

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

**NEPR**  
**Received:**  
**Apr 21, 2022**

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**IN RE:**

**INTERRUPCIÓN DE SERVICIO  
ELÉCTRICO DE 6 DE ABRIL DE 2022**

**NO.: NEPR-IN-2022-0002**

**SUBJECT: PETITION FOR INTERVENTION**

**PETITION FOR INTERVENTION**

**COMES NOW** EcoEléctrica, L.P. (“EcoEléctrica”), pursuant to Section 5.05 of Regulation No. 8543, Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings, and respectfully petitions the Honorable Puerto Rico Energy Bureau (hereinafter, the “Bureau”) for leave to intervene or otherwise participate, and in support of such petition, EcoEléctrica respectfully states the following:

1. On April 8<sup>th</sup>, 2022, the Bureau issued a Resolution and Order, in which it initiated an investigation related to a failure in the electric system on April 6<sup>th</sup>, 2022.
2. Regulation No. 8543 in its Section 5.05 establishes that any person with a legitimate interest in a case before the Bureau may file a request for intervention. Although Section 5.05 is not part of Article XV’s provisions covering investigative procedures, Rule 1.05, indicates that all of the provisions of the Regulation must be construed in such way that the highest public interest and the protection of the interests of the inhabitants of Puerto Rico are promoted, and so that the procedures are carried out quickly, fairly and economically. Accordingly, the Bureau can grant such petition for intervention or allow EcoEléctrica’s participation in this procedure, if the public interest and the protection of the interests of the inhabitants of Puerto Rico are promoted, and the procedures are carried out quickly, fairly and economically. Moreover, a petition for intervention must

be evaluated by the Bureau according to the criteria established in Act No. 170 of the 12 of August of 1988, as amended (now Act 38-2017). Such Act requires that the petition address each of the following points:

- (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 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.

3 L.P.R.A. § 9645.

3. Accordingly, EcoEléctrica affirms that it is a corporation which owns and operates a combined cycle natural gas electric power generating plant located in Barrio Tallaboa in Punta Guayanilla, Peñuelas, Puerto Rico, and that it has a power purchase and operating agreement (PPOA) with PREPA for 22 years, since March of 2000. EcoEléctrica, which was the first independent power generator integrated into the Puerto Rico electric system and is the only generating plant by combined cycle technology operating on natural gas in the electric system, provides approximately 19% of the Island's electric energy production. Its LNG import terminal handles approximately 33% of the fuel that is imported to Puerto Rico for electric power generation. Furthermore, EcoEléctrica provides ancillary services to the Puerto Rico electric system

such as primary and secondary frequency control, reactive power production for voltage support and emergency response.

4. EcoEléctrica's operation was affected by the power outage of April 6th, 2022 and incidents of such nature may cause material damage to EcoEléctrica's generation units.
5. Pursuant to the above, as an energy power producer directly providing electric energy to PREPA, EcoEléctrica has great interest in the investigation conducted by the Bureau, the information that has been and will be provided by Luma Energy, LLC and Luma Energy ServCo, LLC (jointly referred to as "LUMA") and the results of such investigation, as well as in the decisions, orders and resolutions that may be issued by the Bureau in these proceedings.
6. As an intervenor, EcoEléctrica would review the documentation already provided and pending to be provided by LUMA and will participate in the proceedings in compliance with the Bureau Regulations and Orders, corroborating the information provided by LUMA when needed and identifying additional information that may need to be requested from LUMA in connection with the investigation. Moreover, any determinations made by the Bureau in this proceeding would affect any subsequent measures implemented to avoid the recurrence of this event and its effects on EcoEléctrica's operations.
7. EcoEléctrica may also contribute information related to the facility response during the event and its expertise and specialized knowledge as requested by the Bureau, which is otherwise not available in the procedure.
8. The rights and interests of EcoEléctrica cannot be adequately represented by any other party participating in the proceeding and its participation in this matter will not unduly delay these proceedings or prejudice any other party.

9. At this time EcoEléctrica is not aware of any other legal procedures that EcoEléctrica may use to ensure that its interest it's adequately protected before the Bureau and in general.
10. In the alternative, in the event the Bureau determine that EcoEléctrica cannot be authorized to participate as an intervenor in this investigation, EcoEléctrica respectfully requests leave for a limited intervention/participation, with the only purpose of being duly informed of the filings, resolutions and orders, and information provided by LUMA and PREPA. EcoEléctrica is willing to sign a non-disclosure agreement, if necessary.
11. EcoEléctrica requests that all filings, notices, correspondence and copies of orders and other communications regarding this docket be addressed to the undersigned to the email and address that is provided in the signature block of this document and additionally, directly to EcoEléctrica's President, Carlos A. Reyes, P.E., to [carlos.reyes@EcoEléctrica.com](mailto:carlos.reyes@EcoEléctrica.com) .

**WHEREFORE**, EcoEléctrica respectfully requests that the Bureau grant the requested leave to intervene in this investigation proceeding.

I HEREBY CERTIFY, that on this I have filed this Petition before the Puerto Rico Energy Bureau and that on this same date I sent by e-mail written copy of this motion to: [Yahaira.delarosa@us.dlapiper.com](mailto:Yahaira.delarosa@us.dlapiper.com); [ivan.garau@us.dlapiper.com](mailto:ivan.garau@us.dlapiper.com); [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law) and [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law) .

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, today April 21, 2022.

**TORO COLÓN MULLET, P.S.C.**

PO Box 195383

San Juan, PR 00919-5383

Tel.: (787) 751-8999

Fax: (787) 763-7760

**/s Carlos E. Colón Franceschi**

**CARLOS E. COLÓN FRANCESCHI**

RUA Núm.: 9,370

Email: ccf@tcm.law