

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

NEPR

Received:

Jun 29, 2023

9:44 PM

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
de Progreso Mensual Correspondiente a Mayo
2023

**MOCIÓN PARA PRESENTAR INFORME DE PROGRESO
MENSUAL CORRESPONDIENTE A MAYO 2023**

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* radicada por la Autoridad el 17 de marzo de 2021 para que el Negociado le impartiera su aprobación al Acuerdo Enmendado¹. 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 mensuales de progreso sobre el estatus del proyecto (el “Informe de Progreso Mensual”).

2. El 9 de febrero de 2022, el Negociado emitió una *Resolución y Orden* mediante la cual, entre otras cosas, ordenó que la Autoridad y Xzerta debían presentar cada Informe de Progreso Mensual firmado por oficiales de cada entidad e informar la fecha de su preparación.

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).

3. El 10 de noviembre de 2022, el Negociado notificó la Resolución y Orden con el título *Moción para presentar Informe de Progreso Mensual; Solicitud de Acumulación* mediante la cual incluyó a LUMA Energy ServCo, LLC y LUMA Energy, LLC (“LUMA”) como parte en el caso de epígrafe y le ordenó designar un representante que comparezca y participe de la certificación de los informes.

4. En cumplimiento con la Resolución Final y las órdenes del 9 de febrero y 10 de noviembre de 2022, la Autoridad presenta:

- El Informe de Progreso Mensual correspondiente a mayo 2023 preparado por Xzerta y revisado por la Autoridad (Anejo A) y
- la Declaración de LUMA en relación con el Informe de Progreso Mensual de mayo 2023 (Anejo B).

POR TODO LO CUAL, la Autoridad solicita respetuosamente al Negociado de Energía que tome conocimiento de lo aquí informado y acepte el Informe Mensual de mayo 2023.

RESPETUOSAMENTE SOMETIDO.

En San Juan, Puerto Rico, este 29 de junio de 2023.

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

DÍAZ & VÁZQUEZ LAW FIRM, P.S.C.
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Tel. (787) 395-7133
Fax. (787) 497-9664

CERTIFICADO DE NOTIFICACIÓN

Certifico que este escrito ha sido presentado a la Secretaria del Negociado de Energía a través del sistema electrónico de radicación <https://radicacion.energia.pr.gov/> y, además, copia del mismo ha sido notificado a LUMA Energy ServCo, LLC y LUMA Energy, LLC por conducto de la Licenciada Laura T. Rozas Laura.rozas@us.dlapiper.com.

En San Juan, Puerto Rico, hoy 29 de junio de 2023.

f/ Joannely Marrero Cruz
Joannely Marrero Cruz

Anejo A



**XZERTA-TEC
SOLAR**

VIA EMAIL: kfutch@KSLAW.com

June 5, 2023

Mr. Josué Colón
Executive Director
Puerto Rico Electric Power Authority

RE: Xzerta-Tec Solar I, LLC May Progress Report

Dear Executive Director:

Herewith, we are providing our monthly progress and status report including project activities required for the project completion. In the upcoming months, our team will continue sustaining meetings with both PREPA and LUMA to refine the engineering design and the facility's interconnection to the grid. The following table will be used to identify 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	After the meeting of March 1, 2023, Xzerta requested a change of design and a field visit to all parties involved. Xzerta stated that the proposed underground installation of the 115KV transmission only within the premises of the Hatillo Substation is not a feasible solution. Documentation was later presented to demonstrate the issues around the proposed approach and further provided a conceptual design of an aerial approach in accordance of PREPA Std Design Codes all parties for approval. On March 29, PREPA and Xzerta performed a site visit to evaluate options. PREPA agreed with all aerial approaches. There were several exchanged emails and calls regarding Xzerta's proposed approach and on April 26, all affected parties participated in a	Facility and interconnection study completed, and preliminary design is in compliance with MTRs. An approval of the proposed design changes is still pending	Xzerta is waiting for the approval of proposed design changes and for the coordination of the requested meeting for the commercial aspect.

Disclosure: This report is provided for informational purposes only. By accepting this information, the recipient agrees that it will, and it will cause its employees, agents, and representatives, to treat the information as such. Any reference made herein to terms or conditions should be subject to the language of the power purchase and operation agreement. The Information supersedes all information contained in any prior report or presentation for this project and is subject to change.

		<p>technical meeting to discuss details of the 2 alternative approach to maintain all lines, Aerial. An updated proposal conceptual design was submitted on April 27th to PREPA. The item is under evaluation of S&L, LUMA.</p> <p>On May 31st, LUMA requested a follow-up meeting and stated that they were still evaluating the proposed design change.</p> <p>As of today, Xzerta is still waiting to have a separate meeting with PREPA to discuss any commercial issues related to LUMA's proposed estimates, POI design and the changes made by LUMA to re-defined the new POI, what will become the PIF (PREPA Interconnection Facilities) and renegotiate to increase the amount approved under the remuneration clause, Article 4.6</p>		
	B. Energy Yield Assessment and Relay Study	<p>Relay Study was submitted on Sept 21, 2022, and the Energy Yield Assessment was submitted for approval on Sept 30th, 2022.</p> <p>After the completion of the interconnection and facility study, Luma has submitted on March 13, 2023 for the first-time comments of the submitted Energy Yield report of Sept 30th, 2022. Xzerta updated report accordingly to the request of providing additional data. Rev 2 was submitted on March 24, 2023.</p> <p>On the follow-up meeting with LUMA hold on May 31st, LUMA stated that the energy yield assessment was acceptable. On June 2nd, LUMA transmitted a document stating that all values were accepted, and no further comments were necessary at the moment</p>	Closed	Closed on June 2 nd , 2023

