

**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: Request of Amendments of Clean Flexible Energy, LLC ESSAs and PPOAs.

RESOLUTION AND ORDER

On October 3, 2024, the Energy Bureau issued a Resolution and Order ("October 3 Resolution") approving, subject to specified modifications, the proposed amendments to the Jobos ESSA¹ and Salinas ESSA.² Also, the Energy Bureau ordered PREPA to submit revised versions of the Jobos ESSA, Salinas ESSA at least fifteen (15) days before their proposed execution date.

On October 30, 2024, PREPA filed a document titled *Motion in Compliance with the Resolution and Order dated October 3rd, 2024* ("October 30 Motion"). In this filing, PREPA submitted revised versions of the proposed amendments and the revised Salinas ESSA and Jobos ESSA. PREPA included also redlined versions of the revised proposed amendments. However, PREPA did not submit a redlined version of the revised Salinas ESSA and Jobos ESSA.

As stated by the Energy Bureau in the October 3 Resolution, PREPA must submit redlined versions of the Salinas ESSA and Jobos ESSA that reflect the required modifications. To expedite the evaluation of the updated contracts, the Energy Bureau **ORDERS** PREPA to submit, **no later than three (3) days of the notification of this Resolution and Order**, (i) the redlined versions of the Salinas ESSA and Jobos ESSA, in compliance with the October 3 Resolution; and (ii) a Word version of the updated contracts.

The Energy Bureau **WARNS** PREPA that:

- (i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions of up to \$25,000 per day;
- (ii) any person who intentionally violates Act 57-2014, as amended, by omitting, disregarding, or refusing to obey, observe, and comply with any rule or decision of the Energy Bureau shall be punished by a fine of not less than five hundred dollars (\$500) nor over five thousand dollars (\$5,000) at the discretion of the Energy Bureau; and
- (iii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than ten thousand dollars (\$10,000) nor greater than twenty thousand dollars (\$20,000) at the discretion of the Energy Bureau.

Be it notified and published.

¹ See *Energy Storage Services Agreement between Puerto Rico Electric Power Authority and Clean Flexible Energy LLC* dated August 26, 2022, as amended, for energy storage project to be developed in Guayama, Puerto Rico ("Jobos ESSA").

² See *Energy Storage Services Agreement between Puerto Rico Electric Power Authority and Clean Flexible Energy LLC* dated August 26, 2022, as amended, for energy storage project to be developed in Salinas, Puerto Rico ("Salinas ESSA").





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 certify that the majority of the members of the Puerto Rico Energy Bureau agreed on November 6, 2024. Also certify that on November 6, 2024, I have proceeded with the filing of this Resolution and Order and was notified by email to arivera@gmlex.net; mvalle@gmlex.net; laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; jfr@sbgblaw.com; alopez@sbgblaw.com.

I sign in San Juan, Puerto Rico, today, November 6, 2024.



Sonia Seda Gaztambide
Clerk