

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

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IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY
INTEGRATED RESOURCE PLAN

Case no. NEPR-AP-2023-0004

Subject: EcoEléctrica's Petition to
Intervene in Integrated Resource Plan
Adjudicative Proceeding and Request for
Notice.

PETITION TO INTERVENE

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, EcoEléctrica, L.P. (hereinafter, "EcoEléctrica") represented by the undersigned legal counsel, and very respectfully **STATES** and **PRAYS** as follows:

I. INTRODUCTION

Pursuant to Section 3.03 of the Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority, Regulation No. 9021 of April 24, 2018 (hereinafter "Regulation 9021"); Section 5.05 of the Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings, Regulation No. 8543 of December 18, 2024 (hereinafter, "Regulation 8543"); and Section 3.5 of the Uniform Administrative Procedure Act of the Government of Puerto Rico, Act No. 38 of June 30, 2017 (hereinafter, "LPAU"), as amended, EcoEléctrica respectfully petitions the Puerto Rico Energy Bureau (hereinafter the "Energy Bureau") to admit its participation in the instant proceedings as an intervenor.

EcoEléctrica owns and operates a combined-cycle natural gas electric power generating facility located in Barrio Tallaboa in Punta Guayanilla, Peñuelas, Puerto Rico. The facility consists of a 545 MW combined-cycle cogeneration plant, a terminal with a 1 MMBBL storage capacity for the import, storage, and regasification of liquefied natural gas (“LNG”), and a seawater desalination production plant. The facility produces clean, safe, and reliable energy which is supplied to the Puerto Rico Electric Power Authority (“PREPA”) under a long-term Power Purchase and Operating Agreement (“PPOA”). EcoEléctrica was the first independent power generation facility integrated into Puerto Rico’s electric system. It provides approximately 17% of the Island’s electric energy consumption, and its LNG import terminal manages roughly 33% of the fuel imported to Puerto Rico for electric power generation. The facility is recognized as a high-efficiency energy production asset with the lowest emissions rate within PREPA’s thermal generating fleet and has upheld high standards of compliance, reliability, security, and operational efficiency for the past 26 years. Additionally, EcoEléctrica provides essential ancillary services to the Puerto Rico electric system, including primary and secondary frequency control, reactive power for voltage support, and emergency response capabilities.

II. LEGAL BACKGROUND AND STANDARD

Pursuant to Regulation 9021, the Energy Bureau will evaluate the Puerto Rico Electric Power Authority's ("PREPA")¹ Integrated Resource Plan (“IRP”). In accordance with

¹ Pursuant to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement dated June 22, 2020, LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as “LUMA”) are responsible for developing and proposing the IRP as the agent of PREPA.

Regulation 9021, the IRP will consider all reasonable resources to satisfy the demand for electricity services during a twenty (20) year planning period, taking into account both the supply and the demand of electric power. In broad terms, the IRP will include an assessment of the planning environment, a careful and detailed study of a range of future load forecasts, present generation resources, present demand load, and current investments in electricity conservation technologies, existing transmission and distribution facilities, and the relevant forecast and scenario analyses in support of LUMA's selected resource plan. It will also contain a proposed Action Plan for the implementation of the selected resource plan.

Regulation's 9021 stated purpose is to ensure that the IRP serves as an adequate and useful tool to guarantee the orderly and integrated development of Puerto Rico's electric power system, and to improve the system's reliability, efficiency, and transparency, as well as the provision of electric power services at reasonable prices. As provided in its Section 1.05, Regulation 9021 must be interpreted in a way that promotes the highest public good and the protection of the interests of the residents of Puerto Rico, and in such a way that the proceedings are carried out rapidly, justly and economically.

Regulation 9021 defines an "Intervenor" as any party who has filed for and has been granted intervention in this proceeding pursuant to Section 5.05 of Regulation 8543. Section 3.03 (A) of Regulation 9021 provides that "any person may file a petition to intervene in the IRP proceeding within thirty (30) days after the Commission's [Energy Bureau's] determination that the proposed IRP is complete. Nevertheless, the

Commission [Energy Bureau] shall retain the discretion to grant petitions to intervene filed after the expiration of the 30-day time period."

