



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

**IN RE:** PUERTO RICO ELECTRIC POWER  
AUTHORITY'S WEBSITE CONTENT

**CASE NO.:** NEPR-MI-2019-0008

**SUBJECT:** Data available to clients in  
website pursuant to statutory  
requirements.

**RESOLUTION AND ORDER**

On May 20, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order requiring the Puerto Rico Electric Power Authority ("PREPA") to file a detailed report demonstrating compliance with the requirements of Paragraph (b) of Section 3 of Act 83.<sup>1</sup> Such Section establishes the content requirements applicable to PREPA's website.

On June 10, 2019, PREPA filed a motion which contained a report on PREPA's compliance status on each of the requirements of aforementioned Paragraph (b).<sup>2</sup> In its filing, PREPA requested the Energy Bureau to determine PREPA complied with the May 20, 2019 Resolution and Order and to grant PREPA an extension of thirty days to complete the information technology efforts to have available in the website and other platforms, the information requested in Paragraphs (b)(v)-(vii) of Section 3 of Act 83 ("PREPA's Request").<sup>3</sup>

Upon the evaluation of the Report, the Energy Bureau has the following findings:

| Requirement      |   | Content of PREPA's Website  |
|------------------|---|---|
| Section 3(b) (i) | A platform to pay bills, examine the consumption history, verify the usage pattern, and obtain information related to their bill, such as the reading of the meter at the beginning and at the end of the billing cycle, dates and number of days in the billing cycle, and meter constant, the rates, the date of the next reading, as well as any other information that enables the verification of the reading. | Although PREPA provides a platform to pay bills, the same does not contain in a conspicuous manner the following information: (a) the reading of the meter at the beginning and at the end of the billing cycle; (b) dates and number of days in the billing cycle; (c) meter constant; (d) the rates; and (e) the date of the next reading, as well as any other information that enables the verification of the reading. Instead of a really consumer- |

<sup>1</sup> Act 83 of May 2, 1941, as amended, known as *The Puerto Rico Electric Power Authority Act*.

<sup>2</sup> See Motion in Compliance with Resolution and Order, June 10, 2019, In re: Puerto Rico Electric Power Authority Website Content, NEPR-MI-2019-0008 ("Report"). The Report enclosed certain documents which, according to PREPA, demonstrated its compliance with the applicable requirements.

<sup>3</sup> *Id.* at page.

| Requirement       |  | Content of PREPA's Website  |
|-------------------|--|---|
|                   |  | friendly display of information (e.g., charts or similar methods), to review this information, the consumer would have to check his or her bill one by one.   |
| Section 3(b)(ii)  | Information of the electric power infrastructure, including information regarding public and private generators, so that customers may be able to evaluate the status of the electric power infrastructure and PREPA as a public instrumentality | The information included in PREPA's website regarding the electric power infrastructure is scattered in different website menus/screens, is outdated and incomplete. <sup>4</sup> This makes it somewhat difficult for the consumer to effectively find the information. A consumer-friendly display of the information would enable the consumer to be able to evaluate the status of the electric power infrastructure and PREPA as a public instrumentality.   |
| Section 3(b)(iii) | A copy of all the contracts and resolutions of PREPA's Governing Board   | <p>Although this requirement precedes the amendment introduced by Act 17-2019, the resolutions included in the website are limited (i.e., resolutions issued after January 2019). Furthermore, since this would only require the scanning and uploading of documents, at a minimum, PREPA should include the resolutions for all contracts currently in effect.</p> <p>Regarding the contracts, the same are somewhat difficult to find since they are displayed under the "documents related to Act 57-2014" page/menu rather than in conspicuous menu/screen, which would require less searching from the consumer.<sup>5</sup></p> |
| Section 3(b)(iv)  | Any document related to the revenues, sales, expenses, disbursements, assets,  | Again, the information is not conspicuously displayed, outdated and   |

<sup>4</sup> See, PREPA's website menu identified as "Quiénes somos/sistema eléctrico" at <https://aeepr.com/es-pr/quienes-somos/sistema-electrico> and <https://aeepr.com/es-pr/quienes-somos/ley-17/generacion>. It is important to note that a more ample, although somewhat outdated, description of the electric infrastructure is included under the "Operational Profile" section of the Investors and Financial Community Portal menu of the website. See <https://aeepr.com/es-pr/quienes-somos/portal-inversionistas/operational-profile>. At a minimum, the information should be updated and both sections of the website should display the same content.