	<p>C. Products</p>	<p>Proposed products and Models for the interconnection have been submitted to LUMA for approval.</p> <p>Documentation for the inverters, batteries, Transformer, Protective relays, GCBs, BESS and MV switchgear were transmitted for approval, but LUMA stated that they will not approve any Products related to the solar farm or facility but only the interconnection.</p> <p>The interconnection study and facility study were completed and both LUMA and S&L stated that Xzerta preliminary design is in compliance with the MTRs. Based on the outcome of the interconnection study, Xzerta understand that all suggested products have been approved but an official response has not been provided.</p> <p>On the follow-up meeting with Luma hold on May 31st, 2023, Xzerta stated LUMA that approval of products was necessary to avoid delays in our orders. That was the reason that Xzerta submitted all products for approval to limit the risks associated with ordering products that have not been properly vetted. To avoid any risks, Xzerta is forced to wait for the final acceptance of the design as stipulated on the PPOA. Furthermore, the commercial issue of the interconnection to determine which party will be responsible for constructing the PREPA interconnection including which party will provide the materials, needs a prompt resolution since the PPOA assigned the seller as the responsible party. This is important because if LUMA becomes the responsible party, it will have an impact on the contracts that Xzerta is currently working with different suppliers to purchase the materials and to provide implementation support.</p>	<p>in compliance with the MTRs.</p>	<p>At this point and based on the conclusion of S&L and LUMA's interconnection and facility reports, XZERTA is in the understanding that products have been approved. Nevertheless, Xzerta is waiting for further clarification and resolutions related to commercial and contractual issues before proceeding with the final design or ordering any equipment due to the high risk of not having proper approval of products and determination of final quantity of materials needed. Equipment manufacturing with long lead times will impact any previous proposed schedule including the COD.</p>
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	D. 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
	E. Other Design	<p>Preliminary design for the transmission lines was submitted on 11/23/2022.</p> <p>Current proposed route was approved and LUMAs provided a 2nd draft of a conditional permit. Xzerta provided comments and proposed wording related to this letter as the terms and conditions required further modifications.</p> <p>Interconnection study proposed underground installation of the 115KV is not feasible and is not in compliance with PREPA's "Technical Communications of 2012" where partial underground installation for a 115 KV are not permitted. A proposed change of design was submitted by Xzerta on March 27, 2023, later discussed on the meeting held on April 26 followed by submittal of the updated approached on April 27th. The item is under discussion waiting for approval as informed by LUMA on May 31st, 2023.</p>	Open	Route is In compliance but there is a major issue with proposed approach for the final interconnection of the 115KV transmission line. New proposed conceptual design is waiting for approval.
	F. Dynamic Study	S&L confirmed that the PSSE and PSCAD or Dynamic Studies reports are in compliance with the MTR's	In compliance MTR's	Interconnection and facility studies were release to Xzerta on Feb 21, 2023 and it was confirmed that meets the MTR's. Further clarifications on proposed changes are required since those are commercial issues.
	G. Winds Conditions requirement	LUMA/PREPA winds conditions requirement of 160 MPH has	Closed	LUMA stated that this particular

		<p>become an issue. Several vendors have responded that they will be unable to meet this requirement. Currently, products meet 140 MPH. ASCE allows the 140 MPH criteria on the location that the farm will be built. It was requested an exemption and LUMA responded that the requirement is only applicable to equipment that will be handled or owned by PREPA or them. Furthermore, LUMA will not provide any technical inputs to any equipment or products that are not within the interconnection.</p>		<p>requirement is not applicable, and they will not provide any technical input of products used outside of the interconnection. GCB which meets 140 Mph has been approved. 140 MPH meets ASCE requirements</p>
	<p>H. Transmission line design and Easement Usage / Permit</p>	<p>Xzerta has been working with LUMA Lands and permits to obtain the final permit for the usage of a PREPA ROW or Easement adjacent to the lands of the project, a route that minimize the environmental impacts and shorten the path to the Hatillo POI substation via an RFI. Xzerta has provided LUMA several responses and documentation requested in several letters.</p> <p>A Preliminary Transmission line design establishing the route as per appendix b of the PPOA was released on 11/23/2022 and another letter to request the use of the easement was sent to LUMA's Land Dept on the same date. On 01/23/2023, LUMA responded via RFI 015 that the permit was approved with the condition of providing steel monopoles with the configuration of dual lines for future installations.</p> <p>LUMA's provided a draft of the conditional permit and Xzerta provided comments regarding many of the terms established by LUMA. The current terms of usage have broad wording that unreasonable extend Xzerta's liabilities.</p> <p>Additional terms and conditions presented by LUMA under their draft letter for the conditional permit required further modifications as requested by Xzerta on the 2nd draft letter. Comments were provided</p>	Open	<p>The Item has not been resolved as of today.</p>

