

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

IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-0003

SUBJECT: Determination on Intervenor
Requests.

RESOLUTION AND ORDER

I. Introduction and Procedural Background

On July 3, 2025, the date of LUMA's¹ formal rate filing, the Energy Bureau² received a *Motion to Intervene in Rate Review Proceeding and Request for Notice* from Wal-Mart Puerto Rico, Inc. ("Walmart").³ Also on July 3, 2025, the Energy Bureau received a *Motion to Intervene in Rate Review Proceeding and Request for Notice* from the Solar and Energy Storage Association of Puerto Rico ("SESA").⁴

On July 7, 2025, the Energy Bureau received an *Intervention Request* from Mr. Victor Luis Gonzalez.⁵ Also on July 7, 2025, the Institute of Competitiveness and Economic Sustainability ("ICSE") filed its *Formal Request for Intervention*.⁶

In furtherance of the established procedural framework, the Hearing Examiner issued two dispositive orders addressing the four pending petitions.

- In his *Order Setting Deadlines Relating to Provisional Rates; Granting Requests to Intervene of SESA and Walmart; Clarifying Provisional-Rate Terminology; Providing for Limited Informal Communications; and Correcting Testimonial Error*, issued on July 7, 2025, the Hearing Examiner conducted a thorough analysis of the petitions filed by SESA and Walmart and recommended that their requests be granted.⁷
- In his *Order Posing Clarification Questions About July 3 Rate Application, Addressing Two General Motions, Noting Correction of Discrepancy in LUMA's Proposed Provisional-Rate Rider Amount, and Granting Requests to Intervene*, issued on July 8, 2025, the Hearing Examiner conducted a similar analysis of

¹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly "LUMA").

² Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau").

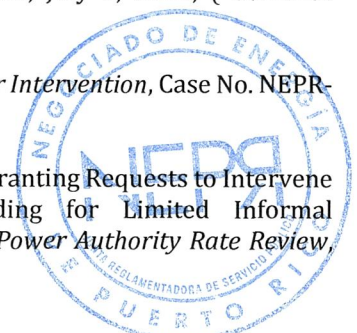
³ See Wal-Mart Puerto Rico, Inc., *Motion to Intervene in Rate Review Proceeding and Request for Notice*, Case No. NEPR-AP-2023-0003 (July 3, 2025) ("Walmart Petition").

⁴ See Solar and Energy Storage Association of Puerto Rico, *Motion to Intervene in Rate Review Proceeding and Request for Notice*, Case No. NEPR-AP-2023-0003, July 3, 2025 ("SESA Petition").

⁵ See Víctor Luis González, *Intervention Request*, Case No. NEPR-AP-2023-0003, July 7, 2025, ("González Petition").

⁶ See Institute of Competitiveness and Economic Sustainability, *Formal Request for Intervention*, Case No. NEPR-AP-2023-0003, July 7, 2025 ("ICSE Petition").

⁷ See Hearing Examiner's *Order Setting Deadlines Relating to Provisional Rates; Granting Requests to Intervene of SESA and Walmart; Clarifying Provisional-Rate Terminology; Providing for Limited Informal Communications; and Correcting Testimonial Error*, *In re: Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, July 7, 2025 ("July 7 H.E. Order").



the petitions filed by Mr. Gonzalez and ICSE, also recommending that their requests be granted.⁸

The Energy Bureau has reviewed the Hearing Examiner's well-reasoned analyses and recommendations and finds them to be persuasive and consistent with the applicable legal standards. The Energy Bureau will, therefore, incorporate the substance of his findings into this formal Resolution.

The purpose of this Order is to formally ratify all four pending petitions and provide a definitive ruling on the intervenor status of Walmart, SESA, Mr. González, and ICSE.

