

(H. B. 1408)
(Conference)

(No. 211-2018)

(Approved August 12, 2018)

AN ACT

To enact the “Act for the Implementation of the Puerto Rico Public Service Regulatory Board Reorganization Plan,” in order to adjust the code of laws in effect to the provisions of said plan; amend Sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 19, 23, 28, 30, 34, 35, 36, 37, 49, 52, 55, 59, 68, 69, 76, 84, 85, and 89; repeal Section 5 and substitute it for a new Section 5 in Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act”; amend Section 3 of Chapter I, amend Sections 3, 7, 9, 10, and 11 of Chapter II; amend Sections 7 and 10 of Chapter III; amend Section I of Chapter IV; repeal Sections 2 and 4 of Chapter II and substitute them for new Sections 2 and 4 in Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996”; amend Sections 1.3, 4.1, 6.1, 6.2, 6.3, 6.4, 6.10, 6.11, 6.12, 6.18, 6.20, 6.23, 6.28, 6.30, 6.37, and 6.40; repeal Sections 6.41 and 7.01; amend and renumber Section 6.42 as 6.41; renumber Sections 6.43, 6.44, 7.02, 7.03, 7.04, 7.05, and 7.06 as Sections 6.42, 6.43, 7.01, 7.02, 7.03, 7.04, and 7.05 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act”; amend Section 2(d) of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act”; and for other related purposes.

STATEMENT OF MOTIVES

Leading Puerto Rico in the right path requires a paradigm shift, such as that proposed by this Administration in the Puerto Rico Socioeconomic Transformation Model included in the Plan for Puerto Rico. The Plan for Puerto Rico seeks to implement a new Government structure that significantly reduces public spending and substantially improves government functions. To achieve this, services provided by the government must be thoroughly assessed in order to determine which services may be consolidated, delegated to the private sector, or eliminated for they are no

longer necessary. Our goal is to avoid dismissing public employees, and move them according to our People's needs for services. In turn, the certified Fiscal Plan ratifies our commitment to reform the government apparatus thus eliminating obsolete, inefficient, or redundant structures and achieving transparency and efficiency.

Since January 2, 2017, we have been implementing a systematic plan to control government spending, reactivate our economy, and allow for the conditions to create more and better jobs in the private sector. We are showing the world that Puerto Rico is open to do business in a safe and stable governmental environment. The measures introduced by the Governor and approved by this Legislative Assembly during the first year of his administration have changed the course of the Government of Puerto Rico and have set it on a path of fiscal responsibility, but there is still much to do. Together, we are honoring our commitment at a fast pace and moving Puerto Rico towards stability.

Furthermore, in view of Puerto Rico's serious economic and fiscal emergency situation, it is necessary to approve this Act by virtue of the Police Power and in accordance with Sections 18 and 19 of Article II and Sections 7 and 8 of Article VI of the Constitution of Puerto Rico in order to achieve a more efficient and less costly Government. We exercise this Police Power to take the necessary measures and set Puerto Rico on the path of financial recovery.

In accordance with the foregoing, last December 18, 2017, the Governor of Puerto Rico, the Hon. Ricardo Roselló-Nevares, signed the "New Government of Puerto Rico Act," which became Act No. 122-2017. Pursuant to Act No. 122-2017, the Governor submitted to the Legislative Assembly a reorganization plan that provides for the creation of the Puerto Rico Public Service Regulatory Board (PSRB) in an effort to consolidate under a new administrative and operational structure the Telecommunications Regulatory Board, the Public Service Commission, the Independent Consumer Protection Office, the Puerto Rico Energy Administration,

and the Energy Commission. Upon the approval of the Reorganization Plan submitted by the Governor, in accordance with Section 2.05 of Act No. 122-2017, this Legislative Assembly promulgates this Act to repeal and/or adjust any laws or parts thereof that were affected by such Reorganization Plan.

A new administrative model is necessary to allow for a better use of human capital and fiscal resources. The PSRB shall operate as an independent entity and shall be vested with the necessary capacity and powers to enforce this Act and the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. This Act shall allow for the integration of government activities relating to essential public services under a single entity directed by a collegial body whose principal mission is to regulate, oversee, and administer the consolidated instrumentalities as efficiently as possible.

Lastly, as stated in the approved Reorganization Plan, this Act does not seek to change the public policy of the Government of Puerto Rico on this subject. Its main intent is to adjust the code of laws in effect to the new organizational and administrative structure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

CHAPTER I: GENERAL PROVISIONS

Section 1.- Title.

This Act shall be known as the “Act for the Implementation of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.”

Section 2.- Purpose and Scope.

The purpose of this Act is to implement and enforce the Reorganization Plan of the Puerto Rico Public Service Regulatory Board (Reorganization Plan) adopted and approved by the Legislative Assembly under Act No. 122-2017, known as the “New Government of Puerto Rico Act.” The implementation of the Reorganization

Plan shall adhere to the general principles and purposes of Act No. 122-2017, as stated by the Legislative Assembly in this Act.

Section 3.- The Board and its Chair.

The Public Service Regulatory Board and the Chair thereof are hereby empowered to take actions as are necessary to implement the Reorganization Plan of the Puerto Rico Public Service Regulatory Board and the amendments contained herein. Both the Board and its Chair shall have all the necessary powers and authorities to implement the Reorganization Plan in accordance with this Act.

Section 4.- Public Policy.

This Act does not change, modify, or alter the public policy set forth by the Legislative Assembly in the laws being amended. Any changes to the public policy set forth by law shall require the filing of a new bill.

Section 5.- Compliance with Act No. 122-2017.

The implementation of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board shall adhere to the general guidelines and principles established in Act No. 122-2017, known as the “New Government of Puerto Rico Act.”

Section 6.- Definitions.

For purposes of this Act, the following terms shall have the meaning stated below, unless the context clearly indicates otherwise:

(a) “Executive Director” - Means the Director appointed by the Chair of the Public Service Regulatory Board by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, in charge of assisting the Chair in the administration of the Board.

(b) “Board” or “PSRB” - Means the Puerto Rico Public Service Regulatory Board created under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(c) “Bureaus”- Means the Energy Bureau, the Telecommunications Bureau, the Transport and other Public Services Bureau, created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(d) “TEB” - Means the Puerto Rico Telecommunications Bureau.

(e) “PREB”- Means the Puerto Rico Energy Bureau.

(f) “TPSB”- Means the Puerto Rico Transport and other Public Services Bureau.

(g) “Plan”- Means the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(h) “Chair”- Means the Chair of the Puerto Rico Public Service Regulatory Board by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Section 7.- Budget and Other Funds.

The Chair of the PSRB, in conjunction with the Commissioners of the Bureaus, shall prepare, administer, request, process, receive, and draw up the budgets of the Bureaus, as well as determine the use and control of the equipment, materials, and any transferred property, respecting the operational and functional independence of the Bureaus at all times.

All funds available, regardless of their nature, originating from the budgets, powers, and/or functions of the Bureaus which are transferred herein to the Board for the administration thereof shall be used to defray the operating expenses of the Board and each one of the Bureaus, in accordance with the purposes for which they were allocated, subject to the terms, restrictions, limitations, and/or requirements imposed thereon by the applicable state or federal laws.

Beginning Fiscal Year 2018-2019, and thereafter, the Chair, in conjunction with the Executive Director and the Commissioners of each Bureau shall draw up the annual budget of the Bureaus. The Executive Director shall submit the budget of the Bureaus to the Office of Management and Budget and the Legislative Assembly for the inclusion and approval of their budget allocations.

Section 8.- Transfer of Powers to the Bureaus.

The powers and authorities that were exercised, and the duties that were discharged by the Presidents or Heads by virtue of the respective organic acts of the instrumentalities that shall become Bureaus of the Board are hereby delegated exclusively to the Presidents of the Bureaus, upon the approval of this Act.

All of the services that were formerly rendered by the instrumentalities that are now part of the Board shall be likewise rendered by the Bureaus.

Section 8 A.- Executive Director.

The Executive Director of the PSRB, who shall be appointed by the Chair of the PSRB, shall discharge his functions pursuant to the Plan, this Act, and any other applicable law. The Executive Director shall be a citizen of the United States of America and a resident of Puerto Rico. Furthermore, he shall be of legal age, have recognized professional capacity, be of moral probity, have knowledge and experience in the field of public administration and government management, and have a college education as well as experience on matters under the jurisdiction of at least one of the bureaus attached to the PSRB. This shall be an at-will trust position.

Section 8B.- Members of the Public Service Regulatory Board.

The Board shall be composed of two (2) associate members and one (1) Chair, all of which shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico, and may only be dismissed for just cause. Initially, the Chair shall hold office for a term of six (6) years and the associate

members shall hold office for a term of three (3) and two (2) years, respectively. The members of the PSRB who are the successors of the Chair and the associate members shall hold office of a term of four (4) years. The members of the Board shall be citizens of the United States of America and residents of Puerto Rico, of legal age, have recognized professional capacity, be of moral probity, have knowledge and experience in the field of public administration and government management, and have a college education as well as experience on matters under the jurisdiction of at least one of the regulatory instrumentalities consolidated in the Plan. However, one of the members shall have experience on matters under the jurisdiction of the Energy Bureau.

The Chair and the two (2) associate members shall discharge all of their functions pursuant to the Plan, this Act, and any other applicable law.

Section 9.- Administrative and Judicial Review Procedures of the Bureaus.

A party adversely affected by an order, resolution, decision, or final determination by the Telecommunications Bureau or the Transport and other Public Services Bureau created by virtue of the Plan may file a petition for administrative review with the Public Service Regulatory Board, or with the Court of Appeals. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless jurisdiction has been granted by a law of the Government of the United States of America to any federal agency or entity or to the U.S. District Court for the District of Puerto Rico. The petition for review shall be filed in accordance with Act No. 38-2017, known as the “Government of Puerto Rico Uniform Administrative Procedure Act,” and with the rules of the Court of Appeals adopted for such purposes, as the case may be. The resolutions or decisions of the Public Service Regulatory Board shall be deemed to be final determinations of the Bureaus.

If a party adversely affected by an order, resolution, decision, or final determination of the Public Service Regulatory Board has filed a petition for review with said forum, pursuant to this Section, such party may file a petition for review with the Court of Appeals. The petition shall be filed in accordance with Act No. 38-2017, as amended.

A party adversely affected by an order, resolution, decision, or final determination of the Energy Bureau created by virtue of the Plan may only file a petition for review with the Court of Appeals of Puerto Rico.

Section 9 A.- Reviewing Authority of the Public Service Regulatory Board.

The reviewing authority of the Public Service Regulatory Board shall be exercised by the chair and the two (2) associate members of such entity as a collegial body. If the chair is unable to exercise its reviewing authority in a particular case or matter by reason of disqualification or illness, the Executive Director shall substitute him in such case or matter only.

CHAPTER II: TRANSPORT AND OTHER PUBLIC SERVICES BUREAU

Section 10.- Section 2 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 2.- Definitions.

For purposes of this Act, unless the text clearly indicates another construction, the following words or terms shall have the meaning stated hereinbelow, and the words used in the singular form shall include the plural form and vice versa:

(a) ...

(b) **Tourist Transport Areas or Zones.-** Geographic area that may be designated and delimited by the President of the Transport and other Public Services Bureau (TPSB) as areas of recognized tourist significance for their historical, cultural, recreational, geographic, educational, or socioeconomic characteristics, among others, but not limited to the thoroughfares of Puerto Rico, in order to render

tourist ground transportation services. The President of the TPSB may consult with the Institute of Puerto Rican Culture, the Tourism Company, and any other entity it deems appropriate in order to designate such areas.

(c) Authorization.- Includes any license, permit, franchise, concession, power, right, privilege, and temporary permit of any kind, issued by the Transport and other Public Services Bureau or by the extinct Executive Council. The use of any of these terms individually or jointly with one or more of them does not have the purpose of excluding the others. Any natural or juridical person regulated by the Transport and other Public Services Bureau, including commercial motor vehicles, shall be required to hold an authorization issued by the TPSB it, to be allowed to operate in Puerto Rico.

(d) Holder of an Authorization.- Any natural or juridical person that has obtained a valid authorization to offer any of the services regulated by the Transport and other Public Services Bureau.

(e) Transportation Network Operator (TNO).- A natural person, independent from the TNC, who is authorized by the TPSB and drives a TNC-affiliated vehicle.

(f) Commission.- Means the Transport and other Public Services Bureau (TPSB) created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. Any reference made in this Act to the 'Public Service Commission or Commission,' shall be construed as a reference to the Transport and other Public Services Bureau or TPSB.

(g) Commissioners.- Means the persons appointed by the Governor to constitute the Transport and other Public Services Bureau, under the provisions of this Act and the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(h) Public Service Company ...

- (i) Corporation ...
- (j) Transportation Broker.- Includes any person, except travel agencies and those included within the term public carrier and bona fide employees or agents of such public carriers, who, as principal or agent, engages in the sale or offering for sale of any kind of transportation subject to the jurisdiction of the TPSB, or undertakes negotiations, or offers through solicitation, advertisement or otherwise, to sell, provide, furnish, or contract or arrange for, transportation.
- (k) Evidence of Indebtedness...
- (l) Motor Vehicle Freight Transportation Enterprise...
- (m) Dry Dock Company...
- (n) Electric Energy Company...
- (o) Company for the Bottling, Sale, Repair and Reconstruction of Liquid Petroleum Gas Cylinders...
- (p) Railroad Company ...
- (q) Nuclear Power Plant ...
- (r) Gas Company ...
- (s) Moving Company ...
- (t) Toll Bridge Company ...
- (u) Company for the Service and Sale of Taximeters ...
- (v) Freight Transport Company ...
- (w) Transportation Network Company (TNC) ...
- (x) Passenger Transport Company ...
- (y) Maritime Transport Company ...
- (z) Air Transport Company ...
- (aa) Tourist Transport Company ...
- (bb) Car Rental Company ...
- (cc) Private Vehicle Company Engaged in Trade ...

(dd) Equipment ...

