

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

CASE NO.: NEPR-MI-2019-0009

IN RE: INTERCONNECTION REGULATIONS

SUBJECT: Request for Public Comments of LUMA's *Additional Comments to Preliminary Draft of Proposed Generating Facility and Microgrid Interconnection Regulation*, submitted on November 15, 2021, and LUMA's May 19, 2022, *Motion Submitting Complete Version of Technical Interconnection Requirements Document*.

RESOLUTION AND ORDER

I. Relevant Background

On May 20, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("May 20 Resolution") through which it opened Case No. NEPR-MI-2019-0009¹ to address the process for the modification of current interconnection regulations. The Energy Bureau began this proceeding with the goal of properly aligning interconnection regulations with public policy. The latter being imperative to provide efficient mechanisms for integrating Distributed Generators (DGs) to the electric grid.²

On July 15, 2021, the Energy Bureau issued a Resolution and Order ("July 15 Resolution"), through which it consolidated Case No. NEPR-MI-2019-0009 and Case No. CEPR-MI-2018-0008. These cases were consolidated because both deal with matters pertinent to the interconnection of electrical systems to Puerto Rico's electric power grid. The July 15 Resolution included, as an attachment, the preliminary draft for a new comprehensive interconnection regulation, that will govern the interconnection of DGs and microgrids³ and established the process for the public to review and provide feedback on the preliminary draft. The Energy Bureau provided parties the opportunity to submit comments on the preliminary draft, on or before July 30, 2021, before initiating the formal rulemaking process.

LUMA⁴, the Institute for Energy Economics and Financial Analysis ("IEEFA"), the Solar Energy and Storage Association of Puerto Rico ("SESA PR"), the Renewable Energy Coalition and GE Renewable Energy filed comments to the Preliminary Draft within the term provided.

On August 3, 2021, the Energy Bureau provided the Independent Consumer Protection Office ("ICPO") and any other interested parties an additional fourteen (14) days to submit their comments to the Preliminary Draft, and on September 10, 2021, the Energy Bureau issued a Resolution publishing the Spanish version of the Preliminary Draft and granted interested parties until September 30, 2021, to submit their comments.

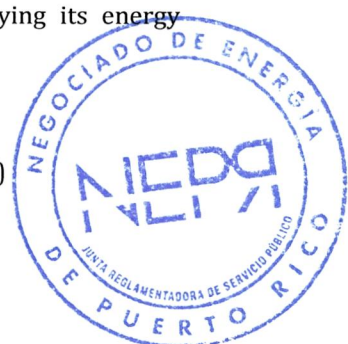
On October 15, 2021, LUMA filed a document titled *Motion Requesting Additional Time to Submit Additional Comments to Preliminary Draft of Proposed Generating Facility and Microgrid Interconnection Regulation* ("October 15 Motion"). LUMA requested an extension until November 15, 2021, to submit more detailed comments.

¹ See In Re: Interconnection Regulations, Case No. NEPR-MI-2019-0009, Resolution and Order, May 19, 2019.

² Act 57-2014, Section 1.3 (aa) defines the term "Distributed Generator" as a person or entity that owns an electric power generation facility in Puerto Rico for the primary purpose of self-supplying its energy consumption and that has the option of exporting the excess energy to the electric grid.

³ *Proposed Generating Facility and Microgrid Interconnection Regulation* ("Preliminary Draft").

⁴ LUMA Energy, LLC as Management Co., and LUMA Energy SERVCO, LLC (collectively "LUMA")



II. Additional Comments and Technical Interconnection Requirements

On November 15, 2021, LUMA filed a document titled *Motion to Submit Additional Comments to Preliminary Draft of Proposed Generating Facility and Microgrid Interconnection Regulation* ("November 15 Motion"). Through the November 15 Motion, LUMA informed that they incorporated detailed comments into the Preliminary Draft in the form of comment balloons and proposed specific text modification⁵. LUMA proposed that the provisions containing detailed technical requirements for interconnection be removed from the Preliminary Draft and be included in a separate technical document referred to as *Technical Interconnection Requirements* ("TIR"). LUMA presented a Preliminary Draft TIR document for review and approval by the Energy Bureau.⁶ Therefore, LUMA requested the Energy Bureau to accept the Preliminary Draft TIR as a demonstration of LUMA's progress to prepare a comprehensive TIR document and provide LUMA additional time to submit a more comprehensive draft of the TIR, later, for separate review and approval by the Energy Bureau, outside the formal rulemaking proceeding.

