

**GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO**

NEPR

Received:

Oct 5, 2026

10:21 PM

**IN RE: REGLAMENTO DE
INTERCONEXIÓN**

NÚM.: NEPR-MI-2019-0009

**ASUNTO: MOCIÓN SOMETIENDO
COMENTARIOS DE LA OFICINA
INDEPENDIENTE DE PROTECCIÓN
AL CONSUMIDOR (OIPC) AL
BORRADOR PRELIMINAR REVISADO
DEL REGLAMENTO DE
INTERCONEXIÓN**

**MOCIÓN SOMETIENDO COMENTARIOS DE LA OFICINA INDEPENDIENTE
DE PROTECCIÓN AL CONSUMIDOR (OIPC) AL BORRADOR PRELIMINAR
REVISADO DEL REGLAMENTO DE INTERCONEXIÓN SOBRE REQUISITOS
DE INTERCONEXIÓN PARA SISTEMAS DE 25 KW O MENOS, ASIGNACIÓN
DE COSTOS DE MEJORAS AL SISTEMA ELÉCTRICO Y ADAPTADORES DE
BASE DE MEDIDOR**

AL HONORABLE NEGOCIADO:

Comparece la Oficina Independiente de Protección al Consumidor de la Junta Reglamentadora de Servicio Público (en adelante, OIPC), por conducto de los abogados que suscriben, quienes con el debido respeto **EXPONEN, ALEGAN y SOLICITAN:**

1. El 13 de julio de 2026, el Negociado de Energía de la Junta Reglamentadora de Servicio Público (en adelante, “Negociado”) emitió una *Resolución y Orden* en los casos consolidados NEPR-MI-2019-0009 y NEPR-MI-2018-0008, mediante la cual notificó la disponibilidad de un Borrador Preliminar Revisado del Reglamento de Interconexión e invitó a las partes interesadas a someter sus comentarios y recomendaciones.

2. El 14 de agosto de 2026, la OIPC presentó sus comentarios y recomendaciones al Borrador Preliminar Revisado del Reglamento de Interconexión, en cumplimiento con lo dispuesto por este Honorable Negociado y en el descargo de sus responsabilidades de representar y proteger los intereses de los consumidores del servicio eléctrico.

3. El 16 de septiembre de 2026, el Negociado emitió una *Resolución y Orden* mediante la cual presentó lenguaje revisado para consideración de las partes sobre los requisitos de interconexión para sistemas de 25 kW o menos, la asignación de costos de mejoras al sistema eléctrico para dichos sistemas y los adaptadores de base de medidor (Meter Socket Adapters), y concedió a las partes interesadas hasta el 5 de octubre de 2026 para presentar sus comentarios sobre dichas revisiones.

4. En atención a lo dispuesto en la *Resolución y Orden* del 16 de septiembre de 2026, la OIPC somete ante este Honorable Negociado sus comentarios y recomendaciones relacionados con los asuntos antes señalados.

POR TODO LO CUAL, la OIPC respetuosamente solicita que este Honorable Negociado tome conocimiento de los comentarios vertidos por la OIPC y acoja sus recomendaciones como parte del proceso de revisión y adopción del Reglamento de Interconexión.

RESPETUOSAMENTE SOMETIDO, en San Juan, Puerto Rico, a 5 de octubre de 2026.

CERTIFICO haber enviado copia fiel y exacta de este escrito a mvalle@gmlex.net; alexis.rivera@prepa.pr.gov; rcruzfranqui@gmlex.net; nzayas@gmlex.net; RegulatoryPREBorders@lumapr.com; katiuska.bolanoslugo@us.dlapiper.com; Laura.rozas@us.dlapiper.com; agustin.irizarry@upr.edu; javrua@sesapr.org; aconer.pr@gmail.com; John.jordan@nationalpfg.com; pjcleanenergy@gmail.com; cfl@mcvpr.com; mqs@mcvpr.com; gcordero@crmjv.com; Steven.rymsha@sunrun.com; azayas@azeng.net; jberdner@enphaseenergy.com; rbelur@enphaseenergy.com; mrosenfeldt@enphaseenergy.com; gferrer@enphaseenergy.com; kkoch@tesla.com; Andrew.Cote@generac.com; rmoody@cleanpower.com; axel.vargas.montanez@gmail.com.

