

**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 Information

RESOLUTION AND ORDER

On February 13, 2024, the Puerto Rico Electric Power Authority ("PREPA") signed three (3) Energy Storage Agreements ("ESSAs") with Convergent Ponce Energy Storage 1, LLC ("Convergent Ponce ESSA"), Convergent Peñuelas Energy Storage 1, LLC ("Convergent Peñuelas ESSA") and Convergent Caguas Energy Storage 1, LLC ("Convergent Caguas ESSA"), for energy storage projects to be developed in Ponce,¹ Peñuelas² and Caguas,³ referred to as the "Convergent Ponce ESSA", "Convergent Peñuelas ESSA" and "Convergent Caguas ESSA". The three (3) ESSAs were subsequently amended on February 10, 2025.

On June 30, 2022, PREPA entered into a Power Purchase and Operating Agreement ("PPOA") with Solaner Puerto Rico One, LLC, which was amended on February 24, 2023, April 26, 2023, and May 31, 2023 (as amended, the "Solaner PPOA").

On August 26, 2022, PREPA and Clean Flexible Energy, LLC ("Clean Flexible") signed two ESSAs for 100 MW (four-hour duration, 400 MWh) energy storage projects to be developed in Salinas⁴ and Guayama⁵, referred to as the "Salinas ESSA" and the "Jobos ESSA." Both the Salinas ESSA⁶ and the Jobos ESSA⁷ have been amended several times. On the same date, PREPA and Clean Flexible also signed two PPOAs for solar photovoltaic energy projects to be developed in Salinas⁸ and Guayama⁹, referred to as the "Salinas PPOA" and the "Jobos PPOA."

¹ Hereinafter the "Convergent Ponce BESS Project".

² Hereinafter the "Convergent Peñuelas BESS Project".

³ Hereinafter the "Convergent Caguas BESS Project".

⁴ Hereinafter the *Salinas BESS Project*.

⁵ Hereinafter the *Jobos BESS Project*.

⁶ The Salinas ESSA was amended on March 17, 2023 ("Salinas ESSA First Amendment"), June 15, 2023 ("Salinas ESSA Second Amendment"), June 30, 2023 ("Salinas ESSA Third Amendment"), July 10, 2023 ("Salinas ESSA Fourth Amendment"), November 30, 2023 ("Salinas ESSA Fifth Amendment"), November 4, 2024 ("Salinas ESSA Sixth Amendment") and December 18, 2024 ("Salinas ESSA Seventh Amendment"). Unless otherwise stated, the Salinas ESSA, as amended by the first to seventh amendments, is collectively referred to as the "Salinas ESSA".

⁷ The Jobos ESSA was amended on March 17, 2023 ("Jobos ESSA First Amendment"), June 15, 2023 ("Jobos ESSA Second Amendment"), June 30, 2023 ("Jobos ESSA Third Amendment"), July 10, 2023 ("Jobos ESSA Fourth Amendment"), November 4, 2024 ("Jobos ESSA Fifth Amendment") and December 18, 2024 ("Jobos ESSA Sixth Amendment"). Unless otherwise stated, the Jobos ESSA, as amended by the first to sixth amendments, is collectively referred to as the "Jobos ESSA".

⁸ Hereinafter the *Salinas Solar PV Project*.

⁹ Hereinafter the *Jobos Solar PV Project*.



Both agreements also have been amended several times. The Salinas PPOA¹⁰ includes a capacity of 80 MW, while the Jobos PPOA¹¹ includes a capacity of 120 MW.

On June 30, 2022, PREPA entered into a PPOA with Tetris Power, LLC ("Tetris Power") which was subsequently amended on February 24, 2023, April 26, 2023, May 31, 2023, June 30, 2023, and July 10, 2023 (the "Tetris Power PPOA").

On April 10, 2026, PREPA filed a motion requesting approval of amendments to the following ESSAs and PPOAs: Convergent Ponce ESSA, Convergent Caguas ESSA, Convergent Peñuelas ESSA, Solaner PPOA, Salinas PPOA, Salinas ESSA, Jobos PPOA, Jobos ESSA, and Tetris Power PPOA (the "April 10 Motion").¹² PREPA included the following exhibits as part of the April 10 Motion and requested confidential treatment thereof:

- Exhibit I- Resolution 5234 issued by PREPA Governing Board
- Exhibit II- ESSA Amendment Convergent Ponce
- Exhibit III- ESSA Amendment Convergent Caguas
- Exhibit IV- ESSA Amendment Convergent Peñuelas
- Exhibit V- Amendment No. 5 Solaner PPOA
- Exhibit VI- Amendment No. 8 to Clean Flexible Salinas PPOA
- Exhibit VII- Amendment No. 8 to Clean Flexible Salinas ESSA
- Exhibit VIII- Amendment No. 7 to Clean Flexible Jobos PPOA
- Exhibit IX- Amendment No. 7 to Clean Flexible Jobos ESSA
- Exhibit X- Amendment No. 6 to Tetris Power PPOA

In the April 10 Motion, PREPA referenced, in paragraph 6, documentation relating to alleged contractor delays in the implementation of the projects. PREPA indicated that the Contractors had submitted formal requests to amend their respective ESSAs and PPOAs to extend the Guaranteed CODs, citing delays associated with permitting processes, regulatory reviews, changes in law, supply chain constraints, financing conditions, and other circumstances beyond their reasonable control. PREPA further represented that the Contractors provided supporting documentation in accordance with the applicable contractual provisions and described the measures undertaken to mitigate the impact of such delays.

