

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

**IN RE:** ACCELERATED EVALUATION OF RENEWABLE ENERGY AND ENERGY STORAGE PROJECT PROPOSALS TO SECURE FEDERAL INVESTMENT TAX CREDITS (ITCs)

**CASE NO.:** NEPR-MI-2025-0005

**SUBJECT:** Eligibility Criteria and Project Evaluation Procedure to Be Followed by the Puerto Rico Electric Power Authority in the Procurement of Renewable Energy, with or without Storage Capacity, Qualifying for ITCs, Pursuant to the Governor’s Executive Order OE-2025-047 and the Deadlines Established by the “One Big Beautiful Bill Act”.

**RESOLUTION AND ORDER**

**I. INTRODUCTION AND BACKGROUND**

Taking into consideration the Department of Energy of the United States of America Emergency Orders 202-25-1 and 202-25-2 issued on May 16, 2025, the Governor of Puerto Rico, Hon. Jenniffer A. González Colón, on September 22, 2025, issued Executive Order OE-2025-047, which amended and expanded the Puerto Rico energy emergency and authorized extraordinary measures to accelerate the evaluation and approval of renewable energy and storage projects qualifying for federal investment tax credits (“ITCs”) under Public Law 119-21, also known as the One Big Beautiful Bill Act (“OBBBA”).

The Executive Order directs the Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) to issue an order or resolution establishing the evaluation criteria applicable to the Puerto Rico Electric Power Authority (“PREPA”) to assess proposals and recommendations for approval of renewable energy purchase agreements, with or without storage capacity.

In compliance with the foregoing, the following Resolution and Order is issued.

**II. EVALUATION CRITERIA**

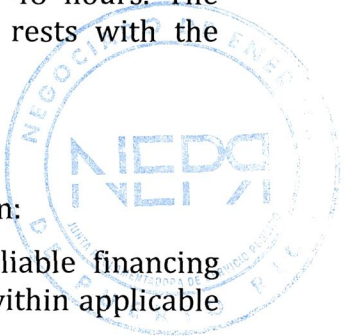
**Article 1 – Proposal’s Initial Review**

PREPA will conduct an initial review of all proposals received to confirm that all required documents have been submitted in accordance with the official forms and established criteria, including those set forth in this Resolution and Order and Executive Order OE-2025-047. Any deficiencies may be notified to the proponents for correction within a reasonable timeframe that shall not exceed 48 hours. The responsibility for submitting a complete and accurate proposal rests with the proponent.

**Article 2 – Key Developer Requirements**

Each developer must demonstrate at the time of proposal submission:

- a. Proven financial capacity and access to sufficient and reliable financing sources to ensure project execution and utilization of ITCs within applicable deadlines.
- b. Prior technical and managerial experience in projects of similar nature and scale, demonstrating the ability to complete the proposed project within ITC deadlines.
- c. Prior participation in PREPA and/or the Energy Bureau procurement processes for the RFPs of Tranches 1–4 or in recent direct negotiations with PREPA, considered only if deemed in the best interests of consumers.



### Article 3 – Key Project Requirements

Each proposed project must:

- a. Integrate generation and/or energy storage facilities, including necessary interconnection.
- b. Demonstrate effective control over the land where the project will be developed.
- c. Be in an advanced stage of permitting and authorizations, ensuring feasibility to secure ITC benefits within applicable deadlines.
- d. Have interconnection studies completed, in review, or in process sufficient to enable construction start within ITC timelines.
- e. The technical details must indicate that the project can be completed within the timelines established by the OBBBA.

### Article 4 – Contractual Requirements

The power purchase agreements and energy storage, shall:

- a. Be based on the revised version of the most recently approved contracts in the procurement process of Tranche 4.
- b. Be financeable and include terms and conditions generally accepted in the market for generation and/or storage projects.
- c. Recognize the impacts of the ongoing restructuring under Title III of PROMESA.

### Article 5 – Supplemental Guidelines and Criteria

Considering the thirty (30)-day evaluation period established in Executive Order OE-2025-047, PREPA may be guided, to the extent relevant and consistent with applicable law, by the criteria previously adopted in the Tranche 4 contracts and RFP, which are incorporated herein with this Resolution and Order.<sup>1</sup>

Any deviation from the criteria and the attached model contracts and RFP, if any, shall be minimal and not material. Notwithstanding the foregoing, in the event of any incompatibility between the criteria applied in such contracts or RFP and the language set forth herein, the criteria and provisions established in this Resolution and Order shall prevail.

### Article 6 – Processing Costs

PREPA may require proponents to pay \$10,000 as reasonable evaluation costs, as provided in Tranches 2 through 4.

