

**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 NUM. NEPR-AP-2023-0003

**Subject: SOLAR UNITED NEIGHBORS
Motion to Intervene
Rate Review Proceeding**

MOTION TO INTERVENE

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

Comes now SOLAR UNITED NEIGHBORS, represented by the undersigned attorney, and very respectfully STATES, ALLEGES and PRAYS:

1. SOLAR UNITED NEIGHBORS ("SUN") is a nonprofit corporation organized under the laws of the District of Columbia, authorized to do business in the Commonwealth of Puerto Rico since 2023. SUN has five (5) full-time employees based in Puerto Rico. Its address is 1350 Connecticut Avenue, NW, Suite 412, Washington, DC, 20036. The address of its resident agent is 1654 Calle Tulipan Ste. 100, San Juan, PR, 00927. Telephone: (202) 888-3601.

2. SUN is a national 501(c)3 non-profit organization dedicated to creating a clean, equitable, resilient energy system that benefits everyone. It helps people go solar, join, and fight for their energy rights. SUN's vision is a clean, equitable energy system that directs control and benefits back to local communities, with solar on every roof and money in every pocket.

3. Founded in 2007, SUN has helped more than 12,000 homes, businesses, and organizations install over 100 MW of solar capacity. In addition to providing national

education, programming, and support, SUN fosters a community of people working to build a new energy system with rooftop solar as its cornerstone. SUN consistently represents the interests of solar homeowners, as well as those of prospective solar owners.

4. In Puerto Rico, SUN helps communities go solar by organizing bulk purchases or “co-ops” of individually owned solar systems. SUN also helps individual homeowners in their journey of going solar by reviewing solar proposals, offering free educational presentations and information on solar, and providing ongoing support for solar owners.

5. SUN also invests in the development of Resilience Hubs in vulnerable communities. These Resilience Hubs play a critical role in the resiliency of a community during climate and natural events. Currently, SUN has two Resilience Hubs in Cataño and Guaynabo.

6. SUN was selected as lead grantee in the Department of Energy’s (“DOE”) Puerto Rico Resiliency Fund ERF Topic 2 grant for the creation of low-cost rooftop solar in Salinas for 150 single-family homes in vulnerable communities.

7. SUN's policy work has been centered on supporting net metering policies, including passage of Act 10-2024, and intervening – along with Sierra Club – in the case filed by the Financial Oversight and Management Board for Puerto Rico to nullify such statute.¹

¹ Financial Oversight and Management Board for Puerto Rico v. Hon. Pedro Pierluisi, Case No. 24-00062-LTS (2024).

8. SUN has previously obtained intervenor status in rate cases, as well as in proceedings addressing net metering policies, before public utility commissions in Indiana², West Virginia³, Minnesota⁴, Texas⁵ and Virginia⁶.

9. On August 19, 2025, the Puerto Rico Energy Bureau issued a Resolution and Order declaring “LUMA's rate revision application complete”.

10. On May 21, 2025, the Hearing Examiner clarified that

“Prospective parties may file requests to intervene at any time, including after July 3. But requests that arrive deep into the procedural schedule risk opposition on grounds of disruption.

A party has no right to discovery, and no access to the discovery platform, until the party's intervention has received PREB approval. The PREB's practice is to approve interventions only after the application has arrived.

Based on those facts, the approach that is best for the party, and that produces the least amount of work for me and for the PREB, is to submit the requests before July 3 when possible. Then the PREB can approve them immediately after receiving the application—thereby allowing the party to begin discovery immediately. **But it is both permissible and traditional for entities to request intervention after the PREB has received the rate application**”.⁷ (emphasis added).

I. LEGAL STANDARD – INTERVENORS IN ADJUDICATIVE PROCEEDINGS

As stated by this Honorable Bureau on July 3rd, 2025, Resolution of this case,

“Section 5.05 of the Energy Bureau's Regulation 85431 provides that ‘any person with a legitimate interest’ can file a request for intervention in an administrative case. That section also provides that any request to intervene is to be evaluated based on the factors laid out in the general statute governing

² *Petition of Duke Energy Indiana, LLC for approval of a tariff rate for the procurement of excess distributed generation pursuant to Indiana Code 8-1-40 et seq.* Cause No. 45508 (March 31, 2021).

³ Docket: 25-0413-E-ENEC - *Expanded Net Energy Cost* (ENEC), related to electricity rates for the Appalachian Power Company; Docket: 24-0854-E-42T - Appalachian Power Company & Wheeling Power Company docket to increase rates and charges.

