

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

**NEPR**

**Received:**

**Dec 26, 2023**

**5:11 PM**

**IN RE:** AMENDMENT TO POWER  
PURCHASE OPERATING AGREEMENT  
BETWEEN PREPA AND ORIANA  
ENERGY, LLC

**CASE NO.:** NEPR-AP-2023-0006

**URGENT MOTION TO REITERATE PETITION FOR APPROVAL OF THE  
EIGHTH PROPOSED AMENDMENT**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

**COMES NOW** the Puerto Rico Power Authority ("PREPA"), through its counsel of record, and respectfully submits and prays as follows:

1. As previously informed to the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau"), presently Oriana Energy, LLC ("Oriana") owns a solar energy generation facility developed under the terms of the Power Purchase and Operating Agreement ("PPOA"). The PPOA allowed Oriana to develop a facility with a maximum output of up to 50MW, with the option to increase the existing facility's capacity by an amount not exceeding 10 MW ("Expansion Option"), as stated in Section 2.3 of the PPOA.

2. On December 29<sup>th</sup>, 2022, the parties executed the Seventh Amendment to the PPOA to extend the deadline to exercise the Expansion Option until **December 31<sup>st</sup>, 2023**. The parties agreed to this amendment because Oriana was evaluating financial alternatives for the expansion.

3. On November 15<sup>th</sup>, 2023, PREPA's Governing Board approved and authorized, subject to the review and approval of the PREB and the FOMB, a six-month extension to the deadline to exercise the Expansion Option, until June 30<sup>th</sup>, 2024. The above-mentioned extension was approved by PREPA's Governing Board because Oriana needed additional time to evaluate financial alternatives for the expansion.

4. On December 7<sup>th</sup>, 2023, PREPA filed the *Petition for Approval of Eighth Amendment to Power Purchase Operating Agreement between the Puerto Rico Electric Power Authority and Oriana Energy, LLC* ("Petition") whereby it submitted for the Energy Bureau's review and approval the proposed Eighth Amendment to the PPOA ("Proposed Amendment"). Consistent with PREPA's Governing Board's mandate, the Proposed Amendment does not contemplate a material change to the PPOA, but only extends the deadline to exercise the Expansion Option until June 30<sup>th</sup>, 2024.

5. The Energy Bureau has yet to rule on the Proposed Amendment.

6. Since the December 31<sup>st</sup>, 2023, deadline is fast approaching and Oriana will not be able to exercise the Expansion Option within said deadline, PREPA hereby reiterates its Petition and urges the Energy Bureau to approve the Proposed Amendment before the current deadline elapses.

**WHEREFORE**, for the reasons stated above, PREPA respectfully requests the PREB to take **NOTICE** of the foregoing information and **APPROVE** the Proposed Amendment to the PPOA before December 31<sup>st</sup>, 2023.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 26<sup>th</sup> day of December 2023.

**CERTIFICATE OF SERVICE:** We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>.

**GONZÁLEZ & MARTÍNEZ**

1509 López Landrón  
Seventh Floor  
San Juan, PR 00911-1933  
Tel.: (787) 274-7404

**s/ Alexis G. Rivera Medina**

**Alexis G. Rivera-Medina**

TSPR No.: 18,747

E-mail: [arivera@gmlex.net](mailto:arivera@gmlex.net)

**s/ Mirelis Valle Cancel**

**Mirelis Valle-Cancel**

TSPR No.: 21,115

E-mail: [mvalle@gmlex.net](mailto:mvalle@gmlex.net)