

GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY
BOARD 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: Resolution and Order pertaining
to *Urgent Motion for Relief and Notice*, filed
by an Interested Proponent.

RESOLUTION AND ORDER

On September 22, 2025 the Governor of Puerto Rico, Hon. Jennifer A. González Colón, issued Executive Order OE-2025-047 ("Executive Order") 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 ("OBBA"). On September 26, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("September 26 Resolution") through which it provided the Puerto Rico Electric Power Authority ("PREPA") with guidelines for the implementation of the accelerated acquisition of renewable resources in accordance with Executive Order.

Following several procedural issues, on December 30, 2025, the Energy Bureau approved certain renewable energy and storage projects and directed PREPA to commence and complete negotiations with the proponents of the approved projects and to submit the corresponding negotiated draft contracts for final evaluation and approval by the Energy Bureau within ten (10) business days ("December 30 Resolution").

On January 14, 2026, an Interested Proponent filed a document titled *Motion for Clarification* ("January 14 Motion"), whereby it alleged that, as of that date, PREPA had not acknowledged its communications nor provided any guidance regarding scheduling or other information that could facilitate an initial negotiation session.

On January 16, 2026, the Energy Bureau ordered PREPA to show cause as to why a fine should not be imposed for its failure to comply with the December 30 Resolution. Furthermore, the Energy Bureau ordered PREPA to immediately commence the contract negotiation process with the selected proponents and, within ten (10) days, submit a report on the status of such negotiations and every five (5) days thereafter until negotiations are completed which the deadline is February 15, 2026.

On that same date, PREPA filed a document titled *Motion in Compliance with December 30, 2025, Resolution and Order and to Show Cause* ("January 16 Motion"). Through the January 16 Motion, PREPA asserted that it had formally notified the selected proponents of the Energy Bureau's determination, including the Tranche 4 RFP model contract, thereby initiating the negotiation process. PREPA indicated that between January 15 and 16, 2026 it had received thirteen (13) draft contracts from the proponents, all of which it was reviewing. PREPA highlighted that it had received proposed contract drafts from certain proponents that contained material deviations from the Tranche 4 model contract, despite the Energy Bureau's express instruction that no substantial changes be introduced. Despite the foregoing, PREPA stated it continues to advance the negotiation process with the objective of submitting negotiated contracts on or before February 15, 2026, to the extent that the proponents are able to submit negotiated contracts that comply with the Energy Bureau's directives.

On January 26, 2026, PREPA filed a document titled *Motion in Compliance with January 16, 2025 Resolution, and Memorandum of Law in Support of Request for Confidential Treatment*



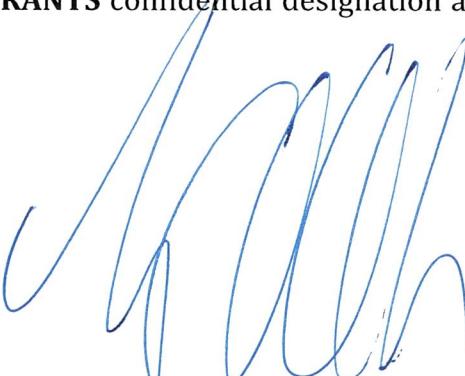
("January 26 Motion"). In its January 26 Motion, PREPA informed that it continued to issue follow-up letters and asserted it was advancing negotiations. PREPA also requested confidential treatment be granted to Exhibit I to the January 26 Motion on the grounds it contains deliberative material that is a part of an ongoing negotiation process.

On January 27, 2026, an Interested Proponent filed a document titled *Urgent Motion for Relief and Notice* ("January 27 Motion"), whereby it informed that despite the Energy Bureau's directives requiring PREPA to immediately begin negotiations, PREPA had not engaged in any substantive negotiation twenty-eight (28) days after the process was ordered. The proponent alleged that PREPA only contacted it in response to its January 14 Motion to demand redlines, and then issued two letters, one of which referenced a different developer, containing no substantive comments, no feedback on proposed redlines, no meeting schedules, and new arbitrary price caps that were not part of the RFP. The Interested Proponent further argued that PREPA failed to address the pricing and structure of the proponent's co-located storage-plus-solar configuration, raising concerns that PREPA is not negotiating in good faith and is disregarding the Executive Order and the Energy Bureau's mandate to pursue least-cost ITC-eligible resources. Because this lack of engagement threatens the ability to meet federal ITC deadlines, the proponent urgently requests that the Energy Bureau directly intervene and lead, direct, and conduct the negotiations itself to ensure compliance with Act 17-2019¹ and timely advancement of the procurement process.

The Energy Bureau **GRANTS** PREPA **three (3) business days** to provide its response to the January 27 Motion and **WARNs** it that failure to comply with this Resolution and Order will result in the imposition of fines under Section 6.36 of Act 57-2014.²

The Energy Bureau further **GRANTS** confidential designation and treatment to Exhibit I of the January 26 Motion.

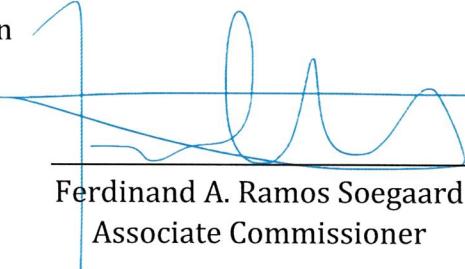
Be it notified and published.



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



¹ Known as the *Puerto Rico Energy Public Policy Act*, as amended ("Act 17-2019").

² Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 29, 2026. I also certify that on January 29, 2026. I have proceeded with the filing of the Resolution and Order and a copy of this Resolution and Order was notified by electronic mail to alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net, yahaira.delarosa@us.dlapiper.com, ysantiago@picoadvisors.com

For the record, I sign this in San Juan, Puerto Rico, today January 29, 2026.


Wanda I. Cordero Morales
Interim Clerk
