

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

NEPR Received: Nov 23, 2020 11:04 AM

IN RE: IMPLEMENTATION OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY INTEGRATED RESOURCE
PLAN AND MODIFIED ACTION PLAN

CASE NO.: NEPR-MI-2020-0012

SUBJECT:
Procurement Plan

MOTION TO REITERATE REQUEST FOR TECHNICAL CONFERENCE

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority (the “Authority”) through the undersigned counsel and respectfully submits and requests as follows:

1. On August 24, 2020, the Energy Bureau of the Public Service Regulatory Board (the “Energy Bureau”) entered the *Final Resolution and Order on the Puerto Rico Electric Power Authority’s Integrated Resource Plan* (the “IRP Order”).¹ The IRP Order provides that the Puerto Rico Electric Power Authority (PREPA or the “Authority”), on or before sixty (60) days from the notification date of the IRP Order, must submit a draft renewable resource and battery energy storage resource procurement plan to the Energy Bureau. The Energy Bureau further ordered PREPA to file a status report on the development of its draft Procurement Plan and associated Procurement Plan no later than thirty (30) days from the notification date of the IRP Order. The Authority has thoroughly complied with the provisions of the IRP Order listed above.

2. On September 23, 2020, the Puerto Rico Electric Power Authority (the “Authority”) submitted a status report on the development of its Draft Procurement Plan (the “Status Report”) and requested the scheduling of a technical conference.

¹ IRP Order, pags. 266-269, ¶¶ 860-867

3. Thereafter, in response to the Authority's request, on October 9, 2020, the Energy Bureau held a technical conference where the Authority's officers and consultants had the opportunity to exchange information and receive feedback from the Energy Bureau's Commissioners and its consultants regarding the Status Report (the "October 9 Technical Conference").

4. After taking into consideration the IRP Order and feedback received during the October 9 Technical Conference, on October 23, 2020, the Authority submitted the Draft Procurement Plan.²

5. During the development of the Draft Procurement Plan, the Authority had several concerns that were addressed in part in the development of the document but understands it is prudent to further discuss with the Energy Bureau. Therefore, on November 5, 2020, the Authority filed a *Request for Technical Conference*. In the Request for Technical Conference, the Authority informed that a technical conference to discuss the Draft Procurement Plan would be beneficial and also, an opportunity for PREPA personnel and consultants to present the Energy Bureau with additional matters for which the Authority would like to receive feedback. Further, a technical conference would also serve to clarify any questions that the Energy Bureau might have regarding the Draft Procurement Plan.

6. Considering that the Draft Procurement Plan is a very complex document that includes different processes and technologies that the Authority has not procured before, on November 17, 2020, the Authority filed with the Energy Bureau a presentation to be discussed during the technical conference.³ The Authority is confident that the Presentation will aid in the discussion of the Draft Procurement Plan and will thus make the conference more productive.

7. Notwithstanding, as of the date of the filing of this motion, the Energy Bureau has neither noted the filing of the Draft Procurement Plan, nor granted the Request for Technical Conference.

² *Motion Submitting Draft Procurement Plan* filed by the Authority on October 23, 2020.

³ *Motion to Submit Presentation for Technical Conference* filed by the Authority on November 17, 2020.

The Authority is concerned by the lack of response from the Energy Bureau. The IRP Order directs the Authority to open a request for proposals (RFP) for the first tranche of renewable energy and battery energy storage by December 2020. However, to date, the Energy Bureau has not approved the Procurement Plan, which pursuant to the IRP Order, is the tool that will serve as guideline for all the RFP tranches, including the first one to be released on or before December 2020.

8. Time is of the essence. The approval of the Procurement Plan is not the last step in the processes that must be completed before releasing the RFP contemplated for the first tranche of renewables and storage. Various internal processes at the Authority must be complied with first. Before the first RFP is opened the Authority must submit the draft RFP and attachments to a committee which in turn must submit the draft for approval by the Authority's Governing Board. Thereafter, the Authority must comply with all the processes mandated by Regulation 8815^{4,5}.

9. Pursuant to the above, the Authority is concerned that, if the Energy Bureau doesn't hold the Technical Conference soon, and thereafter promptly approves a final Procurement Plan, it will not be able to release the first RFP by the ordered deadline.

WHEREFORE, the Authority respectfully reiterates its Request for Technical Conference to discuss the Draft Procurement Plan.

RESPECTFULLY SUBMITTED.

⁴ Authority and Energy Bureau, *Joint Regulation for the Procurement, Evaluation, Selection, Negotiation and Award of Contracts for the Purchase of Energy and for the Procurement, Evaluation, Selection, Negotiation and Award Process for the Modernization of the Generation Fleet*, No. 8815 (September 1, 2016).

⁵ The IRP Order provides that:

The Energy Bureau **ORDERS** PREPA to develop competitive solicitation processes for procurement of new renewable resources and battery energy storage resources in support of "no regrets" findings for these resources from the IRP and in support of meeting Act 17-2019 targets for renewable energy installations, and exceeding those targets where economical. PREPA or the T&D Operator, with oversight by the Energy Bureau under the processes of Regulation 8815, shall run all competitive auctions in accordance with this Modified Action Plan.

IRP Order at ¶ 859.

In San Juan, Puerto Rico, this 23rd day of November 2020.

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