

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

**IN RE:** LUMA'S ACCELERATED  
STORAGE ADDITION PROGRAM  
("ASAP")

**CASE NO.:** NEPR-MI-2024-0002

**NEPR**

**Received:**

**Aug 1, 2025**

**3:07 PM**

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER OF JULY 23, 2025**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

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

1. On July 23, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order granting PREPA five (5) days to provide a detailed explanation regarding the cause of the delay in the execution of the four (4) approved Battery Energy Storage Systems ("BESS") projects under Phase 1 of the Accelerated Storage Addition Program ("ASAP") and why their immediate execution should not proceed.

2. In response to this directive, PREPA informs that on June 27, 2025, PREPA initiated formal communications via email with the developers of the four approved ASAP projects: San Fermin Battery Project LLC ("San Fermin"), Infinigen Horizon ASAP LLC ("Horizon"), Infinigen Oriana ASAP LLC ("Oriana"), and EcoElectrica BESS LLC ("EcoElectrica"). In each of these communications, PREPA outlined the list of Signing Conditions that must be fulfilled for contract execution,

as detailed in Exhibit 21 of the Standard Offer Agreement ("SOA") approved by the Energy Bureau.

3. On July 24, 2025, PREPA issued a follow-up email to all four developers to request an update on the status of the required documentation. To date, only EcoElectrica has responded to PREPA's request. In its response, EcoElectrica confirmed that it is in the process of preparing the necessary documentation and is coordinating with LUMA to finalize items related to the execution of the SOA. EcoElectrica has indicated that it anticipates being ready to execute the contract by September 2025.<sup>1</sup>

4. Unfortunately, the remaining three developers—San Fermin, Horizon, and Oriana—have neither responded to PREPA's communications nor submitted any of the required documentation to proceed with contract execution.

5. PREPA emphasizes that, in accordance with the applicable contractual and regulatory frameworks, it cannot execute any ASAP project contract until the developer has fulfilled all Signing Conditions, including but not limited to corporate, financial, and technical documentation required under the SOA.

6. The absence of these completed documentation packages from three of the developers directly precludes PREPA from executing the respective agreements. PREPA is actively monitoring and following up with all parties involved to ensure compliance and promote the execution of the projects as soon as possible. However, PREPA cannot waive or disregard the requirements

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<sup>1</sup> See Exhibit A.

necessary for valid contract execution without contravening applicable law, the public interest, and its fiduciary obligations.

7. PREPA remains committed to advancing the ASAP Program in an expeditious manner. However, the delays in the execution of the SOA agreements are attributable to the developers' failure to fulfill the contractual Signing Conditions. PREPA will continue to engage with the developers and with LUMA to facilitate progress and will keep the Energy Bureau duly informed of any updates.

**WHEREFORE**, it is respectfully requested that the Energy Bureau take notice of the foregoing, deem PREPA in compliance with the July 23 2025 Resolution.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, on the 1<sup>st</sup> day of August 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 [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com); [Yahaira.delarosa@us.dlapiper.com](mailto:Yahaira.delarosa@us.dlapiper.com); [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com).

**GONZÁLEZ & MARTÍNEZ**  
1509 López Landrón  
Seventh Floor  
San Juan, PR 00911-1933  
Tel.: (787) 274-7404

**s/ Alexis G. Rivera Medina**  
**Alexis G. Rivera-Medina**  
TSPR No.: 18,747  
E-mail: [arivera@gmlex.net](mailto:arivera@gmlex.net)

