

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

NEPR
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IN RE:

REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY’S 10-
YEAR INFRASTRUCTURE PLAN –
DECEMBER 2020

CASE NO.: NEPR-MI-2021-0002

SUBJECT: Motion to Submit Monthly BESS
Progress Report in Compliance with Resolutions
and Orders Dated February 1, 2024, and April
23, 2024

**MOTION TO SUBMIT MONTHLY BESS PROGRESS REPORT
IN COMPLIANCE WITH RESOLUTIONS AND ORDERS DATED FEBRUARY 1, 2024,
AND APRIL 23, 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 February 1, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order titled *Determination on GENERA’s November 21 Motion Submitting Response in Compliance with the Resolution and Order Dated November 8, 2023, and Requesting a Time Extension to Provide the Detailed Scope of Work per Site* (“February 1st Order”). In the February 1st Order, the Energy Bureau approved the projects included in Attachment A therein and noted that Genera is required to present these approved projects to the Federal Emergency Management Agency (“FEMA”) and the Puerto Rico

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

Central Office for Recovery, Reconstruction and Resiliency (“COR3”) to finalize their approval process.

2. Additionally, in the February 1st Order, the Energy Bureau ordered Genera to submit **monthly** reports on the progress of the interconnection studies to be undertaken by LUMA², as well as updates on the development status of the detailed Scope of Works (“SOW”) and the Battery Energy Storage System (“BESS”) Request for Proposals (“RFP”) (“Monthly Progress Report for the BESS Project”).

3. On March 28, 2024, Genera filed a document with the Energy Bureau titled *Motion to Submit Scope of Work in Compliance with Resolution and Order dated November 8, 2023* (“March 28th Motion”). On April 23, 2024, the Energy Bureau issued a Resolution and Order titled *Resolution and Order on Motion to Submit Scope of Work in Compliance with Resolution and Order dated November 8, 2023, filed by Genera on March 28, 2024 and Memorandum of Law in Support of Confidential Treatment of Scope of Work Submitted on March 28, 2024, in Compliance with Resolution and Order dated November 8, 2023, filed by Genera on April 8, 2024* (“April 23rd Resolution”). In the April 23rd Resolution, pertinent to this motion, the Energy Bureau reiterated to Genera the February 8th Order regarding the Monthly Progress Report for the BESS Project and, additionally, directed Genera to include in the Monthly Progress Report for the BESS Project any updated information concerning the locations and MW quantities comprising the total of 430 MW of BESS projects across the full set of nine (9) project locations originally included in the October 27th Motion and referenced in Figure 1 of Exhibit A to the March 28th Motion.

² LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as "LUMA")

4. In compliance with the February 1st Order and the April 23rd Resolution, Genera respectfully submits to the Energy Bureau its Monthly Progress Report for the BESS Project for the month of September as *Exhibit A* to this motion.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes and **deem** Genera to be in partial compliance with the February 1st Order and April 23rd Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10th day of October 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 the PREPA's counsel, Mirelis Valle Cancel, at mvalle@gmlex.net, and Alexis Rivera, at arivera@gmlex.net; and to LUMA's counsel, Margarita Mercado, at margarita.mercado@us.dlapiper.com, and Yahaira De La Rosa, at yahaira.delarosa@us.dlapiper.com.

In San Juan, Puerto Rico, this 10th day of October 2024.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A.
Monthly Progress Report for the BESS Project

Docket Number: NEPR-MI-2021-0002

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

BESS Monthly Report:

- After an in-person presentation to PREB and P3A and responding to follow-up requests for information, Genera submitted the Final Decommission Plan of Vega Baja for PREB approval **48 days ago** (August 23, 2024). The approval of this plan is required to start demolition activities at this site in preparation for the construction work needed to install the BESS equipment. During the past 48 days, Genera has not received any follow-up questions or communications from PREB regarding the submitted plan.
- Per the timelines discussed in person with PREB during the July 16, 2024 meeting, the PREB approval is delayed, and thus, the Final Decommissioning Plan of Vega Baja has become the critical path to complete this project in a timely fashion and meet the milestones presented to PREB and other regulators and stakeholders. The approval of the Final Decommissioning Plan of Vega Baja also impacts the development of decommissioning plans for other sites.
- Genera submitted a Unit Retirement Checklist to LUMA on August 23, 2024, as required by the System Operating Procedures. This checklist includes units that are impaired and ready for retirement, as well as operational units planned for retirement. The units included in the Unit Retirement Checklist are in Dagua, Palo Seco, Jobos, and Yabucoa, affecting the Peakers and BESS project. Genera received initial comments and feedback from LUMA on October 3, 2024. The team needs to continue working on understanding next steps, activities and costs.

- Genera has issued notice to award the request for proposal No. 216462 for the Battery Energy Storage System (BESS) Support Units. The notice to award was issued in favor of Tesla Puerto Rico LLC subject to contract execution.

- Genera is updating the interconnection application package with information received from Tesla. This application will be submitted to LUMA once updates have been finalized.