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Regulation on Electric Energy Wheeling

TABLE OF CONTENTS

REGULATION ON ELECTRIC ENERGY WHEELING.....	1
ARTICLE 1.- GENERAL PROVISIONS	4
Section 1.01.- Title.....	4
Section 1.02.- Legal Basis and Authority.....	4
Section 1.03.- Purpose and Executive Summary.....	4
Section 1.04.- Applicability.....	4
Section 1.05.- Interpretation.....	5
Section 1.06.- Provisions of Other Regulations.	5
Section 1.07.- Unforeseen Proceedings.....	5
Section 1.08.- Dates and Time Periods.	5
Section 1.09.- Definitions.....	5
Section 1.10.- Controlling Version.....	9
Section 1.11.- Severability.....	9
Section 1.12.- Forms.	9
Section 1.13.- Mode of Submission.....	10
Section 1.14.- Effect of Submission.	10
Section 1.15.- Confidential Information.....	10
Section 1.16.- Validity.	10
Section 1.17.- Penalties for Non-Compliance.	10
Section 1.18.- Compliance with Other Applicable Legal Requirements.	11
ARTICLE 2.- RESPONSIBILITIES OF THE GRIDCO.....	11
Section 2.01.- Applicability.....	11
Section 2.02 – General Responsibilities of the GridCo.....	11
Section 2.03.- Interconnection.	12
ARTICLE 3.- RESPONSIBILITIES OF THE PROVIDER OF LAST RESORT.....	12
Section 3.01.- Applicability.....	12
Section 3.02.- Continuing Obligation to Supply All Customers.....	12
Section 3.03.- Return of Wheeling Customers to the Provider of Last Resort.....	12
ARTICLE 4.- RESPONSIBILITIES OF THE RETAIL ELECTRICITY SUPPLIERS	12
Section 4.01.- Wheeling Services Agreement Requirement.....	12
Section 4.03.- Certification.....	13
Section 4.04. Default	13
ARTICLE 5. INDEPENDENT POWER PRODUCERS.....	13
Section 5.01. – Interconnection	13
Section 5.02.- Certification.....	13

ARTICLE 6.- WHEELING SERVICES AGREEMENT	13
Section 6.01.- Applicability	13
Section 6.02.- Stakeholders Input Process.....	14
Section 6.03.- Wheeling Services Agreement Draft.	14
Section 6.04.- Wheeling Services Agreement Application Form.....	14
Section 6.05.- Nonrefundable Fee.....	15
Section 6.06.- Energy Bureau Review.....	15
 ARTICLE 7.- RETAIL SUPPLY AGREEMENTS	 15
Section 7.01.- Development of a Standard Retail Supply Agreement.....	15
Section 7.02.- Customer Eligibility.....	16
Section 7.03.- Standard Retail Supply Agreement.....	16
 ARTICLE 8.- WHEELING SERVICES AGREEMENT APPLICATION PROCESS.....	 16
Section 8.01.- Applicability.....	16
Section 8.02.- Wheeling Services Agreement Application Review Process.	16
Section 8.03.- Appeal to the Energy Bureau.....	17
 ARTICLE 9.-WHEELING TARIFFS.....	 17
Section 9.01.- Wheeling Tariffs.....	17
Section 9.02.- Wheeling Tariffs Procedure.	17
 ARTICLE 10.- RECONSIDERATION AND JUDICIAL REVIEW.....	 18
Section 10.01.- Reconsideration.....	18
Section 10.02.- Judicial Review.....	18

REGULATION ON ELECTRIC ENERGY WHEELING

ARTICLE 1 GENERAL PROVISIONS

Section 1.01 Title.

This Regulation shall be known as the *Regulation on Electric Energy Wheeling*.

Section 1.02 Legal Basis and Authority.

