

**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:

Apr 9, 2026

11:59 AM

MOTION IN RESPONSE AND REQUEST FOR RELIEF

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, the undersigned counsel, on behalf of an interested proponent (“Proponent 3”) in the above-captioned proceeding, and hereby respectfully states, alleges, and prays, as follows:

1. On March 26, 2026, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“March 26 Order”) approving Proponent 3’s eleven (11) Energy Storage Services Agreements (“ESSAs”) and eleven (11) Power Purchase and Operating Agreements (“PPOAs”) and together with the ESSAs, the “Agreements”) for its twenty-two (22) distinct solar PV and battery energy storage system hybrid projects, under the Puerto Rico Electric Power Authority’s (“PREPA”) Request for Proposals Power Advocate Event 237366 (“RFP”).

2. On April 7, 2026, at 2:35 PM, Proponent 3 filed an Informative Motion (“Informative Motion”) notifying the Energy Bureau of its correspondence to PREPA dated March 31, 2026, in which it requested PREPA’s confirmation of its availability to meet on Tuesday, April 7, 2026, at 9:00 AM, or at such other time during the week of April 6 through April 10, 2026, as may be convenient, to discuss the revisions and actions contemplated in furtherance of the March 26 Order. As of the time of filing of the Informative Motion, PREPA had neither acknowledged nor responded to said request for a meeting, nor had it provided any further instructions or communications to comply with the mandates of the March 26 Order.

3. Accordingly, Proponent 3 requested that the Energy Bureau issue an order directing PREPA and Proponent 3 to meet within three (3) days to address the mandates of the Resolution and Order and to schedule such follow-up meetings as may be necessary to advance Proponent 3’s projects on an expedited basis. The Informative Motion was simultaneously notified to PREPA via email at 2:37 PM.

4. On April 7, 2026, at 4:04 PM, PREPA submitted correspondence to Proponent 3 indicating that it recommends that all parties first complete the necessary exchange of compliant draft contractual provisions, as outlined in Sections III(E)(1) and III(E)(2) of the March 26 Order. PREPA further proposed that a meeting be scheduled only if material open items remain following the review of the revised draft documents.

5. Thereafter, at 10:17 PM, PREPA filed a Motion in Response to Informative Motion (“Motion in Response”), in which it asserts that Proponent 3’s Informative Motion is premature and

procedurally unnecessary, and requests that the Energy Bureau deny Proponent 3's request to direct the parties to meet within a specified timeframe and determine the appropriate course of action. The Motion in Response was circulated via email to the undersigned counsel at 10:31 PM.

6. Proponent 3 acknowledges PREPA's correspondence dated April 7, 2026, and will promptly submit to PREPA its proposed contractual provisions in accordance with Sections III(E)(1) and III(E)(2) of the March 26 Order. Despite PREPA's omission thereof from its correspondence, Proponent 3 also intends to submit to PREPA proposed contractual provisions in accordance with Sections III(E)(3) and III(E)(4) of the March 26 Order for implementation at this stage, without precluding further actions at a later stage, such as in connection with securing financing for the projects, as contemplated by the March 26 Order.

7. Regarding PREPA's Motion in Response, Proponent 3 reiterates that it has acted, and continues to act, in good faith at all times, with the objective of advancing the negotiation and approval of its projects in a manner consistent with the directives of the Governor's Executive Order OE-2025-047 dated September 22, 2025 ("Executive Order") and the Energy Bureau's Resolution and Order dated September 26, 2025 ("September 26 Order"), both of which were issued more than six (6) months ago and remain in full force and effect.

8. Contrary to PREPA's contention, Proponent 3 respectfully submits that its actions, including the urgency and timely responsiveness it expects from PREPA in conducting this process, as well as its Informative Motion, are not based on unilateral expectations, but rather are consistent with the Executive Order, the September 26 Order, and the extraordinary, time-sensitive nature of this RFP process. As emphasized in the Executive Order, the availability of Investment Tax Credits is subject to strict federal deadlines, and any delay in the negotiation and finalization of the Agreements may jeopardize the viability of projects under this procurement.

9. Proponent 3 is concerned with the time that has already elapsed in this negotiation process, which was originally scheduled to conclude by December 15, 2025, as well as PREPA's indications in its Motion in Response that it may be applying a uniform negotiation approach across all proponents, despite the obvious difference between the various proponents' projects and the unconventionality of such approach, without establishing defined deadlines. Proponent 3 is further concerned that, absent such deadlines, negotiations may be unnecessarily or indefinitely delayed or extended in a manner that is inconsistent with the expedited nature of this process.

10. To avoid situations and miscommunications such as those giving rise to the present motions, Proponent 3 respectfully requests that Energy Bureau establish a timeframe applicable to PREPA and all proponents, not to exceed April 30, 2026, within which the parties shall complete the currently ongoing phase of negotiations.

WHEREFORE, the undersigned counsel, on behalf of Proponent 3, respectfully requests that the Energy Bureau take notice of the foregoing and grant any other relief deemed just and proper.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, on April 8, 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; alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net.

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