

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

NEPR

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IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW

CASE NO: NEPR-AP-2023-0003

SUBJECT: Walmart's Motion to Intervene
in Rate Review Proceeding and Request for
Notice

**MOTION TO INTERVENE IN RATE REVIEW
PROCEEDING AND REQUEST FOR NOTICE**

TO THE HONORABLE ENERGY BUREAU:

I. INTRODUCTION

Wal-Mart Puerto Rico, Inc. ("Walmart"), through undersigned counsel, respectfully submits this Motion to Intervene in the above captioned proceeding pursuant to Section 3.5 of the Uniform Administrative Procedure Act of the Government of Puerto Rico, as amended, 3 L.P.R.A. § 9645, and Section 5.05 of the Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings, Regulation 8543 of December 18, 2014.

Walmart is a leading commercial retailer and one of the largest private-sector employers and energy consumers in Puerto Rico. It operates numerous retail stores, distribution centers, and other facilities across the Island. Many of these locations are equipped with on-site distributed generation ("DG") systems—primarily solar photovoltaic installations—which are interconnected with the grid and subject to the Puerto Rico Energy Bureau's regulatory oversight.

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As both a high-volume electricity consumer and a self-generator, Walmart has a direct and substantial interest in the outcome of this rate review proceeding. The Energy Bureau's determinations regarding rate design, cost allocation and customer classifications will materially affect Walmart's operating costs, business planning, and future investment in resilient, renewable energy systems. Accordingly, Walmart seeks leave to intervene and requests to be served with all notices, filings, and communications related to this proceeding.

II. LEGAL STANDARD

Pursuant to Section 3.5 of Puerto Rico's Uniform Administrative Procedures Act, any person having a legitimate interest in an adjudicative proceeding before an agency may file a petition for intervention in said proceeding. The petition to intervene will be evaluated based on the following factors:

- (1) Whether the petitioner has an interest that may be adversely affected by the adjudicative proceeding.
- (2) Whether the petitioner's interests can be adequately protected by other legal means.
- (3) Whether the petitioner's interests are already adequately represented by existing parties to the proceeding.
- (4) Whether the petitioner's participation may reasonably be expected to assist in developing a sound record of the proceeding.
- (5) Whether the petitioner's participation may excessively broaden the issues or delay the proceedings.
- (6) Whether the petitioner represents or is the spokesperson for other community groups or entities.

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(7) Whether the petitioner may contribute information, expertise, specialized knowledge, or technical advice that otherwise would not be available in the proceeding.

The Energy Bureau shall apply the above criteria liberally and may require the presentation of additional evidence in order to rule on the petition for intervention. Further, Section 5.05 of Regulation 8543 states that any person with a legitimate interest in a case before the Bureau may submit a duly grounded petition to intervene, which the Bureau shall evaluate and attend according to the criteria in the Uniform Administrative procedure Act.

III. DISCUSSION

Pursuant to applicable laws and regulations, all the elements are in favor of Walmart being granted leave to intervene in this case. Walmart's intervention in this proceeding is based on the following grounds:

(1) Walmart's Interest May Be Adversely Affected

As a large-scale commercial energy consumer and a distributed energy resource ("DER") operator, Walmart is directly subject to the rate structures and regulatory classifications under review. Any changes to these frameworks will have a measurable effect on Walmart's operating costs and long-term energy strategy. Changes in base rates, cost allocation, interconnection charges, and the treatment of DG customers would materially impact Walmart's electricity costs and its ability to plan and manage its energy systems. These interests are not theoretical; they are immediate, concrete, and legally protectable.

(2) No Alternative Legal Mechanism Can Adequately Protect Walmart's Interests

This rate review proceeding is the exclusive venue in which the Energy Bureau will establish the regulatory framework that binds Walmart's energy use and interconnection rights. Although judicial review may be available, it cannot substitute for active participation in the creation of the evidentiary record. Intervention is the only effective mechanism by which Walmart can meaningfully protect its interests.

(3) Walmart's Interests Are Not Adequately Represented by Existing Parties

No existing party in this proceeding represents the unique perspective of a high-load commercial entity that also operates on-site generation systems across multiple sites. While other participants may represent utilities, residential customers, or environmental stakeholders, none are similarly situated to Walmart in terms of scale, dual roles as consumer and generator, or operational complexity. Walmart's intervention is thus essential to ensure that this segment of the market is properly considered.

(4) Walmart's Participation Will Assist in Developing a Robust Record

Walmart brings valuable insight and data on energy consumption patterns, DG system performance, interconnection procedures, and the operational impacts of regulatory decisions on large commercial users. Its long-standing experience navigating Puerto Rico's energy market—including with PREPA, LUMA, and relevant permitting processes—positions Walmart to provide fact-based, constructive contributions to the Bureau's record and support sound decision-making.

(5) Walmart's Participation Will Not Unreasonably Broaden Issues or Delay the Proceeding

Walmart seeks to intervene solely in matters within the existing scope of the proceeding and directly relevant to its interests. It intends to fully comply with the Energy Bureau's procedural schedule and filing protocols and will coordinate its participation to avoid duplication or inefficiency. Its involvement will enhance, not hinder, the timely resolution of this matter.

(6) Walmart Represents Broader Commercial and Industrial Interests

As one of the largest commercial operators in Puerto Rico, Walmart's participation will reflect the concerns of other large commercial entities with distributed generation assets who may not have the means or capacity to engage directly in regulatory proceedings. Granting intervention will help ensure that the regulatory record accounts for the needs of a vital segment of Puerto Rico's economic infrastructure.

(7) Walmart Offers Unique Insight and Expertise

Walmart's energy management team has extensive experience with DER deployment, grid interconnection, and regulatory compliance in multiple jurisdictions. Its technical and operational knowledge will meaningfully inform the Bureau's evaluation of cost allocation, rate design, and DER treatment in a way that would not otherwise be available through existing parties.

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IV. CONCLUSION

Walmart satisfies all criteria under Section 3.5 of the Uniform Administrative Procedure Act and Regulation No. 8543. Its intervention is both necessary to protect its legitimate interests and beneficial to the development of a complete, balanced, and lawful administrative record. Walmart stands ready to participate in a focused, constructive, and procedurally compliant manner.

WHEREFORE, Walmart respectfully requests that the Energy Bureau grant this Motion for Intervention and declare Walmart as an intervening party.

Respectfully submitted, on July 3, 2025, in San Juan, Puerto Rico.

WE HEREBY CERTIFY that this motion was filed using the Energy Bureau's electronic filing system and that electronic copies of this motion will be notified to the Hearing Examiner. Scott Hempling, via hempling@scotthemplinglaw.com; and to the attorneys of the parties of record. To wit, to LUMA through Margarita Mercado - margarita.mercado@us.dlapiper.com; Carolyn Clarkin - carolyn.clarkin@us.dlapiper.com; and Andrea Chambers - andrea.chambers@us.dlapiper.com; the Puerto Rico Electric Power Authority through Mirelis Valle-Cancel - mvalle@gmlex.net; Juan González- jgonzalez@gmlex.net; and Alexis G. Rivera Medina - arivera@gmlex.net; and to Genera PR, LLC, through Jorge Fernández-Reboredo - jfr@sbqblaw.com; regulatory@genera-pr.com; and legal@genera-pr.com.

A courtesy copy of this motion will also be notified to the following:

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