

**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:** Local Environmental and Civil  
Organizations' Request to Intervene.

**RESOLUTION**

On July 15, 2021, the Puerto Rico Local Environmental and Civil Organizations<sup>1</sup> ("LECO") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Joint Petition for Intervention* ("Request"). Through its Request, LECO stated the grounds for requesting intervention in the instant case.

Section 3.5 of Act 38-2017<sup>2</sup>, states that any person having a legitimate interest in an adjudicatory proceeding before an agency may file a written, duly grounded application in order to be allowed to intervene or participate in said proceeding. Section 5.05 of Regulation 8543<sup>3</sup> 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 the petition according to the criteria established in Act 38-2017. In its evaluation, the Energy Bureau must consider the following factors, in a liberal manner, 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;

<sup>1</sup> Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climática, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively "LECO").

<sup>2</sup> *The Uniform Administrative Procedures Act of the Government of Puerto Rico*, as amended.

<sup>3</sup> *Regulation on Adjudicative, Notice of Noncompliance, Rete Review and Investigation Procedures*, December 18, 2014 ("Regulation 8543").



*[Handwritten signatures in blue ink]*

- (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 excessively extend or delay the procedure;
- (f) Whether the petitioner represents or is the spokesperson of other groups or entities in the community; and
- (g) Whether the petitioner can contribute information, expertise, specialized knowledge, or technical advice otherwise not available in the procedure.

Upon review of the Request, the Energy Bureau **DETERMINES** that LECO meets the requirements set forth in Regulation 8543 and Sections 3.5 and 3.6 of Act 38-2017. Therefore, the Energy Bureau **GRANTS** LECO's request for intervention.

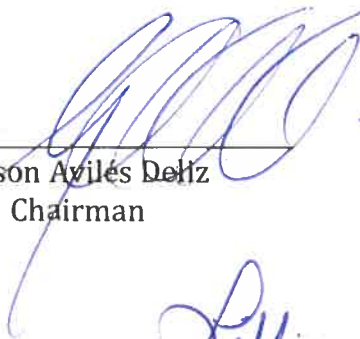
Any party affected by this determination may move for reconsideration of this Resolution before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543, and Act 38-2017. The affected party shall move for reconsideration within the term of twenty (20) days from filing this Resolution. Such 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 August 5, 2021. I also certify that on August 5, 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 hrivera@jrsp.pr.gov, contratistas@jrsp.pr.gov and agraitfe@agraitlaw.com; rstgo2@gmail.com, pedrosaade5@gmail.com, rolando@bufete-emmanueli.com; notificaciones@bufete-emmanueli.com; jessica@bufete-emmanueli.com. I also certify that today, August 5, 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 August 5, 2021.

  
Sonia Seda Gaztambide  
Clerk

