

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

NEPR

Received:

Sep 24, 2025

9:44 PM

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

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

**SUBJECT:** *Order to Show Cause for  
Failure to Execute Phase 1 Standard  
Offer Agreements*

**MOTION IN COMPLIANCE WITH  
ORDER TO SHOW CAUSE**

**TO THE HONORABLE ENERGY BUREAU:**

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

**I. BACKGROUND**

On April 26, 2024, LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly, "LUMA") submitted its Accelerated Storage Addition Program ("ASAP") for consideration by the Energy Bureau, representing that ASAP Program Phase 1 projects (the "Phase 1 Projects") could be operational by April 2025.

On December 20, 2024, and January 14, 2025, the Energy Bureau approved four (4) ASAP Program Phase 1 Standard Offer Agreements ("SO1 Agreements"), totaling [REDACTED]. 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

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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. In response, on June 23, 2025, LUMA confirmed approvals from PREPA and FOMB but reiterated that execution remained 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 signature.

In parallel, PREPA contacted the four developers to assess readiness to execute. EcoEléctrica was the only developer to respond, indicating it was completing documentation and expected to be ready by September 2025, while San Fermín, Horizon, and Oriana did not reply to PREPA's communications. Consequently, on July 23, 2025, the Energy Bureau ordered PREPA to justify the delay in execution, and on August 4, 2025, it required the four developers to report their compliance status with the Signing Conditions, identify obstacles, and provide updated timelines (the "August 4 R&O"). On August 14, 2025, all four developers submitted their responses to the August 4 R&O.

On August 14, 2025, Ecoelétrica, San Fermín, Oriana, and Horizon provided the status of the Signing Conditions ("August 14 Motions"). Ecoelétrica and San Fermín requested confidential treatment to their respective motions and filed a redacted public version of such motions.

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Thereafter, on August 27, 2025, LUMA submitted an Informative Motion highlighting unresolved issues regarding Monthly Payment Pass-Through Components (“MPPTC”) and proposed clarifications in the form of Position Papers to be incorporated into the Agreed Operating Procedures. LUMA also requested a three-month extension of the Early Completion Bonus target milestones to facilitate execution. On August 29, 2025, the Energy Bureau deemed the four developers compliant with its prior directives and approved LUMA’s proposed clarifications and extensions. Notwithstanding these measures, none of the SO1 Agreements had yet been executed as of that date. Accordingly, on September 19, 2025, the Energy Bureau issued a Resolution and Order directing PREPA and the developers to show cause within three business days as to why an administrative fine of ten thousand dollars (\$10,000) should not be imposed for failure to execute the Phase 1 SO1 Agreements the “September 19 R&O”)

**II. SHOW OF CAUSE**

EcoEléctrica respectfully submits this response to the Energy Bureau’s September 19 R&O, directing the parties to show cause as to why an administrative fine should not be imposed for the non-execution of the SO1 Agreement.

EcoEléctrica reiterates its full commitment to advancing its ASAP Phase 1 Battery Energy Storage System (“BESS”) Project and underscores that the delay in execution has not been caused by inaction on its part, but rather by unresolved contractual issues outside of its control. [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] EcoEléctrica has acted diligently and in good faith throughout this process and stands ready to move forward with execution once the SO1 Agreement accurately reflects the determinations already made by the Bureau.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Lastly, EcoEléctrica hereby respectfully requests that confidential treatment be afforded to this motion pursuant to the Energy Bureau's Policy on Management of

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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 and its attachment 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, a Memorandum of Law requesting that confidential treatment be afforded to this motion and its attachment. 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.

**WHEREFORE,** EcoEléctrica, L.P. respectfully requests that the Puerto Rico Energy Bureau: (1) find that just cause exists for the non-execution of the SO1 Agreement to date and that the imposition of an administrative fine is unwarranted; [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]; (4) take notice of and approve

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EcoElectrica's request for a ten-day term to submit its Memorandum of Law; and (5) grant such other and further relief as the Bureau deems just and proper.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 24<sup>th</sup> day of September 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 [RegulatoryPREBorders@lumapr.com](mailto:RegulatoryPREBorders@lumapr.com); [katiuska.bolanos-lugo@us.dlapiper.com](mailto:katiuska.bolanos-lugo@us.dlapiper.com); [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); [arivera@gmlex.net](mailto:arivera@gmlex.net); [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.com); [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov); [oramos@pmalaw.com](mailto:oramos@pmalaw.com).

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