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April 20, 2026

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Chairman
Puerto Rico Energy Bureau
World Plaza Building
268 Avenida Muñoz Rivera, Suite 202
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Esteemed Lcdo. Ing. Avilés-Deliz
Honorable Commissioners Puerto Rico Energy Bureau
Puerto Rico Energy Bureau

Introduction

These comments are respectfully submitted to the Puerto Rico Energy Bureau ("the Bureau") in response to the ongoing rulemaking process concerning interconnection regulations for distributed generation and microgrids.

The comments are submitted by representatives affiliated with the Cooperativa Hidroeléctrica de la Montaña. The Cooperativa Hidroeléctrica de la Montaña, as Puerto Rico's first electric cooperative, brings a community-based and operational perspective grounded in the deployment of resilient, distributed energy systems.

These comments are respectfully submitted to the Puerto Rico Energy Bureau ("the Bureau") to support ongoing regulatory efforts related to distributed generation, microgrids, and related interconnection processes.

Accordingly, these comments are intended to assist the Bureau in refining the existing regulatory structure to improve efficiency, transparency, and predictability, while maintaining system reliability and alignment with Puerto Rico's public energy policy.

Technologies to Be Included in the Regulation

The current regulatory framework reflects a fundamental misalignment with respect to the scope of technologies it seeks to regulate, particularly as it relates to microgrids. At

present, there is no specific category within the Joint Regulation that formally recognizes microgrids as a distinct project typology. As a result, these systems are evaluated using criteria designed for traditional civil construction projects, a practice that fails to account for the technical nature of microgrids, which integrate distributed generation, energy storage, control systems, and islanded operation capabilities. Consequently, requirements that are not pertinent are imposed, while critical aspects of electrical performance are not adequately assessed.

Additionally, regulatory processes do not distinguish between "installation" and "construction," leading to the application of requirements such as final construction drawings, CNTP-type permits, and certifications that do not correspond to the actual scope of these systems. The absence of technical guidance documents or technical bulletins that would allow criteria to evolve alongside technological advancements further contributes to a rigid and inflexible system, overly dependent on discretionary interpretations.

It is therefore concluded that the current regulatory scope is inadequate and necessitates the creation of a dedicated microgrid category, supported by dynamic technical guidance and a redefinition of regulatory requirements aligned with the operational nature of these systems.

Interconnection Timelines and Enforcement

The current interconnection process lacks clearly defined timelines and effective enforcement mechanisms, resulting in significant delays that directly affect project viability. One of the primary bottlenecks identified is the supplemental studies process, which can extend up to 180 days, rendering many projects financially unviable prior to approval.

This issue is compounded by a lack of transparency in the progress of such studies, as applicants receive little to no information regarding application status or estimated resolution timelines. Moreover, there are no penalties or accountability mechanisms in place for responsible entities that fail to meet reasonable timeframes.

Delays are not limited to technical studies, but also stem from fragmented administrative processes, multiple rounds of deficiencies, and the absence of an initial comprehensive review. The system permits the submission of incomplete applications, which later generate additional information requests that further extend timelines.

To address these issues, it is recommended that mandatory maximum timeframes be established for each stage of the process, that expedited processes be adopted as the default mechanism, that administrative redundancies be eliminated, and that alternative models such as public–private partnerships (PPPs) be considered to increase study capacity.

Application and Evaluation Process

The current application and evaluation process is highly fragmented, inefficient, and technologically disjointed. There exists a sharp division between the expedited portal for systems under 25 kW and the PREP-LUMA process for systems between 25 kW and 1 MW, with no seamless transition between the two. As a result, projects that marginally exceed the threshold are automatically rejected rather than rerouted within a continuous workflow, generating unnecessary friction.

Significant functional deficiencies have also been identified in digital platforms, including address incompatibilities, lack of integration with systems such as OGPe, and the need to submit documentation outside the portal, for example via email. The system permits the filing of incomplete applications, leading to late-stage corrections due to the absence of a comprehensive initial evaluation. There are no clear limits on the number of corrective submissions, nor a requirement that agencies review the complete application before issuing comments.

Documentary overregulation further complicates the process, with requests for non-essential documentation, government-issued certifications, and redundant requirements, even when equipment is already preapproved within the system. Additionally, requirements such as property ownership validation are unnecessary, as they are unrelated to technical evaluation and legal precedent establishes that government agencies should not adjudicate ownership disputes when issuing permits.

It is recommended that all processes be integrated into a single functional platform, that complete documentation be required at the outset, that corrective submissions be limited (e.g., to a maximum of two), that unnecessary requirements be eliminated, and that interoperability across digital systems be ensured.

Cost Allocation for Distribution System Upgrades

Cost allocation within the interconnection process currently lacks transparency, consistency, and clear technical justification. Supplemental studies have been identified as costing approximately $5,500, with little clarity regarding the criteria used to determine when such studies are required or how costs are calculated.

Limited capacity among entities responsible for conducting these studies leads to significant delays, which in turn increase indirect costs for developers. This creates a barrier to entry, particularly for early-stage projects whose financial viability has not yet been established.

The need for additional funding to expand operational capacity for technical studies was emphasized, as well as the potential implementation of alternative models such as public–private partnerships to expedite the process.

It is therefore concluded that clear and transparent cost-allocation criteria must be established, proportionality in charges ensured, and operational capacity enhanced to avoid unnecessary delays.

Standards for Interconnection Studies

There is a significant lack of clarity regarding the standards applicable to interconnection studies. It is not clearly defined which studies are required, their scope, or the level of detail expected at each stage of the process. For instance, there is no clear definition of what constitutes a 30% design submission, nor how the Interconnection Law should be practically applied.

In the absence of specific criteria, standards developed for civil construction projects are being applied, which are not suitable for microgrid systems. This results in the imposition of unnecessary requirements while omitting critical technical analyses, such as system stability, islanded operation, and inverter dynamic behavior.

Furthermore, there is no uniform checklist or detailed regulation to ensure consistent evaluation across reviewers, allowing for discretionary interpretations and inconsistent decisions.

It is recommended that technical standards specific to microgrids be established, that requirements be clearly defined from early project stages, that uniform checklists be

created, and that evaluations be conducted by personnel with appropriate technical expertise.

Interconnection Queue Management and Data Transparency

The current interconnection queue management system presents significant deficiencies in transparency, visibility, and communication. Applicants lack access to clear information regarding the status of their applications and the progress of technical studies, hindering effective project planning and execution.

Even complete applications do not consistently receive proper follow-up or timely notifications, creating operational uncertainty. There is no centralized system to monitor progress in real time, nor clear communication mechanisms between evaluating entities and applicants.

It is recommended that real-time tracking systems be implemented, mandatory notifications established at each stage of the process, and overall transparency in queue management be substantially improved.

Technical Issues Affecting System Performance

Significant deficiencies exist in the evaluation of technical factors affecting microgrid system performance. Criteria for validating inverter behavior and grid impacts—such as voltage and frequency regulation, power control, and fault response—are not clearly defined.

There is also a shortage of specialized entities and personnel in critical areas such as protection studies, limiting the system's capacity to perform adequate technical evaluations. Additionally, reviewers at initial stages may lack sufficient technical expertise, increasing the risk of incorrect decisions or unjustified denials.

During the certification phase, the current process prioritizes documentation over substantive technical validation, rather than relying on objective evidence such as as-built drawings, commissioning test results, and Site Acceptance Tests (SAT), which are essential to ensuring safe system operation prior to interconnection.

It is recommended that clear technical performance criteria be established, specialized personnel be integrated into the evaluation process, and that certification focus on real-

world performance validations while eliminating unnecessary documentation that does not contribute to technical assessment.

Conclusion

In conclusion, while multiple areas for improvement have been identified within the regulatory framework and interconnection processes, it is equally important to highlight the progress achieved through recent collaborative initiatives. In particular, the MAPA Workshop, that took place the past Friday, April 17, demonstrated the value of coordinated efforts among energy sector stakeholders, enabling the identification of key technical, operational, and regulatory challenges, as well as the development of practical recommendations aimed at improving efficiency, transparency, and project viability for distributed generation and microgrids.

Based on these outcomes, it is recommended that additional technical workshops be implemented on a continuous basis, focusing on key areas such as interconnection processes, microgrid technical standards, system performance evaluation, and institutional and professional capacity building within the sector. These spaces are critical to aligning criteria, reducing regulatory uncertainty, and strengthening coordination among all involved parties.

In this context, both the team of the Cooperativa Hidroeléctrica de la Montaña and the MAPA team reaffirm their full commitment and willingness to support and sponsor these workshops, with the goal of fostering a more efficient, resilient, and collaborative energy ecosystem in Puerto Rico.

Respectfully submitted on behalf of the MAPA team.

C. P. Smith
Executive Director
Cooperativa Hidroeléctrica de la Montaña

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Introduction

These comments are respectfully submitted to the Puerto Rico Energy Bureau (PREB) in response to the ongoing rulemaking process concerning interconnection regulations for distributed generation and microgrids. They are submitted by representatives affiliated with the Cooperativa Hidroeléctrica de la Montaña and by participants in the MAPA 2.0 stakeholder process, reflecting the collective input of a multidisciplinary working group composed of engineers, developers, legal practitioners, municipal representatives, and other stakeholders with direct experience navigating Puerto Rico's current interconnection and permitting framework.