		back to LUMA. LUMA stated in a recent meeting that they could accept the majority of the language but not for the proposed duration. Xzerta proposed new language to address LUMA concerns.		
2	Commercial			
	A. Certifications	filed with the Puerto Rico Energy Bureau for Xzerta Tec's Electric Service Company Certification as required under Rule 8701	Completed	Approved
	B. Loans	Term Sheet was received	In Progress	<p>Modifications received. Discussions are undergoing awaiting new IRS rules regarding ITC's after latest amendments to the inflation reduction Act.</p> <p>As of December 15, 2022 an evaluation on the percentage applicable to the project was being evaluated as location of the project and the use of made in USA equipment could increase the ITC's from 30% up to 50%.</p>
	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	LUMA transmitted a request for payment letter regarding of the study and evaluation of the project	Resolved Completed	S&L has completed this item as of Feb 21, 2023 and both

	interconnection Study	interconnection. Total amount to be paid as per LUMA letter is \$341k. As agreed with PREPA, Sargent & Lundy will perform the interconnection study.		determined that the preliminary design is in compliance with all MTRs
	F. LUMA Interconnection Agreement	On April 25 th , LUMA transmitted a non-project related document. Enclosed of the transmittal was LUMA Interconnection Agreement. Xzerta requested LUMA to provide the purpose of such document since Xzerta PPOA includes the interconnection agreement with PREPA.	Open	Waiting for a clarification
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	
	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	Solar Mounts	Completed	
	H. Electrical Design	Miguel Ortiz, P.E. Lisaidyn Perez Enerzinx Ing Ronald Hopgood	Completed	
	I. SCADA Systems Design	Lisaidyn Perez	Completed	
	J. Modeling and Simulations	Enerzinx	Completed	S&L and LUMA stated that it is in compliance with all MTR's
	K. Relay Study	Enerzinx	Completed	Resubmitted to Luma incorporating comments on 10/28/2022. On Feb 21, 2023, S&L and LUMA's completed the Interconnection and Facility Studies determine that Preliminary design is in compliance with all

				MTRs. Xzerta considers this item closed and approved. Further adjustments may be required during installation.
	L. Transmission Lines	Xzerta have contracted DEA, an additional firm to perform the Sag and Tension Analysis and create the PLS-CADD files for this project. Analysis will be performed once the design change and new interconnection study have been approved.	Completed	
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	LUMA / PREPA approved the usage of ROW/ Easement but final conditional permit is still pending
	B. Land Acquisition		Completed	
	C. Contractors	<p>No major changes, waiting for final drawings with Luma comments to be completed.</p> <p>Preliminary Scope of work was distributed to potential EPC, waiting for their updates of the quotes</p>	In progress	General Contractor (GC), subcontractors and consultants' agreements are in process.
4	Procurement			

	A. Material List	The material list has been generated but many long lead times products are waiting for proper approval.	Waiting for approvals	Refer to Material List Annex 1 found below for further information. S&L and LUMA's interconnection and facility studies have determine that Xzerta proposed design is in compliance with the MTR's. It is Xzerta understanding that all products have been approved but still Xzerta is waiting for final acceptance of the Design because no confirmation of products approval have been received.
	B. Orders	Waiting for LUMA's or PREPA's approval of proposed products and approval of final design as required by PPOA	In progress	lead time of equipment will impact final implementation of project and COD
5	Implementation			
	A. Installation	Preliminary definition of scope of works have been created and shared with proponents. Contractors (BLDM, Aireko, Solar Mounts and Dynamic Solar) visited in December once again the premises in order to update their quotes, but final prices and contract are pending on the final approvals.	In progress	Waiting for acceptance of proposed design changes and final design
	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	LUMA submitted their test protocols. The master plan will be based on this information and the final approval of design

The following table shows the status of RFIs:

#	Number	Description	Status	Date Submitted	Comments
1	RFI-001	Transformer specs and interconnection requirements (Y-D, D-Y or D-D)	Closed	4/26/2022	1 item remained open but followed by RFI-002. 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	5/23/2022	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	5/23/2022	Received List.
4	RFI-004	Amount of demand Energy of PR	Closed	5/23/2022	Calculated at 0.0003% or 0.001 %
5	RFI-005	Request of Permit to usage of PREPAs ROW	Closed	5/23/2022	RFI was closed but Item is still open. LUMA requested to submit request for usage of easement via another form since it is managed by their Dept of Land and Permits
6	RFI-006	Request for exemption to Wind Conditions requirements. Vendors unable to meet criteria of 160 MPH. Current design meets 120 to 140 MPH	Closed	6/2/2022	LUMA stated that the cited specification details the requirements for equipment to be owned, operated, and maintained by PREPA/LUMA. Knowing that this equipment will remain under the care, custody, and control of the proponent, LUMA will not provide technical input on alternate wind load criteria for transformer components, since it is not an evaluation factor to determine the Facility's capability to be interconnected to the grid. Current design meets ASCE req. Refer to PPOA sections 9.4(a) & (b).
7	RFI-007	Request for approval of GCB proposed product	Closed	6/2/2022	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	6/30/2022	LUMA stated that the MV switchgear approval is not within responsibilities. This will remain under contractor decisions regarding the solar farm or facility design.
9	RFI-009	Request for approval of Protective Relays, Network Switch, Controller	Closed	2/21/2023	S&L and LUMA's completed the Interconnection and Facility Studies. Preliminary design is in compliance with MTRs. Xzerta considers this item closed and approved.
10	RFI-010	Request for approval of Dynamic Studies	Closed	2/21/2023	S&L and LUMA's completed the Interconnection and Facility Studies. Preliminary design is in

