

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: Petition to Intervene

NEPR

Received:

Aug 2, 2019

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PETITION TO INTERVENE

TO THE HONORABLE BUREAU:

COMES NOW, RENEW PUERTO RICO, a project of ROBUST POWER CORPORATION ("Renew"), through the undersigned legal counsel, and very respectfully states and prays:

I. Introduction

1. Renew, as a project of Robust Power Corporation, is a not for profit corporation organized under the laws of Puerto Rico. Renew's street and postal address is 1357 Ave. Ashford # 171, San Juan, Puerto Rico 00907. Renew's phone number is (939) 475-6666 and its director is Mr. PJ Wilson, whose email address is robustpowerpr@gmail.com.

2. Renew is a 501c3 nonprofit corporation with the mission of accelerating the development of all forms of renewable energy and energy efficiency in Puerto Rico.

3. Renew hereby petitions the Puerto Rico Energy Bureau ("Bureau") to allow its intervention in the case at bar based on the following grounds.

II. Discussion

4. 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.

5. 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.

6. 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").

7. 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.

8. Regarding the nature and extent of its interest in the captioned case, Renew's mission is to advance renewable energy and energy efficiency in Puerto Rico. The IRP is the foundational document that will describe how the demand for electricity over the next 20 years will be satisfied. The IRP will study, among others, a range of future load forecasts, existing generation resources, new generation and storage resource options, distributed generation, current investments in electricity conservation technologies, and scenario analyses for the selection of a preferred resource plan. Given the foregoing, the IRP will have a direct and material impact on the amount of renewable energy and energy efficiency that will be deployed in Puerto Rico over the next 20 years. Essentially, the IRP will affect the amount of renewable energy and energy efficiency developed in Puerto Rico, which will in turn have a direct impact on the success of the mission of Renew.

9. Renew presently has no alternative means to protect the interests of its mission other than intervening in the IRP proceedings.

10. Moreover, while certain parties to the IRP proceeding may address specific aspects of renewable energy and/or energy efficiency, Renew is the only Puerto Rico-based entity in Puerto Rico representing the interests of the entire spectrum of renewable energy

(including solar, wind, hydroelectric, landfill gas, biomass), and energy efficiency. In this regard, Renew's wide-ranging interests are not already represented in this docket.

11. In addition, Renew will act as a spokesperson for other interested parties involved in renewable energy and energy efficiency. Said stakeholders are certainly interested in the proceedings, but have determined not to participate directly as full interveners, and instead rely on Renew's role as an intervenor.

12. Although other parties may be qualified to address certain aspects of renewable energy and energy efficiency as a tangential component of their missions, or as a direct focus of some aspect or aspects of renewable energy or energy efficiency, Renew is the only entity focused on the wellbeing of the entire renewable energy and energy efficiency sectors.

13. Additionally, in regard to its contribution to the resolution of the case at bar, as stated above, Renew's expertise would positively benefit the captioned proceeding. Staff and consultants of Renew have participated in dozens of IRP dockets in other jurisdictions, including on topics of both renewable energy and energy efficiency. Renew has staff, board members and consultants with a wide breadth of experience on many of the issues that will be addressed in the IRP.

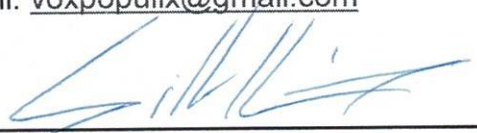
14. Renew is aware of the Procedural Calendar issued in this case and will comply with applicable timetables. Hence, Renew's intervention will be in good faith and will not unduly prolong the case at bar.

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

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

I HEREBY CERTIFY that the foregoing document has been filed, *personally* at: World Plaza Building 268 Muñoz Rivera Ave., San Juan PR 00918; and *electronically* through the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/> and has been notified on this date via email to the following: **Puerto Rico Electric Power Authority** throughout astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aeep.com and aquino@prepa.com.

Respectfully submitted, this 2nd day of August, 2019.

<p>CASTRO DIEPPA LAW OFFICES, PSC Attorney for Renew P.O. Box 195034 San Juan, Puerto Rico 00919-5034 Tel. (787) 946-4390 / (787)593-9980 Email: <u>castrodieppalaw@gmail.com</u></p> <p><u>/s/ Irma E Castro Dieppa</u> IRMA E. CASTRO DIEPPA R.U.A. 15208</p>	<p>CASTRO DIEPPA LAW OFFICES, PSC Attorney for Renew P.O. Box 195034 San Juan, Puerto Rico 00919-5034 Tel. (787) 946-4390 / (787)603-4910 Email: <u>voxpathulix@gmail.com</u></p> <p> GILBERT LÓPEZ DELGADO R.U.A. 15850</p>
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