

COMMONWEALTH OF PUERTO RICO  
PUERTO RICO ENERGY COMMISSION

**IN RE:** AGUIRRE SITE ECONOMIC  
ANALYSIS

**CASE NO.:** CEPR-AP-2017-0001

**SUBJECT:** Notice of Termination of  
Agreement between Aguirre Offshore  
GasPort, LLC's and PREPA.

**ORDER**

On July 28, 2017, Aguirre Offshore GasPort, LLC ("Aguirre LLC") filed with the Federal Energy Regulatory Commission ("FERC") a document titled "Bi-Weekly Status Report No. 46 for the period of July 11, 2017-July 28, 2017."<sup>1</sup> In said document, Aguirre LLC states as follows:

Given the well-publicized financial difficulties at PREPA and the Commonwealth more generally, and the restructuring process unfolding under PROMESA, Aguirre LLC has given a notice of termination of its two agreements with PREPA in respect of the Project (the construction contract and the vessel charter) on June 27, 2017, pursuant to Aguirre LLC's contractual rights.<sup>2</sup>

As stated above, Aguirre LLC's notice of termination was made on June 27, 2017. The Puerto Rico Energy Commission's ("Commission") technical hearing on the instant proceeding was held from June 26, 2017 to June 28, 2017. However, such development was not disclosed to the Commission neither during the technical hearing nor during the month following such notice of termination.

The Commission is troubled by an apparent lack of transparency from the Puerto Rico Electric Power Authority ("PREPA") and Aguirre LLC with regards to an event intimately related to the instant proceeding. The Commission is also concerned with the effects a termination of the agreements<sup>3</sup> between PREPA and Aguirre LLC may have on the development and construction of the Aguirre Offshore GasPort and the Commission's evaluation of PREPA's proposal.

In light of the aforementioned, the Commission **ORDERS** Aguirre LLC to file a copy of the aforementioned Notice of Termination issued on June 27, 2017 by Aguirre LLC to PREPA,

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<sup>1</sup> Bi-Weekly Status Report No. 46 for the period of July 11, 2017-July 28, 2017, FERC Docket No. CP13-193-000, Re: Aguirre Offshore GasPort Project, July 28, 2017.

<sup>2</sup> *Id.* at 4.

<sup>3</sup> During the course of this proceeding, these agreements have been referred to as the "Infrastructure Agreement" and "Time Charter Agreement".

along with any related written communications pertaining to the status of the Infrastructure Agreement and Time Charter Agreement or to renegotiation thereof. The Commission also **ORDERS** PREPA and Aguirre LLC to show cause why the Commission should not impose fines or administrative sanctions for not disclosing such information to the Commission.

Furthermore, the Commission **ORDERS** PREPA to respond to the following questions:

1. How does the termination of the agreements between Aguirre LLC and PREPA impact the resolution of the instant proceeding?
2. Explain the reason why the instant proceeding does not become moot given the termination of the agreements between Aguirre LLC and PREPA.
3. Explain the scope of any potential renegotiation of the aforementioned agreements, including modifications of any elements of the agreements that impact the cost, risk, or timeline of the Aguirre Site Plan.
4. Explain the courses of action available to PREPA if it cannot successfully renegotiate its agreements with Aguirre LLC and how PREPA intends to select among these options if a renegotiation does not occur.
5. Aguirre LLC's status report states that it "continues to negotiate with PREPA".<sup>4</sup> What is the possibility of a conflict of interest arising during a potential future (or ongoing) negotiation between PREPA and Aguirre LLC/Excelerate Energy, LLC, given PREPA's Executive Director's former professional relationship with Excelerate Energy, LLC?<sup>5</sup>

All responses from PREPA must be provided to the Commission **on or before August 9, 2017**. Additionally, all other parties in the instant proceeding may file written arguments with regards to the aforementioned issues by the same deadline.

For the benefit of all the parties involved, the Commission issues this Order in both English and Spanish languages. Should any discrepancy between each version arise, the English version shall prevail.

Be it notified and published.

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<sup>4</sup> Bi-Weekly Status Report No. 46 for the period of July 11, 2017-July 28, 2017, FERC Docket No. CP13-193-000, Re: Aguirre Offshore GasPort Project, July 28, 2017, at 4.

<sup>5</sup> See "El gobernador recomienda nuevo director ejecutivo para la AEE." *El Nuevo Día*, March 3, 2017, Retrieved from URL on August 1, 2017 (<https://goo.gl/PoiDqb>). See, also, Mr. Ricardo Ramos' LinkedIn Profile (<https://pr.linkedin.com/in/ricardo-ramos-51095034>).



Ángel R. Rivera de la Cruz  
Associate Commissioner



José H. Román Morales  
Associate Commissioner  
Interim Chairman

## CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Commission has so agreed on August 2, 2017 and on this date a copy of this Order was notified by electronic mail to the following: j-morales@aepr.com, n-vazquez@aepr.com, c-aquino@aepr.com, n-ayala@aepr.com, pbarcelo@estrellallc.com, lmorera@estrellallc.com, serdar.tufekci@na.engie.com, richard.houston@na.engie.com, jperez@oipc.pr.gov, codiot@oipc.pr.gov, rstgo2@gmail.com, ladrian@gasnaturalfenosa.com, francisco.rullan@aae.pr.gov, wilma.lopez@aae.pr.gov, tonytorres2366@gmail.com, sierra@arctas.com, molinilawoffices@gmail.com, ccf@tcmrslaw.com, carlos.reyes@ecoelectrica.com, cfl@mcvpr.com, hmc@mcvpr.com, mgrpcorp@gmail.com, victorluisgonzalez@yahoo.com, epo@amgprlaw.com, acasellas@amgprlaw.com, agraitfe@agraitlawpr.com, kbolanos@cnrd.com and lfortuno@steptoe.com. I also certify that today, August 2, 2017, I have proceeded with the filing of the Order issued by the Puerto Rico Energy Commission and I have sent a true and exact copy to the following:

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For the record, I sign this in San Juan, Puerto Rico, today, August 2, 2017.

A handwritten signature in blue ink, appearing to read "M. Cintrón", written over a horizontal line.

María del Mar Cintrón Alvarado  
Clerk