



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

IN RE: HIGHLY EFFICIENT FOSSIL
GENERATION DEFINITION

CASE NO.: CEPR-MI-2016-0001

SUBJECT: Resolution and Order to the
Puerto Rico Electric Power Authority to
submit its compliance report for the year
2019; Order to show cause.

RESOLUTION AND ORDER

I. Introduction

Article 6.29 of Act 57-2014¹ establishes, among other things that “[w]ithin a term that shall not exceed five (5) years, counted from the approval date of the Puerto Rico Energy Public Policy Act, the Energy Bureau shall ensure that at least sixty percent (60%) of the electric power generated in Puerto Rico based on fossil fuels (gas, oil derivatives, oil, and others) is highly efficient, as such term is defined by the Energy Bureau.”

On March 20, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution in the instant case (“March 20, 2019 Resolution”) through which it adopted the definition of the term “Highly Efficient Fossil Generation”, as required by Article 6.29 of Act 57-2014. The Energy Bureau also established a reporting mechanism to demonstrate compliance.²

The March 20, 2019 Resolution established that “PREPA and any party who owns and operates any fossil-fueled generation units that inject power to PREPA’s grid, must file its compliance report with the Energy Bureau on or before March 31 of the year following the reporting year.”³ In its compliance filing, PREPA is required to include the report for AES Puerto Rico, L.P. and EcoEléctrica, L.P., as well as any other independent power producer that generates electricity based on fossil fuels and sells its output to PREPA.⁴

PREPA was required to file before the Energy Bureau its compliance report for the year 2019 on or before March 31, 2020. PREPA did not comply with this requirement.

For all of the above, the Energy Bureau **ORDERS** PREPA to, within thirty (30) days of

¹ Known as *The Puerto Rico Energy Transformation and RELIEF Act*, as amended.

² March 20, 2019 Resolution, pp. 7 - 8.

³ *Id.*, p. 7, citation omitted.

⁴ *Id.*, n. 24.

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the notification date of this Resolution and Order, file the compliance report for the year 2019, as required by the March 20, 2019 Resolution. The Energy Bureau **ORDERS** PREPA to, within the same thirty-day term, show cause as to why the Energy Bureau should not impose a \$25,000.00 fine and any other appropriate administrative sanctions, due to PREPA's non-compliance with the March 20, 2019 Resolution.

Be it notified and published.



Edison Avilés Deliz
Chair



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner




Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on November 9, 2020. I also certify that on November 9, 2020 a copy of this Resolution and Order was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aepr.com and c-aquino@prepa.com. I also certify that today, November 9, 2020, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today November 9, 2020.



Wanda I. Cordero Morales
Clerk

