

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

NEPR
Received:
Sep 29, 2023
9:09 PM

IN RE:

10 YEAR PLAN FEDERALLY FUNDED
COMPETITIVE PROCESS

CASE NO.: NEPR-MI-2022-0005

SUBJECT: Motion to Submit Supplement to
September 8, 2023, Motion in Compliance with
Resolution and Order Dated August 23, 2023

**MOTION TO SUBMIT SUPPLEMENT TO SEPTEMBER 8, 2023, MOTION IN
COMPLIANCE WITH RESOLUTION AND ORDER DATED AUGUST 23, 2023**

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* (“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. On September 8, 2023, Genera filed a document titled *Motion to Submit Draft RFP in Compliance with Resolution and Order Dated August 23, 2023, and Request for Extension of Time to Supplement* ("September 8th Motion"). Through this motion, Genera submitted a Technical Specification for Power Generation Equipment document ("Draft Scope") detailing the requirements and scope of the RFP that Genera will issue to purchase the units. Additionally, Genera requested an extension until September 29, 2023, to submit a supplement to the Draft Scope submitted in the September 8th Motion, which aims to complete the RFP Package to be submitted for the approval of the Energy Bureau.

6. In compliance with the August 23rd Order and in accordance with the September 8th Motion, Genera respectfully submits the following supplemental documents to the Draft Scope under seal of confidentiality. The following documents are attached as Exhibits to this Motion:

- | | |
|--|-----------|
| 1. Section A 1.0 - Scope of Work | Exhibit A |
| 2. Section A 2.0 - Product Receiving, Storage and Handling | Exhibit B |
| 3. Section A 3.0 - Document Submittals | Exhibit C |
| 4. Section A 5.0 - Spare Parts | Exhibit D |
| 5. Section A 6.0 - Site Design Data | Exhibit E |
| 6. Section A 7.0 - General Design Criteria | Exhibit F |
| 7. Section A 8.0 - Operation Requirements | Exhibit G |
| 8. Section A 9.0 - CTG Specification | Exhibit H |
| 9. Section A 13.0 - LTSA Specification | Exhibit I |
| 10. Appendix A - Schedule & Monthly Reporting | Exhibit J |
| 11. Appendix B - Approved Suppliers.xlsx | Exhibit K |
| 12. Appendix C - Division of Responsibility Matrix.xlsx | Exhibit L |
| 13. Appendix D - Shop Testing | Exhibit M |
| 14. Appendix E - Coating Systems | Exhibit N |

- | | |
|--------------------------------------|-----------|
| 15. Appendix F - Database Lists.xlsx | Exhibit O |
| 16. PD PAGE.xlsx | Exhibit P |
| 17. PP_CTG.xlsx | Exhibit Q |

7. Notwithstanding, despite Genera's diligent and reasonable efforts to fully comply with the requirements set forth in the August 23rd Order, as well as the conditions stipulated in the request for an extension of time in the September 8th Motion, Genera respectfully informs the Energy Bureau that additional time is required to fully comply with the August 23rd Order. To ensure the accuracy, completeness, and quality of the submission, Genera requests an extension until October 13, 2023. The additional time will be utilized to prepare additional technical documents essential for completing Genera's RFP Package. These crucial documents include but are not limited to the data and pricing pages and additional technical specs. Including these documents will enable Genera to provide a fully comprehensive and compliant RFP Package.

8. Additionally, Genera respectfully informs the Energy Bureau that the supplemental documents to the Draft Scope submitted as Exhibits to this motion are submitted under seal of confidentiality, as they include sensitive commercial information. Genera also respectfully requests the Energy Bureau to maintain the supplemental documents to the Draft Scope submitted as Exhibit herein 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 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 October 13, 2023, to submit the remaining supplements to the September 8th Motion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th 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@diaz.law; and Maralíz Vázquez-Marrero, at mvazquez@diazvaz.law.

In San Juan, Puerto Rico, this 29th day of September 2023

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A
Section A 1.0 - Scope of Work
(Submitted under seal of confidentiality)

Exhibit B
Section A 2.0 - Product Receiving, Storage and Handling
(Submitted under seal of confidentiality)

Exhibit C
Section A 3.0 - Document Submittals
(Submitted under seal of confidentiality)

Exhibit D
Section A 5.0 - Spare Parts
(Submitted under seal of confidentiality)

Exhibit E
Section A 6.0 - Site Design Data
(Submitted under seal of confidentiality)

Exhibit F
Section A 7.0 - General Design Criteria
(Submitted under seal of confidentiality)

Exhibit G
Section A 8.0 - Operation Requirements
(Submitted under seal of confidentiality)

Exhibit H
Section A 9.0 - CTG Specification
(Submitted under seal of confidentiality)

Exhibit I
Section A 13.0 - LTSA Specification
(Submitted under seal of confidentiality)

Exhibit J
Appendix A - Schedule & Monthly Reporting
(Submitted under seal of confidentiality)

Exhibit K
Appendix B - Approved Suppliers.xlsx
(Submitted under seal of confidentiality)

Exhibit L
Appendix C - Division of Responsibility Matrix.xlsx
(Submitted under seal of confidentiality)

Exhibit M
Appendix D - Shop Testing
(Submitted under seal of confidentiality)

Exhibit N
Appendix E - Coating Systems
(Submitted under seal of confidentiality)

Exhibit O
Appendix F - Database Lists.xlsx
(Submitted under seal of confidentiality)

Exhibit P
PD PAGE.xlsx
(Submitted under seal of confidentiality)

Exhibit Q
PP_CTG.xlsx
(Submitted under seal of confidentiality)