

**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:
Motion to Intervene - IRP**

**MOTION TO INTERVENE -
BARRIO ELECTRICO, COOPERATIVA HIDROELÉCTRICA DE LA
MONTAÑA & ENVIRONMENTAL DEFENSE FUND**

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, BARRIO ELECTRICO, COOPERATIVA HIDROELÉCTRICA DE LA MONTAÑA & ENVIRONMENTAL DEFENSE FUND (“the Petitioners”), represented by the undersigned attorney, and very respectfully STATES, ALLEGES and PRAYS:

I. THE PETITIONERS

1. BARRIO ELECTRICO is a non-profit entity organized under the laws of the state of Colorado and authorized to do business in the Commonwealth of Puerto Rico. Their designated office is located at 77 Calle Kings Court Apt. 503, San Juan, PR, 00911. <https://www.barrioelectrico.org/>

a. Starting in 2022, BARRIO ELECTRICO serves as an energy provider for its members, many who live in low-income communities, offering solar energy at reduced rates, operations, maintenance, warranty services and community education. It currently provides energy services to 450+ homes in the municipalities of Aguada, Aguadilla, Aibonito, Añasco, Camuy, Coamo, Hatillo, Isabela, Juana Díaz, Moca, Quebradillas, San Sebastián, Santa Isabel and Villalba.

2. COOPERATIVA HIDROELÉCTRICA DE LA MONTAÑA is a non-profit, electric cooperative organized under the laws of the Commonwealth of Puerto Rico. Their main offices are located at 26 Calle Betances, Utuado, PR, 00641-2864. <https://cooperativahidroelectrica.coop/> Unidos por Utuado, Inc., the entity that caused the incorporation of COOPERATIVA HIDROELÉCTRICA DE LA MONTAÑA, was granted intervenor status – together with other nonprofits - in the last Integrated Resource Plan (IRP) proceeding.¹

a. Incorporated in 2019, COOPERATIVA HIDROELÉCTRICA DE LA MONTAÑA is Puerto Rico's first organized electric power cooperative. The Cooperativa Hidroeléctrica de la Montaña was founded with the purpose of providing cost-effective and resilient energy from renewable sources for its Owner-Partners in the municipalities of Adjuntas, Jayuya, Lares, Maricao and Utuado. The Cooperativa Hidroeléctrica de la Montaña is registered as an Energy Service Company with the Puerto Rico Energy Bureau (PREB), currently operates three (3) community microgrids registered before the PREB, and is actively developing another ten community microgrids.

3. The ENVIRONMENTAL DEFENSE FUND (“EDF”) is a global environmental advocacy group. Their main offices are located at 257 Park Avenue South New York, NY 10010. Website: <https://www.edf.org/> EDF was granted intervenor status in the last Integrated Resource Plan (IRP) proceeding.²

a. Founded in 1967, EDF is a global non-profit corporation engaged in linking science, economics and law to create innovative, equitable and cost-effective solutions

¹ Resolution, *In re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, CEPR-AP-2018-0001 (August 6, 2019).

² Resolution, *In re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, CEPR-AP-2018-0001 (July 26, 2019).

to society's most urgent environmental problems. EDF, through its programs aimed at various clean energy policies, seeks to: (1) eliminate barriers to adoption of clean energy technologies; (2) advance cost-effective grid modernization; and (3) support beneficial building and vehicle electrification. Working in partnership with other nonprofits, EDF successfully implemented a pilot program that successfully installed solar panels and batteries in 45 low- and moderate-income households in the island municipality of Culebra, Puerto Rico.

II. LEGAL STANDARD – INTERVENORS IN ADJUDICATIVE PROCEEDINGS

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 persons 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.

In the following section, the Petitioners will demonstrate how, individually and collectively, each satisfies the applicable criteria for being granted intervenor status in this IRP proceeding.

III. APPLICABLE CRITERIA FOR INTERVENOR STATUS

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

The Petitioners provide retail energy services to customers through renewable energy and energy storage installations. Their shared interest in advancing clean energy policies and community-based solutions in Puerto Rico may be directly and adversely affected by the outcome of this Integrated Resource Plan (IRP) proceeding.

Among other matters, the Petitioners intend to address whether the IRP adequately preserves existing solar policies, including net metering, and to advocate for regulatory frameworks that support community solar, the interconnection of microgrid systems, the availability of wheeling arrangements for community-based energy projects, and the expansion of virtual power plant initiatives, such as LUMA's Customer Battery Energy Sharing Program.

