

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

NEPR Received: Sep 8, 2023 7:07 PM

IN RE:

10 YEAR PLAN FEDERALLY FUNDED
COMPETITIVE PROCESS

CASE NO.: NEPR-MI-2022-0005

SUBJECT: Motion to Submit Draft RFP in
Compliance with Resolution and Order Dated
August 23, 2023 and Request for Extension of
Time to Supplement

**MOTION TO SUBMIT DRAFT RFP IN COMPLIANCE WITH RESOLUTION AND
ORDER DATED AUGUST 23, 2023 AND REQUEST FOR EXTENSION OF TIME TO
SUPPLEMENT**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW GENERA PR LLC (“Genera”), as agent of the Puerto Rico Electric Power Authority (“PREPA”),¹ through its counsels of record, and respectfully submits and prays as follows:

1. Effective as of July 1, 2023, responsibility for O&M Services for the Legacy Generation Assets transitioned from PREPA to Genera, in accordance with the provisions of the LGA OMA. From that point forward, Genera has assumed exclusive responsibility for managing, leading, and deciding on RFP 3784² and RFP 3800³ matters. The Energy Bureau recognized and

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among Genera, PREPA, and the Puerto Rico Public-Private Partnerships Authority, Genera is the sole operator and administrator of the Legacy Generation Assets (defined in the LGA OMA) the sole entity authorized to represent PREPA before the Energy Bureau with respect to any matter related to the performance of any of the O&M Services (defined in the LG OMA) provided by Genera under the LGA OMA.

² See, Resolution and Order, *In re: Request for Approval of RFP Process for the New Black-Start Systems at Costa Sur and Yabucoa*, Case No.: NEPR-MI-2022-0005, December 5, 2022, wherein the Energy Bureau approved PREPA's request of November 10, 2022, for a Request For Proposal (“RFP”) process to procure black-start systems at Costa Sur and Yabucoa (“RFP 3784”).

³ See, Resolution and Order, *In re: PREPA's 10 Year Plan Competitive Infrastructure Procurement Processes*, Case No.: NEPR-MI-2022-005, January 23, 2023, through which the Energy Bureau conditionally approved PREPA's RFP process for the procurement of emergency generation at Jobos, Dagua, and Palo Seco (“RFP 3800”).

affirmed this shift in responsibilities in their Resolutions and Orders dated July 13, 2023,⁴ and July 17, 2023.⁵

2. On August 16, 2023, Genera, acting as agent of PREPA, submitted a detailed report to the Energy Bureau covering the period from August 1 to August 15, 2023, regarding the status of emergency generation and black-start generation procurement (“August 16th Motion”). The report also included recommendations for changes to the RFP processes, which Genera affirmed could lead to significant cost savings and a reduction in time.

3. On August 23, 2023, the Energy Bureau issued a Resolution and Order titled *Bi-Monthly Reports on the Status of Emergency Generation and Black-Start Generation Procurement for the Periods from July 15 to July 31, 2023, and August 1 to August 15, 2023, filed by Genera PR, LLC* (“August 23rd Order”). Pursuant to this order, the Energy Bureau (i) **allowed** the RFP process to continue in the manner described by Genera in Exhibit A of the August 16th Motion and (ii) **ordered** Genera to submit a draft RFP for review and approval within ten days of the notification of the August 23rd order, which was September 4, 2023.

4. On September 1, 2023, Genera submitted a document titled *Motion to Submit Bi-Monthly Report on the Status of Emergency Generation and Black-Start Generation Procurement for the Period of August 16 to August 31, 2023, and to Request of Time Extension* (“September 1st Motion”). In this motion, Genera requested an extension until September 8, 2023, to submit the draft RFP, in accordance with the August 23rd Order. This request for an extension of time was made on the grounds of the scale and complexity associated with the equipment acquisition process, which constitutes the primary focus of the RFP.

⁴ See, Resolution and Order, *In re: 10-Year Plan Federally Funded Competitive Process*, Case No.: NEPR-MI-2022-0005, July 13, 2023 (July 13th Resolution).

⁵ See, Resolution and Order, *In re: 10-Year Plan Federally Funded Competitive Process*, Case No.: NEPR-MI-2022-0005, July 17, 2023 (July 17th Resolution).

5. In compliance with the August 23rd Order and in accordance with the September 1st Motion, Genera respectfully submits a copy of the document titled Grid Support Units; *Technical Specification for Power Generation Equipment* (“Draft Scope”), attached as *Exhibit A* herein. The Draft Scope details the requirements and scope of the RFP that Genera will issue to purchase the units.

6. Genera respectfully submits the Draft Scope in compliance with the August 23 Order. As part of the RFP package that Genera will issue, the Draft Scope is a crucial component. Genera is currently completing the entire RFP package, which will be published after receiving approval from the Energy Bureau. Genera’s target date to issue this RFP is October 13, 2023. The package is estimated to be completed and submitted for the Energy Bureau's approval by September 29, 2023. Therefore, it is respectfully requested that Genera be granted until September 29, 2023, to supplement today's submittal in compliance with the August 23rd Order.

7. Genera respectfully informs the Energy Bureau that the unredacted version of the Draft Scope is submitted under seal of confidentiality, as it includes sensitive commercial information. Genera also respectfully requests the Energy Bureau to maintain the unredacted version of the Draft RFP under seal of confidentiality pursuant to the Energy Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, and partially amended on September 16, 2016. In accordance with this policy, Genera includes a redacted public version of the Draft RFP, attached as Exhibit A, and informs that it will submit a Memorandum of Law supporting this request within the next ten (10) days.

WHEREFORE, Genera respectfully requests the Energy Bureau to **take notice** of the above for all purposes; **deem** Genera in partial compliance with the August 23rd Order; and **grant** Genera until September 29, 2023, to supplement today’s submittal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8th day of September 2023.

ECIJA SBGB

PO Box 363068

San Juan, Puerto Rico 00920

Tel. (787) 300.3200

Fax (787) 300.3208

/s/ Jorge Fernández-Reboredo

Jorge Fernández-Reboredo

jfr@sbgblaw.com

TSPR 9,669

/s/ Alejandro López-Rodríguez

Alejandro López-Rodríguez

alopez@sbgblaw.com

TSPR 22,996

CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of this motion was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System and that we will send an electronic copy of this motion to the attorney for Puerto Rico's Electric Power Authority, Joannely Marrero-Cruz, at jmarrero@diazvaz.law; and Maralíz Vázquez-Marrero, at mvazquez@diazvaz.law.

In San Juan, Puerto Rico, this 8th day of September 2023

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A
Draft Scope
(Submitted under seal of confidentiality)