

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

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

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

**SUBJECT:** *Urgent Motion to Reiterate Petition for Approval of the Eighth Proposed Amendment* filed December 26, 2023

**RESOLUTION**

**I. Relevant Background**

On December 7, 2023, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document title *Petition for Approval of Eighth Amendment to Power Purchase Operating Agreement Between the Puerto Rico Electric Power Authority and Oriana Energy, LLC*. ("December 7 Petition"), in which PREPA describes the project as a 45 MW solar facility (the "Existing Facility") which was developed pursuant to the terms of the Power Purchase and Operating Agreement ("PPOA"), owned by Oriana Energy, LLC ("Oriana"). PREPA states that the PPOA allows Oriana the option to increase the Existing Facility capacity an amount not exceeding 10 MW (the "Option").<sup>1</sup>

The December 7 Petition states that on March 25, 2021, Amendment 6 to the PPOA between PREPA and Oriana was executed. The parties agreed to, 1) the parties would exercise the Expansion Option of 10 MW no later than December 31, 2022; 2) with respect to Definitions and Interpretation, the new purchase price begins in \$0.100 per kWh, escalated by 2% on an annual basis, not exceeding \$0.141 per kWh until Contract Term; and 3) adds a New Section 9.9 to Article would be added, establishing that PREPA is responsible to perform and pay the cost associated of a new interconnection study, if required, for the Expansion Option, and shall reimburse Oriana for all the costs related to any required upgrades of the Interconnection Facilities.<sup>2</sup>

The December 7 Petition also states that on December 29, 2022, Amendment 7 to the PPOA was executed to extend the deadline to exercise the Expansion Option until December 31, 2023, and a deadline for substantial completion, by the same date.<sup>3</sup> The December 7 Petition allege that the Option remains subject to multiple factors, including financial agreements. Oriana requested a six-month extension to the due date to exercise the option to develop the Expansion Option by June 30, 2024.

The December 7 Petition includes Annex A which is the Proposed Amendment for the Energy Bureau's evaluation and approval. PREPA requested confidential treatment for Annex A alleging an existing deliberative process and business secrets protected by applicable law.<sup>4</sup>

On December 26, 2023, PREPA filed a document titled *Urgent Motion to Reiterate Petition for Approval of the Eighth Proposed Amendment* ("December 26 Motion"), in which PREPA indicates that the December 31, 2023, deadline is fast approaching, and Oriana will not be able to exercise the Expansion Option within said deadline. PREPA requests approval of the Eight Amendment as established in the December 7 Petition, Annex A.

<sup>1</sup> December 7 Petition, ¶ 1.

<sup>2</sup> December 7 Petition, ¶ 2.

<sup>3</sup> December 7 Petition, ¶ 3.

<sup>4</sup> December 7 Petition, ¶ 7.

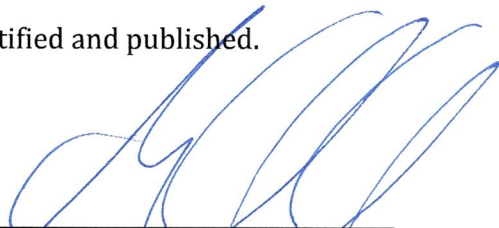


**II. Conclusion**


For all of the above, the Energy Bureau **GRANTS** PREPA’s request to extend the deadline to exercise the Expansion Option until **June 30, 2024**.

Upon review of PREPA’s arguments and the applicable law, the Energy Bureau **GRANTS** confidentiality designation and treatment to Annex A, pursuant to the provision of Article 6.15 of Act 57-2015.<sup>5</sup> The Energy Bureau **ORDERS** PREPA to file on or before January 9, 2024 a redacted version of the proposed amendment attached as Annex A of the December 7 Petition.

Be it notified and published.

  
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Edison Aviles Deliz  
Chairman

  
\_\_\_\_\_  
Lillian Mateo Santos  
Associate Commissioner

  
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Sylvia B. Ugarte Araujo  
Associate Commissioner

  
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Antonio Torres Miranda  
Associate Commissioner

**CERTIFICATION**

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on December 27, 2023. Associate Commissioner Ferdinand A. Ramos Soegaard did not intervene. Also certify that on December 27, 2023, I have proceeded with the filing of this Resolution and was notified by email to arivera@gmlex.net; mvalle@gmlex.net.

For the record, I sign in San Juan, Puerto Rico, today, December 27, 2023.

  
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Sonia Seda Gaztambide  
Clerk



<sup>5</sup> Puerto Rico Energy Transformation and *RELIEF* Act, as amended (“Act 57-2014”).