

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

NEPR

Received:

Jun 24, 2025

2:45 PM

IN RE: 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 DATED DECEMBER 5, 2024

TO THE HONORABLE ENERGY BUREAU,

COMES NOW the Puerto Rico Electric Power Authority ("PREPA") through its undersigned legal representation and, very respectfully, informs and requests as follows:

1. On May 7th, 2024, PREPA filed a "Motion to Submit Additional Energy Storage Service Agreements (ESSAs) for the Energy Bureau's Approval" with the Energy Bureau of the Puerto Rico Public Service Regulatory Board (the "Energy Bureau"). In this motion, PREPA presented two additional ESSAs related to Tranche #1 and sought the Energy Bureau's approval.

2. On December 5, 2024, the Energy Bureau issued a Resolution and Order conditionally approving the agreements and requiring PREPA to: (A) modify the ESSAs in accordance with specific directives, including revisions to Sections 16.1(g)(4), 16.1(g)(5), and 2.3(c); and (B) submit revised and redlined versions of each ESSA at least fifteen (15) days prior to execution for the Bureau's final verification. With regard to Section 2.3(c), the Energy Bureau ordered that each

ESSA be modified to reflect a ninety (90) day term for the automatic termination provision.

3. Pursuant to the December 5 Resolution and Order, on December 13, 2024, PREPA filed a document titled “Motion in Compliance with the December 5th Resolution and Order” (“December 13 Motion”). This filing included revised versions of the contracts, as well as redlined versions reflecting the changes made. On December 20, 2024, the Energy Bureau concluded that the revised versions submitted complied with the directives outlined in the December 5 Resolution.

4. The parties have complied with all signing conditions established in the agreements and are therefore ready for execution. Nevertheless, although the Energy Bureau approved the revised versions of the agreements, PREPA hereby submits the final revised versions of the contracts. PREPA respectfully brings to the Energy Bureau’s attention that while the Resolution and Order expressly mandated changes to Section 2.3(c) to reflect a ninety (90) day period to satisfy the Conditions Subsequent, a related provision exists in Section 2.3(b) of each ESSA that is conceptually linked to the same Conditions Subsequent and had similarly referred to the originally proposed twenty (20) day period.

5. Accordingly, to ensure consistency and full compliance with the Energy Bureau directives, Section 2.3(b) has also been updated to reflect the same ninety (90) day timeframe.

6. In compliance with the Energy Bureau’s directive, PREPA hereby submits, as Exhibits A and B, the final versions of the ESSAs. As previously indicated,

since Exhibits A and B remain subject to the final review of the Energy Bureau, they are submitted confidentially. As such, PREPA respectfully requests that the Energy Bureau order that they remain under seal until execution.

WHEREFORE, PREPA respectfully requests the Energy Bureau to: (1) take **NOTICE** of the present Motion; and (2) deem PREPA in compliance with the December 5 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th 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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