

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

NEPR

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In Re:
INTERCONNECTION REGULATIONS

Case no. NEPR-MI-2019-0009

Subject: Motion regarding the
Supplemental Studies Threshold

**MOTION REITERATING REQUEST OF ORDER ON MODIFICATION OF
SUPPLEMENTAL STUDIES THRESHOLD TO 30%**

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, the **PUERTO RICO SOLAR ENERGY INDUSTRIES ASSOCIATION CORP. DBA SOLAR AND ENERGY STORAGE ASSOCIATION OF PUERTO RICO** ("**SESA**"), represented by the undersigned legal counsel and respectfully states and submits the following:

1. On August 20th, SESA filed a motion titled "Motion Requesting Modification of Supplemental Studies Threshold" in this docket, which we wholly reiterate today. Among other aspects, including pertinent legal analysis, we expressed then, in pertinent part, that:

"1. On July 18, 2024, the Smart Inverter Technical Conference ("Technical Conference") was held with the participation of LUMA, the Honorable Energy Bureau and several stakeholders. During the Technical Conference, the Senior Director of Grid Modernization, Renewable Energy Integration and Asset Management for LUMA, Mr. Babak Enayati proposed a significant adjustment regarding supplemental studies for distributed generation systems. The proposal, which suggests increasing the current threshold for requiring the supplemental studies from 15% to 30%, was detailed in the motion filed by LUMA on June 21, 2024 titled "Motion to Submit Presentation Shown at Technical Conference/Stakeholder Workshop held on June 18, 2024, with Correction and Revised Technical Bulletin" ("June 21st Motion"). **The majority of the stakeholders agreed on the suggested proposal made by Mr. Enayati but the proposal was not formally presented to the Honorable Energy Bureau.**

2. As presented in LUMA's June 21st Motion, the reasonable considerations to elevate the threshold are the following: (i) the results of cluster studies show that it is possible to increase the threshold from 15% to 30% without overlooking network violations; (ii) a 30% threshold will allow the detection of system violations in a timely manner, before they become significant system issues; and (iii) as penetration levels increase, these levels need to be revised based on operational conditions and reliability considerations.

3. Based on the analysis presented by LUMA, the supplemental studies for feeders with penetration levels between 15% and 30% are not essential. Conducting these studies at a 15% threshold will result in unnecessary expenditures and delays. By contrast, approving this change will prevent wasteful spending, provide cost savings, and accelerate the integration of distributed renewable energy generation. Such results align with the objective of ensuring that resources are utilized efficiently while maintaining system reliability.

4. Although this proposal is not a comprehensive solution to all interconnection challenges, [...] it represents a positive step towards streamlining the application process for the interconnection of distributed generation systems. By eliminating the requirement for supplemental studies for distributed generation systems within the 15% to 30% range, the interconnection process will be substantially simplified. It will reduce administrative burdens and accelerate the integration of new systems into the grid.

2. On September 5, 2024, LUMA Energy ServCo, LLC and LUMA Energy, LLC, ("LUMA") filed a motion surprisingly changing what had been its stated position before the Honorable Energy Bureau, and found reasonable by other stakeholders, including SESA, backtracking on the previously favored increase to thirty percent (30%) of the current fifteen (15%) feeder saturation limit for supplemental studies.

3. On October 16th 2024, the Independent Office of Consumer Protection ("OIPC") filed a motion titled *Comentarios de la Oficina Independiente de Protección al Consumidor sobre Incremento del Límite Indicativo de Saturación del Alimentador de un 15% a un 30%*, where OIPC stated the following regarding the LUMA position change:

"[I]t is our position that, given the consensus that exists between the industry, interested parties and LUMA on the absence of any technical, security and/or stability obstacle in the electrical system that prevents the adoption of the 30% feeder saturation criterion as an indication to carry out a supplementary study and the positive effect it will have on consumers, this Honorable Bureau must order its

“implementation without further delay.” (Translation ours.)

4. SESA fully agrees with and supports OIPC’s position, as was initially presented by LUMA to the Bureau. However, LUMA has persisted with its opinion change and intends to start charging supplemental study fees starting tomorrow February 1st based on the 15% threshold, and it has communicated that to installers via an email. (Attachment 1).

5. Therefore, under the authority of the Honorable Energy Bureau regarding interconnection to the electrical grid^{1 2}, and recognizing the agency’s authority to interpret the laws it administers^{3 4}, SESA respectfully requests this Honorable Energy Bureau to issue an Order today and order requiring supplemental studies only when the relevant feeder exceeds 30% in annual peak demand. This determination is essential to implement the proposed changes effectively and ensure that regulatory standards reflect the updated operational parameters contained in the law.

WHEREFORE, SESA respectfully requests that this Honorable Energy Bureau issue an Order today determining that the threshold for requiring supplemental studies for the interconnection of distributed generation systems will be when the feeder exceeds 30% in annual peak demand.

¹ Act 57-2014, at Subchapter B, Section 6.3 (w) indicates the PREB has the power to “Review and approve proposals to the interconnection regulations and minimum technical requirements (MTRs), additional technical requirements (ATRs), **and any other type of requirement established for the interconnection of distributed generators** and microgrids to the electric power grid, and oversee compliance therewith;”. (emphasis supplied) (22 L.P.R.A § 1054b)

² Id., at Subchapter B, Section 6.3 (ss) states: the “PREB, in conjunction with the Energy Public Policy Program of the Department of Economic Development and Commerce and electric power companies, shall evaluate and **make determinations regarding the interconnection of distributed renewable energy and large-scale renewable energy to the transmission and distribution system in order to ensure access thereto justly and equitably.**” (emphasis supplied) (22 L.P.R.A § 1054b)

³ In *Rolon Martinez v. Caldero Lopez*, 201 DPR 26, 37 (2018) the Court indicated that “Courts must give weight and deference to the interpretations made by the agency of the specific laws it administers.”

⁴ Jorge Farinacci Fernós, *AMBIGÜIDADES Y VAGUEDADES EN EL DERECHO ADMINISTRATIVO PUERTORRIQUEÑO*, LI U.I.P.C. J.L., 497 (2016) at p. 501 states: “the agencies have the faculty to interpret, particularly in regards to laws that the legislative assembly has delegated the administration and implementation [to such agency]”. (emphasis supplied)

Respectfully submitted, on January 31, 2025, in San Juan, Puerto Rico.

We hereby certify that we filed this motion using the electronic filing system of this Puerto Rico Energy Bureau and that copy of this motion was notified to

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