

**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 24, 2026

11:01 AM

**INFORMATIVE MOTION**

**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. Reference is hereby made to the Resolution and Order issued by the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) on March 26, 2026 (“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. Reference is also made to the Informative Motion filed by Proponent 3 on April 7, 2026, requesting that the Energy Bureau issue an order directing the parties to meet within three (3) days to address the directives of the March 26 Order; PREPA’s Motion in Response and correspondence to Proponent 3, submitted later that same date, requesting that the Energy Bureau deny Proponent 3’s request for a meeting and indicating that all parties should first complete the necessary exchange of the draft contractual provisions outlined in Sections III(E)(1) and III(E)(2) of the March 26 Order; and Proponent 3’s Motion in Response and Request for Relief dated April 9, 2026, indicating that it also intended to submit to PREPA proposed contractual provisions in accordance with Sections III(E)(3) and III(E)(4) of the March 26 Order and requesting that the Energy Bureau establish a timeframe applicable to PREPA and all proponents, not to exceed April 30, 2026.

3. Proponent 3 respectfully informs that, on April 15, 2026, it submitted to PREPA a letter outlining certain revisions and actions proposed to be incorporated into the Agreements to address the mandates set forth by the Energy Bureau in its March 26 Order, including the following matters:

- (1) Automatic Contract Termination
- (2) Conditional Price Adjustment Based on Financing Terms
- (3) Future Actions to Enhance Financing Prospects
- (4) Proponent 3 Proposed Contracts (Hybrid Projects)

4. On April 17, 2026, PREPA issued a correspondence to Proponent 3, recommending that the current contract review be limited to only certain of the matters expressly identified in the

March 26 Order and provided draft Agreements for Proponent 3's review and formal acknowledgment of their conformity, in order to proceed with the approval process. Such draft Agreements incorporated revisions to Section 2.3(b) to reflect a uniform automatic termination period of two hundred ten (210) days (but excluded related language proposed by Proponent 3 allowing flexibility to complete their efforts under certain circumstances),<sup>1</sup> and partially incorporated Proponent 3's Conditional Price Adjustment Based on Financing Terms in Appendix F (Compensation) of the PPOA (but excluded a timing provision that is key to the feasibility of implementing the proposed adjustment).<sup>2</sup> Further, PREPA's draft Agreements did not incorporate Proponent 3's proposed contractual provisions submitted in its April 15, 2026 letter to PREPA pursuant to Sections III(E)(3) and III(E)(4) of the March 26 Order.

5. The March 26 Order encourages the parties, as contemplated under the Agreements, to pursue such modifications as are necessary to achieve financing, provided that such efforts are consistent with the public interest and, to the extent possible, result in further cost reductions for ratepayers. The March 26 Order also recognizes the need to introduce certain modifications to the Agreements to address the synergies arising from the expected hybrid operation of the projects by Proponent 3.

6. In accordance therewith, on April 20, 2026, Proponent 3 submitted an additional letter to PREPA enclosing draft Agreements containing proposed contractual revisions, which are consistent with the March 26 Order, for consideration and implementation at this stage, without precluding further actions at a later stage, including in connection with securing financing for the projects, as contemplated therein. The rationale for these revisions was set forth in Proponent 3's letter to PREPA dated April 15, 2026, and are limited to addressing only those matters contemplated by the Energy Bureau in the March 26 Order.

7. On April 23, 2026, Proponent 3 submitted a follow up letter to PREPA enclosing draft Agreements containing the previously proposed contract revisions, with further elaboration of modifications intended to address the synergies arising from the expected hybrid operation of the projects by Proponent 3. As stated in Proponent 3's letter to PREPA, Proponent 3 has submitted the proposed modifications in the interest of securing forms of the Agreements that will allow Proponent 3 to continue the pursuit of efforts leading to financing of the projects.

8. In view of the foregoing, and the importance of ensuring the financeability and successful implementation of the projects, as well as the urgency of completing this process (which was originally scheduled to conclude on December 15, 2025 and for which the Energy Bureau subsequently mandated an outside completion date of February 15, 2026) to ensure availability of federal investment tax credits (ITCs) to finance the projects, as contemplated in the March 26 Order, Proponent 3 respectfully requests that the Energy Bureau take notice of the above and issue an order directing PREPA and Proponent 3 to consider and incorporate into the Agreements, at this stage of the negotiations, provisions intended to promote efforts for the financing of the projects and provisions that reflect the hybrid operations of the projects, in each case without precluding further actions at a later stage, and to establish a timeframe applicable to PREPA and

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<sup>1</sup> Section III(E)(1) of the March 26 Order.

<sup>2</sup> Section III(E)(2) of the March 26 Order.

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 24, 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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