

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

NEPR

Received:

Jun 29, 2021

8:28 PM

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

CASE NO.: NEPR-MI-2020-0012

SUBJECT: Request for Extension of Time to
File Presentation on Updated Procurement
Plan and for Continuance of Technical
Conference Required by June 24, 2021
Resolution and Order

**REQUEST OF THE PUERTO RICO ELECTRIC POWER AUTHORITY FOR
EXTENSION OF TIME TO FILE PRESENTATION ON CHANGES INCORPORATED
IN UPDATED PROCUREMENT PLAN AND FOR A CONTINUANCE OF THE
TECHNICAL CONFERENCE CURRENTLY SCHEDULED FOR JULY 6, 2021**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority, through its counsel of record and respectfully submits and prays follows:

1. On June 15, 2021, the Puerto Rico Electric Power Authority (PREPA) presented a *Motion to Submit Updated Procurement Plan Addressing Plans for the Second Renewable Generation and Energy Storage Resource Procurement Tranche* (the “June 15 Motion”). With the June 15 Motion PREPA submitted for the consideration and approval of the Energy Bureau of the Puerto Rico Public Service Regulatory Board (the “Energy Bureau”) the Updated Procurement Plan and a redline revision of the Tranche 1 RFP document to reflect the changes that will be implemented in the Tranche 2 RFP document. See June 15 Motion, exhibits A and B.

2. On June 24, 2021, the Energy Bureau entered a Resolution and Order (the “June 24 Order”) by which it ordered PREPA to:

(i) File, on or before June 28, 2021, a redline of the Updated Procurement Plan reflecting the changes to its Renewable Energy Generation and Energy

Storage Procurement Plan which PREPA proposed through a submission made in this proceeding on June 15, 2021;¹

(ii) File, on or before July 1, 2021, “a presentation discussing the changes incorporated in the Updated Procurement Plan and related documents and the reasons for such changes, as well as PREPA’s proactive, effective and opportune solutions to overcome any challenges identified by PREPA that could affect PREPA’s timely compliance with the Renewable Energy Portfolio Requirements;” and

(iii) Arrange for “[a]ll PREPA representatives in charge of the preparation of the Updated Procurement Plan and related documents” to attend a Technical Conference on July 6, 2021, at 1:30 pm, at which these representatives are to “have available all relevant documents and to be ready to answer, under oath, questions that the Energy Bureau staff and/or Commissioners may have.”²

3. On June 28, 2021, PREPA filed a *Motion in Compliance with Order Entered on June 14, 2021 Submitting Redline Version of the Updated Procurement Plan* submitting a redlined version of the Updated Procurement Plan filed with the Energy Bureau on June 15, 2021. Therefore, PREPA has already complied with the first directive of the June 24 Order.

4. As shown below, PREPA and its advisors require additional time beyond the dates established in the second and third of the directives listed in the June 24 Order to complete the necessary work. Accordingly, PREPA seeks an extension of the July 1, 2021 deadline for submission of a presentation discussing the changes incorporated in the Updated Procurement Plan and a continuance of the July 6, 2021 date for the Technical Conference established in the June 24 Order.

5. In its June 24 Order, the Energy Bureau notes that the Updated Procurement Plan incorporates several recommendations for modifications to PREPA’s original Procurement Plan and related documents, and expresses concerns regarding these changes. The Energy Bureau then

¹ *Motion to Submit Updated Procurement Plan Addressing Plans for the Second Renewable Generation and Energy Storage Resource Procurement Tranche*, Case No. NEPR-MI-2020-0012 (filed June 15, 2021), Exhibit A.

² June 24 Order, at pp. 1-2.

directs PREPA to prepare and submit a presentation providing additional explanation and clarification of these changes to inform the Energy Bureau's evaluation of the Updated Procurement Plan. Also, the Energy Bureau asks PREPA to offer in that presentation solutions intended to overcome challenges to the achievement of timely compliance with Renewable Energy Portfolio requirements. Pursuant to the June 24 Order, PREPA and its representatives in charge of the preparation of the Updated Procurement Plan and related documents must be available to attend and participate in a Technical Conference scheduled for July 6, 2021.³

6. PREPA personnel and technical advisors from the firm Sargent & Lundy are currently working around the clock to complete the initial technical evaluation of the 70 project proposals PREPA received on June 18, 2021 in response to its Tranche 1 RFP. This "Phase I Quality Control Review" is intended (as outlined in Section 6 of the Tranche 1 RFP) to confirm that each proposal complies with the technical requirements set forth in the Tranche 1 RFP documents, that all information required by those documents has been submitted as to each proposal, and that all submitted information has been presented in the form required to permit PREPA and its advisors to evaluate and compare the proposals on technical, financial and legal bases. The "Phase 2 Project Committee Review and Recommendation" process will include, for projects passing the Phase 1 screening, a qualitative evaluation, a pricing evaluation and an interconnection feasibility evaluation. This second phase review cannot commence as to any project until the Phase 1 Quality Control Review is completed. Under the RFP Evaluation Timeline PREPA has established, the Phase 1 review must be completed and proposals selected for Phase 2 evaluation by July 15, 2021.

