

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

2019 JUL 30 AM 10:27

SECRETARIA  
NEGOCIO DE ENERGIA  
DE PUERTO RICO

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

CASE NO. CEPR-AP-2018-0001  
SUBJECT: REQUEST TO APPEAR AS  
AMICUS CURIAE

REQUEST FOR INTERVENTION AS AMICUS CURIAE

TO THE PUERTO RICO ENERGY BUREAU:

NOW COME CENTRO UNIDO DE DETALLISTAS (CUD); CAMARA DE MERCADEO, INDUSTRIA Y DISTRIBUCION DE ALIMENTOS (MIDA); PUERTO RICO MANUFACTURES ASSOCIATION (PRMA); COOPERATIVA DE SEGUROS MULTIPLES DE PUERTO RICO (CSMPR), UNIDOS POR UTUADO (UPA), Y EL INSTITUTO DE COMPETITIVIDAD Y SOSTENIBILIDAD ECONOMICA DE PUERTO RICO (ICSE-PR) (hereinafter the not profit intervenors) through its undersigned attorney and respectfully allege and pray:

1. The Puerto Rico Energy Bureau (PREB) has commenced the review of the Puerto Rico Electric Power Authority (PREPA) Integrated Resource Plan (IRP).

2. On the procedural calendar, August 2, 2019 has been set as the final date to request to intervene as Amicus Curiae.

3. The appearing parties are:

a. CENTRO UNIDO DE DETALLISTAS (CUD)

b. CAMARA DE MERCADEO, INDUSTRIA Y DISTRIBUCION DE ALIMENTOS  
(MIDA)

c. PUERTO RICO MANUFACTURERS ASSOCIATION (PRMA)

d. COOPERATIVA DE SEGUROS MULTIPLES DE PUERTO RICO (CSMPR)

e. UNIDOS POR UTUADO (UPU)

f. INSTITUTO DE COMPETITIVIDAD SOSTENIBILIDAD ECONOMICA DE  
PUERTO RICO (ICSE-PR)

The "multi-sector intervenors" represent the small and retail business sector, the industrial sector, cooperatives, communities and non-profits, comprising most of the economic sectors of the Island.

4. ICSE and many of the appearing parties, through ICSE or independently, appeared before the Energy Commission now Bureau in the first IRP process, in the FY 2017 Rate Case and on the 2016 Petition for Approval of Transition (securitization) Order Case. As such, the ICSE-PR and the entities appearing through ICSE-PR presented fact witnesses, expert witnesses, and evidence on the appropriate forums and subsequent proceedings before the Court of First Instance and Appeals Court in Puerto Rico, and on the Federal Court PROMESA case.

The "new" IRP is but a modification of the prior IRP as approved by the Energy Commission (now Energy Bureau) in 2016, in accordance with Law 57 of 2014.

As a representation of the majority of the sectors related to Puerto Rico's economy, the "multi-sector entities" appearing parties certainly have an interest and proven capacity to be party to a discussion of facts and recommendations about the electrical system IRP review process, where not only all the electrical infrastructure is affected, but also there is direct impact on rates for all customer classes.

5. The proposed IRP must be in compliance with Law 57 of 2014 and Law 17 of 2019, among others.

6. As currently drafted the proposed IRP appears not to be in compliance with Laws 57 and 17, or at least is not clearly in line with the public policy as stated in Law 17. It neither considers Advance Grid Planning methods for the deployment of distributed energy resources, nor it considers - at the scale it requires - renewable base generation, as hydroelectric generation.

7. The proposed IRP also projects an impact on rates, raising these to approximately 25 cents/KWh, through the IRP period.

8. The times Puerto Rico is living, or for that matter suffering, require from each and every government entity to operate in the most open, transparent manner. The government entities must act in an institutional manner, with the highest respect for law and institutional processes. The trust of the people in its government entities is badly fractured. We must rebuild such trust by allowing the maximum participation by the legitimately interested parties, such as the "multi-sector entities", particularly if we are going to implement the new public policies of maximum distributed energy, maximum renewable energy, putting the focus on the prosumer, better access to the grid, development of mini and micro grids, and moving the electric systems to 100% renewables by 2050.

9. The "multi-sector entities", in addition to representing electrical consumers interest - residential, commercial and industrial - which will be severely impacted by the proposed IRP, also represent those who have and will partake in distributed generation. Such self-generation was lawfully regulated, independent to PREPA prior to PROMESA. Now-unilaterally-through this IRP, distributed generation is at risk as this IRP do not consider nor plan for an adequate deployment of distributed energy resources. In addition, in regards to rates impact this IRP considers "for granted" the approval of the proposed Restructuring Support Agreement (RSA) which is actually **sub judice**, under PROMESA, sending not only a wrong signal to investors and consumers, but also giving the appearance of favoring an agreement which is in contravention of standing regulation of private sector interconnection rights.



The proposed RSA makes necessary for the PREB to take a Holistic view of all the legal and economic actions related to PREPA. An IRP that intends to comply with the "Prosumer", "Distributed Energy", Renewable Energy", "micro" and "mini grid" as contemplated in Law 17, cannot operate in a vacuum when the RSA alters the economic and fiscal scheme which promotes and facilitates distributed energy. In particular the RSA pretends to charge self-produced behind the meter energy production which has never been a PREPA income.

10. The above is crucial in the configuration of PREPA's IRP, for it will have a direct impact on the overall system planning and on the consumer.

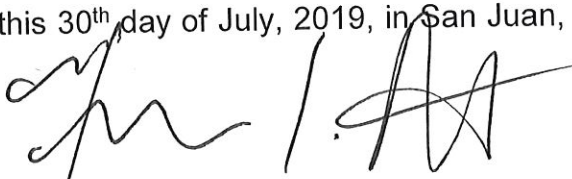
WHEREFORE the appearing parties respectfully request to be accepted as intervenors.

#### CERTIFICATION

I also certify that on this date a copy of this motion regarding the Case No. CEPR-AP-2018-0001 was notified by electronic mail to the following: n-vazquez@aepr.com.

Puerto Rico Electric Power Authority  
Nitza D. Vázquez Rodríguez  
PO Box 363928  
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RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of July, 2019, in San Juan, Puerto Rico.



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