

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

NEPR

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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 Supplement
PREPA's September 6 Motion and Request
for Approval of Amendment to the N-1-P
Project PPOA

**MOTION TO SUPPLEMENT PREPA'S SEPTEMBER 6 MOTION AND
REQUEST FOR APPROVAL OF AMENDMENT TO THE N-1-P PROJECT**

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 30, 2023, after extensive procedural events, the Energy Bureau issued a *Resolution and Order* ("June 30 Order") making various determinations related to a subset of the Tranche 1 Projects . Among other matters, the Energy Bureau made the following determinations:

(i)APPROVES the three (3) ESSAs for projects identified as: L-3-E, M-3-E, and H-3-E, for 150 MW of 4-hour duration battery energy storage nameplate capacity.

(ii)APPROVES the Third Amendments to two (2) ESSAs for projects identified as: A-2-E, and C-2-E, for 200 MW of 4-hour duration batter energy storage nameplate capacity.

(iii)APPROVES amendments to six (6) PPOAs for projects identified as: W-3-P, AT-1-P, I-1-P, and C-1-P, for 515 MW of Solar PV utility scale nameplate capacity.

(iv)GRANTS and extension until July 10, 2023 to sign the PPOAs and ESSAs, and, thus, to achieve closing date, to all the projects identified in paragraphs (i), (ii) and (iii) above.

(v)DENIES PREPA's request for authorization to amend the PPOAs for the projects identified as: AB-1-P and N-1-P.

2. On July 31, 2023, PREPA submitted for the Energy Bureau's review and approval of the fifth amendment to the Esmeralda Solar Power Purchase and Operating Agreement executed on July 31, 2023, to allow an extension of thirty (30) days, until August 31, 2023, to achieve Closing Date and stay the automatic termination provision ("July 31 Motion").
3. On August 16, 2023, the Energy Bureau issued a *Resolution and Order*, whereby it granted PREPA ten (10) days to specify the reasons that justify an extension until August 31, 2023 to achieve Closing Date (i.e., changes in price, levelized cost of energy, MW capacity, among others). The Energy Bureau further stated that, upon review of the reasons provided by PREPA, it would determine if approval of the fifth amendment to the Esmeralda Solar Power Purchase and Operating Agreement was appropriate ("August 16 Order"). The Energy Bureau also warned PREPA that requests for approving contracts and amendments were to be submitted before the execution of such contract or amendment.
4. On August 22, 2023, PREPA filed a document titled *Motion to Submit N-I-P Proponent Best and Final Offer Information* ("August 22 Motion"). In the August 22 Motion, PREPA submitted, the proponent's Best and Final Offer ("BFO"), as received by PREPA.
5. On August 24, 2023, the Energy Bureau issued a Resolution and Order ("August 24 Order"). Through the August 24 Order, the Energy Bureau took notice of the August 22 Motion and ordered PREPA, state its position on the three (3) updated price conditions in Annex A of the August 22 Motion.
6. On August 28, 2023, PREPA filed a document titled *Informative Motion and Request for Extension to Comply with the August 24 Order* ("August 28 Motion"). PREPA stated that the request to stay the automatic termination provision was to finalize the negotiations with N-1 -P, which included a potential capacity increase to the N-1 -P project.

7. On August 30, 2023, the Energy Bureau issued a *Resolution and Order*; through which the Energy Bureau granted PREPA's request for the extension to comply with the August 24 Order and also allowed PREPA to amend the Closing date of the N-1 -P project up to September 30, 2023.

8. On September 6, 2023, PREPA submitted before the Energy Bureau a document titled *Motion in Compliance with the August 24 Order* whereby PREPA provided its position to the updated price conditions for project N-1-P and also submitted a confidential memorandum with further explanations by the proponent. ("September 6 Motion").

9. In regard to the Best and Final Offer submitted by proponent N-1-P, PREPA stated its position regarding two updated conditions. PREPA herein supplements its response and informs the Energy Bureau it agrees with a capacity increase of the project as submitted through the August 22 Motion, this capacity increase has been evaluated by LUMA¹ and no material system impacts were identified.

10. In light of the above, PREPA herein requests the Energy Bureau to issue a determination allowing PREPA to amend the PPOA with the N-1-P proponent.

WHEREFORE, for the reasons stated above, PREPA respectfully requests the Energy Bureau take **NOTICE** of this Supplemental Motion, and **GRANT** approval to amend the N-1-P project PPOA and accordingly to further amend the Completion date until PREPA obtains the approval of the FOMB².

¹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as, "LUMA").

² Financial Oversight and Management Board for Puerto Rico ("FOMB").

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th day of September 2023.

/s Maralíz Vázquez-Marrero

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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 25th day of September 2023.

/s Joannely Marrero Cruz
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