**Subject:** Fw: ASAP Signing Conditions  
**Date:** Thursday, July 24, 2025 at 4:48:10 PM Atlantic Standard Time  
**From:** Felix A Hernandez-Caban  
**To:** Lcdo. Alexis Rivera  
**Attachments:** image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png, untitled(30)\_ee8923e8-8351-40b8-8fe6-7faff9c5f12a.png, 058\_line\_9bae9502-1e3a-48a3-ba5e-34ed9cd44185.png, 406822\_phone\_icon\_5f24229d-5ba9-4666-98e1-86e5b9154ab5.png, 1891029\_cericle\_email\_envelope\_letter\_mail\_icon\_b93ec25d-8077-4dd9-a565-d21eb1bda43f.png, 1891027\_circle\_global\_globe\_international\_language\_icon\_a07d738e-7450-4cc2-8d42-d99532861073.png, untitled(5)\_1d5a4dc2-ccb9-4a33-b437-da28a25dba66.png, facebook\_32x32\_f9f51fc3-1a87-431c-b59b-ee3383737298.png, x\_32x32\_d78a1d21-808a-4855-8197-8f0cb4c0fad0.png, youtube\_32x32\_249ac361-5bf5-4b5d-b739-c20a2071f8c7.png, instagram\_32x32\_28cb9877-bfd6-4a49-bcee-cc5d7d890eb2.png, untitled(30)\_ee8923e8-8351-40b8-8fe6-7faff9c5f12a.png, 058\_line\_9bae9502-1e3a-48a3-ba5e-34ed9cd44185.png, 406822\_phone\_icon\_5f24229d-5ba9-4666-98e1-86e5b9154ab5.png, 1891029\_cericle\_email\_envelope\_letter\_mail\_icon\_b93ec25d-8077-4dd9-a565-d21eb1bda43f.png, 1891027\_circle\_global\_globe\_international\_language\_icon\_a07d738e-7450-4cc2-8d42-d99532861073.png, untitled(5)\_1d5a4dc2-ccb9-4a33-b437-da28a25dba66.png, facebook\_32x32\_f9f51fc3-1a87-431c-b59b-ee3383737298.png, x\_32x32\_d78a1d21-808a-4855-8197-8f0cb4c0fad0.png, youtube\_32x32\_249ac361-5bf5-4b5d-b739-c20a2071f8c7.png, instagram\_32x32\_28cb9877-bfd6-4a49-bcee-cc5d7d890eb2.png

**Felix Hernandez-Caban**  
**Asesor Legal**

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Email: FELIX.HERNANDEZ@prepa.pr.gov  
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**From:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Sent:** Thursday, July 24, 2025 1:51 PM  
**To:** Carlos Reyes <[creyes@ecoelectrica.com](mailto:creyes@ecoelectrica.com)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>  
**Subject:** RE: ASAP Signing Conditions

Saludos Carlos,

Le escribo para dar seguimiento al correo enviado previamente, en el que se adjuntaron los Signing Conditions del contrato de EcoElectrica BESS LLC, junto con el Submission Questionnaire y la aprobación del FOMB.  
Agradecemos nos compartan un estimado de cuándo podríamos recibirlos.

Gracias,  
Jorge L. Cotto Pérez

**Jorge Cotto-Perez**  
**Administrador de Operaciones**

Phone: 787-521-4604  
Email: JORGE.COTTO@prepa.pr.gov  
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**From:** Carlos Reyes <[creyes@ecoelectrica.com](mailto:creyes@ecoelectrica.com)>  
**Sent:** Thursday, July 10, 2025 8:41 AM  
**To:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano

<FERNANDO.OSORIO@prepa.pr.gov>  
Subject: RE: ASAP Signing Conditions

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Recibido, gracias Jorge!

All the best;

**From:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Sent:** Wednesday, July 9, 2025 6:36 PM  
**To:** Carlos Reyes <[creyes@ecoelectrica.com](mailto:creyes@ecoelectrica.com)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>  
**Subject:** ASAP Signing Conditions

Saludos,

Se adjunta los *Signing Conditions* del contrato EcoElectrica BESS LLC, donde menciona los documentos que tienen que proveer. También se incluye el *Submission Questionnaier* y la aprobación del FOMB. Quedamos al pendiente de recibir estos documentos.

