

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

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

**CASE NO.: NEPR-AP-2023-0004**

**NEPR**

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**Mar 30, 2026**

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**PETITION TO INTERVENE AND REQUEST FOR NOTICE**

**To the Honorable Puerto Rico Energy Bureau:**

The Official Committee of Unsecured Creditors of PREPA (the “Committee”) respectfully submits this “Petition” for leave to intervene and request for notice in the instant proceedings for the reasons that follow:

1. On July 12, 2023, The Puerto Rico Energy Bureau (“PREB”) initiated this proceeding with respect to an “Integrated Resource Plan” (“IRP”) as to the Puerto Rico Electric Power Authority (“PREPA”).

2. In a Resolution and Order dated February 27, 2026, PREB established “March 30, 2026” as the date by which “any interested person may file a petition to intervene or a petition to appear as *Amicus Curiae* in the instant proceeding.”<sup>1</sup>

3. On June 15, 2017, the United States Trustee for the District of Puerto Rico appointed the Committee as the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico in the Commonwealth of Puerto Rico’s case 17-bk-3283-LTS under Title III of PROMESA. This appointment was expanded on August 25, 2017, to also include the Committee’s representation of PREPA’s prepetition unsecured creditors in case 17-bk-4780-LTS (“PREPA’s Title III case”), as well as the unsecured creditors of certain other Title III debtors.

4. As a result of the foregoing, the Committee is the statutory representative of all of the thousands of PREPA’s pre-petition unsecured creditors, including vendors, suppliers, contractual counterparties, tort claimants, and others.

5. Within the pending “Rate Case”<sup>2</sup> for PREPA, PREB previously granted the Committee intervenor status for substantively identical reasons that underpin this Petition.<sup>3</sup> PREB should, therefore, reach the same decision on this Petition and allow the Committee to intervene within this separate proceeding relating to the IRP, which not only shares many of the same procedural attributes of the Rate Case, *e.g.*, written discovery; pre-filed testimony; an evidentiary

<sup>1</sup> See *Resolution and Order*, Case No. NEPR-AP-2023-0004, § II.A. (Feb. 27, 2026).

<sup>2</sup> “Rate Case” refers to PREB Case No. NEPR-AP-2023-0003.

<sup>3</sup> *Hearing Examiner’s Response to Procedural Questions about Rate Design; and Order Granting Interventions*, Case No. NEPR-AP-2023-0003 (May 21, 2025) (granting Committee intervenor status).

hearing; and substantive and legal briefing, but also has the potential to yield results that could impact PREPA's ability to provide any distributions or recoveries to its unsecured creditors under a plan of adjustment in its Title III Case.<sup>4</sup>

6. Section 5.05 of PREB's Regulation<sup>5</sup> 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 administrative procedures in Puerto Rico (LPAU, for its Spanish initials).

7. "Those parties who are affected by an adjudicative process and which have not been designated as parties often move to intervene in the administrative proceeding." *Simpson v. Consejo de Titulares*, 2024 TSPR 64, 2024 PR Supp. LEXIS 61, 2024 WL 3102117 (June 18, 2024), citing D. Fernández Quiñones, *Derecho Administrativo y Ley de Procedimiento Uniforme*, 3 ed., Colombia, Ed. Forum, 2013, p. 178 (translation ours).

8. "Intervention is one of the mechanisms that enables incorporating third parties into an adjudicative proceeding." *Simpson, supra*. The following factors are to be evaluated in deciding whether to grant intervention:

- a. Whether the movant's interests may be affected by the proceeding
- b. Whether there are no other legal means by which the movant can adequately protect its interests
- c. Whether the movant's interests are already duly represented by parties in the proceeding
- d. Whether the movant's participation can help prepare a more complete record of the proceeding
- e. Whether the movant's participation can extend or delay the proceeding
- f. Whether the movant represents or is a spokesperson for other groups or entities within the community
- g. Whether the movant can provide information, expertise, specialized knowledge or technical advice that would not be otherwise available in the proceeding

*Simpson, supra*, citing 3 LPRA 9603 (translation ours).

