

**GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO**

NEPR

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IN RE: ENMIENDAS A CONTRATO DE
COMPRAVENTA DE ENERGÍA:
PROYECTO NO-OPERACIONAL
(XZERTA-TEC SOLAR I, LLC)

CASO NÚM.: NEPR-AP-2021-0002

ASUNTO: Moción para Presentar Informe
Mensual de Progreso Correspondiente a
Agosto 2022 y Reiterando Solicitud de
Remedio

**MOCIÓN PARA PRESENTAR INFORME DE PROGRESO MENSUAL
CORRESPONDIENTE A AGOSTO 2022 Y REITERANDO SOLICITUD DE REMEDIO**

COMPARECE la Autoridad de Energía Eléctrica de Puerto Rico (la “Autoridad”) a través de la representación legal que suscribe y muy respetuosamente expone y solicita:

1. El 11 de mayo de 2021, el Negociado de Energía de la Junta Reglamentadora de Servicio Público (el “Negociado” o “Negociado de Energía”) notificó *Resolución Final y Orden* (la “Resolución Final”) mediante la cual aprobó, sujeto a algunas condiciones, la *Petición de Aprobación de Enmienda a Contrato de Compraventa de Energía Renovable con Xzerta-Tec Solar I, LLC* (la “Petición”) radicada por la Autoridad el 17 de marzo de 2021 para que el Negociado le impartiera su aprobación al Acuerdo Enmendado¹.

2. La Resolución Final ordena a que, entre otras cosas, la Autoridad y Xzerta Tec Solar I, LLC (“Xzerta”) presenten ante el Negociado de Energía informes de progreso mensual sobre el estatus del Proyecto. Además, el 9 de febrero de 2022, el Negociado emitió una *Resolución y Orden* (“Orden del 9 de febrero”) mediante la cual, en particular, ordenó que la Autoridad y

¹ *Amended and Restated Renewable Power Purchase and Operating Agreement between the Puerto Rico Electric Power Authority and Xzerta Tec Solar LLC* con fecha del 4 de junio de 2021 (2013-P00042E) (el “Acuerdo Enmendado”).

Xzerta debían presentar los informes de progreso mensual firmados por oficiales de cada entidad e incluir en el mismo la fecha de su preparación.

3. En cumplimiento con la Resolución Final y el deber de presentar reportes mensuales, la Autoridad presenta a este Honorable Negociado el documento titulado *Xzerta-Tec Solar I, LLC August 2022 Progress Report* correspondiente a Agosto 2022 y con fecha del 6 de septiembre de 2022 (“Informe de Progreso”).² Exhibit A.

4. La Autoridad, además, se reitera en la Solicitud de Acumulación³ realizada en las mociones previamente radicadas mediante la cual la Autoridad solicita al Negociado de Energía que ordene a LUMA Energy LLC (“LUMA”) a nombrar un representante que comparezca en el caso de epígrafe y participe de la revisión y certificación de los informes de progreso. Esto ya que el Informe de Progreso contiene referencias a reuniones e información compartida con LUMA, de lo cual la Autoridad no puede certificar.

POR TODO LO CUAL, la Autoridad solicita respetuosamente al Negociado de Energía que tome conocimiento de lo aquí informado, acepte el Informe de Progreso de agosto 2022 y ordene a LUMA a nombrar un representante en el caso de epígrafe que participe de la revisión de los informes de progreso.

RESPETUOSAMENTE SOMETIDO.

² El Informe de Progreso Mensual se presenta según Xzerta lo prepara y remite a la Autoridad.

