

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

NEPR

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IN RE: THE IMPLEMENTATION OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY INTEGRATED RESOURCE
PLAN AND MODIFIED ACTION PLAN

CASE NO.: NEPR-MI-2020-0012

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER ISSUED ON
JUNE 12, 2025**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority ("PREPA"), through its counsel of record, and respectfully submits and prays as follows:

1. On June 12, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order in the above-captioned case ordering PREPA and LUMA ENERGY, LLC and LUMA ENERGY SERVCO, LLC (collectively, "LUMA") to prioritize and facilitate the advancement of renewable energy and energy storage projects resulting from Tranches 1, 2, and 4, as well as legacy renewable projects.

2. The Energy Bureau emphasized the urgency of completing these projects to support system reliability and compliance with Puerto Rico's renewable energy goals, particularly considering current federal funding opportunities and policy developments.

3. To that end, the Energy Bureau directed PREPA to submit, on or before June 17, 2025, the following:

- a. A table with the status of the PPOA amendments requested by developers of Tranche 1 and legacy renewable projects;
 - b. Copies of the amendment requests received from developers;
 - c. Copies of any communications or documents exchanged between PREPA and LUMA regarding the developers' requests; and
 - d. Copies of any draft PPOA amendments prepared in relation to those requests.
4. In compliance with the Energy Bureau's directives, PREPA respectfully submits the following:
- a. **Exhibit A:** A table summarizing the current status of the PPOA amendments requested by developers of Tranche 1 and legacy renewable energy projects. The table includes project names, the nature of the requested amendments (e.g., LPO or capacity additions), and the current stage of review or negotiation.
 - b. **Exhibit B:** Copies of the written requests received by PREPA that are still under review.
 - c. **Exhibit C:** Copy of a document exchanged between PREPA and LUMA regarding a developers' request.
 - d. **Exhibit D:** The most recent project status reports submitted by developers.
5. PREPA notes that it is actively engaged in discussions with the developers to finalize the review of the pending requests. Drafts of these amendments are

currently under negotiation, and once the parties reach an agreement and prepare final drafts, PREPA will submit them to the Energy Bureau for its review and approval, as required by law and regulation.

6. Given that the information contained in Exhibits B, C and D are part of a evaluation process, incorporates trade or business secrets that are deemed confidential according to applicable law, and have been requested by Resource Providers to be maintained in a confidential manner, PREPA hereby requests that the Exhibits B, C and D be kept confidential.

7. Article 6.15 of the *Puerto Rico Energy Transformation and RELIEF Act* provides that “any person who is required to submit information to the Energy [Bureau] believes that the information to be submitted has any confidentiality privilege, such person may request the [Bureau] to treat such information as such[.]” Act 57 at Art. 6.15 states that “If the Energy [Bureau], after the appropriate evaluation, believes such information should be protected, it shall grant such protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.” *Id.* at Art. 6.15 (a). If the Energy Bureau determines that the information is confidential, “the information shall be duly safeguarded and delivered exclusively to the personnel of the Energy [Bureau] who needs to know such information under nondisclosure agreements.” *Id.* at Art. 6.15 (c). “The Energy [Bureau] shall swiftly act on any privilege and confidentiality claim made by a person subject to its jurisdiction by means of a

resolution to such purposes before any allegedly confidential information is disclosed." *Id.* at Art. 6.15 (d).

8. In the exercise of its powers, the PREB and PREPA approved Regulation 8815, which has force of law. *Id.* at Art. 6.3 (b). Regulation 8815 includes language in Art. 10.2 which protects confidential information in those competitive bidding processes contemplated in the regulation. In its pertinent part, it states that "[o]nce the Contract has been executed, the Authority shall make public the report of the Project Committee which shall contain the information related to the procurement, evaluation, scoring, selection and negotiation process, and the information contained in the Proposal as required by law, except trade secrets, proprietary or privileged information of the Proponent clearly identified as such by the Proponent, or information that must otherwise be protected from publication according to law, unless otherwise ordered by a court order, in each case, if the Authority determines that the protection of such information is appropriate."

9. As previously stated, the proposed amendments include information that is part of an ongoing negotiation process and incorporates trade or business secrets that Proponents have specifically requested be maintained in a confidential manner. Accordingly, PREPA respectfully requests that the Energy Bureau find that these documents and information are confidential and thus order that they be maintained under seal.

WHEREFORE, for the reasons stated above, PREPA respectfully requests that

the Energy Bureau take **NOTICE** of the present Motion and **DEEMS** PREPA in compliance with the June 12 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th day of June 2025.

CERTIFICATE OF SERVICE: We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and courtesy copies were sent via e-mail to LUMA Energy, LLC through its counsels of record at margarita.mercado@us.dlapiper.com, laura.rozas@dlapiper.com, yahaira.delarosa@us.dlapiper.com and to Genera PR, LLC through its counsels of record at jfr@sbgblaw.com.

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