9. The aforementioned criteria are to be applied **liberally** in favor of granting intervention, and the Puerto Rico Supreme Court has held that agencies must "facilitate the participation of such citizens whose interests may be affected by administrative action." *Comision Ciudadanos v. G.P. Real Property*, 173 D.P.R. 998, 1011 (2008) (translation ours). The Financial

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<sup>4</sup> See *Resolution and Order*, Case No. NEPR-AP-2023-0004, § II.B.-G. (Feb. 27, 2026).

<sup>5</sup> *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings*, PREB Regulation 8543.

Oversight and Management Board for Puerto Rico, as the Title III representative of PREPA, has also advised that it has no objection to the Committee's intervention in the instant proceedings.

10. Here, as discussed below, all factors militate in favor of granting intervention.

11. As to factor (a), it is beyond dispute that the interests of the Committee's constituents, *i.e.*, PREPA's prepetition unsecured creditors, may be affected by any and all determinations with respect to PREPA's future operations, cost structure, and expenditures—including because such determinations may affect the recoveries of such creditors under any plan of adjustment in PREPA's Title III case. The determinations made concerning this IRP may also impact PREPA's ability to confirm a plan of adjustment in the Title III Case. Further, there is a significant risk that the record developed in this proceeding, along with its outcome, are to be submitted as evidence in connection with the confirmation of a plan of adjustment for PREPA in its Title III case—underscoring the probability that the interests of the Committee's constituents may be affected by this proceeding before PREB. The Committee's expectation is particularly well-grounded, given that another intervenor within the pending PREB Rate Case subsequently filed Rate Case hearing transcripts with the Title III Court and then relied on testimony given within the Rate Case in a (failed) effort to persuade the Title III Court that it should grant certain relief. *See The PREPA Bondholders' Motion to Compel Discovery in Connection with the Administrative Expense Motion*, Case No. 17-bk-4780-LTS (D.P.R. Jan. 9, 2026), Dkt. 5995 at 20 n.12 (“Representatives from PREPA, LUMA, and Genera testified at the PREB rate hearing that information concerning capital expenditures is stored in the ordinary course of business and is not burdensome to provide.”); *id.*, *Declaration ... in Support*, Dkt. 5996 at Ex. 12 (attaching nearly 30 pages of transcripts from the Rate Case's evidentiary hearing held on December 10, 2025).

12. As to factors (b) and (c), these operate in favor of the Committee, which is an entity separate from PREPA. Neither the Committee nor its constituents are otherwise represented in these proceedings. Moreover, the Committee lacks any other legal avenues to adequately protect its constituents' interests in these proceedings and no other petition to intervene or appear as *Amicus Curiae* has been submitted by a party with interests that materially overlap with the Committee.<sup>6</sup>

13. As to factors (d) and (g), the Committee has played an integral role in prior litigation in PREPA's Title III case and within the pending Rate Case. The Committee expects to play an equally meaningful role with regard to PREPA's amended plan of adjustment by, among

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<sup>6</sup> This is evidenced by the grant of the Committee's intervenor status in the pending Rate Case, where many of the same parties have also moved to intervene within this proceeding, *e.g.*, the Bondholders and Puerto Rico's Oficina de Protección al Consumidor (“OPIC”).

other things, participating in the briefing and expert discovery on issues that the Committee believes are the subject of this proceeding. The Committee also has an established track record, within the pending Rate Case, of providing insightful cross examination of panel and expert witnesses coupled with robust post-hearing briefing. The Committee's same attorneys that have been actively engaged in the Rate Case will also participate, personally, within this proceeding and continue to present independent perspectives that no other participant in this proceeding shares. The Committee believes that, to the extent helpful or necessary, it may be in a position to provide similar expert opinion(s) on matters likely to be addressed in this proceeding, helpful cross-examination of witnesses not put forward by the Committee, and beneficial briefing on substantive and procedural issues.