This Regulation is adopted pursuant to Act 57-2014, as amended, known as the *Puerto Rico Energy Transformation and RELIEF Act* ("Act 57-2014"); Act 17-2019, known as the *Puerto Rico Energy Public Policy Act* ("Act 17-2019"); and Act 38-2017, as amended, known as the *Uniform Administrative Procedure Act of the Government of Puerto Rico* ("LPAU" for its Spanish acronym). The Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") has the authority to implement wheeling. Act 57-2014, as recently affirmed by Act 17-2019, states that the Energy Bureau has the power and duty to "regulate the wheeling mechanism in Puerto Rico in accordance with applicable laws."¹ Moreover, the Energy Bureau has the power and duty to "oversee and ensure the execution and implementation of the public policy on the electric power service in Puerto Rico." The Energy Bureau also has "all those additional, implicit, and incidental powers that are pertinent and necessary to enforce and carry out, perform, and exercise the powers granted by law and to achieve the energy public policy."²

Section 1.03 Purpose and Executive Summary.

The Energy Bureau adopts and enacts this Regulation to implement the energy wheeling mechanism in Puerto Rico, in accordance with applicable legislative mandates. The Energy Bureau proclaims this Regulation to implement a system that allows an exempt business, dedicated to the production of energy, as described in Section 2(d)(1)(H) of Article 1 of Act No. 73-2008, as amended, known as the *Economic Incentives Act for the Development of Puerto Rico*, or similar provisions in other incentive laws, as well as Electric Power Service Companies, Microgrids, Energy Cooperatives, Municipal Ventures, Large Industrial and Commercial consumers, and Community Solar and other demand aggregators, to participate in the energy wheeling mechanism in Puerto Rico. This Regulation also repeals Regulation No. 9138, Regulation on Electric Energy Wheeling.

Section 1.04 Applicability.

This Regulation shall apply to all companies offering electric services operating in Puerto Rico when this Regulation enters into effect, as well as to all companies that intend to operate or offer electric services in Puerto Rico now or in the future.

¹ Section 6.3(g) of Act 57-2014, as amended by Section 5.10 of Act 17-2019.

² *Id.*

Section 1.05 Interpretation.

This Regulation shall be interpreted so it promotes the highest public good and the protection of the interests of all electric service customers of Puerto Rico, and in such a way that proceedings are carried out rapidly, justly, and economically.

Section 1.06 Provisions of Other Regulations.

This Regulation may be supplemented by other regulations of the Energy Bureau compatible with this Regulation.

Section 1.07 Unforeseen Proceedings.

When a specific proceeding has not been planned for in this Regulation, the Energy Bureau may attend to it in any way that is consistent with Act 57-2014 and other applicable laws.

Section 1.08 Dates and Time Periods.

In computing any time period established in this Regulation, or by order of the Energy Bureau, the day of the act, event, or noncompliance that triggers the period shall not be counted, and the established period shall begin to elapse on the following day. Whenever a due date falls on a Saturday, Sunday, or legal holiday, said due date shall be extended until the next workday.

Section 1.09 Definitions.

- A) These definitions are to be used for this Regulation and are not intended to modify the definitions used in any other Energy Bureau regulation or order.
- B) For this Regulation, the following terms will have the meaning established below, unless the context of the content of any provision indicates something else:
 - 1) "Certification" means the process by which an Electric Power Service Company seeks approval by the Energy Bureau to operate or offer services in Puerto Rico pursuant to Regulation 8701³ or any subsequent regulation to those effects.
 - 2) "Community Solar" means a program whereby local solar facilities are shared by multiple customers who receive credit on their electricity bills for their share of the power produced.
 - 3) "Customer" means any Person who receives Electric Service, other than at

³ Amendment to Regulation No. 8618, on Certifications, Annual Charges and Operational Plans of Puerto Rico Electric Service, February 17, 2016 ("Regulation 8701").

facilities primarily engaged in the generation of electricity.

