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:** Determination for Yabucoa Energy ESSA Contract

RESOLUTION AND ORDER

I. Relevant Background

On September 22, 2025, the Governor of Puerto Rico, Hon. Jennifer A. González Colón, issued Executive Order OE-2025-047 ("Executive Order"), expanding the Puerto Rico energy emergency and authorized an accelerated process for 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. On October 1, 2025, PREPA notified the commencement of the procurement process and issued a notice inviting prospective proponents to participate under the procedures established by the Executive Order, the Energy Bureau's September 26 Resolution, and the procurement documents previously approved by the Energy Bureau. Such notice set forth the applicable instructions and evaluation criteria and, incorporated by reference the RFP model and the model contracts used in the Tranche 4 RFP process, which had previously been included with the Energy Bureau's September 26 Resolution.[1]

As part of the Accelerated Procurement Process described above, Yabucoa Energy, LLC ("Yabucoa Energy") submitted a proposal for the development, construction, ownership, operation, and maintenance of a four-hour Battery Energy Storage System ("BESS") project with a total capacity of 100 MW, to be located in the Municipality of Yabucoa, Puerto Rico, for a term of twenty (20) years (the "Yabucoa Energy Project").

Following several procedural steps, the Energy Bureau issued a Resolution and Order on May 20, 2026 ("May 20 Resolution"), directing PREPA and Yabucoa Energy to provide additional clarification regarding certain aspects of the proposed BESS project before the Energy Bureau could continue its evaluation.

On June 1, 2026, PREPA and Yabucoa Energy filed a Joint Motion for Clarification Regarding Property Rights in Compliance with Resolution and Order dated May 20, 2026 ("June 1 Motion"), providing additional information and advising the Energy Bureau of the parties' efforts to address the issues identified in the May 20 Resolution. On June 9, 2026, PREPA and Yabucoa Energy filed a Joint Motion to Take Notice ("June 9 Motion"), supplementing the record with additional information and documentation and seeking confidential treatment for certain supporting materials.

On June 11, 2026, the Energy Bureau issued a Resolution and Order ("June 11 Resolution") determining that the information submitted was sufficient to allow the proceedings to move forward. Accordingly, the Energy Bureau authorized the parties to continue contract negotiations, directed them to submit any final negotiated agreement for its review and

[1] *See* Annex to the October 1 Motion, which includes the letter dated October 1, 2025 (the "October 1 Letter"), and Addendum 1 to the September 26 Resolution, titled *Request for Proposals for Renewable Energy Generation and Energy Storage Resources, Executive Order EO-2025-047* (the "Model RFP"). Together, the October 1 Letter and the Model RFP are referred to herein as the "Accelerated Process RFP".

NEGOCIADO DE ENERGÍA DE PUERTO RICO NEPR JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO approval, and granted confidential treatment to the supporting materials submitted with the June 9 Motion.

On June 18, 2026, PREPA and Yabucoa Energy filed a document titled *Submission of the Puerto Rico Electric Power Authority ("PREPA") and Yabucoa Energy, LLC Pursuant to the June 11, 2026 Resolution and Order* ("June 18 Motion") submitting for the Energy Bureau's review a proposed agreement between PREPA and Yabucoa Energy concerning the development and operation of the Yabucoa Energy project.

On June 24, 2026, the Energy Bureau issued a Resolution and Order ("June 24 Resolution") finding that the proposed agreement submitted by PREPA and Yabucoa Energy was incomplete and lacked information necessary for the Energy Bureau to conduct its review. Accordingly, the Energy Bureau directed PREPA to file a complete version of the agreement, including all missing information identified by the Energy Bureau, within ten (10) days from the notification of the Resolution.

On July 2, 2026, PREPA filed a *Motion in Compliance with the June 24, 2026 Resolution and Order* ("July 2 Motion"), submitting a revised version of the proposed agreement (the "Proposed Contract") incorporating the information required by the June 24 Resolution. Through the July 2 Motion, PREPA requested that the Energy Bureau deem it in compliance with the June 24 Resolution, review the Proposed Contract, and grant confidential treatment to the Proposed Contract.