14. As to factor (e), the Committee has been monitoring this proceeding and is ready to participate as an intervenor, and the Committee's participation will not delay these proceedings in any manner. These proceedings can continue at the same pace that they have been moving forward as of now, even with the granting of this Petition. The Committee's presence may even expedite these proceedings to the extent that the Committee is able to provide, as anticipated, information that will aid PREB in its determinations.

15. Finally, as to factor (f), the Committee, by its very nature, serves as a representative for members of groups and entities of the community—namely, PREPA's unsecured creditors—who are not otherwise represented in this proceeding and may be directly affected by it.

16. In view of the foregoing, the Committee respectfully petitions and moves to intervene in the captioned proceeding<sup>7</sup> and requests that the Committee be added to its service list; have full leave to participate as a party, with all appurtenant rights and privileges; be permitted to participate fully in all proceedings, conferences, discovery, or other exchanges of information; be permitted to submit pleadings, requests for written and other discovery, and requests for information; and have all other relief and opportunities PREB deems just and proper.

**Respectfully submitted** on March 30, 2026.

**Certificate of Service:** I hereby certify that, on this date, we have filed this motion through the PREB's online filing system, and sent a copy to the PREB Clerk at [secretaria@energia.pr.gov](mailto:secretaria@energia.pr.gov), [secretaria@jrsp.pr.gov](mailto:secretaria@jrsp.pr.gov), [legal@jrsp.pr.gov](mailto:legal@jrsp.pr.gov), and [sseda@jrsp.pr.gov](mailto:sseda@jrsp.pr.gov); and to [alexis.rivera@prepa.pr.gov](mailto:alexis.rivera@prepa.pr.gov); [nzayas@gmlex.net](mailto:nzayas@gmlex.net); [rcruzfranqui@gmlex.net](mailto:rcruzfranqui@gmlex.net); [mvalle@gmlex.net](mailto:mvalle@gmlex.net); [lrn@roman-negron.com](mailto:lrn@roman-negron.com); [regulatory@genera-pr.com](mailto:regulatory@genera-pr.com); [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com); [epo@amgprlaw.com](mailto:epo@amgprlaw.com); [loliver@amgprlaw.com](mailto:loliver@amgprlaw.com); [matt.barr@weil.com](mailto:matt.barr@weil.com); [robert.berezin@weil.com](mailto:robert.berezin@weil.com); [gabriel.morgan@weil.com](mailto:gabriel.morgan@weil.com); [corey.brady@weil.com](mailto:corey.brady@weil.com); [lramos@ramoscruzlegal.com](mailto:lramos@ramoscruzlegal.com); [tlauria@whitecase.com](mailto:tlauria@whitecase.com); [gkurtz@whitecase.com](mailto:gkurtz@whitecase.com); [ccolumbres@whitecase.com](mailto:ccolumbres@whitecase.com); [iglassman@whitecase.com](mailto:iglassman@whitecase.com); [tmacwright@whitecase.com](mailto:tmacwright@whitecase.com); [jcunningham@whitecase.com](mailto:jcunningham@whitecase.com); [mshepherd@whitecase.com](mailto:mshepherd@whitecase.com); [jgreen@whitecase.com](mailto:jgreen@whitecase.com); [mfb@tcm.law](mailto:mfb@tcm.law); [lft@tcm.law](mailto:lft@tcm.law); [arosenberg@paulweiss.com](mailto:arosenberg@paulweiss.com); [pbrachman@paulweiss.com](mailto:pbrachman@paulweiss.com); [kzeituni@paulweiss.com](mailto:kzeituni@paulweiss.com);

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<sup>7</sup> Alternatively, the Committee requests status as an *Amicus Curiae* for the same reasons outlined herein.

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