					compliance with MTRs. Xzerta considers this item approved.
11	RFI-011	Request for approval of 3P Main Step-Up Oil Transformer 34/115KV	Closed	7/11/2022	S&L and LUMA's completed the Interconnection and Facility Studies. Preliminary design is in compliance with MTRs. Xzerta considers this item closed and approved.
12	RFI-012	Request for Testing Protocols and operating procedures	Closed	8/1/2022	Delivered
13	RFI-013	Request for LUMA/ PREPA to confirm if the Seismic Design Category can remain in A instead D because there is no historical data that requires to consider inertial loads associated with earthquakes within the area	Closed	10/13/2022	LUMA will not evaluate the civil design aspects for the medium voltage switchgear, since this equip is located upstream from the Main Power Transformer, and thus lies beyond LUMA's evaluation responsibilities for privately-owned Renewables projects. It will comply with ASCE stds.
14	RFI-014	Request PLS-CADD files for Transmission line detailed design	Closed	12/6/2022	LUMA provided the requested information and files
15	RFI-015	Response to Letter for Request of Permit to usage of PREPAs ROW	Closed	1/24/2023	Xzerta submitted to LUMA's Lands & Permits team on Nov 23, 2022, a 2nd request for the usage of existing easement/right-of-way that was reserved for future work on previously existing 115kV transmission line 39100 spanning westbound from Hatillo TC to Mora TC, in Isabela. It has been approved with the condition of been prepared for dual lines. A draft letter of a conditional permit was released for Xzerta review but terms and conditions required to be modified as per Xzerta comments.
16	RFI-016	Request of Design Information for secondary circuit of 115KV transmission line	Closed	3/22/2023	LUMA provided the requested information and files

The following table shows the status of Transmittals:

#	Number	Description	Status	Date Submitted	Comments
1	XTA-TRA-0001	Relay Study and Updated Preliminary design	Closed	9/21/2022	Interconnection and facility study completed by S&L and LUMA on Feb 21, 2023. It determined that Xzerta

					proposed design is in compliance with all MTR's. Xzerta assumes that all preliminary design is approved and can proceed with the detail design
2	XTA-TRA-0002	Energy Yield Assessment	Closed	05/31/2023	LUMA releases on June 2 nd , 2023, an acceptance of this document. A second assessment is required to be performed once the system is implemented and ready for operations.
3	XTA-TRA-0003	Relay Study and Updated Preliminary design based on LUMA's Comments of 10/3/2022	Open	10/28/2022	Interconnection and facility study completed by S&L and LUMA on Feb 21, 2023. It determined that Xzerta proposed design is in compliance with all MTR's. As of today, Xzerta have not received any additional comments of the Relay Study thus this item is considered open.
4	XTA-TRA-0004	Xzerta Ltr 2nd Request of Permit Use of ROW and Rev 14 SLD Preliminary Design	Open	11/23/2022	LUMA's team released on 2/21/2023 a 2 nd draft letter for a conditional permit for usage of the ROW but Xzerta provided their comments to many of the terms. It is currently under evaluation by LUMA's
5	XTA-TRA-0005	RFI 016 Request of Design Information for secondary circuit of 115KV transmission line	Closed	3/22/2023	
6	XTA-TRA-0006	Energy Yield Assessment and comments of Conditioned Permit for use of the electrical lines' easement	Closed	6/02/2023	

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,

A handwritten signature in blue ink, appearing to read 'F. Molini-Vizcarrondo', is written over a light blue circular stamp.

Fernando Molini-Vizcarrondo

cc: francisco.santos@prepa.com
mcadavid@kslaw.com
kbolanos@diazvaz.law
daniel.Hernandezm@lumapr.com

Attachments

Revised by PREPA
Representative:

F.santos

F.santos (Jun 27, 2023 13:04 EDT)

Francisco Santos, Esq.

Manager Business Strategy
and Operations, PREPA
June 26, 2023

Equipment and Components – Materials Status List

Equipment	Company/Brand	Status	Comments
PV Modules	RFPs Submitted to vendors	Proposal Received from Talesun and Trina Solar.	Interconnection Study completed and compliance with MTRs
Inverters	Ingeteam	Refresh of Proposal Received from Ingeteam to proceed with PO	Interconnection Study completed and compliance with MTRs
Battery Equipment	Ingeteam	Refresh of Proposal Received from Ingeteam to proceed with PO	Interconnection Study completed and compliance with MTRs
Racks and Anchoring	Schletter/Solar Mounts	Provided latest preliminary design to prospects to have them Revised Proposal	Waiting for design approval
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	Interconnection Study completed and compliance with MTRs
Meters	Eaton	Waiting to receive meters information from Eaton to submit product for approval	Interconnection Study completed and compliance with MTRs
Protective Relays	SEL	Submitted for approval	Interconnection Study completed and compliance with MTRs
Foundations	Pending Completion of design		
Posts & Towers	Generic	Preliminary Design submitted	
Cables & Miscellaneous	Caribe Sales	Revised proposal received. Final proposal will be delivered upon completing design	