On May 19, 2022, LUMA filed a document titled *Motion Submitting Complete Version of Technical Interconnection Requirements Document* ("May 19 Motion"). LUMA sustained that they have drafted the technical requirements for interconnection at transmission/sub-transmission level and incorporated these requirements in the Preliminary Draft TIR resulting in a comprehensive draft TIR document.⁷ LUMA states that although the proposed TIR addresses the subject of smart inverters further elaboration must address the complex subject of smart inverters settings to be included in the document.⁸ Also, LUMA restates its request made in the November 15 Motion that the detailed technical requirements for interconnection be removed from the Preliminary Draft and that LUMA be allowed to use the proposed Comprehensive TIR as the TIR for any interconnection governed by the final Interconnection Regulation. Therefore, LUMA requested that the Proposed Comprehensive TIR document remain and be approved as a separated technical document from the Final Interconnection Regulations. This will allow revisions and updates to the TIR without triggering a rulemaking proceeding.

Finally, LUMA informed the Energy Bureau they have additional comments to the Preliminary Interconnection Regulation Draft, specifically regarding the subjects of DG evaluations, supplemental study cost values, and DG interconnection capacity cap per feeder, which they plan to submit at "the appropriate time" be it within any additional comment period that may be provided by the Energy Bureau or during the comment period provided by the Energy Bureau when it issues the proposed regulation in a formal rulemaking proceeding.⁹

The Energy Bureau **ACCEPTS** LUMA's proposal to remove detailed technical requirements from the Interconnection Regulation document. Therefore, the Energy Bureau will, through the instant case, review and approve a TIR document that will govern all DG technical interconnection issues including distribution, sub-transmission and transmission voltages up to a capacity of 5MW.

III. Additional Stakeholder Input

In the July 15 Resolution, the Energy Bureau developed the Preliminary Draft as a comprehensive interconnection regulation that will govern the interconnection of DGs and microgrids. The Preliminary Draft establishes the rules and the processes for the interconnection of generating facilities and microgrids to the Electric Power System in

⁵ See Exhibit 1, November 15 Motion. *LUMA's Comments to Preliminary Draft of the Generating Facility and Microgrid Interconnection Regulation* ("LUMA's Comments").

⁶ See Exhibit 2, November 15 Motion. *Preliminary Draft of Technical Interconnection Requirements Document*.

⁷ See Exhibit 1, May 19 Motion. *Comprehensive TIR*.

⁸ See May 19 Motion, p. 3, 2nd paragraph.

⁹ *Id.*, p. 4, 1st paragraph.



Puerto Rico, in accordance with Act 57-2014, Act 114-2007¹⁰ and Act 17-2019.¹¹ Through the July 15 Resolution the Energy Bureau established the process for the public and stakeholders to review and provide feedback to the Energy Bureau on the Preliminary Draft and requested stakeholders to comment and suggest modifications to the included attachments as well as proposed content and format for those attachments not included.

Before initiating the formal rulemaking procedure established in Act 38-2017,¹² the Energy Bureau deems appropriate to allow stakeholders and other interested persons with the opportunity to provide their comments and input to the Comprehensive TIR, submitted by LUMA on May 19, 2022,¹³ and also on LUMA's Comments to the Preliminary Draft, submitted on November 15, 2021¹⁴. This effort will allow the Energy Bureau to improve the Preliminary Draft before the formal rulemaking process commences. The Energy Bureau invites the stakeholders who have submitted comments under Case No. CEPR-MI-2018-0008 and Case No. NEPR-MI-2019-0009, as well as any other person or groups who frequently appear before the Energy Bureau, to provide their feedback on , LUMA's Comments and the Comprehensive TIR.