Section 3.03 (B) of Regulation 9021 further provides that the "Commission [Energy Bureau] will address petitions to intervene in accordance with Section 5.05 of Regulation 8543 and Section 3.5 and 3.6 of the LPAU." Pursuant to Section 3.5 of the LPAU, 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.
- (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 before ruling on the petition for intervention

On February 13, 2026, the Energy Bureau issued a Resolution and Order determining that LUMA's 2025 IRP filing is complete for purposes of meeting the

requirements of Regulation 9021. The Bureau clarified, however, that this determination of completeness does not constitute any finding regarding the substance of the 2025 IRP or LUMA's proposed Preferred Resource Plan. Therefore, consistent with Section 3.03(A) of Regulation 9021, the Energy Bureau's February 13, 2026 Resolution and Order marked the beginning of a period spanning at least 30 days for the filing of petitions for intervention.

III. DISCUSSION

As discussed in greater detail below, all relevant elements support EcoEléctrica's petition for intervention in this case.

(1) EcoEléctrica's Interests May Be Adversely Affected

The Energy Bureau's determinations in this IRP proceeding may directly and materially affect EcoEléctrica's contractual, operational, and economic interests, including resource-planning assumptions, fuel-supply logistics, system dispatch protocols, reliability criteria, and its regulatory treatment. These impacts are central to EcoEléctrica's role as a baseload combined-cycle generator and as the operator of a critical LNG terminal. EcoEléctrica's interests may be adversely affected if the reliability criteria adopted in the IRP fail to adequately reflect the operational characteristics and technical capabilities of the generating assets currently integrated into the system. Further, because EcoEléctrica supplies energy to PREPA under a long-term PPOA that expires within the planning timeline of the IRP under evaluation, the Energy Bureau's decisions in this proceeding may substantially influence the continuation and/or

modification of that contractual arrangement. Any determinations regarding resource selection, retirement timing, replacement sequencing, reliability service requirements, fuel-supply assumptions, or related implementation measures may reasonably threaten injury to EcoEléctrica's concrete interests, both in its ongoing role as a major generator and in the system-planning treatment of its LNG terminal and ancillary service contributions. The threatened impacts fall squarely within the type of adverse effects that Puerto Rico law recognizes as supporting intervention in an administrative proceeding.²

(2) EcoEléctrica's Interests Cannot Be Adequately Protected by Other Legal Means

This adjudicative proceeding is the appropriate and necessary forum for addressing all IRP-related determinations, including those involving planning scenarios, resource selections, and implementation actions under Regulation 9021. At this time, EcoEléctrica is not aware of any other alternative legal mechanism that would allow EcoEléctrica to safeguard its interests with respect to the decisions and outcomes that may arise from this process.

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

No party in this proceeding represents the specific interests or operational realities of EcoEléctrica as an LNG-based combined-cycle independent power producer with an associated LNG import and regasification terminal. EcoEléctrica's interests are unique in

² See *Fund. Surfrider y otros v. A.R.Pe.*, 178 D.P.R. 563, 581 (2010), ("Usually, the intervenor is the one who could be adversely affected by the administrative decision. It is in the face of a threat to their interests that a person who was not an original party before the agency seeks to intervene." Our translation.)

kind, and no party is tasked with advocating for EcoEléctrica's specific operational and contractual posture.

