

(S. B. 1166)

(No. 152-2014)

(Approved September 8, 2014)

AN ACT

To amend subsection (a) of Section 6.1; subsection (c) of Section 6.16; Section 6.20; and subsection (a) of Section 6.27 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act”; amend subsection (z) of Section 6 of Act No. 83 of May 2, 1941, as amended, for the purpose of providing for disbursements and the custody of the resources that the Electric Power Authority is required to provide to the Energy Commission; clarify the bill reviewing process; make viable the swift approval of the regulations required; establish the autonomy of the Energy Commission; and provide the Authority with better tools to collect delinquent debts from agencies and public corporations; among other purposes.

STATEMENT OF MOTIVES

The legal and regulatory framework for a comprehensive energy reform in Puerto Rico was established with the approval of Act No. 57-2014. An important component of said reform is the Energy Commission, an independent entity responsible for overseeing, and making viable, the changes necessary for our island to be at the forefront in energy matters. Section 6.16 of Act No. 57-2014 establishes the financing mechanism for the operating expenses of the Commission. This legislation clarifies the date on which the resources that will allow the Commission to begin operations swiftly and efficiently shall be available.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection (c) of Section 6.16 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.16.- Budget and Regulatory Fees.

(a) ...

(b) ...

(c) Every year, PREPA shall set aside five million eight hundred thousand dollars (\$5,800,000) from its income to be transferred to a special account created in the Department of the Treasury to defray the operating expenses of the Energy Commission. The Authority shall annually remit from these resources the sum of two million, nine hundred thousand dollars (\$2,900,000) to the Department of the Treasury on or before July 15th. The balance of the two million, nine hundred thousand dollars (\$2,900,000) shall be remitted to the Department of the Treasury on or before December 15th of each year. However, on Fiscal Year 2014-15, the Authority shall pay the first installment of the annual fee, in the amount of two million, nine hundred thousand dollars (\$2,900,000), within ten (10) days after the approval of this Act. Before making any other payment and as a matter of priority, the Authority shall set aside said funds from the eleven percent (11%) set forth in subsection (b) of Section 22 of Act No. 83 of May 2, 1941, as amended. If the funds are not available, either in whole or in part, in the aforementioned eleven percent (11%) item, the Authority shall set aside the first income it receives until the deadline set forth in this Section for issuing the payment to the Commission; such payment shall have priority over any other payment or obligation of PREPA.”

Section 2.- The Department of the Treasury and the Office of Management and Budget shall be the custodians of the funds to be allocated by the Electric Power Authority pursuant to Section 6.16 of Act No. 57-2014 until the Energy Commission is constituted.

Section 3.- Section 6.20 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended, to read as follows:

“Section 6.20.- General Provisions on Administrative Procedures.

Any process for which this Act does not specifically provide, shall be governed by Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act.” By virtue thereof, the Uniform Administrative Procedures Act of Puerto Rico shall govern all procedures for the adoption of regulations, adjudicative procedures, judicial review, as well as the procedures to grant franchises, certifications, complaints of subscribers and between electric power companies, and the procedures to conduct inspections. Provided, that, given the Commission’s compelling need to start operations, the mechanism established in Section 2.13 of the Uniform Administrative Procedures Act of Puerto Rico may be used to adopt the first regulations of the Energy Commission, without the need for the Governor to issue any certification. As set forth in the aforementioned Act, the decisions and orders of the Commission shall be subject to review by the Court of Appeals of Puerto Rico.”

Section 4.- Subsection (a), of Section 6.27, of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended, to read as follows:

“Section 6.27.- Procedure to Request Review of Electricity Bills and Rules for Service Suspension.

(a) Before resorting to the Energy Commission to request review of an electricity bill, every person shall exhaust, before the certified electric power service company that issued the same, the informal administrative procedure established in this Section and in the regulations adopted by the Commission. The provisions of

Chapter III of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” shall not apply to this informal administrative process.

(1)...”.

Section 5.- The Department of the Treasury, the Office of Management and Budget, and the Training and Labor Affairs Advisory and Human Resources Administration Office (Spanish acronym: OCALARH), shall offer their services to the Energy Commission, and shall provide it with any administrative support needed and requested until the Energy Administration established in Act No. 57-2014 is constituted and begins operations.

Section 6.- Subsection (a) of Section 6.1 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended, to read as follows:

“Section 6.1.- Creation of the Puerto Rico Energy Administration and the Puerto Rico Energy Commission.

(a) The Puerto Rico Energy Administration (PREA), hereinafter the “Administration” or “PREA,” is hereby created as an independent and autonomous government entity to provide support to the Puerto Rico Energy Commission (PREC), the Commonwealth Energy Public Policy Office (CEPPO), and the Independent Consumer Protection Office (ICPO). Moreover, the Puerto Rico Energy Commission, hereinafter the “Energy Commission” or “Commission,” is hereby created as an independent regulatory entity in charge of regulating, overseeing, and ensuring compliance with the public policy on energy of the Commonwealth of Puerto Rico.”

Section 7.- Subsection (z) of Section 6 of Act No. 83 of May 2, 1941, as amended, amended by Section 2.6 of Act No. 57-2014, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended, to read as follows:

“Section 6.- Powers.

(a) ...

(b) ...

...

(z) The Executive Director or officer designated by him shall adopt regulations for the collection of delinquent debts from agencies and public corporations. These regulations shall include among its payments options, the establishment of payment plans with reasonable and viable terms. It shall also consider the suspension of the electric power service to the public corporation in default for repeated nonpayments, except in those facilities where essential public services may be affected by the loss of service.”

Section 8.-Efectivness.

This Act shall take effect immediately after its approval. Sections 6.27 and 7.02 of Act No. 57-2014, shall take effect on the date on which the regulations of the Energy Commission regarding the procedures for reviewing electricity bills become effective.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 152-2014 (S. B. 1166)** of the **17th Regular Session** of the **4th Legislative Assembly of Puerto Rico**:

AN ACT to amend subsection (a) of Section 6.1; subsection (c) of Section 6.16; Section 6.20; and subsection (a) of Section 6.27 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act”; amend subsection (z) of Section 6 of Act No. 83 of May 2, 1941, as amended, for the purpose of providing for disbursements and the custody of the resources that the Electric Power Authority is required to provide to the Energy Commission; clarify the bill reviewing process; make viable the swift approval of the regulations required; establish the autonomy of the Energy Commission; and provide the Authority with better tools to collect delinquent debts from agencies and public corporations; among other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 19th day of October, 2017.

Orlando Pagán-Ramírez
Acting Director