³ “Solicitud de Acumulación” según definido en *Respuesta a Orden para Mostrar Causa y Para Presentar Informes Mensuales de Progreso Correspondientes a Octubre 2021 y Enero 2022* radicada el 14 de febrero de 2022; *Moción para Presentar Informe Mensual de Progreso Mensual Correspondiente a Abril 2022 y Solicitud Para Acumulación de Parte* radicada el 12 de mayo de 2022; *Moción para Presentar Informe Mensual de Progreso Mensual Correspondiente a Mayo 2022 y Solicitud De Remedio* radicada el 14 de junio de 2022; *Moción para Presentar Informe Mensual de Progreso Mensual Correspondiente a Junio 2022 y Reiterando Solicitud De Remedio* radicada el 14 de junio de 2022; *Moción para Presentar Informe Mensual de Progreso Mensual Correspondiente a Julio 2022 y Reiterando Solicitud De Remedio* radicada el 11 de agosto de 2022.

En San Juan, Puerto Rico, este 11 de septiembre de 2022.

f/ Joannely Marrero Cruz
Joannely Marrero Cruz
jmarrero@diazvaz.law
TSPR 20014

Katiuska Bolaños Lugo
kbolanos@diazvaz.law
TSPR 18888

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

Exhibit A



September 6, 2022

Mr. Josué Colón
Executive Director
Puerto Rico Electric Power Authority

RE: Xzerta-Tec Solar I, LLC August 2022 Progress Report

Dear Executive Director:

Herewith, we are providing our progress and status reports made with the variety of project activities required to complete our design, products procurement and implementation. In the upcoming months, our team will continue sustaining meetings with both PREPA and LUMA to revise the engineering design and clarify any other questions required to execute this project. The table below details the project activities, and any other issues with their respective status and progression for the proper implementation of this project.

#	Activity	Description	Status	Comments
1	Design			
	A. Power Design - Drawings	<p>Preliminary design updated based on latest LUMA RFI's responses related to the approval of the GCBs and Transformer. Latest Drawing submitted to LUMA / PREPA on August 9. Transformer and protective relays proposed products used for the interconnection are still pending for approval.</p> <p>This revision of the preliminary design in combination with the Dynamic Study should support LUMA to complete their evaluation and provide any necessary changes for the integration of the interconnection.</p> <p>Final design, which will include transmission lines design, conduits, racks, grounding and bonding, will be delivered upon receiving the final study and preliminary design of the Hatillo Substation modifications from LUMA</p>	Submitted	Under LUMA / PREPA review and approval

B. Products	<p>Proposed products and Models for the interconnection have been submitted to LUMA for approval.</p> <p>LUMA stated that they will not approve any Products related to the solar farm but only the interconnection. Documentation for the inverters, batteries and MV switchgear were received for information only.</p> <p>LUMA have approved with comments the proposed gas circuit breaker from the manufacturer, Hitachi. Step up Transformer and protective relays are still pending for approval.</p>	Waiting for approval of the Step Up 3 P Main Transformer and protective relays	RFIs responses were received. We are only waiting for the approval of the 3P Main Transformer and protective relays
C. SCADA list	Our team is in receipt of current SCADA list sample shared by LUMA. Based on this sample, our team will develop the preliminary SCADA Point list and will add all available alarms and events based on the final design. The list is pending on the completion of LUMA's analysis and study of our design to determine if additional protections, alarms or other necessary points are required to be included in our design.	In progress	Under development while waiting for LUMA's study results
D. Other Design	Calculations to determine dimensions, proper distribution of equipment including foundations were completed based on the design. The geometric and layouts are currently under development. Once all products have been identified then the foundations drawings, racks design, grounding, conduits design and transmission lines will be completed.	In Progress	
E. Dynamic Study	Based on the preliminary design, Energinx has completed the dynamic study, and it was submitted for LUMA's perusal and approval.	Submitted	Waiting for LUMA's review and evaluation
F. Winds Conditions requirement	LUMA/PREPA winds conditions requirement of 160 MPH has become an issue. Several vendors have responded that they will be unable to meet this requirement. Currently, products meet between	Waiting for Responses from LUMA	Waiting for LUMA's waiver for this particular requirement but the proposed gas breaker

