

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

JRSP - SECRETARIA  
NEGOCIADO DE ENERGIA  
DE PUERTO RICO

2019 SEP 12 AM 11:07

IN RE: REGULATION ON WHEELING	CASE NO. NEPR-MI-2018-0010  SUBJECT: Notice of Proposed Regulation and Request for Public Comments
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NOT FOR PROFIT INTERVERNORS SUREPLY TO PREPA'S REPLY COMMENTS  
TO THE BUREAU:

NOW COME, CENTRO UNIDO DE DETALLISTAS (CUD); CAMARA DE MERCADEO, INDUSTRIA Y DISTRIBUCION DE ALIMENTOS (MIDA); PUERTO RICO MANUFACTURES ASSOCIATION (PRMA); UNIDOS POR UTUADO (UPU), 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 September 3, 2019 at 4:58 pm PREPA filed reply comments to the comments filed by various parties on the wheeling regulations processes.
2. The basic issues raised by PREPA is that "wheeling" is a complicated issue, and that these Bureau is not ready yet to handle and manage these regulations.
3. It is really amazing the issue raised by PREPA. The wheeling program was approved by the Puerto Rico Legislation in 2009 as part of the Law 73 of 2008.

The 2008 law placed the responsibility of approving and implementing wheeling regulations in PREPA. PREPA dragged its feet for 10 years and have the "Chutzpa" to oppose-the PREB exercise of its responsibilities, under Law 17 of 2019 because it is not ready. PREPA'S 10 year inaction is used as an argument for the PREB not performing its duties.

4. The PREB has no choice, it has the comply with its responsibilities and not be derailed by PREPA's claim concerning wheeling, which PREPA had 10 year to analyze and implement.
5. PREPA failed to comply with its responsibilities concerning wheeling since 2009 and pretends now to use its lack of performance, or its lack of responsibility as an argument to stop PREB's performance.

6. PREPA has failed to recognize the change in the legal and policy framework in Puerto Rico in which it operates. It is no longer a self-regulated monopoly, controlling the public policy. PREPA no longer can, at its will, decide how the energy industry and system operates.
7. Now it is PREB's responsibility which PREB should forcefully assume in accordance with law 57 of 2017 and 17 of 2019.

WHEREFORE It is respectfully requested from Bureau to receive and consider these comments.

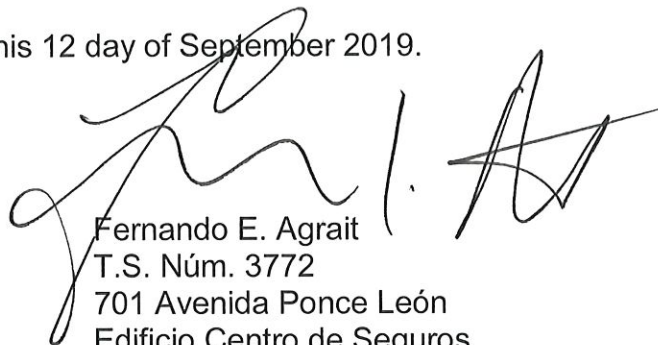
### **CERTIFICATE OF SERVICE**

We hereby certify that, a copy of the filing was sent via e-mail to the Energy Bureau Clerk and internal legal counsel to: [secretaria@energia.pr.gov](mailto:secretaria@energia.pr.gov); [wcordero@energia.pr.gov](mailto:wcordero@energia.pr.gov); [legal@energia.pr.gov](mailto:legal@energia.pr.gov); and [sugarte@energia.pr.gov](mailto:sugarte@energia.pr.gov). A hard copy of the foregoing will be filed with the Clerk of the Energy Bureau tomorrow.

In addition, the foregoing filing was sent via e-mail to the approved or pending intervenors (Arctas, Caribe GE, League of Cooperatives and AMANESER 2025, OIPC, EcoEléctrica, Empire Gas, Environmental Defense Fund, Local Environmental Organizations, National, "Non Profits", Progression, SESA-PR, Renew, Shell, Sunrun, Wartsila, Windmar Group) and amicus (ACONER, AES-PR, RMI) at the following e-mail addresses: [sierra@arctas.com](mailto:sierra@arctas.com), [tonytorres2366@gmail.com](mailto:tonytorres2366@gmail.com), [cfl@mcvpr.com](mailto:cfl@mcvpr.com); [gnr@mcvpr.com](mailto:gnr@mcvpr.com), [info@liga.coop](mailto:info@liga.coop), [amaneser2020@gmail.com](mailto:amaneser2020@gmail.com), [hrivera@oipc.pr.gov](mailto:hrivera@oipc.pr.gov), [jrivera@cnspr.com](mailto:jrivera@cnspr.com), [carlos.reyes@ecoelectrica.com](mailto:carlos.reyes@ecoelectrica.com), [ccf@tcmrslaw.com](mailto:ccf@tcmrslaw.com), [manuelgabrielfernandez@gmail.com](mailto:manuelgabrielfernandez@gmail.com), [acarbo@edf.org](mailto:acarbo@edf.org), [pedrosaade5@gmail.com](mailto:pedrosaade5@gmail.com), [rmurthv@earthjustice.org](mailto:rmurthv@earthjustice.org), [rstgo2@gmail.com](mailto:rstgo2@gmail.com), [larroyo@earthjustice.org](mailto:larroyo@earthjustice.org), [jluebkmann@earthjustice.org](mailto:jluebkmann@earthjustice.org), [acasellas@amgprlaw.com](mailto:acasellas@amgprlaw.com), [loliver@amgprlaw.com](mailto:loliver@amgprlaw.com), [epo@amgprlaw.com](mailto:epo@amgprlaw.com), [robert.berezin@weil.com](mailto:robert.berezin@weil.com), [marcia.goldstein@weil.com](mailto:marcia.goldstein@weil.com), [jonathan.polkes@weil.com](mailto:jonathan.polkes@weil.com), [gregory.silbert@weil.com](mailto:gregory.silbert@weil.com), [maortiz@lvprlaw.com](mailto:maortiz@lvprlaw.com), [rnegron@dnlawpr.com](mailto:rnegron@dnlawpr.com), [castrodieppalaw@gmail.com](mailto:castrodieppalaw@gmail.com), [voxpathulix@gmail.com](mailto:voxpathulix@gmail.com), [paul.demound@shell.com](mailto:paul.demound@shell.com), [javier.ruajovet@sunrun.com](mailto:javier.ruajovet@sunrun.com), [escott@ferraiuoli.com](mailto:escott@ferraiuoli.com), [mgrpcorp@gmail.com](mailto:mgrpcorp@gmail.com), [aconer.pr@gmail.com](mailto:aconer.pr@gmail.com), [axel.colon@aes.com](mailto:axel.colon@aes.com), [rtorbert@rmi.org](mailto:rtorbert@rmi.org), [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law) y [n-vazquez@aepr.com](mailto:n-vazquez@aepr.com).

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In San Juan, Puerto Rico, this 12 day of September 2019.

A handwritten signature in black ink, appearing to read 'F. Agrait', is written over the printed name and address.

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