

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

NEPR Received: Jun 3, 2026 9:33 PM

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 pertaining Yabucoa Energy, LLC, Proponent No. 3, and Proponent No. 7 site control.

JOINT STATUS SUBMISSION OF THE PUERTO RICO ELECTRIC POWER AUTHORITY (“PREPA”) AND PROPONENT NO. 7 PURSUANT TO THE MAY 20, 2026 RESOLUTION AND ORDER

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW the Puerto Rico Electric Power Authority (“PREPA”) and Proponent No. 7, Greenbriar Sustainable Living Inc. and PBJL Energy Corporation (collectively, “Greenbriar/PBJL” or “Proponent No. 7”), by and through their undersigned counsel, and respectfully informs and requests as follows:

A. INTRODUCTION

1. On May 20, 2026, the Puerto Rico Energy Bureau issued a Resolutin and Order (“May 20 Order”) directing PREPA and Proponent No. 7 to meet and confer for the purpose of clarifying the issues identified by the PREB concerning: (i) property rights and site control; and (ii) the status and progress of the permits and authorizations required for the proposed Montalva Solar Farm and Battery Storage Project (the “Montalva Project”).
2. PREPA and Proponent No. 7 have conferred, exchanged documents, and jointly reviewed the relevant agreements, affidavits, permits, and filings. As set forth below, the parties hereby submit for the Energy Bureau’s review and evaluation the documentation attached hereto regarding: (i) property rights and site control; and (ii) the status and progress of the

permits and authorizations required for the proposed project. The parties respectfully submit that the attached materials provide the clarifications requested by the Energy Bureau and should be considered as part of its ongoing evaluation.

B. PROPERTY RIGHTS AND SITE CONTROL

1. Proponent No. 7 hereby recertifies that the Montalva Project site is covered by valid, binding, and enforceable lease-option and purchase-option agreements executed by the corresponding landowners sufficient to install the initial 80 MW proposed phase of the Montalva Project submitted under the RFP.
2. Exhibit I attached hereto “Land Parcels Under Agreement” provides (i) a summary table of the parcels under agreement needed for the initial phase, (ii) a map showing the location of the parcels, (iii) copies of the signed affidavits and (iv) executed land option agreements confirming that all parcels required for the 80 MW initial phase submitted under the RFP are under binding control through December 31, 2026. Parcels not renewed in 2026 are not required for the 80 MW configuration but can be made available for expansion beyond the initial phase of the project if the parties agree to a larger initial phase capacity. All parcels required for interconnection, access, and infrastructure are part of the binding agreements and remain subject to the binding agreements.
3. Each agreement submitted by Proponent No. 7 satisfies the required property rights and site control as required by the RFP requirements and describes the following: (i) identifies the parcels with sufficient specificity by cadastral number, acreage, and boundaries; (ii) grants exclusive rights to lease and/or purchase the parcels as applicable for renewable energy development and battery storage; (iii) establishes terms extending through December 31, 2026, together with renewal rights under the lease agreements sufficient to cover the 25-year PPOA term and extended terms if agreed by the Proponent; and (iv) are accompanied by signed affidavits from each landowner confirming the binding nature of the agreements, their legal capacity, and their commitment for the use of their lands for the development, construction and operation of the Montalva Project.
4. Each agreement referenced further provides for: (i) an option term through December 31, 2026, to lease the properties, or a separate purchase option agreement through December 31, 2026, to acquire the property; and (ii) if the options are exercised, provides rights

exercisable by Proponent No. 7, which, under Puerto Rico law, constitute vested contractual rights enforceable for the duration of the project.

5. The landowner affidavits, Lease Option Agreements and Purchase Option Agreements as provided in Exhibit I expressly confirm: (i) the landowners' intent to support the Montalva Project through development, construction, operation, and decommissioning; (ii) their acknowledgment of the 25-year operational term under any PPOA including any extensions; and (iii) their commitment to execute any ministerial extensions or other documents as may be required by PREPA or the PREB.

C. PERMITTING STATUS

1. Proponent No. 7 has resubmitted to PREPA—and now jointly to the Energy Bureau—Exhibit II attached hereto with complete documentation demonstrating that the Montalva Project has reached an advanced stage of permitting together with the status and key documents that have been filed by the Proponent and issued by the Office of Permits Management (“OGPe”) and other agencies.
2. As shown in Exhibit II, Proponent No. 7 has diligently prepared and completed multiple submittals to OGPe in pursue of its Environmental Impact Assessment (“EIS”) and approved final EIS required for Site Approval covering the installation and operation of the Montalva Project. At present, OGPe has suspended its final approval of Montalva’s EIS and its application for the Land Use Site Consultation (“CUB” or “Consulta de Ubicacion”, in Spanish). The Montalva filing in 2020 was possible based on Montalva being approved by PREB for a PPOA as a Legacy Project. In the case of the Montalva Project, OGPe will not process permits without a PPOA. OGPe issued a final approval of the Environmental Recommendations (or “REA”) for the draft EIS on January 25, 2021. Montalva filed for the *Consulta de Ubicacion* on December 24, 2020, together with a conforming EIS on March 24, 2021. The issuance of a final determination of the EIS and moving forward with the *Consulta* by OGPe that was pending is now delayed due to Montalva not being selected for a PPOA by FOMB in 2020 and its existing approved PPOA being subsequently cancelled by the PREB.
3. Proponent No. 7 will proceed expeditiously to revise and update, as applicable, the materials necessary to complete the EIS, the CUB, and any subsequent relevant permitting filings under the current expedited permitting processes and emergency executive orders.

See Administrative Order: OGPe 2026-001 (Expedited Process for Designated Projects) and Executive Order: OE-2025-003 issued by the Honorable Governor of Puerto Rico.

WHEREFORE, PREPA and Proponent No. 7 jointly submit, for the Energy Bureau's review and evaluation, the documentation and information required by the May 20, 2026 Resolution and Order, and respectfully request that the Energy Bureau consider the attached materials in its ongoing evaluation of the Montalva Project.

In San Juan, Puerto Rico, this 3rd day of June 2026.

CERTIFICATE OF SERVICE

We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau through its Electronic Filing System at <https://radicacion.energia.pr.gov/login>. We further certify that a true and exact copy of this document was served by electronic mail upon: mary.zapata@prepa.pr.gov; alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net.

Counsel for PREPA

f/ Alexis G. Rivera Medina
RUA No. 18747
Legal Affairs Director
Puerto Rico Electric Power Authority
alexis.rivera@prepa.pr.gov
P.O. Box 363928
San Juan, PR 00936
Tel. (787) 521-4643

Counsel for Proponent No. 7

CCD Law Group, P.S.C.,
712 Ponce de León Ave.
San Juan, PR 00918
Tel: (787) 773-7765

s/ Edwin A. Irizarry Lugo, Esq.
TSPR (RUA) NO. 13,784
eirizarry@ccdlawpr.com