

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

NEPR
Received:
Nov 20, 2020
12:04 PM

IN RE:

INTEGRATED RESOURCE PLAN
FOR THE PUERTO RICO
ELECTRIC POWER AUTHORITY

NO.: CEPR-AP-2018-0001

SUBJECT: MOTION IN SUPPORT

MOTION IN SUPPORT OF LOCAL ENVIRONMENTAL ORGANIZATIONS
REQUEST OF PUBLIC PARTICIPATION IN THE INTEGRATED RESOURCE PLAN
IMPLEMENTATION PROCESS

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Environmental Defense Fund (“EDF”), and respectfully states and request the following:

1. On November 17, 2020, 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”) filed a Motion requesting public participation in the Integrated Resource Plan (“IRP”) implementation process arguing, *inter alia*, that the Puerto Rico Energy Bureau (“Energy Bureau”) requires all IRP-related filings to be made in this referenced docket, rather than the new docket NEPR-MI-2020-0012.
2. That pursuant to Act 17-2019, an IRP shall be devised with broad participation from citizens and all interested groups, and that it is public policy of the Government of Puerto

Rico to “promote transparency and citizen participation in every process related to electric power service in Puerto Rico.” *See* Act 17-2019, sec. 1.5 (10)(c).

3. As this Energy Bureau concluded in the first IRP Final Resolution and Order, “[a]ctive , vigorous, efficient participation by intervenors will benefit the [Energy Bureau], the public and PREPA.” *See* IRP Final Resolution and Order, para. 141, CEPR-AP-2015-0002 (2016).
4. Splitting elements of the implementation process into a different docket may interfere with the Final Resolution and Final Order of the IRP if amendments in the ordered directives to the Puerto Rico Electric Power Authority (“PREPA”) are allowed, such as changes in the renewable energy penetration targets, depriving the public and intervenors from the interests protected in the overall IPR proceedings.
5. The evaluation of implementation matters of the IRP into a new docket has deprived intervenors from notifications, motions filed and technical hearings conducted for those purposes, therefore, affecting their due process right to challenge PREPA’s implementation proposals, and is in direct conflict with the transparency and participation requirements expressly stated in Act 17-2019.
6. PREPA’s track record of repeated delays in filing the IRP underscore the need for meaningful, transparent, and participatory stakeholder engagement throughout the entire IRP process. The Energy Bureau needs to stay vigilant. We have come so far in this proceeding; let us not jeopardize the credibility and conclusion of it and send a clear and confident signal to stakeholders, the general public, and industry.
7. As the Second IRP Final Resolution and Order says: “[b]eing proactive now will help ensure that Puerto Rico’s energy system is incorporating least-cost resource options that

will bring energy costs down and help the economy of the Island.” IRP Final Resolution and Order, para. 155, CEPR-AP-2018-0001 (2020). Being proactive demand full transparency.

8. As EDF stated in its Final Brief of the IRP case, it is in the interest of the Energy Bureau to make it as easy as possible for stakeholders to participate and share perspectives and expertise.
9. Therefore, in light of the adverse effects that these separate proceedings may have on the public and the parties intervenors represent, we respectfully request that all IRP related matters continue in the CEPR-AP-2018-0001 docket and, in the alternative, that all intervenors be duly notified of all motions and requests filed in the new docket without having to petition through a separate motion a request to intervene in every collateral docket.

WHEREFORE, EDF respectfully requests that the Bureau take notice on the above-mentioned MOTION and GRANT our request.

RESPECTFULLY SUBMITTED,

IN SAN JUAN, PUERTO RICO, THIS 20th DAY OF NOVEMBER, 2020.

ENVIRONMENTAL DEFENSE FUND

/s/Agustín F. Carbó Lugo
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IT IS HEREBY CERTIFIED that the foregoing was sent to the Puerto Rico Energy Bureau through its electronic filing tool at <https://radicacion.energia.pr.gov> and to the Puerto Rico Electric Power Authority to the following: Nitza D. Vázquez Rodríguez (n-vazquez@aepr.com); Astrid I. Rodríguez Cruz (astrid.rodriguez@prepa.com); Jorge R. Ruíz Pabón (jorge.ruiz@prepa.com), Katuska Bolaños (kbolanos@diazvaz.law), and Maralíz Vázquez (mvazquez@diazvaz.law).

IN SAN JUAN, PUERTO RICO, THIS 20th DAY OF NOVEMBER, 2020.

ENVIRONMENTAL DEFENSE FUND

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CERTIFICATION OF FILING AND SERVICE

I hereby certify that on November 20, 2020, I have sent the above Motion to the following intervenors: Javier Rúa-Jovet, Sunrun (javier.ruajovet@sunrun.com); Pedro Saadé-Lloréns, Ruth Santiago and Raghu Murthy, Local Environmental Organizations (pedrosaade5@gmail.com, rstgo2@gmail.com and rmurthy@earthjustice.org); Carlos A. Reyes and Carlos E. Colón-Franceschi, EcoEléctrica (carlos.reyes@ecoelectrica.com and ccf@tcmrslaw.com); Roy Torbert, Rocky Mountain Institute (rtorbert@rmi.org); Víctor L. González and Marc G. Roumain-Prieto, Grupo Windmar (victorluisgonzalez@yahoo.com, mgrpcorp@gmail.com); Hannia B. Rivera-Díaz and Jessica Rivera-Pacheco, Oficina Independiente de Protección al Consumidor (hrivera@oipc.pr.gov, jrivera@cnslpr.com); Manuel Fernández-Mejías, Empire Gas Company (manuelgabrielfernandez@gmail.com); Axel E. Colón-Pérez, AES Puerto Rico (axel.colon@aes.com, sboxerman@sidley.com and bmundel@sidley.com); Alexandra Casellas-Cabrera and Corey Brady, National Public Finance Guarantee (acasellas@amgprlaw.com and corey.brady@weil.com); Josh Franklin, Progression Energy (jfranklin@progression-energy.com); Paul De Moudt, Shell (paul.demoudt@shell.com); Eugene Scott-Amy, Wartsila North America (escott@ferraiuoli.com and sproctor@huntonak.com); Jéramfel Lozada-Ramírez, ACONER (aconer.pr@gmail.com); Fernando E. Agrait, Non Profit Intervenors (agraitfe@agraitlawpr.com); Pablo Vázquez-Ruíz, CIAPR (presidente@ciapr.org); Arctas Capital Group (sierra@arctas.com, tonytorres2366@gmail.com); SESA-PR & Caribe GE (cfl@mcvpr.com); League of Cooperatives of Puerto Rico and AMANESER 2025 (info@liga.coop, amaneser2020@gmail.com).

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