II. Applicable Legal Framework

A. *Energy Bureau's Authority*

The Energy Bureau is the regulatory body responsible for overseeing and ensuring the proper execution and implementation of public policy regarding electricity service in Puerto Rico. It has the authority to (i) implement regulations and regulatory actions necessary to ensure capacity, reliability, safety, efficiency, and reasonableness in rate tariffs of the Puerto Rico electrical system; and (ii) establish guidelines, standards, practices, and processes for PREPA's procurement of energy from other electric service companies and for modernizing its power plants or energy-generating facilities.[2]

The Energy Bureau has the power to establish by regulation the rules and standards for electric service companies. This includes oversight of any transaction, action, or omission that impacts the electrical grid and electrical infrastructure in Puerto Rico. The Energy Bureau will enforce public policy standards in alignment with the Energy Public Policy as declared by legislation.

B. *Criteria for the Evaluation of Power Purchase Agreements*

Article 1.11(b) of Act 17-2019[3] stipulates that any power purchase agreement, or any amendment to, or extension of, a power purchase agreement awarded before or after the approval of Act 57-2014 between PREPA, and any independent power producer shall be executed under Section 6.32 of Act 57-2014 and the regulations adopted by the Energy Bureau. To make sure such agreements have a proper and reasonable price, the parameters established by the Energy Bureau shall follow the ones normally used by the industry for such purposes, as well as any other parameter or method used to regulate revenues attributable to power purchase agreements. Also, Article 6.32(c) of Act 57-2014 empowers the Energy Bureau to adopt the guidelines for the evaluation and approval of energy purchase and sale contracts.

Act-17-2019 adopted as public policy the reduction in dependence on fossil fuels, aiming to eliminate energy generation based on coal, petroleum derivatives, and gas. Specifically,

[2] *See*, Section 6.3 of Act 57-2014, known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

[3] Known as *Puerto Rico Energy Public Policy Act*, as amended ("Act 17-2019").

Act 17-2019 modified the Renewable Energy Portfolio standards established in Act 82-2010[4]. This amendment increased the requirement for energy generation from renewable sources to one hundred percent (100%) by 2050.[5] Power Purchase Agreements shall be awarded considering the goals and mandates established in the Renewable Portfolio Standards, which compel the transition from energy generation from fossil fuels to aggressively integrating renewable energy as provided in Act 82-2010.

Article 6.32 of Act 57-2014 provides a comprehensive statutory framework for the evaluation and approval of power purchase agreements, as well as other transactions involving electric power services companies. It reiterates the Energy Bureau's authority to adopt regulations and regulatory actions that govern the process of evaluation and approval of power purchase agreements and other transactions involving electric power services companies. Article 6.32 (a) states that the Energy Bureau will evaluate and approve all contracts between electric service companies, including independent power producers, before they are executed. This will include, but is not limited to, contracts through which an independent power producer agrees to supply energy to PREPA or the electric service company responsible for operating the T&D System. It also covers any amendments, modifications, or extensions to existing contracts.

Consistent with the foregoing, Article 6.32 empowers the Energy Bureau to adopt and issue regulations that provide: (i) the standards and requirements with which the Power Purchase Agreements must comply; (ii) the terms and conditions to be included in any power purchase agreement and interconnection agreement, including reasonable costs per kilowatt hour (kWh) per type of generation technology; (iii) the guidelines and standards established by the Energy Bureau through such regulations shall be intended to ensure compliance with the principles of Act 57-2014, Act 83-2010[6], and Act 17-2019.

When evaluating a power purchase agreement or proposal thereto, each contract proposal between electric utility companies, the Energy Bureau must make sure it follows the public energy policy established in Act 17-2019 and with the Approved IRP.[7] The Energy Bureau shall approve no contract that is inconsistent with the Approved IRP, especially regarding the renewable energy, distributed generation, conservation, and efficiency goals established in both the Approved IRP and the public energy policy.

The Energy Bureau shall make sure the interconnection of any proposed project does not threaten the reliability and safety of the electric grid and shall require the removal of any terms or conditions in the Proposed Contract that are contrary to or threaten the safe and reliable operation of the electric grid. The Energy Bureau shall not approve a contract when technical evidence demonstrates that this project or the contractual conditions of a project would undermine the reliability and security of Puerto Rico's electric grid.

The Energy Bureau shall also make sure tariffs, duties, rents, or charges paid to independent power producers are fair and reasonable and protect the public interest and the treasury. Likewise, the transmission and distribution grid interconnection tariff, including construction charges, transshipment tariffs, as well as any other requirements applicable to

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[4] Known as *Public Policy on Energy Diversification by Means of Sustainable and Alternative Renewable Energy in Puerto Rico Act,* as amended ("Act 82-2010").

