

**COMMONWEALTH OF PUERTO RICO  
PUBLIC SERVICE REGULATORY BOARD  
PUERTO RICO ENERGY BUREAU**

**NEPR**

**Received:**

**Jul 29, 2019**

**IN RE:**

**REVIEW OF THE PUERTO RICO  
ELECTRIC POWER AUTHORITY  
INTEGRATED RESOURCE PLAN**

**NO.: CEPR-AP-2018-0001**

**SUBJECT: PETITION FOR INTERVENTION**

**4:07 PM**

**PETITION FOR INTERVENTION**

Pursuant to Section 3.03 of the Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority, Regulation No. 9021 of April 24, 2018 (hereinafter “Regulation 9021”) and Section 5.05 of Regulation No. 8543, Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings, EcoEléctrica hereby gives notice of its intent to intervene in this proceeding and respectfully petitions the Puerto Rico Energy Bureau (hereinafter the “Bureau”) for leave to so intervene by filing this Petition to Intervene. In support of this petition, Ecoeléctrica respectfully shows as follows:

1. That pursuant to Regulation 9021 the Bureau will evaluate the Puerto Rico Electric Power Authority’s (“PREPA”) Integrated Resource Plan (IRP). As established in the Regulation 9021, the IRP has to consider all the reasonable resources to satisfy the demand for electricity services during a twenty (20) year planning period, taking into account both the supply and the demand of electric power. In broad terms, the IRP must include an assessment of the planning environment, a careful and detailed study of a range of future load forecasts, present generation resources, present demand load, and current investments in electricity conservation technologies, existing transmission and distribution facilities, and the relevant forecast and scenario analyses in support of

PREPA's selected resource plan. It must also contain a proposed Action Plan for the implementation of the selected resource plan.

2. The Regulation's 9021 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.
3. As established in Section 1.05 of Regulation 9021, its provisions must be interpreted in a way that promotes the highest public good and the protection of the interests of the residents of Puerto Rico, and in such a way that the proceedings are carried out rapidly, justly and economically.
4. Regulation 9021 defines an "Intervenor" as any party who has filed for and has been granted intervention in this proceeding pursuant to Section 5.05 of Regulation No. 8543, Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings.
5. Section 3.03 of Regulation 9021 provides that "[a]ny person may file a petition to intervene in the IRP proceeding within thirty (30) days after the Commission's determination that the proposed IRP is complete. Nevertheless, the Commission shall retain the discretion to grant petitions to intervene filed after the expiration of the 30-day time period."
6. Accordingly, on July 3, 2019, the Bureau issued a Resolution and Order in which it determined that the revised proposed IRP submitted by PREPA on June 7th, 2019 complies with the requirements established in Regulation 9021 but that the Bureau would address several items that require further discussion during the proceeding and established the procedural calendar of the instant case, including the period for interested parties to file their petitions for intervention.

7. Such Resolution and Order indicated that the petition to intervene shall be filed on or before August 2, 2019 and must comply with the provisions of Sections 5.05 and 7.01 of the Regulation No. 8543, as applicable and must demonstrate the existence of a substantive interest in the proceeding. Section 7.01 applies to petitions to participate as Amicus Curiae. Section 5.05 establishes that the petition for intervention must be evaluated by the Bureau according to the criteria established in Act No. 170 of the 12 of August of 1988, as amended (now Act 38-2017). Such Act requires that the petition address each of the following points:

- (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. Accordingly, EcoEléctrica affirms that:

- a. Is a corporation which owns and operates a combined cycle natural gas electric power generating plant located in Barrio Tallaboa in Punta Guayanilla, Peñuelas, Puerto Rico. Such plant contains, among other things:

- i. a 540 MW combined cycle electric power cogeneration facility,
    - ii. a 1MMBBL storage capacity LNG Terminal for the import, storage and regasification of liquefied natural gas ("LNG") to Puerto Rico.
    - iii. a 2 MGPD seawater desalinization water production plant.
  - b. Produces clean, safe and reliable energy.
  - c. Has a power purchase and operating agreement (PPOA) with PREPA for 22 years since March of 2000.
  - d. Was the first independent power generator integrated into the Puerto Rico electric system and is the only generating plant by combined cycle technology operating on natural gas in the electric system.
  - e. Provides approximately 17% of the Island's electric energy production.
  - f. Its LNG import terminal handles approximately 33% of the fuel that is imported to PR for electric power generation.
  - g. Is a high efficiency energy production facility and has the lowest rate of emissions to the environment among PREPA's thermal generating system.
  - h. During the past 19 years it has maintained high standards of performance in the areas of compliance, reliability, security and efficiency in energy production.
  - i. Provides ancillary services to the PR electric system such as primary and secondary frequency control, reactive power production for voltage support and emergency response.
9. That pursuant to the above, as an energy power producer directly providing electric energy to PREPA under a contract set to expire within the time period covered by the IRP being filed by PREPA and under evaluation of the Bureau, its approval may be substantially affected by decisions or orders made by the Bureau in these proceedings.

