

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

JRSP - SECRETARIA
NEGOCIADO DE ENERGIA
DE PUERTO RICO

2019 AUG -2 PM 3: 26

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

CASE NO.: CEPR-AP-2018-0001

SUBJECT: Petition to Intervene

PETITION TO INTERVENE

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, the Puerto Rico Solar Energy Industries Association Corp. dba Solar & Energy Storage Association of Puerto Rico ("SESA-PR"), through the undersigned legal counsel, and very respectfully states and prays:

I. Introduction

1. SESA-PR is a not for profit corporation organized under the laws of Puerto Rico, Department of State Register No. 404399. It is a nonprofit trade association representing companies in the solar and energy storage industry which do business in Puerto Rico. SESA-PR's member companies come from the entire spectrum of businesses involved in the industry, including manufacturing, sales, installation, operation, maintenance and financing of solar and energy storage systems.

2. SESA-PR hereby petitions the Puerto Rico Energy Bureau ("Bureau") to allow its intervention in the case at bar based on the following grounds

II. Discussion

3. Section 6C of Act No. 83 of May 2, 1941, as amended, known as the Puerto Rico Electric Power Authority ("PREPA") Act, and Section 6.23 of Act 57-2014, as amended, known as the Puerto Rico Energy Transformation and RELIEF Act, require the adoption of the necessary rules for the elaboration, presentation, evaluation, and approval of PREPA's Integrated Resource

Plans ("IRP"). In furtherance of such mandate, the Bureau adopted the Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority, Regulation No. 9021 (the "Regulation"), whose purpose is to ensure that the IRP serves as an adequate and useful tool to guarantee the orderly and integrated development of Puerto Rico's electric power system, and to improve the system's reliability, efficiency, and transparency, as well as the provision of electric power services at reasonable prices.

4. In the instant case and in response to PREPA's filing of a draft IRP, the Bureau issued a Resolution on July 3, 2019 in which, among others, it found that PREPA had complied with the requirements established in Regulation, issued a Procedural Calendar and invited any interested person to file a petition to intervene.

5. Section 3.03(A) of the Regulation provides that any person may file a petition to intervene within thirty (30) days after the Bureau determines that the proposed IRP is complete, that is, on or before August 2, 2019. Section 3.03(B) of the Regulation further provides such petitions will be addressed in accordance with Section 5.05 of Regulation 8543, the Bureau's Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, and Sections 3.5 and 3.6 of Act 38-2017, also known as the Uniform Administrative Procedure Act ("UAPA").

6. Briefly, Section 5.05 of Regulation 8543 allows any person with a legitimate interest in a proceeding before the Bureau to present a duly supported petition to intervene, which shall be evaluated pursuant to the UAPA and its interpretive case law. In turn, Section 3.5 of the UAPA provides that the agency may grant or deny a petition to intervene taking the following factors into consideration, among others:

- (a) Whether the petitioner's interests may be adversely affected by the administrative proceeding;
- (b) Whether there are no other legal means for the petitioner to adequately protect his interests;

- (c) Whether the petitioner's interests are already or will be adequately represented by other parties in the proceeding;
- (d) Whether the petitioner's participation may help, within reason, to prepare a more complete record;
- (e) Whether the petitioner's participation may extend or delay the proceeding 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 proceeding.

7. Regarding the nature and extent of its interest in the captioned case, as noted in the introduction, SESA-PR represents a virtual cross section of the solar energy industry in Puerto Rico. The IRP is the foundational document that will describe how the demand for electricity will be satisfied over the next 20 years. The IRP will study, among others, a range of future load forecasts, existing generation resources, present demand resources, current investments in electricity conservation technologies, and scenario analyses in support of the selection of a preferred resource plan. In addition, the IRP must incorporate a discussion of applicable laws and regulations to ensure that its implementation will be legally compliant. Given the foregoing, the IRP will have a direct and material impact on the amount of solar and energy storage systems that will be deployed in Puerto Rico over the next 20 years. Essentially, the IRP will affect the size of the solar and storage market in Puerto Rico, which will in turn have a direct impact on the business opportunities of SESA-PR's members.