The Cooperativa Hidroeléctrica de la Montaña, as Puerto Rico's first electric cooperative, brings a community-based operational perspective grounded in the deployment of resilient distributed energy systems. In parallel, the MAPA 2.0 process provides a policy and planning context aligned with Puerto Rico's long-term energy transformation goals. The recommendations below are intended to be both technically informed and consistent with those public policy objectives.

Systemic and Cross-Cutting Challenges

Before outlining the vision for a phased permitting life cycle, we must address foundational issues that hinder the entire process. The current system is fragmented, over-regulated, and lacks institutional integration.

- **Digital Interoperability**: Persistent shortcomings in digital platforms—including address incompatibilities and a lack of automatic file updates between PREPA, LUMA Energy, and OGPe—force applicants to duplicate efforts and increase administrative errors.
- **Technical Expertise Gaps**: Reviewers at initial stages often lack the specialized technical expertise required to assess microgrid systems, leading to unjustified denials or redundant requests for explanatory memoranda without clear standards.
- **Documentary Redundancy**: Agencies frequently demand certifications issued by the government itself or information already available in official systems, reflecting a lack of inter-agency cooperation.
- **Operational Uncertainty**: Applications are often allowed to be filed incomplete, only to generate late-stage information requests, while complete applications receive inadequate follow-up.

Permitting Life Cycle

To reduce fragmentation and improve accountability, the MAPA workshop group recommends that the PREB and implementing agencies explicitly adopt a five-phased permitting life cycle for microgrid and distributed generation projects, with clear decision points and standardized outputs at each stage:

- **Phase 0** (Pre-Evaluation) resulting in a **Letter of Feasibility**;
- **Phase 1** (Initial Evaluation Request and Supplementary Studies) resulting in a **Letter of Evaluation**;
- **Phase 2** (Construction Plan Evaluation) resulting in a **Construction Plan Endorsement**;
- **Phase 3** (Construction, Inspection, and Testing) resulting in a **Positive Report** (or **Report of Required Improvements**); and
- **Phase 4** (Final Approval) resulting in an **Operating Permit**.

Within this rubric, certain concerns necessarily recur across phases (e.g., duplicative documentation demands, portal interoperability, and unclear standards), but the failures — and the needed fixes — are distinct at each decision point.

In particular, the group recommends: (1) creating a new, streamlined consulting **Phase 0** that allows applicants and agencies to determine project feasibility early, including estimates of interconnection and supplementary study costs ; (2) standardizing intake requirements and limiting agencies to information that is materially necessary for technical and safety determinations, including eliminating all "title" requests; (3)

clarifying microgrid-specific study requirements and evaluation criteria; (4) modernizing and integrating digital platforms to prevent rework and late-stage deficiency cycles; and (5) toward the end of this letter, considering a consolidation of **Phase 3** and **Phase 4** to reduce redundant post-construction steps while preserving rigorous safety verification. These changes will improve efficiency, transparency, and predictability while maintaining system reliability and alignment with Puerto Rico's public energy policy.

Phase 0: Pre-Evaluation (Letter of Feasibility)

At the outset of project development, applicants need a reliable way to determine whether a proposed system is feasible — technically, administratively, and economically — before investing in costly engineering and legal work. The MAPA workshop group recommends establishing a **streamlined consulting Phase 0** (which does not presently exist) with a defined timeline and a standardized, limited intake package focused on feasibility. Phase 0 should culminate in a **Letter of Feasibility** that (i) confirms whether the project may proceed to formal evaluation, (ii) identifies — at a high level — any supplementary studies likely to be required in Phase 1, and (iii) provides clear next steps.

Phase 1: Initial Evaluation Request and Supplementary Studies (Letter of Evaluation)

Phase 1 is where most of the current friction — and the most meaningful improvements — must occur. It is also the stage at which agencies most frequently demand documentation that is not materially related to technical evaluation, including documents that function as de facto title validation. Today, early-stage requirements often reflect a misalignment between regulatory demands and operational realities, particularly where applicants are asked to submit affidavits, certifications, or ownership validations that are not material to an initial feasibility screen. These requirements introduce friction, delays, and artificial barriers to the deployment of resilient distributed energy infrastructure.

This problem is compounded when the intake process implicitly assumes that agencies must validate or intervene in questions of property ownership as a condition to engage with an application. In Phase 1, the proper purpose is to identify the information needed to determine feasibility (e.g., location, interconnection point, approximate size, technology, and any clearly applicable constraints) — not to create a de facto title-validation gate that is unrelated to the project's technical characteristics or early interconnection impacts.

Moreover, the systems relied upon early validations such as the Property Registry and LUMA Energy customer/address databases — do not consistently reflect current conditions due to outdated records, errors, or common circumstances such as properties registered in the name of deceased owners. Using these data sources as decisive filters at the earliest stage is not only inequitable, but also operationally unreliable.

Critically, Phase 1 should **eliminate** requirements that mandate affidavits or similar attestations related to property ownership, and instead emphasize the accountability of the licensed engineer submitting the application. Phase 1 should also expressly acknowledge the limitations of address and registry records and prevent those records from operating as a barrier to early feasibility determination.

As a legal matter, the Office of Permit Management ("OGPe") and LUMA Energy lack jurisdiction to adjudicate property-title disputes or to validate ownership of real estate. OGPe's statutory role is administrative: to evaluate permit and interconnection-related submissions for compliance with applicable regulations and codes — not to determine who owns property or resolve competing claims of title. Disputes over ownership and other rights in rem are reserved to the Court of First Instance.

Act No. 161 of 2009 (Puerto Rico Permitting Process Reform Act) confirms that OGPe's function is regulatory and administrative, centered on compliance with the applicable permitting framework, and does not delegate authority to adjudicate property disputes. See Art. 2.1 and Art. 2.3 of Act 161-2009, 23 LPRA §§ 9012 and 9012b. The Supreme Court of Puerto Rico has likewise clarified that permits issued under Act 161 may constitute final administrative determinations subject to judicial review, but they do not adjudicate real property rights because such matters exceed the agency's competence. *Miranda Corrada v. Dep't of Economic Development and Commerce*, 2023 TSPR 40.

The Joint Regulations on Permits for Construction Works and Land Use operate on the premise that the permitting process is not the vehicle to "prove" perfect title. Any administrative action taken in the permitting process is without prejudice to third-party property rights and cannot be construed as an adjudication of ownership or other rights in rem. Rather, the applicant demonstrates sufficient administrative standing to submit and pursue the application under the regulation. Any dispute over ownership remains fully preserved for the courts, and the issuance of a permit cannot be treated as an adjudication of real rights or ownership.

Consistent with this framework, permitting regulations operate on the premise that the process is not the vehicle to "prove" perfect title; rather, the applicant demonstrates sufficient administrative standing to submit and pursue the application, while any ownership dispute remains for the courts. The Court of Appeals has reiterated these jurisdictional limits, emphasizing that OGPe's evaluation and issuance of permits does not constitute an award of real rights or ownership. See, e.g., *La Juntilla Santurce, LLC v. Office of Permit Management*, KLRA202300426 (Oct. 10, 2023); *Las Cumbres Fuel Corp. v. Office of Permit Management*, KLRA202400653 (Jan. 31, 2025). This limitation is also consistent with the Uniform Administrative Procedure Act, Act No. 38 of 2017, which confines agency adjudicative authority to matters expressly delegated by the Legislature; agencies therefore lack authority to issue determinations on matters reserved to the Judiciary, including rights in rem and title disputes. See 3 LPRA § 9601 et seq.

Despite these jurisdictional limits, Phase 1 intake and early processing frequently require legal documentation related to ownership or control of the project site, including affidavits and other official documents that operate as a precondition to evaluation. In many communities — particularly rural and low-income communities — title integrity issues are common (e.g., inherited property never formally recorded, registry inconsistencies, or properties still appearing under deceased owners). Requiring applicants to cure these issues as a condition to proceed often forces them to retain legal services and engage in time-consuming registry processes that are expensive relative to community resources.

The predictable effect is that otherwise viable microgrid projects are delayed indefinitely or excluded altogether, disproportionately affecting the communities most in need of resilience investments. A permitting and interconnection regime that conditions access on costly title-curation processes is not merely inefficient; it creates an inequitable barrier unrelated to the technical evaluation of safety, code compliance, or interconnection impacts.

Neither OGPe nor LUMA may expand the scope of Phase 1 review beyond what statute and regulation authorize by importing ownership questions into what is intended to be an administrative and technical process. Microgrid projects frequently rest on private arrangements — leases, easements, site-use agreements, or other contracts — between private parties. Any disagreement between private parties about rights to use property

remains a civil matter for the courts, not an issue to be adjudicated — directly or indirectly — through permitting or interconnection intake.

