

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

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IN RE: IMPLEMENTATION OF THE  
PUERTO RICO ELECTRIC POWER  
AUTHORITY INTEGRATED RESOURCE  
PLAN AND MODIFIED ACTION PLAN

CASE NO. NEPR-MI-2020-0012

SUBJECT: Public Comment on  
PREPA Status Report

LOCAL ENVIRONMENTAL ORGANIZATIONS' PUBLIC COMMENT  
ON PREPA STATUS REPORT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW, Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc. -Enlace Latino de Acción Climática, Comité Yabucoño Pro-Calidad de Vida, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Sierra Club and its Puerto Rico chapter, Mayagüezanos por la Salud y el Ambiente, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., Campamento Contra las Cenizas en Peñuelas, Inc., and CAMBIO Puerto Rico, Inc., (“Local Environmental Organizations”), to file this public comment on PREPA’s September 23rd Status Report, concerning the PREPA draft Renewables Procurement Plan. Local Environmental Organizations have also set forth these points in a Motion Requesting that PREB Enforce the Approved Integrated Resource Plan.

## Argument

PREPA’s Status Report reveals that its proposed draft Procurement Plan would violate several critical aspects of the approved Integrated Resource Plan. For example, PREPA’s draft Plan would place a mere 950 MW of renewable resources and 475 MW of storage into service by the end of the Action Plan in August 2025. This is barely a quarter of the 3,750 MW of renewables and 1,500 MW of storage that the approved Integrated Resource Plan requires to be in service by this time. The approved Integrated Resource Plan sets forth a specific, required timeline for PREPA to issue Requests For Proposals every six months, to complete “construction, interconnections, and commissioning” of all of these resources within the next five years:<sup>1</sup>

Tranche	RFP Release Date	Commercial Operating Date <sup>2</sup>	Renewable Energy Resource (MW)		Storage Resource (MW)	
			Minimum	Cumulative	Minimum	Cumulative
1	Dec 20	Feb 23	1,000	1,000	500	500
2	Jun 21	Aug 23	500	1,500	250	750
3	Dec 21	Feb 24	500	2,000	250	1,000
4	Jun 22	Aug 24	500	2,500	250	1,250
5	Dec 22	Feb 25	500	3,000	125	1,375
6	Jun 23	Aug 25	750	3,750	125	1,500

The last RFP release date is June 2023 and PREB expects those resources to be online by August 2025: so PREB allows a very reasonable period of 26 months

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<sup>1</sup> Puerto Rico Energy Bureau, Final Resolution and Order, paras. 623, 834, 847, 850, 851, 858, 859, 860, PREB Dkt. CEPR-AP-2018-0001 (Aug. 24, 2020). [hereinafter, “Final Resolution and Order”]. *See*, also Puerto Rico Electric Power Authority, Presentation of Status Report on the Development of PREPA’s Draft Procurement Plan, at 7, PREB Dkt. CEPR-AP-2018-0001 (Sept. 23, 2020). [hereinafter, “PREPA’s Status Report”].

<sup>2</sup> Local Environmental Organizations assume 26 months, based on the required date of issuance of the last RFP and the end of the Action Plan, at which point all procured renewables must be in service.

between the issuance of an RFP and the commercial operating date of the resources procured through that specific RFP.

PREPA’s proposal to delay and reduce renewables procurement results in a schedule even weaker than those that were already set forth by PREPA and rejected by PREB, S4S2 and the so-called Energy System Modernization Plan.

Plan	Renewables by 2025	Storage by 2025
S4S2	2,220 MW	1,320 MW
ESM	2,400	920
PREPA’s proposed Procurement Plan	950	475
S3S2, the approved Plan	3,750	1,500

PREB considered and rejected those plans, instead opting for an aggressive, high-volume procurement. PREPA chose not to request reconsideration or appeal of this timeline. Indeed, PREPA urges PREB to “sustain the Final IRP Resolution as entered on August 24, 2020.”<sup>3</sup> PREPA representatives emphasize that “PREPA is completely committed to comply with required law and the [Resolution and Order] that was issued by PREB.”<sup>4</sup> Yet PREPA’s Status Report reveals that PREPA’s draft Procurement Plan would violate the Final IRP Resolution’s timeline in several ways. PREPA’s proposed schedule is essentially an untimely and unconvincing request for reconsideration, relying on the same arguments already dismissed by PREB. PREB should not reconsider those arguments, and

