

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

NEPR

Received:

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

CASE NO.: NEPR-MI-2024-0005

INFORMATIVE MOTION RELATED TO THE COURT OF APPEALS CASE TA2025RA00057

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 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.

2. On July 4, 2025, the Energy Bureau issued a Resolution and Order ("July 4-Resolution") 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.

3. On July 7, 2025, Gothams Energy, LLC filed an administrative review petition before the Court of Appeals. The petition included a request to stay the proceedings. On July 9, 2025, the Puerto Rico Court of Appeals issued a Resolution ordering the stay of all proceedings related to the procurement process, including the execution of any resulting contract.

4. 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.

5. On July 15, 2025, in compliance with the Court of Appeals' stay directive, the Energy Bureau issued a Resolution and Order ("July 15-Resolution"), ordering the immediate stay of all pending administrative matters in this case until a final determination by the Court of Appeals.

6. Nonetheless, on July 17, 2025, the Court of Appeals issued a Judgement in TA2025RA00057, dismissing the case because the petition had become moot,

and, therefore, lifting the stay ordered related to the procurement process. Attached herein as **Exhibit A** is the Court of Appeals' Judgment.

7. Due to the foregoing, PREPA respectfully requests the Energy Bureau to take notice of the information provided herein, and lift the stay it imposed related to the procurement process in its July 15-Resolution.

WHEREFORE, for the reasons stated above, PREPA respectfully requests that the Energy Bureau take **NOTICE** of the present Motion, and **ORDER** lifting the stay it imposed related to the procurement process in its July 15-Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18th 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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