

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

NEPR Received: Sep 9, 2022 12:05 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 to Set Aside Order Given
Previous Compliance by PREPA Submitting
Responses, on June 16, 2022, to LCOS
Request for Information in Compliance with
the June 13 Order

**MOTION TO SET ASIDE ORDER GIVEN PREVIOUS COMPLIANCE BY PREPA
SUBMITTING RESPONSES, ON JUNE 16, 2022, TO LCOS REQUEST FOR
INFORMATION IN COMPLIANCE WITH THE JUNE 13 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 16, 2022, PREPA submitted with this Energy Bureau *Motion to Submit Responses in Compliance with the June 13 Order and Memorandum of Law Requesting Confidential Treatment* (“June 16 Motion”).
2. The June 16 Motion was submitted in response to a *Resolution and Order* entered by the Energy Bureau of the Public Service Regulatory Board (the “Energy Bureau”) on June 13, 2022 (the “June 13 Order”) whereby, among other things, it ordered PREPA to respond to specific questions related to the levelized cost of storage (LCOS) as relevant to the Tranche 1 RFP and as previously referenced to by PREPA on the April 28 Informative Motion¹.
3. The June 13 Order had directed PREPA to respond to several requests for information in

¹ *Memorandum of Law in Support of Request for Confidential Treatment of Attachment A and as Attachment A; Informative Motion and Responses to Resolution and Order Issued on April 11, 2022*, submitted by PREPA to the Energy Bureau on April 28 2022 (the “April 28 Informative Motion”).

Appendix B of the order. The requests set forth were the following:

- a. State which specific inputs the Proponents were asked to use to derive their own LCOS.
- b. For the ten proposed battery storage projects included in Table 2 in the April 28 Informative Motion, submit all data provided by proponents to PREPA.
- c. Explain how the Evaluation Committee verified the calculations done by proponents and provide all workpapers used by the Evaluation Committee to complete this verification.

4. In response to the requests included in Appendix B, with the June 16 Motion, PREPA included as Exhibit A detailed information related to PREPA's input requests to derive the LCOS, data provided by proponents related to their specific inputs to derive their LCOS, data provided by proponents for battery storage projections and work papers used by the Evaluation Committee to verify the calculations done by proponents. Given the deliberative nature of the process and information submitted, PREPA filed the documentation with the Energy Bureau under seal given that under applicable law and regulation the deliberative information included as Exhibit A is confidential until the adjudication and award process is final. PREPA never received a response from the Energy Bureau regarding this filing.

5. To PREPA's surprise, on September 8, 2022, the Energy Bureau entered Resolution and Order stating that "[t]he Energy Bureau ordered PREPA to respond to the question in Appendix B of the June 13 Order by June 16, 2022. PREPA has yet to do so."

6. As evident from the docket, this affirmation is incorrect. On June 16, 2022, as requested in the June 13 Order, PREPA did submit the responses to Appendix B of the June 13 Order and did so including all the information requested by the Energy Bureau.

7. In light of the above, PREPA requests that the Energy Bureau set aside the September 8 Order, find the information submitted in response to Appendix B in compliance with the June 13

Order and find that the information submitted therein is confidential for the reasons stated in the June 16 Motion.

WHEREFORE, for the reasons stated above, PREPA respectfully requests that the Energy Bureau **SET ASIDE** the September 8 Order, find the information submitted in response to Appendix B of the June 13 Order confidential for the reasons stated in the June 16 Motion and **FIND** PREPA in compliance with the June 13 Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of September 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, on this 9th day of September 2022.

s/ Maralíz Vázquez-Marrero
Maralíz Vázquez-Marrero