

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

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JRSP - SECRETARIA
NEGOCIADO DE ENERGIA
DE PUERTO RICO

IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY
INTEGRATED RESOURCE PLAN

CASE NO.: CEPR-AP-2018-0001

SUBJECT: PETITION TO INTERVENE

**THE LEAGUE OF COOPERATIVES OF PUERTO RICO AND
AMANESER 2025 INC. PETITION TO INTERVENE**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW, The League of Cooperative of Puerto Rico and The Alliance for the Sustainable Management of our Resources (*AMANESER 2025*, Spanish acronym) (collectively, "Community and Cooperative Energy Democracy Alliance" or "Petitioners"), and respectfully petitions this Honorable Bureau to grant intervention in the proceeding captioned above pursuant to Section 3.03 of Regulation 9021, known as the "Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority," and Section 3.5 of Act No. 38 of June 30, 2017, as amended, known as the "Uniform Administrative Procedure Act of the Government of Puerto Rico."

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I. INTRODUCTION

On June 7, 2019, the Puerto Rico Electric Power Authority (“PREPA”) filed before this Honorable Bureau a petition for approval of an Integrated Resource Plan (“IRP”). On July 3, 2019, the Energy Bureau ruled that PREPA’s June 7 submission substantially complied with Regulation 9021.¹ Consistent with Section 3.03 of regulation 9021, The Community and Cooperative Energy Democracy Alliance now respectfully ask the Energy Bureau to concede intervention in the PREPA Integrated Resource Plan proceedings.

The Community and Cooperative Energy Democracy Alliance is comprised by two institutions which missions and membership will be substantially affected by the Integrated Resource Plan that may ultimately be adopted because of these proceedings:

1. The League of Cooperatives is the highest level of federation legal entity of integration of the Cooperative Movement of Puerto Rico, created, directed and sustained by the cooperatives of Puerto Rico to, among other functions; exercise the representation of the Movement and guarding the doctrinal and philosophical principles of the model. The League developed an energy policy which central purpose is the total transformation of our electrical system. To that end, it is working in a process to promote the creation of Energy Cooperatives.
2. *AMANESER 2025 Inc.* is a corporation registered in the State Department of Puerto Rico as a not for profit corporation. Its mission is to address the impacts of Climate Change in our island and to promote sustainability and resiliency at the community, municipal and national level. The transformation of the electrical system of Puerto Rico is central in the work of *AMANESER 2025*. It started its works before Maria but after the hurricane, it began training communities on renewable energy. In the last two years, it began collaborating in the deployment of rooftop photovoltaic systems in communities in several municipalities of Puerto Rico.

The institutions that comprises the Alliance are active stakeholders on energy issues in Puerto Rico. They promote the development of renewable energy in Puerto Rico, the cooperatives, their members and the residents of the communities that collaborated with *AMANESER 2025* are customers of PREPA, subject to PREPA's billing for electric power service. They will be severely affected by the economic, social, and environmental consequences of the final Integrated Resource Plan approved by the Energy Bureau.

The majority of The Community and Cooperative Energy Democracy Alliance members are laypersons that strongly prefer to read in Spanish. Therefore, it will

make every effort to provide summaries, in Spanish of the core concepts of their summaries.

The Community and Cooperative Energy Democracy Alliance intend to provide expert testimony on electric cooperative development and community models of integration of renewables into the island's electrical system, the impacts of burning fossil fuels on climate change and its consequences that precludes the sustainability of Puerto Rico, and other aspects of the Integrated Resource Plan and electric system issues.

II. ARGUMENT: The Community and Cooperative Energy Democracy Alliance Petition to Intervene complies with all applicable requirements and should be granted.

Puerto Rico law emphasizes, "transparency and citizen participation in every process related to electric power service," and requires "broad participation from citizens and other interested groups" in the development of the integrated Resource Plan. 22 L.P.R.A. §§ 1051(o), 1051a(hh). The particular requirements and process to intervene in an Integrated Resource Plan proceeding are set out by Section 3.5 of Law 38-2017. Consistent with the stated importance of public involvement, Puerto Rico law directs agencies to construe this statute "liberally" in order to "facilitate" public participation. 3 LPRA. § 9645; *Comisión Ciudadanos v. G.P. Real Property*, 173 D.P.R. 998, 1011 (2008) ("Agencies are obliged to facilitate the participation of such citizens whose interests may be affected by the administrative action, to avoid applying [agency] expertise to information that does not reflect the real situation of said citizens"). The Community and Cooperative Energy Democracy Alliance meet the substantive and procedural requirements for intervention, especially considering the mandate on agencies to facilitate public participation; therefore, this Honorable Bureau must grant The Community and Cooperative Energy Democracy Alliance Petition to Intervene.

A. The Community and Cooperative Energy Democracy Alliance have legitimate interests in the Integrated Resource Plan proceeding.