This request for feedback shall not be interpreted, construed or deemed as part of a formal rulemaking process. The Energy Bureau will evaluate and consider the feedback it receives before publishing a final version of the Preliminary Draft subject to the formal rulemaking process under Act 38-2017.

Regarding the subjects of DG evaluations, supplemental study cost values, and DG interconnection capacity cap per feeder which LUMA expressed it intended to provide additional comments ("LUMA's Additional Comments"), the Energy Bureau **ORDERS** LUMA to file LUMA's Additional Comments expressing their position on the aforementioned matters **on or before October 7, 2022**, to allow stakeholders time to comment on LUMA's Additional Comments.

The Energy Bureau hereby invites all stakeholders and any other person or groups interested to provide their comments¹⁵ and feedback to LUMA's Comments, LUMA's Additional Comments and the Comprehensive TIR, **on or before October 21, 2022**.

The public and stakeholders may submit its written comments to the Energy Bureau as follows:

- i) include in their title the following: "Comments on *Proposed Generating Facility and Microgrid Interconnection Regulation* - Case No. NER-MI-2019-0009";
- ii) be addressed to the attention of Edison Avilés Deliz, Chairman;
- iii) be filed by electronic mail at: comentarios@jrsp.pr.gov; or through the Energy Bureau's electronic filing tool at: <https://radicacion.energia.pr.gov>; or by postal mail addressed to the Puerto Rico Energy Bureau's Clerk's Office, at World Plaza Building, 268 Muñoz Rivera Ave., Suite 202, San Juan, PR 00918-1925; or in person at the Energy Bureau's Clerk's Office, at the referenced address. The hours of operations of the Clerk's Office are Monday through Friday from 8:30 a.m. to 5:30 a.m., excluding holidays.

¹⁰ Known as the Electric Power Authority Net Metering Program, as amended ("Act 114-2007").

¹¹ Known as the Puerto Rico Energy Public Policy Act ("Act 17-2019").

¹² Known as the *Uniform Administrative Procedures Act of the Government of Puerto Rico*, as amended ("Act 38-2017").

¹³See, *Motion Submitting Complete Version of Technical Interconnection Requirements Documents*, In re: *Interconnection Requirements Documents*, Case No.: NEPR-MI-2019-0009 filed by LUMA on May 19, 2022.

¹⁴See, *Motion to Submit Additional Comments to Preliminary Draft of Proposed Generating Facility and Microgrid Interconnection Regulation*, In re: *Interconnection Requirements Documents*, Case No.: NEPR-MI-2019-0009 filed by LUMA on November 15, 2021.

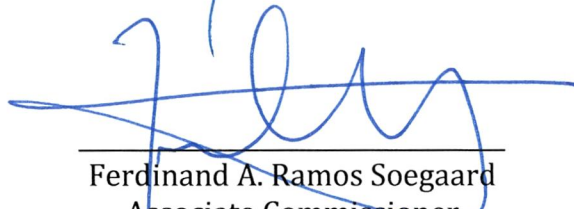
¹⁵ See, Resolution, In Re: *Public Policy on Receiving and Managing Comments and Appearance at Public Hearings*, Case No. NEPR-MI-2021-0010, June 18, 2021.



Be it notified and published.