(ee) Inspection.- Procedure carried out for the verification of the mechanical and physical conditions of motor vehicles authorized to render a public service, and commercial transport vehicles. This procedure shall be carried out in the facilities authorized for such purposes or by the TPSB Inspectors, in addition to the examination of the facilities and installations of any person under the jurisdiction of the TPSB, as well as any books, registries, documents, and accounts to ensure compliance with the laws and regulations promulgated, and the orders issued under the jurisdiction of the TPSB.

(ff) Inspector.- Law Enforcement Officer in charge of conducting interventions, inspections, surveillance, and investigations, and ensuring compliance with the laws and regulations under the jurisdiction of the TPSB, including this Act, Act No. 22-2000, as amended, and any other applicable law.

(gg) Board or PSRB.- Means the Puerto Rico Public Service Regulatory Board created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(hh) For Pay ...

(ii) Public Convenience and Necessity.- The actual public benefit, in general, in the broadest sense, of granting an authorization. It shall be understood that, if the service is governed by a regulation approved by the TPSB, such service is necessary and convenient for the public in general.

(jj) Officer ...

(kk) Dock Operator ...

(ll) Person ...

(mm) Plant ...

(nn) Contract Carrier ...

(oo) Public Carrier ...

(pp) Practices ...

(qq) President.- Means the President of the Transport and other Public Services Bureau (TPSB) created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(qq) Digital Network.- Means any mobile application, computer software, webpage, or other system used by a TNC to allow the people to contract the services of a TNO or a holder of an authorization of the TPSB.

(rr) Rule.- Means any rule, regulation, standard, declaration of policy of general application, or general order having force of law, including any amendment thereto or repeal thereof, issued by the TPSB to render effective, construe, or make specific the legislation enforced or administered by the TPSB. Said term does not include bylaws or orders issued by the President of the TPSB for the internal administration of the TPSB which do not affect private rights or interests.

(ss) Service ...

(tt) Transport Network Services (TNS) ...

(uu) Tariff ...

(vv) Transportation of Property ...

(ww) Passenger Conveyance ...

(xx) Motor Vehicle...

(yy) Commercial Motor Vehicle for Commercial Transport Vehicle..."

Section 11.- Section 4 of Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act," is hereby amended to read as follows:

"Section 4.- Name and Seal.

The agency in charge of enforcing this Act shall be known as the Puerto Rico Transport and other Public Services Bureau. All orders and authorizations shall be issued in the name of the Puerto Rico Transport and other Public Services Bureau, and all proceedings instituted by the Bureau shall be in the name of the Government

of Puerto Rico. It shall have an official seal bearing the words ‘Puerto Rico Transport and other Public Services Bureau’ and its design shall be that prescribed by the Bureau. With it, the Bureau shall authenticate its proceedings, and the courts shall take judicial notice thereof.”

Section 12.- Section 5 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby repealed and substituted for a new Section 5 to read as follows:

Section 5.- Commissioners of the Bureaus

The Transport and other Public Services Bureau shall be composed of three (3) Commissioners, one (1) of which shall be its President, to be appointed by the Governor with the advice and consent of the Senate. The Commissioners may only be removed from office for just cause. In the event of vacancy, the Commissioners may appoint an acting commissioner who shall hold such office until a successor is appointed by the Governor with the advice and consent of the Senate. The Commissioners shall earn a salary equal to that of a superior judge of the Court of First Instance.

The President and the Associate Commissioners shall be citizens of the United States of America. Of the three (3) Commissioners, one (1) shall be a professional engineer in Puerto Rico; one (1) shall be an attorney admitted to the Bar in Puerto Rico; and another shall be a professional with a master’s degree or a professional with ten (10) years of experience in the field of public transportation.

The Transport and other Public Services Bureau shall be directed by a President who shall be in charge of daily operations. The President shall supervise all employees and officials of the TPSB and may assign the Associate Commissioners to discharge the adjudicative, quasi-legislative, or operational functions of the agency or any other duty necessary and incidental to the authorities and powers conferred by this Act. The President shall supervise the assigned tasks

and may, at his discretion, convene the Bureau into units for the evaluation and adjudication of any application or to address any other matter pertinent to the duties of the TPSB. The President shall adopt regulations as are necessary to comply with the precepts of this Act and may delegate to the Commissioners those supervisory tasks he deems necessary to achieve the purposes of this Act.

The President and the Associate Commissioners appointed by virtue of the “Act for the Implementation of the Puerto Rico Public Service Regulatory Board Reorganization Plan,” shall initially hold office as follows: the President shall hold office for a term of six (6) years and the Associate Commissioners for a term of four (4) and two (2) years, respectively. Their successors shall be appointed for a term of six (6) years. Any person chosen to fill a vacancy shall be appointed only for the remainder of the unexpired term of his predecessor. Upon the expiration of the term of office, the Board members may continue discharging their duties until their successor are appointed and take office.

The Commissioners shall not have a direct or indirect interest in, or a contractual relation with, any public service company or contract carrier under the jurisdiction of the TPSB, or in entities within or outside of Puerto Rico affiliated to, or with interest in said public service companies or contract carriers. No Commissioner may participate in any matter or dispute in which a party to such matter or dispute is a natural or juridical person with whom he has had a contractual, professional, work, or fiduciary relationship within two (2) years before his appointment. Furthermore, no Commissioner shall represent, after ceasing his functions in the TPSB, any person or entity before the TPSB with regard to any matter in which he participated while in the service of the TPSB and for two (2) years following his separation from said office regarding any other matter. The Commissioners’ activities during and after the expiration of their terms shall be

subject to the restrictions provided in Act No. 1-2012, as amended, known as the ‘Organic Act of the Puerto Rico Government Ethics.’”

Section 13.- Section 6 of Act No. 109 of June 28, 1962, as amended, is hereby amended to read as follows:

“Section 6.- *Quorum.*

Two (2) members of the TPSB shall constitute a quorum at a meeting of the TPSB assembled as a whole. The President, at his discretion, may participate in a meeting where a determination is being made with regards to any matter.”

Section 14.- Section 7 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 7.-Delegation of Functions

(a) The President may order any matter to be assigned or referred to one or more Associate Commissioners or to one or more employees or hearing officers, who shall be designated in said order, and have all the powers set forth in subsection (c) of this Section.

(b) Any person aggrieved by any action taken in accordance with any order assigning or referring, may file a petition for review with the TPSB within such time and in such manner as the TPSB may prescribe by regulation. If the petition is granted, the TPSB may uphold, modify, or render ineffective such action, or may order the holding of a new hearing. The functions delegated by the President shall be performed within the term provided by him.

(c) Hearing officers shall have authority to:

- (1) administer oaths and take statements;
- (2) issue summonses;
- (3) receive and pass upon pertinent evidence;
- (4) take or cause depositions to be taken;
- (5) preside over and regulate the course of the hearing;

(6) hold conferences to simplify matters upon consent of the parties (to this end the Bureau of Legal Affairs of the TPSB shall be deemed to be a party);

(7) dispose of proceedings or similar matters; and

(8) propose decisions to the President or the person to whom he delegates the adjudication, in accordance with subsection (d) of this Section.

(d) The President is hereby empowered to delegate the power to settle disputes under the jurisdiction of the TPSB to one or more Commissioners. The President may also delegate the authority to settle disputes to other officials or employees of the TPSB who are attorneys duly admitted to the Bar in Puerto Rico.

(e) Any Commissioner or employee of the TPSB designated to preside over a hearing or inquiry shall have the same powers provided to hearing officers in subsection (c) of this Section.

(f) The following powers and duties shall be delegated to the directors of the regional offices or to the personnel of Integrated Service Centers (ISC) as designated by the President:

(1) Granting of extensions for inspection.

(2) Authorizing of license plate reinstatement.

(3) Authorizing applications to render ineffective substitutions, exchanges, or any other procedure delegated to the regional offices.

(4) Approving of the substitution of vehicles within the authorized term.

(5) Authorizing the exchange of routes and vehicles.

(6) Renewing authorizations.

(7) Issuing certifications of additions to rental cars.

(8) Administering oaths.

(9) Issuing summonses.

(10) Imposing civil fines within the established criteria.

(11) Issuing authorizations to change license plates.

(12) Authorizing the transfer of authorizations and/or units and ratify the substitutions for, and reinstatement of, license plates.

(13) Issuing Temporary Special Permits (Temporary Permits) for services regulated by regulations. This Special Permit shall be issued at the request of a person who meets all of the requirements prescribed through regulations for the petition for an authorization, and upon filing a Sworn Statement attesting that such person has never had an authorization cancelled by the TPSB, nor has been a member of the board of a juridical person that has had an authorization cancelled. In addition, the appropriate fee shall be paid in accordance with the procedure prescribed therefor through regulations by the TPSB. The President shall adopt rules as are necessary to exercise the powers conferred herein.”

Section 15.- Section 8 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 8.- Duties of the Secretary.

The Transport and other Public Services Bureau shall have a Secretary to be appointed by the President. It shall be his duty to keep the records of the TPSB and a true and correct account of all proceedings thereof. He shall be the custodian of the minutes and proceedings of the TPSB, and shall file and preserve all documents which may be entrusted to him, processing them as the TPSB may direct. Moreover, the Secretary may issue certifications of the records of the TPSB.

Under the direction of the President, the Secretary shall serve notice of all determinations, resolutions, and orders that are not served electronically. He shall prepare for service such documents and notices as required by the President or the TPSB, and shall perform such other duties as the TPSB may prescribe. He shall be empowered to administer oaths in all proceedings before the TPSB.

Whenever necessary, the President, shall designate the Secretary or any other employee to act as disbursing officer and collector of the TPSB with respect to

procurements, disbursements, and collections. Before discharging the duties of his office, he shall post a bond in favor of the Government of Puerto Rico in the amount of ten thousand dollars (\$10,000), conditioned on the faithful performance of his official duties. The premiums of such bond shall be paid from the funds appropriated to the TPSB.

The President shall designate an employee who shall serve as Secretary, in his absence, as well as one or more additional employees, as substitutes therefor. It shall be the duty of such employees to perform the duties of the Secretary in his absence, and such other duties as the President may determine. Such substitute employees, as well as the Secretary, shall be empowered to administer oaths in any proceeding before the TPSB.”

Section 16.- Section 9 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 9.- Personnel.

The President shall appoint experts, hearing officers, inspectors, administrative clerks, and other employees as are necessary. The employees of the TPSB, except for the President and Associate Commissioners, shall be subject to the provisions of Act No. 8-2017, as amended, known as the ‘Government of Puerto Rico Human Resources Administration and Transformation Act.’”

Section 17.- Section 10 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 10.- Inspections.

The inspectors of the TPSB are hereby authorized to conduct interventions, inspections, surveillance, and investigations in order to enforce the laws, regulations promulgated, and the orders issued under the jurisdiction of the TPSB.

Any inspections required through regulations shall be conducted in accordance with the procedure established by the TPSB and in the facilities

authorized in accordance with the regulations approved for such purposes. Until the TPSB approves regulations for such purposes, regulatory inspections pursuant to the regulations in effect as of the approval of this Act may be conducted at the Inspection Centers approved by the Secretary of the Department of Transportation and Public Works.”

Section 18.- Section 11 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 11.- Principal Office.

The principal office of the TPSB shall be in the Capital of Puerto Rico.”

Section 19.- Section 12 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 12.- Meetings.

The TPSB shall hold regular meetings at regular intervals at least twice a month in its offices. The President may, at his full discretion, call the Associate Commissioners for a meeting to evaluate any cases before the consideration of the TPSB, as well as any other matters he deems pertinent. Moreover, in such meetings, as called by the President, Associate Commissioners shall evaluate any proposal for a service that is not regulated by the TPSB.”

Section 20.- Section 13 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 13.- Notices and Document Management.

Whenever possible, notice of any determinations, resolutions, and orders of the TPSB shall be served electronically, whether by email or any other means, as prescribed by the TPSB through regulations. However, in the event that the electronic service of any document is not possible, the TPSB shall serve notice thereof by regular or certified mail.”

Section 21.- Section 14 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 14.- General Powers

(a) The TPSB shall be empowered to grant all authorizations of a public nature for whose granting no other legal process has been established, including the right to use or cross public highways or public water riverbeds at grade, above grade or below grade, and to regulate public service companies, public carriers, and contract carriers, including the assignment of public vehicles which shall use parking lots (terminals) which are provided for passenger carriers by municipal legislatures or by the Department of Transportation and Public Works, which shall keep the TPSB informed of the existing or proposed parking lots (terminals) in order for the TPSB to be able to discharge such function, taking into consideration factors such as public peace, cooperation between carriers, and between these and the public, the parking lot (terminal) vehicle capacity and the facilities it provides for public service, among others.

The TPSB shall be empowered to regulate private vehicle companies engaged in trade, including commercial motor vehicles. These companies shall not be deemed to be Public Carriers. The TPSB shall be empowered to regulate, investigate, intervene, and sanction any person engaged in tourist transport services. Any person who wishes to engage in said tourist transport shall be required to follow the procedures provided in Sections 23 and 73 as well as any other regulatory provisions adopted by the TPSB for such purposes. The TPSB shall be empowered, for purposes of the implementation of this Act, to modify and/or eliminate tourist transport areas regardless of the tourist attraction zones established by the Puerto Rico Planning Board.

If there are tourist attraction areas, transport network companies (TNC) shall offer their services subject to the implementation of a mechanism that limits the availability of the service to persons who are residents of Puerto Rico.

In granting authorizations for public transportation, the TPSB shall consider the Transportation Plan prepared by the Secretary of the Department of Transportation and Public Works and approved by the Governor as one of the necessity and convenience criteria, as provided in Act No. 74 of June 23, 1965, as amended.

(b) The TPSB shall be further empowered to impose civil fines and other administrative sanctions under this Act, to conduct investigations and interventions; to require any type of information that may be necessary for the proper exercise of its powers; to direct or request the courts through the Public Interest Attorneys; to order the cease of activities or actions under Sections 51, 51A, or any other provision of this Act; to impose and order the payment of costs, expenses, and attorney fees; as well as the payment of expenses and fees for professional and advisory services, incurred in the investigations, hearings, and proceedings before the TPSB; and to order that any such actions be taken in compliance with the provisions of this Act.