<sup>5</sup> Additionally, other data and documents regarding invoicing, operations, statistics, rates and financial information, should be accessible through a clearly labeled link instead of under a tab identified as "Act 57-2014". It is important to note that some of the aforesaid information is outdated.



| Requirement                         |  | Content of PREPA's Website   |
|-------------------------------------|--|--|
|                                     | liabilities, accounts receivable, and any other PREPA financial information  | scattered throughout different pages/screens of the website. <sup>6</sup> The information regarding PREPA's revenues, sales, expenses, disbursements, assets, liabilities, accounts receivable should be displayed in a consumer-friendly manner.  |
| Sections 3(b)(v)-(vii) <sup>7</sup> | <p>The price per barrel, or its equivalent, per type of fuel, the average rate per kilowatt-hour for each customer sector, the cost of generation per kilowatt-hour and per power plant, all operating costs and expenses, an itemization of the operating costs related to electric power generation, transmission, and distribution, the service cost to each customer class, generation per type of technology, and any other information about PREPA operations;</p> <p>A breakdown of the electricity demand projected and determined by PREPA's Energy Control Center</p> <p>The data related to the energy generation capacity and reserve margin</p> | In the Report, PREPA stated that the information requested in Sections 3(b)(v)-(vii), which must be displayed in real time, is not available in their website. PREPA indicated that it has engaged the services of LT Automation Inc. and Invid, LLC to make the necessary changes in PREPA's website and that it is procuring the technological modules to make the information available but not just in the website, but also in mobile and desktop platforms. <sup>8</sup> PREPA stated that it needed at least thirty (30) days to complete the changes to the website and to run the tests necessary for providing the information real time. <sup>9</sup> |
| Section 3(b)(viii)                  | The status of the internal procedures PREPA has to develop in order to implement the changes required by means of legislation to reform Puerto Rico's electrical system  | According to PREPA, this information is part of the work in progress. <sup>10</sup> Nevertheless, PREPA has not posted in its website any information regarding the status of these efforts.   |

<sup>6</sup> See, Screen/menu identified as "Quiénes somos/Ley 57" at <https://aeepr.com/es-pr/quienes-somos/ley-57> includes certain financial, invoicing, rates and statistical information and the "Investors and Financial Community Portal" includes other financial documents at <https://aeepr.com/es-pr/investors/Paginas/Financial-Information.aspx>. Note that, except for the monthly financial reports to the Governing Board (*i.e.*, most recent posted is of April 2019), the information is significantly outdated.

<sup>7</sup> Note that the information described in the aforementioned paragraphs (v), (vi), and (vii) shall be posted in real-time. See Section 3(b) of Act 83.

<sup>8</sup> See, Motion in Compliance with Resolution and Order, June 10, 2019, In re: Puerto Rico Electric Power Authority Website Content, NEPR-MI-2019-0008, at pages 2-3.

<sup>9</sup> *Id* at page 3. Note that PREPA has not filed any other motion informing the Energy Bureau on its progress regarding these requirements.

<sup>10</sup> *Id.*

| Requirement      |   | Content of PREPA's Website   |
|------------------|---|--|
| Section 3(b)(ix) | Access to a platform where customers may request any information and other PREPA public documents that are not available through the website        | PREPA stated that the information required is available in the following address: <a href="https://aeepr.com/es-pr/contáctanos/correo-electrónico">https://aeepr.com/es-pr/contáctanos/correo-electrónico</a> . What is shown in this link is a general contact information page that does not even include in the subject options the request of PREPA public documents that are not available through the website. It is not reasonable that a consumer will use the "other matters" option to request such documents. |
| Section 3(b)(x)  | A copy of the agreement or agreements entered with the bondholders, by virtue of PROMESA <sup>11</sup>  | A copy of the Definitive Restructuring Support Agreement is posted in the website under the "Quiénes somos/ Act 17-2019" menu.   |
| Section 3(b)(xi) | The monthly financial reports that should be published on the website on or before thirty (30) days after the month covered in the report concludes | As of today, the most recent monthly financial reports published on the website are those of April 2019. This is clearly not compliant with the requirements of posting the document, on or before thirty (30) days after the month covered in the report concludes.   |

