

From: Luis Morales <l.morales@windmarenergy.com>
Sent: Friday, August 14, 2026 6:20 PM
To: Comentarios <comentarios@jrsp.pr.gov>
Cc: Sonia Seda <sseda@jrsp.pr.gov>; Edison Aviles Deliz <eavilesdeliz@jrsp.pr.gov>
Subject: Comments on Distributed Generation & Microgrid Interconnection Regulation NEPR-MI-2019-0009



Windmar Commercial — Asks for SESA Advocacy

PREB Interconnection Rulemaking — Case No. NEPR-MI-2019-0009 / CEPR-MI-2018-0008
Commercial Systems (>25 kW) | August 14, 2026

Purpose. This document sets out a working list of topics that Windmar Commercial respectfully submits for the Hon. Puerto Rico Energy Bureau's consideration regarding the proposed Distributed Generation and Microgrid Interconnection Regulation (Case No. NEPR-MI-2019-0009 / CEPR-MI-2018-0008). Each item below is grounded in Windmar's own commercial project data — currently tracking over 52 commercial interconnections (mostly 25 kW–375 kW AC, plus several larger industrial projects) across multiple municipalities in Puerto Rico. Windmar is supportive of, and this submission is intended to complement, the comments SESA filed today in this matter.

Ask 1 — Codify a Master 90-Day Clock for Systems Above 25 kW

The problem. Act 114-2007 §9 already caps LUMA's evaluation of a commercial interconnection application at 90 days from filing, with automatic approval as the statutory consequence of noncompliance. Neither the current rule nor the July 13 draft codifies this as a single enforced clock — both instead chain a series of sub-steps with no aggregate ceiling and no self-executing deemed-approval mechanism.

Supporting evidence. Across Windmar's broader tracked portfolio, of 34 completed evaluations (excluding cases with documented non-LUMA delay drivers), 12 — 35% — exceeded 90 days. Median time to an evaluation letter was 63 days; mean was 97 days; the longest completed case took 279 days. Nine additional cases remain open past 90 days as of this writing, with no construction-permit or other external factor explaining the delay. Within Windmar's six highest-confidence cases (hand-reviewed to exclude any with a plausible alternative explanation — see Supporting Data), the picture at this specific stage is more mixed: three exceeded 90 days, three did not. Windmar includes this candidly because the more consistent and more severe delay in the high-confidence set shows up downstream of evaluation, addressed in Ask 4.

Windmar's ask. Operationalize the statutory 90 days as two sequential, enforceable sub-clocks: (a) LUMA has 60 business days to review and approve an application, or to request a supplemental study; (b) if a supplemental study is requested, LUMA has 30 business days from that request to document its findings. If either deadline passes without action, the application is approved by default.

Critical gap to close. A findings determination that identifies necessary system upgrades must be accompanied by a binding cost estimate and construction schedule, delivered within a short, fixed number of business days of the findings. Without this, the clock stops mattering the moment upgrades are identified — the delay simply shifts downstream into an unbounded cost negotiation, which is exactly where Windmar's longest-running cases are currently stuck.

Ask 2 — Compensation for Curtailment and a Real Limited-Export Choice

The problem. The draft authorizes LUMA to restrict exported power as an outcome of supplemental review — including for systems already installed and operating — but implements no compensation mechanism for the resulting economic loss, despite Joint Resolution 5-2026 requiring one. For systems



above 25 kW, the draft's only options when a constraint is identified are costly upgrades (priced via a non-binding estimate) or an uncompensated export restriction.

Windmar's ask. Windmar supports SESA's three-part ask on this issue: (1) no involuntary export restriction without the compensation mechanism the Joint Resolution requires, plus due process — written findings, duration limits, periodic review, and restoration when the constraint clears; (2) a voluntary, certified limited-export election (PCS to UL 3141) available up front for systems above 25 kW, so a customer can choose a bounded export limit instead of paying for upgrades; and (3) defined terms — what "not continuing" means, who decides, and what happens to the interconnection agreement.

Windmar's refinement. A zero-export or PCS-limited election should be exempt, as a matter of right, from every hosting-capacity and export-related screen (aggregate export percentage, minimum load, feeder capacity) — largely already conceded in the draft for non-exporting systems. It should then receive a short, hard, published clock for the remaining safety-only screens (short-circuit contribution, protection coordination, anti-islanding), with deemed approval if LUMA misses it. This achieves fast, predictable treatment without asserting that a zero-export system is exempt from all technical review — a claim LUMA could credibly resist on safety grounds. This matters most for mid-size C&I: today's process splits at 300 kW and again at 1 MW, and most C&I projects in the 100–250 kW range are pushed through the full Fast Track screen stack even where a certified, PCS-limited export design bounds the grid impact by construction. This refinement gives that entire size band exactly the relief it needs without requiring a separately negotiated size-banded lane.