- 4) "Distributed Generation" means an electric power generation facility in Puerto Rico connected to the Distribution System and producing power for self-supply or other purposes.
- 5) "Distribution" or "Distribution System" means the physical equipment used to distribute electric power at voltages of less than 38,000 volts, including but not limited to poles, primary lines, secondary lines, service drops, transformers, and Meters.
- 6) "Electric Power Grid" means the electric power Transmission System and Distribution System of Puerto Rico.
- 7) "Electric Service" means the provision of generation, distribution and/or transmission service to a customer; it may include ancillary services.
- 8) "Electric Power Generation Company" or "EPGC" means any natural or juridical person engaged in the production or generation of electric power in Puerto Rico. This term shall include cogenerators already established in Puerto Rico that supply energy to PREPA through a Power Purchase Agreement, and renewable energy producers. All Electric Power Generation Companies shall be deemed to be Electric Power Service Companies.
- 9) "Electric Power Service Company" or "EPSC" means any natural or juridical person or entity including Energy Cooperatives, engaged in the rendering of energy generation, transmission and distribution services, billing, wheeling, grid services, energy storage, and/or the resale of electric power.
- 10) "Energy Bureau" means the Energy Bureau of the Puerto Rico Public Service Regulatory Board, established by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, and Act 211-2018, formerly the Puerto Rico Energy Commission, created under Act 57-2014, which is a specialized independent entity in charge of regulating, overseeing, and enforcing the public policy on energy of the Government of Puerto Rico.
- 11) "Energy Cooperative" means a cooperative organized under Act 239 -2004, known as the *General Cooperative Associations Act of 2004*, as amended, mainly to meet individual and common electric power needs of their cooperative members, affiliated consumers and/or communities through electric power generation, transmission and/or distribution systems. "Cooperative Microgrids" as defined in Regulation 9028, shall not be considered Energy Cooperatives, as defined in this Regulation.

- 12) "GridCo" means the entity with the primary responsibility for providing for any of the transmission, distribution, and operating functions of the Electric Power Grid, as well as system balancing and the dispatch of generation resources. The GridCo shall be PREPA or its agent or successor, as designated by the Energy Bureau for the purposes of this Regulation.
- 13) "Independent Power Producer" means an Electric Power Generation Company that is not owned or operated by PREPA. An Independent Power Producer may, but is not required to, be qualified as an exempt business described in Section 2(d)(l)(H) of Article 1 of Act No. 73-2008, as amended, known as the *Economic Incentives Act for the Development of Puerto Rico*.
- 14) "Interconnection" means the connection of an electric power generation facility to Puerto Rico's Electric Power Grid.
- 15) "Meter" means the equipment used to measure consumption and/or generation of energy at the point of connection between any entity and the Electric Power Grid as well as associated communications and control capabilities.
- 16) "Microgrid" means a group of interconnected loads and distributed generation within clearly defined electrical boundaries that acts as a single controllable entity that can connect and disconnect from the Electric Power Grid to enable it to operate in either grid-connected or off-the-grid (islanded) mode.
- 17) "Municipality" means the local government legal entity organized and existing pursuant to Article VI, §1 of the Puerto Rico Constitution and Act No. 81-1991, as amended, known as the *Autonomous Municipality Act of the Commonwealth of Puerto Rico*.
- 18) "Municipal Venture" means an enterprise undertaken by a municipality to provide electric services to its citizens in accordance with applicable laws.
- 19) "Partial Requirements Power Tariff" means a rate authorized by the Energy Bureau to be paid by a Wheeling Customer for generation services that are not provided by the Retail Electricity Supplier that provides the Wheeling Customer with less than 100% of generation services.
- 20) "Person" means a natural person, or a legal entity created, organized, or existing under the laws of Puerto Rico, the United States of America, any state of the union, or any foreign state or country; a Municipality or a consortium of Municipalities; or any other government entity, including PREPA.
- 21) "Power Purchase Agreement" or "PPA" means any agreement or contract,

other than a Retail Supply Agreement, approved by the Energy Bureau, whereby an Electric Power Generation Company is bound to sell electric power, at a just and reasonable rate, to another natural or juridical person, and such other person is, in turn, bound to acquire said electric power.