10. That as an intervenor, EcoEléctrica will review the documentation already provided and pending to be provided by PREPA and any other intervenor, the public or interested parties and will participate in the proceedings and any collaborative process, in compliance with the Bureau Regulations and Orders.
11. EcoEléctrica will also would like to have the opportunity to file pleadings and conduct discovery if necessary and file comments on the proposed IRP, in accordance with any time schedules set forth by the Bureau.
12. EcoEléctrica comments will be made to ensure that the IRP complies with all aspect of the Bureau's Regulations and Orders and will provide technical expertise, information and technical knowledge in connection with the Puerto Rico Electric Power generating system, its proposed IRP and the viable alternatives for meeting customer needs during the IRP planning period. Such information would not be otherwise available to the Bureau.
13. Furthermore, EcoEléctrica will contribute to the IRP review procedure by:
  - a. Contributing its specialized knowledge and experience in the operation of highly efficient power producing plants using natural gas as its main fuel.
  - b. Contributing to the revision of the reliability criteria in the operation of the electric system included in the IRP and assessing the impacts of such criteria on the independent power producers.
  - c. Providing recommendations upon the criteria for interconnection, technologies and system of operation of the future generation and how it may affect the operation and reliability of the participants in the sector.
  - d. Review of models used to represent the independent power producers from the technical and commercial perspective to ensure equitable treatment vis a vis the rest of the energy producers of the electric system.

- e. Recommend additional studies of the response of the system to prevent the degradation of the quality of service affecting the safe and economical operation of participants in the sector.
- 14. EcoEléctrica's interests may be adversely affected in the event that the criteria of reliability in the operation of the electrical network represented in the plan does not adequately reflect characteristics of the generating systems currently integrated into the electric system.
- 15. Moreover, the granting of this Petition to Intervene will contribute to the full development and just and equitable resolution of the facts in this proceeding..
- 16. The granting of the EcoEléctrica's intervention will not unduly prolong or delay the proceeding.
- 17. The rights and interests of EcoEléctrica cannot be adequately represented by any other party participating in the proceeding as intervenors and its participation in this matter will not unduly delay these proceedings or prejudice any other party.
- 18. Furthermore, at this time EcoEléctrica is not aware of any other legal procedures that EcoEléctrica may use to ensure that its interest it's adequately protected before the Bureau and in general.
- 19. In conclusion, EcoEléctrica respectfully requests that it be granted leave to intervene and participate fully as a party in these proceedings, including the right to discovery of information and evidence, present testimony and exhibits, cross-examine witnesses and file briefs, as necessary.
- 20. EcoEléctrica requests that all notices, correspondence and copies of orders and other communications regarding this docket be addressed to the undersigned as EcoEléctrica's legal representation to the email and address that is provided at the end of this document and additionally directly to EcoEléctrica's President, Carlos A. Reyes,

P.E., as follows, and the following should be placed upon the official service list in this proceeding:

Carlos A. Reyes, P.E  
President  
General Manager-Operations  
Carretera 337 Km 3.7 Barrio Tallaboa Poniente  
Peñuelas, PR 00624  
Email: [carlos.reyes@EcoEléctrica.com](mailto:carlos.reyes@EcoEléctrica.com)

**WHEREFORE**, EcoEléctrica respectfully requests that the Bureau grant it leave to intervene and admit it as party in this proceeding with all rights attendant thereto.

I HEREBY CERTIFY, that on this I have filed this Petition before the Puerto Rico Energy Bureau and that on this same date I sent by e-mail written copy of this motion to: [nvazquez@prepa.com](mailto:nvazquez@prepa.com), [astrid.rodriguez@prepa.com](mailto:astrid.rodriguez@prepa.com), [jorge.ruiz@prepa.com](mailto:jorge.ruiz@prepa.com). I have also sent a true and exact copy to **Puerto Rico Electric Power Authority**, Nitza D. Vázquez Rodríguez, Astrid I. Rodríguez Cruz, and Jorge R. Ruiz Pabón, PO Box 364267, Correo General, San Juan, PR 00936-4267.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, today July 29, 2019.

**TORO, COLÓN, MULLET,  
RIVERA & SIFRE, P.S.C.**  
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