

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

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

CASE NO.: NEPR-AP-2018-0004

**SUBJECT: Motion to Request Additional
Time to File Written Statement and to
Participate on Unbundling Hearing.**

RESOLUTION AND ORDER

On July 19, 2021, the Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico ("ICSE") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Request Additional Time to File Written Statement and to Participate on Unbundling Hearing* ("Motion"). In the Motion, ICSE makes several erroneous statements regarding the timing of the procedural calendar of the instant case.

Contrary to ICSE's statements, since December 23, 2020, the Energy Bureau provided ample opportunity for all interested parties to file a petition to intervene in this proceeding.¹ Moreover, on February 5, 2021, the Energy Bureau issued the initial procedural calendar of the instant case.²

It is important to note that, the Energy Bureau granted intervenor status to four entities: the Independent Consumer Protection Office³, Cooperativa Hidroeléctrica de la Montaña⁴, EcoEléctrica L.P.⁵, and the Puerto Rico Manufacturer's Association⁶. ICSE's assertion that the participation of only four intervenors is evidence of lack of ample

¹ Resolution and Order, In Re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority, Case No. NEPR-AP-2018-0004, December 23, 2020.

² Resolution and Order, In Re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority, Case No. NEPR-AP-2018-0004, February 5, 2021. The Energy Bureau modified the procedural calendar through the Resolution and Order of June 22, 2021 in the instant case.

³ Resolution, In Re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority, Case No. NEPR-AP-2018-0004, January 21, 2021.

⁴ Resolución y Orden, In Re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority, Case No. NEPR-AP-2018-0004, February 25, 2021.

⁵ Resolution and Order, In Re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority, Case No. NEPR-AP-2018-0004, February 25, 2021.

⁶ *Id.*



participation is misplaced and disrespectful towards those intervenors who timely filed their petitions to intervene and have had a meaningful and active participation in this proceeding.

More to the point, the Energy Bureau has held multiple Technical Conferences that were streamed live via the Energy Bureau's YouTube Channel. Additionally, the current procedural calendar includes a Public Hearing scheduled on **August 12, 2021, 2021**. The general public has until **August 20, 2021** to file their comments.⁷

The Resolution and Order issued on July 15, 2021, referenced by ICSE in the Motion, was directed to the intervenors as a measure to conduct the proceeding in the most organized and effective manner. ICSE's statement that "[p]erhaps this, somewhat rushed, procedure is an example of why the PREB itself has expressed to be worried with the low level of stakeholders' participation in its proceedings",⁸ is unwarranted and misleading. Moreover, ICSE's statement that it "does not want to avoid its own responsibility on the lack of knowledge of these procedures, but we believe its[sic] is a shared responsibility",⁹ is equally misguided.

In the Motion, ICSE alleges that the participation of Mr. Neil Watlington will result in an enhanced proceeding, bringing fresh, professional, **expert testimony** to the issue of unbundling, which is an essential piece of the Puerto Rico Electric System reorganization and modernization.¹⁰ Nonetheless, ICSE did not file a request for intervention, which would have allowed the filing of direct testimony from Mr. Watlington during the Evidentiary Hearing. In fact, ICSE's sole participation in the instant case has been the filing of comments on October 15, 2020, which were made part of the administrative file.¹¹

In the Motion, ICSE requests to file a written statement by Thursday July 20, 2021 and be permitted to participate in the Wednesday July 21, 2021 afternoon session. The Motion ignores the requirements established in Act 38-2017, as amended, for a request for intervention. Since ICSE is not an intervenor in this process, the Energy Bureau cannot grant its request.

Upon review of ICSE's arguments, the Energy Bureau **DENIES** the request to file a written statement by Tuesday, July 20, 2021 and to participate in the July 21, 2021 afternoon session of the Evidentiary Hearing. Notwithstanding the foregoing, the Energy Bureau **REMINDS** ICSE that it can still have a meaningful participation in the instant case by (i)

⁷ Resolution and Order, In Re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority, Case No. NEPR-AP-2018-0004, June 22, 2021.

⁸ Motion, p. 2, ¶ 7.

⁹ *Id.*, ¶ 8.

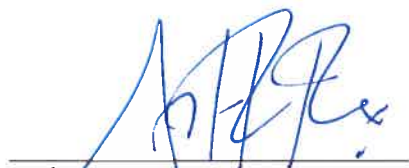
¹⁰ *Id.*, ¶ 10.

¹¹ Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (ICSE) Response to September 4, 2020 Order Concerning Unbundling Report, In Re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority, Case No. NEPR-AP-2018-0004, October 15, 2020.

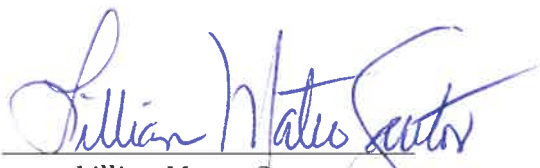


appearing during the Public Hearing scheduled for **August 12, 2021, 2021** and/or (ii) submitting written comments on or before **August 20, 2021**.

Be it notified and published.



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 July 20, 2021. President Edison Avilés Deliz did not intervene. I also certify that on this date a copy of this Resolution was notified by electronic mail to: margarita.mercado@us.dlapiper.com; kbolanos@diazvaz.law, jmarrero@diazvaz.law, contratistas@jrsp.pr.gov, hrivera@jrsp.pr.gov, manuelgabrielfernandez@gmail.com, ramonluisnieves@rlnlegal.com; ccf@tcm.law and agraitfe@agraitlawpr.com. I also certify that today, July 20, 2021, I have proceeded with filing the Resolution issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today July 20, 2021.



Sonia Seda Gaztambide
Clerk