Granting Petitioners intervenor status in this proceeding will ensure that their interests, as well as those of the communities they serve, are adequately represented.

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

Due to the unique nature of an IRP proceeding, the Petitioners find that their interests cannot be protected adequately by other legal means.

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

Community-based organizations such as Barrio Eléctrico, Cooperativa Hidroeléctrica de la Montaña and EDF are actively providing direct retail energy services to customers through renewable energy and energy storage installations.

No other parties to this IRP proceeding adequately represent the Petitioners' interests. The unique nature of the energy services provided by Barrio Eléctrico, Cooperativa Hidroeléctrica de la Montaña and EDF—particularly their focus on last-mile and historically underserved communities—distinguishes them from other current or potential participants in this 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

The Petitioners will address factors (d) and (e) jointly.

This Integrated Resource Plan (IRP) proceeding will benefit significantly from the participation of community-based organizations with extensive experience in developing and implementing renewable energy projects in Puerto Rico. These entities bring a

practical, on-the-ground perspective that is directly relevant to the issues under consideration.

For example, Barrio Eléctrico has compiled multi-year energy consumption data from low-usage households—which collectively represent a substantial portion of LUMA’s customer base—as well as operational insights regarding grid performance in response to solar installations along underserved feeder lines.

With respect to EDF, it will contribute its decades of experience in regulatory and energy policy matters, including evaluating whether the proposed IRP is grounded in the best available information and whether LUMA’s analyses have been conducted in accordance with industry’s best practices.

Petitioners intend to focus their participation on the principal issues presented in this IRP proceeding. While they will provide meaningful input based on their experience advocating community-based energy solutions and advancing renewable energy development in Puerto Rico, the Petitioners do not anticipate broadening the scope of the proceeding unnecessarily or causing undue delay.

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

The Petitioners have agreed to pool their resources to participate in this Integrated Resource Plan (IRP) proceeding. However, many nonprofit organizations lack the financial capacity to seek intervenor status independently. It is widely recognized that recent governmental policies and actions have effectively curtailed funding opportunities for nonprofit organizations working in the renewable energy sector.

Barrio Eléctrico, Cooperativa Hidroeléctrica de la Montaña and EDF are part of a broader ecosystem of nonprofit organizations in Puerto Rico dedicated to advancing

community-based energy solutions, equitable access to renewable resources, and a just energy transition. The Petitioners respectfully submit that they are well positioned to represent the perspectives and interests of this energy justice ecosystem in this IRP proceeding.

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

The Petitioners intend to contribute their combined technical expertise and knowledge to this Integrated Resource Plan (IRP) proceeding from the unique perspective of entities that provide retail energy services and have pioneered community-based energy projects in Puerto Rico.

With respect to EDF, it has participated in integrated resource planning proceedings and related matters before public utility commissions across numerous jurisdictions. EDF will bring to this proceeding the insights and expertise developed over decades of experience in regulatory advocacy and energy policy.

WHEREFORE, respectfully request this Honorable Bureau to grant the appearing entities intervenor status in this proceeding, as well as any other relief that it deems just and proper.

RESPECTFULLY SUBMITTED.

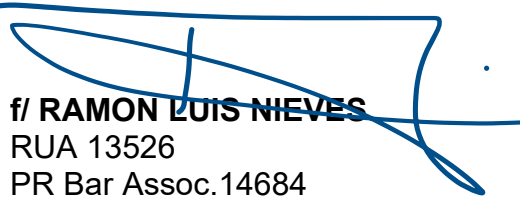
In San Juan, Puerto Rico, this 30th day of March 2026.

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: margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com; epo@amgprlaw.com; loliver@amgprlaw.com; acasellas@amgprlaw.com; robert.berezin@weil.com; gabriel.morgan@weil.com; corey.brady@weil.com; lramos@ramoscruzlegal.com; tlauria@whitecase.com; mfb@tcm.law; lft@tcm.law; arosenberg@paulweiss.com; hburgos@cabprlaw.com; mestrada@gibsondunn.com; bill.natbony@cwt.com; escalara@reichardescalera.com; riverac@reichardescalera.com;

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A handwritten signature in blue ink, appearing to be 'Ramon Luis Nieves', is written over the text of the contact information.

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