Anejo B

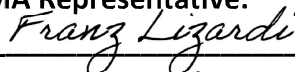


STATEMENT REGARDING XZERTA TEC SOLAR I, LLC MONTHLY STATUS PROGRESS REPORT FOR MAY 2023

For purposes of compliance with PREB's Resolution and Order of November 10, 2022, in Case NEPR-AP-2021-0002 (*Enmiendas a Contrato de Compraventa de Energía: Proyecto No-Operacional (Xzerta-Tec Solar I, LLC)*), LUMA Energy ServCo, LLC ("LUMA") hereby informs that LUMA:

- has reviewed the referenced monthly progress report prepared by Xzerta Tec Solar I, LLC dated June 05, 2023, and submitted to the Puerto Rico Electric Power Authority (the "Xzerta Report"), which report is to be filed with the Puerto Rico Energy Bureau ("PREB") as per PREB's Final Determination and Order of May 11, 2021 in the same case; and
- does not have reason to disagree with the information in the Xzerta Report, **except as otherwise indicated in or subject to**, LUMA's comments included in the attached document which replicates the table of activities and status thereof in the Xzerta Report and includes a column added by LUMA to include LUMA's comments for purposes of clarifying, updating or correcting the information in the report.

LUMA Representative:



Name: Franz Lizardi, PE

Title: Project Manager, Capital Programs, Utility-Scale Renewable

Date: June 16, 2023



LUMA Comments to XZERTA Monthly Report

May 2023

#	Activity	Description	Status	Comments	LUMA Comments
1	Design				
	A. Power Design - Drawings	<p>After the meeting of March 1, 2023, Xzerta requested a change of design and a field visit to all parties involved. Xzerta stated that the proposed underground installation of the 115KV transmission only within the premises of the Hatillo Substation is not a feasible solution. Documentation was later presented to demonstrate the issues around the proposed approach and further provided a conceptual design of an aerial approach in accordance of PREPA Std Design Codes all parties for approval. On March 29, PREPA and Xzerta performed a site visit to evaluate options. PREPA agreed with all aerial approaches. There were several exchanged emails and calls regarding Xzerta's proposed approach and on April 26, all affected parties participated in a technical meeting to discuss details of the 2 alternative approach to maintain all lines, Aerial. An updated proposal conceptual design was submitted on April 27th to PREPA. The item is under evaluation of S&L, LUMA. On May 31st, LUMA requested a follow-up meeting and stated that they were still evaluating the proposed design</p>	Facility and interconnect ion study completed, and preliminary design is in compliance with MTRs. An approval of the proposed design changes is still pending	Xzerta is waiting for the approval of proposed design changes and for the coordination of the requested meeting for the commercial aspect.	<p>During the April 26 meeting, Xzerta agreed to submit to LUMA Planning a revised conceptual design and a Scope of Work document detailing the proposed changes. On May 18, 2023, LUMA received an email from PREPA with the requested information. The proposed changes are under internal review and a new meeting date will be announced shortly.</p>

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		change. As of today, Xzerta is still waiting to have a separate meeting with PREPA to discuss any commercial issues related to LUMA's proposed estimates, POI design and the changes made by LUMA to re-defined the new POI, what will become the PIF (PREPA Interconnection Facilities) and renegotiate to increase the amount approved under the remuneration clause, Article 4.6			
	B. Energy Yield Assessment and Relay Study	Relay Study was submitted on Sept 21, 2022, and the Energy Yield Assessment was submitted for approval on Sept 30th, 2022. After the completion of the interconnection and facility study, Luma has submitted on March 13, 2023 for the first-time comments of the submitted Energy Yield report of Sept 30th, 2022. Xzerta updated report accordingly to the request of providing additional data. Rev 2 was submitted on March 24, 2023. On the follow-up meeting with LUMA hold on May 31st, LUMA stated that the energy yield assessment was acceptable. On June 2nd, LUMA transmitted a document stating that all values were accepted, and no further comments were necessary at the	Closed	Closed on June 2nd, 2023	No pending action from LUMA.

