

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

NEPR

Received:

Aug 19, 2024

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IN RE:

10 YEAR PLAN FEDERALLY FUNDED
COMPETITIVE PROCESS

CASE NO.: NEPR-MI-2022-0005

SUBJECT: Motion to Submit Monthly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order Dated July 30, 2024

**MOTION TO SUBMIT MONTHLY REPORT ON THE STATUS OF EMERGENCY
GENERATION AND BLACK-START GENERATION PROCUREMENT
IN COMPLIANCE WITH RESOLUTION AND ORDER DATED JULY 30, 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.

2. On November 8, 2023, after several procedural events, the Energy Bureau issued a Resolution and Order titled *Motion to Submit Supplement to September 8, 2023, Motion in Compliance with Resolution and Order Dated August 23, 2023 - Genera Competitive Procurement*

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.

of *Black Start and Emergency Generation* ("November 8th Order") approving the RFP package submitted by Genera for the procurement of black start and emergency generation services.

3. On February 29, 2024, Genera filed a document titled *Motion to Submit Bi-Monthly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order Dated January 23, 2023* ("February 29th Motion"), in which Genera stated that the initial award was scheduled for March 2024.

4. On July 1, 2024, Genera filed a document with the Energy Bureau titled *Motion to Submit Bi-Weekly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order Dated January 23, 2023* ("July 1st Motion"). In this document, Genera included as Exhibit A the Bi-Weekly Report describing the status of the Emergency Generation and Black-Start Generation Procurement. Additionally, Genera notified the Energy Bureau in the July 1st Motion that starting July 1, 2024, pursuant to Footnote 16 of the January 23rd Order, reports would be submitted on a quarterly basis, consistent with the fiscal year's quarters, with the next report due by October 9, 2024.

5. On July 30, 2024, the Energy Bureau issued a Resolution and Order titled *Resolution and Order to Motion to Submit Bi-weekly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order of January 23, 2023* ("July 30th Resolution"). Upon reviewing Genera's July 1st Motion, the Energy Bureau determined that Exhibit A, filed as the bi-monthly report, did not adequately inform on the progress of the procurement process nor provide information on the milestones of the critical paths required to have the units in commercial operation within the timeline presented in Annex A-3 of the August 16th Motion.

6. Consequently, the Energy Bureau, in the July 30th Resolution, denied the change of the cadence of the bi-monthly reports to quarterly reports and ordered Genera to submit monthly reports instead of bi-weekly reports on the status of Emergency Generation and Black-Start Generation Procurement, commencing August 15, 2024.² Additionally, the Energy Bureau ordered Genera to include, as part of the next and subsequent monthly progress reports, at a minimum, the following:

- a. A breakdown of each task, estimated cost, cost amount consumed, and timeline for completion of such task.
- b. The stages of each task, timeline, present status and estimated time for completion.
- c. A project timeline chart (*e.g.* Gantt Chart) with critical path for the Commercial Operation Date ("COD") of the project.
- d. Permit list, permits obtained, estimated timeline for each permit and status of such permit.
- e. Tasks required in preparation for each site where the project shall be installed. Details on any demolition and permits required in preparation for the installation of the project.
- f. Permit and cost for each site to accommodate the project.

7. On August 14, 2024, Genera submitted a document titled *Urgent Request for Extension of Deadlines Following Tropical Storm Ernesto* ("August 14th Motion"). In the August 14th Motion, Genera requested an extension until August 19, 2024, for all impending deadlines,

² See July 30th Resolution, p. 2. It is important to note that while the July 30th Resolution refers to a denial of Genera's request to change the frequency of bi-monthly reports to quarterly reports, Genera did not formally request this change. Instead, Genera provided notice to the Energy Bureau, informing them of its intent to proceed with quarterly reports beginning July 1, 2024, as per the directives outlined in the Energy Bureau's January 23rd Order.

including the submission of the monthly progress reports on Emergency Generation and Black-Start Generation Procurement, due to operational disruptions caused by Tropical Storm Ernesto.

8. In compliance with the July 30th Resolution and pursuant to the August 14th Motion, Genera respectfully submits the inaugural monthly report on the status of Emergency Generation and Black-Start Generation Procurement, included herein as Exhibit A.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above; **accept** Genera's report on the status of Emergency Generation and Black-Start Generation Procurement submitted herein as *Exhibit A*; and **deem** Genera to be in partial compliance with the July 30th Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 19th day of August 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. Rivera Medina, at arivera@gmlex.net, and Mirelis Valle Cancel at mvalle@gmlex.net.