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<sup>3</sup> Puerto Rico Electric Power Authority, Opposition to Requests for Reconsideration of Certain Determinations made in the Final IRP Resolution, at 21, PREB Dkt. CEPR-AP-2018-0001 (Oct. 4, 2020). [hereinafter, “PREPA’s Opposition to Requests for Reconsideration”].

<sup>4</sup> Negociado de Energía en vivo, *Technical Conference NEPR-MI-2020-0012*, YouTube (Oct. 9, 2020) <https://youtu.be/8S81uS9xkqQ?t=5511>

PREB cannot approve a Procurement Plan that violates the approved Integrated Resource Plan.

**PREPA's proposals would significantly reduce and delay procurement of renewables and storage.**

First, PREPA requests that the total renewables procurement be lowered from 3,750 MW to 3,200 MW, and total storage procurement be lowered from 1,500 MW to 1,225 MW.<sup>5</sup>

Second, PREPA proposes to back-load the process, ignoring PREB's advice to front-load the process.<sup>6</sup> At the October 9<sup>th</sup> technical conference, Mr. Fagan underscored this point, stating "It is critically important that in this first [RFP] tranche that you be going after as much storage as you possibly can, as quickly as you can."<sup>7</sup> Speaking about both renewables and storage, Mr. Fagan stated that the approved Integrated Resource Plan "...did indicate a higher level in that first tranche. We don't see any reason that the first tranche should be limited."<sup>8</sup> Mr. Fagan opposed shrinking the tranches" below what the approved Integrated Resource Plan requires.<sup>9</sup>

Next, PREPA requests to delay the first RFP from December 2020 to May 2021. The table on p. 9 of PREPA's Status Report incorrectly lists the first RFP's issuance on December 2020, but on p. 12, PREPA acknowledges that it actually

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<sup>5</sup> PREPA's Status Report at 9.

<sup>6</sup> Final Resolution and Order para. 860.

<sup>7</sup> Negociado de Energía en vivo, *Technical Conference NEPR-MI-2020-0012*, YouTube (Oct. 9, 2020) <https://youtu.be/8S81uS9xkqQ?t=4137>

<sup>8</sup> Negociado de Energía en vivo, *Technical Conference NEPR-MI-2020-0012*, YouTube (Oct. 9, 2020) <https://youtu.be/8S81uS9xkqQ?t=4310>

<sup>9</sup> *Id.*

would not be issued until May 2021. PREPA claims to the delay is needed to issue a Request For Qualifications.<sup>10</sup> The delay of the RFP tranches to add an RFQ violates the approved Integrated Resource Plan. In other areas, PREB specified use of an RFQ, but specifically omitted it from the Renewables Procurement Plan requirement.<sup>11</sup> The Energy Bureau must reject this untimely request to add an unnecessary RFQ to the draft Procurement Plan.

Finally, PREPA adds an unexplained and unjustified three-year lag time between the conclusion of a Request For Proposals and the Commercial Operation Date of the awarded bids. PREPA provides no explanation for the unusually long lag time in its draft Procurement Plan. And any explanation would be too late to justify a reconsideration of the approved IRP's August 2025 deadline for commissioning all renewables procured during the Action Plan.

**PREPA's reasons for delaying and reducing renewables + storage procurement are untimely and unconvincing.**

PREPA chose not to submit a motion for reconsideration or an appeal of PREB's Final Resolution and Order, and therefore PREPA must abide by the terms of that Order. PREB can dismiss PREPA's untimely request for reconsideration of the Order's terms on renewables procurement, without further consideration. Nevertheless, Local Environmental Organizations respond to PREPA's reasoning as follows.

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<sup>10</sup> PREPA's Status Report at 10, 13.

