

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

NEPR Received: Nov 10, 2022 5:45 PM
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IN RE: REVIEW OF THE PUERTO RICO ELECTRIC POWER AUTHORITY’S 10-YEAR INFRASTRUCTURE PLAN – DECEMBER 2020

CASE NO.: NEPR-MI-2021-0002

SUBJECT: Second Motion to Inform in Compliance with the Order Entered on September 15, 2022

**SECOND MOTION TO INFORM IN COMPLIANCE WITH
THE ORDER ENTERED ON SEPTEMBER 15, 2022**

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 March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) entered a *Resolution and Order* (“March 26 Order”) in which it established that:

[i]n compliance with the August 24 Resolution, the Energy Bureau **ORDERS** PREPA to submit to the Energy Bureau each new capital investment project. For projects to be funded with FEMA funds and/or any other federal funds, PREPA shall submit the specific projects to the Energy Bureau at least thirty (30) calendar days prior to its submittal to [the Central Office for Recovery, Reconstruction and Resiliency (COR3)], FEMA and/or any other federal agency.

March 26 Order at p. 18, ¶ 10.

2. On August 2, 2022, PREPA filed a document titled *Motion to Inform Reallocation of FEMA 404 HMGP Funds and Request for Approval of Generation Projects* (“August 2 Motion”). Through the August 2 Motion, PREPA requested the Energy Bureau to approve several projects and capital investments, including the *revised* estimated cost of the New Black Start Systems for Yabucoa a Costa Sur (“Black Start Units”). The Energy Bureau approved the Black Start Units project on June 8, 2021.

3. After several procedural events, on September 15, 2022, the Energy Bureau issued a *Resolution and Order* with the subject *Resolution on PREPA's September 3 and 7, 2022 Motions* (“September 15 Order”) by which, among other things, it reiterated the approval of the Black Start Unit. It directed PREPA to file on or before thirty (30) days the corresponding amended scope of works (SOWs) for the Energy Bureau's review and approval.

4. On October 17, 2022, PREPA filed a document titled *Motion to Inform Regarding the Order Entered on September 15, 2022*, informing the Energy Bureau that the Black Start Units SOW revision had not been completed and that PREPA would submit the revised Black Start Units SOW to the Energy Bureau for approval in compliance with the March 26 and September 15 orders once it was completed. PREPA requested the Energy Bureau to grant until November 11, 2022, to submit additional information regarding the Black Start Units project.

5. On October 27, 2022, PREPA filed a *Motion to Clarify Regarding Amendment to the 404 HMGP Application Package* (“October 27 Motion”) by which it asked the Energy Bureau to grant leave to present to COR3 and FEMA an amended 404 HMGP Application Package to acquire four (4) black-start units to be located at Costa Sur and Yabucoa and seven (7) simple cycle gas turbines.

6. On November 3, 2022, the Energy Bureau entered a *Resolution and Order* with the subject *Resolution and Order on PREPA's October 26 Motion and October 27 Motion* (“November 3 Order”). In the November 3 Order, the Energy Bureau conditionally approved the Seven Additional Peakers (defined therein). The Energy Bureau's approval of the revised Project Application Package is conditioned to amending the package in compliance with specific directives outlined in the November 3 Order. The Energy Bureau directed PREPA to “PREPA SHALL file the revised Project Application Package to the Energy Bureau as soon as possible.”

7. COR3 is working on the revisions of the Project Application Package. As soon as COR3

submits the revisions, PREPA will submit the revised Project Application Package to the Energy Bureau for evaluation and approval.

WHEREFORE, PREPA respectfully requests the Honorable Energy Bureau to note PREPA's compliance with the September 15 Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10th day of November 2022.

/s/ Katuska Bolaños Lugo
Katuska Bolaños Lugo
kbolanos@diazvaz.law
TSPR no. 18,888

Joannely Marrero Cruz
jmarrero@diazvaz.law
TSPR no. 20,014

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

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 10th day of November 2022.

/s Katuska Bolaños Lugo
Katuska Bolaños Lugo