

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



IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY
INTEGRATED RESOURCE PLAN

CASE NO.: CEPR-AP-2018-0001

SUBJECT: Non Profit Intervenors Request for
Intervention as *Amicus Curiae*.

RESOLUTION

In compliance with the Resolution and Order of July 31, 2019 ("July 31 Order") in the instant case, on August 1, 2019, Centro Unido de Detallistas ("CUD"), Cámara de Mercadeo, Industria y Distribución de Alimentos ("MIDA"), Puerto Rico Manufacturers Association ("PRMA"), Cooperativa de Seguros Múltiples de Puerto Rico ("CSMPR"), Unidos Por Utuado ("UPA") and the Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico ("ICSE-PR"), jointly denominated "Non Profit Intervenors", filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion in Compliance with Order* ("Motion").

Through the July 31 Order¹, the Energy Bureau instructed the Non Profit Intervenors to (i) clarify its intent of participation in the instant case; (ii) modify its Request accordingly; and (iii) **comply with the provisions of Section 5.05 and 7.01 of Regulation 8543.**²

Section 3.5 of Act 38-2017³ states that a petition to intervene will be evaluated on the following factors:

- (1) Whether the petitioner's interest might be adversely affected by the proceeding;
- (2) Whether there are 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 assist in preparing a more complete record in the proceeding;

¹ July 31 Order, p. 1.

² Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, December 18, 2014. Section 5.05 of Regulation 8543 establishes that all potential intervenors must meet the requirements of the Uniform Administrative Procedures Act of the Government of Puerto Rico.

³ Uniform Administrative Procedures Act of the Government of Puerto Rico.

- (5) Whether the petitioner's participation will excessively delay the proceeding;
- (6) Whether the petitioner represents or speaks for the interests of other groups or entities; and
- (7) Whether the petitioner may provide unique information, expertise, or technical advice in the proceeding.

In their Motion, the Non Profit Intervenors stated that they requested participation as intervenors in the instant case⁴ and its original motion of July 30, 2019 was wrongly titled, "Request for Intervention as Amicus Curiae".⁵ Although they clarified the nature of their request, the Non Profit Intervenors did not address the evaluation factors established in Act 38-2017 regarding petitions to intervene. Therefore, the Energy Bureau **DENIES** the Non Profit Intervenors' request for intervention due to lack of information.

Any party affected by this determination may move for reconsideration of this Resolution before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543, and Act 38-2017. The affected party shall move for reconsideration within the term of twenty (20) days from filing this Resolution. Such request must be presented to the Bureau Clerk's Office, at World Plaza Building, 268 Ave. Muñoz Rivera, Level Ste. 202, San Juan, P.R. 00918, or electronically in the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/>.

The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from notice of such denial, or from the expiration of the fifteen (15)-day term. If a determination is made in its consideration, the term to petition for review shall commence from the date when a copy of the notice of the Energy Bureau's resolution definitively resolving the motion to reconsider is filed in the record. Such resolution shall be issued and filed in the record within ninety (90) days after the motion to reconsider has been filed. If the Energy Bureau accepts the motion to reconsider but takes no action regarding the motion within ninety (90) days of its filing, it shall lose jurisdiction on the motion and the term to file judicial review shall commence upon the expiration of the ninety (90)-day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

Any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of this Resolution was filed in the record of the Energy Bureau. Under Section 11.03 of Regulation 8543, and Act 38-2017 and the Court of Appeals Regulation.

⁴ Motion, p. 2.

⁵ *Id.*, p. 1, ¶ 1.

Be it published and notified.





Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner

CERTIFICATION



I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 1st, 2019. I also certify that on August 1st, 2019 a copy of this Resolution notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aeep.com, c-aquino@prepa.com, acarbo@edf.org, javier.ruajovet@sunrun.com, pedrosaade5@gmail.com, rstgo2@gmail.com, rmurthy@earthjustice.org, larroyo@earthjustice.org, jluebkmann@earthjustice.org, carlos.reyes@ecoelectrica.com ccf@tcmrslaw.com, victorluisgonzalez@yahoo.com, mgrpcorp@gmail.com, hriviera@oipc.pr.gov, jriviera@cnspr.com, manuelgabrielfernandez@gmail.com, agraitfe@agraitlawpr.com. I also certify that today, August 1st, 2019, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy:

Puerto Rico Electric Power Authority

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I sign this in San Juan, Puerto Rico, today August 1st, 2019.

Sonia M. Seda Gaztambide
Interim Clerk