- 22) "PREPA" means the Puerto Rico Electric Power Authority, a corporate entity created by Act No. 83 of May 2, 1941, as amended, and any successor entity.
- 23) "Provider of Last Resort" or "POLR" means the entity responsible for procuring or otherwise arranging electricity supply for customers who do not participate in wheeling. The Provider of Last Resort shall be PREPA or its agent or successor, as designated by the Energy Bureau for the purposes of this Regulation.
- 24) "Retail Electricity Supplier" or "RES" means a certified Electric Power Service Company, Microgrid, Energy Cooperative, Municipal Venture, or Community Solar enterprise or other demand aggregator that produces or acquires generation services from one or more Independent Power Producers to be supplied to one or more wheeling customers. A Retail Electricity Supplier may, but is not required to, be qualified as an exempt business described in Section 2(d)(1)(H) of Article 1 of Act No. 73-2008, as amended, known as the Economic Incentives Act for the Development of Puerto Rico.
- 25) "Retail Supply Agreement" means an agreement between a Retail Electricity Supplier and a Wheeling Customer to arrange for procurement of generation services.
- 26) "Stand-by Power Tariff" means an optional rate authorized by the Energy Bureau for providing power in the event that a Retail Electricity Supplier that has contracted through a Retail Supply Agreement to provide one or more Wheeling Customers with power, fails to meet the terms and conditions of that Retail Supply Agreement and the Wheeling Customer is desirous of having continual service. The standby compensation may be paid by the Retail Electricity Supplier or the Wheeling Customer.
- 27) "Transmission" or "Transmission System" means the physical equipment used to transmit electric power at voltages of at least 38,000 volts, including but not limited to towers, poles, lines, and transformers.
- 28) "Wheeling" means the delivery by a Retail Electricity Supplier of electricity from one or more Independent Power Producers to a Wheeling Customer through the Electric Power Grid. An Independent Power Producer and Retail Electricity Supplier may be the same entity or may have a separate contractual arrangement. Wheeling does not include any form of Distributed Generation to which net-metering is applied.

- 29) "Wheeling Application" means the document submitted by a Retail Electricity Supplier to the GridCo requesting to execute a Wheeling Services Agreement.
- 30) "Wheeling Customer" means a Customer that enters into a Retail Supply Agreement with a Retail Electricity Supplier.
- 31) "Wheeling Rate" means a set of just and reasonable charges, as approved by the Energy Bureau, that shall be billed to an Independent Power Producer, Retail Electricity Supplier, or to a Wheeling customer, for the use of the Electric Power Grid for the delivery of energy to a Wheeling Customer.
- 32) "Wheeling Service Agreement" means the contract executed between a Retail Electricity Supplier and the GridCo to establish the functions and obligations of these two parties, prior to commencing the supply of power by a Retail Electricity Supplier to a Wheeling Customer.

C) Every word used in the singular in this Regulation shall be understood to also include the plural unless the context indicates otherwise.

Section 1.10 Controlling Version.

Should any discrepancy between the Spanish version and the English version of this Regulation arise, the English version shall prevail.

Section 1.11 Severability.

If any article, provision, word, sentence, paragraph, subsection, or section of this Regulation is disputed, for any reason, before a court and declared unconstitutional or null and void, such ruling shall not affect, damage, or invalidate the remaining provisions of this Regulation, rather the effect shall be limited to the article, provision, word, sentence, paragraph, subsection, or section declared unconstitutional or null and void. The nullity or invalidity of any article, word, sentence, paragraph, subsection, or section, in any specific case, shall not affect or jeopardize in any way its application or validity in any other case, unless it has been specifically and expressly invalidated for all cases.

Section 1.12 Forms.

The Energy Bureau shall establish the forms it deems necessary to conduct the proceedings pursuant to this Regulation and shall inform the public via its website. That the Energy Bureau has not adopted one or more forms, is in the process of reviewing them, or the Internet website is out of service, shall relieve no party of its obligation to comply with the provisions stated herein, provide the information required by this Regulation, or otherwise comply with any Energy Bureau order.

Section 1.13 Mode of Submission.

The forms, documents, and appearances required by this Regulation, or any order of the Energy Bureau must be submitted before the Energy Bureau in electronic format according to the instructions which, from time to time, the Energy Bureau establishes through an order in relation to the electronic filing system.

If the electronic filing system is temporarily not operating or functioning, the forms, documents, and appearances required by this Regulation or by any order of the Energy Bureau shall be submitted before the Energy Bureau in accordance with any instructions that the Energy Bureau shall provide through an order.

Section 1.14 Effect of Submission.

In filing any document before the Energy Bureau, the party undersigning such document shall be deemed to have certified that the content of the document is true and that, according to the signer's best knowledge, information, and belief, formed after reasonable inquiry, the document is based on reliable and trustworthy facts, arguments, judicial sources, and information.

Section 1.15 Confidential Information.