Any person with a "legitimate interest in an adjudicatory procedure before an agency" may seek to intervene in that proceeding through a "duly grounded

application” to that agency. 3 L.P.R.A. § 9645. The Puerto Rico Supreme Court has determined that a “legitimate interest” in an administrative proceeding embraces a “wide spectrum of possibilities” including “environmental, social, and economic interests.” *San Antonio Maritime v. P.R. Cement Co.*, 153 D.P.R. 374, 392-393 (2001) (translated from the original Spanish).

The Community and Cooperative Energy Democracy Alliance have legitimate environmental, social, and economic interests in the development of PREPA's Integrated Resource Plan. First, The Community and Cooperative Energy Democracy Alliance and their members have a significant interest in ensuring that the Integrated Resource Plan provides safe, affordable, and hurricane-resilient power to the people of Puerto Rico, as required by Law 57-2014 and Law 17-2019. The Community and Cooperative Energy Democracy Alliance have an interest in the Integrated Resource Plan's wider impacts on emission of hurricane-intensifying greenhouse gases and the pollution of Puerto Rico's air, soil, and water. These environmental impacts will be imposed on the citizens of Puerto Rico for generations. The legitimate interests of The Community and Cooperative Energy Democracy Alliance and their members merit full intervention in this proceeding.

B. The Community and Cooperative Energy Democracy Alliance meet all seven factors for intervention.

Where a party seeking intervention has demonstrated a legitimate interest, Act 38-2017 identifies seven factors the agency must consider when evaluating whether to grant a petition for intervention, including:

- (a) Whether the petitioner's interests may be adversely affected by the adjudicatory procedure.
- (b) Whether there are no other legal means for the petitioner to adequately protect his interests.
- (c) Whether the petitioner's interests are already adequately represented by the parties to the procedure.
- (d) Whether the petitioner's participation may help, within reason, to prepare a more complete record of the procedure.
- (e) Whether the petitioner's participation may extend or delay the procedure excessively.
- (f) Whether the

petitioner represents or is the spokesperson of other groups or entities in the community. [and] (g) Whether the petitioner can contribute information, expertise, specialized knowledge or technical advice, which is otherwise not available in the procedure. 3 L.P.R.A. § 9645. Act 38-2017 further directs the agency to “apply the above criteria liberally” when making its determination. *Id.* The Puerto Rico Supreme Court has held that this statute “obligate[s] [agencies] to facilitate the participation of such citizens whose interests may be affected by administrative action.” *Comisión Ciudadanos v. G.P. Real Property*, 173 D.P.R. 998, 1011 (2008) (translated from the original Spanish).

The factors for evaluating petitions for intervention in an adjudicative proceeding strongly support granting The Community and Cooperative Energy Democracy Alliance petition, particularly considering the legislative, judicial, and regulatory mandates under Puerto Rico law to ensure public involvement in the Integrated Resource Plan process.

1. The Community and Cooperative Energy Democracy Alliance interests may be adversely affected by the Integrated Resource Plan.

Petitioners represent individual Puerto Rican citizens and communities who will be subject to the full weight of the environmental, social, and economic consequences of the Integrated Resource Plan that will be adopted as a result of this proceeding.

2. There are no other legal means for The Community and Cooperative Energy Democracy Alliance to adequately protect their interests.

Petitioners have no other legal means to fully protect their interests in the development of the Integrated Resource Plan, including through the ability to sponsor expert testimony, propound discovery, and cross examine PREPA’s witnesses, to ensure that the final Integrated Resource Plan adequately protects the interests of their organizations and membership. The Integrated Resource Plan is the best means for Petitioners to protect their interests in moving Puerto Rico to an affordable, hurricane-resilient

electrical system powered entirely by renewable energy. This transition is necessary to achieve energy independence and is required by Law 17-2019.

3. The Community and Cooperative Energy Democracy Alliance interests are not already adequately represented by the parties to the Integrated Resource Plan proceeding.

The Community and Cooperative Energy Democracy Alliance have unique interests on several relevant issues in this proceeding. Those interests are not adequately represented by any other party to this proceeding. Even before the Act 17, establishing the public policy on energy, was enacted, the legislature passed Law 258 of 2018 creating establishing the cooperative model as a preferred alternative to organize and finance the transformation of the electrical system of Puerto Rico. The League is the official representative of the Cooperative Movement. On the other hand AMANESER 2025 have been collaborating with dozens of community groups in Aguada, Jayuya, Bayamón, Naranjito, Salinas and Caguas, and it is starting collaborations in Ponce, Guaynabo and Cayey. In some of the communities the trained residents are already installing rooftop photovoltaic systems capable of providing all the energy they need to have energy security during grid blackouts. This have been done with no governmental intervention, no public money and with little or no intervention of external experts. This is Energy Democracy growing from the ground up. This have proven critical during the last years. The outcome of these proceedings may affect negatively the continuation of such a grassroots model.