		120 MPH to 142 MPH. It was requested an exemption		meeting the 142 MPH has been approved
	G. Transmission line design and Easement Usage / Permit	It was requested the usage of a PREPA ROW or Easement near to the lands of the project to minimize the environmental impacts and shorten the path to the Hatillo POI substation via an RFI. LUMA responded that it will be required to be address through their department of Land management and development instead. All documentation have been submitted to the LUMA's Land Department for certification, and endorsement	In Progress	
2	Commercial			
	A. Certifications	filed with the Puerto Rico Energy Bureau for Xzerta Tec's Electric Service Company Certification as required under Rule 8701	In Progress	PREB requested additional information, specifically a copy of the certificate of formation of the company and the commencement and closing of fiscal year. Information was submitted to PREB.
	B. Loans	Term Sheet was received	In Progress	Modifications received. Discussions are undergoing regarding collateral and guarantees. New financial model was updated to include changes to increase the ITC percentage according to the recent Inflation Reduction Act enacted into law.

	C. Leases	Executed the extensions on the leases of the properties that required such extensions. Xzerta continue to maintain land control over all the proposed parcels, plus some additional lots have been added and surveyed to guarantee the necessary space for the increased capacity.	Completed	
	D. Mars CPA Report	Commissioned a report from our accounting firm Mars CPA regarding the possible incentives available to the project under the Puerto Rico Incentives Code, to review the prior decree granted to the project by the Department of Economic Development and to establish the final structure regarding the tax equity of the project.	Completed	
	E. LUMA request for payment for interconnection Study	LUMA transmitted a request for payment letter regarding of the study and evaluation of the project interconnection. Total amount to be paid as per LUMA letter is \$341k	In Progress	Communications have been sent to both PREPA and LUMA in regard to the terms included in the PPOA.
3	Contracting			
	A. Land Survey and Topographic Survey	Geomatic Solutions and Surveying, PSC	Completed	
	B. Plant Design	CSA Architects and Engineers, LLP	In progress	
	C. Archaeological Study	Fernando Alvarado	In progress	Phase I Delivered
	D. Environmental Site Assessment Phase I-A Phase I-B	Tycroes group	Completed Delivered	Phase B received and under review
	E. Habitat Study	Alejandro Cubiña	Completed	
	F. Foundation Design	Carlos Rivera, P.E.	Completed	
	G. Anchoring	RBI Solar and / or Tale Sun	In progress	
	H. Electrical Design	Edgardo Hernández, P.E. Lisaidyn Perez Enerzinx	Completed	
	I. SCADA Systems Design	Lisaidyn Perez	Completed	Modifications under review
	J. Modeling and Simulations	Enerzinx	Completed	

	K. Relay Study	Enerzinx	In progress	
	L. Transmission Lines	Hector Castillo, P.E.	In progress	
3	Construction			
	A. Permits	<p>Completed the following:</p> <ol style="list-style-type: none"> 1. Location 2. Environmental 3. Endorsements by <ul style="list-style-type: none"> - Highway and Transportation Authority - Puerto Rico Energy Bureau - Cultural Institute - Puerto Rico Telecommunications Bureau - Puerto Rico Aqueduct and Sewer Authority - Department of Agriculture <p>Pending</p> <ol style="list-style-type: none"> 1. NWP-14 2. NPDES General Permit 3. Permits Management Office (OGPe) - Calculations for construction square footage were completed to finalize permit. Permit will be updated with the new data. 4. PREPA ROW / Easement Permit of usage 	In progress	Still waiting for LUMA / PREPA approval for usage of ROW/ Easement
	B. Land Acquisition		Completed	
	C. Contractors	No major changes, waiting for final drawings with Luma comments to be completed	In progress	General Contractor (EPC), subcontractors and consultants' agreements are in process.
4	Procurement			
	A. Material List	The material list has been generated. Several meetings with LUMA have been done to clarify the scope of work related to the final interconnection with Hatillo POI. A delineation and demarcation have been addressed for the moment.	In progress	Refer to Material List Annex 1 found below for further information
	B. Orders	Waiting for LUMA's approval of proposed products.	In progress	lead time of equipment

				could impact final project timeline.
5	Implementation			
	A. Installation	Contractors and definition scope of works	Not started	Waiting for Changes to Design Suggested by Luma
	B. Testing	Master Plan to be generated after approval of the design and upon receiving PREPA's approved testing protocols. Master plan and test procedures will be generated in accordance with PREPA/LUMA approved testing protocols and operations.	Not started	Waiting to receive testing protocols from LUMA/PREPA and approval of design