[5] Act 1 of March 12, 2025 ("Act 1-2025") amended the Renewable Energy Portfolio Standard established under Act 82-2010 by eliminating the previously applicable interim renewable energy targets. Notwithstanding the removal of those intermediate targets, the statute expressly preserved the ultimate policy mandate that electricity generation in Puerto Rico be supplied from renewable sources by 2050. Thus, while the amendment modified the compliance trajectory, it left intact, and effectively reaffirmed, the binding requirement that renewable energy sources account for 100% of energy generation by the year 2050.

[6] Known as *Green Energy Incentive Act of Puerto Rico*, as amended ("Act 83-2010").

[7] *See Final Resolution and Order on the Puerto Rico Electric Power Authority's Integrated Resource Plan, In re. Review of the Puerto Rico Electric Power Authority Integrated Resource Plan,* Case No. CEPR-AP-2018-0001, August 24, 2020 ("Approved IRP"). Note that minor modifications and/or clarifications to the Approved IRP were introduced through a *Resolution and Order on Reconsiderations, In re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan,* Case No. CEPR-AP-2018-0001, December 2, 2020.

independent power producers or other electric utilities wishing to interconnect to the transmission and distribution system, are also fair and reasonable. In this process, the Energy Bureau must make sure the rates allow for an interconnection that does not affect the reliability of the electric service and promotes environmental protection, compliance with legal mandates, and does not adversely impact customers.

Likewise, the Energy Bureau will require the electric utility company responsible for the operation of the Electric System to submit a "Supplementary Study" for the project that is the subject of the Proposed Contract or the corresponding technical analysis that supports the contract. If a project does not require a "Supplementary Study" to be carried out, the electric utility company responsible for the operation of the Electric System shall issue to the Energy Bureau a certification to that effect, in which it shall state the reasons the circumstances and characteristics of the project make a "Supplementary Study" or a technical evaluation unnecessary.

Therefore, in evaluating the proposed amendments, the Energy Bureau must primarily determine: (i) whether the proposal is consistent with the Approved IRP; (ii) whether the proposal follows Puerto Rico's energy public policy; (iii) whether the proposed fee structure is fair, reasonable, and protects the public interest and the treasury; (iv) if the interconnection of the proposed project jeopardizes the reliability and stability of the system; and (v) whether the profit parameters and price escalators are based on parameters normally used by the industry.

In this case, the Energy Bureau is considering a petition for the evaluation and approval of new energy storage agreement. Such agreement is subject to review under Article 6.32 of Act 57-2014, to the extent applicable.

III. Discussion and Analysis

A. Yabucoa Energy Proposed Project

The Yabucoa Energy Project consists of a 4-hour BESS with a total capacity of 100 MW, to be developed and operated in the Municipality of Yabucoa for a term of twenty (20) years.

B. Compliance with Approved IRP

As part of its March 26, 2026 Resolution and Order issued in the captioned case ("March 26 Resolution"), the Energy Bureau evaluated whether certain renewable energy and battery energy storage projects proposed through the Accelerated Procurement Process were consistent with the resource planning framework established under the Approved Integrated Resource Plan ("Approved IRP"). In doing so, the Energy Bureau considered the extent to which the proposed resources remained aligned with Puerto Rico's long-term energy planning objectives, while taking into account subsequent legislative developments, current system conditions, and the practical realities affecting the implementation of the Approved IRP. The Energy Bureau hereby incorporates by reference the analysis and findings set forth in Section III(B) (Compliance with Approved IRP) of the March 26 Resolution, which are applicable to the evaluation of the Proposed Contract and are adopted herein as if fully set forth.

Consistent with the analysis contained in the March 26 Resolution, the Energy Bureau evaluates Proposed Contract to ensure that the proposed resources remain consistent with the Approved IRP, as informed by Puerto Rico's current public energy policy and the operational needs of the electric system. In conducting this evaluation, the Energy Bureau considers, among other factors, the Approved IRP, the legislative changes introduced through Act 1-2025, the current condition of Puerto Rico's generation fleet, the implementation status of previously approved renewable energy and battery energy storage projects, and the continuing need to strengthen system reliability and resiliency while advancing Puerto Rico's long-term renewable energy objectives.