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**COMMENTS AND RECOMMENDATIONS OF THE INDEPENDENT
CONSUMER PROTECTION OFFICE TO THE REVISED PRELIMINARY
DRAFT OF THE DISTRIBUTED GENERATION AND MICROGRID
INTERCONNECTION REGULATION ON THE TOPICS OF INTERCONNECTION
REQUIREMENTS FOR SYSTEMS 25 kW OR LESS, COST ALLOCATION OF
ELECTRIC SYSTEM UPGRADES, AND METER SOCKET ADAPTERS**

A. INTERCONNECTION REQUIREMENTS AND COST ALLOCATION FOR SYSTEMS
25 kW OR LESS

1. Article 3 B - Fees

OIPC Comment:

OIPC recognizes the proposed Regulation's objective of establishing a predictable mechanism to address costs associated with the increasing penetration of Distributed Generation Systems and the Distribution System Upgrades that may become necessary as a result of the cumulative interconnection of multiple systems on the same circuit, feeder, or Distribution System segment. Nevertheless, the proposed Simplified Interconnection Fee and Reserve Fund could result in Interconnection Customers indirectly bearing costs that the applicable statutory framework does not permit to be imposed upon them directly.

The proposed language provides that revenues collected through the Simplified Interconnection Fee may be used not only for administrative costs, but also for Distribution System Upgrades and any supplemental studies triggered by the interconnection of Distributed Generation Systems 25 kW or less. At the same time, the proposed revisions expressly recognize that no Supplemental Study Fees, including deposits, may be charged to Interconnection Customers utilizing the Simplified Process.

The prohibition against charging a Supplemental Study Fee should not be circumvented by incorporating the anticipated cost of Supplemental Studies into a generally applicable interconnection fee. The fact that the charge is collected in advance from all Simplified Process customers rather than imposed upon the particular customer whose interconnection triggers the study does not change the nature of the cost being recovered.

A similar concern arises from the proposed use of the Reserve Fund to pay for Distribution System Upgrades. Article 3 B(2)(ii) seeks to "[a]void assigning the full cost of Distribution System modifications to any individual Interconnection Customer." OIPC agrees with the underlying principle that an individual consumer should not bear the entire cost of an upgrade necessitated by the cumulative interconnection of multiple Distributed Generation

Systems. Nevertheless, the solution should not be to shift those costs to all Interconnection Customers utilizing the Simplified Process, including customers whose systems are located on entirely different circuits or feeders and neither caused, contributed to, nor benefit from the particular upgrade.

More importantly, proposed Article 3 D(3) expressly incorporates the statutory mandate applicable to photovoltaic or renewable energy systems with a generation capacity that does not exceed 25 kW. Consistent with Act 114-2007, as amended, the proposed Regulation provides that, where feeder capacity is exceeded, “the necessary improvements and/or changes to be made to the feeder shall be defrayed by the requesting company.”

This provision is not merely a policy choice incorporated into the proposed Regulation; it reflects the allocation of responsibility established by applicable law. Accordingly, the Regulation must be read and implemented consistently with that statutory mandate. A regulatory provision, fee, or cost-allocation mechanism cannot operate to reassign, directly or indirectly, to an Interconnection Customer an obligation that the governing statute places upon the requesting company.

For that reason, the Regulation should clearly preserve the distinction between the “requesting company” identified in Article 3 D(3) and the individual Interconnection Customer. The Simplified Interconnection Fee, the Reserve Fund, or any other cost-recovery mechanism established by the Regulation should not have the effect of shifting to individual consumers, whether directly or through a generally applicable charge, costs that the statute requires the requesting company to defray. To permit otherwise would effectively accomplish through regulation and fee design a cost allocation inconsistent with the statutory mandate that the Regulation itself expressly incorporates.

This does not mean that the entire cost of a Distribution System Upgrade must necessarily be attributed to a single transaction or recovered without regard to the cumulative use and benefit of the affected facilities. The Energy Bureau may establish a cost-allocation methodology consistent with the principles of reasonableness, proportionality, and benefit received. However, any such methodology must operate within the statutory allocation of responsibility established by Act 114-2007.

Accordingly, OIPC proposes a methodology for allocating costs based on the affected feeder or Distribution System segment as a more equitable alternative to the proposed general Reserve Fund. Under such an approach, the cost allocation associated with a particular Distribution System Upgrade would be tied to the Distributed Generation

Systems connected to the circuit, feeder, or Distribution System segment that necessitates and benefits from that particular upgrade, rather than to the universe of customers utilizing the Simplified Process. The allocation could be determined on a pro rata basis according to the capacity of the systems associated with the affected feeder or segment, or through another objectively established methodology that appropriately reflects each system's contribution to the need for, and benefit received from, the particular upgrade.