For all these reasons, the Energy Bureau **DERTEMINES** that PREPA has significantly failed to comply with the provisions of Paragraph (b) of Section 3 of Act 83. Therefore, the Energy Bureau **DENIES** PREPA's Request.<sup>12</sup> Furthermore, the Energy Bureau **ORDERS** the following:

- a. PREPA representatives to attend a Public Compliance Hearing on **September 10, 2019 at 10:00 am** at the Energy Bureau's Hearing Room, located at World Plaza Building, 268 Muñoz Rivera Ave, 8<sup>th</sup> Floor, San Juan, P.R. to present a detailed plan to correct the compliance deficiencies noted above and to achieve compliance with the foregoing legal requirements. PREPA representatives must be prepared to answer Energy Bureau's questions and to provide any additional documents, as requested. As such PREPA must ensure that the personnel with

<sup>11</sup> Public Law 114-187, known as The Puerto Rico Oversight, Management and Economic Stability Act.

<sup>12</sup> Since more than thirty days have elapsed from the filing of the Report, it is academic to enter into the merits of granting PREPA's request for an extension of thirty days to complete the IT efforts to have available in the website and other platforms, the information requested in Sections 3(b)(v)-(vii) of Act. 83.




personal knowledge on the implementation process of the required changes to the website is present at the Public Technical Conference. All questions will be answered under oath; and

- b. PREPA shall file a copy of the mentioned compliance plan together with a compliance itinerary (*e.g.*, a detailed Gantt Chart in PDF format<sup>13</sup>) on or before **September 4, 2019 at 12:00 pm.**

The Energy Bureau **WARNS** PREPA that noncompliance with the provisions of this Resolution and Order may result in the imposition of administrative fines up to twenty-five thousand dollars (\$25,000) per day, per violation, as well as any other administrative sanctions the Energy Bureau deems necessary, in accordance with the applicable statutes and regulations.

Be it notified and published.



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Edison Avilés Deliz  
Chair



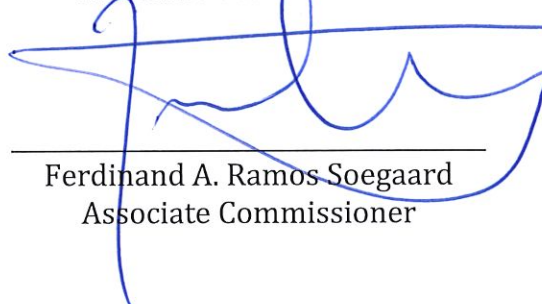
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Lillian Mateo Santos  
Associate Commissioner



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Ángel Rivera de la Cruz  
Associate Commissioner



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Ferdinand A. Ramos Soegaard  
Associate Commissioner

<sup>13</sup> PREPA shall ensure that the itinerary includes specific deadlines for all the tasks necessary to achieve compliance and identifies the parties (PREPA or its consultants) responsible for the completion of each task. Furthermore, all documents submitted to the Energy Bureau shall be fully legible (*i.e.*, adequate resolution and size) to facilitate its review and analysis. Any document in Excel format shall be also filed in its original format with all formulas intact.



## CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 22, 2019. I also certify that on this date a copy of this Resolution and Order was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com and n-vazquez@prepa.com. I also certify that today, August \_\_, 2019, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy to the following:

### **Puerto Rico Electric Power Authority**

Nitza D. Vázquez Rodríguez


Astrid I. Rodríguez Cruz

Jorge R. Ruíz Pabón

PO Box 363928

San Juan, PR 00936-3928

For the record, I sign this in San Juan, Puerto Rico, today August 22, 2019.

  
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Wanda I. Cordero Morales  
Clerk