Accordingly, it is legally inappropriate and incompatible with the governing statutory and jurisprudential framework to impose requirements that effectively demand proof of property ownership or "clean title" as a precondition for Phase 1 processing. The Phase 1 evaluation should remain limited to compliance with applicable technical, environmental, and regulatory requirements, while leaving ownership disputes to the ordinary judicial forums where they belong.

Beyond title-related issues, Phase 1 is hindered by excessive documentary requirements (including requests for information already available in government systems), limited interoperability across PREPA , LUMA Energy, and OGPe platforms, and inconsistent intake practices that allow incomplete applications to be filed and then generate late-stage deficiency cycles. These issues are compounded by opaque and prolonged supplementary study processes (often extending up to 180 days), limited availability of specialized reviewers (especially for protection studies), and the absence of clear rubrics that define what is required at the outset and what constitutes a complete submission.

Phase 1 recommendations. The PREB should standardize Phase 1 intake requirements through a microgrid-specific checklist, limit LUMA Energy and OGPe requests to documentation strictly necessary for decision-making and prohibit submission of incomplete applications. The PREB should also require functional, integrated, and transparent digital platforms (including the LUMA Energy portal) so that documents are submitted within the portal and status is trackable. Delays associated with supplementary studies must be addressed through clear triggers for when studies are required, transparent timelines, and expanded capacity (including consideration of public-private partnership models and/or targeted funding). Phase 1 should culminate in a time-bound **Letter of Evaluation** that clearly states: feasibility/eligibility determinations, required study outcomes (if any), and the requirements to proceed to construction plan evaluation.

Phase 2: Construction Plan Evaluation (Construction Plan Endorsement)

Phase 2 should convert Phase 1 findings into a clear, buildable path: it is the point at which agencies evaluate construction plans and confirm that the proposed system

meets applicable technical standards, study conditions, and safety requirements. The current framework, however, lacks a microgrid-specific construction-plan rubric. In practice, applicants face ambiguity regarding the scope and content of required submissions and studies, inconsistent terminology, and discretionary requests (including "explanatory memoranda") that are not tied to defined decision criteria. Similar projects may be evaluated differently depending on personnel, and early-stage reviewers may lack the specialized expertise required to assess modern inverter-based and island mode-capable systems.

This uncertainty is compounded by a misalignment between traditional civil construction permitting concepts and the technical nature of microgrids. In the absence of microgrid-specific criteria, requirements intended for conventional "Issued for Construction" projects are applied even when they do not reflect installation-based electrical systems integrating generation, storage, controls, and advanced inverter technologies. At the same time, essential microgrid-specific analyses (e.g., islanded operation behavior, protection coordination, inverter response to disturbances, and commissioning expectations) are not consistently articulated. Technical and financial burdens — such as supplemental studies and associated costs — are imposed without transparent justification or clearly defined triggers, undermining predictability and project financeability.

Phase 2 recommendations. The PREB should require a dedicated microgrid category within the Joint Regulation and order publishing a standardized Phase 2 checklist/rubric that specifies required plan content, applicable codes/standards, and any study-derived conditions to be incorporated into the design. Review should be performed by personnel with appropriate technical expertise, using uniform criteria. The process should culminate in a **Construction Plan Endorsement** that clearly identifies approved plans, any conditions precedent to construction, and the required inspection and testing pathway for Phase 3.

Phase 3: Construction, Inspection, and Testing (Positive Report / Report of Required Improvements)

Phase 3 should focus on verifying that the system was built and installed in accordance with the endorsed plans and that it performs safely under expected operating conditions. The current framework lacks an operationally clear structure distinguishing among statute, regulation, and technical guidance, resulting in inconsistent application of requirements and an overreliance on discretionary judgment during inspections and

certification steps. Agencies also do not consistently conduct a comprehensive review before issuing deficiency notices, leading to multiple avoidable iterations and extended processing times.

A performance-based approach is needed. Rather than prioritizing documentary requirements that do not contribute to operational verification, Phase 3 should rely on objective technical evidence — such as "as-built" drawings, commissioning test results, protection settings verification, and Site Acceptance Tests (SAT) — as the basis for determining whether the installation is ready for interconnection and operation. The process should also cap the number of corrective submission cycles (e.g., no more than two rounds of comments absent material scope changes from the grind operator or government representatives) and require reviewers to provide consolidated, complete comments to prevent "serial" deficiencies.

To support consistent inspections and testing, the PREB should order development and maintenance of a hierarchy of statute, regulation, and technical guidance (e.g., technical bulletins) that can be updated as technologies evolve without constant regulatory amendment. A clear distinction should also be established between "construction" and "installation," so that lower-impact microgrid projects are not forced into requirements designed for traditional civil works when the relevant risk profile is electrical performance and safety. Phase 3 should conclude with a **Positive Report** (or a **Report of Required Improvements**) that clearly states the results of inspection and testing and identifies any corrective actions needed before final authorization.

Phase 3 recommendations. The PREB should publish (or require the publication of) a standardized Phase 3 inspection, testing, and commissioning pathway for microgrids, including objective acceptance criteria and required evidence (e.g., as-built drawings, protection settings verification, commissioning test results, and SAT documentation). Reviewers should be required to issue consolidated comments and deficiency notices based on a complete review of the submission, with a defined limit on resubmission cycles absent material scope changes. Phase 3 should be time-bound, coordinated across OGPe, PREPA, and LUMA Energy touchpoints to prevent duplicative requests, and should culminate in a clear **Positive Report** (or **Report of Required Improvements**) that (i) documents inspection and test outcomes, (ii) identifies any corrective actions needed, and (iii) provides an unambiguous basis to proceed to Phase 4 final authorization.

Phase 4: Final Approval (Operating Permit)

Phase 4 should be a narrow, time-bound step focused on final authorization to operate once Phase 3 has confirmed safe installation and acceptable performance. In practice, Phase 4 is often not clearly structured around verification of safe and proper operation prior to interconnection, and applicants encounter additional documentary requirements and contracting steps that can re-litigate issues already addressed in earlier phases. This creates redundancy, delays, and uncertainty without improving safety outcomes.

Phase 4 recommendations. Final approval should be contingent upon a clear showing that the system complies with established operational and safety requirements, relying on the Phase 3 record (as-builts, commissioning results, and SAT evidence) rather than redundant narrative submissions. Requirements that do not add technical value — such as an explanatory memorandum that is not tied to defined acceptance criteria — should be eliminated or converted into a standardized checklist item with objective standards. Phase 4 should culminate in the timely issuance of an **Operating Permit** and the execution of any necessary agreements, with clear timelines and transparent status tracking.

Recommendation to reduce redundancy: consolidate Phases 3 and 4. While the MAPA workshop group recommends retaining the five-phase rubric for clarity and accountability, it further recommends that the PREB evaluate whether **Phase 3 (Construction, Inspection, and Testing)** and **Phase 4 (Final Approval)** can be consolidated into a single post-construction pathway with one integrated set of submittals, one consolidated review cycle, and one time-bound authorization decision. Under this approach, the "Positive Report" (or "Report of Required Improvements") would serve as the central technical record supporting the final operating authorization, reducing duplicative steps while preserving rigorous safety verification.

Conclusion

By organizing permitting and interconnection improvements around a clear five-phased life cycle — Phase 0 (Letter of Feasibility), Phase 1 (Letter of Evaluation), Phase 2 (Construction Plan Endorsement), Phase 3 (Positive Report / Report of Required Improvements), and Phase 4 (Operating Permit) — the PREB can reduce delays driven by unclear standards, duplicative documentation demands, and inconsistent implementation across agencies. The MAPA workshop group's overarching objective is

a process that is predictable, transparent, and proportionate to risk, while continuing to protect system reliability and public safety.

In particular, establishing a streamlined consulting Phase 0 and implementing Phase 1 intake reforms — grounded in clear legal limits on title-validation demands and in microgrid-specific checklists, timelines, and portal interoperability — will prevent otherwise viable projects from failing before technical feasibility can be fairly assessed. Likewise, microgrid-calibrated Phase 2 criteria and performance-based Phase 3 verification will ensure that projects are evaluated and commissioned based on objective engineering evidence rather than discretionary or repetitive documentary requests.

For these reasons, the undersigned respectfully request that the PREB incorporate the above recommendations into the NEPR final regulations and related implementation guidance, including consideration of an administrative consolidation of Phases 3 and 4 to reduce redundant post-construction steps while preserving rigorous safety verification. These comments are respectfully submitted in support of the PREB's ongoing efforts and with the intent of contributing to a more efficient and effective regulatory environment for Puerto Rico's energy future.

In this context, both the team of the Cooperativa Hidroeléctrica de la Montaña and the MAPA team reaffirm their full commitment and willingness to support and sponsor these workshops, with the goal of fostering a more efficient, resilient, and collaborative energy ecosystem in Puerto Rico.

Respectfully submitted on behalf of the MAPA team.

C. P. Smith
Executive Director
Cooperativa Hidroeléctrica de la Montaña

Regulation on Microgrid Development [PREB Reg. 9028, Published 18MAY18; LUMA Generating Facility and Microgrid Interconnection Regulation, Published 30JUL21; OGPe JP-RP-41 Reglamento Conjunto, Published 16JUN2023]

LUMA

Operator confirms the Interconnection Application is complete (Sec. 1.23)

Assign queue position (Sec. 1.26)

Is the application eligible for the Fast Track Process?

