

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

IN RE: ELECTRIC SYSTEM PRIORITY STABILIZATION
PLAN

CASE NO.: NEPR-MI-2024-0005
SUBJECT: Procedural Measures
Regarding RFP No. 3PPO-0314-20-
TPG2

NEPR

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**INFORMATIVE MOTION AND
REQUEST FOR RESOLUTION**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU

COMES NOW, Javelin Global Commodities US Holdings Inc. (“Javelin”), through undersigned counsel, and respectfully submits this Supplemental and Informative Motion:

I. INTRODUCTION AND RELIEF REQUESTED

Javelin submits this motion to inform the Puerto Rico Energy Bureau (the “Energy Bureau”) of its continued willingness to participate in the remaining stages of Request for Proposal No. 3PPO-0314-20-TPG2, Emergency Temporary Power Generation (the “RFP”) and to move the Energy Bureau to issue the procedural directions necessary for the orderly finalization of the procurement.

The RFP establishes procedures for clarification, negotiation, and submission of a Best and Final Offer (“BAFO”). It also permits responsibility for the procurement to be transferred to the Puerto Rico Electric Power Authority (“PREPA”). Clarification of the responsible entity and the next procedural steps would allow the procurement to proceed from the work already completed. Javelin therefore requests that the Energy Bureau: (1) take notice that Javelin remains willing to participate in a BAFO process or negotiations under Sections 13 through 16 of the RFP; (2) confirm the transfer of responsibility for the procurement to PREPA under Section 22 of the RFP and that the existing procurement record and evaluation will carry forward; (3) authorize PREPA to establish a uniform process through which eligible proponents may refresh their offers; (4) establish a deadline for PREPA and the Puerto Rico Public-Private Partnerships Authority (“P3A”) to submit the recommendations required by the Energy Bureau’s August 31, 2026 Resolution and Order; and (5) direct the commencement of the interconnection studies necessary to evaluate the proposed generation solutions.

II. BACKGROUND

On March 19, 2025, the Energy Bureau issued a Resolution and Order directing PREPA and P3A to conduct a competitive procurement for temporary generation capacity in coordination with the Third-Party Procurement Office (“3PPO”). On July 4, 2025, the Energy Bureau issued a

further Resolution and Order conditionally authorizing the procurement structure and establishing regulatory requirements applicable to the procurement.

On July 15, 2025, 3PPO issued the RFP for emergency temporary generation capacity. The RFP established a full competitive framework, including submission requirements, a multi-criterion evaluation methodology, and a structured path from proposal receipt through clarification, negotiation, BAFO, and contract award.

The RFP expressly provides that it is governed by the rules applicable to direct commercial negotiations and that it creates no binding bid.¹ It authorizes 3PPO and PREPA to select one or more proponents for negotiations, to invite proponents to submit BAFOs, to conduct negotiations in multiple rounds, and to make more than one award.² Section 22 provides that “[a]t any time, the 3PPO may transfer the procurement process to PREPA, and PREPA may assume responsibility for managing and administering the procurement process, to include evaluation, contract award and post-award contract administration.”

Proposals were due on July 25, 2025. Javelin, through its subsidiary Global Power Solutions (PR) LLC, timely submitted a proposal and executed the required Non-Disclosure Agreement. On September 30, 2025, 3PPO completed its evaluation of the proposals received. On August 31, 2026, the Energy Bureau issued a Resolution and Order requesting information from PREPA and P3A concerning the status and continuation of the procurement. Among other matters, the Energy Bureau requested information regarding which proposals remain valid, whether the existing procurement may continue without initiating a new process, and the recommendations of PREPA and P3A concerning the path forward. As of the date of this filing, there has been no determination concerning the future of the procurement.

On or about September 22, 2026, 3PPO communicated to PREPA and P3A its recommendation that it be removed from the remaining stages of the procurement and that PREPA, P3A, or another designated entity assume responsibility going forward.³

III. JAVELIN'S CONTINUED WILLINGNESS TO PARTICIPATE

Javelin respectfully informs the Energy Bureau that it remains willing to participate in a BAFO process or negotiations conducted under Sections 13 through 16 of the RFP.

The RFP expressly anticipates circumstances like the present situation. Sections 13 through 16 authorize the entity responsible for the procurement to request clarifications, select one or more proponents for negotiations, conduct negotiations in multiple stages, seek proposal

¹ See Section 12.5 of the RFP.

² See Sections 13, 15, and 16 of the RFP.

³ The precise contents of that communication are not available to Javelin through public sources. Javelin addresses it here solely on the basis of publicly available information and the provisions of the RFP that govern a transfer of administrative responsibility.

improvements, and invite BAFO submissions. Those provisions provide a procedural framework for obtaining updated offers while preserving the procurement work already completed.

If the Energy Bureau authorizes a process for refreshed submissions, Javelin is prepared to participate in accordance with the requirements, deadlines, evaluation parameters, and communication protocols established for eligible proponents. Javelin is also prepared to provide an updated site and development plan, addressing gas delivery logistics, the current availability and allocation of the proposed generation equipment, and its position regarding construction and financing. Javelin can provide that plan, together with updated commercial terms, promptly upon confirmation that renewed engagement may proceed. Javelin likewise remains open to discussing the commercial structure of an agreement.

IV. PROCEDURAL MEASURES FOR CONTINUATION OF THE PROCUREMENT

A. Transfer of Responsibility to PREPA

Section 22 of the RFP expressly permits 3PPO to transfer the procurement to PREPA and permits PREPA to assume responsibility for managing and administering the process, including evaluation, contract award, and post-award administration. Because the transfer mechanism is built into the RFP itself, a transfer does not require abandoning the existing process, discarding the evaluation already completed, or restarting from the beginning.