Such an approach would more closely implement the principles of reasonableness, proportionality, and benefit received, while avoiding two inequitable results: first, the assignment of the entire cost of a Distribution System Upgrade resulting from the cumulative interconnection of multiple Distributed Generation Systems to a single requesting company without regard to the extent to which other systems connected to the affected circuit, feeder, or Distribution System segment contributed to the need for, or benefited from, the upgrade; and second, the spreading of the cost across requesting companies whose interconnected systems have no relationship to the circuit, feeder, or Distribution System segment requiring the upgrade.

OIPC Recommendation:

OIPC recommends that the Energy Bureau revise Article 3 B to clearly distinguish among: (1) reasonable administrative costs properly associated with processing a Simplified Interconnection Notification and Agreement; (2) Supplemental Study costs that applicable law prohibits charging to Interconnection Customers utilizing the Simplified Process; and (3) costs associated with Distribution System Upgrades.

The Simplified Interconnection Fee should be limited to those costs that may lawfully be imposed upon an Interconnection Customer and should not be used as an indirect mechanism to recover Supplemental Study costs or other costs that applicable law prohibits charging directly to customers with Distributed Generation Systems of 25 kW or less.

With respect to Distribution System Upgrades, the Regulation should preserve the statutory responsibility of the requesting company for those costs and should make clear that the requesting company and the individual Interconnection Customer are not interchangeable for purposes of assigning such responsibility.

Accordingly, OIPC recommends that the Energy Bureau replace the proposed general Reserve Fund with a mechanism that allocates costs based on the affected feeder or Distribution System segment, while preserving the statutory responsibility of the

requesting company and providing for an equitable allocation of Distribution System Upgrade costs when the need for an upgrade results from the cumulative interconnection of multiple Distributed Generation Systems.

Under such a mechanism, the Distributed Generation Systems associated with the need for, or benefiting from, a particular Distribution System Upgrade should first be identified based on the affected feeder or Distribution System segment. The corresponding costs should then be allocated among the requesting companies associated with those systems, according to an objective methodology that reflects each system's capacity, contribution, and benefit. This approach would preserve the statutory responsibility imposed upon the requesting company while ensuring that a single requesting company is not required to bear the entire cost of an upgrade necessitated by the cumulative interconnection of multiple systems.

The applicable methodology, including the manner in which each requesting company's pro rata share is calculated, should be expressly established in the Regulation, be transparent and objectively verifiable, and remain subject to Energy Bureau approval and oversight. The methodology should be consistent with the principles of reasonableness, proportionality, and benefit received and should ensure that costs are associated with the feeder or Distribution System segment giving rise to the need for the particular upgrade, rather than being distributed generally among unrelated requesting companies or Interconnection Customers.

Under no circumstances should the Simplified Interconnection Fee, the proposed Reserve Fund, or any alternative cost-allocation mechanism operate to convert a statutory obligation imposed upon the requesting company into a direct or indirect obligation of an individual Interconnection Customer.

2. Article 3 D – Supplemental Studies

OIPC Comment:

Article 3 D establishes the Supplemental Review process applicable to interconnections under the Simplified Process. Article 3 D(1) provides that the EPS Operator “may conduct a Supplemental Review.” OIPC notes that the proposed revisions delete the phrase “at its discretion” from the prior language. Although this revision appears intended to eliminate the EPS Operator's express discretionary authority to determine when a Supplemental Review should be conducted, retaining the term “may” without identifying the

circumstances or objective criteria that trigger such review continues to leave that determination largely to the discretion of the EPS Operator.

Accordingly, Article 3 D(1) should identify the specific circumstances, technical conditions, or objective criteria that permit a Supplemental Review. Any technical discretion necessarily retained by the EPS Operator should be exercised within clearly established regulatory parameters.

In addition, once a Supplemental Review is required, Article 3 D(1) should establish a specific timeframe for its completion. As currently drafted, the provision imposes no deadline on the EPS Operator to conduct and complete the Supplemental Review, leaving the duration of the process undefined.

Article 3 D(2) raises an additional timing issue. If the Supplemental Review determines that system modifications or operational restrictions are required, the EPS Operator must notify the Interconnection Customer of the results. However, the proposed language does not establish a timeframe within which such notification must be provided. In contrast, once the results are received, the Interconnection Customer has only five (5) Business Days to determine whether to proceed with the proposed interconnection.

The Regulation should provide comparable certainty as to the EPS Operator's obligations by establishing a specific and mandatory period for notifying the Interconnection Customer of the Supplemental Review results. Such notification should include any required system modifications or operational restrictions, as well as the technical basis for the determination, so that the Interconnection Customer has the information necessary to make an informed decision. The five (5) Business Day period to elect whether to proceed should commence only upon receipt of that complete written notification.

