

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

NEPR

Received:

Jul 16, 2026

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

MOTION REQUESTING RELIEF FROM THE PUERTO RICO ENERGY BUREAU
(“PREB”)

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW 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 request relief from the PREB, regarding the Montalva Solar Farm and Battery Storage Project submitted under the Accelerated Evaluation Of Renewable Energy And Energy Storage Project Proposals To Secure Federal ITCs (the “RFP”) and thereof states, alleges, and prays as follows:

Clarification Regarding Project Scope and the Settlement Agreement:

By the June 26 Motion, the Puerto Rico Electric Property Authority (“PREPA”) asserts that the project submitted under the Accelerated RFP is “the same project” contemplated in the October 3, 2023 Settlement Agreement. This assertion is incorrect, and Proponent No. 7 respectfully requests that the Bureau correct the administrative record accordingly.

The 2023 Settlement Agreement addressed only the Legacy 2020 PPOA, which settlement contemplated a solar-only project with limited battery storage exclusively for compliance with Minimum Technical Requirements (“MTRs”). The Settlement Agreement did not include: any expansion of the solar field beyond a conventional configuration, any utility-scale battery energy storage system (“BESS”), any hybrid solar/BESS operational configuration, or any commercial terms associated with expanded energy delivery. Proponent No. 7 did submit an expanded solar field proposal together with hybrid BESS to PREPA in July 2024, but such expanded project was rejected by PREPA.

By contrast, the project submitted under the Accelerated RFP is the expanded project and constitutes a distinct project. Specifically, the RFP project includes: A minimum 50% expansion of the solar field relative to the Settlement Agreement; The ability to deliver approximately 50% more energy using the same interconnection; A BESS of 40 MW (4–6 hours) included in the Best and Final Offer; An optional expansion to 80 MW, capable of delivering upwards of 100% more energy, as expressly stated in Proponent No. 7’s February 9, 2026, submission.

PREPA’s characterization of the RFP project as identical to the Settlement Agreement project is therefore inconsistent with the record developed in this proceeding, including PREB’s own findings in the June 12 Order.

Proponent No. 7 respectfully requests that the Bureau expressly clarify that the RFP project is a new, expanded, hybrid solar/BESS project, and that negotiations must proceed on the basis of the February 9, 2026 Best and Final Offer, not the Legacy PPOA alone.

Status of Negotiations and PREPA’s Lack of Communication:

Proponent No. 7 has complied with all directives issued by the Bureau and has submitted every required document, including: June 23, 2026: Redline of the PPOA incorporating Settlement Agreement terms and RFP-required modifications; June 28, 2026: Redline of the ESSA addressing hybrid solar/BESS operations; and Multiple written requests for PREPA to provide the latest ESSA version applicable to hybrid configurations.

PREPA has provided a transmittal of a standalone ESSA, which is not applicable to hybrid solar/BESS projects and requires substantial modification. PREPA has not provided the updated hybrid ESSA used for other proponents, despite repeated requests.

However, PREPA has not responded to: Proponent No. 7's June 28 ESSA redline; Proponent No. 7's June 23 PPOA redline; Proponent No. 7's July 8, 2026 email requesting a status update (See, Appendix); and Multiple requests for meetings, calls, or technical review sessions.

PREPA's lack of communication has prevented meaningful progress toward compliance with the June 12 Order and jeopardizes the ability of both parties to meet the ITC-related deadlines emphasized by the Bureau.

Proponent No. 7 respectfully requests that the Bureau issue directives requiring PREPA to resume negotiations immediately and to provide written comments on all submitted documents within a defined timeframe.

Therefore, PREB is therefore warranted to ensure compliance, protect the integrity of the accelerated procurement process, and preserve the economic benefits associated with federal ITC eligibility.

WHEREFORE, Proponent No. 7 respectfully requests that the Bureau:

1. **TAKE NOTICE** of all the foregoing in connection with the June 12 Order;
2. **ORDER PREPA** to resume negotiations immediately;
3. **DIRECT PREPA** to provide written comments on all submitted PPOA and ESSA redlines within five (5) business days;
4. **ORDER PREPA** to provide the correct hybrid ESSA version used for other proponents;
5. **CLARIFY** that the RFP project is materially expanded and distinct from the Settlement Agreement project;

6. **AFFIRM** that the February 9, 2026 Best and Final Offer governs the commercial terms of negotiation;
7. **ISSUE ANY OTHER DIRECTIVES** necessary to ensure compliance and timely submission of final agreements; and
8. **GRANT ANY OTHER RELIEF** deemed just and proper.

In San Juan, Puerto Rico, this 16th day of July 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.

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s/ Edwin A. Irizarry Lugo, Esq.
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APPENDIX

Cliff Webb <cliff.m.webb@gmail.com>

Montalva Solar and Storage Project - Update on Current Review Status

Cliff Webb <cliff.m.webb@gmail.com>

Wed, Jul 8, 2026 at 2:00 PM

To: zapata@prepa.pr.gov, yamila.morales@prepa.com, Jaime A Umpierre-Montalvo <jaime.umpierre@prepa.pr.gov>, Felix A Hernandez-Caban <FELIX.HERNANDEZ@prepa.pr.gov>, "alexis.rivera@prepa.pr.gov" <alexis.rivera@prepa.pr.gov>
Cc: Jeff Ciachurski <westernwind@shaw.ca>, Luis Baco <lbaco@wpginternational.com>, Edwin Irizarry - CCD Law Group <eirizarry@ccdlawpr.com>, Carlos Lopez <carlos@wpginternational.com>, Hamzeh Alfoqaha <hamzehalfoqaha6@gmail.com>

Dear Executive Director Mary C. Zapata Acosta and Event Coordinator Yamila Morales-Asad,

We note the Motion PREPA filed with the Bureau on June 26th. We had to check the docket to see this. Please forward future filings to me and our attorney Edwin Irizarry. That would be appreciated.

That said, we provided our redline comments to the 2020 PPOA on June 12th and a revised version including the terms of the October 3, 2023, Settlement Agreement, on June 23rd. We subsequently provided redline comments on the latest ESSA version referenced as applicable to Solar/BESS hybrid projects and submitted for other proponents to the Bureau for approval of those projects. We received that version of the ESSA on June 25th and provided our comments on June 28th.

Can you please provide a timeline and update on the current review status.

Thank you. Most appreciated.

Best regards,

Cliff M Webb, PE

President

**Greenbriar Sustainable Living, Inc.
(Formerly Greenbriar Capital Corp)**

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