

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

NEPR
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IN RE:

10 YEAR PLAN FEDERALLY FUNDED
COMPETITIVE PROCESS

CASE NO.: NEPR-MI-2022-0005

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

**MOTION TO SUBMIT SECOND 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. On August 16, 2023, Genera, acting as agent of PREPA, filed 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 1 to August 15, 2023, in Compliance with Resolution and Order Dated January 23, 2023* (“August 16th Motion”). In this motion, among other things, Genera submitted recommendations for changes to the RFP processes. Genera contended that these changes would lead to significant cost savings and a reduction in time.

2. 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*

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.

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.

3. 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*. 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. 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.

5. On September 15, Genera filed a document titled *Memorandum of Law in Support of Confidential Treatment of RFP Draft Scope Submitted in Compliance with Resolution and Order Dated August 23, 2023* (“September 15th Memorandum of Law”). Through the September 15th

Memorandum of Law, Genera requested confidential designation and treatment of the Draft Scope submitted on September 8, 2023, as Exhibit A.

6. On September 21, 2023, the Energy Bureau issued a Resolution titled *Memorandum of Law in Support of Confidential Treatment of RFP Draft Scope Submitted in Compliance with Resolution and Order Dated August 23, 2023*. Through this Resolution, and after reviewing the September 15th Memorandum of Law, the Energy Bureau granted the confidential designation and treatment to Exhibit A of the September 8th Motion.

7. On September 29, 2023, Genera filed a document titled *Motion to Submit Supplement to September 8, 2023, Motion in Compliance with Resolution and Order Dated August 23, 2023* (“September 29th Motion”). Through this motion, Genera submitted certain supplemental documents under seal of confidentiality – attached therein as Exhibit A through Exhibit Q – to the Draft Scope initially presented in the September 8th Motion. Additionally, Genera requested an extension until October 13, 2023, to prepare and file additional supplement technical documents to the Draft Scope, whose inclusion will enable Genera to provide a fully comprehensive and compliant RFP Package.

8. On October 6, 2023, Genera submitted a document titled *Memorandum of Law in Support of Confidential Treatment for the Supplement to Genera’s September 8 Motion, Submitted in September 29, 2023, in Compliance with Resolution and Order Dated August 23, 2023* (“October 6th Memorandum of Law”). This memorandum was submitted in alignment with the September 15th Memorandum of Law and aimed to support Genera’s request to maintain the confidentiality of the supplemental documents included in the September 29th Motion.

9. In compliance with the August 23rd Order and in accordance with the September 29th Motion, Genera respectfully submits the following second set of supplemental documents to

the Draft Scope under seal of confidentiality. The following documents are attached as Exhibits to this Motion:

No.	Document Title	Exhibit No.
1.	Exhibit A - Proposal Submission Requirements Checklist	Exhibit A
2.	Exhibit B - Statement of Qualifications	Exhibit B
3.	Exhibit C - Authorization for Background and/or Financial Information	Exhibit C
4.	Exhibit D - Certifications Affidavit	Exhibit D
5.	Exhibit E – Price Proposal	Exhibit E
6.	Exhibit F – Comparable Projects	Exhibit F
7.	Exhibit G – References	Exhibit G
8.	Exhibit H - S/MWBE Forms	Exhibit H
9.	Exhibit I – Technical Specification for Power Generation Equipment	Exhibit I
10.	Exhibit J - Technical Proposal	Exhibit J
11.	Attachments A through Attachment H	Exhibit K

10. Genera respectfully informs the Energy Bureau that this second supplement to the September 8th Motion brings Genera’s RFP package close to completion. However, the package is still in draft form and may require further revisions. As a result, Genera requires additional time, until October 20, 2023, to finalize and submit the complete RFP package.

11. Additionally, Genera advises the Energy Bureau that this second set of 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. Genera contends that this second set of supplement documents merits confidential treatment based on the same legal arguments raised in the September 15th and October 6th Memorandum of Law. Therefore, Genera respectfully requests that the Energy Bureau maintains the Exhibits attached herein under seal of confidentiality.

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 20, 2023, to submit the finalized revised RFP.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of October 2023.

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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, Lionel Santa Crispín, at lione.santa@prepa.pre.gov.

In San Juan, Puerto Rico, this 13th day of October 2023

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

Exhibit A - Proposal Submission Requirements Checklist
(Submitted under seal of confidentiality)

Exhibit B

Exhibit B - Statement of Qualifications
(Submitted under seal of confidentiality)

Exhibit C

Exhibit C - Authorization for Background and/or Financial Information
(Submitted under seal of confidentiality)

Exhibit D

Exhibit D - Certifications Affidavit
(Submitted under seal of confidentiality)

Exhibit E
Exhibit E – Price Proposal
(Submitted under seal of confidentiality)

Exhibit F

Exhibit F – Comparable Projects
(Submitted under seal of confidentiality)

Exhibit G

Exhibit G – References

(Submitted under seal of confidentiality)

Exhibit H

Exhibit H - S/MWBE Forms
(Submitted under seal of confidentiality)

Exhibit I

Exhibit I – Technical Specification for Power Generation Equipment
(Submitted under seal of confidentiality)

Exhibit J

Exhibit J - Technical Proposal
(Submitted under seal of confidentiality)

Exhibit K

Attachments A through Attachment H
(Submitted under seal of confidentiality)