Gracias,  
Jorge L. Cotto Pérez

**Jorge Cotto-Perez**  
**Administrador de Operaciones**

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**Subject:** Fw: Asap Signing Conditions  
**Date:** Thursday, July 24, 2025 at 4:48:10 PM Atlantic Standard Time  
**From:** Felix A Hernandez-Caban  
**To:** Lcdo. Alexis Rivera  
**Attachments:** untitled(30)\_ee8923e8-8351-40b8-8fe6-7aff9c5f12a.png, 058\_line\_9bae9502-1e3a-48a3-ba5e-34ed9cd44185.png, 406822\_phone\_icon\_5f24229d-5ba9-4666-98e1-86e5b9154ab5.png, 1891029\_cerle\_email\_envelope\_letter\_mail\_icon\_b93ec25d-8077-4dd9-a565-d21eb1bda43f.png, 1891027\_circle\_global\_globe\_international\_language\_icon\_a07d738e-7450-4cc2-8d42-d99532861073.png, untitled(5)\_1d5a4dc2-ccb9-4a33-b437-da28a25dba66.png, facebook\_32x32\_f9f51fc3-1a87-431c-b59b-ee3383737298.png, x\_32x32\_d78a1d21-808a-4855-8197-8f0cb4c0fad0.png, youtube\_32x32\_249ac361-5bf5-4b5d-b739-c20a2071f8c7.png, instagram\_32x32\_28cb9877-bfd6-4a49-bcee-cc5d7d890eb2.png, untitled(30)\_ee8923e8-8351-40b8-8fe6-7aff9c5f12a.png, 058\_line\_9bae9502-1e3a-48a3-ba5e-34ed9cd44185.png, 406822\_phone\_icon\_5f24229d-5ba9-4666-98e1-86e5b9154ab5.png, 1891029\_cerle\_email\_envelope\_letter\_mail\_icon\_b93ec25d-8077-4dd9-a565-d21eb1bda43f.png, 1891027\_circle\_global\_globe\_international\_language\_icon\_a07d738e-7450-4cc2-8d42-d99532861073.png, untitled(5)\_1d5a4dc2-ccb9-4a33-b437-da28a25dba66.png, facebook\_32x32\_f9f51fc3-1a87-431c-b59b-ee3383737298.png, x\_32x32\_d78a1d21-808a-4855-8197-8f0cb4c0fad0.png, youtube\_32x32\_249ac361-5bf5-4b5d-b739-c20a2071f8c7.png, instagram\_32x32\_28cb9877-bfd6-4a49-bcee-cc5d7d890eb2.png

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**From:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Sent:** Thursday, July 24, 2025 1:54 PM  
**To:** Leslie Hufstetler <[leslie.hufstetler@infinigenrenewables.com](mailto:leslie.hufstetler@infinigenrenewables.com)>; María Cecilia Santos <[maria.santos@infinigenrenewables.com](mailto:maria.santos@infinigenrenewables.com)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>; Lcdo. Alexis Rivera <[arivera@gmlex.net](mailto:arivera@gmlex.net)>  
**Subject:** RE: Asap Signing Conditions

Saludos

Le escribo para dar seguimiento al correo enviado previamente, en el que se adjuntaron los Signing Conditions de los contratos de Infinigen Oriana ASAP LLC, Infinigen Horizon ASAP LLC.  
Agradecemos nos compartan un estimado de cuándo podríamos recibirlos.

Gracias,  
Jorge L. Cotto Pérez

**Jorge Cotto-Perez**  
**Administrador de Operaciones**

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Email: JORGE.COTTO@prepa.pr.gov  
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**From:** Jorge L Cotto-Perez  
**Sent:** Friday, June 27, 2025 9:44 AM  
**To:** Leslie Hufstetler <[leslie.hufstetler@infinigenrenewables.com](mailto:leslie.hufstetler@infinigenrenewables.com)>; María Cecilia Santos <[maria.santos@infinigenrenewables.com](mailto:maria.santos@infinigenrenewables.com)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano

<FERNANDO.OSORIO@prepa.pr.gov>

**Subject:** Asap Signing Conditions

Saludos,

Se adjunta los *Signing Conditions* de los contratos de Infinigen Oriana ASAP LLC, Infinigen Horizon ASAP LLC, donde menciona los documentos que tienen que proveer.