II. Legal Requirements for Evaluating Intervenor Requests

Section 5.05 of the Energy Bureau's Regulation 8543⁹ states that "any person with a legitimate interest" can file a request for intervention in an administrative case. This section also specifies that any request to intervene will be evaluated based on the factors outlined in the Uniform Administrative Procedure Act of Puerto Rico¹⁰, the general statute governing administrative procedures. Intervention is a mechanism that allows third parties to be incorporated into an adjudicative proceeding.

When deciding whether to grant intervention, the following factors, among others, may be evaluated:

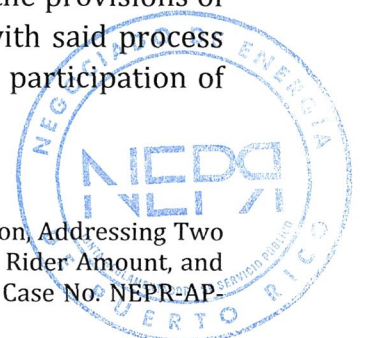
- Whether the movant's interests may be affected by the proceeding.
- Whether there are no other legal means by which the movant can adequately protect its interests.
- Whether the movant's interests are already duly represented by parties in the proceeding.
- Whether the movant's participation can help prepare a more complete record of the proceeding.
- Whether the movant's participation can extend or delay the proceeding.
- Whether the movant represents or is a spokesperson for other groups or entities within the community.
- Whether the movant can provide information, expertise, specialized knowledge, or technical advice that would not be otherwise available in the proceeding.

Furthermore, rate review processes are of adjudicative nature; therefore, the provisions of Chapter II of the Energy Bureau's Regulation 8543 that are compatible with said process apply. The provisions of Chapter II of this Regulation expressly allow the participation of intervenors.

⁸ See Hearing Examiner's Order Posing Clarification Questions About July 3 Rate Application, Addressing Two General Motions, Noting Correction of Discrepancy in LUMA's Proposed Provisional-Rate Rider Amount, and Granting Requests to Intervene, *In re: Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, July 8, 2025 ("July 8 H.E. Order").

⁹ Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation\Proceedings of Energy Commission of Puerto Rico (Regulation 8543).

¹⁰ Uniform Administrative Procedure Act of the Government of Puerto Rico, Act No. 38-2017, as amended, 3 L.P.R.A. § 9645 ("Act No. 38-2017").



III. Discussion and Analysis

The Energy Bureau has reviewed the four pending petitions under the seven-factor test established by Act 38. The following analysis details the Energy Bureau's findings for each petitioner.

A. Wal-Mart Puerto Rico, Inc. ("Walmart")

Walmart, a leading commercial retailer and one of the largest private-sector employers and energy consumers in Puerto Rico with numerous on-site distributed generation ("DG") systems, filed its petition on July 3, 2025. The Energy Bureau has reviewed Walmart's petition and the Hearing Examiner's analysis and finds that intervention is warranted. Walmart has a direct and substantial financial interest that may be adversely affected by rate determinations, given its dual role as a high-volume electricity consumer and a multi-site self-generator. This rate review provides an appropriate legal mechanism to safeguard these interests, which are not adequately represented by any existing party due to Walmart's operational scale and complexity. Walmart's participation is expected to assist in developing a sound record by providing real-world data and expertise on large commercial energy use and DG system performance, and its perspective reflects the broader interests of a vital economic sector. Walmart has committed to not broadening or delaying the proceeding.¹¹

B. Solar and Energy Storage Association of Puerto Rico ("SESA")

SESA, a non-profit trade association representing Puerto Rico's solar and energy storage industries, filed its petition on July 3, 2025. The Energy Bureau has reviewed SESA's petition and the Hearing Examiner's analysis and finds that intervention is warranted. The economic condition of SESA's members may be adversely affected by this proceeding, as it is directly linked to rate structures, such as those applicable to Net-Metering customers. This rate case provides an appropriate legal mechanism to safeguard these interests, which are not adequately represented by any other party, as SESA provides a voice for the companies in the solar and storage sector. SESA's participation will assist in developing a sound record by contributing highly relevant technical and economic information based on its members' on-the-ground experience, and its members possess an expertise that would not otherwise be available. SESA represents a broad and cohesive stakeholder community and has committed to abiding by all procedural deadlines, ensuring its participation will not cause delay.¹²