If in compliance with this Regulation or any of the Energy Bureau's orders, a Person must disclose information to the Energy Bureau considered privileged, pursuant to applicable evidentiary privileges, said Person shall identify the alleged privileged information and request in writing for the Energy Bureau to treat such information as confidential, pursuant to Article 6.15 of Act 57-2014. In identifying privileged information and requesting confidential treatment by the Energy Bureau, the requesting party shall follow the rules and procedures established by the Energy Bureau in Resolution issued in case number CEPR-MI-2016-0009, as such resolution may be amended from time to time, for the filing, handling, and treatment of confidential information. Except with information protected under the attorney-client privilege, the claim of confidential treatment shall, under no circumstances, be grounds for denying such information from being filed with the Energy Bureau.

Section 1.16 Validity.

Pursuant to Section 2.8 of the LPAU, this Regulation shall enter into effect thirty (30) days after its submission to the Department of State and the Legislative Library of the Office of Legislative Services. Regulation No. 9138, Regulation on Electric Energy Wheeling, is repealed.

Section 1.17 Penalties for Non-Compliance.

Any Person who fails to comply with the requirements in this Regulation may be subject to the imposition of penalties under Act 57-2014, Section 3.05 and 3.06 of Regulation 8701, and

pursuant to the procedures established in Regulation 8543⁴.

Section 1.18 Compliance with Other Applicable Legal Requirements.

Compliance with this Regulation shall relieve no party affected by this Regulation from fully complying with other applicable legal and regulatory requirements enforced by any other government entity.

ARTICLE 2 RESPONSIBILITIES OF THE GRIDCO

Section 2.01 Applicability.

The Energy Bureau shall designate by order the entity or entities responsible for the functions of the GridCo.

Section 2.02 General Responsibilities of the GridCo

The GridCo shall ensure transparent, open access on non-discriminatory terms to the Electric Power Grid for Independent Power Producers and Retail Electricity Suppliers serving or intending to serve Wheeling Customers; ensure the reliability and adequacy of the Electric Power Grid; ensure adequate power for all customers; ensure efficient economic dispatch and scheduling of resources to serve loads; and ensure that electricity delivery is accurately accounted for to Wheeling Customers from the Retail Electricity Suppliers and Independent Power Producers. The GridCo shall:

- A) Maintain the reliability and security of the Electric Power Grid, including the instantaneous balancing of generation and load, and assuring the adequacy of resources to meet demand.
- B) Provide for transparent, non-discriminatory, and open access to the Electric Power Grid, consistent with this Regulation, other applicable regulations, relevant Energy Bureau orders, PPAs and approved Wheeling Services Agreements.
- C) Process all Wheeling Service Applications from Retail Electricity Suppliers seeking to serve Wheeling Customers in accordance with the procedures established by the Energy Bureau to those effects.
- D) Provide billing and metering services to Customers not engaged in wheeling, as well as Wheeling Customers unless any billing and metering services are otherwise provided by a Retail Electricity Supplier pursuant the terms of a Wheeling Services Agreement as well as other applicable rules and orders.
- E) Administer settlement and billing for services provided under the Wheeling Services

⁴ *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures*, December 18, 2014.

Agreement to the Retail Electricity Suppliers; and

- F) Perform any additional duties required under this Regulation, Energy Bureau orders, and Wheeling Services Agreements.

Section 2.03 Interconnection.

The GridCo shall be responsible for complying with interconnection regulations and protocols subject to approval by the Energy Bureau, for the interconnection of generating facilities, Microgrids and Distributed Generation as applicable to the Transmission and Distribution System.

ARTICLE 3 RESPONSIBILITIES OF THE PROVIDER OF LAST RESORT

Section 3.01 Applicability.

The Energy Bureau shall designate by order the entity or entities responsible for the functions of the Provider of Last Resort.

Section 3.02 Continuing Obligation to Supply All Customers.

The Provider of Last Resort shall have a continuing obligation to ensure power supply to all customers.

Section 3.03 Return of Wheeling Customers to the Provider of Last Resort.

The terms and conditions of the Retail Supply Agreement shall specify when the Wheeling Customer may opt to return to the then-existing applicable tariff available to customers served directly by the Provider of Last Resort. Any Wheeling Customer that returns to the Provider of Last Resort shall be prohibited from entering into a new agreement with a new Retail Electricity Supplier for a period of time that shall be determined by Order, which may vary by customer class or other reasonable distinction between customers and the reason that the Wheeling Customer returned to the Provider of Last Resort.

