

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

**IN RE:** ACCELERATED EVALUATION OF RENEWABLE ENERGY AND ENERGY STORAGE PROJECT PROPOSALS TO SECURE FEDERAL INVESTMENT TAX CREDITS (ITCs)

**CASE NO.:** NEPR-MI-2025-0005

**SUBJECT:** Resolution and Order Approving the Procurement of Selected Energy Storage Projects

NEPR

Received:

Feb 26, 2026

1:26 PM

**INFORMATIVE MOTION AND REQUEST FOR MEETING**

**TO THE HONORABLE ENERGY BUREAU:**

**COMES NOW**, the undersigned counsel, on behalf of an interested proponent (“Interested Proponent”) in the above-captioned proceeding, and hereby respectfully states, alleges, and prays, as follows:

1. On February 23, 2026, the Interested Proponent submitted to the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) an *Informative Motion and Urgent Request for Relief* (“Proponent’s Motion”). In the Proponent’s Motion, the Interested Proponent provided a detailed summary of its negotiation dealings with the Puerto Rico Electric Power Authority (“PREPA”) in the instant proceeding up to that date, all of which are restated herein and incorporated by reference.

2. On February 24, 2026, the Interested Proponent received a copy of the *Informative Motion Regarding Negotiations with Proponent 3 and Memorandum of Law in Support of Request for Confidential Treatment* submitted by PREPA to the Energy Bureau on February 20, 2026 (“PREPA’s Motion”).<sup>1</sup>

3. In PREPA’s Motion, PREPA asserts that “*Proponent 3 failed to comply with the Energy Bureau’s directives set forth in its February 6 Resolution, which expressly require each proponent to ‘prepare a detailed written explanation describing the rationale for the requested modification and the benefits that, in their view, would result from the inclusion of such modification.’ Proponent 3 did not provide the required justification for its proposed changes. This failure, coupled with Proponent 3’s refusal to agree to a reasonable extension of time and the magnitude of the substantial and material deviations from the approved model contract, has rendered it impossible for PREPA to finalize and submit a negotiated contract with Proponent 3 for the Energy Bureau’s consideration.*”<sup>2</sup>

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<sup>1</sup> In PREPA’s Motion, the Interested Proponent is identified as “Proponent 3.”

<sup>2</sup> Contrary to PREPA’s assertion, the Interested Proponent reiterates that its proposed revisions were accompanied by detailed written explanations describing the rationale for each requested modification and the benefits that would result from their inclusion. Such explanations were provided (i) in the comprehensive markups to the ESSA and PPOA forms submitted on January 16, 2026; (ii) in the resubmitted markups and explanatory materials submitted on February 9, 2026; (iii) in summary issue lists and written comments transmitted to PREPA submitted on January 14, 2026; and (iv) in the Interested Proponent’s February 19, 2026 written reply responding to each of PREPA’s responses on the ESSA form, submitted on February 19, 2026, which further explained the rationale and benefits of each requested revision. Moreover, during the meeting between the parties on February 13, 2026, the Interested Proponent further explained its proposed modifications and PREPA indicated that it had no questions regarding the Interested Proponent’s proposed revisions or the explanations supporting them.

4. Further, PREPA states that *“the parties did not reach an agreement and hereby submits for the Energy Bureau’s review and determination, Proponent 3’s Draft Contract (reflecting its proposed changes to the Tranche 4 model contract) and PREPA’s corresponding comments”* and requests that *“the Energy Bureau provide guidance as to the appropriate disposition of the unresolved contractual issues.”*

5. The Interested Proponent respectfully notes that PREPA’s Motion and documents submitted therewith are limited solely to the Interested Proponent’s proposed revisions to the Energy Storage Services Agreement (“ESSA”) form. However, PREPA’s Motion is silent with respect to (i) the Interested Proponent’s proposed revisions to the Purchase and Operation Agreement (“PPOA”) form; (ii) the Interested Proponent’s improved PPOA pricing offer submitted pursuant to the Energy Bureau’s Resolution and Order dated February 6, 2026; and (iii) the Interested Proponent’s reply to each of PREPA’s responses on the ESSA form. Accordingly, the record presented by PREPA before the Energy Bureau is incomplete.

6. The Interested Proponent remains fully committed to engaging constructively and in good faith with PREPA, as it has been since the beginning of this accelerated procurement process. The Interested Proponent is available to meet with PREPA if such meeting would benefit the Energy Bureau’s evaluation of a complete record and allow the Interested Proponent to further explain to PREPA the rationale for its requested modifications and the benefits that would result from the proposed changes under both the PPOA and ESSA forms.

7. Furthermore, if allowed to engage in such a meeting with PREPA, the Interested Proponent is prepared to offer PREPA an alternative to the revisions proposed to the PPOA and ESSA forms that address PREPA’s concerns, as described in PREPA’s Motion.

8. In view of the foregoing, the Interested Proponent respectfully requests that the Energy Bureau direct PREPA and the Interested Proponent to meet immediately for the Interested Proponent to present and discuss (i) additional revisions to the ESSA form to address PREPA’s concerns, as described in PREPA’s Motion; (ii) revisions to the PPOA form that conform to the ESSA revisions, as applicable; (iii) its improved PPOA pricing offer; and (iv) any remaining commercial, technical, and contractual matters that may be agreed upon between the parties.

9. The Interested Proponent further respectfully requests that the Energy Bureau direct PREPA to submit the complete record to the Energy Bureau following this meeting, to allow for the Energy Bureau’s comprehensive evaluation and grant of such further adjudication and relief as may be appropriate.

**WHEREFORE**, the undersigned counsel, on behalf of the Interested Proponent, respectfully requests that the Energy Bureau take notice of the foregoing, grant the requested relief, and any other relief deemed just and proper.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, on February 26, 2026.

**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 <http://radicacion.energia.pr.gov/login>. We also certify that a true and exact copy of this document was notified by electronic mail to: [mary.zapata@prepa.pr.gov](mailto:mary.zapata@prepa.pr.gov); [alexis.rivera@prepa.pr.gov](mailto:alexis.rivera@prepa.pr.gov); [nzayas@gmlex.net](mailto:nzayas@gmlex.net); [mvalle@gmlex.net](mailto:mvalle@gmlex.net); [rcruzfranqui@gmlex.net](mailto:rcruzfranqui@gmlex.net).

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