4. The Community and Cooperative Energy Democracy Alliance participation is reasonably likely to help prepare a more complete record of the Integrated Resource Plan proceeding.

Because Petitioners speak for numerous community and citizen groups, their full participation as interveners will lead to a significantly better representation of public input in the final record. By providing an independent analysis, Petitioners will enrich the record and enhance this

Bureau's capacity to approve an Integrated Resource Plan that fully complies with the policies of Laws 57-2014, 38-2017, and 17-2019, and the public interest.

5. The Community and Cooperative Energy Democracy Alliance participation will not excessively extend or delay the Integrated Resource Plan proceeding.

Petitioners have legal representation, are organized, and are prepared to proceed in compliance with the schedule laid out by the Energy Bureau in its July 3, 2019 Order, and all schedules and rulings made by the Energy Bureau. Petitioners will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

6. The Community and Cooperative Energy Democracy Alliance represent other groups or entities in the community.

Petitioners represent a broad coalition of citizens and communities in almost all municipalities of Puerto Rico and are firmly committed to protecting the interests of the general public in this proceeding.

7. The Community and Cooperative Energy Democracy Alliance can contribute information, expertise, specialized knowledge and technical advice, which is otherwise not available in the procedure.

Representative of AMANESER 2025 have been actively involved in energy and environmental issues in Puerto Rico for decades, it is part of Climate Justice Alliance and was the consumers representative al PREPA's Governing Board; The League of Cooperative, on the other hand is the official representative of the Cooperative Movement of Puerto Rico together they will contribute information, expertise, knowledge and advice essential for the Bureau to determine whether the Integrated Resource Plan protects Puerto Rico's economy and environment. We include the statistical data of the Corporation for the Supervision and Insurance of Cooperatives (cooperative system regulator) from March 2019. It establishes that there

were more than one million of members of the Puerto Rican credit unions (1,025,415,000). This figure does not include members of other types of cooperatives. This data illustrates the great participation of the Puerto Rican people in the cooperative movement that the League of Cooperatives represents.

Taken together, these seven factors strongly support intervention by The Community and Cooperative Energy Democracy Alliance.

C. The Community and Cooperative Energy Democracy Alliance petition is timely.

Regulation 9021 provides that parties seeking to intervene in an Integrated Resource Plan proceeding are to submit a written petition within 30 days following the Energy Bureau's determination that PREPA's Integrated Resource Plan filings are complete. Regulation 9021 § 3.03(a).

The Energy Bureau made its determination that PREPA's Integrated Resource Plan filings were complete on July 3, 2019, and specifically noted petitions for intervention are due by August 2, 2019. Resolution and Order on the Completeness Determination of PREPA's Integrated Resource Plan Filing and Procedural Calendar, Attachment A, July 3, 2019, Case No. CEPR-AP-2018-001.

The Community and Cooperative Energy Democracy Alliance have filed this petition before the deadline to intervene.

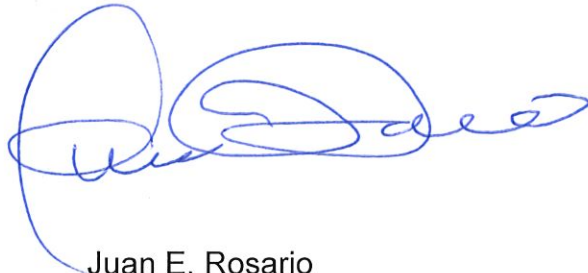
II. CONCLUSION

For the foregoing reasons The Community and Cooperative Energy Democracy Alliance Petition to Intervene should be granted.

RESPECTFULLY SUBMITTED this 1 day of August 2019, in San Juan, Puerto Rico.



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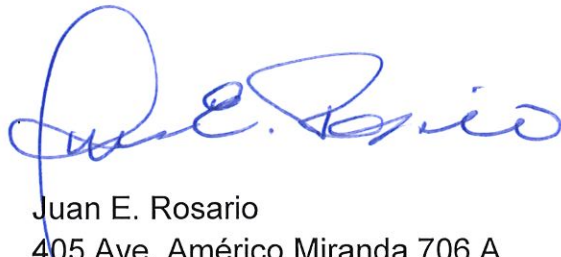
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CERTIFICATION OF FILING AND SERVICE

I hereby certify that on August 1, 2019, I have filed the above Comment with the Puerto Rico Energy Bureau in hard copy format at the office of the Clerk of the Puerto Rico Energy Bureau, at the Seaborne Building Plaza (old World Plaza Building), 268 Munoz Rivera Avenue, Plaza Level, Suite 202, San Juan, Puerto Rico, 00918; and further, at the approximately the same time, that courtesy copies of the Motion were sent via email to the Puerto Rico Energy Bureau via email to secretaria@energia.pr.gov and mcintron@energia.pr.gov, and to the office of the Energy Bureau's internal legal counsel via email to legal@energia.pr.gov and sugarte@energia.pr.gov.



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