

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

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

CASE NO.: NEPR-MI-2021-0002

SUBJECT: LUMA's Accelerated Storage
Addition Program.

RESOLUTION AND ORDER

On March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("March 26 Resolution") in the instant case, through which it ordered the Puerto Rico Electric Power Authority ("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.¹ 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 Emergency Management Agency ("FEMA"), and any other federal agency,² 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.

On January 24, 2023, GENERA PR, LLC ("GENERA"), PREPA and the Puerto Rico Public-Private Partnership Authority ("P3A") executed the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement ("LGA OMA"). According to the LGA OMA, GENERA is the sole operator and administrator of the Legacy Generation Assets³, 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 LGA⁴.

On October 27, 2023, GENERA filed a document titled *Amended Motion for Leave to Submit Amendment to Project and 406 BESSs Initial Scope of Work* ("October 27 Motion").⁵ 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 27 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, and to continue with all activities required to complete all the essential documentation and

¹ Final Resolution and Order on the Puerto Rico Electric Power Authority's Integrated Resource Plan, *In re: Review of the Integrated Resource Plan of the Puerto Rico Electric Power Authority*, Case No. CEPR-AP-2018-0001, August 24, 2020 ("IRP Order").

² March 26 Resolution, pp. 18-19.

³ As defined in the LGA OMA.

⁴ LGA OMA, Section 5.8 (c).

⁵ The October 27 Motion amends the document titled *Motion for Leave to Submit Amendment to Project and 406 BESS Initial Scope of Work*, *In re: Review of the Puerto Rico Electric Power Authority's 10-Year Infrastructure Plan-December 2020*, case no. NEPR-MI-2021-0002, October 26, 2023 ("October 26 Motion").



analysis to complete the Battery Energy Storage System (“BESS”) Project⁶. GENERA stated that a detailed Scope of Work (“SOW”) will be submitted to FEMA per facility.⁷

On November 8, 2023, the Energy Bureau issued a Resolution and Order (“November 8 Resolution”) on its determination on GENERA’s October 27, 2023, Amended Motion for Leave to Submit Amendments to the BESS Project and 406 Bes Initial Scope of Work. The Energy Bureau conditionally approved the BESS Project presented by GENERA.⁸

On November 9, 2023, LUMA⁹ informally presented to the Commissioners of the Energy Bureau a concept known as *Accelerated Storage Addition Program* (“Accelerated BESS Program”) LUMA states that this plan may allow the integration of much needed Battery Energy Storage Systems (“BESS”) to the Puerto Rico Electrical System in a significantly reduced amount of time than the time expected through the ongoing renewable energy and storage procurement process (“Tranches”). LUMA expressed to the Commissioners that they would present such concept to other stakeholders to obtain the input of the relevant parties to ensure the success of the Accelerated BESS Program.

The Energy Bureau **ORDERS** LUMA to present, with five (5) business days from the notification of this Resolution and Order, a filing including the following:

- i. A detailed description and discussion of the concept of the Accelerated BESS Program, including its benefits (*e.g.*, economic, operational, etc.);
- ii. The status of the efforts towards formalizing the Accelerated BESS Program;
- iii. A discussion on any barriers identified that may impact the implementation of the Accelerated BESS Program, including any input from the stakeholders; and
- iv. A discussion on the impacts of the Accelerated BESS Program, if any, on the GENERA BESS Project conditionally approved by the Energy Bureau through the November 8 Resolution.
- v. The status of LUMA’s due diligence to allow the GENERA BESS Projects to interconnect at the various sites.

The Energy Bureau **WARNS** LUMA that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014 and applicable Energy Bureau’s regulations and any other appropriate administrative sanctions, as deemed appropriate by the Energy Bureau.

Be it notified and published.



⁶ See October 27 Motion, p. 9

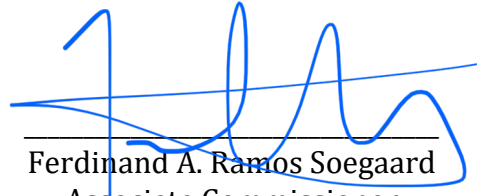
⁷ *Id.*, Exhibit B, Section IV.

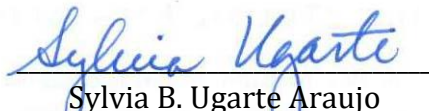
⁸ November 8 Resolution, Section III, p. 2.

⁹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred as, “LUMA”).


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Comisionada Asociada


Antonio Torres Miranda
Comisionado Asociado

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on November 30, 2023. Also certify that on November 30, 2023, I have proceeded with the filing of this Resolution and Order and was notified by email to lionel.santa@prepa.com; laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; julian.angladapagan@us.dlapiper.com; alopez@sbgblaw.com; jfr@sbgblaw.com; jlago@sbgblaw.com.

For the record, I sign in San Juan, Puerto Rico, today, November 30, 2023.


Sonia Seda Gaztambide
Clerk

