

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

NEPR

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

CASE NO.: NEPR-MI-2020-0012

**MOTION REQUESTING EXTENSION OF TIME TO COMPLY WITH RESOLUTION AND
ORDER DATED JUNE 30, 2025**

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 June 12, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 12 Resolution") directing PREPA to submit certain information, including: copies of amendment requests received from developers; any communications or documents exchanged between PREPA and LUMA regarding those requests; and any draft PPOA amendments prepared in response to the developers' requests.

2. On June 17, 2025, PREPA submitted the requested information to the Energy Bureau. Included in that submission was an expansion request from Pattern Puerto Rico Holdings LLC ("Pattern") concerning the W-2-ESSA and AA-2-ESSA projects. Subsequently, on June 30, 2025, the Energy Bureau issued another Resolution and Order ("June 30 Resolution") instructing PREPA to negotiate with Pattern

regarding the proposed expansions of the W-2-ESSA and AA-2-ESSA projects. Although the Energy Bureau clarified that the June 30 Resolution does not constitute approval of the proposed expansions or any contractual amendments, it ordered PREPA to submit a contract with the corresponding modifications within seven (7) days of the Resolution's issuance along with relevant information exchanged among PREPA, LUMA Energy ("LUMA"), and Pattern, as well as any consultant evaluations related to the proposed modifications.

3. On June 23, 2025, PREPA filed a motion to inform the Energy Bureau that the parties had fulfilled all signing conditions and to submit the final revised versions of the W-2-ESSA and AA-2-ESSA agreements, which incorporate all mandated revisions previously approved by the Energy Bureau and others. These agreements are yet to be executed, pending the Energy Bureau's authorization.

4. In compliance with the Energy Bureau's directive, on July 2, 2025, PREPA sent a communication through Mr. Jorge Cotto, Administrator of Operations, requesting LUMA's final recommendation and additional technical and economic information regarding the proposed expansion. PREPA requested that LUMA submit this information by July 7, 2025¹. That same day, PREPA and Pattern held a meeting to discuss the June 30 Resolution and various pending matters. Pattern was informed of PREPA's request to LUMA and of the need to receive that input prior to resuming negotiations and assessing the proposed expansion.

5. PREPA respectfully submits that additional time is needed not only to obtain LUMA's pending input, but also to allow for resume negotiations based on that

¹ See Exhibit A.

input. Given that PREPA based its denial of Pattern's additional capacity request on LUMA's technical evaluation, LUMA's response is essential to finalize the assessment of Pattern's request, define the terms of any proposed amendments, and fully document the technical and economic justification for the expansion for the Energy Bureau's review. PREPA cannot proceed until LUMA provides the requested information.

6. PREPA further informs the Energy Bureau that two non-negotiable conditions must be included in any amendment, as they are essential to protecting the best interests of ratepayers. First, the Levelized Cost of Storage (LCOS) must remain within a reasonable and cost-effective range for each project, based on battery utilization. Second, the additional capacity under the expansion scenarios shall not be subject to the 2% annual escalator currently included in the agreements pending execution, further enhancing the long-term cost-effectiveness of the added storage.

7. Once PREPA has evaluated the technical information submitted by LUMA, it will inform the Energy Bureau and resume negotiations with Pattern. Should the parties reach an agreement to amend the contracts, the proposed amendments will be submitted to the Energy Bureau for review and approval in accordance with Section 6.32 of Act 57-2014, as amended, which requires that all agreements between electric power service companies, including independent power producers, be evaluated and approved by the Energy Bureau prior to execution.

8. PREPA acknowledges that the Honorable Energy Bureau requested the submission of a proposed amendment. However, before a contract may be

submitted, an agreement between the parties and completion of the PREPA review process is necessary. PREPA recognizes the urgency of the matter and is addressing it with the diligence it requires.

9. Likewise, PREPA acknowledges the importance the Energy Bureau places on these matters, as well as the rigorous and individualized evaluation it conducts without any unilateral communications with any of the parties, in compliance with its regulations, including Regulation 8542.

10. In light of the aforementioned, PREPA respectfully requests an additional term of fifteen (15) days, until July 22, 2025, to allow the parties to complete negotiations once PREPA receives LUMA's formal input and submits the related information in accordance with the June 30 Resolution.

WHEREFORE, PREPA respectfully requests that the Energy Bureau: (1) take NOTICE of the present Motion; and (2) grant PREPA an extension of fifteen (15) days, until July 22, 2025, to comply with the June 30 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 7th day of July 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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