

**GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO**

IN RE: PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: Puerto Rico Electric Power
Authority Request to Intervene.

RESOLUTION

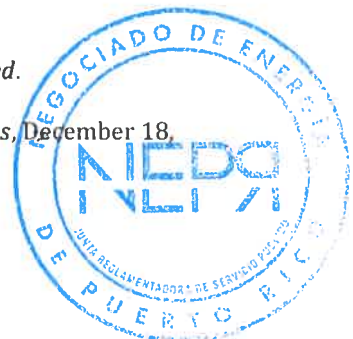
On April 30, 2021, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *The Puerto Rico Electric Power Authority's Request to Intervene and Supporting Memorandum of Law*, ("Request to Intervene"). Through its Request to Intervene, PREPA stated the grounds for 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 grounded application 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 grounded 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. Therefore, the Energy Bureau must consider these factors, liberally, 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.
- (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 complete record of the procedure.

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

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



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- (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 otherwise not available in the procedure.

Upon review of PREPA arguments, the Energy Bureau **DETERMINES** that PREPA meets the requirements set forth in Regulation No. 8543 and Sections 3.5 and 3.6 of Act 38-2017. Therefore, the Energy Bureau **GRANTS** PREPA's Request to Intervene.

Any party affected by this determination may move for reconsideration of this Resolution before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543, and Act 38-2017. The affected party shall move for reconsideration within the term of twenty (20) days from filing this Resolution. Such request must be presented to the Bureau Clerk's Office, at World Plaza Building, 268 Ave. Muñoz Rivera, Level Ste. 202, San Juan, P.R. 00918, or electronically in the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/>.

The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from notice of such denial, or from the expiration of the fifteen (15)-day term. If a determination is made in its consideration, the term to petition for review shall commence from the date when a copy of the notice of the Energy Bureau's resolution definitively resolving the motion to reconsider is filed in the record. Such resolution shall be issued and filed in the record within ninety (90) days after the motion to reconsider has been filed. If the Energy Bureau accepts the motion to reconsider but takes no action regarding the motion within ninety (90) days of its filing, it shall lose jurisdiction on the motion and the term to file judicial review shall commence upon the expiration of the ninety (90)-day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

Any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date a copy of the notice of this Resolution was notified and copy of such notice was filed by de Energy Bureau Clerk. Filing and notice of a petition for review before the Court of Appeals shall be made pursuant to the provisions of Regulation 8543, Act 38-2017, and the Rules of the Puerto Rico Court of Appels.

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 hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on May 12 2021. I also certify that on May 13, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, hrivera@jrsp.pr.gov y contratistas@jrsp.pr.gov. I also certify that today, May 13, 2021, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today May 13, 2021.


Sonia Seda Gaztambida
Clerk

