

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

NEPR Received: Jun 29, 2022 10:22 AM

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: Motion to Submit
the Appointment of PREPA
Representatives in Compliance with
the June 9 Resolution and Order

**MOTION TO SUBMIT THE APPOINTMENT OF PREPA REPRESENTATIVES
IN COMPLIANCE WITH THE JUNE 9 RESOLUTION AND ORDER**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

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

1. On August 24, 2020, the Energy Bureau of the Public Service Regulatory Board of Puerto Rico (the “Energy Bureau” or “PREB”) issued the Final Resolution and Order on the PREPA Integrated Resource Plan (“IRP Final Order”) under Case No. CEPR-AP-2018-0001. Through the IRP Final Order, the Energy Bureau approved in part and rejected in part PREPA's proposed Integrated Resource Plan (“IRP”) and also, ordered the implementation of the Modified Action Plan as set forth therein.
2. The IRP Final Order places significant renewable energy production requirements on PREPA, including a requirement that, by 2025, PREPA source at least 40% of the energy production connected to PREPA’s transmission and distribution system (the “T&D System”) from renewable energy generation.
3. On accordance with the above, in the Modified Action Plan the Energy Bureau ordered PREPA to develop a competitive solicitation process for the procurement of new renewable

generation and energy storage resources in support of, among other things, achievement of the Puerto Rico Energy Public Policy Act¹ (“Act 17”) targets for renewable energy installations.

4. As part of the IRP Final Order and Modified Action Plan, the Energy Bureau required PREPA to include at least 1,000 MW of solar PV (or energy-equivalent renewable resource) and at least 500 MW (2,000 MWh or equivalent) battery energy storage for the first tranche RFP (“Tranche 1 RFP”) and, a second tranche of at least 500 MW of solar PV (or energy-equivalent renewable resource) and at least 250 MW (1,000 MWh or equivalent) battery energy storage (“Tranche 2 RFP”).

5. In compliance with the above, on February 22, 2021, PREPA issued *Request for Proposal 112648 for Renewable Energy Generation and Energy Storage Resources Tranche 1 of 6* soliciting proposals for renewable energy, energy storage and virtual power plant resources. While the Tranche 1 RFP process was ongoing, PREPA, in compliance with the Energy Bureau’s orders, worked in parallel updating the Procurement Plan and draft Tranche 2 RFP.

6. On October 15, 2021, PREPA submitted a document titled *Request for Proposals No. 128568[*] Renewable Energy Generation and Energy Storage Resources Tranche 2 of 6* (“Draft Tranche 2 RFP”). As part of its Draft Tranche 2 RFP submittal motion, PREPA requested the Energy Bureau, inter alia, to approve the Tranche 2 RFP for publication. PREB did not issue any order or resolution in reaction to the Draft Tranche 2 RFP submittal.

7. On October 29, 2021, the Energy Bureau issued a Resolution and Order (the “October 29 Resolution”) in which, on its own accord, it determined to appoint an independent coordinator for the Tranche 2 RFP. In the October 29 Resolution the Energy Bureau expressed that it would

¹ *Puerto Rico Energy Public Policy Act*, Act No. 17 of April 11, 2019, 22 L.P.R.A. §§ 1141-1141f (“Act 17”)

“execute the Tranche 2 RFP through an independent coordinator (“PREB-Independent Coordinator”).

8. The Energy Bureau added that the appointment of the PREB-Independent Coordinator would allow the Energy Bureau to execute a direct role in overseeing the process, and will implement compliance actions required for the successful, swift, and transparent implementation of the procurement process. Through the October 29 Resolution, the Energy Bureau further stated that “[i]n a separate resolution, [it would] set the detailed powers and duties of the PREB-Independent Coordinator as well as the role of PREPA in the Tranche 2 RFP process.” Id.

9. After various procedural incidents, and reiterated requests from PREPA for the Energy Bureau to establish PREPA’s role in the Tranche 2 RFP process, on June 9, 2022, the Energy Bureau issued a Resolution and Order (the “June 9 Resolution”).

10. Through the June 9 Resolution, the Energy Bureau, among other things, established PREPA’s role, responsibilities, and duties regarding the RFP process. The Energy Bureau also constituted a Selection Committee for the evaluation and selection of proposals for the remainder of the RFP process.

11. The Selection Committee as set forth by the Energy Bureau in the June 9 Resolution, will be comprised of six (6) members including (1) officer of PREPA directly concerned with the RFP process or his/her delegate and one (1) member of PREPA’s Governing Board, selected from the members appointed by the Governor at his sole discretion. The Energy Bureau further ordered PREPA to inform the selected officials for this task on or before June 30, 2022.

12. In compliance with the June 9 Resolution, PREPA informs the Energy Bureau that the following officials have been designated to participate as PREPA’s delegates in the RFP Selection Committee: Chairman of PREPA’s Governing Board Attorney Fernando Gil Enseñat and Eng.

Jaime A. Umpierre Montalvo, Hydrogas Division Head. PREPA looks forward to working together with the Selection Committee and affording the experience of these officials for a successful Tranche 2 RFP process.

WHEREFORE, the Puerto Rico Electric Power Authority respectfully requests the Energy Bureau to note its compliance with the June 9 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th day of June 2022.

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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 and laura.rozas@us.dlapiper.com.

In San Juan, Puerto Rico, this 29th day of June 2022.

s/ Katuska Bolaños-Lugo

Katuska Bolaños-Lugo