⁴ Integrated Resource Plan (IRP) for Xcel Energy for 2024-2040. Docket: RP-24-67.

⁵ El Paso Electric Rate Case 2025. Docket: 57568.

⁶ Appalachian Power Company net metering docket 2024-25, Docket: PUR-2024-00161.

⁷ *Hearing Examiner's Response to Procedural Questions about Rate Design and Requests to Intervene; and Order Granting Interventions.*

administrative procedures in Puerto Rico, specifically the Uniform Administrative Procedure Act.”

Under Section 1.3(f) of the “Government of Puerto Rico Uniform Administrative Procedure Act”, Act No. 38-2017, as amended, an “intervenor” is defined as “a person other than an original party to any adjudicative proceeding conducted by an agency and who shows that has standing or an interest in the proceeding.”

Section 3.5 of Act No. 38-2017 establishes the criteria considered by agencies of the Government of Puerto Rico to consider granting intervenor status to people or entities in adjudicative proceedings:

“Any person having a legitimate interest in an adjudicative proceeding before an agency may file a written, duly supported petition for intervention or participation in said proceeding. The agency may grant or deny the petition at its discretion taking into consideration, among others, the following factors:

- (a) Whether the petitioner has an interest that may be adversely affected by the adjudicative proceeding.
- (b) Whether the petitioner’s interests can be adequately protected by other legal means.
- (c) Whether the petitioner’s interests are already adequately represented by existing parties to the proceeding.
- (d) Whether the petitioner’s participation may reasonably be expected to assist in developing a sound record of the proceeding.
- (e) Whether the petitioner’s participation may excessively broaden the issues or delay the proceedings.
- (f) Whether the petitioner represents or is the spokesperson for other community groups or entities.
- (g) Whether the petitioner may contribute information, expertise, specialized knowledge, or technical advice that otherwise would not be available in the proceeding.

The agency shall apply the above criteria liberally and may require the presentation of additional evidence in order to rule on the petition for intervention.

I. SUN SATISFIES ALL APPLICABLE CRITERIA FOR INTERVENOR STATUS

SUN respectfully submits that it satisfies all applicable criteria to be granted intervenor status in the proceedings of reference:

(a) *Whether the petitioner has an interest that may be adversely affected by the adjudicative proceeding.*

Solar United Neighbors' (SUN) mission is to "[...] help people go solar, join together, and fight for their energy rights." As noted above, SUN has an established history of promoting and supporting on-the-ground solar projects in Puerto Rico.

This adjudicative proceeding may adversely impact the interests of the people and communities that SUN represents and has assisted—and will continue to assist—in “going solar.” Any disruptions to, or modifications of, existing rate structures, particularly changes to net metering policies and compensation, would directly affect the interests of the individuals and communities served and represented by SUN.

(b) *Whether the petitioner's interests can be adequately protected by other legal means.*

Other than intervening in this adjudicative proceeding, SUN has no adequate legal means to protect its interests in the context of a rate case. Intervention is the only procedural mechanism through which SUN can review LUMA's proposed rate design, participate meaningfully in the discussion among the parties and the regulator, and advocate for the interests of the communities it serves. Without admission as an intervenor, SUN's ability to safeguard those interests would be substantially impaired.

(c) *Whether the petitioner's interests are already adequately represented by existing parties to the proceeding.*

To date, the following entities have been granted intervenor status: the Official Committee of Unsecured Creditors of PREPA; the Retirement System of the Employees

of the Puerto Rico Electric Power Authority; the Independent Consumer Protection Office (OIPC); the PREPA Bondholders Coalition; Wal-Mart; Mr. Víctor González; the Institute of Competitiveness and Economic Sustainability (ICSE); and the Solar and Energy Storage Association.

SUN's participation will add a distinct and necessary perspective to these proceedings, as it uniquely represents the interests of solar consumers. This nonprofit organization brings direct experience in promoting solar projects at the community level. At present, none of the existing intervenors represent, nor are they positioned to adequately represent, the interests of solar homeowners.

(d) Whether the petitioner's participation may reasonably be expected to assist in developing a sound record of the proceeding.

SUN's extensive experience promoting solar projects for the benefit of people and communities in Puerto Rico, as well as in other jurisdictions across the United States, will contribute to the development of a sound and complete record in this proceeding. In addition, SUN anticipates presenting expert testimony that will further enrich the discussions and provide valuable insights for the Bureau's consideration in this rate case.