(c) The powers and faculties provided in subsections (a) and (b) of this Section shall be enforceable not only with regard to public service companies, contract carriers, private vehicle companies engaged in trade, persons engaged in tourist transport, as defined in this Act, and entities acting as public service companies or contract carriers, but also with respect to:

- (1) Every person or entity who violates the provisions of this Act.
- (2) Every person or entity whose actions affect or may affect the rendering of any public service.
- (3) Every person or entity who is engaged in any activity that requires an authorization or endorsement issued by the TPSB.

(4) Every person or entity whose actions or omissions are detrimental to the activities, resources, or interests with regard to which the TPSB has regulatory, oversight, or surveillance powers.”

Section 22.- Section 16 of Act No. 109 of June 28, 1962, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 16.- New Rates or Charges; Suspension.

(a) Approval shall be requested from the TPSB for all new rates or rate modifications. The TPSB shall publish a notice of the request in a newspaper of general circulation in Puerto Rico, as well as on its website, and offer to all the parties affected an appropriate opportunity to be heard in the proceedings to be conducted, to determine whether the request shall be approved. The TPSB may issue an order, as appropriate, as if it were a procedure under Section 17 of this Act. With respect to transfers originating from the Luis Muñoz-Marín International Airport or from airport terminals or maritime terminals under the jurisdiction of the Ports Authority, located within tourist attraction areas, the fixed rates previously established by the Tourism Company shall remain in effect until the TPSB provides otherwise.

(b) The TPSB, when determining or prescribing just and reasonable rates, shall be empowered to consider among other things, the grade of efficiency, sufficiency, and adequacy of the available facilities and the services rendered. It may also consider the value of such services to the public and the potential of a public service company to improve said facilities and services. Subject to the provisions of subsection (a) of this Section, the TPSB shall allow for a just and reasonable profit on the just and reasonable basic rate determined and prescribed for a public service company.

(c) ...”

Section 23.- Section 19 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act” is hereby amended to read as follows:

Section 19.- Provisional Rates.

(a) In any proceeding involving the reasonableness of the rates of any public service company, the TPSB may, after providing the parties concerned with an adequate opportunity to be heard and, in those cases where, in its judgment, such action is required for the public benefit, fix provisional rates which shall be implemented by the public service company concerned, for as long as it is necessary, until a final determination of the rates that must be ultimately authorized or prescribed is made. When, in its judgment, the conditions which prevail in an enterprise are such as to require immediate action, the TPSB may waive the requirement of providing the parties with an opportunity to be heard, and make its determinations in accordance with the information available.

(b) The provisional rates thus prescribed shall be in effect until the final resolution of the rate proceeding. If after the rates are fixed, the TPSB or during a review the PSRB or the Court of Appeals finds that the provisional rates fixed by the TPSB are not just and reasonable, it shall allow the concerned public service company to recover through a temporary increase on the final rates, the amount that represents the difference between the gross income earned by reason of the temporary rates and the gross income which would have been earned had just and reasonable provisional rates been fixed.”

Section 24.- Section 23 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 23.- Application for Authorizations.

(a) Any application submitted to the TPSB shall be granted only when the TPSB determines that the granting or approval thereof is necessary or appropriate for the service, comfort, convenience, or safety of the public. The President,

Associate Commissioners or hearing officers to whom the President delegates, shall evaluate and grant any request application regulated by the TPSB and for which the holding of a public hearing is not necessary. If it warrants the holding of a public hearing, the President may delegate the holding thereof and the evaluation of the application to the Associate Commissioners or hearing officers or other employee or official of the TPSB.

(b) Except as provided further in this Section, no person shall begin operations as a public service company or contract carrier, nor shall continue to operate as such if he were already doing so, unless he holds a valid authorization from the TPSB for such operations. The TPSB may intervene with any person who, without holding a valid authorization, acts as a public service company or contract carrier, and may direct said person, after granting him an opportunity to be heard, to cease such operations.

(c) The TPSB may establish, for each trade, an optional procedure for applicants to file their application together with a request for a Temporary Special Permit (Temporary Permit) which, upon approval, shall be issued by the appropriate Regional Office or the personnel of the Integrated Service Centers (ISC), as designated by the President, or through the official website of the Government of Puerto Rico for permit integration, upon meeting all of the requirements established through regulations, filing the Sworn Statement, and paying the fee, while the TPSB evaluates the application for authorization. The term of validity of the Temporary Permit shall be established through regulations, and may not exceed one (1) year. The President shall provide the contents of the Sworn Statement, whose main purpose is to establish the reliability of the qualifications of the applicant, as well as any additional document or requirement deemed necessary, especially for the various regulated trades.

(d) All applications for authorization shall be made in writing and filed with the TPSB, with an Integrated Service Center (ISC), or through an official website of the Government of Puerto Rico for the integration of permits, and shall be made in such form and contain such information as the TPSB may by regulation prescribe. If the service proposed by the applicant is not regulated, proof of publication shall be required as prescribed by the TPSB through regulations. If the service proposed by the petitioner is regulated, the requirements of publication and service of notice to interested parties shall be waived, and the application shall be granted without holding a public hearing.

(e) If upon examining an application under this Section, the TPSB determines that the applicant is able and willing, and in a position to comply adequately with the applicable provisions of this Act, and meets the requirements and rules approved by the TPSB, and that present or future public necessity and convenience require or shall require the proposed operations to the extent that they are to be authorized, it shall authorize any or all parts of the operations covered by the application.

(f) If upon examining any application submitted under this Section the TPSB is unable to make a determination as required in subsection (e) of this Section, it shall so notify the applicant, stating the grounds and reasons for not being able to make the necessary determinations. The applicant shall then be provided a reasonable opportunity to answer such notice. If, upon considering the reply, the TPSB is still unable to make the determination as required in subsection (e) of this Section, it shall deny the application.

(g) The process to evaluate and grant applications for authorization with the TPSB is a licensure procedure rather than an adjudication procedure; hence, third-party intervention shall not be admitted.

(h) The TPSB may revoke or suspend any permit, authorization, or license issued under its jurisdiction due to a violation of the provisions of this Act or the regulations adopted thereunder.”

Section 25.- Section 28 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 28.- Approval by the Governor or the Board.

Authorizations of a public or quasi-public nature granted by the TPSB shall not be valid until approved by the Governor or the executive officer to whom he delegates.”

Section 26.- Section 30 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 30.- Authorizations Affecting Municipal Corporations

No authorization shall be granted which affects a municipality in the use of its streets or squares without providing the affected mayor or municipal legislature with an adequate opportunity to be heard. The TPSB shall have authority, after such hearing, to settle disputes between a municipality and a public service company or contract carrier, in relation to the use of the streets and squares of said municipality. The decision of the TPSB shall be final and subject to review only as provided in this Act.”

Section 27.- Section 34 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 34.- General Investigating Powers.

(a) The TPSB, its President, hearing officers, or employees duly authorized by the President shall have the powers established in subsection (l) of Section 6 of this Act, including the power to subpoena witnesses, administer oaths, examine witnesses, take testimony, or compel the production of books, papers, and documents as it may deem necessary and pertinent to any proceeding it conducts,

and take any actions in the exercise of its powers and duties. Whenever TPSB deems it necessary in the public interest, it may refrain from disclosing the facts or reports obtained in the course of any investigation.

(b) The TPSB may direct the public service companies or contract carriers concerned to pay the expenses and fees incurred for professional and advisory services in the investigations conducted, hearings held, or any other proceeding carried out with regard to such public service companies or contract carriers.

(c) The TPSB may direct any public service company or contract carrier to pay, in addition to the amount established in subsection (b) of this Section, any other expense incurred by the TPSB in the investigation of the books, accounts, practices, and activities of the company or carrier concerned; and any expense incurred in the investigations of the value of the profitable property and the property used by any public service company or contract carrier in the rendering of their services.

(d) The TPSB shall determine the time and manner in which payments shall be made upon approval of the invoices submitted by the persons rendering their services.”

Section 28.- Section 35 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 35.- Reports.

The TPSB, in accordance with the parameters established by the President, may require any public service company, contract carrier, and other persons subject to the jurisdiction thereof and this Act, to submit any reports it may determine. Likewise, any person who owns or holds a controlling interest in any public service company or contract carrier shall be subject to the jurisdiction thereof with respect to his relationship with said company.”

Section 29.- Section 36 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 36.- Rules.

The President shall adopt such rules as are necessary and convenient to exercise the powers granted herein to the TPSB, its Commissioners and officials, and/or to discharge its duties. Provided, that the President may authorize such rules or regulations so as to determine the conduct of the users of those modes of transportation regulated by the TPSB. These rules shall have force of law upon compliance with the provisions of Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’”

Section 30.- Section 37 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 37.- Enumeration of Powers Does Not Entail Limitation.

The enumeration of the powers of the TPSB made in this Chapter shall not entail the exclusion of any other powers thereof under other provisions of this Act.”

Section 31.- Section 49 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 49.- Procedure for Hearings

(a) Every hearing or investigation shall be instituted upon order of the TPSB. The order shall provide timely notice of:

- (1) The time when and the place where it shall be held;
- (2) the legal basis by virtue of which it is held; and
- (3) the findings of fact and conclusions of law on which the TPSB wishes to receive evidence or listen to reports.

Such order shall be served as provided in this Act. The order may be amended on motion or on petition of a party or of an intervener, filed pursuant to the rules of the TPSB. Intervention in the proceedings shall be allowed to those persons who might be adversely affected if the petition in question is granted, provided such persons file a motion to intervene in accordance with the rules of the TPSB.

(b) Every hearing held or investigation conducted by the TPSB shall be presided over by the President, hearing officer, or any person designated by the President, upon whom the powers provided in subsection (c) of Section (7) and Section 34 shall be conferred.

(c) All parties to a hearing or investigation shall have the right to present their case or defense through oral or written evidence, to submit rebuttal evidence, and to conduct such cross-examinations as may be necessary for a complete and true disclosure of the facts. In cases regarding the adoption of rules or the fixing of rates, or in such other cases as the TPSB may deem it desirable or practicable, the latter may adopt procedures for the presentation in writing of all or part of the evidence.

(d) The TPSB is hereby authorized to promulgate regulations for its proceedings.”

Section 32.- Section 52 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended and substituted for a new Section 52 to read as follows:

“Section 52.- Reconsideration.

The reconsideration of the decisions made by the TPSB shall be governed by the provisions of Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’ The request for reconsideration shall not exempt any person from complying with or adhering to any decision made by the TPSB, nor shall operate in any matter whatsoever so as to suspend or postpone the effective date thereof, unless upon a special order of the TPSB.”

Section 33.- Section 55 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended and substituted for a new Section 55 to read as follows:

“Section 55.- Review of Decisions.

(a) Any party to a proceeding under this Act who is adversely affected by the final order of the TPSB, may file a petition for review within thirty (30) days from the date of service of notice of decision, with the Public Service Regulatory Board or the Court of Appeals. The petition for review shall be filed and submitted in accordance with the rules in effect and with Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’”

(b) The cost of transcribing, preparing, and certifying the administrative record shall be paid to the TPSB by the petitioner. The TPSB may, by means of rules, provide for the compensation to be paid to the persons preparing the administrative record. The TPSB shall not be required to certify and deliver the administrative record to the court until the petitioner has first deposited in the Office of the Clerk of the TPSB the total cost of the preparation, transcription, and certification of such record, except in cases of insolvency duly proven before the TPSB.”

Section 34.- Section 59 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 59.- Basis for Writ of Review.

The writ of review shall be made on the basis of the administrative record of the proceeding before the TPSB and certified by the Secretary. Should any of the parties convince the court that new evidence has been discovered, after the hearing before the TPSB which could not have been obtained by due diligence, for use in said hearing, and which shall materially affect the merits of the case, the court may remand the case and record to the TPSB for the receipt of the evidence subsequently discovered. The TPSB may modify its findings of fact as a result of the additional evidence thus presented, and shall file with the court the new or modified conclusions, which, if supported by substantial evidence, shall be conclusive, as well as its recommendation, if any, to modify or to render ineffective the original

decision. Judgments issued by the Court of Appeals in these cases shall be subject to review by the Supreme Court of Puerto Rico, subject to the rules promulgated therefor by such Forum.”

Section 35.- Section 68 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 68.- Copies of Documents Admitted as Evidence.

Copies of all documents filed or deposited according to law in the Office of the Clerk and certified by the Secretary shall be admitted as evidence in like manner and with the same effect as the originals. This shall not apply to accident reports.”

Section 36.- Section 69 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 69.- Actions Prohibited.

(a) The President, the Secretary of the TPSB, the Associate Commissioners, and all officials and employees thereof are hereby prohibited from directly or indirectly soliciting from or suggesting or recommending to any person subject to the jurisdiction of the TPSB, or to any official or lawyer thereof, the appointment of any person to any office, position, job, or employment. Furthermore, any person subject to the jurisdiction of the TPSB and all officials and lawyers thereof, are hereby prohibited from offering the President, the Secretary, the Associate Commissioners, or any official or employee appointed to any office in the TPSB, any office, position, appointment, or job, or to offer or give the President, the Secretary, the Associate Commissioners, or any official or employee appointed to any office by the TPSB, any free pass or transportation, or any discount in fare to which the general public is not entitled, or free transportation of property, or any gift, gratification, favor, or present of any kind. If the President, the Secretary, the Associate Commissioners, or other person employed by the TPSB violates any of the provisions of this section, such person shall be removed from office. Any official,

employee, or agent of the TPSB who discloses any fact or information brought to his knowledge in the course of any inspection or examination of the property, accounts, records, or memoranda of any person or municipality subject to the jurisdiction of the TPSB, except as ordered by the TPSB or a court, or as authorized by law, shall be guilty of a misdemeanor.

(b) ...”

Section 37.- Section 76 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 76.- Requirements, Duties, and Responsibilities of a TNO.