Yes

No

Interconnection Application Initial Review (Sec. 1.28)

Outcome of Fast Track Screens (Initial Review)

Pass

Fail

Construction required

Are only Minor System Modifications required?

Yes

No

Minor System Modifications Process (Sec. 1.28, Art. C, 3)

Major System Modifications Process (Sec. 1.28, Art. C, 4)

Did the Operator determine a facilities study is required?

Yes

No

Supplemental Review (Sec. 1.30)

Outcome of Supplemental Review

Pass; No construction required

Construction required

Fail

Are only Minor System Modifications required?

Yes

No

Minor System Modifications Process (Sec. 1.30, Art. D, 2)

Major System Modifications Process (Sec. 1.30, Art. D, 3)

Did the Operator determine a facilities study is required?

Yes

No

Operator notifies Customer within one (1) business day of receiving the Interconnection Application (Sec. 1.23, Art. C)

Operator date- and time-stamps Interconnection Application upon receipt (Sec. 1.23, Art. B)

Customer Options Meeting (Sec. 1.29)

Did the Operator offer to perform a Supplemental Review?

Yes

No

Study Process (Sec. 1.32 – Sec. 1.35)

Is the facility a Microgrid with an Export Capacity >5MW? (Sec. 1.37)

Yes

No

Operator provides Customer with an executable Interconnection Agreement

30 days

Operator provides Customer with an executed Interconnection Agreement

5 days

List of applicable Parallel Operation requirements

Operator provides authorization for parallel operation with the EPS (Sec. 1.42, Art. B)

3 days

Customer may begin operating its Generating Facility or Microgrid in Parallel

Customer

Submit Interconnection Application

Customer submits the Interconnection Application to the Operator (Sec. 1.23, Art. A)

Applicable processing fee or deposit

Generator Interconnection Application (Attachment 1)

Start Microgrid Registration

Customer completes a registration form for the classification of their microgrid, including a filing fee (Sec. 6.01)

PREB Microgrid Registration Form (Not hosted on PREB website)

Customer submits the form to the Commission in electronic or paper format

30 days

Written certification signed by a licensed engineer that the Microgrid complies with all regulations

Certification of the Microgrid "as built" design stamped by licensed engineer

Certification of inspection signed by a licensed engineer/licensed electrician

After construction, but before operation, Customer files Compliance Certification documents with PREB (Sec. 6.03)

Start Permitting Application

Customer submits application via SUI in the digital portal (Regla. 3.1.3)

Customer provides additional info

Customer signs the Interconnection Agreement (Sec. 1.36, Art. B)

Signed certification from a professional engineer that the interconnection meets the specifications established through regulations by the Energy Bureau

Commissioning, Inspection, Testing, Authorization (Sec. 1.41)

Customer notifies Operator it has complied with all Parallel Operation requirements listed in an attachment to the Interconnection Application (Sec. 1.42, Art. B)

PREB

PREB reviews application for completeness and compliance with the Regulation and issues a determination (Sec. 6.02)

Commission application determination

Additional information/ revisions required

Application approved

Microgrid registration denied

PREB Reviews Customer's submitted application (Sec. 6.03, Art. C)

Additional info required?

Yes

No

PREB requests additional info from Customer

End Microgrid Registration

PREB Approval Process

OGPe

Se le asigna un número único al trámite presentado (Regla 3.1.3.a)

OGPe examina el expediente digital (Regla. 3.1.3.f)

¿Es la facultad de consideración del proyecto una agencia central? (Regla. 3.1.3.f)

Sí, 10 días

No

¿OGPe ha elevado el expediente a la agencia correspondiente?

Sí

No

Si es necesario, se pide al solicitante que aclare, amplíe, corrija o suplemente información a la solicitud

Solicitante puede realizar una solicitud de Revisión Administrativa Expedita

¿Cuánto tiempo? ¿Hay otros procesos antes?

Proceso de la agencia central ?

Sí

No

Proceso de subsanación (Sección 3.1.3.2)

¿La OGPe y los Municipios Autónomos han determinado si la solicitud está completa? (Sección 3.1.3.1)

Sí

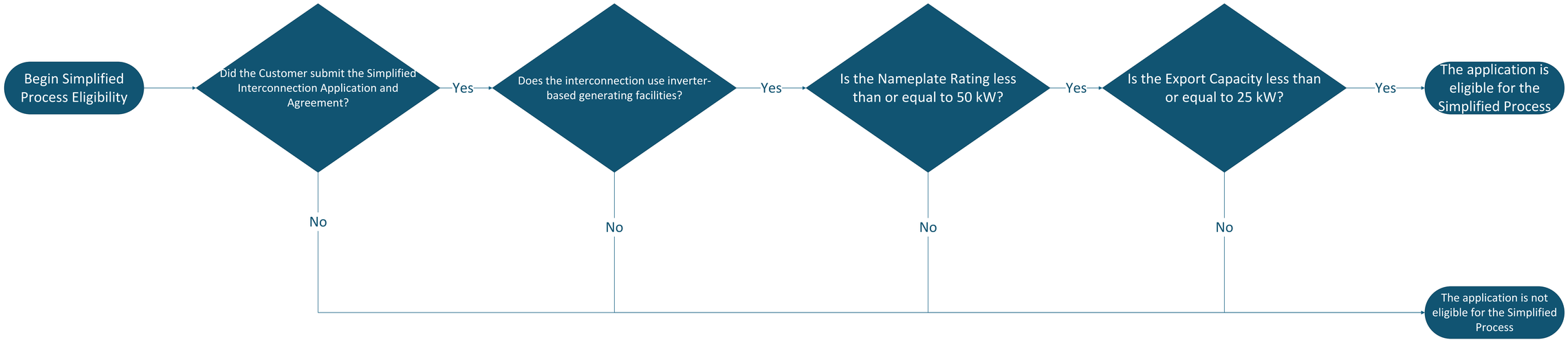
La OGPe se procede a validar la solicitud utilizando el SUI (Sección 3.1.3.1.b.1)

Trámites discrecionales que conlleven una vista pública: 180 días;
Trámites discrecionales que no conlleven una vista pública: 120 días;
Trámites de naturaleza ministerial: 30 días

End Permitting Process

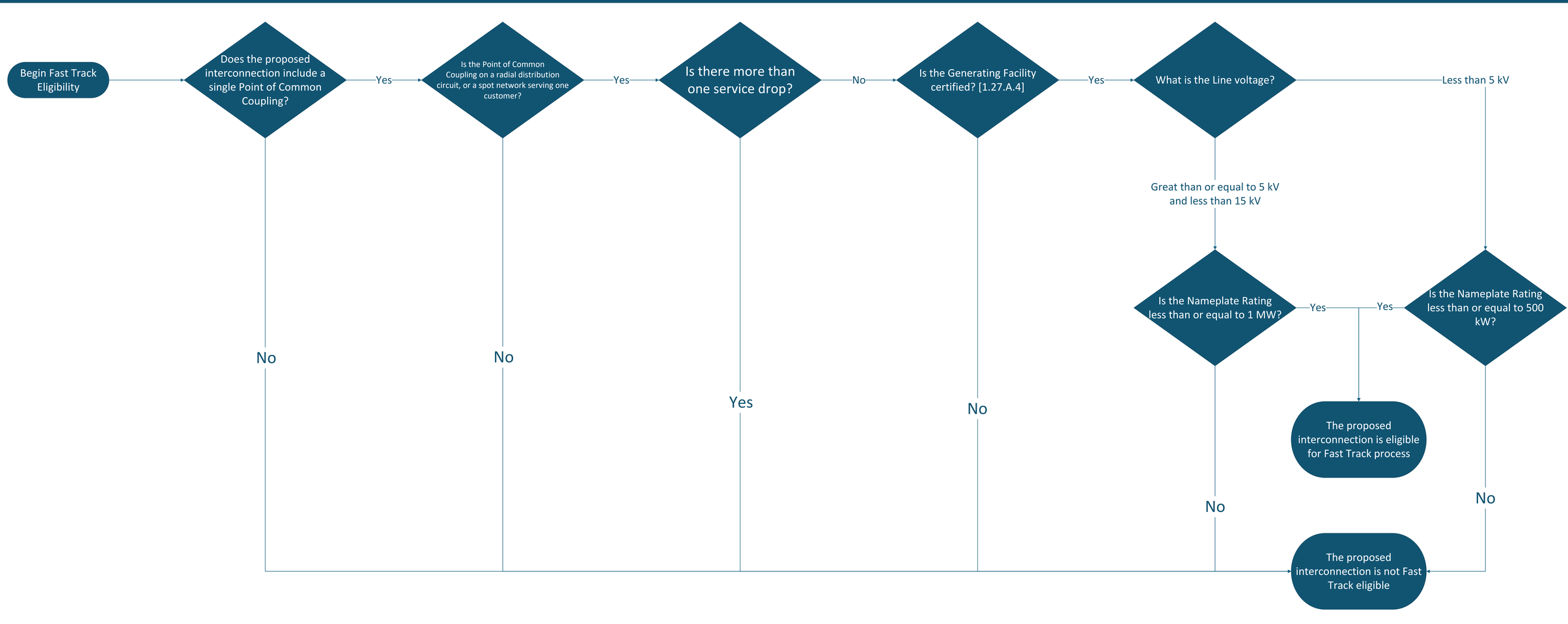
Simplified Application Eligibility (Sec. 1.27, Art. C)

