

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

NEPR

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

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

**SUBJECT:** Resolution and Order  
pertaining to *Motion in Compliance with  
Resolution and Order of July 23, 2025,  
filed by the Puerto Rico Electric Power  
Authority*

**CONFIDENTIAL MOTION IN COMPLIANCE WITH  
RESOLUTION AND ORDER OF AUGUST 4, 2025**

**TO THE HONORABLE ENERGY BUREAU:**

**COMES NOW**, EcoEléctrica, L.P. ("EcoEléctrica"), through the undersigned legal counsel, and respectfully submits:

**I. INTRODUCTION**

On April 26, 2024, LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly, "LUMA") submitted its *Motion to Submit ASAP Structure and Concept with Resolution and Order issued on April 19, 2024 and Request for Determination of Consistency with Energy Public Policy and IRP* (the "ASAP Proposal"), whereby LUMA presented its Accelerated Storage Addition Program ("ASAP"). In the ASAP Proposal, LUMA informed the Energy Bureau that ASAP Program Phase 1 projects (the "Phase 1 Projects") could be operational within twelve months, that is on or by April 2025.

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On December 20, 2024, and January 14, 2025, the Energy Bureau approved four (4) ASAP Program Phase 1 Standard Offer Agreements (“SO1 Agreements”), totaling 110 MW of battery energy storage systems (“BESS”). The projects subsequently obtained approval from the Puerto Rico Electric Power Authority (“PREPA”) and the Financial Oversight and Management Board for Puerto Rico (“FOMB”). However, execution of the SO1 Agreements did not proceed, as PREPA awaited the requisite authorization letter from the Puerto Rico Public-Private Partnerships Authority (“P3”).

On June 16, 2025, the Energy Bureau directed LUMA to provide a detailed status report on all Phase 1 Projects. LUMA's June 23, 2025 *Motion in Compliance with Resolution and Order of June 16, 2025 and Request for Confidential Treatment* (the “June 23 Motion”) confirmed the approvals from PREPA and FOMB but explained that execution was still pending due to the absence of the P3 authorization letter. Moreover, execution of the SO1 Agreements requires satisfaction of specific Signing Conditions, as outlined in Exhibit 21 of the SO1 Agreement, which must be fulfilled prior to execution.

In the weeks that followed, PREPA contacted each of the four project developers, via email on June 22, 2025, and again on July 24, 2025, requesting updated information on their readiness to execute the SO1 Agreements and their progress toward meeting the Signing Conditions set forth in Exhibit 21. In its August 1, 2025 filing, PREPA reported that EcoEléctrica was the only developer to respond, confirming it was actively completing the required documentation and expected to be ready for execution by September 2025.<sup>1</sup>

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<sup>1</sup> EcoEléctrica respectfully notes that in the August 4 R&O, the Energy Bureau orders EcoEléctrica to provide detailed explanation of its failure to respond to PREPA's communications in a timely manner. However, as noted in the August 4 R&O and explained in this Motion, EcoEléctrica was the only developer to respond to PREPA's communications.

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On July 23, 2025, the Energy Bureau, citing urgent public interest, ordered PREPA to explain the delay in the implementation of the Phase 1 Projects and justify why execution of the SO1 Agreements should not proceed immediately. On August 4, 2025, the Energy Bureau issued a Resolution and Order (the “August 4 R&O”) directing EcoEléctrica and the other developers to provide, by August 14, 2025: (i) its current compliance status with the Exhibit 21 Signing Conditions; (ii) any obstacles causing the delay; and (iii) an updated timeline and corrective actions to enable execution. (collectively, the “R&O Questions”).

EcoEléctrica recognizes the critical importance of promptly adding storage capacity to the Puerto Rico grid to address current reliability challenges and hereby submits its motion in compliance with the August 4 R&O, providing its responses to the R&O Questions.

Lastly, EcoEléctrica hereby respectfully requests that confidential treatment be afforded to this motion pursuant to the Energy Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, and partially amended on September 16, 2016 (the “Policy on the Management of Confidential Information”). The confidential portions of this motion include information that is the subject of ongoing negotiations. Unauthorized disclosure of this material could adversely affect those negotiations. Accordingly, EcoEléctrica respectfully requests that access to these materials be limited to authorized representatives who are bound by strict non-disclosure obligations, in accordance with applicable law and the Policy on the Management of Confidential Information.

In accordance with Section 6.15 of Act No. 57-2014 and the Policy on the Management of Confidential Information, EcoEléctrica will submit, under separate cover,

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a Memorandum of Law requesting that confidential treatment be afforded to this motion. EcoEléctrica is diligently preparing the Memorandum of Law but requires additional time to adequately address the legal and factual grounds for confidential treatment. Therefore, EcoEléctrica hereby respectfully requests that the Honorable Bureau grant a brief ten-day term to submit its Memorandum of Law.

### **II. RESPONSES TO THE R&O QUESTIONS**

#### ***A) Explanation of the current compliance status with the Signing Conditions outlined in Exhibit 21 of the SO1 Agreement***

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### ***B) An identification of any obstacles causing the delay***

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### C) An updated timeline and proposed corrective actions to allow the execution of the contracts

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**WHEREFORE**, EcoEléctrica respectfully requests that the Energy Bureau take notice of the foregoing and (1) order this motion to be afforded confidential treatment and (2) find EcoEléctrica in compliance with the August 4 Resolution and Order.

### **RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 14<sup>th</sup> day of August 2025.

We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using the electronic filing system and that we will send an electronic copy of this document to PREPA through its counsel of record at [arivera@gmlex.net](mailto:arivera@gmlex.net), and to LUMA Energy, LLC through its counsels of record at [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com), [laura.rozas@dlapiper.com](mailto:laura.rozas@dlapiper.com), [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com), and [regulatorypreborders@lumapr.com](mailto:regulatorypreborders@lumapr.com).

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