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		moment			
	C. Products	<p>Proposed products and Models for the interconnection have been submitted to LUMA for approval. Documentation for the inverters, batteries, Transformer, Protective relays, GCBs, BESS and MV switchgear were transmitted for approval, but LUMA stated that they will not approve any Products related to the solar farm or facility but only the interconnection. The interconnection study and facility study were completed and both LUMA and S&L stated that Xzerta preliminary design is in compliance with the MTRs. Based on the outcome of the interconnection study, Xzerta understand that all suggested products have been approved but an official response has not been provided. On the follow-up meeting with Luma hold on May 31st, 2023, Xzerta stated LUMA that approval of products was necessary to avoid delays in our orders. That was the reason that Xzerta submitted all products for approval to limit the risks associated with ordering products that have not been properly vetted. To avoid any risks, Xzerta is forced to wait for the final acceptance of the design as stipulated</p>	in compliance with the MTRs.	<p>At this point and based on the conclusion of S&L and LUMA's interconnection and facility reports, XZERTA is in the understanding that products have been approved. Nevertheless, Xzerta is waiting for further clarification and resolutions related to commercial and contractual issues before proceeding with the final design or ordering any equipment due to the high risk of not having proper approval of products and determination of final quantity of materials needed. Equipment manufacturing with long lead times will impact any previous proposed schedule including the COD.</p>	<p>Compliance with MTRs is not a blanket approval of all products. LUMA will proceed with approvals for Final Design as per PPOA. Any effects on the project schedule due to the proponent's request to modify the interconnection at Hatillo TC is solely on the proponent's responsibility.</p>

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		<p>on the PPOA. Furthermore, the commercial issue of the interconnection to determine which party will be responsible for constructing the PREPA interconnection including which party will provide the materials, needs a prompt resolution since the PPOA assigned the seller as the responsible party. This is important because if LUMA becomes the responsible party, it will have an impact on the contracts that Xzerta is currently working with different suppliers to purchase the materials and to provide implementation support.</p>			
	D. SCADA list	<p>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.</p>	In progress	Under development	
	E. Other Design	<p>Preliminary design for the transmission lines was submitted on 11/23/2022. Current proposed route was approved and LUMAs provided</p>	Open	Route is In compliance but there is a major issue with proposed approach for the final	T-Line design will be affected by the proposed changes on the interconnection at Hatillo TC (see item A).

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		<p>a 2nd draft of a conditional permit. Xzerta provided comments and proposed wording related to this letter as the terms and conditions required further modifications. Interconnection study proposed underground installation of the 115KV is not feasible and is not in compliance with PREPA's "Technical Communications of 2012" where partial underground installation for a 115 KV are not permitted. A proposed change of design was submitted by Xzerta on March 27, 2023, later discussed on the meeting held on April 26 followed by submittal of the updated approached on April 27th. The item is under discussion waiting for approval as informed by LUMA on May 31st, 2023.</p>		<p>interconnection of the 115KV transmission line. New proposed conceptual design is waiting for approval.</p>	<p>Evaluation of the proposed overhead interconnection will be based on its technical merits against LUMA's specs and standards. The referenced legacy PREPA technical communication is being analyzed for applicability against LUMA standards. Small sections of underground T-lines are common industry practices (for example, highway crossings)</p> <p>The Conditioned Permit document was generated based on the premise that the interconnection at Hatillo TC would be performed as originally intended in the PPOA (east side of 115kV bus). Negotiation of the conditioned permit will resume once an agreement on the 115kV interconnection is reached.</p>
	F. Dynamic Study	<p>S&L confirmed that the PSSE and PSCAD or Dynamic Studies reports are in compliance with the MTR's</p>	<p>In compliance MTR's</p>	<p>Interconnection and facility studies were release to Xzerta on Feb 21, 2023 and it was confirmed that meets the MTR's. Further clarifications on proposed changes are required since</p>	<p>No action is pending from LUMA.</p>

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
				those are commercial issues.	
	G. 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 140 MPH. ASCE allows the 140 MPH criteria on the location that the farm will be built. It was requested an exemption and LUMA responded that the requirement is only applicable to equipment that will handled or owned by PREPA or them. Furthermore, LUMA will not provide any technical inputs to any equipment or products that are not within the interconnection.	Closed	LUMA stated that this particular requirement is not applicable, and they will not provide any technical input of products used outside of the interconnection. GCB which meets 140 Mph has been approved. 140 MPH meets ASCE requirements	
	H. Transmission line design and Easement Usage/ Permit	Xzerta has been working with LUMA Lands and permits to obtain the final permit for the usage of a PREPA ROW or Easement adjacent to the lands of the project, a route that minimize the environmental impacts and shorten the path to the Hatillo POI substation via an RFI. Xzerta has provided LUMA several responses and documentation requested in several letters.	Open	The Item has not been resolved as of today.	Negotiations in progress. The draft document of the conditioned permit makes reference to the original terms and conditions of the PPOA. With the proposed changes to the 115kV bus that were discussed in the April 26 meeting, the conditioned permit document will have to be modified and renegotiated.

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		<p>A Preliminary Transmission line design establishing the route as per appendix b of the PPOA was released on 11/23/2022 and another letter to request the use of the easement was sent to LUMA's Land Dept on the same date. On 01/23/2023, LUMA responded via RFI 015 that the permit was approved with the condition of providing steel monopoles with the configuration of dual lines for future installations. LUMA's provided a draft of the conditional permit and Xzerta provided comments regarding many of the terms established by LUMA. The current terms of usage have broad wording that unreasonable extend Xzerta's liabilities. Additional terms and conditions presented by LUMA under their draft letter for the conditional permit required further modifications as requested by Xzerta on the 2nd draft letter. Comments were provided back to LUMA. LUMA stated in a recent</p>			