LUMA

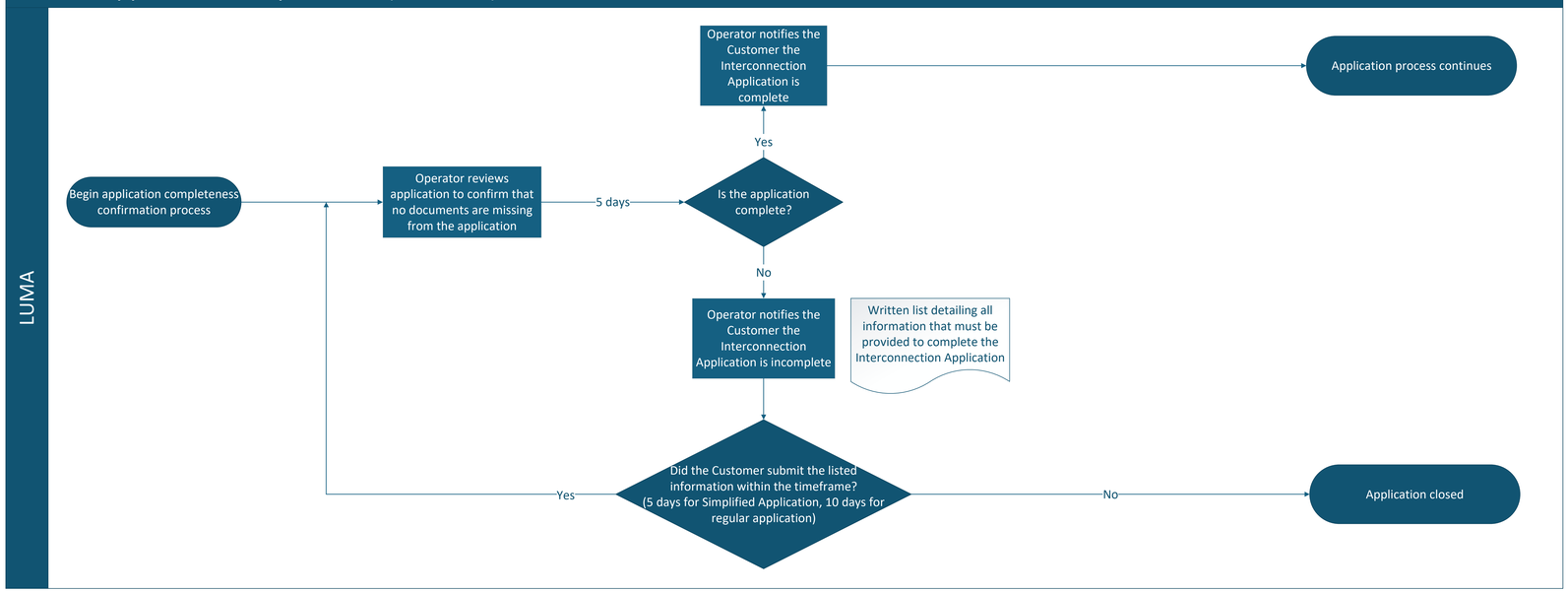


Fast Track Application Eligibility

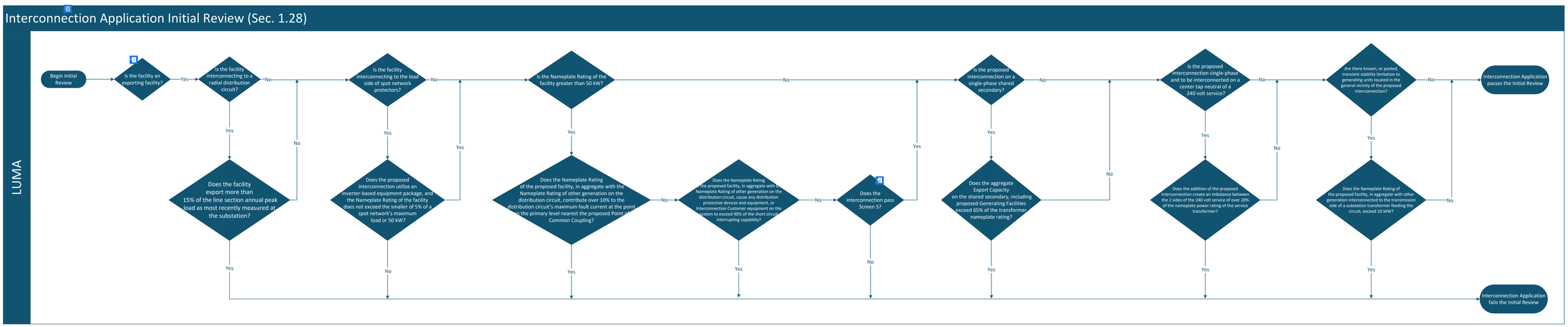
LUMA



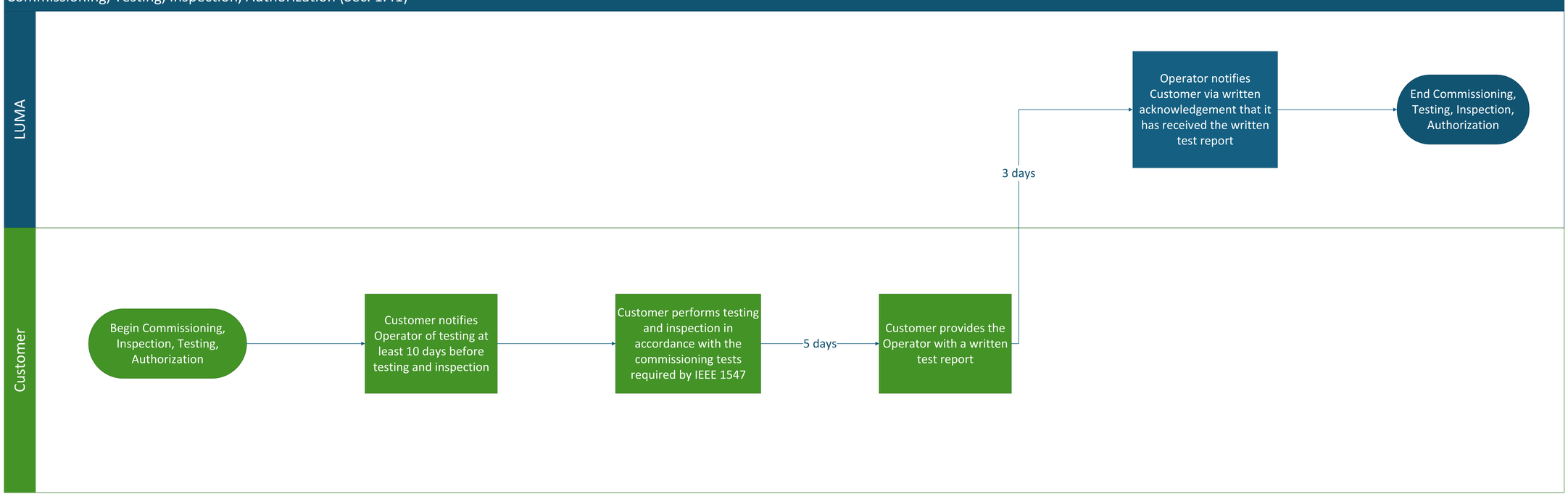
Confirm Application Completeness (Sec. 1.23)



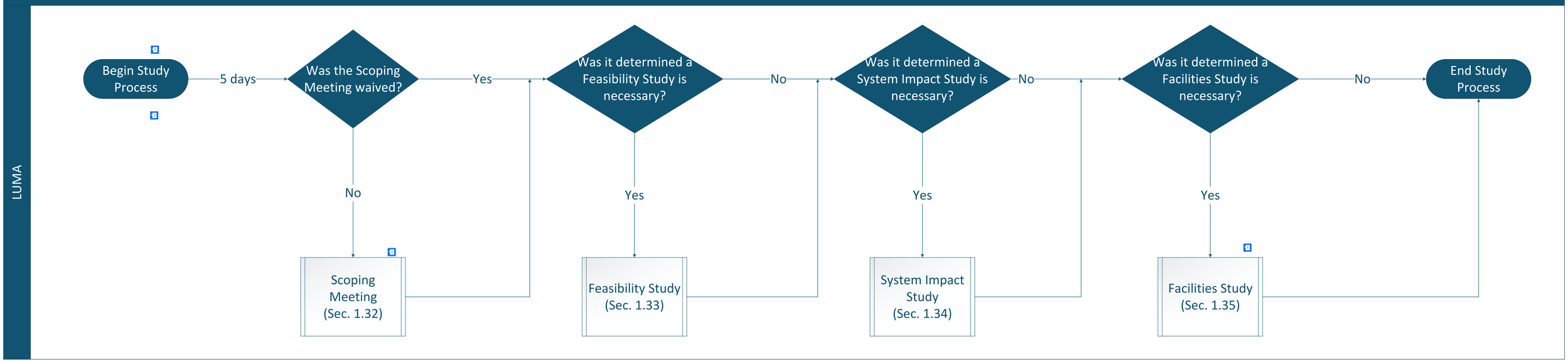
Interconnection Application Initial Review (Sec. 1.28)