As discussed in the March 26 Resolution, the Energy Bureau previously determined that, notwithstanding certain deviations from the original implementation schedule contemplated in the Approved IRP, the renewable energy and battery storage resources approved therein were not inconsistent with the Approved IRP when evaluated in light of current system conditions, implementation delays, the evolution of Puerto Rico's public energy policy, and the need to ensure adequate and reliable electric service.[8] The Energy Bureau further determined that the overall portfolio remained within a reasonable range of the planning assumptions reflected in the Approved IRP when viewed in the context of the system's long-term development objectives.[9]

The additional resources contemplated under the Proposed Contract represent only a limited incremental increase beyond the portfolio evaluated in the March 26 Resolution and do not materially alter the conclusions reached therein. Rather, they continue to support the orderly deployment of renewable generation and battery energy storage resources necessary to improve system reliability, facilitate the ongoing energy transition, and address the implementation realities that have affected the execution of previously approved projects.

Accordingly, for the reasons set forth in Section III(B) of the March 26 Resolution, as supplemented herein, the Energy Bureau finds that the resources contemplated under the Proposed Contract are **NOT INCONSISTENT** with the Approved IRP.

C. Contract Price

The price proposed by Yabucoa Energy for its project is reasonable, as it is consistent with prevailing market conditions, reflects the scope and technical requirements of the Yabucoa Energy Project, and is supported by the underlying cost structures and assumptions presented. Moreover, when considering prevailing inflationary pressures, together with the respective implementation timelines for the projects approved under Tranches 1 through 4 of the RFP, the Accelerated Procurement Process, and the project subject to this Resolution and Order, the proposed price falls within the range of prices previously approved by the Energy Bureau. The proposed price is lower than that approved for the majority of those projects.

D. Project Interconnection

(1) Interconnection Reliability

To evaluate the aspects related to the interconnection of Yabucoa Energy Project to the electric system, a series of interconnection studies are typically conducted in accordance with applicable interconnection procedures and technical standards. A system impact study ("System Impact Study") evaluates the technical effects of integrating a proposed project's net capacity into the transmission and distribution grid, including an assessment of system performance, reliability, and compliance with applicable minimum technical requirements ("MTR"s). As part of this process, the study identifies the potential need for network upgrades or reinforcements necessary to accommodate the injection of energy and power from the project into the system and may preliminarily outline the scope of such upgrades and their potential cost implications. Subsequently, a network upgrade facility study ("Network Upgrade Facility Study") is typically conducted to further define the specific transmission and distribution improvements required outside the point of interconnection, including the scope of work, cost estimates, and implementation schedule. In parallel, a Point of Interconnection Facility Study ("POI Facility Study") focuses on the upgrades and expansions required at the interconnection point itself to ensure a safe and reliable physical interconnection, as well as the associated scope of work, cost estimates, and construction timeline, which together support determining the interconnection facility costs (including PREPA interconnection costs, where applicable).

Both the Executive Order and the September 26 Resolution establish that one of the criteria to be evaluated by PREPA for the proposed projects is that they have interconnection studies

[8] *See* March 26 Resolution, pp. 7-9.

[9] *Id.*, p. 9.

completed, under review, or in process, sufficient to enable the start of construction within the applicable ITCs timelines.[10] As part of this process, in both the Evaluation Report and the individual evaluations submitted for each of the twenty-four projects under consideration (Evaluation Summaries), PREPA represented that the proponents satisfied this requirement.[11]

Notwithstanding the foregoing, the final interconnection studies necessary for the Energy Bureau to independently evaluate the technical effects of integrating the Yabucoa Energy Project into the transmission and distribution system, including its impact on system performance, reliability, compliance with applicable technical requirements, and the need for any related interconnection facilities or network upgrades, have not been formally submitted into the administrative record. Accordingly, based on the record before it, the Energy Bureau is not in a position to independently verify that the proposed energy and capacity injections can be accommodated without adversely affecting the reliability and stability of the electric system.

Nevertheless, under the particular circumstances of this proceeding, the Energy Bureau finds it reasonable, as an exception, to rely on PREPA's representations regarding the interconnection process and the Yabucoa Energy Project's ability to interconnect to the electric system. In reaching this determination, the Energy Bureau has considered, among other factors, the importance of facilitating the timely development of the Yabucoa Energy Project so that it may qualify for the applicable ITCs, which are subject to limited availability and accelerated expiration under recently enacted federal legislation, together with the public interest in promptly advancing additional renewable generation and energy storage resources to improve the reliability and resiliency of Puerto Rico's electric system. The Energy Bureau emphasizes, however, that this determination is based on the unique circumstances of this proceeding and should not be construed as establishing a general precedent for future cases.

