

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

<b>NEPR</b>  <b>Received:</b>  <b>Mar 16, 2026</b>  <b>5:41 PM</b>
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**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:** Procedural Clarification

**URGENT MOTION FOR RELIEF AND NOTICE**

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

Greenbriar Sustainable Living Inc and PBJL Energy Corporation (“Greenbriar/PBJL”) and its Montalva Solar Farm and Storage Project (“Montalva”), now comes and submits to the Puerto Rico Energy Bureau (“PREB”) this motion in the above-referenced proceeding, and hereby respectfully states, alleges, and prays, as follows:

1. On September 22, 2025, the Governor of Puerto Rico, Hon. Jenniffer A. González Colón, issued Executive Order OE 2025-047 (the “Executive Order”), which amended and expanded the Puerto Rico energy emergency and authorized extraordinary measures to accelerate the evaluation and approval of renewable energy and storage projects qualifying for federal investment tax credits (“ITCs”) under Public Law 119 21, also known as the One Big Beautiful Bill Act (“OBBBA”). The Executive Order directed the Puerto Rico Electric Power Authority (“PREPA”) to “promptly” evaluate and negotiate power purchase agreements for qualifying

renewable and storage projects, as defined in the Executive Order, and to recommend their approval to PREB within specific deadlines.

2. Pursuant to the Executive Order, on September 26, 2025, PREB issued a Resolution and Order in Case No. NEPR-MI-2025-0005 (the “September 26 Order”), establishing the criteria and procedures PREPA must follow and apply in assessing proposals and formulating recommendations for approval of contract awards for such projects with time being of the essence given the expiring available federal Investment Tax Credits for such projects.

3. On or about October 1, 2025, PREPA issued a Request for Proposals Advocate Event 237366 (the “RFP”) in compliance with the Executive Order and September 26 Order. This RFP provided an opportunity for qualifying projects to submit proposals for immediate evaluation with the intent that PREPA file accepted proposals for approval by PREB no later than December 15, 2025.

4. On October 14, 2025, Greenbriar/PBJL submitted a proposal response under the RFP for its Montalva Solar Farm and Storage project consisting of a 20-page submission letter including nine pages of charts and providing 31 exhibits with technical details and status of the project (the “Montalva RFP Submission”).

5. On November 13, 2025, Greenbriar/PBJL received a letter from PREPA with an attachment providing an overview of PREPA’s evaluation of Greenbriar/PBJL’s Montalva RFP Submission. In that letter, PREPA made reference that the Montalva RFP Submission did not meet all of the RFP requirements identifying those areas of non-compliance as well as identifying those areas where Greenbriar/PBJL’s Submission did meet the RFP requirements.

6. On November 19, 2025, Greenbriar/PBJL responded by letter to PREPA’s letter of November 13 and provided clarifying points to all references in PREPA’s letter that

Greenbriar/PBJL's Montalva RFP Submission did not meet all of the RFP requirements. It is Greenbriar/PBJL position that it addressed each and all points raised by PREPA by providing clarifying facts or reasonable alternatives to meet all requirements. In addition, Greenbriar/PBJL responded to a comment in PREPA's November 13 letter that Greenbriar/PBJL had included escalation factors in its price not meeting the RFP requirements. Greenbriar/PBJL thereby eliminated any and all escalating factors in its pricing as referenced in its November 19 letter. Noteworthy, Greenbriar/PBJL never received any acknowledgement or response to its November 19 letter.

7. On December 30, 2025, PREB issued a Resolution and Order (the "December 30 Order") approving certain renewable energy and storage projects under the RFP and directing PREPA to finalize negotiations with the proponents of the approved projects. In the December 30 Order, PREB also reserved the right to revisit the procurement process and to authorize additional projects among those projects submitted by proponents for whom no projects were selected, among other things. The implication of the December 30 Order would be that PREPA should continue or institute negotiations with those participating projects not approved in the PREB order. As of this date, PREPA has yet to conduct any discussions or negotiations with Greenbriar/PBJL regarding its Montalva Solar Farm and Storage Project and its Montalva RFP Submission.

