

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

NEPR

Received:

Apr 2, 2025

6:55 PM

IN RE: Solicitud de Aprobación de Enmienda a Contrato de Compraventa de Energía Renovable entre la Autoridad de Energía Eléctrica y XZERTA-TEC SOLAR I, LLC

CASE NO.: NEPR-AP-2021-0002

SUBJECT: INFORMATIVE MOTION AND REQUEST FOR AUTHORIZATION

INFORMATIVE MOTION AND REQUEST FOR AUTHORIZATION

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW Xzerta-Tec Solar I, LLC (“XZERTA”), through its counsel of record, and respectfully submits and prays as follows:

1. On April 15, 2024, the Honorable Energy Bureau issued a Resolution and Order directing the parties to exhaust all remedies provided under Article 22.12 of the Xzerta PPOA and to resolve the disputes previously presented to the Energy Bureau.

2. Through the filing of Monthly Reports, the Energy Bureau continues to be informed regarding the progress of the project.

3. Xzerta hereby formally notifies the Energy Bureau that all pending disputes have been resolved. Specifically, these resolutions include the execution of the Conditional Easement Permit with PREPA/LUMA on November 20, 2024; the execution and registration of LUMA’s Large Generator Interconnection Agreement (LGIA) with the Comptroller on March 27, 2025; and an agreement with LUMA regarding terms and responsibilities related to PREPA’s Interconnection Facility construction and materials procurement.

4. Additionally, Xzerta has been awarded funding from the ER-2 Program administered by the Puerto Rico Housing Department’s Community Development Block Grant.

5. On October 19, 2022, the Puerto Rico Energy Bureau (PREB) officially certified Xzerta as an Energy Producer.

6. On February 21, 2023, PREPA and LUMA issued the Interconnection Study prepared by Sargent & Lundy (S&L). Subsequently, on April 29, 2024, LUMA released a revised Interconnection Study approving an entirely aerial transmission line design. Nonetheless, finalization of this design was impacted by prior disputes and additional design changes requested by LUMA during negotiations of the Conditional Permit and LGIA.

7. Xzerta had previously reported project delays to both PREPA and PREB through the required Monthly Reports submitted to the Energy Bureau.

8. The aforementioned delay, categorized as a force majeure event, was initially communicated to LUMA and PREPA via email on September 15, 2022. This notification expedited the assignment of the interconnection study to a Consultant Technical Expert (CTE), who then promptly completed the required analysis. The delay has also been consistently documented in Monthly Reports submitted to PREB, and was acknowledged by PREB in its Resolution and Order dated April 15, 2024, urging all parties to resolve disputes swiftly to avoid further delays.

9. In consideration of the above, Xzerta respectfully requests that the Energy Bureau authorize PREPA/LUMA to issue either a Full Notice to Proceed (FNTTP) or a Conditional FNTTP no later than June 30, 2025. This date represents the revised Guaranteed Final Notice to Proceed (GFNP), as defined and stipulated by Articles 4.4, 4.5, and 9.4 of the PREPA/Xzerta PPOA. The issuance of a Conditional FNTTP or FNTTP is justified based on completion of the final design and permits. Although the detailed design process may require additional time, this will not negatively

affect project execution, as demonstrated by both the interconnection study and dynamic study, which confirm compliance with PREPA's Minimum Technical Requirements (MTRs).

10. Upon approval of this request, Xzerta will promptly proceed with all required submittals for the FNTF and initiate mobilization activities for construction.

WHEREFORE, for the reasons stated above, XZERTA respectfully **REQUESTS** the Puerto Rico Energy Bureau to **TAKE NOTICE** of the above and to **AUTHORIZE PREPA** to FNTF date accordingly.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of April 2025.

/s María Elisa Martínez Avilés
María Elisa Martínez Avilés
TSPR 15,802
mariaemartinez@gmail.com

1111 Ave. Jesús T. Piñero
San Juan, P.R. 00920-5605
Tel.: 787.781.7084, 787.781.2222
Fax.: 787.783.2875

CERTIFICATE OF SERVICE

It is hereby certified that, on this same date, I have filed the above motion with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and a courtesy copy of the filing was sent to both PREPA and LUMA through its project designees.

In San Juan, Puerto Rico, on this 2nd day of April 2025.