Confirmation of the transfer should identify the entity responsible for the remaining stages of the procurement. The confirmation should also provide that the existing procurement record and the evaluation completed on September 30, 2025, will carry forward, subject to any further review or action authorized under the RFP.

A new competitive procurement for generation of this scale — up to 800 MW, with a term of up to ten years, under the regulatory oversight of the Energy Bureau and the Financial Oversight and Management Board — requires, at minimum, a public solicitation, qualification screening, proposal evaluation, regulatory compliance review, and the Energy Bureau's approval of the resulting contract.

The existing RFP has already completed the first three of those steps. The solicitation was publicly issued, qualified proponents submitted proposals, and 3PPO completed its evaluation as of September 30, 2025. Launching a new procurement would require those steps to be repeated in their entirety, at the cost of many additional months, before any contract could be submitted to the Energy Bureau and the Financial Oversight and Management Board for approval.

The RFP also already supplies the competitive process that both the Energy Bureau's March 19, 2025 order and the Financial Oversight and Management Board's contracting requirements demand. An award made through the existing RFP rests on a documented

competitive record. That record supports the regulatory and fiscal approvals that any resulting contract will require.

B. Process for Refreshed Offers

The Energy Bureau's August 31, 2026 Resolution and Order expressly requested information concerning which proposals remain valid. A uniform process for refreshed offers would permit eligible proponents to provide current submissions for evaluation within the existing procurement framework.

The Energy Bureau may authorize PREPA to establish that process under Sections 13 through 16 of the RFP. The process may take the form of a BAFO round, negotiations, or another procedure permitted by the RFP and should apply uniform requirements, evaluation parameters, communication protocols, and deadlines to participating proponents.

C. Deadline for the Requested Recommendations

The recommendations requested from PREPA and P3A in the August 31, 2026 Resolution and Order will inform the Energy Bureau's determination of the appropriate next steps. Establishing a date certain for those submissions would provide a defined schedule for resolving the pending procedural issues.

D. Interconnection Studies

The RFP requires proposed generation solutions to address integration with the existing transmission infrastructure. The corresponding interconnection studies are necessary to evaluate the proposed solutions and determine the requirements and schedule for interconnection, but have not yet commenced.

Before any contract can receive full regulatory approval and reach commercial operation, System Impact and Feasibility Studies must be completed. The Energy Bureau may direct the prompt commencement of the System Impact and Feasibility Studies and any other required interconnection studies. It may also establish a schedule for periodic status reports addressing the progress and anticipated completion of those studies.

V. REQUESTED PROCEDURAL RELIEF

For the reasons set out above, Javelin respectfully requests that the Energy Bureau issue a Resolution and Order:

- (1) Taking notice of Javelin's continued willingness to participate in a BAFO process or negotiations under Sections 13 through 16 of the RFP.
- (2) Taking notice of Javelin's willingness to submit an updated proposal if the entity responsible for the procurement establishes a process for such submissions;

- (3) Confirming the transfer of responsibility for completing the procurement from 3PPO to PREPA pursuant to Section 22 of the RFP, and confirming that PREPA will serve as the entity responsible for the remaining stages of evaluation, negotiation, and contract award;
- (4) Confirming that the existing procurement record and the evaluation completed on September 30, 2025, will carry forward following the transfer;
- (5) Authorizing PREPA to establish and administer a fair and orderly process through which eligible proponents may submit updated offers, whether in the form of a BAFO round, a negotiation process, or another procedure permitted under Sections 13 through 16 of the RFP, with uniform submission requirements, evaluation parameters, communication protocols, and deadlines applicable to all participating proponents;
- (6) Directing the prompt commencement of the System Impact and Feasibility Studies and other interconnection studies necessary to evaluate the proposed generation solutions, and establishing a schedule for periodic reporting to the Energy Bureau on the status and expected completion of those studies; and
- (7) Granting such other procedural relief as the Energy Bureau deems appropriate.

WHEREFORE, Javelin Global Commodities US Holdings Inc. respectfully requests that the Energy Bureau issue a Resolution and Order granting the procedural relief set forth above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on October 13, 2026.

WE HEREBY CERTIFY that this motion was filed using the Energy Bureau's electronic filing system and that electronic copies of this motion will be notified to the following parties:

(1) **Public-Private Partnership Authority**, PO Box 42001, San Juan, Puerto

Rico 00940-2001, josue.colon@p3.pr.gov, Administrador@p3.pr.gov;

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(3) **Genera PR, LLC (Genera)**, PO Box 363068, San Juan, PR 00936-3068, lrn@roman-negron.com, legal@egenera-pr.com, regulatory@genera-pr.com;

(4) **Public-Private Projects Procurement Office** PO Box 363068, San Juan, PR 00936-3068;

(5) **Regulatory Compliance Services, Corp.**, 1509 López Landrón, Penthouse, San Juan, Puerto Rico 00911;

(6) **Power Expectations LLC**, PO Box 4983, Carolina, Puerto Rico 00984-4986, powerexpectations@gmail.com;

(7) **New Fortress Energy, Inc**, 111 W 19th Street, 8th Floor, New York, NY 10011,

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(8) **E2 Companies LLC, AKA E2COMPANIES PR LLC**, 1250 Ave. Ponce de León,

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(10) **Impulsora de Proyectos México**, Bosques de Duraznos N° 61 int 12-A, Bosques de Las Lomas, Del Miguel Hidalgo, Ciudad de México, CP 11700, contacto@gemex.mx.

(11) **Gotham Energy LLC** 48 Wall St Fl 5 New York, NY 10005.

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