The following table shows the status of RFIs:

#	Number	Description	Status	Comments
1	RFI-001	Transformer specs and interconnection requirements (Y-D, D-Y or D-D)	Closed	1 item remained open. Transformer should be YG to Delta on the side of interconnection of 115 KV with PREPA with an internal shift of 30
2	RFI-002	Transformer specs (Not responded under RFI-001)	Closed	Specifications received. Issues with Wind Conditions requirement. It will be followed through RFI-006
3	RFI-003	SCADA Communication Protocol and Sample of Points	Closed	Received List. TBR
4	RFI-004	Amount of demand Energy of PR	Closed	Calculated at 0.0003% or 0.001 %
5	RFI-005	Request of Permit to usage of PREPAs ROW	Closed	Item is still open. LUMA requested to submit request for usage of easement via another form since it is managed by Land Management Dept
6	RFI-006	Request for exemption to Wind Conditions requirements	Open	Vendors unable to meet criteria of 160 MPH. Current design meets 120 to 140 MPH

7	RFI-007	Request for approval of GCB proposed product	Closed	Hitachi GCB Breaker for 115 KV. It has been conditionally approved. LUMA requested to increase CC of GCB1 based on their current design, 145 KV @ 2000 A CC
8	RFI-008	Request for approval of MV Switchgear proposed product	Closed	LUMA stated that the MV switchgear is not within responsibilities. This will remain under contractor decisions regarding the solar farm design.
9	RFI-009	Request for approval of Protective Relays, Network Switch, Controller	Open	
10	RFI-010	Request for approval of Dynamic Studies	Open	
11	RFI-011	Request for approval of 3P Main Step-Up Oil Transformer 34/115 KV	Open	
12	RFI-012	Request for Testing Protocols and operating procedures	Open	

We continue committed to providing PREPA and the people of Puerto Rico clean and efficient energy and to assist in achieving the targets established in the Integrated Resources Plan (IRP) and the Public Policy aimed by the Government of Puerto Rico.

Sincerely,



Fernando Molini-Vizcarrondo

xc: francisco.santos@prepa.com
kbolanos@diazvaz.law

Revised by PREPA Representative:

F. Santos

F. Santos (Sep 9, 2022 15:30 EDT)

Francisco Santos, Esq.
Manager Business Strategy and
Operations, PREPA
September 9, 2022

Attachments

Equipment and Components – Materials Status List

Equipment	Company/Brand	Status	Comments
PV Modules	RFPs Submitted to vendors	Proposal Received from Talesun and waiting from other vendors (Trina Solar)	Negotiating Commitment and waiting for other proposals
Inverters	Ingeteam	Refresh of Proposal Received from Ingeteam to proceed with PO	Reviewing Contract Terms with Ingeteam
Battery Equipment	Ingeteam	Refresh of Proposal Received from Ingeteam to proceed with PO	Reviewing Contract Terms with Ingeteam
Racks and Anchoring	RBI Solar	Provided latest preliminary design to RBI Solar to have them Revised Proposal	On going
Main Switchgear	Eaton	Received proposal from Eaton and Submitted for approval	LUMA stated that Main Switchgear will remain under the contractor prerogative. No approval necessary
GIS/GCB	Hitachi	Submitted for approval	LUMA approved it with comments. Changes incorporated to proceed with POs
Transformer 34.5/115K	Hitachi	Submitted for approval	Pending
Meters	Eaton	Waiting to receive meters information from Eaton to submit product for approval	
Protective Relays	SEL	Submitted for approval	Pending
Foundations	Pending Completion of design		
Posts & Towers	TBD		
Cables & Miscellaneous	Caribe Sales	Revised proposal received. Final proposal will be delivered upon completing design	