

**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 (as 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 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 Motion³ and referenced in Figure 1 of Exhibit A to the March 28th Motion⁴.

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

³ See, *In re: Review of the Puerto Rico Electric Power Authority’s 10-Year Infrastructure Plan – December 2020*, Case No. NEPR-MI-2021-0002, *Amended Motion for Leave to Submit Amendment to Project and 406 BESSs Initial Scope of Work*, filed by Genera on October 27, 2023 (“October 27th Motion”).

⁴ See, *In re: Review of the Puerto Rico Electric Power Authority’s 10-Year Infrastructure Plan – December 2020*, Case No. NEPR-MI-2021-0002, *Motion to Submit Scope of Work in Compliance with Resolution and Order dated November 8, 2023*, filed by Genera on March 28, 2024 (“March 28th Motion”).

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 December as *Exhibit A* to this motion.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes; **accept** Genera's Monthly Progress Report for the BESS Project for the month of December, submitted as Exhibit A to this Motion; 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 8th day of January 2025.

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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 8th day of January 2025.

/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

Cambalache RFP Project Milestone – Important Dates:

- New BESS RFP 4826 for installation works was published on December 2024 due to a new seismic study requested in the Geotechnical Report. The following breakdown describe next steps:
- December 20, 2024 – Published BESS Installation RFP for Cambalache Project.
- January 7, 2025 – Intent to Bid and Q & A.
- January 15, 2025 – Seismic Report will be shared with contractors.
- January 16, 2025 – Site Visit, Safety Training & Principals Presentations.
- January 24, 2025 – Genera to Answer Questions.
- February 14, 2025 – Proposal Submission Date.

Vega Baja

- October 18, 2024 – Demolition RFP awarded to Homeca.
- November 12, 2024 – P3A approved Contract for Demolition to Homeca.
- December 19, 2024 – Decommissioning Plan approved by PREB.
- Genera is collaborating with Homeca on submitting the Lead and Asbestos permit, marking the first phase of the project.
- Once the Lead and Asbestos permit is obtained and works completed the "Permiso Unico Incidenta" (PUI) permit will be filed; this is known as the second phase.
- Community Engagement process has started and will continue before site demolition works begin.

Palo Seco

- December 10, 2024 – Genera submitted an updated Unit Retirement Checklist for LUMA's evaluation and comments. Although follow up emails have been sent, still waiting for their comments.

Interconnection

- After Genera submitted to LUMA all Scope of Work (SOW) on December 20, 2024, Genera received an email from Luis Munet Ginorio, from LUMA, stating that deliverables (timelines and cost) included in the October 18, 2024, proposal would not change. The reasons for the decision were:
 - The additional information has helped clarify the scope for the Protection and Control and Communications sections, but our core responsibilities and deliverables remain unchanged.
 - For Vega Baja, even though the Point of Interconnection is the existing Gas Turbine Transformer 38/13.2 kV (MPT), LUMA still needs to conduct an inventory and initial assessment of the substation, protection and control, and telecommunications.
 - For Cambalache, Phase 1, despite the existing Unit 1 Transformer 115/13.8 kV (MPT) being the Temporary Point of Interconnection for BESS, LUMA still needs to conduct an inventory and initial assessment of the substation, protection and control, and telecommunications.
 - Phase 2 will be included in the same Facility Study report at no additional cost to LUMA.
- Genera requested another in person meeting since we don't agree with the cost and time of the interconnection studies.

Permits

- Rule 13 for the Vega Baja site was submitted in December 2024 to the Planning Board. The Elevation Certificate is used to document floodplain management compliance for Post-Flood Insurance Rate Map. Genera will follow up with the Planning Board on approval.
- Rule 13 for Cambalache and Costa Sur sites will be submitted by January 2025 to the Planning Board.

Procurement

- Tesla and Genera finalized contract negotiation on December 14, 2024. The contract was submitted to P3A and FOMB for approval.
- Once approved the first initial payment will be issued.

Other

- Next RFP for Vega Baja, Costa Sur, Aguirre and Yabucoa First Quarter of 2025. BESS installation RFP for Vega Baja, Costa Sur, Aguirre and Yabucoa will be published by the First Quarter of 2025.