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

IN RE: *PLAN PRIORITARIO PARA LA ESTABILIZACIÓN DE LA RED ELÉCTRICA*	**CASE NO**.: NEPR-MI-2024-0005

MOTION SUBMITTING PROPOSED CONTRACT RESULTING FROM TEMPORARY EMERGENCY POWER GENERATION RFP FOR THE ENERGY BUREAU'S REVIEW AND APPROVAL

TO THE HONORABLE ENERGY BUREAU,

COMES NOW the Puerto Rico Electric Power Authority (hereinafter, PREPA) through its undersigned legal representation and, very respectfully, informs and requests as follows:

1. On February 26, 2025, Genera PR, LLC ("Genera") submitted to the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a request for expedited approval of emergency generation measures, citing a critical generation shortfall following the failure of Aguirre Unit 1. In response, the Energy Bureau issued a Resolution and Order on March 14, 2025, in which it found that the electric system was facing a generation deficit between 700 and 850 MW and that immediate measures were necessary to address the emergency.

2. To that end, the Energy Bureau approved the acquisition of temporary generation capacity and ordered PREPA to take specific actions. Among those directives, the Energy Bureau ordered PREPA to notify the Puerto Rico Public-Private Partnerships Authority ("P3A") to activate the services of the Third-Party

Procurement Office ("3PPO"), since Genera is classified as a restricted party. PREPA promptly complied with that directive.

3. On March 25, 2025, the 3PPO issued RFP No. 3PPO-0314-20-TPG for the procurement of up to 800 MW of temporary emergency generation capacity. The objective of the RFP was to identify one or more qualified providers capable of deploying and operating generation solutions—such as barges or mobile gas turbines—at the Aguirre and Costa Sur substations. The 3PPO received and evaluated seven proposals, which resulted in the selection of one proponent. Attached as **Exhibit B** is the 3PPO report summarizing the procurement process and the basis for the selection of the preferred proponent.

4. In light of the foregoing, and pursuant to the Energy Bureau's Resolution and Order issued on March 14, 2025, PREPA hereby submits, as **Exhibit A**, the proposed contract resulting from the competitive procurement process for temporary emergency power generation for the Energy Bureau's review and approval.

5. The information included in **Exhibit A** is not final and remains subject to the Energy Bureau's approval. It contains trade secrets or business information considered confidential under applicable law. Similarly, Exhibit B contains information that forms part of a deliberative process and is likewise considered confidential pursuant to applicable law. Accordingly, PREPA respectfully requests that both Exhibits be treated as confidential and kept under seal.

6. Article 6.15 of the Puerto Rico Energy Transformation and RELIEF Act provides that "any person who is required to submit information to the Energy

[Bureau] believes that the information to be submitted has any confidentiality privilege, such person may request the [Bureau] to treat such information as such[.]" Act 57 at Art. 6.15 states that "If the Energy [Bureau], after the appropriate evaluation, believes such information should be protected, it shall grant such protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted." Id. at Art. 6.15 (a). If the Energy Bureau determines that the information is confidential, "the information shall be duly safeguarded and delivered exclusively to the personnel of the Energy [Bureau] who needs to know such information under nondisclosure agreements." Id. at Art. 6.15 (c). "The Energy [Bureau] shall swiftly act on any privilege and confidentiality claim made by a person subject to its jurisdiction by means of a resolution to such purposes before any allegedly confidential information is disclosed." Id. at Art. 6.15 (d).

7. In the exercise of its powers, the PREB and PREPA approved Regulation 8815, which has force of law. Id. at Art. 6.3 (b). Regulation 8815 includes language in Art. 10.2, which protects confidential information in those competitive bidding processes contemplated in the regulation. In its pertinent part, it states that "[o]nce the Contract has been executed, the Authority shall make public the report of the Project Committee which shall contain the information related to the procurement, evaluation, scoring, selection and negotiation process, and the information contained in the Proposal as required by law, except trade secrets, proprietary or privileged information of the Proponent clearly identified as such

by the Proponent, or information that must otherwise be protected from publication according to law, unless otherwise ordered by a court order, in each case, if the Authority determines that the protection of such information is appropriate."

8. As mentioned, Exhibits A and B contains information that is part of an ongoing negotiation process and includes trade or business secrets. Therefore, PREPA respectfully requests that the Energy Bureau classify these documents and its information as confidential and order that they be kept under seal.

WHEREFORE, for the reasons stated above, PREPA respectfully requests that the PREB take **NOTICE** of the present Motion, **APPROVE** the contract included as Exhibit A, and GRANT PREPA's petition for confidentiality, **ORDERING** that the documents included as Exhibit A and B be kept under seal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of June 2025.

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 https://radicacion.energia.pr.gov/login, and courtesy copies were sent via e-mail to LUMA Energy, LLC through its counsels of record at margarita.mercado@us.dlapiper.com, laura.rozas@dlapiper.com, yahaira.delarosa@us.dlapiper.com and to Genera PR, LLC through its counsels of record at jfr@sbgblaw.com.

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