

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

09
JFSP - SECRETARIA
NEGOCIADO DE ENERGIA
DE PUERTO RICO

2019 AUG -5 AM 11: 51

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

MOTION FOR RECONSIDERATION

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 ECONÓMICA DE PUERTO RICO (ICSE-PR) (hereinafter the not profit intervenors) through its undersigned attorney and respectfully allege and pray:

1. On July 30, 2019 appearing parties filed a motion, wrongly titled, "Request for Intervention as Amicus Curiae".

2. On July 31, 2019 the Bureau ordered:

"Therefore, the Energy Bureau GRANTS the Non Profit Interventions until 12:00 p.m. on August 2, 2019, 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".

3. Appearing parties filed a motion in compliance with order on August 1, 2019.

4. On the same date the Bureau notified an order, which appearing parties have not received directly but were notified copy by a third party, which stated:

"Through the July 31 Order ¹, the Energy Bureau instructed the Non Profit Intervenor 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.**

Section 3.5 of Act 38-201 7³ 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;

[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."

5. Appearing parties request reconsideration of the order by submitting the following information.

6. The appearing parties, under ICSEs "Umbrella" have been a full intervenor in the First IRP, the securitization case and the first rate case.

Such full participation as intervenors in the prior Energy Commission, now Energy Bureau is on record in the Energy Bureau.

As such, appearing parties understood, that because it was admitted as an Intervenor by the Energy Commission on the same issue – the IRP- there was no need to specify the individual elements of intervention compliance.

Trusting that the Bureau already had the record of our prior interventions under the same Regulation 8543 we did not consider necessary to repeat the same, but in accordance with the Bureau order we comply providing the information.

7. The requested information is:

- “(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.
- (g) Whether the petitioner can contribute information expertise, specialized knowledge or technical advice which is otherwise not available in the procedure.”

8. The specific compliance information is:

- a. The interest of the appearing parties is obvious from their impact on Puerto Rico's Economy and on what compliance with Law 17 means for the thousands of member associates of the appearing parties, and the thousands of employees of such members.

Whether the IRP actually complies with Laws 57 and 17 and the cost impact of such compliance or noncompliance is key to the real operation of appearing parties.

- b. There is no other legal form for appearing parties, for the Bureau has exclusively jurisdiction on IRP matters.

c. There are no entities or organization that represents the interests of all classes of consumers as the appearing parties do. We do not represent any particular-individual interest, but the collective- interest.

d. The record at the Energy Commission and the Bureau's knowledge of appearing parties participation in the prior processes, the public collaborative and active participation in drafting and helping approve Law 17 demonstrate that the Bureau will benefit from our participation.

e. Our participation will not unduly extend or delay the processes. And even if it does it is not different from any other interested party.

Appearing parties intend to present two expert witness testimonies.

f. Appearing parties are appearing as a group and there is no other authorized representative of the group and do not represent any other person, group or entity.

g. At this time we have no way of knowing what expertise, specialized knowledge or technical advice will be presented on the IRP hearings. We will appear as we have appeared before, with expert witnesses and professional legal representation.

h. There is no party, but the appearing party with the collective actual knowledge of the economic and practical operation of the economy of Puerto Rico and how the Electric System and the IRP in particular affects such operations.

WHEREFORE the appearing parties respectfully request from the Bureau to reconsider its determination and accept the intervention requested.

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@aeep.com.

Puerto Rico Electric Power Authority
Nitza D. Vázquez Rodríguez
PO Box 363928
San Juan, Puerto Rico 00936-4267

RESPECTFULLY SUBMITTED this 2 day of August, 2019, in San Juan, Puerto Rico.



FERNANDO E. AGRAIT
T.S. NÚM. 3772
701 AVENIDA PONCE DE LEÓN
OFICINA 414
SAN JUAN, PUERTO RICO 00907
TELS 787-725-3390/3391
FAX 787-724-0353
EMAIL: agraitfe@agraitlawpr.com