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BY ELECTRONIC MAIL

May 7, 2025

Mr. Lionel Santa Crispín
General Counsel
Puerto Rico Electric Power Authority

Re: Infinigen Isabela BESS, LLC

Dear Mr. Santa Crispín:

In accordance with the Contract Review Policy (the “Policy”) of the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), established pursuant to Section 204(b)(2) of PROMESA, we have reviewed the Proposed Contract between the Puerto Rico Electric Power Authority (“PREPA”) and Infinigen Isabela BESS, LLC (the “Proposed Contract”).

After reviewing the Proposed Contract, the Oversight Board concludes “Approved with Observations.” Observations related to the Proposed Contract are set forth in Appendix A attached hereto.

Our review is solely limited to compliance of the Proposed Contract with Section 204(b)(2) of PROMESA, which seeks to ensure proposed contracts promote market competition and are not inconsistent with approved Fiscal Plans. For the avoidance of doubt, the review performed by the Oversight Board does not constitute a legal review of the contractual documentation or the contracting process, including without limitation: (i) compliance with contracting requirements under applicable laws, rules, and regulations, both federal and local; and (ii) compliance with applicable laws, rules, and regulations governing procurement activities, both federal and local.

In addition, the Oversight Board has not engaged in any due diligence or background check with respect to the contracting parties nor whether the contracting parties comply with the requirements under the applicable contract. Any material changes to the Proposed Contract must be submitted to the Oversight Board for review and approval **prior to execution**.

This letter is delivered as of the date hereof and we reserve the right to provide additional observations and modify this letter based on information the Oversight Board was not directed to when

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Recipient: Mr. Santa Crispín

the review was conducted. In addition, during the course of our review, we may receive information that we may refer to the relevant authorities.

This letter is issued only to PREPA and solely with respect to the Proposed Contract.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jaime A. El Koury', with a stylized flourish at the end.

Jaime A. El Koury
General Counsel

APPENDIX A

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PUERTO RICO ELECTRIC POWER AUTHORITY – INFINIGEN ISABELA BESS, LLC

Fiscal Plan Alignment

This review covers the Proposed Contract between PREPA and Infinigen Isabela BESS, LLC (the “Resource Provider”) for the development of a 50MW (300 MWh or equivalent) energy storage facility to provide energy storage services and green credits to PREPA.

The Proposed Contract stems from competitive procurement process no. NEPR-0003 issued on October 24, 2024. It has a maximum payable amount of **\$340,000,000** and a **20-year term** from the Commercial Operation Date,¹ with two allowable 5-year extensions upon agreement between the parties and the approval of the Puerto Rico Energy Bureau (“PREB”). We remind PREPA that any extensions to the Proposed Contract must be submitted to the Oversight Board for review and approval prior to execution in accordance with the Policy.

PREPA has certified that (i) the Proposed Contract constitutes a pass-through expenditure with no budgetary impact, and (ii) the funds to pay for the Proposed Contract are unrestricted, unobligated and available without future encumbrances or restrictions, and will not be obligated except for the payment of the Proposed Contract. The Proposed Contract shall be covered entirely with funds allocated in **Account No. 01-4042-54710-050-668-000**.

The Oversight Board’s review does not consider the extent to which total available funds will be subsequently encumbered by PREPA throughout the Proposed Contract’s term. Consequently, we rely on PREPA’s budget certification for purposes of this review. In the event that the Proposed Contract causes PREPA to exceed its Certified Fiscal Year 2025 Budget, it must find savings in other areas to cover any overspent amounts and request a reapportionment of any identified funds in order to ensure compliance with the same.

Insofar as the Proposed Contract could be funded with future certified budgets, PREPA must ensure that such budgets incorporate all costs related to the Proposed Contract

PREPA is expected to inform the Oversight Board of any budgetary differences other than those specified in Appendix A to the Policy (Contract Submission Questionnaire) and to request a re-review of the Proposed Contract should any changes occur.

Finally, the Oversight Board understands that the U.S. Department of Energy’s Loan Programs Office (the “LPO”) could play a significant role in financing the Proposed Contract. Accordingly, the Oversight Board encourages the Resource Provider to apply for LPO financing, in which case the Oversight Board expects to receive detailed reports on the application process.

PREPA and the Resource Provider must agree on any necessary amendments to the Proposed Contract for the Resource Provider to qualify for LPO financing. Similarly, PREPA and the Resource Provider must agree on any necessary amendments to the Proposed Contract resulting

¹ Commercial Operation Date means the date on which the Contractor achieves Commercial Operation following certain requirements including an Initial Performance Test and certificate from the Contactor as well. See Section 1, Definitions & Interpretation, Proposed Contract.

APPENDIX A

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from any approval of the Resource Provider's financing application, including any savings and proportional decrease in consumer rates. PREPA must submit any amendments to the Proposed Contract for PREB's review and approval and, subsequently, to the Oversight Board for review and approval prior to execution in accordance with the Policy.

This review was conducted on the basis of information submitted by PREPA. The Oversight Board has not independently verified the information included in the submission. Should the Oversight Board become aware of any inaccuracies or misrepresentations – whether intentional or not – it would re-evaluate its assessment.