

## TRANSLATION

**GOVERNMENT OF PUERTO RICO  
LA FORTALEZA  
SAN JUAN, PUERTO RICO**

Administrative Bulletin No. OE-2010-034

**EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO TO ACTIVATE THE  
PROVISIONS OF LAW NO. 76 OF MAY 5, 2000**

WHEREAS: Puerto Rico is facing an energy crisis. Our current electrical energy generation infrastructure depends on petroleum derived fuels to generate approximately seventy percent (70%) of our electricity. This excessive dependency is an attempt against the life, health, and safety of all of the Puerto Rican people.

WHEREAS: The prices of petroleum derived fuels have risen dramatically in the past years and they are subject to a high degree of volatility. Our dependency on these fuels results in an energy cost approximately two times greater than the average cost for the rest of the United States. Such a high cost significantly affects the quality of life of all of the Puerto Rican people. We are forced to use resources to pay for energy that could be used to invest in education, health, housing, and other areas of need.

WHEREAS: This dependency also adversely affects our environment. The emission of gases resulting from petroleum derived fuels markedly contributes to air pollution and to the greenhouse effect with all of its consequences. The contaminating effects of these emissions are not limited to the environment but also have repercussions on the health of all of the Puerto Rican people.

WHEREAS: The dependency on petroleum derived fuels also exposes Puerto Rico to the effects of unexpected and sudden changes in the international arena that may affect the price of petroleum and its availability. This vulnerability represents a threat to our security. We cannot wait for the next international crisis to take action.

WHEREAS: Puerto Rico urgently needs to change and renew its energy generating infrastructure to reduce our dependency on petroleum derived fuels. This infrastructure is old and

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must be modernized and diversified to allow the use of alternate sources other than those derived from petroleum.

WHEREAS: It is a state priority to promote the development of new energy generation infrastructure that uses alternate sources other than petroleum derived fuels, such as natural gas, as well as sustainable renewable sources of energy or renewable alternate energy, which include, among others, wind energy, solar energy, biomass, marine, and hydric, to achieve a reduction and stabilization of the energy costs, an improvement in the quality of the environment and the public health, and a stable security status.

WHEREAS: Law No. 76 of May 5, 2000 ("Law No. 76") provides for the activation of an expedited process to carry out the necessary works and projects to face critical situations in the physical infrastructure of rendering essential services to the citizens and situations that place at risk the life, health, and safety of the population.

WHEREFORE: I, LUIS G. FORTUÑO, Governor of Puerto Rico, pursuant to the powers conferred on me by the Constitution and the Laws of Puerto Rico, do hereby decree and order the following:

SECTION 1<sup>st</sup>. I declare an emergency with respect to the electrical energy generation infrastructure of Puerto Rico and I order the use of an expedited process, under Law No. 76, for the development of projects that encourage a new energy generation infrastructure that uses alternate sources other than petroleum derived fuels, sources of sustainable renewable energy and alternate renewable energy in Puerto Rico (the "Energy Projects"). The Energy Projects include, but are not limited to, new projects for generation and conversion to natural gas, and sustainable renewable energy and renewable alternate energy, such as wind energy, solar energy, biomass, marine, and hydric.

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- SECTION 2<sup>nd</sup>. All of the agencies affected by this Executive Order must following the expedited procedure at the time the pertinent permits, consultations, endorsements, comments, recommendations, and certifications are granted for Energy Projects throughout Puerto Rico.
- SECTION 3<sup>rd</sup>. The Interagency Subcommittee on Environmental Compliance through Accelerated Means (the “Subcommittee”) is created pursuant to the provisions of Article 4 of Law No. 76, which will be in charge of evaluating the environmental documents presented for any project under this Executive Order. The Subcommittee will consist of an official from the Environmental Quality Board, the Planning Board, the Department of Natural and Environmental Resources, and any other official that the Governor designates.
- SECTION 4<sup>th</sup>. The President of the Planning Board, the President of the Environmental Quality Board, the Secretary of the Department of Natural and Environmental Resources, and the director or secretary of any other agency involved must adopt those temporary measures and make whatever decisions may be necessary to comply with this Executive Order.
- SECTION 5<sup>th</sup>. DEFINITION OF THE TERM AGENCY. For purposes of this Executive Order, the term “agency” refers to any agency, instrumentality, office, or dependency of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of their name.
- SECTION 6<sup>th</sup>. NO CREATION OF ENFORCEABLE RIGHTS. This Executive Order does not have as its purpose the creation of substantive or procedural rights in favor of third parties, enforceable before judicial, administrative, or any other type of forum, against the Government of Puerto Rico or its agencies, its officials, employees, or any other person.

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SECTION 7<sup>th</sup>.            SEVERABILITY. The provisions of this Executive Order are independent and separate from each other and should a court with jurisdiction declare unconstitutional, void, or invalid any part, section, provision, or sentence of this Executive Order, the determination to those effects will not affect the validity of the remaining provisions, which will remain in full force and effect.

SECTION 8<sup>th</sup>.            EFFECTIVENESS. This Executive Order will enter into effect immediately.

SECTION 9<sup>th</sup>.            PUBLICATION. This Executive Order must be filed immediately with the Department of State, and its broadest publication is ordered.



IN WITNESS WHEREOF, I issue this Executive Order under my signature and I have the great seal of the Government of Puerto Rico stamped hereon, in Ponce, Puerto Rico, today, July 19, 2010.

  
LUIS G. FORTUÑO  
GOVERNOR

Promulgated in accordance with the Law, today, July 18, 2010.



**Vanessa Viera-Rabelo**  
**Acting Secretary of State**