

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

NEPR Received: Mar 10, 2020 7:05 PM

IN RE:

**REQUEST FOR PROPOSALS FOR
TEMPORARY EMERGENCY
GENERATION**

CASE NO.:

NEPR-AP-2020-0001

SUBJECT:

Proposed RFP Approval

**REQUEST FOR RECONSIDERATION OF ORDER FOR
REVISIONS TO PROPOSED RFP DOCUMENTS**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority through the undersigned legal representation and respectfully sets forth and pray:

1. The Energy Bureau issued a March 3 Order in which it approved of the Proposed RFP subject to PREPA’s compliance with several conditions.¹ The March 3 Order lists several action items that PREPA has to meet in order to be able to publish the Proposed RFP, execute the agreement and complete the award process.²

2. On March 5, 2020, PREPA presented a *Motion to Submit Revised Proposed RFP Documents* which included revised versions on the RFP Document, Dual-fuel LOA and the RE and BESS LOA (the “March 5 Motion”). These documents reflect several changes in response to the March 3 Order.³ However, after further consideration and discussions, PREPA herein submits different and/or additional revisions to the RFP Document, Dual-fuel LOA and the RE and BESS LOA for the consideration and approval of the Energy Bureau.

3. The revisions to the documents are:

¹ See March 3 Order, Sec. III.

² *Id.*

³ See March 5 Motion at ¶¶ 3-4.

- a. Revision to the RFP Document⁴
- i. Section 3.4 - Purpose and Intent -PREPA eliminated the 5,000 hours limits for used units to open the possibility to consider new and use units.
 - ii. Section 4 – Form of LOA & Contract Term (corresponding table titled Required Data in section 16.1.4 was revised accordingly, as well as all other mentions of a 12-month term). The revisions made to the RFP Document explain that the contract term is not to exceed 18 months and requests various combinations of proposed contract terms to evaluate market prices and best possible cost alternatives:
 - 1. Initial term of (12) months with PREPA’s option to extend the contract for six (6) additional months,
 - 2. Initial term of nine (9) months with PREPA’s option to extend in three (3) month terms (up to eighteen months),
 - 3. Initial term of three (3) months with PREPA’s option to extend in three (3) month terms (up to eighteen months),
 - 4. Initial term of six (6) months, with PREPA’s option to extend in two (2) month terms (up to eighteen months),
 - 5. Proponent may offer alternative initial contract terms and extension options (not to exceed eighteen months)

As the table titled Required Data in section 16.1.4 shows, PREPA is now requesting the price of the generating unit. PREPA needs to receive prices

⁴ Exhibit I.

of the generating units to complete the cost reasonableness analysis required by FEMA.⁵

iii. Section 16.1.4.D – Hours of Operation - This section was eliminated to reflect changes regarding the preference of units.

b. Revision to the Dual-fuel LOA and the RE and BESS LOA⁶

i. The Dual-fuel LOA and the RE and BESS LOA were revised to eliminate the 12-month term.

WHEREFORE, PREPA respectfully requests the Energy Bureau to note the above-stated and grant PREPA's request to include and/or eliminate from the RFP Document, the Dual-fuel LOA and the RE and BESS LOA the revisions herein presented.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10th day of March 2020.

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⁵ 2 CFR § 200.404 - Reasonable costs.

⁶ Exhibits II and III, respectively.

Exhibit I
RFP Document

[This exhibit has been submitted under seal.]

Exhibit II
Dual-fuel LOA

[This exhibit has been submitted under seal.]

Exhibit III
RE and BESS LOA

[This exhibit has been submitted under seal.]