8. As follow up to the December 30 Order and after receiving no contact or efforts by PREPA to engage in negotiations, Greenbriar/PBJL sent a letter to PREB on January 25, 2026, with copy to PREPA. In that letter, Greenbriar/PBJL cited a lack of any contact or negotiation with or from PREPA, despite the fact that PREB had intended, if not ordered, for such negotiations to be ongoing in accordance with its December 30 Order and reserved the right to approve additional qualifying projects. In its letter, Greenbriar/PBJL highlighted the special attributes of Montalva

design and emphasized its distinct advantages over other projects resulting in significant ratepayer benefits and savings that should be considered when evaluating Greenbriar/PBJL Montalva's Submission and pricing.

9. Following various procedural developments, on February 6, 2026, PREB issued a Resolution and Order ( the "February 6 Order") providing, among other things, that PREPA was ordered to notify proponents whose projects were not selected as part of the December 30 Order that they had three (3) days to submit, for PREPA's consideration, final improved pricing offers with respect to the projects they previously proposed. Again, the implication of the February 6 Order would be that PREPA should continue or institute negotiations with those participating projects not approved in the PREB order in order to establish the best commercial terms practicable in order to approval as many of the qualifying projects as practicable given the expiring ITCs.

10. As follow up to the February 6 Order, Greenbriar/PBJL also received notification from PREPA of the deadline to submit final pricing offers. By letter of February 9, 2026, Greenbriar/PBJL responded to PREPA's notification and the February 6 Order by providing the required information with additional final improved pricing which included an additional reduction in pricing below the pricing targets contained in PREPA's Tranche 4 RFP and, as before, including no escalation factors. With respect to the reasonableness of the Tranche 4 RFP pricing targets and based on available information, not a single bid for PV solar energy generation was received by PREPA under Tranche 4, as limited by the proposed pricing targets, with Tranche 4 not producing a single generation project. Noteworthy, Montalva's proposed pricing is below these targets and includes no escalation.

11. Greenbriar/PBJL respectfully informs PREB that, as of this date, it has not been engaged by PREPA to initiate any form of discussion or negotiation regarding Montalva. In fact,

except for a form letter from PREPA received on November 13, 2025, citing PREPA's evaluation of Greenbriar/PBJL's RFP Submission and meeting the RFP requirements to which Greenbriar/PBJL responded in detail in its letter on November 19, 2025, and a notification received from PREPA as to the February 6 Order; no other communications or any other form of contact has been made by PREPA, much less initiating negotiations. As stated, Greenbriar/PBJL also responded to PREPA's letter of November 13 on November 19 clarifying all points in PREPA's letter of non-compliance including the elimination of escalating factors in its pricing. To date, Greenbriar/PBJL has received no response or acknowledgement to its letter.

12. Further, as detailed in Greenbriar/PBJL letter to PREB on January 25, the Greenbriar/PBJL project has unique project attributes providing substantial PREPA and ratepayer benefits not offered by other projects which together with the updated pricing offered to PREPA in its letter of February 9, constitute an extremely competitive offer, particularly given the enhanced project design and pricing below the Tranche 4 pricing targets without escalators, as well as meeting, or commitments to meet, all other qualifying requirements as detailed in its letter of November 19.

13. In light of the fact that PREPA has not engaged Greenbriar/PBJL in any discussions or negotiations despite its letters of November 19, 2025, January 25, 2026 and February 9, 2026, as well as several emails requesting status, and the December 30 Order and February 6 Order, Greenbriar/PBJL is forced to understand PREPA is not interested in sustaining and/or entertaining discussions or negotiations under any circumstances regardless of the significant benefits and pricing offered by Montalva. Of course, Greenbriar/PBJL is not privy to any current evaluations or recommendations of PREPA for the approval of projects, including Montalva, but having no contact from PREPA does not indicate a serious consideration of Montalva by PREPA.

