

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

<b>NEPR</b>  <b>Received:</b>  Jul 18, 2022  3:35 PM
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**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 for Extension of Time to  
Submit Execution Copies of Additional PPOAs  
in Compliance with July 8 Resolution and  
Order

**MOTION REQUESTING EXTENSION OF TIME TO SUBMIT EXECUTION COPIES  
OF ADDITIONAL PPOAS IN COMPLIANCE WITH JULY 8 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 June 30, 2022, PREPA filed motion titled *Motion to Submit Execution Copies of PPOA's in Compliance with the April 27 and June 13 Orders, Request for Additional Time to Submit Certain PPOAs and Memorandum of Law Requesting Confidential Treatment of PPOAS and Exhibits* ("June 30 Motion").<sup>1</sup>

2. As part of the June 30 Motion, PREPA informed the Energy Bureau of the Puerto Rico Service Regulatory Board ("Energy Bureau") that it included for its approval as Attachment A nine (9) solar PV executed PPOAs for resource projects totaling 430.1 MW. These projects represented a subset of the eighteen (18) solar PV projects approved by the Energy Bureau in its February 2, 2022, Resolution and Order.

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<sup>1</sup> PREPA hereby incorporates the procedural background related to the IRP Final Order and Modified Preferred Resource Plan and the procedural background related to the Tranche 1 RFP as detailed in the June 30 Motion as well as the Resolution and Order entered into by the Energy Bureau on July 8, 2022.

3. PREPA also submitted information to the Energy Bureau regarding additional PPOAs in anticipation of completing contract finalization for up to five projects, besides the nine (9) executed PPOAs filed for an additional 305.91 MW. PREPA requested an extension of time to execute and submit these PPOA's and provided to the Energy Bureau additional information regarding the status and negotiations of these five projects in Attachments B through E to its filing, which were provided under seal. PREPA also informed the Energy Bureau that two of these five project proposals are associated with integrated storage resources.

4. On the June 30 Motion as well as in Attachments B through E PREPA explained that the rationale for requesting an extension to potentially finalize contract terms for these five proposals was based primarily on the need for respondents to confirm certain details in the final PPOA's, including an understanding of the effect of interconnection costs on the PPOA.

5. In consideration of the above, on July 8, 2022, the Energy Bureau approved the nine (9) PPOA's and granted PREPA's request for extension to file PPOAs for these five proposals by July 22, 2022.

6. PREPA's external consultants Sargent & Lundy Puerto Rico (S&L) and King & Spalding, LLP (K&S) have been essential in the Tranche 1 RFP process providing technical expertise as well as essential experience and knowledge in the negotiations of PPOA's. As of June 30, 2022, the expiration date of PREPA's contracts with S&L and K&S, both entities were fully engaged in the finalization of the Tranche 1 negotiation and processes with proponents.

7. On June 7, 2022, PREPA submitted the S&L and K&S contracts needed for continuance of Tranche 1 RFP process works after June 30, 2022, for the approval to the Fiscal Oversight and Management Board ("FOMB") in accordance with its contract review policy established pursuant to Section 204(b)(2) of PROMESA. Pursuant to the FOMB contract review policy PREPA cannot execute contracts with external consultants over a certain amount without the previous approval

of the FOMB.

8. Thereafter, on July 6, 2022, FOMB sent PREPA a request for information related to both contracts. PREPA proceeded to respond on July 11, 2022.

9. Again, on July 15, 2022, FOMB sent an additional RFI to PREPA which PREPA responded to on the same day.

10. Unfortunately, as of today, July 18, 2022, PREPA has not received the approval of FOMB to execute the S&L and K&S contracts.

11. As a result of the above PREPA has not been able to execute professional services contracts with these consultants. This fact has effectively paralyzed PREPA's negotiation process with proponents as well as its ability to finalize the contract terms for the five proposals mentioned above and in the June 30 Motion.

12. Accordingly, PREPA respectfully requests that the Energy Bureau grant it ten (10) business days from the FOMB's approval date of the S&L and K&S contracts to potentially finalize the contract terms for the five proposals and submit the executed PPOA's with the Energy Bureau.

**WHEREFORE**, for the reasons stated above, PREPA respectfully requests that the Energy Bureau **GRANT** PREPA ten (10) business days from FOMB's approval of the King & Spalding, LLP and Sargent & Lundy Puerto Rico contracts to potentially finalize the contract terms for the five proposals and submit the executed PPOA's with the Energy Bureau.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 18<sup>th</sup> day of July 2022.

/s Maralíz Vázquez-Marrero

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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, on this 18<sup>th</sup> day of July 2022.