Ask 3 — Decouple LUMA's Interconnection Flow from OGPe/Municipal Construction Permitting

The problem. For any project requiring a construction or building permit — ground-mount systems, carports, any non-roof-mounted structure — LUMA's current practice gates completion of its interconnection by the applicant first obtaining an OGPe or municipal construction permit. This gating does not appear in the draft regulation's text; site control under Section 2.07 is satisfied by ownership, a lease, or an option, not a construction permit. It reads as LUMA operating practice rather than a codified requirement.

Why it matters. Construction permits and interconnection approval carry different risk profiles and different odds of approval. Financing parties price a project's bankability heavily on the likelihood of interconnection. Coupling that likelihood to an unrelated permitting process injects avoidable uncertainty into precisely the variable financing depends on.

Supporting evidence. Two Windmar projects illustrate this directly. Nuscan CSP Caguas (375,000 Wac) filed with LUMA on 2024-10-03 and did not receive an evaluation letter until 2026-05-15 — 589 days — while a construction permit was pending; that permit has since been granted. Thermo Fisher (2,875,000 Wac) filed on 2026-03-23 and remains open 144 days later with no evaluation letter; while this project has also seen a number of design changes, Windmar's understanding is that the construction permit path is the current binding constraint on the interconnection permit (Carta de Evaluación). In both cases, LUMA's evaluation has been gated by an unrelated permitting process rather than proceeding to completion in parallel.



LUMA shall not condition the completion of its interconnection evaluation, technical screens, or issuance of an Interconnection Agreement on the applicant's receipt of a construction or building permit from OGPe or any municipality. LUMA shall complete its evaluation and issue an Interconnection Agreement within the applicable statutory/regulatory timeframe, conditioned only on the applicant obtaining the required construction permit prior to installation or energization.

Precedent for this logic. Act 114-2007 already bars feeder capacity from being treated as an "obstacle" to the automatic-interconnection right for systems of 25 kW or less. This ask extends the same principle to a different obstacle — OGPe/municipal permitting timing — for systems above 25 kW.

Ask 4 — A Parallel Clock for Post-Installation Inspection and Net Metering Activation

The problem. Every timeline in the current rule and the draft — Fast Track, Study Process, Article 7 — stops at "authorization to operate." Nothing governs the stage between a completed, inspected installation and net metering actually appearing on the customer's bill, even though Act 114-2007 §9(b) already requires net metering to be reflected on the bill no later than 30 days after certification.

Supporting evidence. This is the ask Windmar's strongest evidence supports. Of Windmar's six highest-confidence cases — hand-reviewed to exclude any with a plausible alternative explanation — five show unresolved delay after installation: install-to-inspection ranging from 87 to 352 days, and three cases (Cdt Villa Los Santos, Bella Distribution Center, Enterprise Rent A Car Bayamon) still waiting on net metering approval today, open for 94 to 210 days with no end date. The sixth, B&B Manufacturing, is Windmar's most extreme example of this exact problem: installed and inspected, then a further 765 days elapsed before an endorsement was received, for a total of 1,064 days between installation and net metering approval. Separately, Windmar has an active list of ten commercial customers (30–300 kW, across multiple municipalities) awaiting LUMA inspection or net metering activation for up to four months after interconnection.

Windmar's ask. LUMA has a fixed number of business days after receiving an inspection request or a completed-installation notice to complete inspection and activate net metering. If that deadline is missed, net metering is deemed activated automatically — enforcing the 30-day requirement that already exists in Act 114-2007 §9(b) rather than leaving it unenforced in practice.

Supporting Data

Highest-Confidence Cases

These six cases were hand-reviewed by Windmar and selected because Windmar is better than 95% confident each reflects a genuine LUMA-side delay, with no plausible alternative explanation (customer-side design changes, a pending construction permit, pending documentation, or similar).



Case	Capacity AC	Filing → Eval	Install → Inspection	Install → Net Metering
B & B Manufacturing, Corp	55,632 Wac	279d	352d	1,064d
Nuscan CSP Guayama	50,000 Wac	open 925d	open 176d	open 176d
Cdt Villa Los Santos	30,000 Wac	36d	97d	open 184d
Bella Distribution Center	62,500 Wac	47d	87d	open 210d
Peña Pobre Farm Inc CDBG	30,000 Wac	118d	open 94d	open 94d
Enterprise Rent A Car Bayamon 1	33,024 Wac	67d	38d	open 95d

"Open" means the stage has not yet closed as of this writing — figures reflect elapsed days to date, not a final total.