Gracias,

Jorge L. Cotto Pérez

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**Subject:** Fw: ASAP Signing Conditions  
**Date:** Thursday, July 24, 2025 at 4:48:18 PM Atlantic Standard Time  
**From:** Felix A Hernandez-Caban  
**To:** Lcdo. Alexis Rivera  
**Attachments:** untitled(30)\_ee8923e8-8351-40b8-8fe6-7faff9c5f12a.png, 058\_line\_9bae9502-1e3a-48a3-ba5e-34ed9cd44185.png, 406822\_phone\_icon\_5f24229d-5ba9-4666-98e1-86e5b9154ab5.png, 1891029\_cerle\_email\_envelope\_letter\_mail\_icon\_b93ec25d-8077-4dd9-a565-d21eb1bda43f.png, 1891027\_circle\_global\_globe\_international\_language\_icon\_a07d738e-7450-4cc2-8d42-d99532861073.png, untitled(5)\_1d5a4dc2-ccb9-4a33-b437-da28a25dba66.png, facebook\_32x32\_f9f51fc3-1a87-431c-b59b-ee3383737298.png, x\_32x32\_d78a1d21-808a-4855-8197-8f0cb4c0fad0.png, youtube\_32x32\_249ac361-5bf5-4b5d-b739-c20a2071f8c7.png, instagram\_32x32\_28cb9877-bfd6-4a49-bcee-cc5d7d890eb2.png, untitled(30)\_ee8923e8-8351-40b8-8fe6-7faff9c5f12a.png, 058\_line\_9bae9502-1e3a-48a3-ba5e-34ed9cd44185.png, 406822\_phone\_icon\_5f24229d-5ba9-4666-98e1-86e5b9154ab5.png, 1891029\_cerle\_email\_envelope\_letter\_mail\_icon\_b93ec25d-8077-4dd9-a565-d21eb1bda43f.png, 1891027\_circle\_global\_globe\_international\_language\_icon\_a07d738e-7450-4cc2-8d42-d99532861073.png, untitled(5)\_1d5a4dc2-ccb9-4a33-b437-da28a25dba66.png, facebook\_32x32\_f9f51fc3-1a87-431c-b59b-ee3383737298.png, x\_32x32\_d78a1d21-808a-4855-8197-8f0cb4c0fad0.png, youtube\_32x32\_249ac361-5bf5-4b5d-b739-c20a2071f8c7.png, instagram\_32x32\_28cb9877-bfd6-4a49-bcee-cc5d7d890eb2.png

**Felix Hernandez-Caban**  
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Email: FELIX.HERNANDEZ@prepa.pr.gov  
Visit our website: <https://aeepr.com>  
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**From:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Sent:** Thursday, July 24, 2025 1:55 PM  
**To:** [hertlein@stonepeak.com](mailto:hertlein@stonepeak.com) <[hertlein@stonepeak.com](mailto:hertlein@stonepeak.com)>; [rbullock@camstex.com](mailto:rbullock@camstex.com) <[rbullock@camstex.com](mailto:rbullock@camstex.com)>; [RAImodovar@camsrenewables.com](mailto:RAImodovar@camsrenewables.com) <[RAImodovar@camsrenewables.com](mailto:RAImodovar@camsrenewables.com)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>; Lcdo. Alexis Rivera <[arivera@gmlex.net](mailto:arivera@gmlex.net)>  
**Subject:** RE: ASAP Signing Conditions

Saludos,

Le escribo para dar seguimiento al correo enviado previamente, en el que se adjuntaron los Signing Conditions del contrato de San Fermin Battery Project LLC.

Agradecemos nos compartan un estimado de cuándo podríamos recibirtos.

Gracias,  
Jorge L. Cotto Pérez

**Jorge Cotto-Perez**  
**Administrador de Operaciones**

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Email: JORGE.COTTO@prepa.pr.gov  
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**From:** Jorge L Cotto-Perez  
**Sent:** Friday, June 27, 2025 11:32 AM  
**To:** [hertlein@stonepeak.com](mailto:hertlein@stonepeak.com); [rbullock@camstex.com](mailto:rbullock@camstex.com); [RAImodovar@camsrenewables.com](mailto:RAImodovar@camsrenewables.com)

Cc: Felix A Hernandez-Caban <FELIX.HERNANDEZ@prepa.pr.gov>; Janet C Rey-Laborde <JANET.REY@prepa.pr.gov>; Fernando Osorio-Cano <FERNANDO.OSORIO@prepa.pr.gov>  
**Subject:** ASAP Signing Conditions

Saludos;

Se adjunta los *Signing Conditions* del contrato San Fermin Battery Project LLC, donde menciona los documentos que tienen que proveer.