Edison Avilés Deliz
Chairman


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 September 9, 2022. I also certify that on September 9, 2022, a copy of this Resolution and Order was notified by electronic mail to Laura.rozas@us.dlapiper.com; info@sesapr.org; javrua@gmail.com; JavRua@sesapr.org; hriviera@jrsp.pr.gov; renewableenergy@me.com; pathart@ge.com; cathykunkel@gmail.com; Elias.sostre@aes.com; Jesus.bolinaga@aes.com; cfl@mcvpr.com; ivc@mcvpr.com; notices@sonnedix.com; leslie@sonnedix.com; victorluisgonzalez@yahoo.com; tax@sunnova.com; jcmendez@reichardescalera.com; r.martinez@fonroche.fr; gonzalo.rodriguez@gestampren.com; fortiz@reichardescalera.com; jeff.lewis@terraform.com; mperez@prrenewables.com; coter@landfillpr.com; geoff.biddick@radiangen.com; hjcruz@urielrenewables.com; carlos.reyes@ecoelectrica.com; megan.semiao@longroadenergy.com; tracy.deguise@everstreamcapital.com; agraitfe@agraitlawpr.com; h.bobea@fonrochepr.com; ramonluisnieves@rlnlegal.com; yan.oquendo@ddec.pr.gov; acarbo@edf.org; pjcleanenergy@gmail.com; nicolas@dexgrid.io; lmartinez@nrdc.org; thomas.quasius@aptim.com; lionel.orama@upr.edu; noloseus@gmail.com; aconer.pr@gmail.com; wilma.lopez@ddec.pr.gov; gary.holtzer@weil.com; ingridmvila@gmail.com; rstgo2@gmail.com; agc@agcpr.com; presidente@ciapr.org; cpsmith@unidosporutuado.org; jmenen6666@gmail.com; CESA@cleanegroup.org; acasepr@gmail.com; secretario@ddec.pr.gov; julia.mignuccisanchez@gmail.com; professoraviles@gmail.com; gmch24@gmail.com; ausubopr88@gmail.com; carlos.rodriguez@valairlines.com; amaneser2020@gmail.com; acasellas@amgprlaw.com; presidente@camarapr.net; jmarvel@marvelarchitects.com; amassol@gmail.com; jmartin@arcainc.com; eduardo.rivera@afi.pr.gov; leonardo.torres@afi.pr.gov; carsantini@gmail.com; imolina@fedalcaldes.com; LCSchwartz@lbl.gov; thomas@fundacionborincana.org; joseph.paladino@hq.doe.gov; adam.hasz@ee.doe.gov; Sergio.Gonsales@patternenergy.com; Eric.Britton@hq.doe.gov; energiaverdepr@gmail.com; Arnaldo.serrano@aes.com; gustavo.giraldo@aes.com; accounting@everstreamcapital.com; mgrpcorp@gmail.com; jczayas@landfillpr.com; Jeanna.steele@sunrun.com; mildred@liga.coop; rodrigomasses@gmail.com; presidencia-secretarias@seguros multiples.com; cpsmith@cooperativahidroelectrica.coop; maribel@cooperativahidroelectrica.coop; apoyo@cooperativahidroelectrica.coop; larroyo@earthjustice.org; flcaseupdates@earthjustice.org; gguevara@prsciencetrust.org; contratistas@jrsp.pr.gov; agraitfe@agraitlawpr.com; rstgo2@gmail.com; pedrosaade5@gmail.com; rolando@bufete-emmanuelli.com; notificaciones@bufete-emmanuelli.com; rhoncat@netscape.net; Marisol.Bonnet@hq.doe.gov; ernesto.rivera-umpierre@hq.doe.gov; info@icsepr.org; john.jordan@nationalpfg.com; info@marinsacaribbean.com; aconer.pr@gmail.com; contratistas@jrsp.pr.gov; rcorrea@prfaa.pr.gov; JGOB@prepa.com; israel.martinezsantiago@fema.dhs.gov; jcintron@cor3.pr.gov; gsalgado@cor3.pr.gov; mario.hurtado@lumapr.com; wayne.stensby@lumapr.com; Ashley.engbloom@lumapr.com; Legal@lumapr.com;



jorge.flores@lumapr.com; breanna.wise@lumapr.com; energia@ddec.pr.gov;
Francisco.Berrios@ddec.pr.gov; isabel.medina@ddec.pr.gov; oabayamon@yahoo.com;
quinonesporrata@qaclaw.com; equinones@qaclaw.com; vcandelario@qaclaw.com;
direxec@ciapr.org. I also certify that today, September 9, 2022, I have proceeded with the
filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today September 9, 2022.



Sonia Seda Gaztambide
Clerk