A. Beginning on January 1, 2018, the TNC shall require any individual who wishes to become a TNO and have access to the digital platform, to provide the authorization issued by the TPSB.

The TPSB, shall guarantee the implementation of an electronic system that integrates these authorizations and allows for the immediate issuance of Special Temporary Permits to petitioners who meet all the requirements of Section 73(c) of this Act.

...

B. ...

(a) ...

(f) No TNO shall engage in any other service regulated by the TPSB, unless such TNO is authorized therefor, and in the case of a commercial transport service, unless it complies with the applicable rates and regulations.

The TPSB may suspend or revoke the authorization issued to a TNO who fails to comply with these provisions, in accordance with the regulations and procedures adopted under this Act.”

Section 38.- Section 84 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 84.- Document Disposition

As established by the President of the TPSB, any administrative records of the authorizations and the matters under the consideration of the TPSB shall be kept on digital format and available for the public’s inspection in the Principal Office of the TPSB, the Regional Offices of the TPSB, and/or the Integrated Service Centers (ISC) of the Government of Puerto Rico.

In the event of a discrepancy between the records of the TPSB, the burden of the proof shall rest with the holder of the authorization or the person claiming such discrepancy.

The TPSB, may destroy any records under its custody that are older than five (5) years without having to comply with the procedures provided in the ‘Puerto Rico Public Documents Administration Act,’ Act No. 5 of December 8, 1955, as amended, and the regulations approved thereunder. Before destroying such documents, the TPSB shall publish a notice in a newspaper of general circulation in Puerto Rico, as well as on its website, to notify any holder of an authorization and operators that they have a term of not less than thirty (30) days from the date of publication to claim the delivery of the physical records before the TPSB. Only the person who currently holds an authorization shall be entitled to claim the appropriate record. The TPSB shall not deliver to such persons any personal and/or confidential documents of any other person and shall ensure that the social security number, mailing address or any other information of other persons included in the record is redacted. The President of the TPSB shall establish the procedure for the request and delivery of the records.”

Section 39.- Section 85 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 85.- Annual Report

The TPSB shall submit an annual report to the Governor, the Public Service Regulatory Board and the Legislative Assembly on the inspections, fines, and interventions conducted by the TPSB. The report shall be submitted on or before July 31st of each year.”

Section 40.- Section 89 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 89.- Construction.

The provisions of this Act shall be construed in the sense of allowing the TPSB the broad use of its powers through the formulation of rules that shall enable it to adjust to changing conditions and the optimum use of the acquired experience, provided that it is in benefit of the public interest. None of the provisions of this Act shall be construed as to modify, alter, or invalidate any covenant, agreement, or contract duly executed by entities or instrumentalities that shall become part of the TPSB of the Public Service Regulatory Board pursuant to the Reorganization Plan of the Public Service Regulatory Board, and that are in effect on the effective date of this Act.”

CHAPTER III: TELECOMMUNICATIONS BUREAU

Section 41.- Section 3 of Chapter I of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 3.- Definitions.

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...

(f) ...

(g) ...

(h) ...

(i) 'Internet Access Centers'.- Means the municipal service centers where information, assistance, and help are available for anyone who requires the use of information and communication technologies to access the Internet free of charge and on equal conditions.

(j) 'Telecommunications Commissioners' or 'Commissioners'.- Means the persons appointed by the Governor who comprise the Telecommunications Bureau under the provisions of this Act.

(k) 'Cable Company'...

(l) 'Telecommunications Company' ...

(m) 'Eligible Telecommunications Company'.- Shall mean a telecommunications company designated by the Telecommunications Bureau (TEB) to provide universal service in a specific geographical area.

(n) 'Direct Broadcast Satellite (DBS) Companies'...

(o) 'Reciprocal Compensation' ...

(p) 'Symmetrical Compensation' ...

(q) 'Effective Competition' ...

(r) 'Damages'. - Shall exclusively mean the financial damages suffered by the consumer that directly arise from noncompliance with this Chapter, the regulations approved by the Board and/or the service contract between the consumer and the telecommunications or television cable company.

(s) 'Market Control' ...

(t) 'Imposition of Provider (Slamming)' ...

(u) 'Imposition of an Additional Surcharge (Cramming)' ...

(v) ‘Public Service Regulatory Board’ or ‘PSRB’.- Shall mean the Public Service Regulatory Board created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(w) ‘Telecommunications Regulatory Board or Board’.- Means the Puerto Rico Telecommunications Bureau (TEB) created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. Any reference in this Act to the ‘Telecommunications Regulatory Board’ or ‘Board’ shall be construed as a reference to the Puerto Rico Telecommunications Bureau or TEB.

(x) ‘Federal Communications Act’ ...

(y) ‘Federal Cable Television Act’...

(z) ‘Parity in Dialing’...

(aa) ‘Person’.- Means any person, whether natural or juridical including, but not limited to, any individual, corporation, partnership, association, trust, agency, instrumentality or public corporation, cooperative, cooperative association, special employee-owned corporations, or any combination thereof, created, organized, or existing under the laws of the Government of Puerto Rico, the United States of America, any state of the Union, or any foreign state or country.

(bb) ‘Number Portability’...

(cc) ‘Registry’.- Means the telephone list of the persons who are not interested in receiving telemarketing calls to be created by TEB.

(dd) ‘Competitive Service’...

(ee) ‘Intrastate Long Distance Service’...

(ff) ‘Telecommunications Service’...

(gg) ‘Intrastate Telecommunications Service’...

(hh) ‘Local Telecommunications Service’...

(ii) ‘Noncompetitive Service’...

(jj) ‘Long Distance Telephone Service’ ...

(kk) ‘Universal Service’.- Means an evolving level of basic telecommunications services in Puerto Rico, as established by TEB from time to time, pursuant to the Federal Communications Act.

(ll) ‘Easements’...

(mm) ‘Emergency Alert System’ ...

(nn) ‘Telecommunications’...

(oo) ‘User’.- Shall mean a natural or juridical person that is not a telecommunications or television cable company certified by TEB that receives telecommunications or television cable services.”

Section 42.- Section 2 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby repealed and substituted for a new Section 2 in Chapter II to read as follows:

“Section 2.- Organization.

TEB shall be attached to the Public Service Regulatory Board and shall be composed of two (2) associate commissioners and one (1) commissioner who shall be the President, all of which shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico. The Commissioners shall earn a salary equal to that of a superior judge of the Court of First Instance.

Two (2) members of the Telecommunications Bureau shall constitute a quorum at a meeting of the Bureau assembled as a whole. The actions taken by the President or by one (1) of the associate members shall be subject to review by the whole Bureau.

TEB decisions shall be made by a majority of the members thereof and the affected party may file a petition for administrative review with the Public Service Regulatory Board or with the Court of Appeals. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless jurisdiction has been granted by a law of the Government of the United States of

America to a federal agency or entity or to the U.S. District Court for the District of Puerto Rico.”

Section 43.- Section 3 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 3.- Requirements and Vacancies in the Offices of the Commissioners.

(a) The President and the Associate Commissioners shall be United States citizens and shall meet some of the following requirements: to be a professional engineer in Puerto Rico, preferably holding a master’s or doctoral degree in engineering with at least ten (10) years of experience practicing such profession, which includes experience in the field of telecommunications, or an attorney admitted to the Bar with at least ten (10) years of experience practicing his profession, including experience in the field of telecommunications, or a professional holding a master’s or doctoral degree in economics, planning or finance, or in telecommunications-related fields, or a professional with a bachelor’ degree or with ten (10) years of experience in the field of telecommunications. Neither the President nor the Associate Commissioners shall have a direct or indirect interest in, or any contractual relationship with, the telecommunications companies subject to the jurisdiction of TEB, or in entities within or outside of Puerto Rico affiliated to, or having interests in, said telecommunications companies. No member of the Board may participate in any matter or dispute in which a party thereto is a natural or juridical person with whom said member has had any contractual, professional, work, or fiduciary relationship within two (2) years before to his appointment. Furthermore, no board member shall represent, after ceasing his functions in TEB any person or entity before TEB with regard to any matter in which he participated while in the service of TEB and for two (2) years following his

separation from said office regarding any other matter. The activities of the members during and after the expiration of their terms of office shall be subject to the restrictions provided in the “Organic Act of the Puerto Rico Government Ethics Office.”

(b) The President and the Associate Commissioners of the Board shall be appointed for a fixed staggered term. The first members of TEB appointed by virtue of the “Act for the Implementation of the Puerto Rico Public Service Regulatory Board Reorganization Plan,” shall be appointed as follows: The President shall be appointed for a term of six (6) years and the Associate Commissioners shall be appointed for four-(4) and two-(2) year terms, respectively. Their successors shall be appointed for six-year terms. Any person chosen to fill a vacancy shall be appointed only for the remainder of the unexpired term of his predecessor. Upon the expiration of the term of office of any member, he shall continue to hold office until his successor is appointed and takes office. In the event that the President is absent or unable to discharge his responsibilities, TEB may temporarily designate one of its members as President until the cause or circumstance that required such designation ceases or is corrected.”

Section 44.- Section 4 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby repealed and substituted for a new Section 4 in Chapter II to read as follows:

“Section 4.- Powers of the President.

The President shall preside over all TEB meetings, be in charge of all administrative operations, and represent TEB in all matters related to legislation and legislative reports; however, any associate member may present a dissenting or supplementary opinion. The President shall also represent TEB whenever conferences or communications with other heads of agency of the Government of Puerto Rico or the Government of the United States are required.”

Section 45.- Section 7 of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 7.- General Powers and Duties.

(a) TEB shall adopt, promulgate, amend, and revoke rules, orders, and regulations as it deems necessary and proper for exercising its powers and performing its duties. When adopting, amending, or revoking rules or regulations, TEB shall be subject to the provisions of Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act,’ and, shall also:

(1) send notice by certified mail to the telecommunications companies in Puerto Rico that have received a certification as provided in subsection (a) of Section 2 of Chapter III of this Act, a notice of the adoption of regulations explaining the adoption, amendment, or repeal proposed by TEB, including information as to where the complete text of the proposed change may be obtained, and granting a term of not less than thirty (30) days to submit their comments on said proposal; and

(2) prior to the adoption, amendment, or repeal of a regulation, TEB shall issue a resolution stating its reasons for said action, specifically addressing each one of the points that have been made in writing with respect to the proposed regulations.

(b) TEB shall have the following powers to ensure compliance with this Act and its regulations:

(1) To impose reasonable civil fines for violations of this Act, its regulations, and orders up to a maximum of twenty-five thousand dollars (\$25,000) per violation.

(2) To require any type of information as necessary for the proper exercise of its powers, clarifying, however, that the information deemed confidential by its source shall be duly safeguarded and disclosed solely and strictly to TEB’s

personnel who have a need to know, subject to a nondisclosure agreement. Any confidentiality claim for information submitted by a telecommunications company under this subsection shall be processed expeditiously by TEB through a resolution to such effect before disclosing any such allegedly confidential information. The information furnished by each of the telecommunications companies regarding their rates and fees, pursuant to subsection (a) of Section 7 of Chapter III of this Act, shall be public and available to any person upon request.

(3) To order the ceasing of activities or acts in violation of any provision of this Act or TEB's regulations.

(4) To impose and order the payment of costs, expenses, and attorney fees, as well as the payment of expenses and fees for other professional and consulting services incurred for adjudicative procedures before TEB.

(5) To direct that any act be carried out in compliance with the provisions of this Act or TEB's regulations.

(6) To resort to the appropriate forums to enforce the purposes of this Act, as well as the rules, regulations, orders, resolutions, and determinations thereof.

(7) To appear before any private entity, public organization, court, board, committee, administrative organization, department, office, or agency of the Government of Puerto Rico or of the United States Government in any hearing, proceeding, or matter that affects or could affect the purposes of this Act or the regulations that TEB promulgates or the interests of telecommunications services' consumers; and

(8) To carry out any other acts, if necessary, to ensure compliance with this Act or the regulations promulgated thereunder, such as:

(A) ...

(B) ...

(C) ...

(D) ...

(9) Prescribe through Regulations the duties that TEB shall discharge during an emergency in order to restore the communications infrastructure and facilitate systems recovery.

(10) To lead efforts to coordinate, establish, and maintain federal, state, and local communications during emergency situations.

(11) To promote and lead efforts to close the digital divide by furthering and moving towards broadband.

(12) To create an amateur radio operators database that during emergency situations can be shared with the pertinent emergency management agencies so that amateur radio operators may provide support if communications are affected.

(13) To provide support to the 9-1-1 Emergency Systems Bureau attached to the Department of Public Safety in order to ensure the compliance by telecommunication companies with the transfer of funds collected through the telephone service bill.

(14) To administer public and private telecommunications easements and establish the regulations as are necessary in connections with this duty.

(15) To lead efforts to address the issue of metal theft through an Interagency and Multisectoral Copper Theft Committee, and coordinate the jobs and training necessary for Committee members. The Committee shall be presided by the President of TEB and shall be further comprised of: the Department of Justice, the Permit Management Office, Office of the Chief Permit Inspector, the Puerto Rico Police, the Electric Power Authority, the Environmental Quality Board, the Department of Consumer Affairs, the Puerto Rico Firefighters, the Transport and

other Public Services Bureau; and the telecommunications companies that own installations affected by this type of criminal activity.

(c) TEB shall have authority to conduct inspections, investigations, and audits, if necessary, to attain the purposes of this Act.

(d) TEB shall also have the following powers and authorities:

(1) ...

(2) ...

(e) All agreements between TEB and any telecommunications company shall be in writing and all resulting documents shall be kept on file. TEB shall establish its offices and facilities separate from those of any company subject to its jurisdiction.

(f) All the actions, regulations, and determinations of TEB shall be governed by the ‘Federal Communications Act,’ by the public interest, and particularly by the protection of the consumers’ rights.

(g) TEB shall create a do not call registry system for the persons to opt out of telemarketing calls.

(h) To ensure that any alerts required by law to be sent to citizens through text messages to their mobile phones are free of charge.”