In San Juan, Puerto Rico, this 19th day of August 2024.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

Report on the status of Emergency Generation and Black-Start Generation Procurement

Docket Number: NEPR-MI-2022-0005

In Re: 10 YEAR PLAN FEDERALLY FUNDED COMPETITIVE PROCESS

Re: Monthly Progress Report

GPR-PREB-NEPRMI20220005- 20240730#1(a)

On the July 30th Resolution and Order the Energy Bureau ordered Genera to submit monthly reports instead of bi-weekly reports on the status of Emergency Generation and Black-Start Generation Procurement, commencing August 15, 2024. Additionally, the Energy Bureau ordered Genera to include, as part of the next and subsequent monthly progress reports, at a minimum, the following:

- a. breakdown of each task, estimated cost, cost amount consumed, and timeline for completion of such task.

Response:

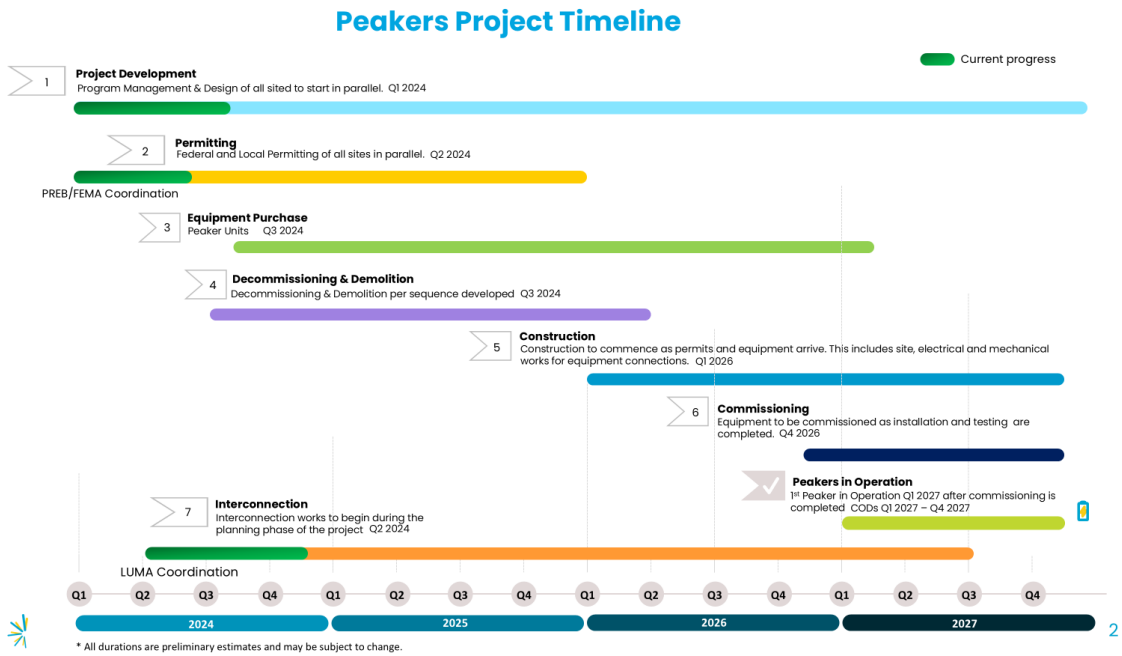
Peakers Project Preliminary Cost Estimate

Equipment Purchase	\$432,920,000
Site Development & Construction	\$478,420,000
Project Development	
Permitting	
Decommissioning & Demolition	
Construction	
Commissioning	
Interconnection	
	\$911,340,000.00

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b. The stages of each task, timeline, present status and estimated time for completion.

Response:

