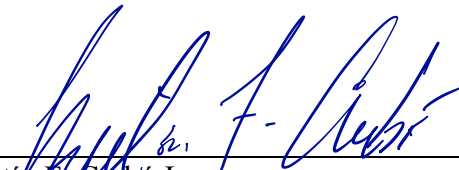


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**CERTIFICATION OF FILING AND SERVICE**

I hereby certify that on July 12, 2019, I have sent the above Petition to Intervene to the Puerto Rico Energy Bureau through its electronic filing tool at <https://radicacion.energia.pr.gov>. A copy of this Petition was also notified by electronic e-mail to the Puerto Rico Energy Bureau's Clerk to [secretaria@energia.pr.gov](mailto:secretaria@energia.pr.gov) and [wordero@energia.pr.gov](mailto:wordero@energia.pr.gov); the Bureau's Office of Legal Affairs to [legal@energia.pr.gov](mailto:legal@energia.pr.gov) and [sugarte@energia.pr.gov](mailto:sugarte@energia.pr.gov) and to the Puerto Rico Electric Power Authority to the following: Nitza D. Vázquez Rodríguez ([n-vazquez@aepr.com](mailto:n-vazquez@aepr.com)); Astrid I. Rodríguez Cruz ([astrid.rodriguez@prepa.com](mailto:astrid.rodriguez@prepa.com)); and Jorge R. Ruíz Pabón ([jorge.ruiz@prepa.com](mailto:jorge.ruiz@prepa.com)).

  
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