Section 46.- Section 9 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 9.- Delegation of Powers.

(a) To one or more Members.- Through an order, TEB may assign, refer, or delegate any adjudicative or non-adjudicative matter for its resolution to one or more commissioners who shall be appointed in said order and who shall have the powers that TEB expressly delegates in said order. The members shall be empowered to:

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...

Any order issued by one or more members pursuant to this Section shall become a final order of the Board as a whole, unless the Board renders ineffective, alters, or amends the order within thirty (30) days after it has been notified. With regards to the decisions of TEB, an adversely affected party may file a petition for administrative review with the Public Service Regulatory Board or with the Court of Appeals. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless jurisdiction has been granted by a law of the Government of the United States of America to any federal agency or entity or to the U.S. District Court for the District of Puerto Rico.

(b) Hearing Officers and Administrative Judges.- TEB shall be empowered to assign, refer, or delegate any matter to hearing officers who shall have authority to recommend decisions which shall take effect upon their approval by TEB. Any hearing officer appointed to preside over a hearing or investigation shall have the powers expressly delegated to him by TEB and the designation order. TEB may also designate administrative judges with full decision-making powers. Said hearing officers and administrative judges shall be appointed and shall carry out their duties pursuant to Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’”

Section 47.- Section 10 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 10.- Incidental Powers.

The provisions of this Act shall be liberally construed in order to achieve its purposes, and whenever any specific power or authority is granted to TEB, such specification shall not be construed as excluding or hindering any other power or authority otherwise conferred thereto. TEB, as created herein shall have, in addition to the powers specified in this Act, all those additional, implicit, or incidental powers that are pertinent and necessary to put into effect and carry out, perform, and exercise all the aforementioned powers and to attain the purposes of this Act, subject to the preemption of said powers by federal legislation or the rules of the Federal Communications Commission.”

Section 48.- Section 11 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 11.- Budget and Regulatory Fees.

(a) TEB shall impose and collect fees pursuant to the provisions of this Section in order to generate sufficient income to:

a. Cover the operating expenses of TEB in the fulfillment of its responsibilities under this Act; and

b. establish a reserve, as TEB deems reasonable, to ensure the continuous and efficient operation thereof, in accordance with its projected goals and objectives, and the experience of previous years’ expenses. Said reserve shall not exceed twenty-five percent (25%) of TEB’s annual budget.

(b) The annual fee to defray TEB’s annual operating expenses shall be fixed proportionally on the basis of the gross income of the telecommunications or cable company that provides telecommunications services generated from the rendering of such telecommunications services in Puerto Rico. In the case of the resale of services, the gross income shall not include the cost corresponding to the

acquisition of the service subject to resale. These fees shall be paid to TEB on a quarterly basis, pursuant to the regulations it promulgates.

(c) ...

(d) All telecommunications or cable companies shall submit the information required by TEB in the manner and on the forms established by TEB in order to be able to state the amount of fees established in this Section. TEB shall not be required to notify in advance or afford an opportunity for a hearing before the imposition of fees.

(e) TEB may compel a telecommunications or cable company to reimburse the fees, special expenses, and other direct and incidental charges incurred for professional and consulting services in the course of investigations, hearings, and other procedures conducted in connection with said companies.

(f) The telecommunications and cable companies shall liquidate the payment of the fees imposed within a period not to exceed thirty (30) days after notice to such effect. Any delay in the payment of said fees shall be subject to the payment of interest and penalties as determined by TEB through regulations. The payment of fees shall be made in the manner and through the negotiable instruments that TEB specifies in any notice of fees.

(g) No telecommunications or cable company may request judicial review of any fee imposed by TEB, unless:

1. said company has paid or posted bond to the satisfaction of TEB within the term established in subsection (f) of this Section or that TEB has extended said term;

2. ...

3. ninety (90) days have elapsed from the date of notice of the fees imposed. No petition for judicial review may be based on arguments other than those alleged by the company before TEB. TEB shall not be required to reimburse any

portion of the fees imposed if it certifies that said reimbursement would adversely affect the operations of TEB. If TEB issues said certification, then the telecommunications or cable company thus affected shall be entitled to reduce the corresponding amount from future charges imposed by TEB.

(h) The Secretary of the Treasury shall deposit, in a special account designated as the ‘Special Fund of the Public Service Regulatory Board, Telecommunications Bureau,’ the money collected by virtue of this Act, which may be used only and exclusively to defray the operating expenses and operations of TEB. The Department of the Treasury may transfer the surplus income generated by TEB to the General Fund in accordance with Act No. 26-2017, provided that the reserve required by law is maintained.

(i) TEB’s operating expenses budget shall be separate from the General Budget of Expenses of the Government of Puerto Rico.”

Section 49.- Section 7 of Chapter III of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 7.- Universal Service.

(a) Universal Service Principles.-

(1) TEB shall preserve and promote the universal service through predictable, specific, and sufficient support mechanisms, pursuant to the provisions of Section 254 of the ‘Federal Communications Act,’ and also, pursuant to the following principles:

(A) ...

(B) ...

(C) ...

(2) All telecommunications companies shall make an equitable and nondiscriminatory contribution, as established by TEB, to the preservation and development of universal services in Puerto Rico.

(3) The structure of those support mechanisms developed, implemented, and periodically reviewed by TEB shall complement but not duplicate the support mechanisms established at the federal level.

(4) The universal service shall include, at least, the following services without excluding any other service, as provided by TEB pursuant to subsection (c)(3) of this Section:

(A) ...

(B) ...

(C) ...

(D) ...

(b) Determination of Eligible Telecommunications Companies.—

(1) TEB may, *motu proprio* or by petition, designate a telecommunications company as an eligible telecommunications company to provide universal service in one or more areas designated by TEB. By petition, and consistent with the public interest, convenience, and necessity, TEB may designate more than one company as an eligible telecommunications company for a service area established by TEB, provided that each company meets the requirements of paragraph (2) of this subsection. In order to make the corresponding designation, TEB shall take into consideration technological factors and the cost of providing the service, among other factors.

(2) ...

(3) If no telecommunications company that receives funds from the universal service program wishes or is able to provide services to a community, or any part thereof, that has requested them, TEB shall determine which

telecommunications company or companies are in the best position to provide such service and shall direct such company or companies to proceed accordingly. Any telecommunications company which has been directed to provide services under this subsection must meet the requirements of paragraph (2) of this subsection, and shall be designated an eligible telecommunications company for such community or part thereof.

(4) TEB may allow an eligible telecommunications company, upon previous authorization from TEB, to surrender its designation in any area covered by more than one eligible telecommunications company. Before granting the authorization, TEB shall impose on the remaining eligible telecommunications companies the obligation to guarantee the service to the users of the eligible telecommunications company that withdrew, and shall require sufficient notice to allow the purchase or construction of proper facilities by any other eligible telecommunications company. The costs and expenses incurred by the telecommunications companies to provide eligible services shall be reimbursed to them through the universal service support procedures. TEB shall establish a term not to exceed one (1) year after the approval of such withdrawal under this subsection to complete the purchase or construction.

(c) Universal Service Procedures.-

(1) TEB shall determine:

(A) The support mechanisms needed in the jurisdiction of Puerto Rico to expand or maintain the universal service. The decision to such effects shall be made by the majority of TEB members if the favored mechanism or mechanisms are included among those already being used in any area under the jurisdictions governed by the Federal Communications Act, or are among those under the consideration of the Federal Communications Commission, or have been implemented in the different states of the United States of America. The decision to

implement any other support mechanism shall require the unanimous vote of the members of TEB.

(B) ...

(C) ...

(2) The services to be defrayed by the universal service program in Puerto Rico shall include those services necessary to address unique needs across Puerto Rico, as established by TEB. When determining the services to be included in the definition of universal service, TEB shall take into consideration the recommendations, if any, made by the Federal-State Joint Board, established under Section 254(a) of the Federal Communications Act, as well as those services implemented by the different states of the United States of America in their respective universal service programs.

(3) ...

(4) ...

(5) The sums of money contributed by the telecommunications companies to the universal service fund through the support mechanisms established by TEB shall be deposited in a special account in a bank to be determined by TEB. Said fund shall be used exclusively to help render, maintain, and improve services in support of which the fund is created.

(6) TEB shall designate TEB personnel to administer the sums deposited in the universal service account and supervise its disbursement to eligible telecommunications companies. The entire collection, administration, and disbursement process, and the use of said sums shall be subject to audits by the Comptroller of Puerto Rico.

(7) TEB shall review, at least once (1) a year, the amount of the contribution to the Universal Service Fund required from each telecommunications company or other providers of services developed in the future as technology

evolves that are designated as an eligible telecommunications company. When fixing such amount, TEB shall take into consideration the recommendations, if any, of the President of TEB, the Chair of the Public Service Regulatory Board, or TEB personnel designated to the administration. The decisions adopted by TEB to such effects shall be based on two principal factors:

(A) ...

(B) ...

(8) ...

(9) Once the Puerto Rico Universal Service Fund is established, any decisions relating thereto shall be made by a majority of TEB members. However, the Puerto Rico Universal Service Fund may only be repealed by the unanimous vote of the TEB members in order to be valid, given the importance of said Fund to provide all the citizens of Puerto Rico with access to technology.

(d) Lifeline Service Automatic Subscription Program.

(1) Every telephone service user who is a beneficiary of any of the eligible assistance programs established by the Federal Communications Commission (FCC) shall be subject to automatic subscription to the Lifeline Service provided for in the Universal Service Regulations adopted by TEB. TEB shall establish the eligibility criteria following the guidelines established by the FCC.

(2) ...

(3) TEB shall prepare the application form for the automatic subscription and shall remit them to the public agencies that administer assistance or grant programs that render clients eligible for the Lifeline Service Program. The pertinent agency shall provide to the eligible client the application prepared by TEB whereby clients may request to be automatically registered in the Lifeline Program, through a self-certification of eligible client that states, under penalty of prejudice[sic] and permanent ineligibility, that neither he, nor any residing member

of the family unit have been receiving the benefit of the subsidy provided by said program and for which they are filing this application. The subsidy shall only be granted for a single landline or to a single wireless service for the family unit, at the discretion of the client. The application shall also provide the client with the option to opt out of the automatic registration.

(4) ...

(5) On or before March 31 of each year, the eligible telecommunications companies shall file a report with TEB of the total number of eligible clients that were registered in the Lifeline Service Automatic Registration Program during the preceding calendar year.

(6) ...

(7) ...

(8) TEB shall amend the regulations in effect within one hundred eighty (180) days after the approval of this Act for the implementation of the provisions thereof. These regulations shall contain, among other things, the penalties to be established when citizens attempt to receive benefits to which they are not entitled, through misrepresentation and similar fraud schemes. In addition, TEB shall prescribe thereunder penalties for the irresponsible conduct of the eligible telecommunications companies that include noneligible subscribers in the Program, and that continually engage in fraud patterns which entail up to the partial or permanent suspension of the operations in Puerto Rico. Furthermore, public agencies are hereby empowered to draft regulations or to amend any existing regulations within one hundred and eighty (180) days after the approval of this Act, to the effect of establishing a procedure whereby the information requested is furnished without breaching the confidentiality of the participants.”

Section 50.- Subsection (b) of Section 10 of Chapter III of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 10.- Regulation of Cable Systems

(a) Franchises.-

(1) ...

(b) Transfer of Authority.- All authorities, powers, and duties related to cable systems conferred by laws or regulations shall be transferred to TEB.

(c) ...”

Section 51.- Section 1 of Chapter IV of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 1.- Administrative Procedures.

All processes for which this Act fails to provide a procedure shall be governed by Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’ This means that the ‘Government of Puerto Rico Uniform Administrative Procedure Act’ shall govern the procedures pertaining to the adoption of regulations, adjudications, judicial review, the granting of franchises, certifications, grievances from subscribers and between telecommunications companies, and inspections. As provided in the ‘Government of Puerto Rico Uniform Administrative Procedure Act,’ the decisions and orders of TEB shall be subject to review by the Public Service Regulatory Board or the Court of Appeals of Puerto Rico. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless jurisdiction has been granted by a law of the Government of the United States of America to any federal agency or entity or to the U.S. District Court for the District of Puerto Rico.”

CHAPTER IV. ENERGY BUREAU

Section 52.- Section 1.3 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 1.3.- Definitions.

The following terms, wherever they are used or referred to in this Act, shall have the meaning stated below, except where the context clearly indicates otherwise:

- (a) ‘Creditors’ Agreement’ ...
- (b) ‘Authority’ or ‘PREPA’ ...
- (c) ‘Agency’ or ‘Public Instrumentality’ - Shall mean any body, entity, or corporation of the Government of Puerto Rico.
- (d) ‘Bonds’ ...
- (e) ‘Bondholder’ or ‘Holder of Bonds’ ...
- (f) ‘Interconnection Charge’ ...
- (g) ‘Renewable Energy Portfolio’ ...
- (h) ‘Certified’ - Shall mean every electric power service company that has been evaluated and authorized by the Energy Bureau.
- (i) ‘Customer’ or ‘Consumer’ ...
- (j) ‘Commission’ or ‘Energy Commission’ - Shall mean the the Puerto Rico Energy Bureau or PREB as established by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, which is a specialized independent entity created by virtue of this Act, in charge of regulating, overseeing, and enforcing the public policy on energy of the Government of Puerto Rico. Any reference in this Act to the ‘Commission or Energy Commission’ shall be construed as a reference to the Puerto Rico Energy Bureau.
- (k) ‘Commissioners’ - Shall mean the persons appointed by the Governor to constitute the Puerto Rico Energy Bureau.

