

**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: Non Profit Intervenors Motion
for Reconsideration.

RESOLUTION

On August 1, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution in the instant case through which it denied the Non Profit Intervenors'¹ request for intervention due to lack of information ("August 1 Resolution"). On August 2, 2019, the Non Profit Intervenors filed before the Energy Bureau a document titled *Motion for Reconsideration* ("Motion"). Through its Motion, the Non Profit Intervenors requested reconsideration of the August 1 Resolution. As part of its argument, the Non Profit Intervenors stated that, since ICSE-PR (as an umbrella to the appearing parties) was granted participation as intervenor in previous cases before the Energy Bureau, it did not consider necessary to repeat the same information to request intervention in the instant case. Notwithstanding the foregoing, as part of its Motion, the Non Profit Intervenors addressed the evaluation factors established in Section 3.5 of Act 38-2017² regarding petitions to intervene.

Although the instant case is a review of the Integrated Resource Plan ("IRP"), it is a separate and different proceeding from any other case previously held by the Energy Bureau. Therefore, as established in Section 5.05 of Regulation 8543,³ all potential intervenors must meet the requirements of Act 38-2017 in order to be able to intervene in any given case before the Energy Bureau. Information contained in other Energy Bureau's dockets is considered extrinsic to the instant case. Therefore, the Non Profit Intervenors' argument regarding not having to provide certain information because it is part of a different docket, lacks merit. Nevertheless, the Non Profit Intervenors provided enough information in their Motion in order for the Energy Bureau to evaluate its Request for Reconsideration of the August 1 Resolution.

¹ Centro Unido de Detallistas ("CUD"), Cámara de Mercadeo, Industria y Distribución de Alimentos ("MIDA"), Puerto Rico Manufacturers Association ("PRMA"), Cooperativa de Seguros Múltiples de Puerto Rico ("CSMPR"), Unidos Por Utuado ("UPA") and the Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico ("ICSE-PR").

² *Uniform Administrative Procedures Act of the Government of Puerto Rico.*

³ *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures*, December 18, 2014.



Upon review of the Non Profit Intervenors' Motion, the Energy Bureau **DETERMINES** that the Non Profit Intervenors meet the requirements set forth in Regulation 8543 and Sections 3.5 and 3.6 of Act 38-2017. Therefore, the Energy Bureau **GRANTS** the Non Profit Intervenors' Motion .

Any party affected by this determination may move for reconsideration of this Resolution before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543, and Act 38-2017. The affected party shall move for reconsideration within the term of twenty (20) days from filing this Resolution. Such request must be presented to the Bureau Clerk's Office, at World Plaza Building, 268 Ave. Muñoz Rivera, Level Ste. 202, San Juan, P.R. 00918, or electronically in the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/>.

The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from notice of such denial, or from the expiration of the fifteen (15)-day term. If a determination is made in its consideration, the term to petition for review shall commence from the date when a copy of the notice of the Energy Bureau's resolution definitively resolving the motion to reconsider is filed in the record. Such resolution shall be issued and filed in the record within ninety (90) days after the motion to reconsider has been filed. If the Energy Bureau accepts the motion to reconsider but takes no action regarding the motion within ninety (90) days of its filing, it shall lose jurisdiction on the motion and the term to file judicial review shall commence upon the expiration of the ninety (90)-day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

Any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of this Resolution was filed in the record of the Energy Bureau. Under Section 11.03 of Regulation 8543, and Act 38-2017 and the Court of Appeals Regulation.

Be it published and notified.

Edison Avilés Deliz
Chairman

Ángel R. Rivera de la Cruz
Associate Commissioner

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

CERTIFICATION



I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 6, 2019. I also certify that on August 6, 2019 a copy of this Resolution was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aeepr.com, c-aquino@prepa.com, acarbo@edf.org, javier.ruajovet@sunrun.com, pedrosaade5@gmail.com, rstgo2@gmail.com, rmurthy@earthjustice.org, larroyo@earthjustice.org, jluebkmann@earthjustice.org, carlos.reyes@ecoelectrica.com, ccf@tcmrslaw.com, rtorbert@rmi.org, victorluisgonzalez@yahoo.com, mgrpcorp@gmail.com, hriviera@oipc.pr.gov, jrivera@cnslpr.com, manuelgabrielfernandez@gmail.com, axel.colon@aes.com, acasellas@amgprlaw.com, loliver@amgprlaw.com, epo@amgprlaw.com, rob.berezin@weil.com, marcia.goldstein@weil.com, jonathan.polkes@weil.com, gregory.silbert@weil.com, maortiz@lvprlaw.com, rnegrón@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, aconer.pr@gmail.com, agraitfe@agraitlawpr.com. I also certify that today, August 7, 2019, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy:

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I sign this in San Juan, Puerto Rico, today August 6, 2019.

Wanda I. Cordero Morales
Clerk