Gracias,  
Jorge L. Cotto Pérez

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**Subject:** FW: ASAP Signing Conditions  
**Date:** Thursday, July 24, 2025 at 4:49:22 PM Atlantic Standard Time  
**From:** Felix A Hernandez-Caban  
**To:** Lcdo. Alexis Rivera  
**Attachments:** image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png, untitled(30)\_ee8923e8-8351-40b8-8fe6-7faff9c5f12a.png, 058\_line\_9bae9502-1e3a-48a3-ba5e-34ed9cd44185.png, 406822\_phone\_icon\_5f24229d-5ba9-4666-98e1-86e5b9154ab5.png, 1891029\_cercle\_email\_envelope\_letter\_mail\_icon\_b93ec25d-8077-4dd9-a565-d21eb1bda43f.png, 1891027\_circle\_global\_globe\_international\_language\_icon\_a07d738e-7450-4cc2-8d42-d99532861073.png, untitled(5)\_1d5a4dc2-ccb9-4a33-b437-da28a25dba66.png, facebook\_32x32\_f9f51fc3-1a87-431c-b59b-ee3383737298.png, x\_32x32\_d78a1d21-808a-4855-8197-8f0cb4c0fad0.png, youtube\_32x32\_249ac361-5bf5-4b5d-b739-c20a2071f8c7.png, instagram\_32x32\_28cb9877-bfd6-4a49-bcee-cc5d7d890eb2.png

**Felix Hernandez-Caban**  
**Asesor Legal**

Phone: 787-521-4616  
Email: FELIX.HERNANDEZ@prepa.pr.gov  
Visit our website: <https://aeepr.com>  
[1110 Ave Ponce de León, San Juan, PR 00922](#)

**From:** Carlos Reyes <[creyes@ecoelectrica.com](mailto:creyes@ecoelectrica.com)>  
**Sent:** Thursday, July 24, 2025 2:48 PM  
**To:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>  
**Subject:** RE: ASAP Signing Conditions

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Buenas tardes Jorge,

Estamos trabajando para completar los mismos al mismo tiempo que trabajamos con LUMA para completar algunas detalles del SOA.

Mi estimado es que para el mes de septiembre estaremos firmando.

Saludos

All the best;

**From:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Sent:** Thursday, July 24, 2025 1:51 PM  
**To:** Carlos Reyes <[creyes@ecoelectrica.com](mailto:creyes@ecoelectrica.com)>

**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>  
**Subject:** RE: ASAP Signing Conditions

Saludos Carlos,

Le escribo para dar seguimiento al correo enviado previamente, en el que se adjuntaron los Signing Conditions del contrato de EcoElectrica BESS LLC, junto con el Submission Questionnaire y la aprobación del FOMB.  
Agradecemos nos compartan un estimado de cuándo podríamos recibirlos.

Gracias,  
Jorge L. Cotto Pérez

**Jorge Cotto-Perez**  
**Administrador de Operaciones**

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**Phone:** 787-521-4604  
**Email:** [JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)  
**Visit our website:** <https://aeepr.com>  
[1110 Ave. Ponce de León, San Juan, PR 00922](#)

**From:** Carlos Reyes <[creyes@ecoelectrica.com](mailto:creyes@ecoelectrica.com)>  
**Sent:** Thursday, July 10, 2025 8:41 AM  
**To:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>  
**Subject:** RE: ASAP Signing Conditions

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Recibido, gracias Jorge!

All the best;

**From:** Jorge L Cotto-Perez <[JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)>  
**Sent:** Wednesday, July 9, 2025 6:36 PM  
**To:** Carlos Reyes <[creyes@ecoelectrica.com](mailto:creyes@ecoelectrica.com)>  
**Cc:** Felix A Hernandez-Caban <[FELIX.HERNANDEZ@prepa.pr.gov](mailto:FELIX.HERNANDEZ@prepa.pr.gov)>; Janet C Rey-Laborde <[JANET.REY@prepa.pr.gov](mailto:JANET.REY@prepa.pr.gov)>; Fernando Osorio-Cano <[FERNANDO.OSORIO@prepa.pr.gov](mailto:FERNANDO.OSORIO@prepa.pr.gov)>  
**Subject:** ASAP Signing Conditions

Saludos,

Se adjunta los *Signing Conditions* del contrato EcoElectrica BESS LLC, donde menciona los documentos que tienen que proveer. También se incluye el *Submission Questionnaire* y la aprobación del FOMB. Quedamos al pendiente de recibir estos documentos.

