

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

NEPR

Received:

CASE NO.: NEPR-AP-2021-0002 Sep 29, 2023

11:36 AM

**IN RE: NOTICE OF DELAY  
(XZERTA -TEC SOLAR I, LLC)**

**SUBJECT: Notice of Delay and  
Authorization Request to extent terms  
of the Renewable Energy Power  
Purchase and Operation Agreement  
with the Puerto Rico Electric Power  
Authority Contract 2013-P00042E**

**INFORMATIVE MOTION**

**TO THE HONORABLE ENERGY BUREAU:**

COMES NOW Xzerta-Tec Solar I, LLC ("XZERTA"), through its counsel of record, and respectfully submits and prays as follows:

1. On June 30, 2023 Xzerta-Tec Solar I, LLC submitted a Motion Requesting Authorization.
2. Attached as Exhibit I to this motion is a letter issued by the Puerto Rico Electric Power Authority supporting our request.
3. Xzerta-Tec Solar I, LLC is in compliance with all other terms of the PPOA, but needs the Bureau's authorization for the time extension requested.

**WHEREFORE**, for the reasons stated above, XZERTA respectfully REQUESTS the Puerto Rico Energy Bureau to TAKE NOTICE of the above and to AUTHORIZE PREPA to grant the additional time requested.

**Respectfully submitted.**

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



**María Elisa Martínez Avilés**  
**TSPR 15,802**  
1111 Ave Jesús T. Piñero  
San Juan, P.R. 00920-5605  
Tel. 787.781.7084, 787.781.2222  
Fax 787.783.2875  
Email: mariaemartinez@gmail.com

## **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 both PREPA and LUMA through its project designees.

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

## EXHIBIT I



### GOVERNMENT OF PUERTO RICO

PUERTO RICO ELECTRIC POWER AUTHORITY

Executive Director | Josué A. Colón Ortiz | [director\\_ejecutivo@prepa.com](mailto:director_ejecutivo@prepa.com)

July 31, 2023

VIA EMAIL

[fmolini@xzertasolar.com](mailto:fmolini@xzertasolar.com)

Mr. Fernando Molini-Vizcarrondo  
President  
Xzerta-Tec Solar I, LLC  
San Juan, Puerto Rico

Dear Mr. Molini-Vizcarrondo:

#### Re.: Xzerta-Tec's Hatillo Solar Farm Project

ACT 17-2019 known as the "Puerto Rico Energy Public Policy Act" ("Act") set's the parameters for a resilient, reliable, and robust energy system with just and reasonable rates for all class of customers; making it feasible for energy system users to produce and participate in energy generation. The Act also, facilitates the interconnection of distributed generation systems and microgrids and unbundle and transform the electrical power system into an open system.

More particularly, the Act established specific goals and the Energy Public Policy of the Government of Puerto Rico. One of the main goals is to reduce and eventually eliminate electric power generation from fossil fuels by integrating orderly and gradually alternative renewable energy. According to the established Renewable Portfolio Standard, the objective is to achieve a minimum of 40% on or before the year 2025; 60% by 2040 and 100% on or before 2050.

The Act further provides that Power Purchase Agreements shall be awarded considering the goals and mandates established in the Renewable Portfolio Standards, which compel the transition from fossil fuels energy generation to an aggressive integration of renewable energy as provided in Act 82-2010.



---

PO Box 364267 San Juan, Puerto Rico 00936-4267 | 787.521.4671

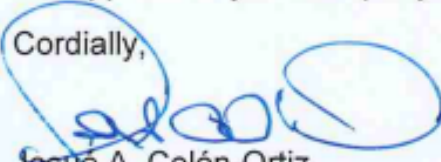
"We are an equal opportunity employer and do not discriminate on the basis of race, color, gender, age, national or social origin, social status, political ideas or affiliation, religion, for being or perceived to be a victim of domestic violence, sexual aggression or harassment, regardless of marital status, sexual orientation, gender identity or immigration status; for physical or mental disability, for veteran status or genetic information."

PREPA considers Xzerta-Tec's Hatillo Solar Farm Project ("Xzerta"), together with Ciro One, Punta Lima, and Tranches 1, 2 and 3 alternative and renewable projects, as part of its efforts to comply with the Puerto Rico Integrated Resources Plan and the mandate of a robust renewable energy portfolio established by Act 17-2019. To that end, PREPA continues to fully support the development of Xzerta.

Pursuant to Sections 4.1 and 4.5 of the Amended and Restated Renewable Power Purchase and Operating Agreement between PREPA and Xzerta ("PPOA"), PREPA agrees with and supports Xzerta's Motion Requesting Authorization submitted before the Puerto Rico Energy Bureau (PREB) on June 30, 2023, under case No. NEPR-AP-2021-0002 (attached as Annex A) requesting an additional one hundred and twenty (120) business days to achieve Full Notice Proceeded, as defined in the PPOA.

We appreciate your company's commitment.

Cordially,



Josué A. Colón-Ortiz  
Executive Director

Annex