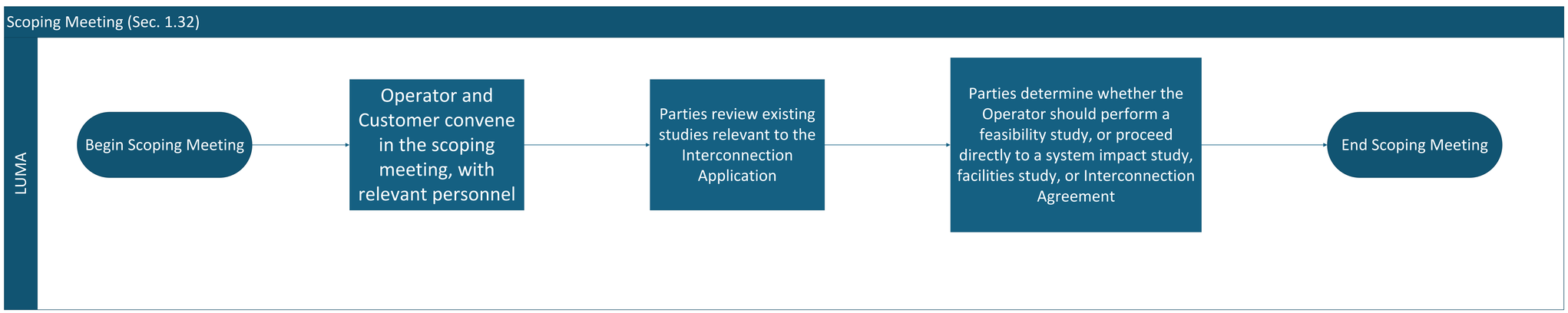
Commissioning, Testing, Inspection, Authorization (Sec. 1.41)



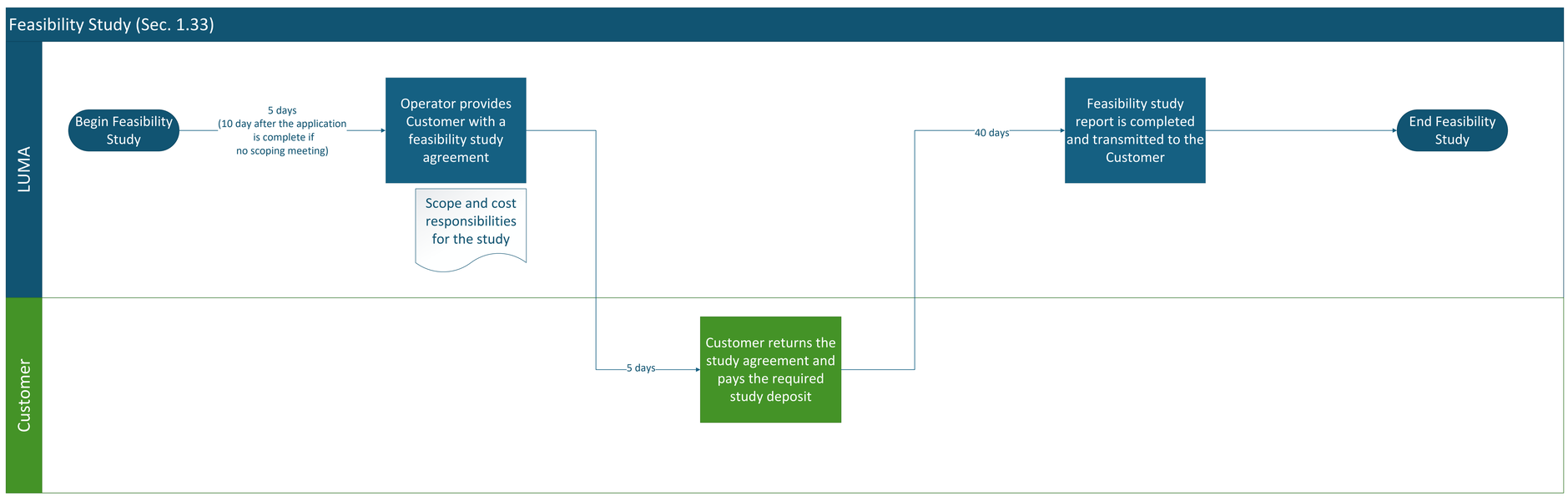
Study Process (Sec. 1.32 – 1.35)



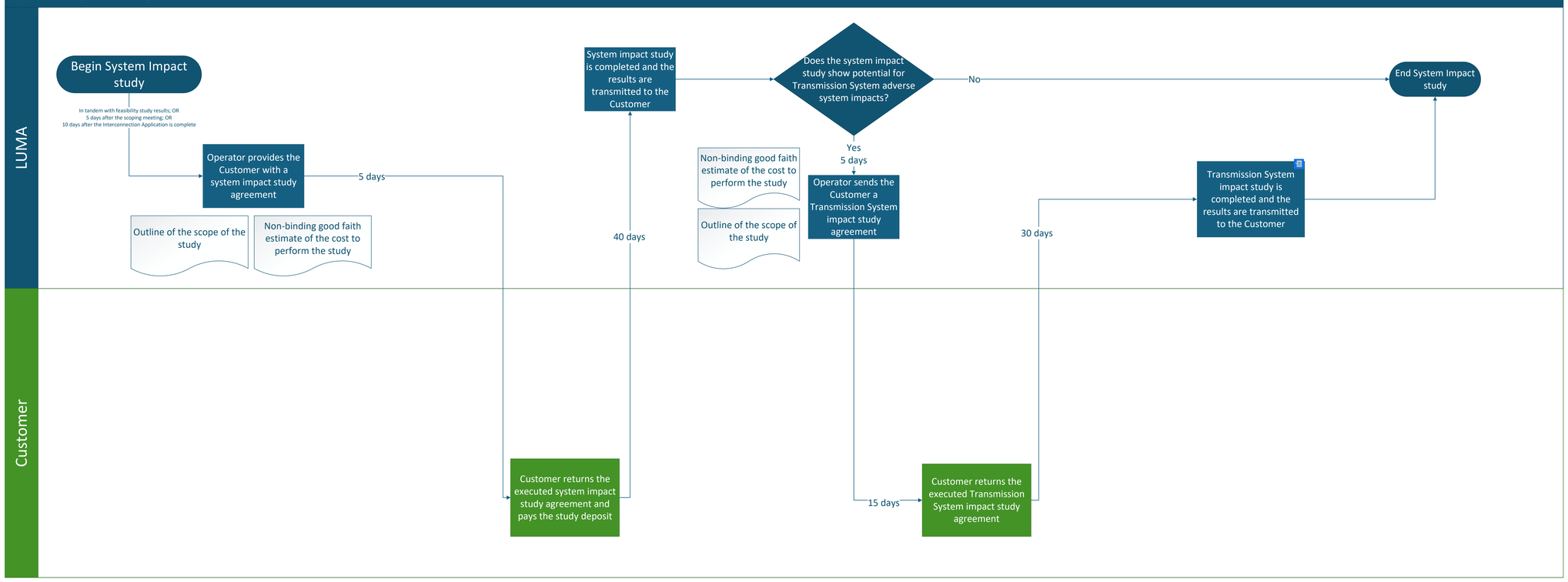
Scoping Meeting (Sec. 1.32)