PREPA and Yabucoa Energy **SHALL FILE** with the Energy Bureau the final interconnection studies issued or prepared by LUMA upon their completion. Such studies shall demonstrate that the proposed Yabucoa Energy Project complies with the applicable technical requirements and that its interconnection can be accommodated without causing voltage violations or otherwise adversely affecting the reliability and stability of Puerto Rico's electric system. To the extent the final interconnection studies identify any deficiencies or additional measures necessary to achieve compliance with the applicable technical requirements or to preserve system reliability and stability, PREPA and Yabucoa Energy shall take the appropriate actions to address such matters in accordance with the applicable interconnection requirements; provided, however, that the cost of any such corrective measures shall not be borne by PREPA's customers (ratepayers).

(2) Interconnection Cost

Consistent with the framework established under the Tranche 4 RFP, the Accelerated Process RFP requires that the prices proposed by bidders in the PPOAs and ESSAs reflect the cost of constructing the PREPA Interconnection Facilities.[12] Specifically, the Accelerated Process RFP envisioned that proposals assume a PREPA Interconnection Facilities cost of $20 million. In line with this requirement, the model contract provides that, if the actual PREPA Interconnection Facilities cost exceeds $20 million, the resource provider may terminate the contract without further obligation. Conversely, if the actual PREPA Interconnection Facilities cost is less than $20 million, the contract requires that the contract price for the

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[10] *See* Executive Order, Section 2a(2), p. 3. and September 26 Resolution, Section II, Article 3(d), p.2.

[11] *See* generally, *Evaluation Report – Request for Proposal (RFP) Power Advocate Event 237366* *("Evaluation Report"), containing PREPA's analysis and recommendations regarding the proposals received, and Attachments A–H thereto ("Evaluation Summaries"), containing PREPA's individual evaluations of each proposal with the proponents' names redacted pursuant to the Energy Bureau's directives, submitted by PREPA through its filing titled *Moción en Cumplimiento de Resolución y Orden de 26 de septiembre de 2025 y Memorando en Apoyo a Solicitud de Confidencialidad* filed by PREPA on November 13, 2025.

[12] *See* Accelerated Process RFP, pp. 9-10.

resource be adjusted downward by an amount equal to the difference between $20 million and the actual PREPA Interconnection Facilities cost, such that the resource provider's total payments over the term of the contract are reduced by that same equivalent amount.

The Proposed Contract is structured in a manner consistent with the pricing framework described above, reflecting the assumption of a $20 million PREPA Interconnection Facilities cost and incorporating the corresponding contractual adjustment mechanism.

E. Contractual Provisions Compliance

The Energy Bureau has conducted a comprehensive review of the Proposed Contract with particular attention given to the reasonableness of the proposed prices to ensure they are competitive and aligned with industry standards. Moreover, the terms and conditions outlined in the Proposed Contract have been scrutinized and found to be consistent with the Puerto Rico Electric Public Policy. This alignment ensures that the Proposed Contract not only contributes to the island's energy needs but also support the broader goals of sustainability, resilience, and affordability. Based on these findings, the Energy Bureau **APPROVES** the Proposed Contract, finding that it represents an important step toward the continued modernization and strengthening of Puerto Rico's electric system while helping address the Island's urgent need for additional reliable generation capacity.

Notwithstanding that Yabucoa Energy complies with the applicable requirements, the Energy Bureau **ORDERS** that the actions set forth below be undertaken.

(1) Degraded Energy

The Energy Bureau notes that the technical and commercial information submitted in support of the Proposed Contract, including the Operating Characteristics reflected in the proposal evaluated during the procurement process, did not contemplate any reduction in the Yabucoa Energy Project's contracted energy capability over the term of the agreement. Rather, the proposal reflected that the Yabucoa Energy Project would maintain its contracted energy capability throughout the contract term, and the proposal was evaluated, negotiated, and ultimately selected based on those operating characteristics.

