

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

NEPR

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IN RE: *PLAN PRIORITARIO PARA LA ESTABILIZACIÓN DE LA RED ELÉCTRICA*

CASE NO.: NEPR-MI-2024-0005

**INFORMATIVE MOTION IN COMPLIANCE WITH THE RESOLUTION AND ORDER DATED
JULY 4, 2025**

TO THE HONORABLE ENERGY BUREAU,

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

1. On February 26, 2025, Genera PR, LLC ("Genera") submitted to the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a request for expedited approval of emergency generation measures, citing a critical generation shortfall following the failure of Aguirre Unit 1. In response, the Energy Bureau issued a Resolution and Order on March 14, 2025, in which it found that the electric system was facing a generation deficit between 700 and 850 MW and that immediate measures were necessary to address the emergency.

2. To that end, the Energy Bureau approved the acquisition of temporary generation capacity and ordered PREPA to take specific actions. Among those directives, the Energy Bureau ordered PREPA to notify the Puerto Rico Public-Private Partnerships Authority ("P3A") to activate the services of the Third-Party

Procurement Office ("3PPO"), since Genera is classified as a restricted party. PREPA promptly complied with that directive.

3. On March 25, 2025, the 3PPO issued RFP No. 3PPO-0314-20-TPG for the procurement of up to 800 MW of temporary emergency generation capacity. On June 20, 2025, PREPA filed a document titled Motion Submitting Proposed Contract Resulting from Temporary Emergency Power Generation RFP for the Energy Bureau's Review and Approval ("June 20 Motion"), including as Exhibit A a proposed contract resulting from the competitive procurement process for temporary emergency power generation, and as Exhibit B a 3PPO report summarizing the procurement process and providing the rationale for the selection of the preferred proponent.

4. On July 4, 2025, the Energy Bureau issued a Resolution and Order approving, subject to conditions, the contract resulting from the procurement process for 800 MW of temporary emergency generation. The Energy Bureau required that PREPA secure a contract modification to include a reduced energy rate of \$0.189/kWh at Aguirre and \$0.203/kWh at Costa Sur, and to allow for a term of up to ten (10) years. The Resolution further ordered PREPA to report by July 9, 2025, whether such modified terms were agreed upon, or alternatively, to explain the reasons such modification is not feasible.

5. Following the issuance of the July 4 Resolution, PREPA immediately engaged with the 3PPO, which conducted the original competitive process. On that same date, PREPA transmitted a letter to 3PPO requesting urgent action to renegotiate with Power Expectations, LLC, the selected proponent, to secure the

required contractual modifications in accordance with the Energy Bureau's directives.

6. Although the Energy Bureau granted PREPA until July 9, 2025, to comply with the Order, the Puerto Rico Court of Appeals issued a Resolution on that same date ordering the stay of all proceedings related to the procurement process, including the execution of any resulting contract. The Court's stay order was issued in response to a pending petition for judicial review filed by Gotham Energy, LLC, in *TA2025RA00057*, challenging aspects of the procurement process.

7. On July 12, 2025, PREPA was notified of a Special Appearance filed by the 3PPO before the Court of Appeals. In that filing, the 3PPO informed the Court that the requirements established by the Energy Bureau in its July 4 Resolution constitute a material change from the terms originally disclosed to proponents and upon which the competitive process was structured and evaluated. Therefore, the 3PPO determined that the most appropriate course of action would be to reopen the original RFP process and allow all original and potential new proponents to submit revised proposals. According to the 3PPO, this measure ensures compliance with the Energy Bureau's July 4 Resolution while upholding the principles of transparency, fairness, and competitive integrity in public procurement.

8. In light of the foregoing, PREPA respectfully requests that the Energy Bureau take notice of the information provided and deem PREPA to be in compliance with its July 4, 2025 Order. PREPA will continue to keep the Energy Bureau informed of any further developments communicated by the 3PPO.

WHEREFORE, for the reasons stated above, PREPA respectfully requests that the PREB take **NOTICE** of the present Motion, and deem PREPA in compliance with the July 4 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12th 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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