8. SESA-PR presently has no alternative means to protect the interests of its members other than intervening in the IRP proceedings.

9. Moreover, while certain parties to the IRP proceeding may address specific interests within the solar energy industry, SESA-PR is the only entity in Puerto Rico representing the interests of the entire spectrum of solar and storage systems on the island, including residential, commercial, industrial, microgrid and utility-scale systems. In this regard, SESA-PR's wide-ranging interests are not already represented in this docket.

10. In addition, SESA-PR will act as a spokesperson for its constituent members, solar and storage stakeholders in the industry who are interested in the proceedings, but are relying on SESA-PR's role as an intervenor.

11. Although other parties may be qualified to address solar and storage as a tangential component of their missions, or just a portion of the solar and/or storage industry, SESA-PR is the only entity focused on the wellbeing of the entire solar and storage industry. In addition, SESA-PR is also the only nonprofit related to solar energy on the island with a national affiliation. SESA-PR's affiliation with the Solar Energy Industries Association (SEIA), a Washington DC based nonprofit, adds the possibility of unique perspective on solar and storage issues across the entire nation, which we respectfully submit adds value to its participation as intervenor in these proceedings.

12. Additionally, in regard to its contribution to the resolution of the case at bar, as stated above, SESA-PR's expertise would positively benefit the captioned proceeding. SESA-PR has participated in multiple Bureau dockets, including the microgrid and wheeling dockets, as well as the recent Interconnection and Renewable Energy Certificate workshops. SESA-PR has staff, board members and consultants with a wide breadth of experience on many of the issues that will be addressed in the IRP.

13. SESA-PR is aware of the Procedural Calendar issued in this case and will comply with applicable timetables. Hence, SESA-PR's intervention will be in good faith and will not unduly prolong the case at bar.

14. Based on the foregoing, SESA-PR's participation in this docket will undoubtedly contribute to a more complete record. In addition, SESA-PR respectfully submits that its participation will be useful and insightful, and will thereby assist the Bureau in its eventual determination.

WHEREFORE, SESA-PR respectfully requests that its petition to intervene be granted and that full rights as an intervening party be accorded to SESA-PR.

I HEREBY CERTIFY that a copy of this document has been notified on this date via email to the following:

1. Puerto Rico Electric Power Authority to the following persons: n-vazquez@aeep.com, astrid.rodriguez@prepa.com, c-aquino@prepa.com and Jorge.ruiz@prepa.com
2. Environmental Defense Fund: acarbo@edf.org
3. EcoElectrica L.P.: ccf@tcmrslaw.com
4. Comité de Diálogo Ambiental, Inc., El Puente Williamsburg, Inc. – Enlace Latino de Acción Climática, Comité Yabucoño Pro-Calidad de Vida, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Sierra Club and its Puerto Rico Chapter, Mayagüezanos por la Salud y el Ambiente, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc. Campamento Contra las Cenizas de Peñuelas, Inc. and CAMBIO Puerto Rico ("Local Environmental Organizations"): pedrosaade5@gmail.com, rstgo2@gmail.com and larroyo@earthjustice.org
5. Sunrun, Inc.: Javier.ruajovet@sunrun.com
6. AES-Puerto Rico, LP: axel.colon@aes.com
7. Consumer's Protection Independent Office ("OIPC"): hrivera@oipc.p.gov and jrivera@cnslpr.com
8. Empire Gas Company, Inc.: manuelgabrielfernandez@gmail.com
9. PV Properties, Inc., Windmar Renewable Energy, Inc. and Coto Laurel Solar Farm, Inc.: mgrpcorp@gmail.com

I also certify that, on this date, I have sent a true and exact copy of this Petition to:

10. Rocky Mountain Institute
Attn: Richenda Van Leeuwen
2490 Junction Place, Suite 200
Boulder, CO 80301

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of August, 2019.

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By: _____



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