- (l) ‘Electric Power Company’ or ‘Electric Power Service Company’ ...
- (m) ‘Electric Power Generation Company’ ...
- (n) ‘Conservation’ ...
- (o) ‘Energy Savings Performance Contracts’ ...
- (p) ‘Power Purchase Agreement’ or ‘PPA’ - Shall mean any agreement or contract approved by PREB whereby an electric power generation company is bound to sell electric power to another natural or juridical person, and such other person is, in turn, bound to acquire said electric power at a just and reasonable rate.
- (q) ‘Peak Demand’ ...
- (r) ‘U.S. Department of Energy’ ...
- (s) ‘Electric Power Distribution’ ...
- (t) ‘Executive Director’ - Shall mean the Executive Director appointed by the Chair of the Public Service Regulatory Board pursuant to the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.
- (u) ‘Energy Efficiency’ ...
- (v) ‘Thermal Efficiency’ or ‘Heat Rate’ ...
- (w) ‘Electricity Bill’ ...
- (x) ‘FERC’ ...
- (y) ‘Renewable Energy Sources’ ...
- (z) ‘Electric Power Generation’ ...
- (aa) ‘Distributed Generator’ or ‘Independent Producer’ ...
- (bb) ‘Essential Public Service Facilities’ - Shall mean health facilities, police and armed forces stations, fire stations, emergency management offices, prisons, waste water supply and treatment facilities, public educational institutions owned or used by the government, and any other facility, whether owned or used by the Government, designated by the Energy Bureau as an ‘Essential Public Service Facility’ through regulations.

(cc) ‘Interconnection’ or ‘Electric Interconnection’ ...

(dd) ‘Environmental Quality Board’ ...

(ee) ‘Puerto Rico Public Service Regulatory Board’ or ‘PSRB’ - Shall mean the entity created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, composed of the Puerto Rico Energy Bureau, the Puerto Rico Transport and other Public Services Bureau, and the Puerto Rico Telecommunications Bureau.

(ff) ‘Energy Bureau’ or ‘PREB’ - Shall mean the Puerto Rico Energy Bureau created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(gg) ‘Modernization’ ...

(hh) ‘Commonwealth Energy Public Policy Office’ or ‘CEPPO’ - Shall mean the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico, created by virtue of this Act, in charge of developing and promulgating the public policy on energy of the Government of Puerto Rico. Any reference made in this Act to the ‘Commonwealth Energy Public Policy Office’ or ‘CEPPO’ shall be construed as a reference to the Energy Public Policy Program of the Department of Economic Development and Commerce.

(ii) ‘Independent Consumer Protection Office’ - Shall mean the entity created by virtue of this Act to assist and represent electric power service customers of the Government of Puerto Rico attached to the Public Service Regulatory Board by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(jj) ‘Citizen Participation’ ...

(kk) ‘Person’ ...

(ll) ‘Integrated Resource Plan’ or ‘IRP’ - Shall mean a plan that considers all reasonable resources to satisfy the demand for electric power services during a

specific period of time, including those related to the offering of electric power, whether existing, traditional, and/or new resources, and those related to energy demand, such as energy conservation and efficiency or demand response and localized energy generation by the customer. Every integrated resource plan shall be subject to the rules established by PREB and approved by the same. Every plan shall be devised with broad participation from citizens and other interested groups.

- (mm) ‘Energy Relief Plan’ ...
- (nn) ‘Power Plant’ ...
- (oo) ‘Energy Producer’ ...
- (pp) ‘Electric Power Grid’ ...
- (qq) ‘Federal Environmental Regulations’ ...
- (rr) ‘Electric Power Service’ or ‘Energy Service’ ...
- (ss) ‘Electrical System’ ...
- (tt) ‘Wheeling Rate’ ...
- (uu) ‘Electricity Rate’ ...
- (vv) ‘Energy Transmission’ ...
- (ww) ‘Wheeling’ ...
- (xx) ‘U.S. Energy Information Administration’ ...”

Section 53.- Section 4.1 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 4.1.- Energy Savings in the Instrumentalities of the Executive Branch and the Offices of the Judicial Branch.

(a) In compliance with the public policy of the Government of Puerto Rico, all agencies, instrumentalities, and public corporations of the Executive Branch and all the offices of the Judicial Branch shall take measures and initiatives directed to

reducing or eliminating those activities, practices, or uses in their facilities, buildings, and offices that result in the waste or inefficient use of energy resources.

(b) ...

(c) ...

(d) ...

(e) **Energy Savings Performance Contracts.**- In order to comply with the purposes of this Act, the Judicial Branch and every agency, instrumentality, or public corporation of the Executive Branch shall, as a strategy, enter into Energy Savings Performance Contracts (ESPCs), with a qualified energy service provider, as the first alternative to achieve savings in energy, operating, and maintenance costs, as established in Act No. 19-2012, as amended, known as the 'Energy Savings Performance Contracts Act.' If, after a cost-effective analysis regarding the composition and features of the buildings that house facilities of public entities, the entity determines that it is extremely onerous to comply with this provision, it may request an exemption to such effect to PREB. If an agency deems that it is onerous, or that the implementation of a strategy involving an energy savings performance contract is not cost-effective, it shall certify said fact to the Department of Economic Development and Commerce of Puerto Rico and shall notify the measures it shall adopt to ensure compliance with the provisions of this Act. Any energy savings measure implemented under an energy savings performance contract shall comply with local building codes and the appropriate regulations of the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico. The Department of Economic Development and Commerce of Puerto Rico, through the Energy Public Policy Program, shall be in charge of approving the regulations needed for the adoption of these types of agreements, in coordination with the pertinent agencies.

(f) The Department of Economic Development and Commerce of Puerto Rico, in coordination with the Public Buildings Authority, the General Services Administration, PREPA, and any other pertinent agency or public corporation, shall oversee compliance with energy use efficiency standards for buildings owned by the Government of Puerto Rico, as provided in this Act and in Act No. 229-2008, as amended, known as the “Act to Promote the Efficient Use of Energy and Water Resources in New and Existing Buildings of the Government of Puerto Rico.”

(g) Compliance Oversight.-

(1) It shall be a ministerial duty of every agency, instrumentality, and public corporation of the Executive Branch and the Director of the Office of Courts Administration (OCA) to submit to the Department of Economic Development and Commerce of Puerto Rico, every ninety (90) days, a report of the results of the implementation of their energy efficiency plans established by law. Provided, that the report to be filed by OCA shall include the results of the energy efficiency plans adopted in each office of the Judicial Branch. The Department of Economic Development and Commerce of Puerto Rico shall submit to PREB, twice (2) a year, a report including the consumption history of all the agencies, instrumentalities, and public corporations of the Executive Branch, and the offices of the Judicial Branch, as provided by PREPA (invoices or similar official document), and data regarding the measures taken to achieve energy reduction and the savings achieved. Said report shall also identify the agencies, instrumentalities, and public corporations of the Executive Branch, and the offices of the Judicial Branch that fail to comply with their energy efficiency plan and the savings measures established in this Act; state the reasons provided by such agencies, instrumentalities, public corporations, or offices for noncompliance with this Act, and specify the corrective measures taken by the agency, instrumentality, public corporation, or office to ensure compliance with the purposes of this Act. Both the

quarterly report to be filed by agencies, instrumentalities, public corporations, and OCA with the Department of Economic Development and Commerce of Puerto Rico, as well as the semiannual report submitted by the Department to PREB shall be published on the Department of Economic Development and Commerce of Puerto Rico's website.

(2) Every public entity, in conjunction with the Department of Economic Development and Commerce of Puerto Rico, shall be responsible for establishing the energy efficiency programs deemed pertinent to keep a database of information regarding compliance with this Section.

(h) Transparency and disclosure of energy savings: The Department of Economic Development and Commerce of Puerto Rico shall issue the semiannual scorecards or evaluations of the energy efficiency activities carried out by each agency, which shall be published on its website. These scorecards shall be based on the savings percentage gathered from the information submitted by public entities, pursuant to the criteria established through regulations by the Department of Economic Development and Commerce of Puerto Rico. Such scorecards shall be a measuring tool to promote greater transparency in the use of energy resources by public entities.

(i) Noncompliance with the energy savings plan: Every agency, instrumentality, or public corporation of the Executive Branch that fails to comply with its annual energy consumption reduction goals, as established in the action plan required by virtue of subsection (c) of this Section, shall have, as penalty, a budgetary cut on the following fiscal year. The budgetary cut shall be equal to the amount used, measured in kilowatt-hours, in excess of the goal established in the plan submitted to the Department of Economic Development and Commerce of Puerto Rico for that particular year, multiplied by the electricity rate charged by PREPA as of July of the previous year.

The Department of Economic Development and Commerce of Puerto Rico shall be the entity responsible for overseeing compliance with the government energy efficiency standards and, as such, shall have legal standing to bring any action before PREB, which may, in turn, bring any action before the Courts to achieve the purposes established herein.

(1) PREB shall have primary and exclusive jurisdiction to address cases and disputes arising as a result of noncompliance by any agency, instrumentality, or public corporation of the Executive Branch with the duties and obligations established in this Section.

2. ...”

Section 54.- 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 Energy Bureau.

(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 Bureau and the Independent Consumer Protection Office. Moreover, the Puerto Rico Energy Bureau is hereby created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, as an independent regulatory entity in charge of regulating, overseeing, and ensuring compliance with the public policy on energy of the Government of Puerto Rico. Pursuant to the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, the Puerto Rico Energy Bureau shall be attached to the Public Service Regulatory Board.

(b) PREA shall be attached to the Puerto Rico Energy Bureau and shall be directed by an Administrator, and be responsible for the administration and

operations of the Energy Bureau and the Independent Consumer Protection Office (ICPO) created herein. As part of its administrative or operational duties, PREA shall provide these entities with administrative services such as human resource management, procurement, budget, finance, technology, maintenance, and others.

(c) The Administrator shall be appointed by the President of the Energy Bureau and shall hold a university degree. Furthermore, he shall have experience in any of the following areas: management, human resources, procurement, budget, finances, technology, and accounting.”

Section 55.- Section 6.2 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 6.2.- Powers and Duties of PREA.

(a) PREA shall provide support to the Energy Bureau.

(b) The head of PREA shall be an Administrator who shall exercise the powers and discharge the duties assigned to PREA under this Act.

(c) PREA shall have the following powers and duties:

(1) Hire and appoint the necessary personnel for its operations and functioning. No PREA employee, whether a regular or trust employee, may have a kinship with the Chair, associate members, or the Executive Director of the Public Service Regulatory Board or with the President of the Energy Bureau within the degrees provided in Act No. 1-2012, known as the ‘Organic Act of the Office of Government Ethics’ as amended;

(2) Contract the personnel and professional services of the Energy Bureau in accordance with the rules established by each entity for such purposes;

(3) ...

(4) ...

(5) ...

(6) ...

(7) At the request of the Energy Bureau, provide administrative and clerical support in areas such as finance, procurement, and accounting, among others, and in any administrative task other than formulating or implementing public policy.

(d) ...”

Section 56.- Section 6.3 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 6.3.- Powers and Duties of the Puerto Rico Energy Bureau.

The Energy Bureau shall have the following powers and duties:

(a) ...

(b) Establish by regulations the public policy rules regarding electric power service companies, as well as any transaction, action, or omission in connection with the electric power grid and the electric power infrastructure of Puerto Rico, and implement such public policy rules. The Energy Bureau shall draft such regulations in consultation with Department of Economic Development and Commerce of Puerto Rico. These regulations shall be consistent with the public policy on energy set forth through legislation;

(c) Implement regulations and the necessary regulatory actions to guarantee the capacity, reliability, safety, efficiency, and reasonability of electricity rates in Puerto Rico, and establish the guidelines, standards, practices, and processes to be followed by the Authority when purchasing electricity from other electric power service companies and/or modernize its power plants or facilities; provided, that every power purchase agreement shall meet the standards, terms, and conditions established by PREB in accordance with the provisions of Section 6B(a)(ii) and (iii)

of Act No. 83 of May 2, 1941, as amended, known as the ‘Puerto Rico Electric Power Authority Act.’

(d) ...

(e) ...

(f) Formulate and implement strategies to achieve the objectives of this Act, including, but not limited to, attaining the goal of reducing and stabilizing energy costs permanently, and controlling volatility in the price of electricity in Puerto Rico. In exercising its powers and authorities, the Energy Bureau shall require that the prices included in any power purchase agreement, any wheeling rate, and interconnection charge are just and reasonable, consistent with the public interest, and compliant with the parameters established by the Bureau through regulations;

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

(l) ...

(m) Ensure that the powers and authorities exercised by PREB over PREPA, including those related to rate review or approval, guarantee that PREPA meets its obligations to bondholders;

(n) Promote that the Authority’s debt issues be in the public interest. Have the written approval of the Energy Bureau prior to the issue of any public debt of the Authority and the use proposed for such financing. The Authority or the Puerto Rico Fiscal Agency and Financial Advisory Authority (FAFAA) shall notify PREB of any proposed debt issue at least ten (10) days before the publication date of the preliminary official statement. PREB shall evaluate and approve that the use to be given to the proceeds of the proposed debt issue is consistent with the Integrated

Resource Plan or the Energy Relief Plan. Said approval shall be issued in writing not later than ten (10) days as of the Authority or Puerto Rico Fiscal Agency and Financial Advisory Authority's notification to PREB of the proposed debt issue. Within said ten (10)-day period, PREB shall submit a report of its evaluation to both Houses of the Legislative Assembly. If, upon conclusion of said ten-day period, PREB fails to notify its approval or rejection to the proposed debt issue, the Puerto Rico Fiscal Agency and Financial Advisory Authority may continue with the bond issue process. None of these provisions shall apply to bond issues arising from a Restructuring Order promulgated in accordance with Chapter IV of the 'Electric Power Authority Revitalization Act';

(o) ...

(p) Require any electric power service company certified in Puerto Rico to keep, maintain, and regularly submit to PREB those records, data, documents, and plans that are necessary to attain the objectives of this Act;

(q) ...

(r) ...

(s) ...

(t) ...

(u) Establish efficiency parameters or standards for the facilities or plants of any electric power generation company to guarantee the efficiency and reliability of the electric power service, or any other efficiency parameter that is consistent with the best practices in the electric power industry, as deemed necessary by the Energy Bureau and recognized by governmental and nongovernmental organizations specialized in electric power service, and oversee compliance therewith;

(v) ...

(w) ...

(x) ...

