

## WHO WE ARE.

The UPR Resiliency Law Center is an initiative aimed at shifting the balance of power to local communities in order to ensure that disaster recovery and rebuilding in Puerto Rico is effective, fair, and resilient, and that climate change issues are taken into account. Among the issues we are facing for the resilient recovery of Puerto Rico, the reconstruction of the electric grid and its transition to a more sustainable infrastructure is a priority. For this reason, we are accompanying local environmental groups that are requesting your urgent action on the following:

## THE FEDERAL GOVERNMENT MUST ENSURE THAT FEDERAL FUNDS ARE USED TO REBUILD A CLEAN, RESILIENT, AFFORDABLE, AND SUSTAINABLE RENEWABLE ENERGY SYSTEM.

- ✓ Puerto Rico Energy Public Policy Act and Climate Change Mitigation, Adaptation, and Resiliency Act set out a goal of 100% renewable energy by 2050, with staggered provisional goals in earlier years, and prohibit fossil fuel burning past said year. The approved Puerto Rico Integrated Resources Plan (IRP) requires maximizing solar power within a mix of generation resources.
- ✓ However, Puerto Rico Electric Power Authority (PREPA) and LUMA Energy (LUMA) insist on using FEMA funds to rebuild a centralized methane gas system instead of investing on decentralized rooftop photovoltaic renewable energy grid. They presented a 10-year-plan for reconstruction of the grid on these terms, and FEMA issued a Finding of No Significant Impact (FONSI) that has been contested by environmental organizations. Even the Puerto Rico Energy Bureau (PREB) recently ordered PREPA and LUMA to prepare a Request for Proposal for a new gas plant.
- ✓ This contradicts President Biden's Executive Order on *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability* that orders the federal government to implement a policy that will achieve a carbon pollution-free electricity sector by 2035 and net-zero emissions economy-wide by no later than 2050.
- ✓ It also contravenes the federal administration's *Justice 40 Initiative*, which establishes that 40% of all federal investments and overall benefits of clean energy, sustainability, resiliency, clean transit, affordable and sustainable housing shall flow to disadvantaged communities.
- ✓ Therefore, these actions are inconsistent with the IRP and local and federal statutes and public policies and are contributing to climate change. In addition, it is a bad investment of federal funds since it is not a resilient, self-reliant, or cost-effective power system, and every gas plant will become obsolete in the next decades and shot down before its useful life.

## CONGRESS SHOULD REQUIRE FEMA TO PRIORITIZE THE REBUILDING OF A DECENTRALIZED ROOFTOP PHOTOVOLTAIC RENEWABLE ENERGY SYSTEM TO SAVE LIVES AND PROTECT PUERTO RICO'S NATURAL RESOURCES.

- ✓ A centralized electrical grid powered by fossil fuel left everyone in Puerto Rico without power after hurricane Irma and María. Five years later once again Puerto Rico's entire population and the hospitals were without electricity after Hurricane Fiona, and most continue without power. This centralized fossil fuel power system also failed Louisiana after Hurricane Ida.

- ✓ The Financial Oversight and Management Board for Puerto Rico and PREB recently approved 18 industrial photovoltaic renewable energy projects and it seems that the majority are located in protected agricultural land and some are even in earthquake zones.
- ✓ Although a photovoltaic renewable energy system is the most resilient and clean generation of power, if its distribution is centralized and located in protected agricultural land and in earthquake zone, Puerto Rico's population will continue to suffer, and billions of federal funds will be wasted.
- ✓ Over a third of Puerto Rico's population suffer from food insecurity, 85% of the food that we eat every day is imported, and between the years 2012-2018 Puerto Rico has lost 17% of its agricultural land. Puerto Rico needs to protect these lands and achieve food sovereignty.
- ✓ These actions infringe Puerto Rico's land use plan, Puerto Rico Energy Public Policy Act, and Climate Change Mitigation, Adaptation, and Resiliency Act that protects agricultural land and order the location of energy projects in suitable places and that have been previously contaminated.
- ✓ Not only it is extremely unnecessary to affect protected agricultural land, specially, if the most resilient areas for locating the renewable energy projects are rooftops, but also the persistence of a centralized power system is costing lives.

**CONGRESS SHOULD REQUIRE FEMA AND LOCAL AGENCIES TO BE TRANSPARENT AND PROVIDE ACCESS OF PUBLIC INFORMATION ABOUT THE RECONSTRUCTION OF THE POWER GRID.**

- ✓ Thousands of pages of public documents regarding the rebuilding of Puerto Rico's power grid are not accessible to civil society, and some are filed in PREB as confidential information.
- ✓ Various community-based organizations requested access of this public information via a FOIA Request to FEMA and waited months to receive some of the documents requested. Some of these organizations also requested to the local government information about Puerto Rico power grid rebuilding, and, specially, about the 18 industrial photovoltaic renewable energy projects, and the local government denied said petition. These organizations even had to sue the local government to finally have access to public information about these 18 projects.
- ✓ It is fundamental that civil society have easy access to public information about the rebuilding of Puerto Rico's power grid to hold the government accountable for its actions. The lack of transparency weakens the public trust in the government and prevents civil society from actively participating in the energy system rebuilding plan and achieving social and environmental justice.

**For more information, you can contact the UPR Resiliency Law Center at [resiliencylawcenter.derecho@upr.edu](mailto:resiliencylawcenter.derecho@upr.edu)**