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		meeting that they could accept the majority of the language but not for the proposed duration. Xzerta proposed new language to address LUMA concerns.			
2	Commercial				
	A. Certifications	filed with the Puerto Rico Energy Bureau for Xzerta Tec's Electric Service Company Certification as required under Rule 8701	Completed	Approved	
	B. Loans	Term Sheet was received	In Progress	Modifications received. Discussions are undergoing awaiting new IRS rules regarding ITC's after latest amendments to the inflation reduction Act. As of December 15, 2022 an evaluation on the percentage applicable to the project was being evaluated as location of the project and the use of made in USA equipment could increase the ITC's from 30% up to	

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
				50%.	
	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. As agreed with PREPA, Sargent & Lundy will perform	Resolved Completed	S&L has completed this item as of Feb 21, 2023 and both determined that the preliminary design is in compliance with all MTRs	

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		the interconnection study.			
	F. LUMA Interconnection Agreement	On April 25th, LUMA transmitted a non-project related document. Enclosed of the transmittal was LUMA Interconnection Agreement. Xzerta requested LUMA to provide the purpose of such document since Xzerta PPOA includes the interconnection agreement with PREPA.	Open	Waiting for a clarification	A conference call with Xzerta and LUMA Regulatory was held on May 31, 2023 to address and clarify doubts regarding the Large Generator Interconnection Agreement, a document that is issued to all utility-scale renewable project proponents.
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		
	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	Solar Mounts	Completed		
	H. Electrical Design	Miguel Ortiz, P.E. Lisaidyn Perez Enerzinx Ing Ronald Hopgood	Completed		
	I. SCADA Systems Design	Lisaidyn Perez	Completed		
	J. Modeling and Simulations	Enerzinx	Completed	S&L and LUMA stated that it is in	

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
				compliance with all MTR's	
	K. Relay Study	Energizinx	Completed	Resubmitted to Luma incorporating comments on 10/28/2022. On Feb 21, 2023, S&L and LUMA's completed the Interconnection and Facility Studies determine that Preliminary design is in compliance with all MTRs. Xzerta considers this item closed and approved. Further adjustments may be required during installation.	Awaiting Final Design.
	L. Transmission Lines	Xzerta has contracted an additional firm to perform the Sag and Tension Analysis and create the PLS-CADD files for this project	Completed		
3	Construction				
	A. Permits	Completed the following: 1. Location 2. Environmental 3. Endorsements by - Highway and Transportation Authority - Puerto Rico Energy Bureau - Cultural Institute	In progress	LUMA / PREPA approved the usage of ROW/ Easement but final conditional permit is still pending	See item 1.H – Transmission Line design and Easement Usage/Permit.

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
		- Puerto Rico Telecommunications Bureau - Puerto Rico Aqueduct and Sewer Authority - Department of Agriculture Pending 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			
	B. Land Acquisition		Completed		
	C. Contractors	No major changes, waiting for final drawings with Luma comments to be completed. Preliminary Scope of work was distributed to potential EPC, waiting for their updates of the quotes	In progress	General Contractor (GC), subcontractors and consultants' agreements are in process.	
4	Procurement				
	A. Material List	The material list has been generated but many long lead times products are waiting for proper approval.	Waiting for approvals	Refer to Material List Annex 1 found below for further information. S&L and	As noted previously, compliance with MTRs is not a blanket approval of all products.

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
				LUMA's interconnection and facility studies have determined that Xzerta proposed design is in compliance with the MTR's. It is Xzerta understanding that all products have been approved but still Xzerta is waiting for final acceptance of the Design because no confirmation of products approval have been received.	The Final Design has not yet been submitted.
	B. Orders	Waiting for LUMA's or PREPA's approval of proposed products and approval of final design as required by PPOA	In progress	lead time of equipment will impact final implementation of project and COD	The Final Design has not yet been submitted. LUMA's approval of the orders of materials on the developer's facilities up to the high side of the step-up transformer is not required. It is the developer's responsibility to comply with the MTRs and applicable

LUMA Comments

#	Activity	Description	Status	Comments	LUMA Comments
					codes and regulations.
5	Implementation				
	A. Installation	Preliminary definition of scope of works have been created and shared with proponents. Contractors (BLDM, Aireko, Solar Mounts and Dynamic Solar) visited in December once again the premises in order to update their quotes, but final prices and contract are pending on the final approvals.	In progress	Waiting for acceptance of proposed design changes and final design	The Final Design has not yet been submitted.
	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	LUMA submitted their test protocols. The master plan will be based on this information and the final approval of design	The Final Design has not yet been submitted.

The following table shows the status of RFIs:

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
1	RFI-001	Transformer specs and interconnection requirements (Y-D, D-Y or D-D)	Closed	4/26/2022	1 item remained open but followed by RFI-002. Transformer should be YG to	No open items. Refer to RFI 001 response.