<sup>11</sup> Final Resolution and Order para. 922. PREPA itself determined that an RFQ for renewable resources was unnecessary when it omitted one from its March 2020 Request For Proposals for new generation, which purportedly allowed renewable bids. PREB Docket NEPR-AP-2020-0001.

First, PREPA's claims concerning the so-called "shovel-ready projects" are outdated and incorrect. PREPA claims that it "authorized" nearly 600 MW of utility-scale solar projects on September 10<sup>th</sup>, 2020, and attempts to count these projects towards the minimum renewable MW requirements of the first RFP tranche and of the renewables procurement plan as a whole.<sup>12</sup>

This claim is outdated: on September 22<sup>nd</sup>, the day before PREPA submitted its Status Report, the utility submitted motions to withdraw sixteen of these projects, totaling more than 350 MW:

- Xzerta-Tec Solar I, LLC - Hatillo. NEPR-AP-2020-0003.
- SolarBlue Bemoga, LLC – Vega Alta. NEPR-AP-2020-0004.
- Solaner Puerto Rico One, LLC – San Germán. NEPR-AP-2020-0005.
- Blue Beetle III, LLC – Arecibo. NEPR-AP-2020-0006.
- PBJL Energy Corporation (Montalva) – Lajas. NEPR-AP-2020-0007.
- CIRO One Salinas, LLC – Salinas. NEPR-AP-2020-0008.
- Guayama Solar Energy, LLC – Guayama. NEPR-AP-2020-0009.
- Solar Project San Juan, LLC – San Lorenzo. NEPR-AP-2020-0010.
- Vega Baja Solar Project, LLC – Vega Baja. NEPR-AP-2020-0011.
- Renewable Energy Authority, LLC – Vega Baja. NEPR-AP-2020-0012.
- REA Energy Hatillo Solar Plant, LLC – Hatillo. NEPR-AP-2020-0013.
- Caracol Solar, LLC – Moca. NEPR-AP-2020-0014.
- Sierra Solar Farm, LLC – Quebradillas. NEPR-AP-2020-0015.
- Desarrollos del Norte Inc. d/b/a Atenas Solar Farm – Manatí. NEPR-AP-2020-0016.
- Morovis Solar, LLC – Morovis. NEPR-AP-2020-0017.
- ReSun (Barceloneta), LLC – Arecibo. NEPR-AP-2020-0018.

Commissioner Angel R. Rivera de la Cruz, Esq. reiterated this point at the Technical Conference.<sup>13</sup>

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<sup>12</sup> PREPA's Status Report at 8.

<sup>13</sup> Negociado de Energía en vivo, *Technical Conference NEPR-MI-2020-0012*, YouTube (Oct. 9, 2020) <https://youtu.be/8S81uS9xkqQ?t=4593>

Having withdrawn the projects from PREB consideration, PREPA cannot count them towards its renewables requirements.

PREPA also acknowledges that the Fiscal Oversight & Management Board rejected these very same projects as “inconsistent with the requirements of the 2020 Fiscal Plan.”<sup>14</sup> FOMB’s reason, as PREB has acknowledged in the Unbundling docket as well as the dockets listed above, is that the contracted energy prices for these projects significantly exceed current market prices for renewable energy.<sup>15</sup> PREPA’s so-called “shovel-ready” projects have costs around \$150/MWh or 15 cents / kWh, compared to projections that new solar projects will cost about \$67/MWh or 6.7 cents / kWh.<sup>16</sup> The Unbundling Report further estimates that fully half of the contract costs for PREPA’s “shovel-ready” projects “would be uneconomic and stranded,” resulting in losses for PREPA that ultimately would be borne by ratepayers.<sup>17</sup>

PREPA’s description of these projects as “shovel-ready” is also incorrect. According to the Office of Permit Management website, many of these projects, whose proposed location is on arable land, have not obtained all necessary permits. For example, neither the Montalva Solar project nor the Ciro One Salinas project have any of the necessary environmental permits and have not conducted the required environmental analysis. The Montalva project and several other

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<sup>14</sup> PREPA’s Status Report at 5.

