

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

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

CASE NO: NEPR-AP-2023-0004

SUBJECT: Motion to Intervene

MOTION TO INTERVENE

TO THE HONORABLE ENERGY BUREAU:

COMES NOW the Renewable Energy Producers Association (APER, for its acronym in Spanish) represented by the undersigned legal counsel and 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 ("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 ("LPAU"), as amended, APER respectfully petitions the Puerto Rico Energy Bureau (the "Energy Bureau") to admit its participation as an intervenor in the above-captioned proceeding to adjudicate the proposed Integrated Resource Plan (the "IRP").

APER is a non-profit membership association representing renewable energy producers and other key participants in Puerto Rico's energy sector. Its membership spans the full spectrum of the renewable energy industry, including developers, generators, consultants, suppliers, and policy advocates. APER is dedicated to advancing public policy and market development initiatives that foster a diversified, resilient, and inclusive renewable energy sector in Puerto Rico.

APER's members are directly and materially affected by the issues under consideration in this proceeding. The IRP will determine, among other things, the Commonwealth's future generation mix, procurement needs, system planning assumptions, and investment pathways. These determinations will have immediate and long-term impacts on market access, project viability, interconnection opportunities, and capital deployment decisions affecting APER's membership.

APER has a direct, substantial, and legally cognizable interest in this proceeding, and no existing party adequately represents that interest. Accordingly, APER seeks leave to intervene as a full party and requests inclusion on all service lists for filings, notices, and communications related to this docket.

II. BACKGROUND AND LEGAL STANDARD

On July 12, 2023, the Energy Bureau initiated this IRP proceeding and directed LUMA, acting as agent of the Puerto Rico Electric Power Authority ("PREPA"), to develop and submit a proposed IRP. On October 17, 2025, LUMA filed the proposed IRP, including supporting reports, exhibits, and prefiled testimony.

On February 13, 2026, the Bureau issued a determination of completeness, expressly noting that such determination does not constitute a finding on the merits of the proposed IRP. Thereafter, on February 27, 2026, the Bureau issued a Resolution and Order establishing March 30, 2026, as the deadline for all interested parties to file petitions to intervene.

Regulation 9021 establishes the framework for the Energy Bureau's evaluation of the IRP.¹ Given the IRP's system-wide implications, Regulation 9021 adopts an intentionally broad and inclusive standard for participation.

Section 3.03(A) of Regulation 9021 expressly permits "any person" to petition to intervene, reflecting the recognition that IRP determinations affect a wide array of stakeholders across Puerto Rico's economy. Section 3.03(B) further provides that intervention petitions shall be evaluated pursuant to Section 5.05 of Regulation 8543 and Sections 3.5 and 3.6 of the Puerto Rico's Uniform Administrative Procedures Act ("LPAU" by its acronym in Spanish).

¹ Regulation 9021's fundamental purpose is to ensure the IRP serves as an effective tool for the "orderly and integrated development of Puerto Rico's electric power system" while enhancing "reliability, efficiency, and transparency" and ensuring "electric power services at reasonable prices." Critically, Section 1.05 mandates that Regulation 9021 be interpreted to "promote the highest public good and protect the interests of Puerto Rico residents" through proceedings conducted "rapidly, justly and economically."

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. 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 APER being granted leave to intervene in this case. APER's intervention in this proceeding is based on the following grounds:

(1) APER's Interest May Be Adversely Affected

The IRP will directly shape the structure, scale, and timing of renewable energy development in Puerto Rico. Decisions regarding resource selection, procurement mechanisms, system reliability standards, transmission planning, and distributed energy resource integration will materially affect APER's members.

These impacts are concrete and immediate. The IRP will influence project development pipelines, investment decisions, interconnection feasibility, and long-term revenue expectations. As such, the effects of this proceeding over APER's interests are neither speculative nor remote, they are central to the economic and regulatory position of APER's membership.

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

This IRP proceeding is the primary and determinative forum for establishing Puerto Rico's long-term energy planning framework. This proceeding is the sole and appropriate forum for addressing the implications of the IRP. There exists no alternate legal mechanism by which APER or its members could safeguard their interests in the IRP.

Absent intervention, APER's members would be bound by policy and planning determinations reached without their participation. Intervention is therefore necessary to ensure that their interests are meaningfully considered.

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

No party currently participating in this proceeding represents the specific interests or operational realities of Puerto Rico's renewable energy producers and key industry participants.

While other stakeholders may address discrete aspects of energy policy, none brings APER's industry-wide perspective grounded in project development, financing, interconnection, and operational realities specific to renewable energy resources. APER uniquely represents a cross-section of entities whose business models and investments are directly shaped by IRP outcomes. General consumer advocates, utility stakeholders, and governmental agencies may raise overlapping concerns, but none is positioned to advance the policy and technical perspectives that APER brings.

(4) APER's Participation Will Assist in Developing a Sound Record

APER members represent a wide spectrum of actors with extensive knowledge of the energy industry and have been long-term participants in the energy market, familiar with PREPA and LUMA's history and are therefore uniquely positioned to assist in this process.

APER can contribute highly relevant technical, economic, and regulatory information, based on empirical data and on-the-ground experience, that can assist the Bureau in assessing the practical impacts of the proposed IRP. APER's active participation can inform the Bureau's analysis of interconnection processes and constraints; assessment of reliability, resilience, and cost implications of resource portfolios; and recommendations regarding emerging technologies and system integration.

This perspective, grounded in real-world project experience, will assist the Bureau in evaluating the feasibility and consequences of the proposed IRP.

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

APER does not seek to expand the scope of this proceeding and commits to abiding by all procedural deadlines and evidentiary rules established by the Bureau. Its participation will be limited to matters squarely within the scope of the IRP and this proceeding, and what is directly relevant to its members' interests. Intervention will promote efficiency and reduce the risk of later procedural challenges.

(6) APER Represents a Broad and Cohesive Segment of the industry

APER represents a substantial and cohesive segment of Puerto Rico's energy sector, including renewable energy producers, developers, consultants, and suppliers. As such, APER speaks not only for itself, but for a substantial and cohesive stakeholder

community whose voice is otherwise absent. As a collective voice for this broad-based constituency, APER's participation ensures that key stakeholder perspectives are not excluded from regulatory deliberation.

(7) APER Offers Unique Information, Expertise, and Technical Knowledge

APER's members possess deep technical, operational, and policy expertise regarding interconnection processes and project economics. Its members have direct experience with project development, system interconnection, regulatory compliance, and market participation in Puerto Rico. This includes knowledge of cost structures, financing constraints, technological performance, and operational challenges associated with renewable energy resources.

This expertise is directly relevant to evaluating the assumptions, methodologies, and conclusions reflected in the proposed IRP.

IV. CONCLUSION

Puerto Rico's long-term energy goals cannot be achieved without a regulatory framework that supports the effective integration of renewable energy resources. That framework must be informed by the practical experience of the sector charged with deploying those resources. APER satisfies all the statutory factors for intervention and is uniquely positioned and stands ready to contribute constructively and efficiently to this important proceeding.

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

Respectfully submitted, on March 30, 2026, 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:

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