Gracias,  
Jorge L. Cotto Pérez

Jorge Cotto-Perez  
Administrador de Operaciones

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Phone: 787-521-4604  
Email: [JORGE.COTTO@prepa.pr.gov](mailto:JORGE.COTTO@prepa.pr.gov)  
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## EXHIBIT 21

### SIGNING CONDITIONS

1. Together with the signing of the BESS Standard Offer Agreement dated [●] (the “Agreement”), Resource Provider shall provide:

a. an original certificate of tax status and compliance from the Commonwealth of Puerto Rico for the five (5) previous years, confirming that it does not owe taxes to the Commonwealth of Puerto Rico or is paying such taxes by an installment plan in full compliance with its terms;

b. an income tax return filing certificate issued by the Treasury Department of Puerto Rico, Area of Internal Revenues assuring that Resource Provider has filed its Income Tax Return for the last five (5) years (obtained by using the Request for Copy and/or Certification of Income Tax Returns Form issued by the Treasury Department of Puerto Rico);

c. a certificate of debt issued by the Treasury Department of Puerto Rico, Area of Internal Revenues;

d. a certificate issued by the Municipal Revenues Collection Center assuring that Resource Provider does not owe any tax to such Governmental Authority;

e. a certificate issued by the Department of Labor and Human Resources of Puerto Rico, evidencing that Resource Provider has paid to the Department of Labor and Human Resources of Puerto Rico, if applicable, its employees’ contributions, in accordance with the Puerto Rico Employment Security Act (unemployment, temporary disability or sickness or social security for chauffeurs) or is paying such contributions by an installment plan in full compliance with its terms;

f. a certificate issued by the Child Support Administration (ASUME) evidencing that Resource Provider has complied with the retention, if applicable, that an employer must do;

g. a sworn and notarized statement, as of the Agreement Date, evidencing compliance with Article 3.3 Act 2-2018, as amended, known as the Anti-Corruption Code for a New Puerto Rico of the Commonwealth of Puerto Rico, as amended, in the form set forth in Exhibit 13 (*Form of Sworn Statement*) of the Agreement;

h. a certification, as of the Agreement Date, that, to its actual knowledge, no public employee has any personal or economic interest in this Agreement, under Section 21.12 (*No Economic Interest*) of the Agreement;

i. a certification, as of the Agreement Date, that, to its actual knowledge, it does not receive payment or benefit of any nature for services rendered regularly through an appointment to a Governmental Authority of Puerto Rico, under Section 21.10 (*Anticorruption & Antibribery*) of the Agreement;

j. if any of the previously required certifications show a debt, and Resource Provider has requested a review or adjustment of this debt, a certification that Resource Provider has made such request at the Agreement Date; and if the requested review or adjustment is denied and such determination is final, proof of payment of this debt to PREPA or confirmation that Resource Provider accepts that the owed amount be offset by PREPA and retained at the origin, deducted from the corresponding payments; and

- k. the following technical documents:
  - i. a preliminary engineering design of the Storage Facility and the PREPA Interconnection Facilities, consistent with Prudent Electrical Practices, the Interconnection Agreement, Prudent Utility Practices, the BESS Operating Procedures, Permits, Applicable Law, Applicable Standards, and the BESS MTRs;
  - ii. a proposed relay protection scheme (to include the PREPA Interconnection Facilities and the Resource Provider Interconnection Facilities); and
  - iii. a certified PSS/E mathematical model of the Storage Facility, the manufacturer's performance data and expected output curve.
- l. Subject to Section 3.1 (LUMA as Authorized Agent of PREPA; Technical Review) of the Agreement, Resource Provider shall provide PREPA with a PSS/E model for the Storage Facility for approval no later than the Agreement Date.
- 2. Prior to the signing of this Agreement:
  - a. Resource Provider shall have provided the certification set forth in Exhibit 14 (Form of FOMB Certification).
  - b. FOMB shall have approved the execution version of this Agreement.
  - c. Resource Provider shall have presented PREPA (or its representatives) with documents evidencing Resource Provider's ownership and/or control of the Storage Facility Site for the purposes of implementing the Storage Facility.