

**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 N-1-P Proponent Best and Final Offer Information*, 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.¹

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”).² PREPA indicated that said amendment was made upon the request for an extension of time by the Resource Provider.³

On August 16, 2023, the Energy Bureau granted PREPA ten (10) days to 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). The Energy Bureau further stated that, upon review of the reasons provided by PREPA, it would determine if approval of the fifth amendment to the Esmeralda Solar Power Purchase and Operating Agreement was appropriate. The Energy Bureau warned PREPA that requests for approving contracts and amendments were to be submitted before the execution of such contract or amendment.

On August 22, 2023, PREPA filed a document titled *Motion to Submit N-1-P Proponent Best and Final Offer Information* (“August 22 Motion”). In its August 22 Motion, PREPA submitted, as Annex A, N-1-P Proponent’s Best and Final Offer (“BFO”). PREPA further maintained that the information in Annex A was part of a deliberative process, incorporates trade or business secrets deemed confidential pursuant to applicable law, and have been requested by Resource Providers to be maintained in a confidential manner.⁴ Hence, PREPA requested that the Energy Bureau find PREPA in compliance with the submittal of the BFO and grant its petition for confidentiality ordering that the documents included as Annex A of the August 22 Motion be kept under seal.⁵

The Energy Bureau **TAKES NOTICE** of the August 22 Motion and **ORDERS** PREPA to, **within two (2) business days of the notification of this Resolution and Order**, state its position on the three (3) updated price conditions in Annex A of the August 22 Motion. Regarding the second condition described, the Energy Bureau **ORDERS** PREPA to provide a detailed explanation as to why it should be allowed, when such a condition has not been presented by other proponents in the contracts already approved by the Energy Bureau. The Energy

¹ 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”).

² July 31 Motion, p. 1, ¶ 2.

³ *Id.*

⁴ August 22 Motion, p. 8, ¶ 25.

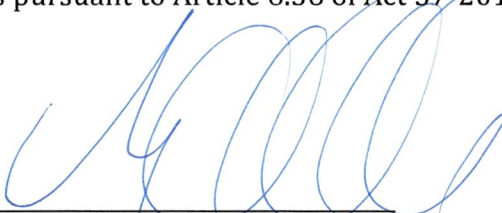
⁵ *Id.*, p. 10.



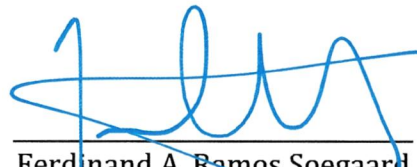
Bureau **GRANTS** confidential designation and treatment to Annex A filed with the August 22 Motion, as requested by PREPA.

The Energy Bureau **WARNS** PREPA that, noncompliance with this Resolution and Order, **will result** in the imposition of fines pursuant to Article 6.36 of Act 57-2014.⁶

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

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 24, 2023. I also certify that on August 24, 2023, a copy of this Resolution and Order was notified by electronic mail to laura.rozas@us.dlapiper.com, ana.rodriguezrivera@us.dlapiper.com; jmarrero@diazvaz.law and 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 24, 2023.


Sonia Seda Gaztambide
Clerk



⁶ Puerto Rico Energy Transformation and RELIEF Act, as amended (Act 57-2014”).