

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

NEPR

Received:

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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

INFORMATIVE MOTION AND TO CLARIFY

TO THE HONORABLE PUERTO RICO ENERGY BUREAU,

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

1. On December 30, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order approving the procurement of selected renewable energy and energy storage projects and directing PREPA to commence and complete negotiations with the selected proponents within ten (10) business days ("December 30 Order").

2. Notwithstanding that PREPA had not failed to comply with any order, and based solely on allegations raised by an unidentified proponent through a motion, the Energy Bureau issued, on January 16, 2026, a Resolution and Order directing PREPA to show cause within ten (10) days why a fine of \$25,000 should not be imposed for alleged noncompliance with the December 30, 2025 Order. In addition, the Energy Bureau ordered PREPA to immediately commence the contract negotiation process with the selected proponents and to submit, within ten (10) days, a report on the status of negotiations, with additional status reports

to be filed every five (5) days thereafter until negotiations are completed, establishing February 15, 2026 as the deadline for completion of negotiations.¹

3. On that same date, that is, January 16, 2026, PREPA filed *Motion in Compliance with December 30, 2025, Resolution and Order and to Show Cause* ("Motion in Compliance with Order"), whereby it informed that it had diligently initiated the negotiation process ordered by the Energy Bureau, and was in the process of reviewing thirteen (13) draft contracts submitted by the proponents which it had received between January 15 and 16, 2026. PREPA further explained that, as a result of the foregoing circumstances, it was not possible to conclude the negotiations within the timeframe allotted by the Energy Bureau in its December 30, 2025 Order.

4. Although the undersigned is PREPA's counsel of record in this proceeding, she had not been granted access to the case's electronic docket. Consequently, it was not possible to file the Motion in Compliance with Order in the docket for the above-captioned case, and the motion was therefore filed under temporary docket number NEPR-TEMP-6961.

5. On the next business day, January 20, 2026, PREPA contacted the Energy Bureau's Clerk Office and notified the Clerk of the foregoing circumstances.

¹ PREPA respectfully notes that the Resolution and Order issued on January 16, 2026, contains an internal inconsistency regarding the applicable compliance deadline. In one instance, the Resolution states that the ten (10) business-day period granted under the December 30, 2025 Order expired on January 15, 2026, while elsewhere the Resolution reflects that the applicable deadline is January 16, 2026. Based on the computation of the ten (10) business-day period from December 30, 2025, the correct deadline is January 16, 2026. PREPA has proceeded, and continues to proceed, under the understanding that January 16, 2026, is the compliance date.

6. In light of the foregoing, PREPA very respectfully requests that its Motion in Compliance with Order, filed on January 16, 2026, be docketed in the above-captioned case.

7. Upon review of the Motion in Compliance with Order, PREPA identified an error in paragraph 9 thereof. Accordingly, PREPA hereby advises and clarifies that paragraph 9 should have read as follows:

9. Despite PREPA **not** having failed to comply with any order and based solely on the allegations in the Motion for Clarification, on January 16, 2026, the Energy Bureau issued a Resolution ordering PREPA to show cause within ten (10) days why a fine of \$25,000 should not be imposed for alleged noncompliance with the December 30, 2025 Order. In addition, the Energy Bureau ordered PREPA to immediately commence the contract negotiation process with the selected proponents and to submit, within ten (10) days, a report on the status of negotiations, with additional status reports to be filed every five (5) days thereafter until negotiations are completed, establishing February 15, 2026 as the deadline for completion of negotiations.

8. PREPA respectfully requests the Energy Bureau to strike paragraph 9 of the Motion in Compliance with Order and substitute it with the paragraph identified above.

WHEREFORE, for the reasons stated above, PREPA respectfully requests that the Energy Bureau take: (1) **NOTICE** of the present Motion; (2) **DIRECT** the Clerk to docket PREPA's *Motion in Compliance with December 30, 2025, Resolution and Order and to Show Cause* (filed on January 16, 2026 under temporary docket no. NEPR-TEMP-6961) in the above-captioned case; (3) **STRIKE** paragraph 9 of the *Motion in Compliance with the December 30, 2025 Resolution and Order* and **SUBSTITUTE** it with the paragraph identified above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21 day of January 2026.

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>.

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