7. The presentation discussing changes incorporated in the Updated Procurement Plan and related documents which the Energy Bureau has required PREPA to submit can only be prepared

³ June 24 Order, at p. 2.

by the PREPA personnel and members of the Sargent & Lundy team advising them who are currently performing Phase 1 evaluations. These individuals will be extraordinarily hard pressed to complete the Phase 1 evaluation work that must be done by July 15 even if they are not required to divert their attention to other matters. Having to pause their work on the Phase 1 evaluation and selection process to prepare a formal report explaining the revisions proposed in the Updated Procurement Plan will only delay their completion of their Phase 1 evaluation and selection work, quite possibly beyond the July 15 deadline PREPA has established. Delays in meeting this deadline would cascade through the remainder of the RFP Tranche 1 project evaluation schedule, putting what is already an extremely ambitious schedule at significant risk. PREPA submits that this result would be entirely inconsistent with achievement of the goal – which PREPA and the Energy Bureau share – of completing the process of negotiating and finalizing contracts with successful proponents of RFP Tranche 1 projects by September 2021.

8. The same individuals required to develop the presentation the Energy Bureau has requested, along with PREPA legal advisors from the firms Díaz & Vázquez and King & Spalding, are the “PREPA representatives in charge of the preparation of the Updated Procurement Plan and related documents.”⁴ As such, they are required to attend the Technical Conference established by the June 24 Order which is currently scheduled for July 6. Preparing for, attending and participating in the Technical Conference would require these representatives to put aside the important work they are currently performing in the Phase 1 Quality Control Review for at least two full days, and therefore having to participate in a Technical Conference on July 9 can be expected to delay completion of the Phase 1 evaluation process and the selection of projects to proceed to Phase 2 by at least this amount of time (on top of the delay which pausing to prepare

⁴ *Id.*, at p. 2.

the required report would introduce). There is simply no way that PREPA and its advisors can hope to complete their Phase 1 evaluation work by July 15, as PREPA's evaluation timeline requires, if they must prepare for, attend and participate in a Technical Conference just a few days before this deadline.

9. Accordingly, PREPA requests that the Energy Bureau, for good cause shown, extend the deadline for submission of the presentation discussing changes incorporated in the Updated Procurement Plan and related documents from July 1, 2021 to July 22, 2021. This will eliminate the impediment to the completion of the Phase 1 Quality Control Review which the current July 1 deadline presents, and would afford PREPA and its advisors time to prepare a thorough presentation on the reasons for proposed changes reflected in the Updated Procurement Plan once that review is concluded. PREPA further requests that the Energy Bureau grant a continuation of the Technical Conference from July 6, 2021 to July 27, 2021, so that the PREPA representatives in charge of the preparation of the Updated Procurement Plan and related documents have adequate time following their preparation and filing of the Updated Procurement Plan presentation may adequately prepare for the Technical Conference.

10. PREPA submits that the request made herein is made in good faith and after reasonable efforts to identify alternatives to asking for an extension or continuance. It is hereby certified that the reasons for the extension and continuance herein sought have not been caused by PREPA and are outside the reasonable control of PREPA. Further, PREPA submits that the extension herein sought is what PREPA understands as reasonable to comply with the June 24 Order.

WHEREFORE, the Puerto Rico Electric Power Authority requests the Energy Bureau (i) to grant it an extension of time, to July 22, 2021, for the filing of the report on the updated

Procurement Plan required by the June 24 Order, and (ii) to continue the date for the Technical Conference established by the June 24 Order from July 6, 2021 to July 27, 2021.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th day of June 2021.

s/ Maralíz Vázquez-Marrero

Maralíz Vázquez-Marrero

mvaeuz@diazvaz.law

TSPR 16,187

s/ Katuska Bolaños

Katuska Bolaños

kbolanos@diazvaz.law

TSPR 18,888

DÍAZ & VÁZQUEZ LAW FIRM, P.S.C.

290 Jesús T. Piñero Ave.

Oriental Tower, Suite 803

San Juan, PR 00918

Tel.: (787) 395-7133

Fax. (787) 497-9664