<sup>15</sup> Puerto Rico Energy Bureau, Appendix A -Report on the Cost Allocation Methods and Unbundling Issues for Puerto Rico, at 61, In Re: Unbundling of the Assets of the Puerto Rico Electric Power Authority, PREB Dkt. NEPR -AP-2018-0004 (Sept. 4, 2020).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

projects would be built on fertile agricultural land; this stands at odds with the 2050 Energy Public Policy of Puerto Rico which encourages utility-scale renewables to instead be built on “closed sanitary landfills and previously contaminated lands.”<sup>18</sup> Law 17-2019, Section 1.5. These projects cannot credibly be called “shovel-ready” until these steps are complete.

In sum, PREPA has withdrawn these projects from PREB’s consideration, FOMB has rejected them as too costly, and they are not actually “shovel-ready.” For these reasons, PREPA cannot count these projects towards the required minimum renewable MW for its first RFP tranche, or for the approved Integrated Resource Plan.

Next, PREPA uses the preliminary, uncertain<sup>19</sup>, approximate<sup>20</sup> results of a Transmission & Distribution study to claim a limit to the amount of renewables that the island’s grid can accommodate today (as opposed to the amount the grid can accommodate in February 2023, when resources from the first tranche would actually come online). PREPA does not provide the preliminary results of the study.<sup>21</sup> Certainly, PREB cannot rely on the results of a study until that document

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<sup>18</sup> Law 17-2019, Section 1.5, “2050 Energy Public Policy”, subsection 8(a). In other dockets, Local Environmental Organizations have pointed out that The Lajas Valley Agricultural Reserve Law, Law 277-1999, as amended, protects the Lajas Valley where the Montalva project would be built. That law recognizes that the valley’s lands “are primarily valuable for agricultural use due to their location, physical, topographic and geological characteristics.” 23 L.P.R.A. § 7031 (2019).

<sup>19</sup> PREPA’s Status Report at 8. PREPA acknowledged “some uncertainty” in the preliminary, approximate results.

<sup>20</sup> *Id.* PREPA describes the study’s result as “around” 650 MW.

<sup>21</sup> At the October 9<sup>th</sup> technical conference, PREPA representatives explained that the study was being conducted by Sargent & Lundy.



is provided to PREB and the public.<sup>22</sup> PREPA’s voluminous submissions in this docket all support aggressive renewable procurement plans; these are by far a better source of evidence as to the grid’s ability to integrate renewables than the PREPA Status Report’s allusions to a preliminary study. If PREPA had concerns about this issue, those should have been laid out, with supporting evidence, in a Motion For Reconsideration of PREB’s Final Resolution & Order. Having chosen not to do that, PREPA must now adhere to the ruling of Commissioner Lillian Mateo Santos, Esq.: “PREPA needs to find a way to understand what the issues are, and overcome them in a timely fashion.”<sup>23</sup>

PREB’s analysis of this issue must also recognize that maximizing deployment of distributed resources would minimize the costs and system impacts of interconnection.<sup>24</sup> Local Environmental Organizations are preparing their own study of the low interconnection costs and system impacts from rooftop solar + storage systems, as described in our Reply Brief.<sup>25</sup>

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<sup>22</sup> At the technical conference, PREPA representatives committed to providing the study to the public eventually. Negociado de Energía en vivo, *Technical Conference NEPR-MI-2020-0012*, YouTube (Oct. 9, 2020) <https://youtu.be/8S81uS9xkqQ?t=3423>.

<sup>23</sup> Negociado de Energía en vivo, *Technical Conference NEPR-MI-2020-0012*, YouTube (Oct. 9, 2020), <https://youtu.be/8S81uS9xkqQ?t=5296>

<sup>24</sup> Final Resolution & Order para. 862. See also PREPA’s Status Report at 6, recognizing “T&D system loss benefits for DG/storage bids” and “potential for additional resiliency benefits.”

<sup>25</sup> Local Environmental Organizations, Reply Brief, at 3, PREB Dkt. CEPR-AP-2018-0001, (April 20, 2020). “Going forward, Puerto Rico’s efforts to integrate distributed generation will also benefit from a study commissioned by the Queremos Sol group. This study will analyze the distribution system, as Siemens should have, with the goal of maximizing distributed renewables. The study will further analyze the impact on the transmission and sub-transmission system of these measures. The analysis will include identifying modifications/improvements and investment costs in both systems to achieve renewable generation goals with a distributed generation strategy.”