OIPC Recommendation:

OIPC recommends that Article 3 D be revised to establish clear and objective parameters governing the Supplemental Review process and definite timeframes for each stage of that process. Specifically, Article 3 D should identify the circumstances, technical conditions, or objective criteria that may trigger a Supplemental Review, thereby limiting the EPS Operator's discretion and providing Interconnection Customers with a predictable standard as to when such additional review may be required.

The Regulation should also establish a definite and mandatory period within which the EPS Operator must complete the Supplemental Review and, upon completion, a specific period within which the EPS Operator must provide the Interconnection Customer with written notice of the results. Such notification should identify any required system modifications or operational restrictions and provide the technical basis for the determination.

The Interconnection Customer's five (5) Business Day period to elect whether to continue with the proposed interconnection should commence only upon receipt of a complete written notification containing the information necessary to make an informed decision.

3. Article 3 D (3)(ii) – Administrative Review of Cost-Allocation Determinations (Deleted)

OIPC Comment:

The proposed revisions delete the provision expressly allowing an Interconnection Customer to request Administrative Review by the Energy Bureau when it disagrees with a cost-allocation determination made by the EPS Operator. Although OIPC recommends elsewhere that the Regulation clearly preserve the statutory responsibility of the requesting company and establish an objective methodology governing the allocation of Distribution System Upgrade costs, any determination made by the EPS Operator applying such methodology should remain subject to review by the Energy Bureau.

The establishment of objective cost-allocation criteria does not eliminate the possibility of disagreement regarding their application, including the amount attributed to a particular upgrade, the systems considered in the allocation, the applicable feeder or Distribution System segment, the calculation of the corresponding pro rata shares, or whether the costs included are reasonably attributable to the particular upgrade.

Removing the express right to Administrative Review could therefore leave an affected party without a clearly identified mechanism within the Regulation to challenge the EPS Operator's application of the cost-allocation methodology.

OIPC Recommendation:

OIPC recommends retaining an express right to Administrative Review before the Energy Bureau of any cost-allocation determination made by the EPS Operator. Such review should extend to the amount and calculation of the costs, the identification of the requesting companies and Distributed Generation Systems included in the allocation, the

determination of the applicable feeder or Distribution System segment, the calculation of any pro rata share, and the reasonableness and consistency of the allocation with the methodology established in the Regulation.

The written notice of any cost-allocation determination should also inform the affected party of the right to request Administrative Review, the applicable procedure, and the deadline for doing so.

B. METER SOCKET ADAPTERS

Section 8.03 – Meter Socket Adapters

OIPC Comment:

Section 8.03(D)(1) provides that all fees associated with Meter Socket Adapters, including fees for additional site visits, shall be based on the “reasonable cost” of providing the applicable service and established in the TIR as approved by the Energy Bureau. Section 8.03(D)(2) further provides for a one-time fee for the EPS Operator's support in connection with the installation, removal, or related service of a Meter Socket Adapter, and an additional one-time fee for each additional site visit required or requested.

Although the proposed language requires the fees to be based on reasonable costs and approved by the Energy Bureau, it does not establish the criteria or methodology that will be used to determine those costs. The Interconnection Customer should be able to ascertain, prior to requesting the service, the amount that will be charged or, at a minimum, the objective basis upon which that amount will be calculated. The term “reasonable cost,” without further parameters, does not by itself provide sufficient certainty or transparency regarding the fees that may ultimately be imposed.

This is particularly relevant with respect to additional site visits. Section 8.03(D)(2) provides that additional support or services will result in an additional fee for each site visit but does not distinguish between a visit necessitated by the Interconnection Customer and one resulting from circumstances attributable to the EPS Operator, nor does it establish objective criteria governing when an additional site visit may be charged.

OIPC Recommendation:

OIPC recommends that Section 8.03(D) establish either the specific fees applicable to Meter Socket Adapter services or an objective and transparent methodology for calculating such fees. The applicable amounts or methodology should be incorporated into the TIR, subject to Energy Bureau approval, and made readily available to Interconnection Customers before the applicable service is requested or performed.

The Regulation should also establish objective criteria governing when an additional site visit fee may be imposed and should clarify that an Interconnection Customer will not be charged for an additional site visit made necessary by circumstances attributable to the EPS Operator. Any additional site visit fee should correspond to an identifiable service actually provided and be calculated pursuant to the methodology approved by the Energy Bureau.