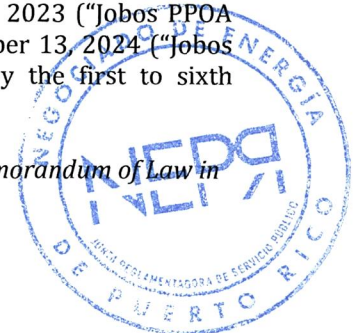
Upon a preliminary evaluation of the April 10 Motion, the Energy Bureau **ORDERS** PREPA to submit, **within five (5) days** of this notification of this Resolution and Order, the following documents or information:

1. Copies of the formal requests submitted by the "Contractors" seeking amendments to the ESSAs and PPOAs to extend the Guaranteed Commercial Operational Date ("GCOD"), as referenced in paragraph 6 of the April 10 Motion;
2. All supporting documentation submitted by the "Contractors" in connection with such requests, including materials evidencing the alleged delays (e.g., permitting processes, regulatory reviews, changes in law, supply chain constraints, financing conditions, and other circumstances beyond their

¹⁰ The Salinas PPOA was amended on March 17, 2023 ("Salinas PPOA First Amendment"), June 15, 2023 ("Salinas PPOA Second Amendment"), June 30, 2023 ("Salinas PPOA Third Amendment"), July 10, 2023 ("Salinas PPOA Fourth Amendment"), November 30, 2023 ("Salinas PPOA Fifth Amendment"), November 4, 2024 ("Salinas PPOA Sixth Amendment") and December 13, 2024 ("Salinas PPOA Seventh Amendment"). Unless otherwise stated, the Salinas PPOA, as amended by the first to seventh amendments, is collectively referred to as the "Salinas PPOA".

¹¹ The Jobos PPOA was amended on March 17, 2023 ("Jobos PPOA First Amendment"), June 15, 2023 ("Jobos PPOA Second Amendment"), June 30, 2023 ("Jobos PPOA Third Amendment"), July 10, 2023 ("Jobos PPOA Fourth Amendment"), November 4, 2024 ("Jobos PPOA Fifth Amendment") and December 13, 2024 ("Jobos PPOA Sixth Amendment"). Unless otherwise stated, the Jobos PPOA, as amended by the first to sixth amendments, is collectively referred to as the "Jobos PPOA".

¹² See *Motion Submitting Proposed Draft Amendments to Several ESSAs and PPOAs and Memorandum of Law in Support of Request for Confidential Treatment* dated April 10, 2026.



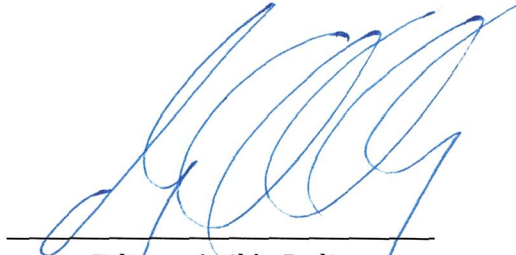
reasonable control) and any descriptions of mitigation measures, as referenced in paragraph 6 of the April 10 Motion.

3. A table illustrating the original GCOD and the currently proposed GCOD for each project for which an amendment is requested.
4. Any internal document or explanation, whether generated by PREPA or by its consultants, relating to the analysis conducted in connection with evaluating and preparing the requested amendments, including any internal assessments, memoranda, reports, models, communications, or other work product used to support or substantiate the proposed amendments.

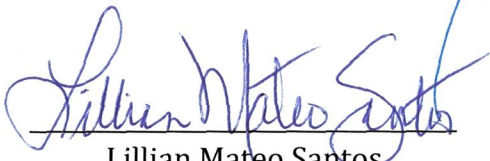
The Energy Bureau **WARNS** PREPA that, in accordance Art. 6.36 of Act 57-2014:

- (i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions of up to \$125,000 per day; and
- (ii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than ten thousand dollars (\$15,000) nor greater than twenty thousand dollars (\$250,000), at the discretion of the Energy Bureau.

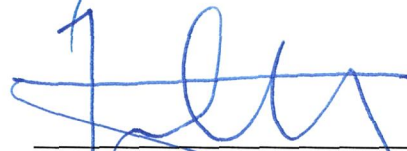
Be it notified and published.



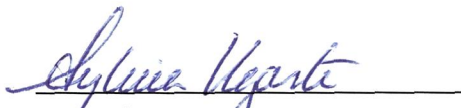
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on April 20, 2026. I also certify that on April 21, 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 nzayas@gmlex.net; mvalle@gmlex.net; alexis.rivera@prepa.pr.gov; rcruzfranqui@gmlex.net; katuska.bolanos-lugo@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; laura.rozas@us.dlapiper.com; RegulatoryPREBorders@lumapr.com; jfr@sbgblaw.com, legal@genera-pr.com, regulatory@genera-pr.com.

For the record, I sign this in San Juan, Puerto Rico, today April 21, 2026.



Sonia Seda Gaztambide
Clerk