Finally, PREPA lays out a series of bullet points of the benefits of a phased approach to renewables procurement.<sup>26</sup> All of these support exactly the approach that PREB's Final Resolution & Order required, with six RFP tranches being issued between December 2020 and June 2023, resulting in commissioning of a minimum of 3,750 MW of renewables and 1,500 MW of storage by August 2025. None of the bullet points supports delay or reduction of those requirements.

**PREPA's draft Procurement Plan would fail to optimize deployment of rooftop solar + storage systems.**

PREPA's draft Procurement Plan, as described in the Status Report, would also fail to satisfy the approved Integrated Resource Plan requirement to quickly pursue VPP approaches to capture the grid value of distributed resources through RFPs, tariffs, rates, and direct utility programs.<sup>27</sup> To satisfy this requirement, PREPA could include steps to take advantage of "the biggest untapped Virtual Power Plant resource in the world": the hundreds of MW of rooftop solar + storage that are already on the island.<sup>28</sup>

Another untapped resource is the dozens of PREPA employees that are trained to implement net metering and to install and maintain rooftop solar + storage systems. These employees have completed coursework on net metering and design and installation of rooftop solar + storage systems, offered through PREPA's Commercial Operations Training Center ("CAOC") and Electrical

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<sup>26</sup> PREPA's Status Report at 9.

<sup>27</sup> Final Resolution and Order, para. 496.

<sup>28</sup> Negociado de Energía en vivo, *Evidentiary Hearing / CEPR-AP-2018-0001*, YouTube (Feb. 7, 2020), <https://youtu.be/zkGmgsj6OTs?t=13114>.

System Training Center (“CASE”).<sup>29</sup> PREPA could, through a "direct utility program", tap employees trained through this program to install and/or maintain rooftop solar + storage systems, or work to interconnect the massive backlog of rooftop solar + storage systems in the interconnection queue, or work on implementing *Comunicado Técnico* 19-02, which would allow for automatic interconnection of rooftop systems.<sup>30</sup> When the next storm strikes the island, these efforts would allow rooftop solar + storage systems to power microgrids for hospitals and other critical infrastructure. In short, PREPA’s draft Procurement Plan would fail to quickly capture the grid value of rooftop solar + storage systems, and would fail to take advantage of untapped resources that are ready on the island right now.

Certain aspects of PREPA’s draft Plan not only fail to encourage Virtual Power Plants and distributed resources, but may actually discourage them. For example, PREPA proposes that the first Request For Proposals, delayed to May 2021, would only accept solar + storage that is co-located and integrated on a single site.<sup>31</sup> PREPA also states that the first RFP will only be for “a single

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<sup>29</sup> Partnership Committee Report, *Puerto Rico Public-Private Partnership for the Electric Power Transmission and Distribution System*, at 259 (2020). <https://aeepr.com/es-pr/QuienesSomos/Documents/Partnership%20Committee%20Report%20-%20Transmission%20and%20Distribution%20System.pdf> CASE and CAOC offer hundreds of courses and eleven certifications, including numerous courses on renewables and distributed renewables. For example, CAOC courses teach about net metering. Engineer Javier Chaparro Echevarria, PREPA Mayagüez regional administrator, approved by the State Office of Public Energy Policy (OEPPE) to teach courses on installation of Renewable Electrical Systems and Wind Turbines. One of those courses is CASE 340: Design and Installation of Photovoltaic Systems. Engineer Chaparro has also taught courses with the College of Electrical Experts of Puerto Rico.

<sup>30</sup> As envisioned by the Final Resolution and Order paras. 78, 83.

<sup>31</sup> PREPA’s Status Report at 5.

renewable plus storage submission.”<sup>32</sup> PREPA must clarify those statements to make it clear that distributed resources, which are spread across multiple sites, are allowed to bid in the first RFP.