The Energy Bureau further notes that Appendix J submitted as part of the Proposed Contract includes provisions reflecting degradation of the Yabucoa Energy Project's energy storage capability over time, including references to degraded duration energy and related degradation parameters. These provisions contemplate a progressive reduction in the maximum energy available for discharge during the contract term, thereby modifying the operational characteristics of the Yabucoa Energy Project from those reflected in the proposal upon which the procurement evaluation was based.

The Energy Bureau observes that the introduction of an energy degradation profile affects a fundamental performance characteristic of the BESS facility, namely, the amount of energy (MWh) that the Yabucoa Energy Project is contractually required to deliver over the term of the agreement. Such a modification may materially reduce Yabucoa Energy's obligation to maintain the originally proposed energy capability and, among other things, may diminish or defer the need for future augmentation or replacement of battery components necessary to preserve such capability. As such, the inclusion of an energy degradation profile is not merely a technical clarification but a substantive modification to the operational characteristics of the Yabucoa Energy Project.

The Energy Bureau further notes that the record does not demonstrate that the inclusion of an energy degradation profile formed part of the proposal submitted by Yabucoa Energy or of the commercial and technical terms evaluated during the procurement process. Nor does the record contain any explanation or justification demonstrating that the inclusion of such degradation was intended as part of the original proposal or otherwise formed part of the proposal evaluated by PREPA during the procurement process. Accordingly, the Energy Bureau finds that the Proposed Contract should accurately reflect the operating characteristics upon which the proposal was submitted, evaluated, negotiated, and ultimately recommended for approval.

Therefore, the Energy Bureau **ORDERS** that Appendix J (Operating Characteristics) of the Proposed Contract be modified to reflect that the Yabucoa Energy Project does not contemplate energy degradation over the term of the Proposed Contract. Accordingly, any reference to degraded duration energy, degraded storage energy, or any other provision reflecting energy degradation shall be removed from Appendix J and from the remainder of the Proposed Contract, as necessary, to ensure consistency with the proposal submitted by Yabucoa Energy and the commercial and technical terms upon which the Yabucoa Energy Project was evaluated.

(2) Yabucoa Energy Project Location

The proposal submitted by Yabucoa Energy identifies the Yabucoa Energy Project as being located at the former Shell refinery in the Municipality of Yabucoa. However, the Proposed Contract contains references in various provisions to a different project location and facility name. These inconsistencies must be corrected to ensure that the Proposed Contract accurately reflects the location and identity of the proposed project.

Accordingly, the Energy Bureau **ORDERS** PREPA and Yabucoa Energy to revise the Proposed Contract to ensure that the definitions of "Facility" and "Site" set forth in Section 1.1 correctly identify the name and location of the Yabucoa Energy Project. PREPA and Yabucoa Energy **SHALL** also revise any provision, appendix, exhibit, schedule, or other reference that is inconsistent with the correct project location or identity to ensure consistency throughout the Proposed Contract.

IV. Confidential Designation and Treatment

Act 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.[13] Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".[14] In such case, the Energy Bureau "shall grant such protection **in a manner that least affects the public interest, transparency**, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted."[15]

Upon review of PREPA's arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to Exhibit included as part of the July 2 Motion.

V. Conclusion

For all the above, the Energy Bureau **APPROVES** the Proposed Contract, subject to the modifications established in **Part III(E)** of this Resolution and Order, recognizing its contribution to the Island's sustainability, resilience, and affordability objectives. The parties shall have a period of **ten (10) days** from the filing in the record of a copy of the notice of this Resolution and Order to submit to the Energy Bureau the contract modifications identified in Part III(E) of this Resolution and Order.

The Energy Bureau **WARNS** PREPA that, in accordance with Art. 6.36 of Act 57-2014, non-compliance with this Resolution and Order may carry the imposition of fines.

Be it notified and published.

[13] Section 6.15 of Act 57-2014.

[14] *Id.*

[15] *Id.* (Emphasis added).

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NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
DE PUERTO RICO

Edison Avilés Deliz
Chairman

Ferdinand A. Ramos Soegaard
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on July 20, 2026. Associate Commissioners Lillian Mateo Santos and Sylvia B. Ugarte Araujo did not intervene. Also certify that on July 20, 2026. I have proceeded with the filing of this Resolution and was notified by email to: alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net.

I sign this in San Juan, Puerto Rico, today July 20, 2026.

Sonia Seda Gaztambide
Clerk

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