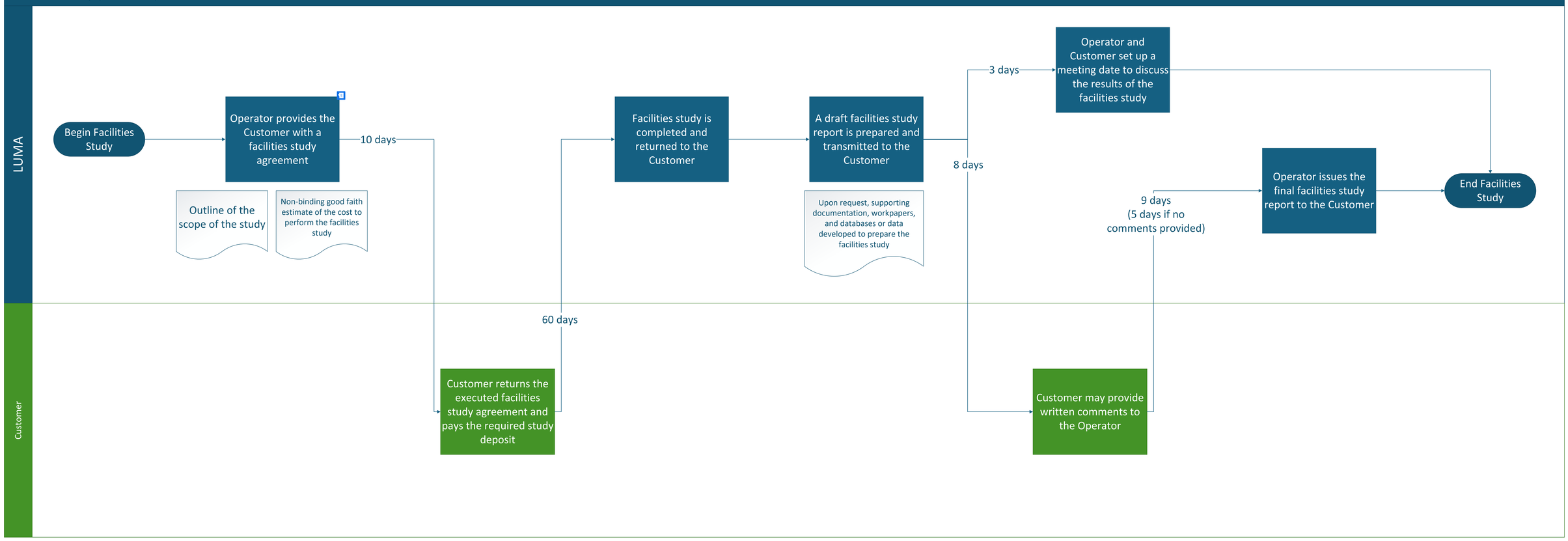
Feasibility Study (Sec. 1.33)



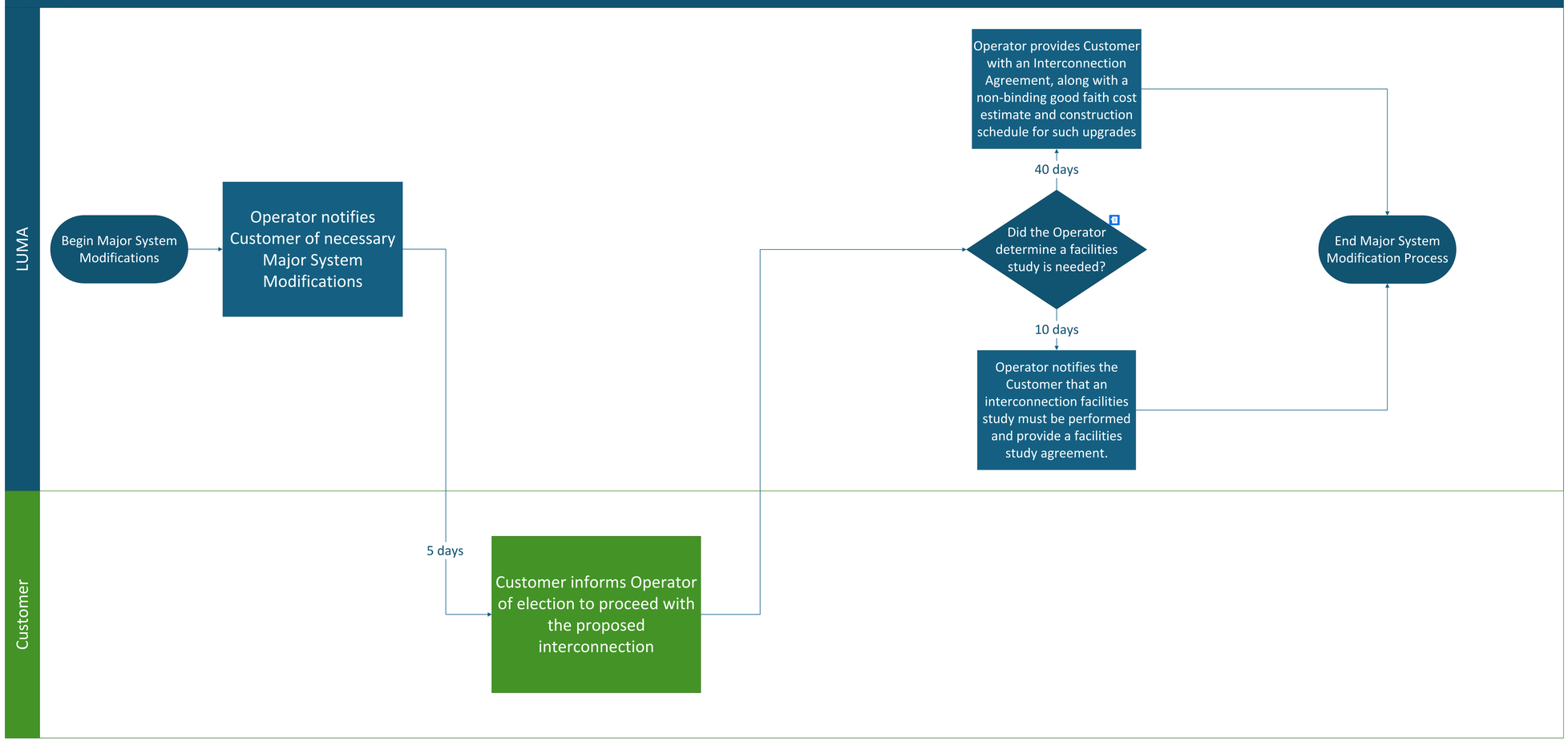
System Impact Study (Sec. 1.34)



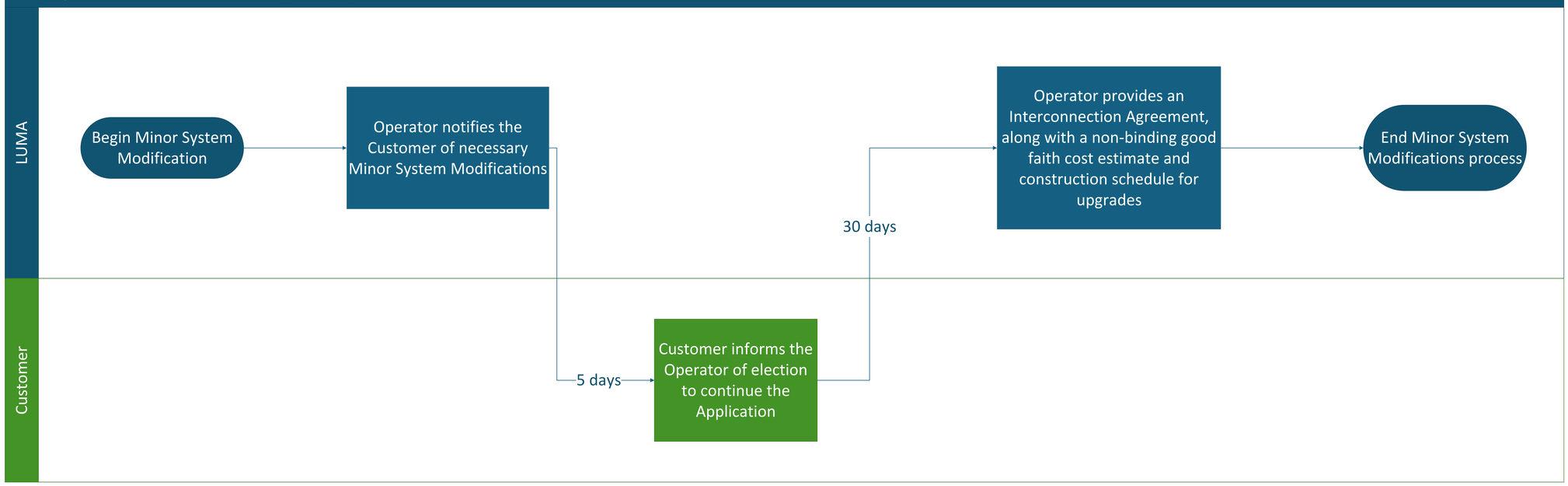
Facilities Study (Sec. 1.35)



