

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

**IN RE:** IMPLEMENTATION OF THE PUERTO RICO ELECTRIC POWER AUTHORITY INTEGRATED RESOURCE PLAN AND MODIFIED ACTION PLAN

**CASE NO.:** NEPR-MI-2020-0012

**SUBJECT:** Resolution and Order regarding *Motion to Submit Amendment to PPOA Between Esmeralda Solar Farm and PREPA*, filed by the Puerto Rico Electric Power Authority.

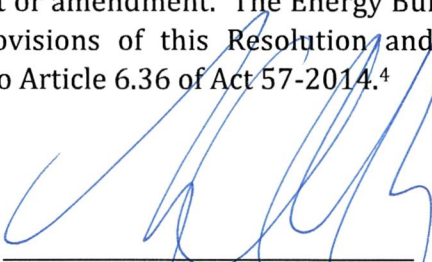
**RESOLUTION AND ORDER**


On February 2, 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order approving eighteen (18) renewable energy projects as part of Tranche 1 of the renewable energy procurement contemplated in the Puerto Rico Electric Power Authority (“PREPA”) Approved Integrated Resources Plan and Modified Action Plan.<sup>1</sup>

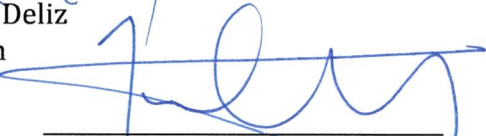
On July 31, 2023, PREPA submitted for the Energy Bureau’s review and approval of the fifth amendment to the Esmeralda Solar Power Purchase and Operating Agreement executed on July 31, 2023 to allow an extension of thirty (30) days, until August 31, 2023, to achieve Closing Date and stay the automatic termination provision (“July 31 Motion”).<sup>2</sup> PREPA indicated that said amendment was made upon the request for an extension of time by the Resource Provider.<sup>3</sup>


The Energy Bureau **ORDERS** PREPA to, **within ten (10) days of the notification of the present Resolution and Order**, specify the reasons that justify an extension until August 31, 2023 to achieve Closing Date (*i.e.*, changes in price, levelized cost of energy, MW capacity, among others). Upon review of the reasons provided by PREPA, the Energy Bureau will determine if approval of the fifth amendment to the Esmeralda Solar Power Purchase and Operating Agreement is appropriate. The Energy Bureau **WARNS** PREPA that, moving forward, requests for the approval of contracts and amendments are to be submitted **before** the execution of such contract or amendment. The Energy Bureau **CAUTIONS** PREPA that, noncompliance with the provisions of this Resolution and Order, **will result** in the imposition of fines pursuant to Article 6.36 of Act 57-2014.<sup>4</sup>


Be it notified and published.

  
Edison Avilés Deliz  
Chairman

  
Lillian Mateo Santos  
Associate Commissioner

  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
Sylvia B. Ugarte Araujo  
Associate Commissioner

  
Antonio Torres Miranda  
Associate Commissioner

<sup>1</sup> Final Resolution and Order on the Puerto Rico Electric Power Authority’s Integrated Resource Plan, *In re: Review of the Integrated Resource Plan of the Puerto Rico Electric Power Authority*, Case No. CEPR-AP-2018-0001, August 24, 2020 (“IRP Order”).

<sup>2</sup> July 31 Motion, p. 1, ¶ 2.

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

<sup>4</sup> *Puerto Rico Energy Transformation and RELIEF Act*, as amended (Act 57-2014”).



**CERTIFICATION**

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 16, 2023. I also certify that on August 16, 2023, a copy of this Resolution and Order was notified by electronic mail to [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com), [ana.rodriguezrivera@us.dlapiper.com](mailto:ana.rodriguezrivera@us.dlapiper.com); [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law) and [mvazquez@diazvaz.law](mailto:mvazquez@diazvaz.law); and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on August 16, 2023.

  
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Sonia Seda Gaztambide  
Clerk

