

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

PBJL ENERGY CORPORATION  
Petitioner

v.

PUERTO RICO ELECTRIC POWER  
AUTHORITY  
Respondent

CASE NO: NEPR-QR-2021-0026

**SUBJECT:** Resolution and Order pertaining to Informative Motions filed by both parties separately.

RESOLUTION

On March 15, 2021, PBJL Energy Corp ("PBJL") filed a *Complaint* before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") against the Puerto Rico Electric Power Authority ("PREPA"), pursuant to Article 5.03 of the Regulation 8863<sup>1</sup> ("Complaint"). PBJL alleged that PREPA used misleading and incorrect information and Project, as part of PREPA's recommendation and endorsement to the Financial Oversight and Management Board ("FOMB") for the selection of the top ranked 150 MW of legacy projects, as approved by FOMB on February 26, 2021.

*Settlement Agreement*, in which they submitted the Settlement Agreement between PREPA and PBJL ("October 3 Motion"). The parties requested that judgment be entered pursuant to retain jurisdiction to enforce the settlement agreement.

As a result, on December 19, 2024, the Energy Bureau issued a *Final Resolution and Order* ("December 419 Resolution"), accepting the voluntary dismissal of the case and ordering its closure with prejudice.

On January 8, 2025, PBJL filed a document titled *Filing for Reconsideration of the Puerto Rico Energy Bureau ("PREB") Final Resolution and Order of December 19, 2024, with reference to the Montalva Solar Farm Project, Case No. NEPR-QR-2021-0026* ("January 8 Motion"). Through the January 8 Motion, PBJL requested that the Energy Bureau suspend the case closure to allow the parties to jointly submit revised terms, clarify the Energy's Bureau's approval of the Settlement, and confirm the endorsement of a Power Purchase and Operating Agreement ("PPOA").

On January 16, 2025, the Energy Bureau issued a *Resolution* accepting the January 8 Motion for review and stated that it would issue a determination in accordance with Section 3.15 of Act 38-2017.<sup>2</sup>

On April 4, 2025, the Energy Bureau extended the deadline for resolving the January 8 Motion by an additional thirty (30) days.

On April 4, 2025, PREPA filed a document titled *Informative Motion*, whereby it informed that PREPA's Governing Board approved the Settlement Agreement in which PBJL committed itself to honoring the terms of its original proposal and that the parties did not negotiate any modifications to the terms to the approved Settlement Agreement. As such, PREPA argued that the Settlement Agreement is binding and in full force. PREPA further indicated that it would submit to the Energy Bureau an updated PPOA regarding the Montalva Solar Farm Project that reflects the terms and conditions agreed upon in the Settlement Agreement once PBJL notifies it to PREPA.

<sup>1</sup> Regulation on the Procedure for Bill Review and Suspension of Electric Service Due to Failure to Pay, Regulation No. 8863 of November 23, 2016, as amended ("Regulation 8863").

<sup>2</sup> Uniform Administrative Procedure Act of the Government of Puerto Rico, Act No. 38 of June 30, 2017, as amended ("Act 38-2017").



On April 20, 2025, PBJL filed a document titled *Informative Motion* requesting the Energy Bureau to suspend the closure of the case and order and evidentiary hearing process before the Hearing Examiner.

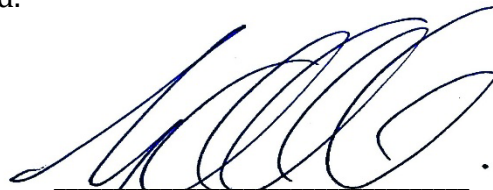
Upon review of the Informative Motions filed by both parties, the Energy Bureau **DENIES** PBJL's Request for Reconsideration and request for a hearing. The parties voluntarily entered into a binding settlement agreement, which served as the basis for the dismissal of this proceeding. As such, the Energy Bureau **DETERMINES** that the terms of the Settlement Agreement reached by the parties are final, binding, and enforceable. The Energy Bureau **CLARIFIES** that such Settlement Agreement is only binding between the parties. The Energy Bureau's consent to the parties request for DISMISSAL is based only on the fact that the parties reached an agreement to end the present case. In no manner shall the Energy Bureau's consent to the parties right to reach an agreement and request the dismissal of this case be interpreted as the Energy Bureau's approval of the substantive matter of the Settlement Agreement or that the Energy Bureau has analyzed the terms of the Settlement Agreement. The Energy Bureau's consent to the request for dismissal is only evaluated in terms of the parties compliance with Section 4.03 of Regulation 8543<sup>3</sup>. Therefore, the Energy Bureau is not bound in any manner to such Settlement Agreement.

Such analysis of the substantive matter of the Settlement Agreement shall be conducted by the Energy Bureau once a Power Purchase and Operating Agreement ("PPOA") is filed for the Energy Bureau's approval pursuant to Article 6.32 of Act 57-2014<sup>4</sup>.

As no further actions are required under the instant proceeding, the matter is **CLOSED** and The Energy Bureau **CLARIFIES** that, if PREPA and PBJL intend to move forward with the implementation of the settlement in the form of a PPOA, they shall file the corresponding PPOA, for the Energy Bureau's approval, pursuant to Article 6.32 of Act 57-2014, in accordance with applicable procedures.

The party affected by this Final Resolution, within thirty (30) days from the date this Resolution is filed, may file an appeal for judicial review before the Court of Appeals. This is in accordance with Section 11.03 of Regulation 8543, the applicable provisions of the LPAU and the Regulations of the Court of Appeals.

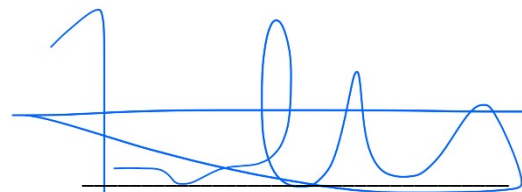
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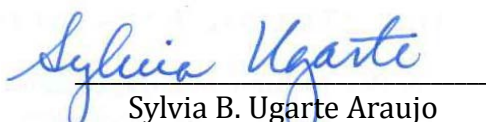
Edison Avilés Deliz  
Chairman



Lillian Mateo Santos  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner



Sylvia B. Ugarte Araujo  
Associate Commissioner



Antonio Torres Miranda  
Associate Commissioner

<sup>3</sup> Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings of December 18, 2014 ("Regulation 8543").

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



## CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on April 26, 2025. I also certify that on April 26, 2025 a copy of this Resolution and Order was notified by electronic mail to [cliff.m.webb@gmail.com](mailto:cliff.m.webb@gmail.com), [eirizarry@ccdlawpr.com](mailto:eirizarry@ccdlawpr.com), [mvalle@gmlex.net](mailto:mvalle@gmlex.net), [arivera@gmlex.net](mailto:arivera@gmlex.net). I also certify that today, April 25, 2025, 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, today April 26, 2025.



Wanda I. Cordero Morales  
Interim Clerk

