

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

NEPR

Received:

Mar 30, 2026

4:12 PM

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

CASE NO.: NEPR-AP-2023-0004

Subject: AES Puerto Rico, L.P.'s Motion to Intervene in the 2025 Integrated Resource Plan Proceeding.

MOTION TO INTERVENE

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW, AES Puerto Rico, L.P. ("AES-PR"), represented by the undersigned legal counsel, and respectfully states, alleges and prays as follows:

I. INTRODUCTION

1. AES-PR is a limited partnership organized under the laws of Delaware, with offices at Carr. 3, Km 142.0, Guayama, Puerto Rico, 00785, that operates an energy generation facility under a Power Purchase and Operating Agreement with the Puerto Rico Electric Power Authority ("PREPA") dated October 11, 1994, as amended ("PPOA").

2. On July 12, 2023, the Puerto Rico Energy Bureau initiated the above-captioned Integrated Resource Plan ("IRP") proceeding and directed LUMA Energy, LLC as ManagementCo, and LUMA Energy ServCo, LLC as ServCo (collectively, "LUMA") – in its capacity as the transmission and distribution system operator and as PREPA's agent – to develop and submit a proposed IRP.¹

¹ See, Resolution and Order on the Commencement of Review Proceeding and Initial Technical Conference for the 2024 IRP Prefiling Process (Phase 1), Case No. NEPR-AP-2023-0004, dated July 12, 2023.

3. In compliance with the *Resolution and Order* dated July 12, 2023, on October 17, 2025, LUMA filed a *Motion* formally tendering the proposed 2025 IRP for the Puerto Rico Energy Bureau's ("Energy Bureau") consideration and concurrently requested that certain portions of the submission be afforded confidential treatment.²

4. Following various procedural developments, on February 13, 2026, the Energy Bureau issued a *Resolution and Order* on the Completeness of LUMA's 2025 IRP Filing for the purpose of meeting Regulation 9021 requirements.³

5. Subsequently on February 27, 2026, issued a *Resolution and Order* providing all interested parties by March 30, 2026, to file petition to intervene.⁴

6. Now, within the prescribed period of time, and pursuant to applicable laws and regulatory requirements, AES-PR respectfully submit this *Motion to Intervene* and petitions the Energy Bureau to accept its intervention in this IRP proceeding.

II. LEGAL STANDARD

7. The Puerto Rico Energy Transformation and RELIEF Act, Act No. 57 of May 27, 2014, as amended ("Energy Relief Act"), establishes the statutory framework for the planning and transformation of the electric system and expressly mandates the development and approval of an IRP as the principal instrument for achieving the Act's policy objectives and consistent with

² See, Motion Submitting 2025 IRP and Request for Confidential Treatment, Case No. NEPR-AP-2023-0004, dated October 17, 2025.

³ See, Resolution and Order on the Completeness of LUMA's 2025 Integrated Resource Plan Filing and Request for Confidential Treatment of Portions of the Integrated Resource Plan., Case No. NEPR-AP-2023-0004, dated February 13, 2026, at page 1.

⁴ See, Resolution and Order on the Initial Procedural Calendar for the 2025 Integrated Resource Plan Process – Regulation 9021, Case No. NEPR-AP-2023-0004, dated February 27, 2026, at page 1.

Section 1.9 of the Puerto Rico Energy Public Policy Act, Act. No. 17 of April 11, 2019, as amended.⁵

8. The purpose of the Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority, Regulation No. 9021 of April 24, 2018 (“Regulation 9021”) – adopted under this legal framework – 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.⁶ Thus, it 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.⁷

9. Pursuant to Regulation 9021, the IRP ought to 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.⁸ In broad terms, the IRP ought to include an assessment of the planning environment, a careful and detailed study of a range of future forecasts, present generation resources, present demand load, and current investment in electricity conservation technologies, existing transmission and distribution facilities, and the relevant forecast and scenario analyses in support of LUMA's selected resource plan.⁹

⁵ 22 L.P.R.A. § 1054v.

⁶ *See*, Section 1.03 of Regulation 9021.

⁷ *Id.*

⁸ *Id.*, Section 105.

⁹ *Id.*

10. Under the provisions in Regulation 9021, "*any person may file a petition to intervene in the IRP proceeding within thirty (30) days after the Commission's determination that the proposed IRP is complete*"¹⁰ – provided that the Commission [Energy Bureau] will address petitions to intervene in accordance with Section 5.05 of the Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings, Regulation No. 8543 of December 18, 2024 ("Regulation 8543") and Section 3.5 and 3.6 of the Uniform Administrative Procedure Act of the Government of Puerto Rico, Act No. 38 of June 30, 2017, as amended, ("LPAU", by its Spanish acronym).¹¹

11. According 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.¹² 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 proceeding.*
- (5) *Whether the petitioner's participation may excessively broaden the issues or delay the proceeding.*
- (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 proceedings.*¹³

¹⁰ *Id.* Section 3.03. Section 1.08(21) of 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.