C. Mr. Víctor Luis González

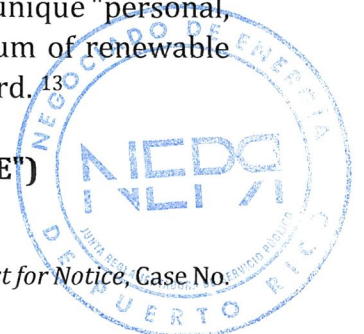
Mr. Victor Luis Gonzalez, a resident taxpayer, ratepayer, and businessman with four decades of experience in Puerto Rico's energy sector, filed his petition on July 7, 2025. The Energy Bureau has reviewed Mr. Gonzalez's petition and the Hearing Examiner's analysis and finds that intervention is warranted. Mr. Gonzalez has a direct personal and business interest that may be adversely affected, having overseen significant investment in renewable energy assets and wishing to ensure that this rate case does not hinder renewable energy development. This proceeding provides an appropriate legal mechanism to safeguard these interests, which are not adequately represented by other parties due to his unique "personal, hands-on, operational and investment experience" across the full spectrum of renewable energy development. provides an appropriate legal mechanism to safeguard.¹³

D. Institute of Competitiveness and Economic Sustainability ("ICSE")

¹¹ See Wal-Mart Puerto Rico, Inc., *Motion to Intervene in Rate Review Proceeding and Request for Notice*, Case No. NEPR-AP-2023-0003, July 3, 2025 ("Walmart Petition").

¹² See Solar and Energy Storage Association of Puerto Rico, *Motion to Intervene in Rate Review Proceeding and Request for Notice*, Case No. NEPR-AP-2023-0003, July 3, 2025 ("SESA Petition").



¹³ See Víctor Luis González, *Intervention Request*, Case No. NEPR-AP-2023-0003 (July 7, 2025) ("González Petition").




ICSE, a nonprofit organization advocating for regulatory frameworks that promote competitive economic outcomes, filed its petition on July 7, 2025. The Energy Bureau has reviewed ICSE's petition and the Hearing Examiner's analysis and finds that intervention is warranted. ICSE's institutional interest in a balanced regulatory approach may be adversely affected by the outcome of this proceeding, and this rate case provides an appropriate legal mechanism to safeguard that interest. ICSE's interests are not adequately represented by other parties, as it is singularly focused on advocating for competitive market principles and protecting the institutional role of the Energy Bureau itself. ICSE's significant "institutional memory" from extensive participation in multiple critical dockets and its deep experience with utility regulation will help develop a more complete record and contribute specialized knowledge. ICSE has committed to complying with all procedural deadlines.¹⁴


IV. Conclusion

Based on the foregoing analysis and the application of the legal standards established under Section 5.05 of the Energy Bureau's Regulation 8543 and Section 3.5 of Act 38, the Energy Bureau **GRANTS** full intervenor status with all attendant rights and privileges to participate in this rate review proceeding to the following entities:

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- i. Wal-Mart Puerto Rico, Inc.;
 - ii. The Solar and Energy Storage Association of Puerto Rico;
 - iii. Mr. Víctor Luis González; and
 - iv. The Institute of Competitiveness and Economic Sustainability.




Furthermore, all granted intervenors: (i) shall be added to the service list for this proceeding and shall receive copies of all notices, motions, resolutions, orders, reports, exhibits, and other documents relating to this rate review proceeding; and (ii) are authorized to participate in all aspects of this proceeding, including discovery, depositions, hearings, conferences, and the submission of motions, filings, testimony, and other documentation.



