

GOVERNMENT 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

CASE Number: NEPR-AP-2018-0004

Matter: Puerto Rico Manufacturer's
Association Petition to Intervene

PETITION TO INTERVENE

To the Honorable Energy Bureau ("Bureau")

NOW COMES, the **Puerto Rico Manufacturer's Association Inc.**
("PRMA") through its undersigned legal representation and respectfully STATES,
PRAYS AND REQUESTS:

I. RELEVANT FACTS

1. The manufacturing sector is the leading and most vital, productive economic sector within the Puerto Rico economy. It includes pharmaceuticals, electronics, apparel, and food products.

2. In 2018, around 47.3 percent of the total value added to Puerto Rico's gross domestic product (GDP) was generated by the manufacturing sector. It generates employment for close to 19% of the active labor force. It is mostly responsible for the island's finished products' export. Furthermore, it generates approximately 3 indirect

jobs for every position it creates, and it is also substantially responsible for a large portion of Puerto Rico's service sector.

3. The Puerto Rico Manufacturers Association ("PRMA") is a private, voluntary, nonprofit organization established in 1928 with the purpose of uniting all of Puerto Rico's manufacturers and service industries into a strong and effective body in order to further their mutual interests as they relate to the private and public sectors of the Commonwealth of Puerto Rico. Its address is Centro Internacional de Mercadeo, Torre II, Oficina 702; 90 carretera 165, Guaynabo, Puerto Rico 00968.

4. Among its objectives and purposes, the PRMA serves as a forum through which the manufacturing and service industries come together in a strong and effective organization to promote the strengthening and development of local industry and attract manufacturing industries to Puerto Rico. In addition, it also has the task of promoting the integration of the economy of Puerto Rico and to promote the development of the manufacturing and services sectors, managed to achieve the expansion of business opportunities

5. The PRMA has actively participated in in several proceedings related to energy policy aspects and regulations before the Energy Bureau as well in legislative proceedings related to the adoption of laws relating to the transformation of Puerto Rico's energy system and energy related public policy.

6. On December 23, 2020, the Bureau issued a Resolution indicating its intention to proceed with the unbundling of PREPA'S rates as expeditiously as possible, so that

eligible wheeling customers may purchase energy from certified providers, including independent power producers. ("IPP's") The Bureau ordered PREPA to file on or before February 1, 2021, one or more proposals for an unbundled rate for wheeling and a uniform wheeling service agreement between PREPA and IPP's. The proposal should include the amounts to be paid by wheeling customers for such services. The Bureau granted all interested parties until January 25, 2021, to intervene in the referenced procedure.

II. LEGAL BASIS AND ANALYSIS FOR INTERVENTION

1. Sections 5.05 of Regulation 8543 refers to the Puerto Rico Uniform Administrative Procedure Act for the purpose of determining if a petition for intervention may be granted by the Bureau. Section 3.5, 2155 of Title 3 (app.) of the Laws of Puerto Rico states as follows:

§ 2155. Intervention—Application

“Any person having a legitimate interest in an adjudicatory procedure before an agency may file a written, duly grounded application in order to be allowed to intervene or participate in said procedure. The agency may grant or deny the petition 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.

The agency shall apply the above criteria liberally, and may require that additional evidence be submitted to it in order to issue the corresponding determination with regard to the application to intervene." 3 LPRA § 2155.

2. We shall consider each factor:

(a) Whether the petitioner's interests may be adversely affected by the adjudicatory procedure.

The PRMA and its members have a vested and direct interest in any proceeding related to the unbundled rates for wheeling and a uniform wheeling service agreement between PREPA and IPP's. Energy costs are one of the leading factors in any decision either to expand or introduce industrial operations in Puerto Rico. Therefore, any decision affecting such wheeling costs directly affects our member's operational costs and possibilities of new investments in Puerto Rico.

A large number of our members may become wheeling customers, either by purchasing energy from IPP's or by using PREPA's infrastructure and distribution system to transport energy from one site to another.

(b) Whether there are no other legal means for the petitioner to adequately protect his interests

There are no other legal means for the petitioner to adequately protect his interests. Since according to law, the Bureau is the sole governmental agency with the capacity

and jurisdiction to consider and approve the energy related policies and regulations, only thought participation in this process may the PRMA present its case for the above mentioned purpose and to illustrate the Bureau regarding the industrial sector's energy requirements.

(c) Whether the petitioner's interests are already adequately represented by the parties to the procedure

No. We have no knowledge of any other person or entity who has presented qualitatively and quantitative similar arguments specifically related to the industrial sector's energy requirements and needs.

(d) Whether the petitioner's participation may help, within reason, to prepare a more complete record of the procedure

Yes. The PRMA extensive experience in similar proceedings as well as the knowledge gathered by its members in energy related matters should help to prepare a more complete record of the procedure.

(e) Whether the petitioner's participation may extend or delay the procedure excessively

No. The PRMA intervention will be presented within the Bureau's timetable for this administrative process and will not adversely affect or delay these procedures.

(f) Whether the petitioner represents or is the spokesperson of other groups or entities in the community.

Yes. As the principal association of manufacturer's in Puerto Rico the PRMA represents a broad spectrum of manufacturing sectors within our economy.

(g) Whether the petitioner can contribute information, expertise, specialized knowledge or technical advice which is otherwise not available in the procedure

Yes. As stated, PRMA's extensive experience related to energy use, generation and distribution enables it to present extensive technical, operational and market related data and experiences related to such activities. Its experienced personnel and expertise enable the PRMA to contribute information, expertise, specialized knowledge or technical advice which would be otherwise not available in this procedure.

VI. CONCLUSION

Since the appearing parties' Petition fully complies with all of the criteria included Section 2155 of Title 3 (app.) of the Laws of Puerto Rico, and taking into effect that the agency shall apply the above criteria liberally, the PRMA respectfully requests this Bureau to approve its intervention in this proceeding.

Respectfully submitted,

In San Juan Puerto Rico, this 15 day of January, 2021.

Electronically Filed <https://radicacion.energia.pr.gov>

I CERTIFY: that I have sent a copy of this motion via e mail to: Lic Nelida Ayala n-ayala@aeep.pr.com, Lic. Carlos Aquino, c-aquino@prepa.com, Lic. Astrid Rodríguez Astrid.rodriguez@prepa.com; Lic. Nidsa Vázquez n-vazquez@aeep.pr.com; Lic Jorge Ruiz Pabón; jorge.ruiz@prepa.com; hrivera@oipc.pr.gov, contratistas@oipr.pr.gov, jmarrero@diazvaz.law, kblanos@diazvaz.law, Seretaria del Negociado de Energía, secretaria@energia.pr.gov; Bureau's Office of Legal Affairs, legal@energia.pr.gov; Wanda Cordero, wcordero@energia.pr.gov.


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