¹¹ 3 L.P.R.A. § 9601, *et. seq.*

¹² 3 L.P.R.A. § 9645.

¹³ *Id.*

12. Now, in light of the legal framework that guides the Energy Bureau's evaluation of an intervention requests, AES-PR respectfully seeks leave to intervene in this IRP proceeding as it meets the applicable statutory and regulatory criteria. Thus, AES-PR is a person with a legitimate interest. We explain.

III. DISCUSSION

A. AES-PR's Interests May Be Adversely Affected

AES-PR's legally protectable interests stand to be adversely affected should the reliability criteria adopted in the IRP fail to adequately account for the operational characteristics, technical capabilities, and system-critical functions of the generating assets currently integrated into the Puerto Rico's electric grid.

As a principal baseload generator and as the operator of a critical coal reception terminal, AES-PR occupies a central role in system reliability and dispatch operations. Thus, any Energy Bureau's determinations in this IRP proceeding that may disregard or inadequately reflect these realities may directly and materially affect AES-PR contractual, operational, and economic interests, including resource-planning assumptions, coal-supply logistics, system dispatch protocols, reliability criteria, and its regulatory treatment. Further, because AES-PR supplies the energy it generates solely to PREPA under a long-term PPOA that expires within the planning timeline of the IRP under evaluation, any determination bears directly on AES-PR's contractual rights and obligations.

Moreover, the IRP's treatment of AES-PR's facility—including any assumptions regarding its operational viability, contribution to system stability, or potential retirement—may significantly affect AES-PR's economic interests, regulatory posture, and ability to continue providing essential

electric power. Thus, decisions concerning resource selection, retirement timing, replacement sequencing, reliability service requirements, coal-supply assumptions, or related implementation measures may materially influence whether, and under what conditions, AES-PR's generating facility and coal-reception terminal are incorporated into the Commonwealth's future resource portfolio. These potential impacts fall squarely within the type of adverse effects that Puerto Rico law recognizes as sufficient to justify intervention in administrative proceedings.

For these reasons, AES-PR satisfies the statutory requirement for demonstrating that its interests may be adversely affected by the outcome of this IRP proceeding.

B. AES-PR's Interests Cannot be Adequately Protected by Other Legal Means

This IRP proceeding conducted under Regulation 9021 constitutes the exclusive and appropriate adjudicative forum for addressing all IRP-related determinations, including the evaluation of planning scenarios, resource-selection pathways, retirement and replacement schedules, and associated implementation measures. As previously mentioned, the determinations made in this IRP proceeding will have binding and prospective effects on the configuration, operation, and regulatory treatment of existing generation resources, including those owned and operated by AES-PR.

At the present, no more adequate alternative legal mechanism exists through which AES-PR could safeguard its interests with respect to decisions and outcomes that may arise from this proceeding. Pursuant to the legal framework governing this IRP proceeding – which is expressly structured to integrate technical evidence, stakeholder input, and system-planning analyses – any matter bearing upon AES-PR's operational, contractual, or economic interests must be addressed within this forum. Outside of intervention, AES-PR would have no meaningful opportunity to present evidence, challenge assumptions, or ensure that the Energy Bureau's determinations

accurately take into consideration the operational realities of its facility and the system-critical services it provides.

Thus, this IRP proceeding is the venue in which these matters ought to be considered, and because the outcomes of this process may materially affect AES-PR's rights and obligations, its interests cannot be adequately protected by any other legal means. Intervention is, therefore, necessary to preserve AES-PR's ability to fully participate and protect its legal interests.

C. AES-PR's Interests Are Not Adequately Represented by Other Parties

No party in this IRP proceeding is positioned to represent, advance, or safeguard the distinct operational, contractual, and economic interests of AES-PR as an independent power producer. AES-PR occupies a unique role within Puerto Rico's electric system—both as a major baseload generator and as the operator of the Island's sole coal-reception terminal—and its interests are fundamentally different in nature and scope from those of governmental entities, consumer advocates, or other market participants.

Neither PREPA nor any other participant is charged with, or capable of, advocating for AES-PR's specific operational realities, resource-planning considerations, or contractual posture under its PPOA. Likewise, no party can adequately articulate the technical, logistical, and system-reliability implications associated with AES-PR's facility or its integration into the IRP's planning assumptions.

Accordingly, AES-PR's intervention is necessary to ensure that the Energy Bureau considers the complete range of perspectives, technical information, and operational insights required to render a fully informed, balanced, and correct determinations in this IRP proceeding.

D. AES-PR Intervention Will Assist the Energy Bureau in Developing a Complete and Technically Robust Record and Will Provide Technical Information and Expertise Not Otherwise Available in this IRP Proceeding

AES-PR's intervention will materially contribute and enhance the evidentiary record before the Energy Bureau by providing specialized technical expertise, operational insight, and system-level knowledge that are otherwise unavailable from the existing parties. As the operator of one of Puerto Rico's largest baseload generating facilities AES-PR possesses firsthand experience with large-scale power generations and the practical implications of resource transitions that would otherwise be unavailable to the Energy Bureau. This information is uniquely relevant to the Energy Bureau's evaluation of planning scenarios, reliability criteria, and implementation pathways under the IRP.

