

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

<p>NEPR</p> <p>Received:</p> <p>Nov 21, 2023</p> <p>7:40 PM</p>

IN RE:

REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-
YEAR INFRASTRUCTURE PLAN –
DECEMBER 2020

CASE NO.: NEPR-MI-2021-0002

SUBJECT: Motion Submitting Response in
Compliance with Resolution and Order Dated
November 8, 2023 and Request a Time
Extension to Provide the Detailed Scope of
Works per site.

**MOTION SUBMITTING RESPONSE IN COMPLIANCE WITH RESOLUTION AND
ORDER DATED NOVEMBER 8, 2023 AND REQUEST OF TIME EXTENSION TO
PROVIDE THE DETAILED SCOPE OF WORKS PER SITE**

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 March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order in the instant case, through which it ordered the PREPA to submit each specific capital investment project for approval to avoid potential noncompliance with the Approved Integrated Resource Plan (IRP”) and Modified Action Plan. To streamline the process, the Energy Bureau requested PREPA to submit the specific projects to the Energy Bureau at least thirty (30) calendar days before their submittal to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR3") and the Federal

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among PREPA, the Puerto Rico Public-Private Partnerships Authority (“P3 authority”) and Genera, 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 provided by Genera under the LGA OMA.

Emergency Management Agency ("FEMA"), and any other federal agency, and to continue reporting to the Energy Bureau and FEMA, within the next five (5) years, the progress of all ongoing efforts related to the final approval of the submitted projects not yet approved by the Energy Bureau.

2. On January 24, 2023, Genera, PREPA and the P3 Authority executed the Puerto LGA OMA. According to the LGA OMA, Genera is the sole operator and administrator of the Legacy Generation Assets and the exclusive entity authorized to represent PREPA before the Energy Bureau about any matter related to the performance of the Operation and Maintenance ("O&M") services provided by Genera under the LGA OMA. Further, Genera is the sole entity responsible for procuring and administering federal funds for projects to repair or replace the LGA.

3. On October 27, 2023, Genera filed a document titled *Amended Motion for Leave to Submit Amendment to Project and 406 BESS's Initial Scope of Work* ("October 27th Motion"). Genera included as Exhibit A, a document titled *BESS Equipment Project Amendment*; as Exhibit B, a document titled *BESS Project 406 Initial SOW*; and as Exhibit C, a document titled *BESS Project Presentation*. Through the October 27th Motion, Genera requested the Energy Bureau to grant Genera leave to present to COR3 and FEMA the Project Amendment and the Section 406 Initial SOW. Genera also sought continuation of all activities required to complete essential documentation and analysis for the Battery Energy Storage System ("BESS") Project, stating that a detailed Scope of Work ("SOW") per facility will be subsequently submitted to FEMA.

4. On November 8, 2023, the Energy Bureau issued a Resolution and Order titled *Determination on Genera's October 27, 2023, Amended Motion for Leave to Submit Amendment to Project and 406 BESS Initial Scope of Work* ("November 8th Resolution"). The Energy Bureau conditionally approved the projects in Attachment A to the November 8th Resolution, pending

submission by Genera of a detailed SOW for each project. The Energy Bureau noted that the conditionally approved projects would be presented to FEMA and COR3 to finalize their approval process, contingent on the Energy Bureau's final determination based on its evaluation of the requested SOWs.

5. Consequently, the Energy Bureau, in its pertinent part to this Motion, through the November 8th Resolution, ordered Genera to submit, within ten (10) days of the notice of the November 8th Resolution, the detailed SOW per site as indicated in Attachment A of the November 8th Resolution.

6. Genera hereby submits, as Exhibit A, a detailed explanation of the steps needed to complete the SOWs per site of the conditionally approved BESS project under section 406 initial SOW outlined in Attachment A of the November 8th Resolution.

7. Genera proposes to submit a monthly report on the progress of interconnection studies to be undertaken by LUMA and the development status of the detailed Scopes of Works and the other processes described in Attachment A of this motion.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes and grant Genera's request regarding the November 8th Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of November 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 PREPA, Lionel Santa Crispín, at lionel.santa@prepa.pr.gov; and to LUMA's counsel, Margarita Mercado, at margarita.mercado@us.dlapiper.com, and Yahaira De La Rosa, at yahaira.delarosa@us.dlapiper.com.

In San Juan, Puerto Rico, this 21st day of November 2023

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

GPR – PREB ORDER– 11.08.2023

Docket Number: NEPR-MI-2021-0002

In Re: Review of the Puerto Rico Electric Power Authority's 10-year Infrastructure Plan – December 2020

Re: Determination on Genera's October 27, 2023, Amended Motion for Leave to Submit Amendment to Project and 406 BESS Initial scope of Works

GPR – PREB ORDER – 11.08.2023 #1 (i)

BESS Projects PREB Order:

(i) Submit to the Energy Bureau, within ten (10) days of the notice of this Resolution and Order, a detailed SOW per Site ("POI") as indicated in Attachment A of this Resolution and Order;

Response:

- To provide a Detailed SOW for each site, the following tasks must be completed:
 - a. Luma will undertake interconnection studies to determine capacity size per site.
 - b. Upon capacity size is determined, the A&E will develop a Detailed SOW per site once 30% of the design is completed.
 - c. With the information capacities, the footprint will be determined, and the Environmental Impact details will be available to develop the FEMA EHP Report.

The detailed SOW per site cannot be provided within the specified time frame for the reasons mentioned above.

The following table shows the steps to be conducted in parallel (from top to bottom) to accelerate the FEMA approvals and complete the equipment installation.

BESS Parallel Processes			
Equipment Cost Obligation Process	Equipment Purchase Process	Installation Obligation Process	Installation Purchase Process
Submit Equipment Detailed SOW	Develop BESS RFP	Assume maximum footprint per plant.	Develop installation RFP
Approved by FEMA	Obtain maximum capacities from LUMA	Develop Detailed SOW per site for installation assuming maximum EHP Impact. ¹ The FEMA critical path is the environmental review.	Publish RFP, award and notice to proceed
Request 25% WCA	Publish RFP, award and NTP	Submit to PREB and get approval.	
		Request assistance from COR3 to Develop an Environmental and Historic Preservation Report.	
Purchase and delivery		Submit to FEMA under 428 while it's unofficially reviewed by 406 team. (The purpose is to obtain a quick Obligation to request 25% WCA). RFP for installation and site preparation and notice to proceed.	

¹ FEMA does not evaluate interconnection technical details.

	<p>Get obligation under 428 and immediately submit an amendment requesting an official review from 406.</p>	
	<p>Request 25% WCA.</p>	
<p>Start Installation</p>		
<p>Get FEMA 406 approval.</p>		
<p>FEMA and COR3 Internally will relocate the money from the 406 program to the 428 bucket to replenish the original obligation. This step is completely transparent for Genera.</p>		
<p>Disbursements</p>		
<p>Closeout</p>		