14. Pursuant to the Executive Order, the emergency RFP process was also “not” intended to be a selective competitive process between respondents with only a limited number of selections going to the lowest bidders, but a process to reevaluate the economic reality of expiring federal tax credits on the future cost of renewable energy options for Puerto Rico and, specifically, to move forward with those projects in advanced stages of development by negotiating best commercial terms available and a PPOA. Not all proponents bid projects with pricing that will result in successful financing or project. Thankfully some projects have gone forward, but only a small number and Puerto Rico has not met its renewable goals. In that regard, the Executive Order additionally emphasized the critical need for near-term electrical generating resources to meet the near-term needs of Puerto Rico, particularly those provided by renewable energy resources. Noteworthy, such evaluation also suggests that a cost/benefit analysis be conducted that includes an evaluation of any special attributes or benefits offered by a project on a project-by-project basis. Such selection process additionally needs to incorporate the realization that even those Tranche 1 project awards which had been increased by a reported 34%<sup>1</sup>, have not gone forward when considering the current realities of the additional costs of inflation, tariffs and financing. Only those projects who obtained federal loan guarantees seem to be moving forward. In fact, the added restrictions in current ITC legislation and the elimination of certain countries-of-origin of equipment, among others, have in fact significantly increased project costs since the repricing of

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<sup>1</sup> Reference: Statement Release by FOMB dated September 14, 2023, fifth paragraph “*In March 2022, the Oversight Board conditionally approved 18 proposed PPOAs to provide 844 MW of renewable energy tranche 1. Seven of those PPOAs have since been withdrawn or were rejected by the Puerto Rico Energy Bureau (PREB); 11 were amended to adjust for inflation, supply chain pressures and sharply rising interest rates on potential loans to finance the renewable projects. The amendments increase the cost of the PPOAs by 34%. Notwithstanding this increase in contract prices these amended agreements would reduce the cost of power generation dramatically by 2035.*” and ninth paragraph “*Nevertheless, requiring renewable energy providers to rebid for the PPOAs would significantly delay the transition. Such delays could further increase the cost of the projects and would hold up the significant improvements from cleaner energy to the environment and the health of the people of Puerto Rico.*” ([www.oversightboard.pr.gov/comments@promesa.gov](http://www.oversightboard.pr.gov/comments@promesa.gov))

the Tranche 1 projects. Even the pricing targets provided in the Tranche 4 RFP were reported to have had no bidders for solar energy and maybe only one bidder for storage. A cost/benefit analysis would be a standard requirement in order to evaluate current renewable energy options and proposals looking at all costs and benefits of providing electrical energy resources for Puerto Rico. Such a process should be performed and be the subject of review and approval by PREB. To the knowledge of Greenbriar/PBJL, no such evaluation or analysis has been conducted or made available by PREPA, much less an informed decision on pricing targets and the all-in cost benefits of Montalva's high-capacity solar field and storage thereby eliminating peaking concerns, reducing transmission capacity requirements, and reducing auxiliary service requirements as well as providing microgrid support. All important factors that are paramount to reaching informed decisions, commercial terms and recommendations.

15. Based on the foregoing, and considering the urgency of the procurement process, including the applicable federal ITC deadlines and the time limitations for the completion of negotiations, the undersigned respectfully and urgently submits this Motion to request PREB's intervention in this negotiation process. Greenbriar/PBJL herewith requests that negotiations be conducted by PREB with proponents whose projects were not selected as part of the December 30 Order to ensure compliance with the purpose of Executive Order OE-2025-047 and PREB's duty under Act No. 17-2019, as amended. Further, the importance of properly concluding such process needs to incorporate the recognition that in fact an extension of the current expiration of the Investment Tax Credits may occur. This process needs to be continued as a priority as projects need as much lead time as can be made available factoring in the possibility of extension of the Investment Tax Credits. Seems that time needs to be of the essence for PREPA and the recognition that five months have transpired since Greenbriar/PBJL made its Montalva RFP Submission.

Wherefore, the undersigned counsel, on behalf of Greenbriar/PBJL, respectfully requests the Honorable PREB to take notice of the above-described, grant the requested relief, and any other relief deemed just and proper.

In San Juan, Puerto Rico, this 16 day of March 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 <https://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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