### Article 7 – Proposal Evaluation Deadlines and Procedure

The energy purchase agreements shall:

- a. Upon promulgation and notification of this Resolution and Order, PREPA shall notify, within five (5) days, proponents who participated in the RFPs of Tranches 1–4 or recent negotiations with PREPA, to submit their proposals according to the criteria established.
- b. Proponents shall have a maximum of ten (10) days from notification to submit their proposals.

<sup>1</sup>

**Addendum 1:** RFP Renewable Energy Generation and Energy Storage Resources.  
**Addendum 2:** Energy Storage Services Agreement Interconnecting at Existing POI.  
**Addendum 3:** Energy Storage Services Agreement Interconnecting with New Sectionalizer.  
**Addendum 4:** Power Purchase and Operating Agreement Interconnecting at Existing POI.  
**Addendum 5:** Power Purchase and Operating Agreement Interconnecting with New Sectionalizer





- c. PREPA shall complete its evaluation and, where applicable, recommend approval of proposals within a maximum of thirty (30) days from the expiration of the ten (10) day submission period.
- d. Within this same period, PREPA shall notify each proponent whether their project proceeds for approval, providing a rationale.
- e. Once the evaluation of each proposal has been completed, PREPA shall immediately notify the Energy Bureau of its recommendation, without waiting for the thirty (30) day term to expire, so the Energy Bureau may proceed with its review and, if appropriate, approve in a timely manner within the period established by law.
- f. Considering the deadlines established in OBBBA to obtain ITC benefits, this procedure shall not be prolonged or indefinite. Extensions may be granted only by the Energy Bureau under applicable law and the specific evaluation of a case.

Conforming proposals shall be ranked by price and technology. PREPA shall prepare a summary report for the Energy Bureau indicating deficiencies, ranking, and justification for selection, without revealing proponent identities in the initial stage.

Each proponent must certify that their proposal was prepared independently, without collusion or disclosure of information to other participants that could affect fair competition.

### III. FINAL PROVISIONS

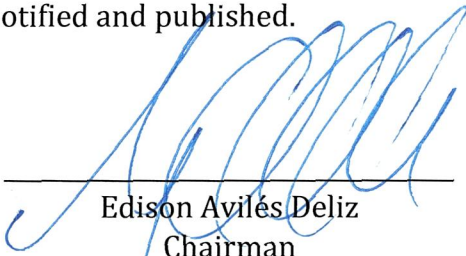
The Energy Bureau, by the authority granted under Law 57-2014, as amended, and in compliance with Executive Order OE-2025-047, ORDERS PREPA as follows:


- a. To adopt the evaluation criteria described in Articles 1-6 of this Resolution and Order, applicable to all evaluation processes and recommendations for renewable energy and storage purchase agreements submitted by PREPA to the Energy Bureau under the current energy emergency.
- b. PREPA shall strictly comply with the deadlines established in Article 7 of this Orden and Resolution for notification, proposal submission, evaluation, recommendation, and communication to the Energy Bureau, ensuring the procedure concludes within thirty (30) days from the expiration of the submission period, unless extended by the Energy Bureau. Specifically:
  - 1. PREPA shall notify participating proponents from RFPs of Tranches 1-4 and recent direct negotiations of the availability of this expedited procedure within five (5) days from notification of this Resolution and Order.
  - 2. Each proponent shall have ten (10) days from notification to submit their proposals under the criteria adopted.
  - 3. PREPA shall complete its evaluation and notify proponents and the Energy Bureau as established, recommending approval of proposals that meet the criteria and ensure compliance with federal ITC deadlines.
  - 4. The Energy Bureau shall retain discretion to evaluate the recommendations of PREPA and to authorize, under the applicable legal framework, generation projects with or without energy storage that will be subject to contracting with PREPA. This discretion includes, among other aspects, consideration of the technical, economic, and financial feasibility of each project, as well as its suitability for the public interest and the protection of Puerto Rico's consumers.

The Energy Bureau **WARNS** PREPA that failure to comply with this Resolution and Order will result in the imposition of fines under Section 6.36 of Act 57-2014.<sup>4</sup>



Be it notified and published.

  
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Edison Avilés Deliz  
Chairman

  
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Ferdinand A. Ramos Soegaard  
Associate Commissioner

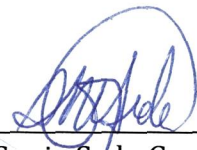
  
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Lillian Mateo Santos  
Associate Commissioner

  
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Sylvia B. Ugarte Araujo  
Associate Commissioner

**CERTIFICATION**

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 26, 2025. Associate Commissioner Antonio Torres Miranda did not intervene. I also certify that on September 26, 2025 I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau and notified a copy of it by electronic mail to MARY.ZAPATA@prepa.pr.gov.

For the record, I sign this in San Juan, Puerto Rico, on September 26, 2025.

  
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Sonia Seda Gaztambide  
Clerk

