

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

NEPR
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IN RE:

**THE UNBUNDLING OF THE ASSETS OF
THE PUERTO RICO ELECTRIC POWER
AUTHORITY**

NO.: NEPR-AP-2018-0004

**SUBJECT: PETITION FOR INTERVENTION
Evidentiary Proceedings to Determine
Appropriate Rates for Unbundling**

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PETITION FOR INTERVENTION

Pursuant to Section 5.05 of Regulation No. 8543, Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings and the Section III of the Resolution and Order issued in this proceeding by the Puerto Rico Energy Bureau (hereinafter the “Bureau”) on December 23, 2020, EcoEléctrica hereby gives notice of its intent to intervene in the rate determination evidentiary proceeding and respectfully petitions 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 9138, Regulation on Electric Energy Wheeling, the Bureau will determine in this evidentiary proceeding the unbundled rate for wheeling (“Unbundled Rate”), along with a uniform wheeling service agreement. As indicated in the December 23, 2020 Resolution and Order, any interested party must file a petition to intervene on or before January 25, 2021.
2. The Resolution and Order indicates that the Unbundled Rate will cover the rate that wheeling customers will continue to pay PREPA for transmission, distribution, billing and any other relevant cost, such as stranded costs. Also stated is that the Unbundled

Rate will cover the credit that the PREPA customer who engages in wheeling will have deducted from their otherwise applicable rate.

3. 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.
4. Section 5.05 of the Regulation 8543 provides that “[a]ny person with a legitimate interest in a case before the Bureau may present a duly grounded petition to intervene or participate in such case. The Bureau will evaluate and attend to the petition according to the criteria established in the Puerto Rico Uniform Administrative Procedures Act (PRUAPA), Act No. 170 of the 12 of August of 1988, as amended.
5. Section 3.5 of the PRUAPA (3 LPRA 2155) establishes that the Bureau may grant or deny a petition for intervention, at its discretion, taking the following factors into consideration, among others:
 - 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.
6. Accordingly, EcoEléctrica affirms that:
- a. It 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 MGD seawater desalinization water production plant.
 - b. It produces clean, safe and reliable energy.
 - c. Such operation is conducted pursuant to the Amended and Restated Power Purchase and Operating Agreement dated as of March 27, 2020 (the “PPOA”) with PREPA.
 - d. It 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. It 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 20 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.
 - j. That EcoEléctrica is not a Provider of Last Resort nor it have a Provider of Last Resort Obligation as such terms are defined in Regulation 9138.
- 7. That pursuant to the above and Regulation 9138, EcoEléctrica is an Independent Power Producer and therefore it would be eligible to supply power to a Wheeling Customer.
- 8. That as the most reliable and flexible power plant in the Puerto Rico electric system will be directly affected by the technical changes the wheeling mechanism will introduce to the electric system operation principles.
- 9. As such, the Unbundled Rate that will be determined in this procedure and under evaluation of the Bureau, may affect EcoEléctrica's ability to seek to supply power to a Wheeling Customer in the future.
- 10. That as an intervenor, EcoEléctrica will review the evidence and documentation already provided and pending to be provided by PREPA and any other intervenor, the PREB, the public or interested parties and will participate in the proceedings and any collaborative process, in compliance with the Bureau's Regulations and Orders.
- 11. EcoEléctrica would also like to have the opportunity to file pleadings and conduct discovery if necessary and file comments on the proposed or determined Unbundled Rate.
- 12. EcoEléctrica comments will be made to ensure that established Unbundled Rate complies with all aspects of the Bureau's applicable statutes, Regulations and Orders and will provide technical expertise in connection with the rate to be proposed by

PREPA, the basis for such rate and any necessary changes to allow and promote Wheeling Services.

13. Furthermore, EcoEléctrica will contribute to this evidentiary proceeding 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 determination of the Unbundled Rate and to ensure that the wheeling mechanism does not affect the electric system from a commercial or technical viewpoint.
 - c. Contributing with its knowledge of PREPA's electric system.
 - d. Providing recommendations upon the criteria used to ensure that the Unbundled Rate is reasonable and just.
 - e. Review methodology used from the perspective of a non-renewables independent power producers to ensure equitable treatment.
 - f. Recommend additional studies 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 by Unbundled Rate and other requirements that may be imposed in this proceeding.
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 since EcoEléctrica is uniquely qualified to assist the Bureau in most technical aspects associated with the independent power producers operating in the Puerto Rico electric system.
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 email communications in this proceedings be sent to the following two email addresses:
ccf@tcm.law (email address of the undersigned legal representative of EcoEléctrica)
and
creyes@ecoelectrica.com (President of EcoEléctrica)
21. Furthermore, EcoEléctrica requests that all notices, correspondence and copies of orders and other communications (other than by email) regarding this docket be addressed as follows, and the following should be placed upon the official service list in this proceeding:

Carlos A. Reyes, P.E
President & General Manager
Carretera 337 Km 3.7 Barrio Tallaboa Poniente
Peñuelas, PR 00624
Email: 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 a copy of this motion was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aepr.com, c-aquino@prepa.com, kbolanos@diazvaz.law and jmarrero@diazvaz.law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, today 25th day of January, 2021.

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