

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

**NEPR**

**Received:**

**Sep 8, 2021**

**6:36 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 Information  
and Target Date for Issuance of  
Tranche 2 RFP.

**MOTION FOR EXTENSION OF TIME TO SUBMIT INFORMATION  
REQUESTED ON RESOLUTION AND ORDER DATED AUGUST 26, 2021,  
INCLUDING INFORMATION RELATED TO PRICING**

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 as follows:

1. On May 27, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order in the instant case (“May 27 Resolution”) through which, among other things, it granted the Puerto Rico Electric Power Authority’s (“PREPA”) request to extend the bidder response submission deadline for the Tranche 1 Request for Proposals (“RFP”) until June 18, 2021 and the Selection of Proposals for Phase II Evaluation until July 15, 2021.

2. Thereafter, on June 15, 2021, PREPA filed before the Energy Bureau a document titled *Motion to Submit Updated Procurement Plan Addressing Plans for the Second Renewable Generation and Energy Storage Resource Procurement Tranche* (“June 15 Motion”). PREPA included as Exhibit A to the June 15 Motion a document identified as *Renewable Energy Generation and Energy Storage Resource Procurement Plan – Update No. 1* (“June 15 Procurement Plan”).

3. Consequently, on June 24, 2021, the Energy Bureau issued a Resolution and Order (“June 24 Resolution”) through which it rescheduled the target date for issuing the Tranche 2 RFP to August 30, 2021. Also, the Energy Bureau scheduled a Technical Conference for July 6, 2021, to discuss the June 15 Procurement Plan and required PREPA and LUMA Energy ServCo, LLC (“LUMA”) to attend the conference.

4. As a result of the July 6, 2021 Technical Conference, on July 23, 2021, PREPA and LUMA filed before the Energy Bureau a document titled *Joint Motion to Submit Revised Updated Procurement Plan* (“July 23 Motion”). Exhibit A to the July 23 Motion included a document identified as *Renewable Energy Generation and Energy Storage Resource Procurement Plan – Update No. 2* (“Updated Procurement Plan”).

5. On August 6, 2021, the Energy Bureau issued a Resolution and Order (“August 6 Resolution”) through which it requested information on the results of the Tranche 1 RFP and ordered PREPA to provide responses to Attachment A of the August 6 Resolution on or before August 13, 2021. In response, on August 13, 2021, PREPA filed a *Motion to Submit Responses in Compliance with Resolution and Order entered on August 6, 2021* (“August 13 Motion”).

6. Thereafter, on August 26, 2021, the Energy Bureau entered a Resolution and Order (the “August 26 Order”) related to certain requests for information on proposals submitted in response to the Tranche 1 RFP and the extending the target date for issuance of the Tranche 2 RFP to September 20, 2021. The order required PREPA to submit information as follows:

to provide, **on or before September 9, 2021**, (i) the result of the Selection of Proposals for Phase III Evaluation; and (ii) copy of the proposals that were selected for Phase III Evaluation.

7. At present, the PREPA Evaluation Committee is still in the process of evaluating for selection of those proposals that will proceed to Phase III Evaluation. Further, given the

confidential nature of the RFP process, PREPA respectfully requests leave to submit the proposals selected for Phase III with the contracts that will be submitted as part of the Energy Bureau contract approval process contemplated in Section 7.1 of Joint Regulation 8815<sup>1</sup>. Proceeding as such will allow the PREPA Evaluation Committee to abide by the process contemplated in the RFP considering the delicate confidentiality and deliberative process concerns that are the basis of the competitive bidding process.

8. Further, as part of the evaluation process for Phase III proposal selection, the PREPA Evaluation Committee is also analyzing the pricing information submitted with the proposals in order to submit to the Energy Bureau the prices of each technology group based on the proposals selected to proceed to Phase III. PREPA respectfully requests an extension of time until September 20, 2021, to submit this information given the ongoing deliberative process being conducted by the PREPA Evaluation Committee.

9. Pursuant to the above, PREPA herein requests the Energy Bureau to reconsider the August 26 Order and allow PREPA to submit the proposals selected for Phase III with its submittal of the contracts for Energy Bureau approval process. PREPA will submit the contracts and proposals pursuant to the current milestone timeline approved by the Energy Bureau. Further, PREPA respectfully requests that it be given until September 20, 2021, to submit the information related to the pricing per technology group selected for Phase III, as characterized above.

**WHEREFORE**, the Puerto Rico Electric Power Authority requests the Energy Bureau (i) to reconsider the August 26 Order and allow PREPA to submit proposals selected for Phase III

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<sup>1</sup> PREB and PREPA, *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 (November 9, 2016).

evaluation along with the submittal of the contracts for Energy Bureau approval in compliance with the current milestone timeline and (ii) grant it an extension of time, until September 20, 2021, for the submittal of the pricing information per technology group selected for Phase III.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8<sup>th</sup> day of September 2021.

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**CERTIFICATE OF SERVICE**

It is hereby certified that, on this same date, I have filed the above motion with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and a courtesy copy of the filing was sent to LUMA through its legal representatives at [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com) and [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com).

In San Juan, Puerto Rico, this 8<sup>th</sup> day of September 2021.

*s/ Katuska Bolaños-Lugo*  
Katuska Bolaños-Lugo