Second, the Status Report appears to require that all projects (except hydroelectric projects) meet a specific ratio of 0.5 MW storage to 1 MW renewable generation.<sup>33</sup> As PREB’s consultants Robert Fagan and Dr. Asa Hopkins pointed out during the October 9<sup>th</sup> technical conference, this biases the process against distributed resources and Virtual Power Plants, and of course stand-alone resources.<sup>34</sup> During the conference, PREPA representatives and consultants assured PREB that stand-alone storage, both utility-scale and distributed, was eligible for all tranches of the Procurement Plan.<sup>35</sup>

Finally, PREB has recognized that renewables and especially distributed renewables have numerous benefits beyond just electric output: for example ancillary services<sup>36</sup>, resiliency benefits, and reduction of T&D system losses.<sup>37</sup> PREPA’s Status Report also acknowledges that renewables and distributed renewables have benefits beyond electric output.<sup>38</sup> However, PREPA does not explain how these benefits will be considered in the RFP process. PREPA also

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<sup>32</sup> PREPA’s Status Report at 7.

<sup>33</sup> PREPA’s Status Report at 5.

<sup>34</sup> Negociado de Energía en vivo, *Technical Conference NEPR-MI-2020-0012*, YouTube (Oct. 9, 2020), <https://youtu.be/8S81uS9xkqQ?t=2739>

<sup>35</sup> *Id.*

<sup>36</sup> For example, frequency response, operating reserve, and reactive support. Final Resolution & Order para. 862.

<sup>37</sup> *Id.*

<sup>38</sup> PREPA’s Status Report at 6, recognizing “T&D system loss benefits for DG/storage bids” and “potential for additional resiliency benefits.”

highlights that it will pay for “net electric output” and does not explicitly state that it will pay for all other benefits of renewables.<sup>39</sup> PREB should order PREPA to describe how the ancillary benefits of distributed resources will be considered and paid for.

### **Request for Relief**

In sum, PREPA’s Status Report is an untimely and unconvincing request for reconsideration of PREB’s Final Resolution & Order. Local Environmental Organizations urge PREB to reject PREPA’s proposed deviations from the approved Integrated Resource Plan, and instead issue an Order enforcing that approved Plan, by requiring PREPA to:

1. Amend the draft Plan to comply with the RFP issuance dates, renewable and storage procurement levels, and Commercial Operating Dates as follows:

Tranche	RFP Release Date	Commercial Operating Date	Renewable Energy Resource (MW)		Storage Resource (MW)	
			Minimum	Cumulative	Minimum	Cumulative
1	Dec 20	Feb 23	1,000	1,000	500	500
2	Jun 21	Aug 23	500	1,500	250	750
3	Dec 21	Feb 24	500	2,000	250	1,000
4	Jun 22	Aug 24	500	2,500	250	1,250
5	Dec 22	Feb 25	500	3,000	125	1,375
6	Jun 23	Aug 25	750	3,750	125	1,500

2. Amend the draft Plan to encourage distributed renewables and Virtual Power Plants through RFPs, tariffs, rates, and direct utility programs.
3. Remove provisions of the draft Plan that discourage distributed renewables and Virtual Power Plants as detailed above.

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<sup>39</sup> PREPA’s Status Report at 4.

Finally, Local Environmental Organizations request that PREB allow for public participation in this docket, and any docket concerning implementation of the approved Integrated Resource Plan.

Respectfully submitted,

*s/ Pedro Saadé*

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## CERTIFICATE OF SERVICE

We hereby certify that, on October 20, 2020, we have filed this Motion via the Energy Bureau's online filing system, and sent to the Puerto Rico Energy Bureau Clerk and legal counsel to: [secretaria@energia.pr.gov](mailto:secretaria@energia.pr.gov); [astrid.rodriguez@prepa.com](mailto:astrid.rodriguez@prepa.com); [jorge.ruiz@prepa.com](mailto:jorge.ruiz@prepa.com); [n-vazquez@aepr.com](mailto:n-vazquez@aepr.com); [c-aquino@prepa.com](mailto:c-aquino@prepa.com) and [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law)

Respectfully submitted on this day October 20, 2020.

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