ARTICLE 4 RESPONSIBILITIES OF THE RETAIL ELECTRICITY SUPPLIERS

Section 4.01 Wheeling Services Agreement Requirement.

A Retail Electricity Supplier must have an executed Wheeling Services Agreement with the GridCo prior to delivering power to a Wheeling Customer pursuant to a Retail Supply Agreement.

Section 4.02 Renewable Portfolio Standard Compliance

A Retail Electricity Supplier shall comply with Section 2.3 of Act 82-2010, as amended, known

as *The Public Policy on Energy Diversification by Means of Sustainable and Alternative Renewable Energy in Puerto Rico Act* and any Energy Bureau regulations with respect to the renewable portfolio standard.

Section 4.03 Certification.

Any Retail Electricity Supplier that intends to sell power through a Power Purchase Agreement to a Wheeling Customer shall file a certification application that must be approved by the Energy Bureau, pursuant to the provisions of Regulation 8701, or any subsequent regulation to those effects, prior to providing any such services. Any entity that qualifies as both a Retail Electricity Supplier and an Independent Power Producer need only apply for and receive a single certification.

Section 4.04 Default.

The Energy Bureau may establish by order the responsibilities of the Retail Electricity Supplier, the Provider of Last Resort, the Wheeling Customer and other parties in the event that the Retail Electricity Supplier defaults by failing to provide power consistent with the terms and conditions of the Retail Supply Agreement and/or the Wheeling Service Agreement for any given period.

ARTICLE 5 INDEPENDENT POWER PRODUCERS

Section 5.01 Interconnection

An Independent Power Producer shall apply for interconnection for its Electric Power Generation Facilities pursuant to applicable regulations.

Section 5.02 Certification.

Any Independent Power Producer that intends to participate in Wheeling shall file a certification application that must be approved by the Energy Bureau, pursuant to the provisions of Regulation 8701, or any subsequent regulation to those effects, prior to providing any such services. Any entity that qualifies as both a Retail Electricity Supplier and an Independent Power Producer need only apply for and receive a single certification.

ARTICLE 6 WHEELING SERVICES AGREEMENT

Section 6.01 Applicability.

The GridCo shall enter into a Wheeling Service Agreement with any Retail Electricity Supplier that files a Wheeling Services Agreement Application. The Retail Electricity Supplier must sign the Wheeling Service Agreement prior to commencing wheeling services.

Section 6.02 Stakeholders Input Process.

The Energy Bureau shall conduct a stakeholder technical workshop or solicit comments from stakeholders, as needed, to ensure that a standard Wheeling Services Agreement is developed between the GridCo and the Retail Electricity Supplier.

Section 6.03 Wheeling Services Agreement Draft.

- A) GridCo shall propose, for Energy Bureau review and approval, a standard Wheeling Services Agreement, addressing the requirements and parameters established by order issued by the Energy Bureau. The Standard Wheeling Services Agreement shall cover standard electric industry wheeling terms and conditions and shall explicitly address at least the following:
 - 1) Terms, conditions, and charges for wheeling service.
 - 2) A description of the pricing and settlement process for under- and over-deliveries.
 - 3) Conditions for ensuring that a Retail Electricity Supplier has sufficient generation, either through direct ownership and control or power purchase agreements, prior to transitioning a wheeling customer from the Provider of Last Resort or other retail electricity supplier and onto wheeling service with the new retail electricity supplier.
 - 4) The arrangements for metering, data exchange and billing, and charges, thereof.
 - 5) The process for addressing any default in the provision of energy to a Wheeling Customer; and
 - 6) Any other parameter established by the Energy Bureau through order.
- B) The GridCo shall provide entities applying to be Retail Electricity Suppliers with the standard Wheeling Services Agreement and shall inform the Retail Electricity Supplier that it may negotiate different terms if the standard Wheeling Services Agreement is not suitable to its needs. Notwithstanding, Wheeling Rates are established by the Energy Bureau, therefore they are not subject to negotiation.

Section 6.04 Wheeling Services Agreement Application Form.