(y) Conduct inspections, investigations, and audits, if necessary, to achieve the purposes of this Act. The Energy Bureau may delegate this power through a resolution. In such resolution, the Energy Bureau shall establish the limits and the term of such delegation of powers;

(z) ...

(aa) ...

(bb) ...

(cc) Disclose all sorts of public interest information, and develop, regulate, and implement customer service policies with specific parameters, indicators, and procedures that safeguard the rights of all customers, and citizen participation in the processes of the Energy Bureau;

(dd) Publish in an orderly manner, to be easily accessed by citizens, every decision issued by the Energy Bureau. Such decisions shall be published on the Energy Bureau's website readily accessible and available, together with the case record, at the office of the Bureau;

(ee) ...

(ff) Ensure continuous communication and information sharing between the Energy Bureau, the U.S. Department of Energy, the Environmental Protection Agency (EPA), FERC, and any agency or office with jurisdiction over energy affairs;

(gg) Identify and form partnerships with international organizations or associations specialized in energy affairs and regulations that are willing to collaborate and provide the Energy Bureau with assistance in the execution of its powers and functions;

(hh) Appear before any private entity, public organization, court, board, committee, administrative organization, department, office or agency of the Government of Puerto Rico or the United States Government in any hearing,

proceeding, or matter that affects or could affect the objectives, powers, or duties of the Energy Bureau, the regulations it promulgates or the interests of electric power service customers;

(ii) Adopt and implement rules and procedures to ensure continuous communication and information sharing between the Energy Bureau, the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico, the Independent Consumer Protection Office, PREPA, and any electric power company certified in Puerto Rico;

(jj) ...

(kk) ...

(ll) Sue and be sued in complaints or causes of action in its own name against any natural or juridical person that fails to meet or interferes with the requirements, purposes, and objectives of this Act before the Court of First Instance of the Government of Puerto Rico or any other administrative forum of the Government of Puerto Rico. For such purposes, the Bureau shall have legal standing to bring the necessary action before a judicial forum to ensure full compliance with the public policy set forth in this Act;

(mm) ...

(nn) File writs, issue orders, and seek and grant any legal remedies that may be necessary to enforce the provisions of this Act, as well as its rules, regulations, orders, and determinations. For instance, among the actions and remedies that PREB may take and grant are the following:

(1) To hold public hearings;

(2) To order the cease of activities or acts in violation of any provision of this Act, the regulations of PREB, or any other legal provision whose interpretation and enforcement is under the jurisdiction of PREB;

(3) To impose on and order the parties the payment of costs, expenses, and attorney's fees, as well as the payment of expenses and fees for other professional and consulting services, as incurred in a proceeding before PREB, in accordance with the parameters established in the Rules of Civil Procedure of Puerto Rico;

(4) To direct that all actions shall be taken in compliance with the provisions of this Act, the regulations of PREB, or any other legal provision whose interpretation and enforcement is under the jurisdiction of the Bureau;

(5) To issue summons under penalty of contempt which shall be signed by the President of PREB and served personally or by certified mail with return receipt requested;

(6) To require the production and inspection of records, inventories, documents, and physical facilities of any juridical persons or entities subject to the jurisdiction of PREB or the Energy Public Policy Program of the Department of Economic Development and Commerce;

(oo) Submit annual reports, on or before March 1st, to the Governor, the PSRB, and the Legislative Assembly on the adequate performance of the duties and functions set forth herein; and

(pp) Review the final determinations of the Electric Power Authority with regard to complaints and requests for investigations submitted by its customers. All PREB orders shall be issued on behalf of the Puerto Rico Energy Bureau and the Puerto Rico Public Service Regulatory Board. All actions, regulations, and determinations of PREB shall be governed by the applicable laws, the public interest, and the interest of protecting the rights of customers or consumers. The provisions of this Act shall be construed liberally in order to achieve its purposes, and whenever a specific power or authority is granted to PREB, the same shall not be construed as to exclude or impair any other power or authority otherwise conferred thereto.

PREB, created herein shall have, in addition to the powers specified in this Act, all those additional, implicit, and incidental powers that are pertinent and necessary to enforce and carry out, perform, and exercise all the aforementioned powers, and to achieve the purposes of this Act.

(qq) PREB, in conjunction with the Energy Public Policy Program of the Department of Economic Development and Commerce and PREPA, shall evaluate and make determinations regarding the interconnection of distributed renewable energy and large-scale renewable energy to PREPA's distribution and transmission grid in order to ensure access thereto justly and equitably.

(rr) PREB, in conjunction with the Energy Public Policy Program of the Department of Economic Development and Commerce and the Independent Consumer Protection Office, as well as the comments of interested persons and organizations shall establish the regulatory framework that shall guide PREPA in the development of regulations for community solar projects and microgrids.

(ss) PREB, with the advice of PREPA, shall determine the maximum capacity and other requirements for community solar projects, using as guidelines the recommendations of organizations such as IREC and NREL adapted to Puerto Rico.”

Section 57.- Section 6.4 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 6.4.- Jurisdiction of the Energy Bureau.

(a) The Energy Bureau shall have primary and exclusive jurisdiction over the following affairs:

- (1) ...
- (2) ...
- (3) ...

- (4) ...
- (5) ...
- (6) ...

(b) The Energy Bureau shall have general jurisdiction over the following matters:

(1) The Energy Bureau shall have regulatory, investigative, and adjudicative jurisdiction over PREPA and any other certified electric power company providing services within the Government of Puerto Rico.

(2) Any natural or juridical person that violates the provisions of this Act in connection with energy-related matters or the regulations of the Bureau, including any natural or juridical person or entity exercising control over electric power services to commit said violations.

(3) ...

(4) Any natural or juridical person that carries out any activity for which a certification, authorization, or permit issued by the Energy Bureau is needed.

(5) Any natural or juridical person whose actions or omissions are in prejudice to the activities, resources, or interests over which the Bureau has regulatory, investigative, adjudicative, or oversight powers, including any person exercising control over electric power services in such a manner as to cause said prejudice.

(c) Complaints for noncompliance with the public policy on energy.

(1) At the request of any affected party with legal standing, and as provided in this Act, PREB, may address complaints alleging or claiming that an electric power service company is not complying with the public policy on energy of the Government of Puerto Rico. Likewise, PREB may address those complaints regarding legal transactions or acts related to the purchase of energy or fuel;

agreements between PREPA and independent power producers; cases and controversies among independent power producers; wheeling rates and interconnection charges; and cases and controversies regarding wheeling or electric power interconnection between PREPA or its subsidiaries, and any person that is connected, or wishes to connect to the electric power grid within the Government of Puerto Rico or any person with a direct or indirect interest in these electric power services.

(2) ...

(3) Once the complaint is filed, PREB may request, during its evaluation and adjudication process, the respondent party to furnish any information it deems pertinent to the controversy. This information shall be available to the petitioner; however, PREB may, at the request of any interested party and pursuant to the provisions of Section 6.15 of this Act, protect information deemed confidential or privileged.

(d) PREB shall exercise jurisdiction over any matter that is not in conflict with federal statutory and regulatory provisions as well as with those preempted by Federal standards.”

Section 58- Section 6.7 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 6.7.- Powers and Duties of Commissioners.

The Commissioners shall have the following powers and duties:

- (a) To act as the governing body of PREB;
- (b) Establish PREB’s general policy to attain the objectives of this Act;
- (c) Implement the public policy and objectives of PREB in accordance with this Act;

(d) Authorize and oversee the implementation and the results of the annual work plan of PREB;

(e) Draft, adopt, and amend rules and bylaws that govern the internal operations and the discharge of the powers and duties thereof, as well as the norms needed for the functioning, operations, and administration of PREB;

(f) Keep complete records of all proceedings before its consideration and make them available to the public on PREB's website;

(g) Ensure the proper administration of PREB's operational budget;

(h) ...

(i) Appear before judicial, legislative, and administrative forums in representation of PREB;

(j) Hire and appoint personnel as necessary for the operations and functioning of PREB, which shall be governed by the rules and regulations promulgated by PREB in accordance with Act No. 8-2017, known as the 'Government of Puerto Rico Human Resources Transformation Act.' In the qualification and the description of the duties of the positions, the personnel system shall be organized so as to promote the hiring of skilled and trained staff through a competition process that enables compliance with the purposes of this Act. Any recruitment process shall be carried out with the support of PREA;

(k) Hire trust employees, the number of which shall not be greater than fifteen percent (15%) of the total number of career positions in PREB. Trust employees shall be selected taking into consideration the capability, education, and professional experience required to ensure an effective performance of the duties of the position. No employee of PREB, be it of trust or career, may have any relationship within the degrees provided in Act No. 1-2012, known as the 'Organic Act of the Puerto Rico Government Ethics Office,' as amended, with the Chair,

associate members, or Executive Director of the PSRB, or with the Commissioners. Any recruitment process shall be carried out with the support of PREA.

Section 59.- Section 6.10 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 6.10.- Personnel of the Energy Commission.

(a) PREB shall appoint administrative and technical personnel as needed to achieve the purposes of this Act.

(b) PREB’s technical personnel shall be specialized in the matters under its jurisdiction and carry out the tasks and functions delegated to them by the PREB.

(c) PREB shall promulgate a code of ethics to regulate the relations between the personnel appointed to PREB and the companies under the regulatory jurisdiction of PREB.

(d) The activities of all the personnel of PREB shall be subject to the restrictions provided in Act No. 1-2012, as amended, known as the ‘Organic Act of the Government Ethics Office.’”

Section 60.- Section 6.11 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 6.11.- Delegation of Powers.

(a) PREB may issue orders to assign, refer, or delegate the resolution of any adjudicative or non-adjudicative matter to one or more of the commissioners. In said orders, PREB shall specify the name of the commissioner and the specific powers of PREB that are being delegated to him. PREB may delegate to its commissioners the following powers:

- (1) administer oaths and take depositions;
- (2) issue summons;

- (3) receive and evaluate evidence;
- (4) preside over hearings; and
- (5) hold conferences to simplify procedures.

Any order issued by one or more commissioners pursuant to this Section shall be notified to PREB before it is made public, and PREB may modify, amend, or render the order ineffective by a majority vote of its commissioners.

(b) Hearing Officers.-

PREB shall have the authority to refer or delegate any adjudicative matter to hearing officers, who shall be trust employees or contractors of PREB. PREB shall assign and distribute among its hearing officers the tasks and matters to be delegated by PREB, after which the hearing officers shall be responsible for issuing recommendations regarding the adjudication of the case or a procedural incident subject to PREB's assignment, referral, or delegation. In issuing a decision, PREB shall have full discretion to accept or reject the recommendations of hearing officers. Any hearing officer appointed to preside over a hearing or investigation shall have the powers expressly delegated to him by PREB in the designation order. Hearing officers shall be designated and shall carry out their duties as provided in Act No. 38-2017, as amended, known as the 'Government of Puerto Rico Uniform Administrative Procedure Act.'

(c) Administrative Judges.-

As provided in this subsection, PREB shall be empowered to delegate to administrative judges, with full decision-making powers, the adjudication of any matter, case, and dispute on behalf of PREB, as these may be delegated in accordance with the provisions of this subsection. Administrative judges may be trust employees or contractors of PREB. PREB shall be empowered to assign and distribute among the administrative judges the issues, cases, or disputes delegated in accordance with the provisions of this subsection. In exercising its discretion, the

Energy Bureau may delegate to administrative judges cases and disputes related to the review of PREPA's customers electricity bills; cases or disputes alleging noncompliance by an electric power service company with the regulations of the Energy Bureau in connection with the quality of the services provided to its customers; cases or disputes alleging noncompliance by PREPA or an electric power service customer with its obligations in connection with the interconnection of distributed generation systems or any other matter that PREB may provide. The Energy Bureau may delegate to its administrative judges any case or dispute in which the total value or cost of the remedies sought is twenty-five thousand dollars (\$25,000.00) or less. Administrative judges shall be appointed and shall carry out their duties as provided in Act No. 38-2017, known as the 'Government of Puerto Rico Uniform Administrative Procedure Act.'”

Section 61.- Section 6.12 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 6.12.- Office of the Energy Bureau.

In order to promote greater transparency and autonomy in the exercise of its functions, PREB offices and facilities shall operate separately from those of any natural or juridical person under its jurisdiction. Such offices shall be located in existing facilities belonging to the Government of Puerto Rico.”

Section 62.- Section 6.18 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 6.18.- Electronic Filing System.

The Puerto Rico Energy Bureau shall establish an electronic filing system whereby persons may access a website to file the corresponding documents to bring an action before PREB, and where the parties may submit any pleadings and

documents pertaining to the procedural aspects of the case; and PREB may notify the parties of any orders or resolutions issued. For the purpose of facilitating access to the electronic filing system to persons who lack the means or skills to use the electronic filing system, PREB shall enter into interagency agreements with any other instrumentality of the Government of Puerto Rico or nonprofit organizations so that these may offer help to the people who resort to their main or regional offices seeking assistance for the use of the website and the electronic filing system, and provide the people with one or more computers to carry out the electronic filing process.”

Section 63.- 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. 38-2017, as amended, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’ Therefore, Act No. 38-2017, *supra*, shall govern the procedures pertaining to the adoption of regulations, adjudications, judicial review, the granting of franchises, certifications, grievances from subscribers and between electric power companies, and inspections. Provided, that, given PREB’s compelling need to start operations, the mechanism established in Section 2.13 of Act No. 38-2017, may be used to adopt the first regulations of PREB without the need for the Governor to issue any certification. As provided in the aforementioned Act, the decisions and orders of PREB shall be subject to review by the Court of Appeals of Puerto Rico.”

Section 64.- Section 6.23 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 6.23.- Integrated Resource Plan.

(a) PREPA, or the successor or successors thereof, as provided in Act No. 83 of May 2, 1941, as amended, known as the ‘Act of the Puerto Rico Electric Power Authority,’ shall submit to PREB an Integrated Resource Plan (IRP) describing the combination of energy supply and conservation resources that satisfies in the short-, medium-, and long-term the present and future needs of Puerto Rico’s energy system and its customers at the lowest cost possible.