Also, as stated above, SUN will contribute to this proceeding not only through its community-level experience in Puerto Rico, but also as an experienced intervenor in rate cases before several public utility commissions in the continental United States. This background will allow SUN to provide informed perspectives and practical insights that will assist the Bureau in its evaluation of the proposed rate design.

(e) Whether the petitioner's participation may excessively broaden the issues or delay the proceedings.

Like the other intervenors in this case, SUN commits to participate without broadening its scope or causing undue delays. SUN will fully comply with all procedural deadlines, and its intervention will not affect the orderly progress or calendar of this proceeding.

(f) Whether the petitioner represents or is the spokesperson for other community groups or entities.

SUN represents the interests of solar homeowners and prospective solar owners. The nonprofit will add to these proceedings a much-needed perspective from the field. Drawing on years of direct experience promoting solar energy adoption in homes and communities, as well as its sustained advocacy in Puerto Rico and across the United States, SUN is uniquely positioned to offer valuable insights that will enrich the discussions in this rate case.

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

In addition to contributing valuable insights based on its years of promoting energy projects and advocacy, SUN expects to present the expert testimony of Dr. Ahmad Faruqi, Ph.D., a distinguished energy economist whose consulting practice encompasses regulation, tariff and rate design, load flexibility, distributed energy resources, demand forecasting, decarbonization, electrification, and energy efficiency. SUN will engage Dr. Faruqi as its expert in this case. Over the course of his career, he has advised clients in twelve (12) countries across five (5) continents on complex energy matters.

WHEREFORE, SOLAR UNITED NEIGHBORS respectfully requests that this Honorable Bureau grant it leave to intervene and confer upon it full intervenor status in this proceeding.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of August 2025.

CERTIFICATION: WE HEREBY CERTIFY that this motion was filed using the PREB's electronic filing system and that electronic copies of this motion will be notified to the Hearing Examiner, Scott Hempling, hempling@scotthemplinglaw.com, and that a copy 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; margarita.mercado@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; carolyn.clarkin@us.dlapiper.com; andrea.chambers@us.dlapiper.com; sromero@sbgblaw.com; gcastrodad@sbgblaw.com; jfr@sbgblaw.com; regulatory@genera-pr.com; mvazquez@vvlawpr.com; hrivera@jrsp.pr.gov; victorluisgonzalez@yahoo.com; jrinconlopez@guidehouse.com; gvilanova@vvlawpr.com; gerardo_cosme@solartekpr.net; Cfl@mcvpr.com; legal@genera-pr.com; ratecase@genera-pr.com; contratistas@jrsp.pr.gov; nancy@emmanuelli.law; Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com; Intisarul.Islam@weil.com; kara.smith@weil.com; rafael.ortiz.mendoza@gmail.com; monica@emmanuelli.law; cristian@emmanuelli.law; jan.albinolopez@us.dlapiper.com; rolando@emmanuelli.law; Ignq2021@gmail.com; Rachel.Albanese@us.dlapiper.com; varoon.sachdev@whitecase.com; jdiaz@sbgblaw.com; javrua@sesapr.org; Brett.ingerman@us.dlapiper.com; agraitfe@agraitlawpr.com; jpouroman@outlook.com; epo@amgprlaw.com; loliver@amgprlaw.com; matt.barr@weil.com; corey.brady@weil.com; Robert.berezin@weil.com; lramos@ramoscruzlegal.com; acasellas@amgprlaw.com; Gabriel.morgan@weil.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; isaac.glassman@whitecase.com; tmacwright@whitecase.com; jcunningham@whitecase.com; mshpherd@whitecase.com; jgreen@whitecase.com; hburgos@cabprlaw.com; howard.hawkins@cwt.com; bill.natbony@cwt.com; mark.ellenberg@cwt.com; zack.schrieber@cwt.com; escalera@reichardescalera.com; susheelkirpalani@quinnemanuel.com; dmonserrate@msglawpr.com; fgierbolini@msglawpr.com; dperez@cabprlaw.com; casey.servais@cwt.com; thomas.curtin@cwt.com; riverac@reichardescalera.com; erickay@quinnemanuel.com; rschell@msglawpr.com; eric.brunstad@dechert.com; Stephen.zide@dechert.com; David.herman@dechert.com; Isaac.Stevens@dechert.com; James.Moser@dechert.com; Kayla.Yoon@dechert.com; Julia@londoneconomics.com; Brian@londoneconomics.com; luke@londoneconomics.com;

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