

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

**NEPR**

**Received:**

**Mar 13, 2024**

**10:23 PM**

**IN RE:** LUMA'S RESPONSE TO  
HURRICANE FIONA

**CASE NO.:** NEPR-MI-2022-0003

**URGENT INFORMATIVE MOTION**

**TO THE PUERTO RICO ENERGY BUREAU:**

**COMES NOW** the Puerto Rico Electric Power Authority ("PREPA"), through its counsel of record, and respectfully submits and prays as follows:

1. On January 14<sup>th</sup>, 2024, the Puerto Rico Electric Power Authority ("PREPA"), filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau" or "PREB"), an *Urgent Motion Submitting for Review and Approval of the Scope of Work for the Transfer/Ownership to PREPA of the Temporary Generation Units* (the "Urgent Motion"). Through the Urgent Motion, PREPA sought the Energy Bureau's approval of the initial scope of work for the acquisition, be it through purchase or lease, of the temporary generation units installed in the Palo Seco Power Plant (150MW) and the San Juan Power Plant (200MW).

2. PREPA attached fourteen (14) exhibits as supporting documentation to its petition, including an equipment inventory list of the temporary generation units. The inventory list consisted of seven (7) gas turbines comprising the Power Generation Equipment installed and operating in the Palo Seco Power Plant and

ten (10) gas turbines comprising the Power Generation Equipment installed and operating at the San Juan Power Plan. In other words, the temporary generation units involved a total of seventeen (17) gas turbines.

3. Furthermore, PREPA informed that the U.S. Army Corps of Engineers ("USACE") operates the temporary generation units through contracts with Weston Solutions, Inc., which subcontracted New Fortress Energy (NFE).

4. On February 21<sup>st</sup>, 2024, the Energy Bureau issued a Resolution and Order approving the initial scope of work ("SOW") submitted by PREPA, and further requiring that PREPA file the final SOW once approved by FEMA.

5. On March 1<sup>st</sup>, 2024, FEMA approved the Project Worksheet ("PW"), including the same equipment inventory list contained in the initial SOW approved by the Energy Bureau.

6. On March 5<sup>th</sup>, 2024, PREPA filed before the Energy Bureau the PW approved by FEMA and informed of significant changes in the equipment to be acquired by PREPA. Further, PREPA listed the excluded equipment and requested that the Energy Bureau take notice of the changes in the SOW.

7. On March 8<sup>th</sup>, 2024, the Energy Bureau issued a Resolution and Order, taking notice of the information provided by PREPA in its March 5<sup>th</sup> Motion, and reiterated its February 21<sup>st</sup> Order requiring PREPA to file the final SOW approved by FEMA for its review and approval.

8. In compliance with its duty to keep the Energy Bureau informed of any variation in the approved SOW, PREPA hereby notifies that NFE has confirmed

to the Puerto Rico Central Office for Recovery, Reconstruction, and Resiliency (“COR3”) that they do not possess three (3) of the seven (7) Gen 8 Model generators at the Palo Seco temporary generation site. NFE has further informed that their current owner is unwilling to sell these three (3) units to NFE.

9. NFE offered to switch out those three (3) Gen 8 Model generators with three (3) Gen 6 Model generators. However, given that the exchange would not be for identical models, FEMA only authorized the acquisition of the fourteen (14) onsite units that are part of the existing seventeen (17) generator system. On this same date, FEMA confirmed this information through an email sent to Sebastián Bastista, legal counsel of COR3. **See Exhibit 1.**

10. Based on the aforementioned, it is predictable and anticipated that changes to the PW and the draft of the Asset Purchase Agreement will be shortly taking place. As such, and in compliance with its duty before this Bureau, PREPA hereby informs of the latest developments regarding the acquisition of Temporary Generation Units.

**WHEREFORE**, PREPA respectfully requests the Energy Bureau to take **NOTICE** of the foregoing.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, on the 13<sup>th</sup> day of March 2024.

**CERTIFICATE OF SERVICE:** We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, which will notify all attorneys of record

of such filing.

**GONZÁLEZ & MARTÍNEZ**

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**s/Alexis G. Rivera-Medina**

**Alexis G. Rivera-Medina**

TSPR No.: 18,747

E-mail: arivera@gmlex.net

Wednesday, March 13, 2024 at 19:14:01 Atlantic Standard Time

**Subject:** Fwd: Generator Acquisition Update  
**Date:** Wednesday, March 13, 2024 at 6:47:06 PM Atlantic Standard Time  
**From:** Lcdo. Juan González  
**To:** Lcdo. Alexis Rivera  
**Attachments:** image001.jpg

Sent from my iPhone

Begin forwarded message:

**From:** "Batista Bustelo, Sebastian (AAPP)" <[sbatista@cor3.pr.gov](mailto:sbatista@cor3.pr.gov)>  
**Date:** March 13, 2024 at 4:09:11PM AST  
**To:** "Lcdo. Juan González" <[jgonzalez@gmlex.net](mailto:jgonzalez@gmlex.net)>, [josue.colon@prepa.pr.gov](mailto:josue.colon@prepa.pr.gov), Ezequiel J Nieves-Ayala <[EZEQUIEL.NIEVES@prepa.pr.gov](mailto:EZEQUIEL.NIEVES@prepa.pr.gov)>, Lionel E Santa Crispín <[LIONEL.SANTA@prepa.pr.gov](mailto:LIONEL.SANTA@prepa.pr.gov)>  
**Cc:** "Loran Butron, Gerardo (AAPP)" <[Gerardo.Loran@p3.pr.gov](mailto:Gerardo.Loran@p3.pr.gov)>, "Fontanés Gómez, Fermín E. (AAPP)" <[Fermin.Fontanes@p3.pr.gov](mailto:Fermin.Fontanes@p3.pr.gov)>, "Laboy Rivera, Manuel (AAPP)" <[mlaboy@cor3.pr.gov](mailto:mlaboy@cor3.pr.gov)>  
**Subject:** FW: Generator Acquisition Update

Saludos a todos,

Favor de ver email de FEMA donde autorizan la compra de los 14 generadores de NFE.



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**From:** Casper, Nancy <[Nancy.Casper@fema.dhs.gov](mailto:Nancy.Casper@fema.dhs.gov)>  
**Sent:** Wednesday, March 13, 2024 4:06 PM  
**To:** Laboy Rivera, Manuel (AAPP) <[mlaboy@cor3.pr.gov](mailto:mlaboy@cor3.pr.gov)>; Batista Bustelo, Sebastian (AAPP)

<[sbatista@cor3.pr.gov](mailto:sbatista@cor3.pr.gov)>

**Subject:** Generator Acquisition Update

Sir,

As we discussed, New Fortress Energy has informed the Government of Puerto Rico they do not possess 3 of the generators at the Palo Seco temporary generation site and the owner is unwilling to sell them to New Fortress Energy. New Fortress Energy has offered to switch out those 3, TM2500 Gen8 generators with 3 they do own that are TM2500 Gen 6 units. Given the swap is not a like model, FEMA is authorizing the 428 funds be used at this time toward only the acquisition of the 14 unites on site that are part of the existing system.

Nancy Casper

Senior Advisor: Puerto Rico Power Stabilization Taskforce

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