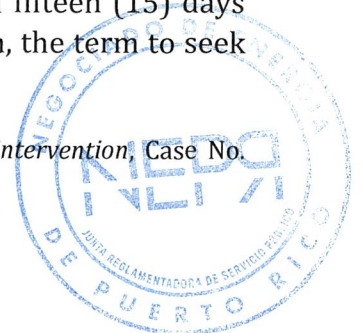
The Energy Bureau's commitment to facilitating citizen participation and ensuring comprehensive consideration of all affected interests in rate proceedings supports granting intervention to all properly filed petitions. Each granted intervenor brings unique perspectives and expertise that will enhance the development of a complete evidentiary record necessary for establishing just and reasonable rates.

V. Administrative and Judicial Review



The Energy Bureau **DIRECTS** the Hearing Examiner to implement this Resolution and Order and take all necessary actions to ensure the participation of granted intervenors in accordance with the procedural schedule and requirements of this rate review proceeding. Any party adversely affected by this Resolution may file a motion for reconsideration before the Energy Bureau, pursuant to Section 11.01 of Regulation 8543 and the applicable provisions of Act 38-2017, as amended. Said motion must be filed within twenty (20) days from the date in which copy of this Resolution is notified and such notice is filed in the case docket by the Energy Bureau's Clerk. Any motion for reconsideration must be filed at the Energy Bureau Clerk's Office, located at the World Plaza Building, 268 Muñoz Rivera Ave., Plaza Level, Suite 202, San Juan, PR 00918 or electronically in the Energy Bureau's digital platform at <https://radicaciones.energia.pr.gov>. Copy of the motion as filed must be sent by email to all the parties notified of this Resolution within the twenty (20) days established herein. The Energy Bureau shall have fifteen (15) days from the date in which such motion is filed to consider it. If the Energy Bureau rejects it forthright or fails to consider it within said period of fifteen (15) days, the term to seek judicial review shall begin on the date in which the Energy Bureau notifies its rejection or the date in which said fifteen (15) days expire, whichever occurs first. If the Energy Bureau considers the motion, the term to seek

¹⁴ See Institute of Competitiveness and Economic Sustainability, *Formal Request for Intervention*, Case No. NEPR-AP-2023-0003 (July 7, 2025) ("ICSE Petition").



judicial review shall commence from the date a copy of the notice of the Energy Bureau's resolution definitively resolving the motion for reconsideration is notified and copy of such notice is filed by the Energy Bureau Clerk. The Energy Bureau shall have ninety (90) days from the date the motion for reconsideration was filed to issue a final determination. If the Energy Bureau considers the motion for reconsideration but fails to take any action with respect to such motion within ninety (90) days of its filing, it shall lose jurisdiction and the term to seek judicial review shall commence upon the expiration of said ninety (90) day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days. In the alternative, any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date a copy of the notice of this Resolution was notified and a copy of such notice was filed by the Energy Bureau's Clerk. Filing and notice of a petition for review before the Court of Appeals shall be made pursuant to the applicable provisions of Regulation 8543, Act 38-2017 and the Rules of the Puerto Rico Court of Appeals.

The Energy Bureau **WARNS** LUMA and Genera that, in accordance Art. 6.36 of Act 57-2014:¹⁵

- (i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions from ten thousand dollars (\$10,000) up to one hundred twenty-five thousand dollars (\$125,000) per day; and
- (ii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than fifteen thousand dollars (\$15,000) nor greater than two hundred fifty thousand dollars (\$250,000), at the discretion of the Energy Bureau.

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	 _____ Antonio Torres Miranda Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 19, 2025. I also certify that on August 19, 2025 I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau, and a copy of this Resolution and Order was notified by electronic mail to: mvalle@gmlex.net; arivera@gmlex.net; jmartinez@gmlex.net; jgonzalez@gmlex.net; nzayas@gmlex.net; katiuska.bolanos-lugo@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; carolyn.clarkin@us.dlapiper.com; andrea.chambers@us.dlapiper.com; sromero@sbgblaw.com; gcastro@ad@sbglaw.com;

¹⁵ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

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I sign this in San Juan, Puerto Rico, today August 19, 2025.





Sonia Seda Gaztambide
Clerk