- A) In accordance with an Order by the Energy Bureau, the GridCo shall submit, for Energy Bureau approval, a draft of the proposed standard Wheeling Service Agreement application form. Such draft shall contain, but not be limited to, the following requirements:

- 1) Geographic location and interconnection point of the Independent Power Producer electric power generation facilities expected to serve the Retail Electricity Supplier;
 - 2) Estimated quantity of power to be wheeled;
 - 3) Anticipated Wheeling Customer locations to be served under a Retail Supply Agreement, to the extent available;
 - 4) Proposed commencement date and anticipated duration of the wheeling arrangement;
 - 5) Any other information necessary for the implementation of this Wheeling Regulation; and
 - 6) Any other information required by the Energy Bureau through an order.
- B) The proposed form shall specify that, upon request from Retail Electricity Supplier, the GridCo will designate, handle and treat as confidential any information included in the application that was specifically identified as such by the Retail Electricity Supplier.

Section 6.05 Nonrefundable Fee.

Upon submission of the standard Wheeling Services Agreement, the GridCo shall propose, for the Energy Bureau's approval, a nonrefundable fee to be paid by the applying Retail Electricity Supplier upon submission of a Wheeling Services Agreement application. Such fee shall be set by the Energy Bureau for no more than is necessary to ensure that costs associated with processing the application do not affect in any way whatsoever nonsubscribers of wheeling services.

Section 6.06 Energy Bureau Review.

The Energy Bureau shall approve, disapprove, or modify the proposed standard Wheeling Services Agreement, the proposed Wheeling Services Agreement Application and the proposed Nonrefundable Fee. In its evaluation process, the Energy Bureau will consider any comments provided by the public. In considering any term or condition, the Energy Bureau will ensure that costs associated with wheeling do not affect in any way whatsoever nonsubscribers of wheeling services.

ARTICLE 7 RETAIL SUPPLY AGREEMENTS

Section 7.01 Development of a Standard Retail Supply Agreement.

At an appropriate time, the Energy Bureau shall convene a stakeholder technical workshop

or solicit public comment for purposes of requesting input on the development of a standard Retail Supply Agreement. Upon completing the stakeholder input process, the Energy Bureau will issue an order establishing the parameters the Retail Electricity Suppliers will use for the drafting of a standard Retail Supply Agreement. The Energy Bureau will consider any comments provided by the public regarding the standard Retail Supply Agreement. In considering any term or condition, the Energy Bureau will ensure that costs associated with wheeling do not affect in any way whatsoever nonsubscribers of wheeling services. The standard Retail Supply Agreement may vary by customer class or other reasonable distinction between customers.

Section 7.02 Customer Eligibility.

The Energy Bureau may establish by order the eligibility of customers to enter into a Retail Supply Agreement. Such order may limit eligibility by customer class or by other reasonable distinctions between customers or provide for appropriate protections for certain categories of customer to be eligible.

Section 7.03 Standard Retail Supply Agreement.

All Retail Supply Agreements must contain, at a minimum, the clauses, and provisions, as well as comply with the parameters and instructions, established by the Energy Bureau through order.

ARTICLE 8 WHEELING SERVICES AGREEMENT APPLICATION PROCESS

Section 8.01 Applicability.

Any certified Retail Electricity Supplier intending to wheel power to a Wheeling Customer pursuant to a Retail Supply Agreement, must submit a Wheeling Service Agreement application to the GridCo, using the application form approved by the Energy Bureau. Such wheeling application must be approved by the GridCo prior to commencing the supply of power to a Wheeling Customer.

Section 8.02 Wheeling Services Agreement Application Review Process.

- A) Within thirty (30) calendar days of the filing of the Wheeling Services Agreement Application by the Retail Electricity Supplier, the GridCo shall determine whether it is complete. If the GridCo does not respond to the Application within thirty (30) calendar days of the filing, the Wheeling Services Agreement Application shall be deemed complete. In these instances, a Wheeling Services Agreement Application shall be deemed complete by the GridCo if it includes all the information required in the corresponding application form.
- B) If the GridCo deems a Wheeling Services Agreement Application incomplete, the GridCo shall notify the Retail Electricity Supplier in writing of the specific areas in which the filing is deficient, and the information required to correct

such deficiencies.

