

January 30, 2020

Eng. Ralph Kreil-Rivera
President of the Board of Directors
Puerto Rico Electric Power Authority
PO Box 364267
San Juan, PR 00936-4267
VIA ELECTRONIC MAIL

Dear President Kreil:

Included below are my comments in reference to your letter dated January 28, 2020, addressed to me.

First: I visited Costa Sur and entered Costa Sur facilities under the authority and security control of the executives of Costa Sur.

Second: At no time did I requested anything from the employees and much less gave any instructions to them.

Third: At no time I made any expression or communicated in the name of the Board, nor in the name of PREPA.

Fourth: I visited Costa Sur as the Consumer Representative to asses, from the consumer's perspective, the situation at Costa Sur and its impact on consumers.

Fifth: There is no legal impediment for me to speak publicly about PREPA and its consumers, other than not making public confidential information, which is not the case here which the subject matter is a public issue.

As Consumer Representative I have different responsibilities than yours and other members of the board. I represent the consumers, whom the Legislature determined were not fully represented or protected by traditional PREPA's Board Members that are appointed by the Governor. It is because of this situation that a Consumer Representative is selected differently, directly by consumers, not appointed by the Governor nor confirmed by the Senate.

If the legislators believed that the regular Board Members do represent the consumers, they would not have created the Consumer Representative position.

Therefore, my consumer representation responsibilities and my free expressions rights, protected under both the US and Puerto Rico's Constitutions, needs to be properly exercised to represent and protect consumers.

Sincerely yours,



Tomás J. Torres

Board Member

Consumers Representative

C:

Mr. David Owens

Member of the Executive Committee

Mr. Charles Bayless

Chairman of the Legal and Customer Affairs Committee

Mr. Robert Poe

Chairman of the Audit Committee



GOVERNMENT OF PUERTO RICO

Puerto Rico Electric Power Authority
Board of Directors

January 28, 2020

HAND DELIVERED

Eng. Tomás Torres Placa
Board Member Consumer Representative
Prepa Board of Directors
Puerto Rico Electric Power Authority
San Juan, Puerto Rico

Board Member Torres-Placa:

It has been brought to our attention that on January 21, 2020, you visited PREPA's South Coast site disregarding the fact that access to said facility was prohibited for safety reasons. Moreover, personnel from the site acknowledged that you gained access by referencing your membership in this Board. This is not only illegal and irresponsible, but demonstrates a lack of respect for your fellow Board members and the documents pertinent to the governance of this Board. Neither the CEO or I, as Chair, were notified beforehand of your intent to visit Costa Sur.

On previous occasions the Board has called your attention to the fact that no Board member may individually or personally give instructions or request information directly to PREPA employees. All instructions must come from the Board acting as a governing body. See, Section 4 of Act 83 of May 2, 1941, as amended (Role of the Board; code of ethics, fiduciary duties: (D) Give instructions to PREPA's officials and employees to ensure the compliance with PREPA's mission, policies, goals, and values. Provided, that no member of the Board may give instructions on an individual or personal manner to PREPA's employees. Any instruction shall be given by the whole Board and abide by a determination or instruction of said body. (Our Emphasis)

Moreover, at the Governor's press conference in Monacillos, I clearly stated that the only public officers from PREPA allowed to discuss emergency matters with the press were the Governor, the CEO, the PMO and the Director of Generation. As you are well aware, the administrative personnel from the Governing Board is, and has always been, available to request any information needed by its members, including coordination of visits to any of its facilities.



PO Box 364267 San Juan, Puerto Rico 00936-4267

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Since the day of the first seismic event, I have been in continuous contact with the Chief Executive Officer and determined that the correct course of action was to provide the opportunity to assess the situation, gather the information provided, including periodic updates, and submit to this Board the most detailed account possible, to be discussed during the upcoming Board meeting in January. Furthermore, daily updates were shared with all Board Members in a joint communications effort between our staff and the CEO's office as soon as verified data was made available to me from the PMO's office.

Your entry to the critically damaged Costa Sur facility is a serious breach of the Code of Ethics of the PREPA Governing Board of which you are a member. Your actions jeopardized your own personal safety, violated safety protocols of the plant, thus potentially endangering the safety of others. Moreover, and in what constitutes a separate breach to the unauthorized visit to Costa Sur, your communication with the press regarding this topic constitutes, yet again, another unilateral discussion with the media in violation of previous Resolutions regarding this matter. (See, Resolution 4669 of January 30, 2019 "Prepa Board Communications"). This behavior will not be tolerated in the future. Herewith copied are the independent members of the Board as each one presides or sits in a Board committee which may decide to investigate this matter more thoroughly.

Sincerely,



Eng. Ralph Kreil-Rivera
President of the Board

c: Mr. David Owens
Member of the Executive Committee

Mr. Charles Bayless
Chairman of the Legal and Customer Affairs Committee

Mr. Robert Poe
Chairman of the Audit Committee