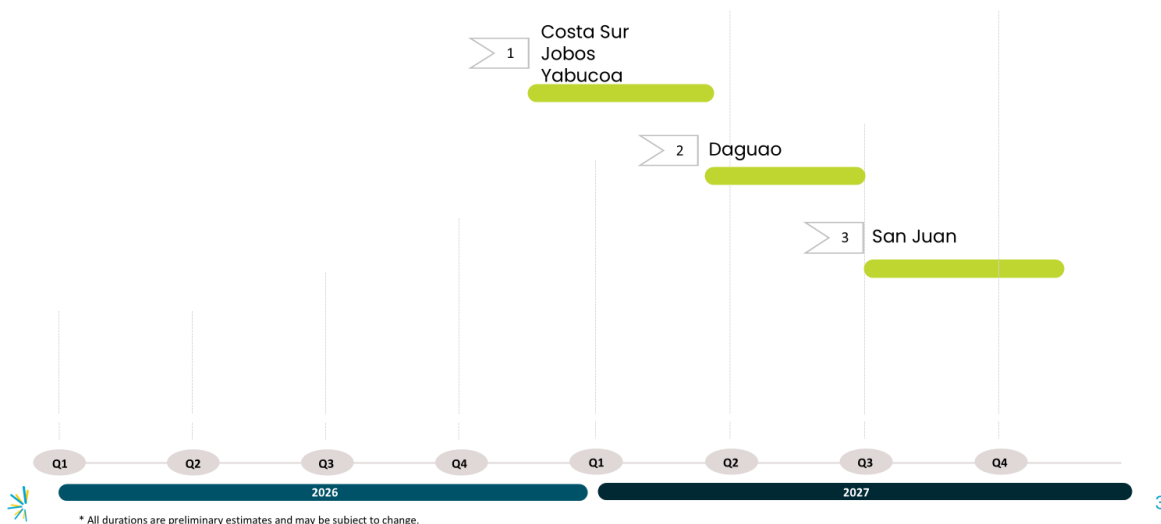


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c. Project timeline chart (e.g. Gantt Chart) with critical path for the Commercial Operation Date ("COD") of the project.

Response:

Peakers – Commissioning Timeline



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d. Permit list, permits obtained, estimated timeline for each permit and status of such permit.

Response:

NEPA Permit Status

Permit	Applicable Sites	Status	Estimated Submittal	Estimated Approval
EHP Review	All Peaker projects	DSOW Drafted	Aug/Sept 2024	May 2025
NEPA Review (Environmental Assessment expected)	All Peaker projects	Gathering data for EA	Feb/March 2025	May 2025
Coastal Zone Consistency Certification	San Juan Costa Sur	Drafted – will submit to FEMA with DSOW	Aug/Sept 2024	Jan/Feb 2025
Biological Resources Endangered Species Act (ESA) Section 7	All Peaker projects	Memo to FEMA being prepared	Sept 2024	N/A *if FEMA agrees with no effects determination no USFWS consultation required
National Historic Preservation Act Consultation	All Peaker projects	Drafted – will submit to FEMA with DSOW	Sept 2024	Dec 2024

Note: All dates are preliminary estimates and are subject to change



Local Permit Status

Permit	Applicable Sites	Status	Estimated Submittal	Estimated Approval
DNER Rule 141 – Environmental Impact Documentation	All Peaker projects	General Arrangement Plans being finalized prior to filing.	January 2025	March 2025
PRFC Fire Review	All Peaker projects	Will be filed by Contractor	Q2 2025	60 days after submission
Permiso Unico Incidental (PUI)	All Peaker projects	Will be filed by Contractor	Q2 2025	30 days after submission
DNER Asbestos/Lead Removal	All Peaker projects	Will be filed by Contractor	Q2 2025	30 days after submission

Note: All dates are preliminary estimates and are subject to change



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e. Tasks required in preparation for each site where the project shall be installed. Details on any demolition and permits required in preparation for the installation of the project.

Response:

See responses to questions a through d.

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f. Permit and cost for each site to accommodate the project.

Response:

NEPA Permit Costs

Permit	Applicable Sites	Estimated Cost
EHP Review	All Peaker sites	\$250,000+ for all sites. Includes EHP Review coordination and EA prep tasks
NEPA Review (Environmental Assessment expected)	All Peaker sites	
Coastal Zone Consistency Certification	San Juan Costa Sur	\$8,000/site
Biological Resources Endangered Species Act (ESA) Section 7	All Peaker projects	\$15,000/site
National Historic Preservation Act Consultation	All Peaker projects	\$15,000/site



Note: All costs are preliminary estimates and are subject to change

Local Permit Costs

Permit	Applicable Sites	Estimated Cost
DNER Rule 141 – Environmental Impact Documentation	All Peaker projects	\$35,000/site
PRFC Fire Review	All Peaker projects	\$3,000/site
Permiso Unico Incidental (PUI)	All Peaker projects	\$25,000/site
DNER Asbestos/Lead Removal	All Peaker projects	\$15,000/site

Note: All costs are preliminary estimates and are subject to change