(4 & 7) EcoEléctrica's Participation Will Assist in Developing a Sound Record and Contribute Unique Information, Expertise, and Technical Knowledge

EcoEléctrica's participation will assist in developing a complete and technically robust record by ensuring that the IRP complies with all applicable aspects of the Energy Bureau's regulations and orders. EcoEléctrica will contribute specialized technical expertise concerning the Puerto Rico electric generating system, LUMA's proposed IRP, and the practical and viable alternatives for meeting customer needs during the IRP planning horizon. In addition, EcoEléctrica will provide substantial support to the IRP review process by offering its unique knowledge and ample experience in the operation of highly efficient, natural-gas-fired power generation facilities; by contributing to the evaluation of reliability criteria included in the IRP and assessing their impacts on independent power producers; and by providing recommendations regarding interconnection standards, emerging technologies, and operational practices relevant to future generation resources and their effects on system reliability.

EcoEléctrica also intends to review and comment on the models used to represent independent power producers, both from a technical and commercial standpoint, to ensure equitable treatment within the broader generation fleet. It will further recommend additional analyses or studies necessary to prevent degradation in service quality and to safeguard the safe and economical operation of existing system participants. As the

operator of the only LNG import terminal handling approximately one-third of the fuel imported for electric power production in Puerto Rico, and as a generator supplying roughly seventeen percent (17%) of the Island's electricity, EcoEléctrica is uniquely positioned to advise the Energy Bureau on technical matters related to LNG importation, handling, and utilization. Its expertise and technical knowledge, which would not be provided by any other party in these proceedings, encompasses LNG supply logistics, combined-cycle plant performance, emissions and reliability considerations, ancillary services, interconnection requirements, and overall system operations. This depth of unique experience will materially assist the Bureau in evaluating the practical implications of IRP resource selections and associated implementation strategies.

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

EcoEléctrica does not seek to broaden the scope of this proceeding and commits to abiding by all procedural deadlines and rules of the adjudicative phase set by the Energy Bureau. EcoEléctrica's participation will be focused on issues already within the IRP's required scope and will add operationally grounded, system-relevant information that improves the quality and efficiency of the proceedings, without excessively broadening the issues or causing delays.

(6) EcoEléctrica does not Represent or is the Spokesperson for Other Community Groups or Entities but is a Distinct Stakeholder in the Energy Industry.

EcoEléctrica does not appear in this proceeding as a representative, agent, or spokesperson for any community group, trade association, or coalition. Rather, EcoEléctrica seeks intervention solely on its own behalf, based on its direct and substantial interests as the owner and operator of a critical combined-cycle natural gas generating facility and LNG import/regasification terminal that form part of Puerto Rico's electric supply and fuel infrastructure.

Accordingly, this factor should be treated as neutral in the intervention analysis, because it is one of multiple considerations used to assess whether participation is appropriate, and it is not a universal prerequisite that every intervenor must satisfy. Intervenors may properly participate to protect their own legally cognizable interests even when they do not purport to represent broader community constituencies. EcoEléctrica's participation will be focused on matters within its operational and technical knowledge—such as the performance characteristics of a high-efficiency combined-cycle unit, LNG logistics and deliverability, operational reliability, and the provision of ancillary services—and will not be offered as a substitute for, or in competition with, the viewpoints of community organizations that may participate separately

IV. CONCLUSION

Puerto Rico's energy policy objectives require an IRP that is reliable, efficient, and economically sound. EcoEléctrica satisfies all statutory criteria for intervention and stands ready to contribute constructively and efficiently to this proceeding. Therefore, EcoEléctrica respectfully requests that it be granted intervention and allowed to

participate fully as a party in these proceedings, including the right to discovery of information and evidence, present testimony and documents, cross-examine witnesses and file briefs, as necessary.

Additionally, EcoEléctrica requests that all notices, correspondence and copies of orders and other communications regarding this docket, be addressed to the undersigned and to the following:

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WHEREFORE, EcoEléctrica, L.P. respectfully requests that the Honorable Energy Bureau grant its petition to intervene and admit it as party in this proceeding with all rights attendant thereto.

Respectfully submitted, on February 25, 2026, 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 RegulatoryPREBOrders@lumapr.com; nzayas@gmlex.net; rcruzfranqui@gmlex.net; mvalle@gmlex.net; nzayas@gmlex.net; alexis.rivera@prepa.pr.gov;

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