LUMA Comments

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
					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	5/23/2022	Specifications received. Issues with Wind Conditions requirement. It will be followed through RFI-006	Response to RFI was delivered by LUMA and wind conditions question was clarified.
3	RFI-003	SCADA Communication Protocol and Sample of Points	Closed	5/23/2022	Received List.	
4	RFI-004	Amount of demand Energy of PR	Closed	5/23/2022	Calculated at 0.0003% or 0.001 %	
5	RFI-005	Request of Permit to usage of PREPAs ROW	Closed	5/23/2022	RFI was closed but Item is still open. LUMA requested to submit request for usage of easement via another form since it is managed by their Dept of Land and Permits	See item 1.H.
6	RFI-006	Request for exemption to Wind Conditions requirements. Vendors unable to meet criteria of 160 MPH. Current design meets 120 to 140 MPH	Closed	6/2/2022	LUMA stated that the cited specification details the requirements for equipment to be owned, operated, and maintained by PREPA/LUMA. Knowing that this equipment will remain under the care, custody, and control of the proponent, LUMA will not provide technical input on alternate wind load criteria for transformer components, since it is not an evaluation factor	

LUMA Comments

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
					to determine the Facility's capability to be interconnected to the grid. Current design meets ASCE req. Refer to PPOA sections 9.4(a) & (b).	
7	RFI-007	Request for approval of GCB proposed product	Closed	6/2/2022	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	To be reviewed upon submittal of Final Design.
8	RFI-008	Request for approval of MV Switchgear proposed product	Closed	6/2/2022	LUMA stated that the MV switchgear approval is not within responsibilities. This will remain under contractor decisions regarding the solar farm or facility design.	
9	RFI-009	Request for approval of Protective Relays, Network Switch, Controller	Closed	2/21/2023	S&L and LUMA's completed the Interconnection and Facility Studies. Preliminary design is in compliance with MTRs. Xzerta considers this item closed and approved.	New comments on the protection scheme were issued on 03/08/2023
10	RFI-0010	Request for approval of Dynamic Studies	Closed	2/21/2023	S&L and LUMA's completed the Interconnection and Facility Studies. Preliminary design is in compliance with MTRs. Xzerta considers this item approved.	

LUMA Comments

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
11	RFI-0011	Request for approval of 3P Main Step-Up Oil Transformer 34/115KV	Closed	7/11/2022	S&L and LUMA's completed the Interconnection and Facility Studies. Preliminary design is in compliance with MTRs. Xzerta considers this item closed and approved.	
12	RFI-0012	Request for Testing Protocols and operating procedures	Closed	8/1/2022	Delivered	
13	RFI-0013	Request for LUMA/PREPA to confirm if the Seismic Design Category can remain in A instead D because there is no historical data that requires to consider inertial loads associated with earthquakes within the area	Closed	10/13/2022	LUMA will not evaluate the civil design aspects for the medium voltage switchgear, since this equip is located upstream from the Main Power Transformer, and thus lies beyond LUMA's evaluation responsibilities for privately-owned Renewables projects. It will comply with ASCE stds.	Negotiations in progress. The Conditioned Permit draft document is under review by both LUMA and Xzerta.
14	RFI-014	Request PLS-CADD files for Transmission line detailed design	Closed	12/6/2022	LUMA provided the requested information and files	
15	RFI-015	Response to Letter for Request of Permit to usage of PREPAs ROW	Closed	1/24/2023	Xzerta submitted to LUMA's Lands & Permits team on Nov 23, 2022, a 2nd request for the usage of existing easement/right-of-way that was reserved for future work on previously existing 115kV transmission line 39100 spanning westbound from Hatillo TC to Mora TC, in Isabela. It	

LUMA Comments

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
					has been approved with the condition of been prepared for dual lines. A draft letter of a conditional permit was released for Xzerta review but terms and conditions required to be modified as per Xzerta comments.	
16	RFI-016	Request of Design Information for secondary circuit of 115KV transmission line	Closed	03/22/2023	LUMA provided the requested information and files	

The following table shows the /status of Transmittals:

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
1	XTA-TRA-0001	Relay Study and Updated Preliminary design	Closed	9/21/2022	Interconnection and facility study completed by S&L and LUMA on Feb 21, 2023. It determined that Xzerta proposed design is in compliance with all MTR's. Xzerta assumes that all preliminary design is approved and can proceed with the detail design	
2	XTA-TRA-0002	Energy Yield Assessment	Closed	05/31/2023	LUMA releases on	

LUMA Comments

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
					June 2nd, 2023, an acceptance of this document. A second assessment is required to be performed once the system is implemented and ready for operations.	
3	XTA-TRA-0003	Relay Study and Updated Preliminary design based on LUMA's Comments of 10/3/2022	Open	10/28/2022	Interconnecti on and facility study completed by S&L and LUMA on Feb 21, 2023. It determined that Xzerta proposed design is in compliance with all MTR's. As of today, Xzerta have not received any additional comments of the Relay Study thus this item is considered open.	See comments in RFI 009.
4	XTA-TRA-0004	Xzerta Ltr 2nd Request of Permit Use of ROW and Rev 14 SLD Preliminary Design	Open	11/23/2022	LUMA's team released on 2/21/2023 a 2nd draft letter for a conditional permit for usage of the ROW but Xzerta provided their comments to many of the terms. It is currently	

LUMA Comments

#	Number	Description	Status	Date Submitted	Comments	LUMA Comments
					under evaluation by LUMA's	
5	XTA-TRA-0005	RFI 016 Request of Design Information for secondary circuit of 115KV transmission line	Closed	03/22/2023		
6	XTA-TRA-0006	Energy Yield Assessment and comments of Conditioned Permit for use of the electrical lines' easement	Closed	6/02/2023		