

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

NEPR

Received:

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IN RE:

10 YEAR PLAN FEDERALLY FUNDED
COMPETITIVE PROCESS

CASE NO.: NEPR-MI-2022-0005

SUBJECT: Motion to Submit Response to
Request for Information in Compliance with
Resolution and Order dated June 21, 2024

**MOTION TO SUBMIT RESPONSE TO REQUEST FOR INFORMATION IN
COMPLIANCE WITH RESOLUTION AND ORDER DATED JUNE 21, 2024**

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 January 23, 2023, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) entered an order with the subject *Determination for the Project Application Package for the Seven (7) Additional Peakers to be used as Generation* (“January 23rd Order”). In this order, among other directives, the Energy Bureau provided PREPA the flexibility to consider the best mix of locations for emergency generation. However, the Energy Bureau reminded PREPA that the total MW quantity of emergency generation and black start capacity procurement is limited by the conditions included in the December 5, 2022, Resolution and Order (“December 5th Order”).

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority (“P3 Authority”), Genera is the sole operator and administrator of the Legacy Generation Assets (as defined in the LGA OMA) and the sole entity authorized to represent PREPA before PREB with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

2. On November 8, 2023, the Energy Bureau entered an order with the subject *Motion to Submit Supplement to September 8, 2023, Motion in Compliance with Resolution and Order Dated August 23, 2023 - Genera Competitive Procurement of Black Start and Emergency Generation*. In this Order the Energy Bureau stated that the upper limit of the range of capacity (MW) sizing included in section A.1.2 of exhibit J of the RFP far exceeds the maximum of 200 MW of emergency generation and 81 MW of net plant output for black start services approved by the Energy Bureau in the December 5th Order and the January 23rd Order.

3. On June 5, 2024, Genera submitted a document titled *Motion to Submit the Grid Support Units Update Evaluation for the Emergency Generation and Black-Start Generation Procurement in compliance with the Resolution and Order dated January 23, 2023* (“June 5th Motion”), whereby Genera included, as Exhibit A, an evaluation titled Grid Support Units Project Update (“GSUPU”), submitted under seal of confidentiality, which reviewed competitive bid proposals received and, among other considerations, focused on optimizing the purchasing process by evaluating the benefits of reconfiguring locations and varying the sizes of units.

4. Through the June 5th Motion, Genera sought approval from the Energy Bureau to continue with the proposed equipment configuration and purchase of the grid support units as set forth in Exhibit A to the June 5th Motion.

5. On June 17, 2024, Genera submitted a document titled *Memorandum of Law in Support of Confidential Treatment of the Grid Support Units Update Evaluation Submitted on June 5, 2024* (“June 17th Memorandum of Law”), whereby it requested the Energy Bureau to maintain the confidentiality of the GSUPU submitted as Exhibit A to the June 5th Motion.

6. On June 21, 2024, the Energy Bureau issued a Resolution and Order titled *Motion to Submit the Grid Support Units Update Evaluation – Requests for Information (ROI)* (“June 21st”

Resolution”), through which the Energy Bureau informed that they were evaluating the submitted information and had identified the need for further clarification and additional details. Consequently, the Energy Bureau ordered Genera to submit a response to the Second Request for Information, outlined in Attachment A to the June 21st Resolution, no later than ten (10) business days after the June 21st Resolution, with the deadline being July 8, 2024.

7. In compliance with the June 21st Resolution, Genera respectfully submits as Exhibit A to this motion the responses to the Second Request for Information as outlined in Attachment A to the June 21st Resolution, adhering to the deadline stipulated therein.

8. The responses to the Second Request for Information outlined in Attachment A to the June 21st Resolution are intimately related to the GSUPU, which was originally submitted under seal of confidentiality with the June 5th Motion. Given the inclusion of proprietary commercial information within these responses, Genera respectfully requests that the Energy Bureau maintain the confidentiality of Exhibit A 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 asserts that the information contained in Exhibit A warrants confidential treatment under the same legal precedents and arguments advanced in the June 17th Memorandum of Law. Accordingly, Genera respectfully requests the Energy Bureau to uphold the confidentiality of Exhibit A as submitted.

WHEREFORE, for the reasons stated above, Genera respectfully requests the Energy Bureau to **take notice** of the above; **accept** Genera’s responses to the Second Request for Information outlined in Attachment A to the June 21st Resolution, submitted herein as *Exhibit A*; **deem** Genera to be in compliance with the June 21st Resolution; and **grant** Genera’s request for

confidential treatment of its responses to the Request for Information outlined in Attachment A to the June 21st Resolution, submitted as Exhibit A herein.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8^h day of July 2024.

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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 PREPA through its counsels of record, Alexis G. River Medina, at arivera@gmlex.net, and Mirelis Valle Cancel at mvalle@gmlex.net.

In San Juan, Puerto Rico, this 8th day of July 2024.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

Response to Request for Information
(submitted under seal of confidentiality)