(b) PREPA shall submit its first IRP to PREB within one (1) year after July 1, 2014.

(c) Initially, PREB, addressing the comments of interested persons and organizations, shall review, approve and as applicable, modify said plans to ensure full compliance with the public policy on energy of Puerto Rico and the provisions of this Act.

(d) After the approval of the integrated resource plans, PREB shall supervise and oversee compliance therewith. Every three (3) years, PREB shall carry out another review process and, if applicable, modify such plans, as well as issue and post on its website, a detailed report showing compliance with integrated resource plans and the modifications made thereto after the review process. Provided, that in the event of a substantial change in energy demand or group of resources, the aforementioned review process shall be carried out prior to the three (3)-year period provided herein in order to address and/or mitigate such changes.”

Section 65.- Section 6.28 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 6.28.- Customer Service.

(a) Customer Service of the Energy Bureau.- PREB shall promulgate rules or regulations as are necessary to guarantee the protection of the rights of persons or

customers that receive electric power services in the Government of Puerto Rico. PREB shall adopt by regulations the customer service rules and policies that shall protect the rights of customers and ensure effective communication with and the participation of all customers. PREB shall adopt such regulations in consultation and in conjunction with the Puerto Rico Public Service Regulatory Board. The following initiatives shall be part of the policies that PREB shall establish through regulations:

(1) PREB shall ensure public dissemination of all sorts of changes in the electric power industry in Puerto Rico by disclosing on its website any public interest information it may have. PREB shall develop and implement a customer education or orientation program regarding the contents of the information so disclosed;

(2) PREB shall develop and use viable internal parameters to assess the effectiveness of the service it provides to customers. PREB shall submit an annual report to the Legislative Assembly on or before January 30th with the results of the customer service policy adopted and shall publish said results on its website.

(b) Customer Service of Certified Electric Power Companies.- PREB shall regulate, oversee, and address cases and disputes regarding the quality of the services rendered by certified electric power companies to their customers. Every electric power service company shall adopt and submit the following information for PREB's evaluation and approval:

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...
- (6) ...

(7) Any other rules or regulations related to services provided by certified electric power companies that PREB deems necessary to implement the provisions of this Section.”

Section 66.- Section 6.30 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 6.30.- Wheeling.

PREB shall regulate the wheeling mechanism in the Government of Puerto Rico. In doing so, PREB shall establish the rules and conditions to ensure that wheeling does not affect in any way whatsoever (including technical problems and rate increases) nonsubscribers of wheeling services, as well as the rules necessary for the implementation of a system that allows exempt businesses described in Section 2(d)(1)(H) of Article 1 of Act No. 73-2008, as amended, known as the ‘Economic Incentives Act for the Development of Puerto Rico,’ or similar provisions in other incentive laws, to purchase electric power from other entities through wheeling services. Likewise, PREB shall consider, among others, the following factors when regulating the wheeling service:

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...”

Section 67.- Section 6.37 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 6.37.- Annual Reports.

Before March 1st of each year, PREB shall submit to the Governor, the PSRB, and the Legislative Assembly of the Government of Puerto Rico the annual report required under Section 6.3(oo) of this Act. Such report shall contain the following information:

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) PREB’s annual work plan and the results of its execution; and
- (f) ...”

Section 68.- Section 6.40 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 6.40.- Creation of the Independent Consumer Protection Office.

(a) The Independent Consumer Protection Office, hereinafter the ‘Office’ or ‘ICPO,’ is hereby created to educate, advise, assist, and represent electric power service customers in Puerto Rico. Pursuant to the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, the Independent Consumer Protection Office is hereby merged with the Public Service Regulatory Board. The personnel designated to the Independent Consumer Protection Office by virtue of the ‘Puerto Rico Energy Transformation and RELIEF Act’ shall be transferred to the Public Service Regulatory Board created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. Any transfer of personnel shall be made in accordance with the provisions of Act No. 8-2017, as amended.

(b) The Office shall have the administrative support of the Public Service Regulatory Board, and shall operate as an entity independent from PREB, PREPA, and any other electric power company certified in Puerto Rico.

(c) The Office shall be composed of the personnel and consultants that the Public Service Regulatory Board deems necessary to fully carry out the duties and functions of the Office as provided in this Act. The Office shall have full autonomy and independence to carry out its functions. No person may interfere or otherwise influence the personnel or consultants of the office to engage in any action or omission related to a matter under the office's consideration. Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by a term of imprisonment not to exceed six (6) months, or by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or both penalties at the discretion of the court, without prejudice to any other civil or criminal actions that may be brought for violations of any state or federal law.

(d) The Office shall have a website containing information regarding the electric power industry, which shall be shown in a manner that the average consumer is able to understand it. The Office shall share and post data and information to keep interested persons informed about their rights as electric power service customers, and Puerto Rico's electric power system.”

Section 69.- Section 6.41 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby repealed.

Section 70.- Section 6.42 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended and renumbered as Section 6.41 to read as follows:

“Section 6.41.- Organization of the Independent Consumer Protection Office.

(a) The Public Service Regulatory Board, shall ensure that the ICPO has the proper office space and facilities for its operations. The Public Service Regulatory Board shall have the duty to hire the professional personnel and services of the ICPO, subject to the provisions of the laws, regulations, and executive orders

of the Government of Puerto Rico and subject to the limits of the budget to be appropriated to the ICPO.

(b) No employee of the Office, whether a career or trust employee, may be related within the fourth degree of consanguinity and second of affinity to the Chair, associate members, or the Executive Director of the PSRB, or the Commissioners of the Energy Bureau.

(c) No career or trust employee of the ICPO or the members of his family unit, as defined in Act No. 1-2012, as amended, known as the ‘Organic Act of the Government Ethics Office,’ may have a direct or indirect interest in, or a contractual relationship with PREPA and/or any certified electric power company in Puerto Rico, or in entities in or outside of Puerto Rico affiliated to and with interest in PREPA or such companies.

(d) No career or trust employee of the ICPO may intervene in a matter or dispute in which a party to such matter or dispute is a natural or juridical person with whom said employee has had a contractual, professional, work, or fiduciary relationship within two (2) years before his appointment.

(e) Any action of the personnel of the Office shall be subject to the restrictions provided in Act No. 1-2012.”

Section 71.- Sections 6.43 and 6.44 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” are hereby renumbered as Sections 6.42 and 6.43.

Section 72.- The renumbered Section 6.42 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 6.42.- Powers and Duties of the ICPO.

The Office shall have the following powers and duties:

(a) Educate, inform, and provide orientation and assistance to consumers on their rights and responsibilities with regard to the electric power service and the public policy on savings, conservation, and efficiency;

(b) Evaluate the impact that the rates, electricity bills, public policy on energy, and any other issue may have on electric power service customers in Puerto Rico;

(c) Defend and advocate for the interests of customers in all matters brought before the Energy Bureau or being addressed by the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico with regard to electric power rates and charges, the quality of the electric power service, services provided by electric power service companies to their customers, resource planning, public policy, and any other matter of interest for customers;

(d) File complaints or legal recourses with the Energy Bureau on behalf and in representation of electric power service customers who have no other legal representation, with regard to disputes in connection with the electricity bill, rates and charges of PREPA or independent power producers, the public policy on energy, environmental issues, disputes regarding customer service of electric power service companies, or any other matter that may affect the interests or rights of electric power service customers. Prior to filing complaints in representation of electric power service customers, the office shall verify that said customer has complied with the provisions of Section 6.27 of this Act. In the event of a conflict of interests between the different types of customers with regard to any cause of action or dispute, the priority of the ICPO shall be to represent and defend residential and small-business commercial customers;

(e) Participate in PREPA's rate adoption or modification process in accordance with Section 6A of Act No. 83 of May 2, 1941, as amended, known as

the ‘Puerto Rico Electric Power Authority Act,’ and the rate review process before the Energy Bureau in accordance with Section 6B of Act No. 83, *supra*;

(f) Make independent recommendations to the Energy Bureau regarding rates, electricity bills, public policy on energy, and any other issue that may affect electric power service customers in Puerto Rico;

(g) Request and advocate for just and reasonable rates for the consumers represented by the Office;

(h) Participate or appear as intervenor in any action brought before a government agency of the Government of Puerto Rico or the Federal Government with jurisdiction, in connection with rates, electricity bills, public policy on energy, and any other issue that may affect electric power service consumers and/or customers;

(i) Participate or appear as petitioner or intervenor in any action brought before the General Courts of Justice or a Federal court in connection with the rates, electricity bills, public policy on energy, and any other issue that may affect electric power service customers;

(j) Sue and be sued;

(k) Have access to documents, records, and information to which the Energy Bureau and the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico have access, except for privileged documents, records and information, as provided in the Rules of Evidence;

(L)[sic] Conduct, on its own motion or through contract, studies, surveys, or investigations, or hear expert testimonies in connection with matters that affect the interests of electric power service customers;

(m) Review and issue comments on any proposed legislation or regulations that affect electric power service customers;

(n) Submit on or before March 1st of each year to both Houses of the Legislative Assembly of the Government of Puerto Rico an annual report stating the tasks undertaken by and the achievements of the Office in favor of consumers;

(o) Adopt regulations, norms, and rules as necessary to properly conduct its internal operations;

(p) Assist, advise, and cooperate with state and federal agencies to protect and promote the interests of electric power service customers;

(q) Evaluate the operation and laws that affect the electric power service customers, including small businesses, in order to make recommendations for amendments and to propose new bills to the Governor and the Legislative Assembly that are in the best interests of the electric power service customers.

(r) Organize and hold conferences and activities related to the problems that affect electric power service customers; and

(s) Take all actions necessary and incidental to the discharge of the duties, powers, and responsibilities established in this Section.”

Section 73.- Section 7.01 is hereby repealed and Sections 7.02, 7.03, 7.04, 7.05, and 7.06 are hereby renumbered as Sections 7.01, 7.02, 7.03, 7.04, and 7.05 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act.”

Section 74.- Section 2(d) of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act” is hereby amended, to read as follows:

“Section 2.- Definitions.

(a) ...

(d) Commission.- Shall mean the Puerto Rico Energy Bureau created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory

Board. Any reference in this Act to the ‘Commission or Energy Commission’ shall be construed as a reference to the Puerto Rico Energy Bureau.

(e) ...

...”

CHAPTER V: FINAL PROVISIONS

Section 75.- Equivalence of Concepts.

Any reference to the Commission or the Puerto Rico Energy Commission, respectively, in any law shall be construed as referring to the Energy Bureau under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Any reference to the Telecommunications Regulatory Board of Puerto Rico shall be construed as referring, respectively, to the Telecommunications Bureau under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Any reference to the Public Service Commission shall be construed as referring, respectively, to the Transport and other Services Bureau under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Section 76.- Conflict of Laws Provision.

If the provisions of this Act were in conflict or inconsistent with the provisions of any other laws, the provisions of this Act shall prevail. It is expressly provided, however, that this Act neither renders ineffective nor shall be construed to be inconsistent with Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act.”

Section 77.- Injunction.

No injunction shall be issued to preclude the application of this Act or any part thereof.

Section 78.- Regulations Adopted under Previous Laws.

All regulations, orders, resolutions, circular letters, and all other administrative documents of the agencies that become Bureaus by virtue of the

Reorganization Plan of the Puerto Rico Public Service Regulatory Board and are consistent with this Act, shall remain in effect until expressly amended, supplemented, repealed, or rendered ineffective by the Board.

Section 79.- Special Provisions.

None of the provisions of this Act shall modify, alter, or invalidate any agreement, covenant, or contract duly executed by entities or instrumentalities that become Bureaus by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board and that are in effect as of the effective date of this Act.

Section 80.- Transition.

The Governor is hereby authorized to adopt transition measures as needed in order to implement the provisions of the Reorganization Plan without interrupting public services and other administrative processes of the entities that shall be part of the Department and its components.

Any actions that are necessary, appropriate, and convenient to attain the purposes of the Reorganization Plan, including, but not limited to, the revision of regulations, the establishment of their internal, programmatic, and budgetary structure, as well as the accounting structure required to carry out their fund accounting, and the relocation of offices, shall begin within a term that shall not exceed thirty (30) calendar days after the approval of this Act.

The person or committee designated by the Governor to carry out the transition set forth in this Act shall have up to one hundred and eighty (180) days after the approval of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board or the approval of this Act, if it is approved on a subsequent date, to certify compliance with the transition process.

Meanwhile, administrative structures and functions may be carried out by current officials and existing structures until the completion of the transition is certified. Regulations and processes in effect shall continue in effect until the person

or committee designated by the Governor for the transition modifies them in accordance with the Act, and such regulations and processes may be applied, notwithstanding any reference made to the preceding administrative structure repealed under the Reorganization Plan.

The incumbent President of the Energy Bureau, Chair of the Telecommunications Regulatory Board, and Chair of the Public Service Commission who were appointed by the Governor with the advice and consent of the Senate shall hold office until their terms of appointment expire, as established prior to the effective date of this Act. Absent an incumbent chair or president, the office shall be declared vacant and be subject to the transition and appointment process described in this Act.

Current Associate Commissioners of the Telecommunications Regulatory Board and the Public Service Commission, as well as the Director of the Independent Consumer Protection Office shall cease functions as of the approval of this Act. The Governor, with the advice and consent of the Senate, shall make the pertinent appointments to constitute the Telecommunications Bureau, the Transport and other Public Services Bureau, and the Energy Bureau, pursuant to the provisions of this Act, within a term not to exceed thirty (30) days as of the approval of this Act. If the Governor fails to make the appointments within such term, said appointments shall be made by the Legislative Assembly of Puerto Rico.

The Presiding Officers of the legislative bodies shall have thirty (30) days from the expiration of the term granted to the Governor to submit their candidates. Each Presiding Officer shall appoint their respective candidates; however, in order for said candidates to hold office, both Houses shall approve Concurrent Resolutions to such effect.

Section 81.- Severability.

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance. The Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Section 82.-Effectiveness.

This Act shall take effect immediately after its approval.