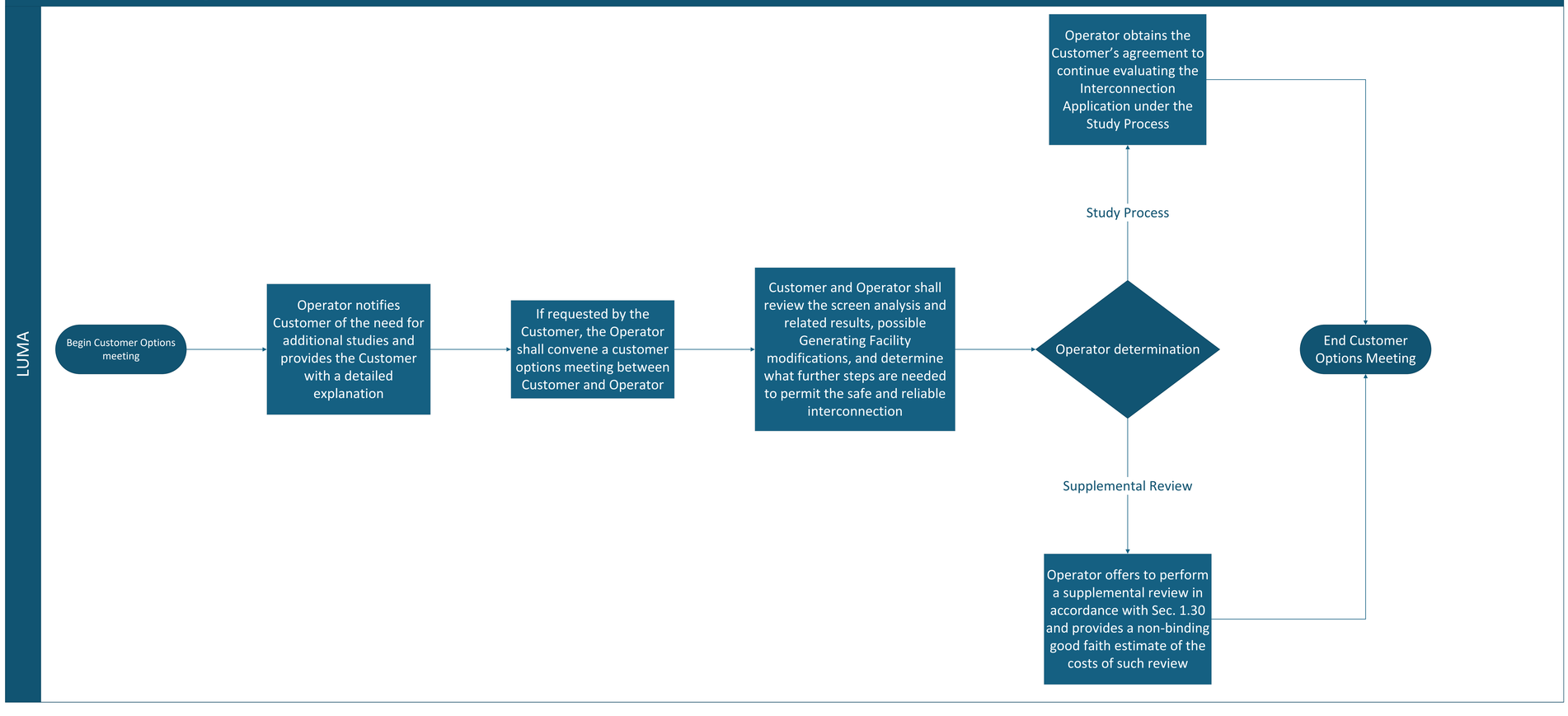
Major System Modifications (Sec. 1.28, Art. C, 4)



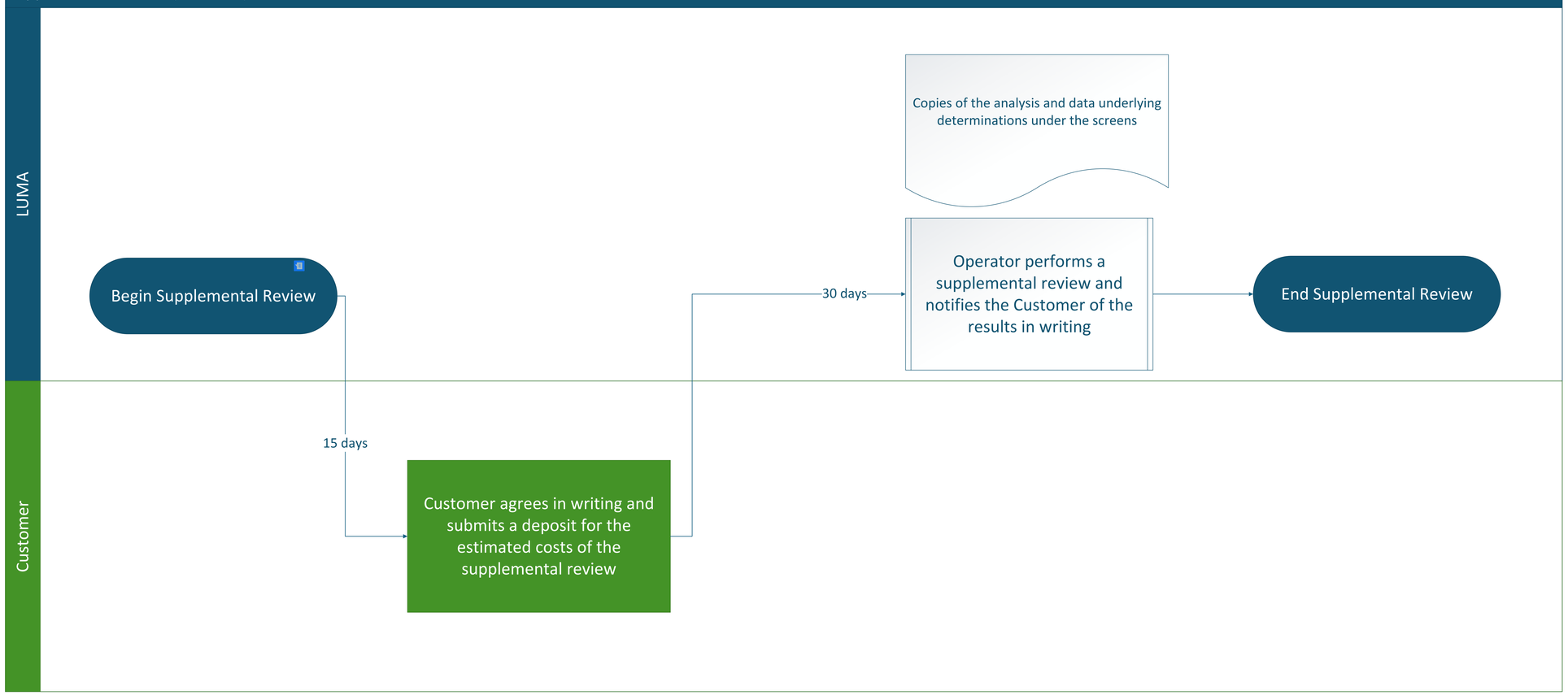
Minor Systems Modifications (Sec. 1.28, Art. C, 3)

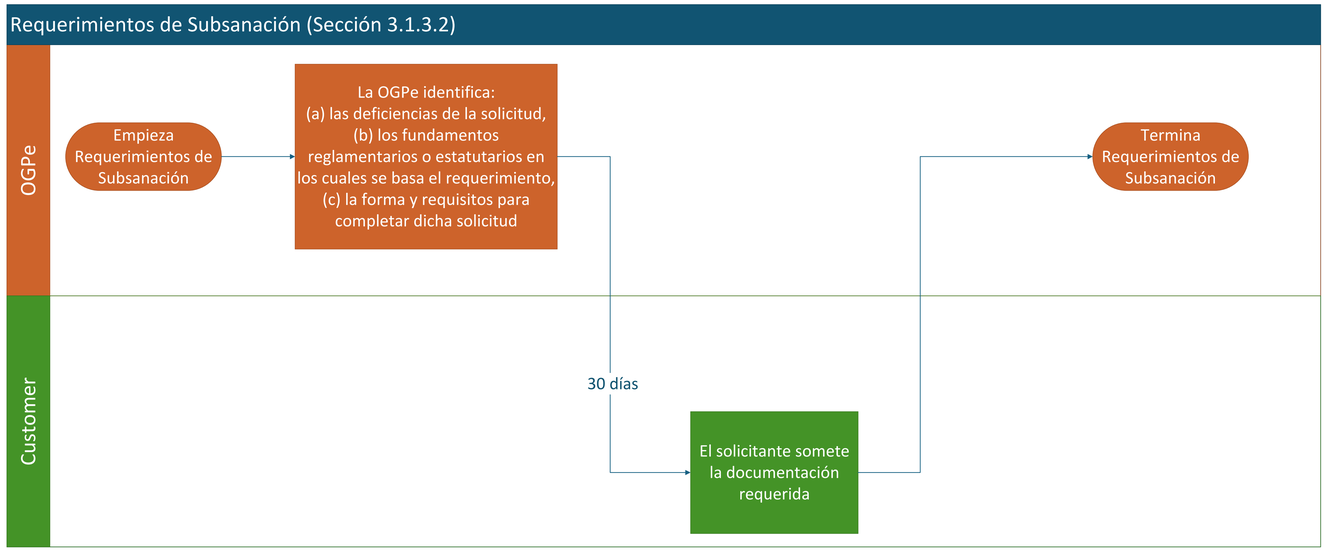


Customer Options Meeting (Sec. 1.29)



Supplemental Review (Sec. 1.30)




Requerimientos de Subsanación (Sección 3.1.3.2)
OGPe
Customer
Empieza Requerimientos de Subsanación
La OGPe identifica:
(a) las deficiencias de la solicitud,
(b) los fundamentos reglamentarios o estatutarios en los cuales se basa el requerimiento,
(c) la forma y requisitos para completar dicha solicitud
30 días
El solicitante somete la documentación requerida
Termina Requerimientos de Subsanación