

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 Institute of
Competitiveness and Sustainability's
Request for Intervention.

RESOLUTION

On April 8, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order through which it established the procedural calendar in the instant case ("April 8 Order"). On the April 8 Order, to ensure transparency in its proceedings, and to promote ample participation, the Energy Bureau invited any interested person to file a petition to intervene or a petition to appear as *Amicus Curiae* on or before April 30, 2021.

On May 19, 2021, the Puerto Rico Institute of Competitiveness and Sustainability ("ICSE" by its Spanish acronym) filed before the Energy Bureau a document titled *Motion to Intervene as Amicus Curiae* ("Request").

Notwithstanding the title of the Motion, ICSE discusses and states the grounds for requesting intervention in the instant proceeding. Although the Request was filed after the date established in the instant case procedural calendar, the instant proceeding is in initial stage. ICSE's intervention at this moment should not result in an excessive extension or delay of the proceeding.

Upon review of ICSE arguments, the Energy Bureau **DETERMINES** that ICSE meets the requirements in Section 5.05 of Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, Regulation No. 8543, and Section 3.5 of Act 38-2017, known as the Uniform Administrative Procedure Act for the Government of Puerto Rico, as amended ("Act 38-2017"). Therefore, the Energy Bureau **GRANTS** intervention to ICSE in the instant case.

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>.



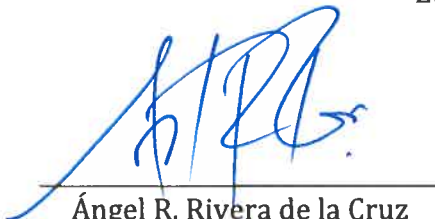
The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from notice of such denial, or from the expiration of the fifteen (15)-day term. 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 form 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 Regulation 8543, Act 38-2017, and the Rules of the Puerto Rico Court of Appeals.

Be it notified and published.



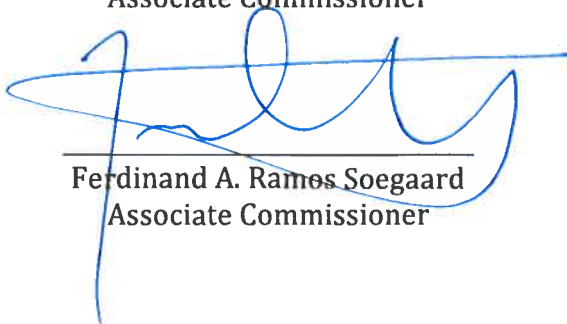
Edison Avilés Deliz
Chairman



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 26, 2021. I also certify that on May 26, 2021 a copy of this Resolution was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, hriviera@jrsp.pr.gov, contratistas@jrsp.pr.gov and agraitfe@agraitlawpr.com. I also certify that today, May 26, 2021, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today May 26, 2021.



Sonia Seda Gaztambide
Clerk

