

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

NEPR

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

NO.: NEPR-IN-2022-0002

SUBJECT: PETITION FOR INTERVENTION

AMENDED 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 files an amended petition to 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 8th, 2022, the Bureau issued a Resolution and Order, in which it initiated an investigation related to a failure in the electric system on April 6th, 2022.
2. On April 21, 2022, EcoEléctrica filed a Petition for Intervention to participate in the investigation.
3. On April 28, 2022, Luma Energy, LLC and Luma Energy ServCo, LLC (jointly referred to as “LUMA”) filed a Response in Opposition to Petition for Intervention, in which in summary, it argued that EcoEléctrica’s Petition for Intervention should be denied because: (1) the figure of the intervenor is recognized only in administrative proceedings of adjudicative nature; (2) the Bureau has the necessary mechanisms to seek the information relevant and necessary to complete its investigation; (3) allowing the intervention would delay the investigation and potentially derail its focus, as the parties would have to respond to the intervenor’s submissions and the proceeding may turn into a contentious one; (4) EcoEléctrica’s role in the industry as it relates to the April 6th

incident is different from LUMA's and thus, the direct intervention of EcoEléctrica in the proceeding would not be indispensable; (5) allowing the intervention would jeopardize the Bureau's control over the confidential, proprietary and sensitive information submitted.

4. As mentioned in the Petition for Intervention, 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 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.
5. 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.

6. 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 that will be in effect until September 2032. 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. The rights and interests of EcoEléctrica cannot be adequately represented by any other party participating in the proceeding.
7. 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.
8. Furthermore, EcoEléctrica asserts that:
 - a. The event subject to the investigation took place in the Costa Sur switch yard where EcoEléctrica delivers its generated power to PREPA. This event could

have damaged EcoEléctrica's interconnection which could, in turn, have interrupted its service for several months.

- b. Its interest is to have access to reliable information about the sequence of events and the operation of the protection and control systems of the 230kV switch yard in Costa Sur during the April 6, 2022, events.
- c. The legitimacy and completeness of the information provided by PREPA and LUMA in this proceeding guarantees its reliability.
- d. The demarcation and division of responsibilities between PREPA and LUMA in the switch yards of the power plants is unclear. The sequence of events, information, and access to the recorded files of the protecting devices for EcoEléctrica and for the Additional Interconnection facilities per the A&R PPOA, are no longer available as it was before LUMA was in charge of the T&D system operations. This situation prevented EcoEléctrica from obtaining information on the operations of the protections of the L-51300 line at the Costa Sur terminal as well as other important technical data for its analysis of the event.
- e. As prudent and responsible operators, EcoEléctrica studies each event in the network and in its operation to identify the root cause of such event and be able to establish measures to avoid re-occurrence.
- f. Grid events, such as the one that occurred in the Central Costa Sur, have the potential to cause significant damage to EcoEléctrica's generating units as well as to the components of the Additional Interconnection Facilities according to the A&R PPOA.
- g. Therefore, EcoEléctrica needs to be informed and must corroborate, with reliable technical data, the operating and maintenance condition of the control

11. EcoEléctrica requests that the Bureau authorize a limited intervention, pursuant to which EcoEléctrica's participation is limited to being notified of all documents filed by LUMA and the Orders and Resolutions issued by the Bureau in this investigation. That is, EcoEléctrica's intervention would have the only purpose of being duly informed of the filings, resolutions and orders, and information provided by or related to LUMA and PREPA and this event.
12. As argued by LUMA, such documents are available in the Bureau's electronic case management system and thus, the requested remedy would not prejudice any other party. In addition, EcoEléctrica is not a direct competitor to LUMA and their access to the information provided in this investigation would not prejudice LUMA.
13. Furthermore, EcoEléctrica requests that the Bureau allow EcoEléctrica to be notified with all confidential information submitted by LUMA in the investigation, since such information may affect EcoEléctrica directly. EcoEléctrica would subscribe a non-disclosure agreement in connection with such confidential information, similar to the non-disclosure signed by intervenors in the matter In re: Integrated Resource Plan for the Puerto Rico Electric Power Authority, CEPR-AP-2015-0002.
14. The requested limited intervention will not unduly delay these proceedings, as EcoEléctrica would not be an active participant in the investigation.
15. 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.
16. The limited participation requested, accompanied by the assurances provided by a non-disclosure agreement, would ensure that the investigation be conducted without delays or interference while at the same time promoting the best public interest.

17. 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 .

WHEREFORE, EcoEléctrica respectfully requests that the Bureau grant the requested amended 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; ivan.garau@us.dlapiper.com; jmarrero@diazvaz.law and kbolanos@diazvaz.law .

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, today May 2nd, 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