AES-PR's operational experience can provide the Energy Bureau with practical insight into the feasibility, costs, and system-wide implications of the IRP's planning assumptions, including those related to system operations, resource transitions, and future capacity needs.

Thus, AES-PR's intervention ought to significantly contribute to the development of a more complete and technically robust record, thereby supporting the Energy Bureau's ability to render informed, evidence-based, and legally sustainable decisions in this IRP proceeding.

E. AES-PR's Intervention Will Not Cause Unnecessary Delay or Improperly Broaden the Issues

AES-PR is mindful of the procedural schedule governing this IRP proceeding and commits to abiding by all deadlines and rules issued by the Energy Bureau. Its participation will be focused and confined to issues that fall within the scope of the IRP and will not unnecessarily extend or delay the proceeding.

Thus, AES-PR seeks intervention to contribute relevant information and perspective that will assist the Energy Bureau in its statutory mandate. Its involvement will neither prolong the proceeding nor introduce collateral matters beyond those already contemplated by Regulation 9021.

F. AES-PR Represents the Interests of Broad Consumer Base as One of the Principal Generators of Electric Energy in Puerto Rico

As one of the primary generators of electric energy in Puerto Rico, AES-PR plays a central role in serving the electric power consumers and supporting the stability and reliability of the electric system. AES-PR's generation facility form an essential component of the Island's energy portfolio, and its operation directly affects the availability, affordability, and reliability of electric service of a substantial portion of Puerto Rico's population.

AES-PR's intervention, therefore, carries significance beyond its own interests and will, thus, assist the Energy Bureau in evaluating the IRP's planning assumptions and resource pathways with a fuller understanding on how those decisions may affect the continuity, reliability, and cost of electric service for the public in this IRP proceeding.

WHEREFORE, AES-PR respectfully requests that the Energy Bureau to: (i) grant its petition to intervene; (ii) allow AES-PR to participate fully as a party in this IRP proceeding; (iii) permit AES-PR to obtain and discover evidence, present testimony and documents, cross-examine witnesses, submit legal memoranda and briefs, and otherwise engage in all procedural steps necessary to protect its interests and to assist the Energy Bureau in the development of a complete and reliable record; (iv) be served or notified with all notices, correspondence, orders, filings and other communications pertaining to this docket to: jesus.bolinaga@aes.com and

gabriel.sanabria@aes.com; and to (v) grant AES-PR any other relief the Energy Bureau deems necessary.

RESPECTFULLY SUBMITTED this 30th day of March 2026.

WE HEREBY CERTIFY that on this date, this document was filed using the Energy Bureau's electronic filing system and that electronic copies of this *Motion to Intervene* will be notified by electronic email to the following: alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; rcruzfranqui@gmlex.net; mvalle@gmlex.net; lrn@roman-negron.com; regulatory@genera-pr.com; regulatoryPREBOrders@lumapr.com; regulatory@energia.pr.gov; margarita.mercado@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; cfl@mcvpr.com; mqs@mcvpr.com; creyes@ecoelectrica.com; Rodrigo.zavala@ecoelectrica.com; pnieves@vnblegal.com; jemmanuelli@vnblegal.com; epo@amgprlaw.com; loliver@amglawpr.com; acasellas@amglawpr.com; matt.barr@weil.com; robert.berezin@weil.com; Gabriel.morgan@weil.com; corey.brady@weil.com; lramos@ramoscruzlegal.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; iglassman@whitecase.com; tmacwright@whitecase.com; jcunningham@whitecase.com; mshepherd@whitecase.com; jgreen@whitecasepr.com; mfb@tcm.law; lft@tcm.law; arosenberg@paulweiss.com; pbrachman@paulweiss.com; kzeituni@paulweiss.com; hburgos@cabprlaw.com; dperez@cabprlaw.com; mestrada@gibsondunn.com; lshelfer@gibsondunn.com; casey.servais@cwt.com; bill.natbony@cwt.com; Thomas.curtin@cwt.com; escalara@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com; dmonserrate@msglawpr.com; fgierbolini@msglawpr.com; rschell@msglawpr.com; eric.brunstad@dechert.com; Stephen.zide@dechert.com; David.herman@dechert.com; Michael.doluisio@dechert.com; stuart.steinberg@dechert.com; other parties of record as identified in the 2025 IRP docket.

AES Puerto Rico, L.P.

Jobos Ward, PR-3, Km 142.0, Guayama, Puerto Rico, 00785
Phone number: 787-866-8117

By: s/Karen Ortiz Quiñones
PR Supreme Court No.: 16,056
Email: karen.ortiz@aes.com