

Puerto Rico Department of Economic
Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Basic Financial Statements, Required Supplementary Information and
Supplemental Schedule of Expenditures of Federal Awards

June 30, 2023

Independent Auditors' Report

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INDEPENDENT AUDITORS' REPORT

To the Secretary of the Department of
Economic Development and Commerce of
the Commonwealth of Puerto Rico

Opinion

We have audited the financial statements of the of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the Puerto Rico Department of Economic Development and Commerce (an Agency of the Commonwealth of Puerto Rico)(the Department), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Department's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the Department, as of June 30, 2023, and the respective change in net position (deficit), and cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Department, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Emphasis of Matters

Restatement of Net Position

As discussed in Note 17 to the financial statements, the 2022 financial statements have been restated to correct misstatements related mainly to the reduction of an accrual to the Science, Technology and Research Trust (the Trust) because Act 73-2008, which established a formula to calculate the contributions that the Department had to make to the Trust was superseded by Act 60-2019, under which the Secretary of the Department determines the contributions to the Trust.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Department's ability to continue as a going concern for one year after the date that the financial statements were issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Department's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, the schedules of the Department's proportionate share of collective total pension liability and the other postemployment benefits (OPEB) collective liability, as listed on the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Department's basic financial statements. The accompanying schedule of expenditures of federal awards, as required by *Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*, and the combining and individual fund financial statements and schedules listed in the accompanying table on contents are presented for purposes of additional analysis and are not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements.

To the Secretary of the Department of
Economic Development and Commerce of
the Commonwealth of Puerto Rico
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The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated May 28, 2024, on our consideration of the Department's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Department's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Department's internal control over financial reporting and compliance.



Galíndez LLC

San Juan, Puerto Rico
May 28, 2024
License No. LLC-322
Expires December 1, 2026

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited)

June 30, 2023

The Management's Discussion and Analysis (MD&A) serves as a comprehensive narrative overview and analysis of the financial activities of the Department of Economic Development and Commerce (referred to as the Department) for the fiscal year ended June 30, 2023. It functions as an essential introduction to the Department's basic financial statements, which comprise government-wide financial statements, fund financial statements, and notes to the basic financial statements. The MD&A plays a pivotal role in assisting stakeholders in understanding and interpreting the Department's financial performance and position. Its design aims to achieve several key objectives:

Assisting in Focus: The MD&A serves to guide readers' attention towards significant financial matters. By highlighting key aspects of the financial statements and providing context, it enables stakeholders to prioritize their analysis and focus on areas of particular importance. This ensures that readers can efficiently extract relevant insights from the financial information presented.

Providing Overview: One of the primary functions of the MD&A is to furnish an overarching view of the Department's financial activities. It offers a narrative summary that encapsulates the essential elements of the financial statements, providing readers with a holistic understanding of the Department's fiscal performance, achievements, and challenges during the fiscal year under review. This overview serves as a foundation upon which stakeholders can delve deeper into specific aspects of the financial statements.

Highlighting Individual Fund Matters: The MD&A also aims to shed light on individual fund matters within the Department. By delving into the performance and dynamics of various funds, such as governmental and business-type activities, it offers insights into the specific activities, revenues, and expenditures associated with each fund. This granularity allows stakeholders to assess the financial health and performance of each fund separately, facilitating informed decision-making and resource allocation.

It is crucial to emphasize that while the MD&A provides a condensed and summarized presentation of the Department's financial activities, it is not intended to replace a thorough examination of the complete financial statements, notes, and required supplementary information. Rather, it serves as a gateway to these detailed documents, providing readers with a roadmap for navigating the extensive financial information available.

To gain a comprehensive understanding of the Department's financial condition, stakeholders are encouraged to review the financial statements, notes, and supplementary information in their entirety. This comprehensive review enables stakeholders to gain deeper insights into the Department's financial performance, liquidity, solvency, and compliance with regulatory requirements. Additionally, it facilitates the identification of trends, risks, and opportunities that may impact the Department's future financial outlook and strategic direction.

In summary, the MD&A plays a vital role in communicating the Department's financial story to stakeholders. By providing a narrative overview, guiding focus, offering an overview of financial activities, and highlighting individual fund matters, it serves as a valuable tool for facilitating understanding, analysis, and decision-making related to the Department's finances. However, its effectiveness ultimately hinges on stakeholders' willingness to delve deeper into the detailed financial information provided in the accompanying documents.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited)

June 30, 2023

Financial Highlights

- The assets and deferred outflows of resources of the Department exceeded its liabilities and deferred inflows of resources by approximately \$204.6 million at June 30,2023, which is composed of \$66.4 million of net investment in capital assets, \$91.4 million of restricted assets and \$46.8 million of unrestricted net position. The General Fund's operations are mainly related to the economic incentives' activities under Act No. 60 and the rum production program.
- Governmental activity revenues exceeded its expenses for the fiscal year 2023 by \$34.2 million. Business-type activity revenues exceeded its expenses by \$20.7 million. This resulted in a net change in net position of approximately \$54.9 million for the year ended June 30, 2023.
- Total assets and deferred outflows of resources amounted to \$503.3 million at June 30,2023, an increase of \$86.6 million when compared to year-end 2022.
- Total liabilities and deferred inflows of resources amounted to \$298.7 million at June 30,2023, an increase of \$31.4 million when compared to year-end 2022.