- C) Within thirty (30) days of the filing of the corrected documents, the GridCo shall evaluate them for completeness. The GridCo shall notify its determination in writing to the Retail Electricity Supplier within the same 30-day period
- D) The GridCo shall evaluate the Wheeling Services Agreement application within a term of thirty (30) days from the date the Wheeling Services Agreement application is deemed complete. The GridCo shall notify the Retail Electricity Supplier of its final determination in writing to the Retail Electricity Supplier within the same 30-day period. If the Application is not approved, the GridCo shall provide a detailed explanation of the basis for rejecting the application. If the GridCo does not complete the evaluation and respond to the Retail Electricity Supplier within the term of thirty (30), the Wheeling Services Agreement Application shall be deemed approved.

Section 8.03 Appeal to the Energy Bureau.

If a Retail Electricity Supplier is not satisfied with the GridCo's determination with respect to its Wheeling Services Agreement application, the Retail Electricity Supplier may appeal such determination before the Energy Bureau within thirty (30) days of the date the determination was notified to the Retail Electricity Supplier.

ARTICLE 9 WHEELING TARIFFS

Section 9.01 Wheeling Tariffs.

The Energy Bureau shall review and approve the tariffs for Wheeling, including the rates that the GridCo may charge Retail Electricity Suppliers or Wheeling Customers for the use of the transmission and/or distribution system, as well as any credits received by Wheeling Customers. Options for such rates may include, but are not limited to, continuation on existing tariffs with an appropriate supply credit, a partial requirements power tariff, or a stand-by power tariff, among others. If any rates are charged to Retail Electricity Suppliers for the use of the transmission and/or distribution system, the Energy Bureau may determine by Order whether they must be included as a pass-through on the bill of the applicable Wheeling Customer.

Section 9.02 Wheeling Tariffs Procedure.

The Energy Bureau will establish through Order the procedure to determine the Wheeling Rates and Credits, in accordance with applicable Regulations. In establishing the Wheeling Rates and Credits procedure, the Energy Bureau shall ensure that costs associated with Wheeling do not affect in any way whatsoever nonsubscribers of wheeling services.

ARTICLE 10 RECONSIDERATION AND JUDICIAL REVIEW

Section 10.01 Reconsideration.

Any person who is not satisfied with a decision made by the Energy Bureau under this Regulation may file, within the term of twenty (20) days from the date copy of the notice of such decision is filed by the Energy Bureau's Clerk, a request for reconsideration before the Energy Bureau wherein the petitioner sets forth in detail the grounds that support the request and the decisions that, in the opinion of the petitioner, the Energy Bureau should reconsider.

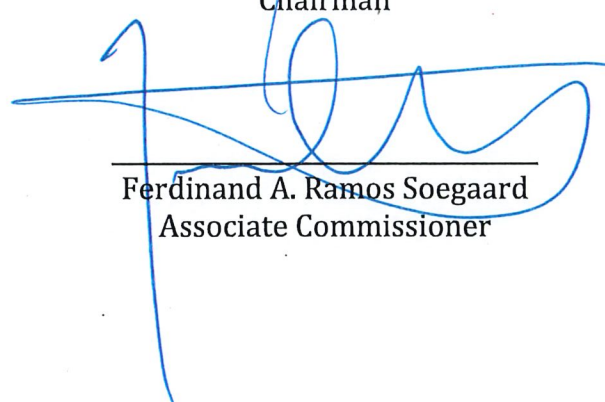
Section 10.02 Judicial Review.

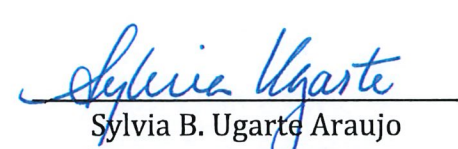
Any person dissatisfied with a final decision of the Energy Bureau under this Regulation may, within thirty (30) days from the date copy of notice of a final decision addressing a request for reconsideration is filed by the Energy Bureau's Clerk, or within thirty (30) days from the date copy of the notice of an Energy Bureau final decision is filed by the Energy Bureau's Clerk, if a request for reconsideration has not been filed, appear before the Puerto Rico Court of Appeals by way of writ of judicial review, pursuant to Section 4.2 of the LPAU and the applicable Rules of the Court of Appeals.

Agreed upon by the Energy Bureau, in San Juan, Puerto Rico, on December 7, 2021.



Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner