

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

**IN RE: THE UNBUNDLING OF ASSETS OF
THE PUERTO RICO ELECTRIC POWER
AUTHORITY**

CASE NO.: NEPR-AP-2018-0004

**SUBJECT: Petition for Intervention of
EcoEléctrica and Petition to Intervene of the
Puerto Rico Manufacturer's Association Inc.**

RESOLUTION AND ORDER

A
On January 25, 2021, EcoEléctrica L.P. ("EcoEléctrica") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Petition for Intervention* ("EcoEléctrica Petition"). The EcoEléctrica Petition stated the grounds under which it is requesting intervention in the instant case.

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On January 25, 2021, the Puerto Rico Manufacturer's Association Inc. ("PRMA") filed before the Energy Bureau a document titled *Petition to Intervene* ("PRMA Petition"). The PRMA Petition stated the grounds under which it is requesting intervention in the instant case.

Section 3.5 of Act 38-2017,¹ states that any person having a legitimate interest in an adjudicatory procedure before an agency may file a written, duly substantiated application in order to be allowed to intervene or participate in said procedure. Section 5.05 of Regulation 8543² states that any person with legitimate interest in a case before the Energy Bureau may present a duly substantiated petition to intervene or participate in said case, and that the Energy Bureau shall evaluate and attend to the petition according to the criteria established in Act 38-2017, as amended.

Therefore, the Energy Bureau must consider the following requirements, as liberally as possible, when determining whether to grant or deny a petition for intervention:

- (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.

¹ Known as *Uniform Administrative Procedures Act of the Government of Puerto Rico, as amended.*

² *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, December 18, 2014, as amended.*



- (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.

Upon review of EcoEléctrica's and PRMA arguments, the Energy Bureau **DETERMINES** that EcoEléctrica and PRMA meet the requirements set forth in Regulation No. 8543 and Sections 3.5 and 3.6 of Act 38-2017. Therefore, the Energy Bureau **GRANTS** the EcoEléctrica Petition and the PRMA Petition for intervention. The Energy Bureau **ORDERS** all the parties in the present case to, prospectively, notify all filings presented in the instant case to the legal representatives of EcoEléctrica and PRMA.

Be it notified and published.



Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



CERTIFICATION

I certify that the majority of the members of the Energy Bureau of the Puerto Rico Public Service Regulatory Board has so agreed on February 25, 2021. I also certify that on this date a copy of this Resolution and Order was notified by electronic mail to: kbolanos@diazvaz.law, jmarrero@diazvaz.law, contratistas@oipc.pr.gov, hriviera@oipc.pr.gov, manuelgabrielfernandez@gmail.com and ccf@tcm.law. I also certify that today, February 26, 2021, I have proceeded with filing the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today February 26, 2021.



Sonia Seda Gaztambide
Clerk

