

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

NEPR Received: Nov 6, 2023 10:06 PM
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IN RE: ENMIENDAS A CONTRATO DE COMPRAVENTA DE ENERGÍA: PROYECTO NO-OPERACIONAL (XZERTA-TEC SOLAR I, LLC)

CASE NO.: NEPR-AP-2021-0002

SUBJECT: Informative Motion, Request For Extension for LUMA to Complete Evaluation of Revised Interconnection Design, and Request for Determination Regarding Payment for Additional Study

INFORMATIVE MOTION, REQUEST FOR EXTENSION FOR LUMA TO COMPLETE EVALUATION OF REVISED INTERCONNECTION DESIGN, AND REQUEST FOR DETERMINATION REGARDING PAYMENT FOR ADDITIONAL STUDY

TO THE HONORABLE ENERGY BUREAU:

COME NOW LUMA Energy ServCo, LLC and LUMA Energy, LLC (collectively “LUMA”) through their undersigned legal representatives and respectfully submit and request the following:

1. On June 30, 2023, Xzerta-Tec Solar, LLC (“Xzerta”) filed before this Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) a *Motion Requesting Authorization* in which they requested the Energy Bureau to authorize the Puerto Rico Electric Power Authority (“PREPA”) to grant Xzerta an additional 120 business days to achieve Full Notice to Proceed (“Fntp”) under the Power Purchase and Operating Agreement between Xzerta and PREPA and to order LUMA to promptly evaluate and issue a determination regarding the revised interconnection design proposed by Xzerta.

2. On September 29, 2023, Xzerta filed an *Informative Motion* submitting a letter from PREPA dated July 31, 2023, through which PREPA agreed and supported Xzerta’s request to extend the date to achieve the Fntp.

3. On October 6, 2023, this Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“October 6th Resolution and Order”) granting Xzerta-Tec Solar, LLC an additional 120 business days from July 30, 2023, to achieve FNTF. In addition, the Energy Bureau ordered LUMA to “complete the evaluation of the proposed revised interconnection design and issue a determination within thirty (30) calendar days from the notification of [the October 6th Resolution and Order]”.

4. LUMA herein respectfully informs that, after the Interconnection Studies for the Xzerta project were released on February 21, 2023, LUMA had discussions with Xzerta to explore alternatives to the underground interconnection design proposed in the Interconnection Studies. During these discussions, LUMA communicated to both Xzerta and PREPA that an additional study, at an additional cost, would be required to evaluate an alternate interconnection design. However, neither PREPA nor Xzerta expressed willingness to pay for this additional study. In attention to the Energy Bureau’s October 6th Resolution and Order, LUMA will have the additional study conducted. However, the contract between Sargent & Lundy, the firm that has been conducting the interconnection studies, and PREPA has expired. LUMA is in process of procuring a new contract to cover these services in accordance with LUMA’s procurement requirements, which procurement has not been completed as of this date. Until this contract is procured, finalized and executed, LUMA is unable to have the additional study prepared or complete the requested evaluation of Xzerta’s revised interconnection design. LUMA anticipates that the procurement process may be completed, and the new consultant onboarded to complete this review, within the next forty-five (45) days, barring any unforeseen delays in that process. Therefore, LUMA respectfully requests this honorable Energy Bureau to extend the deadline for LUMA to complete this evaluation and issue a determination by forty-five (45) days.

5. LUMA also respectfully submits that the responsibility to pay for the additional interconnection study should belong to the project developer, as has been the practice with other Tranche and non-Tranche projects and is the industry practice. Therefore, LUMA respectfully requests that this Energy Bureau issue a determination regarding Xzerta's responsibility to pay for this additional study or issue such other determination as it deems appropriate regarding the source to fund the costs of this additional study.

WHEREFORE, LUMA respectfully requests the Energy Bureau to take notice of the aforementioned; grant LUMA an additional forty-five (45) days to complete the evaluation of Xzerta's revised interconnection design and issue a determination with respect thereto; and issue a determination regarding Xzerta's responsibility to pay for the additional interconnection study needed to complete such evaluation or such other determination as it deems appropriate regarding the source to fund the costs of this additional study.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of November 2023.

We hereby certify that we will file on this date this Motion using the electronic filing system of this Energy Bureau and will send an electronic copy of this Motion to counsel for PREPA arivera@gmlex.net and to fernandomolini@tycroesgroup.com.



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