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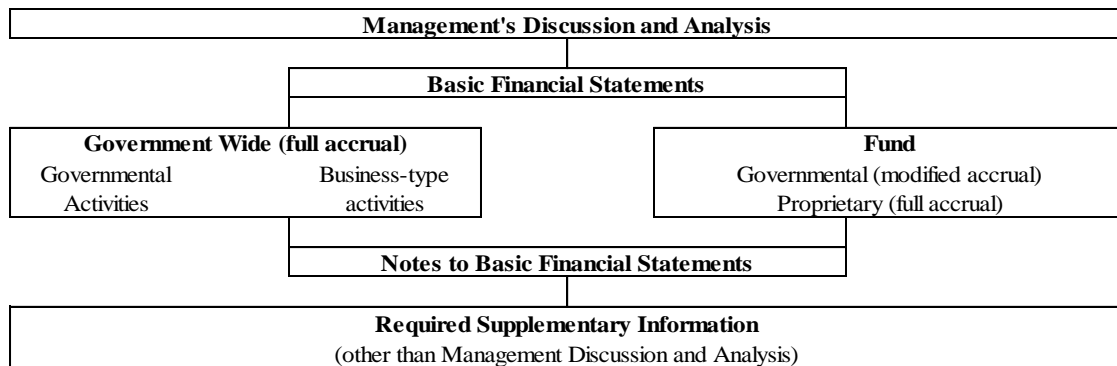
Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Overview of the Basic Financial Statements

The following discussion and analysis is intended to serve as an introduction to the Department's basic financial statements. This report includes the independent auditors' report, management's discussion and analysis, the basic financial statements, the notes that explain in more detail the information contained in the financial statements, and the required supplementary information.



Government Wide Highlights

The Government Wide Highlights section of the Management's Discussion and Analysis (MD&A) offers an insightful overview of the Department of Economic Development and Commerce's financial position and operational activities for the fiscal year ended June 30, 2023. This segment delves into the statement of net position and the statement of activities, providing a comprehensive analysis of the Department's overall financial health and operational endeavors. By scrutinizing these statements, stakeholders can gauge the Department's financial status, discern trends, and evaluate key operational initiatives.

The statement of net position includes all assets, deferred outflows of resources, liabilities, and deferred inflows of resources, employing the accrual basis of accounting and the statement of activities ensures the inclusion of all revenues and expenses incurred during the current fiscal year, irrespective of the timing of cash inflows or outflows. These statements serve as pivotal tools for assessing the Department's net position and delineating changes therein, which denote the disparity between assets and liabilities. Fluctuations in net position over time offer valuable insights into the Department's financial trajectory, indicating whether its financial health is on an upward or downward trajectory. It is crucial for the Department to consider various non-financial factors, such as shifts in its operational nature, receipt of federal assignments, efficacy in collecting administrative fees levied on operating components for administrative activities, development of the film industry initiatives, enactment of new laws and regulations, and the overall financial stability of the Commonwealth of Puerto Rico (the Commonwealth), which serves as the Department's primary government.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Government Wide Highlights – (continued)

Within the statement of net position and the statement of activities, the Department's operations are divided into two primary categories:

Governmental Activities: This category encompasses the Department's core services, including operations funded through federal grants such as those under the Workforce Innovation Opportunity Act (WIOA) programs, along with Film Industry Development activities, Rums of Puerto Rico (ROPR), other funds related to Act No. 60 financed through state funds. These activities form the cornerstone of the Department's endeavors to foster economic growth and development within the jurisdiction.

Business-type Activities: In contrast, business-type activities are geared towards recovering all or a substantial portion of their costs through user fees and charges imposed on external users for goods and services rendered. The Department levies fees on its operational units, which serve as component units of the Commonwealth, for administrative functions. Additionally, the Department's rental activities are registered into its proprietary fund, subject to accounting practices similar to those observed in the private sector. Funding primarily stems from revenue generated through the rental of commercial facilities, underscoring the Department's efforts to diversify revenue streams and bolster financial sustainability.

By delineating these activities, the Department aims to provide stakeholders with a comprehensive understanding of its multifaceted operations and financial performance. This detailed analysis facilitates informed decision-making, strategic planning, and resource allocation, ultimately contributing to the Department's overarching mission of fostering economic development and prosperity within the Commonwealth of Puerto Rico.

Fund Highlights

The Fund Highlights section of the Management's Discussion and Analysis (MD&A) provides a deeper insight into the Department of Economic Development and Commerce's financial position and activities by examining financial statements prepared at the fund level. Funds serve as distinct accounting entities with a self-balancing set of accounts designed to facilitate specific activities or achieve predefined objectives. By analyzing fund-level financial statements, stakeholders can gain a more detailed understanding of the Department's financial position and operational performance.

Nature of Funds:

Fund-level financial statements offer a unique perspective on the Department's financial activities. Unlike government-wide statements, which adopt the accrual basis of accounting, governmental fund financial statements utilize a different perspective and basis of accounting. This difference arises from the distinct purposes and objectives of governmental and proprietary funds. While governmental funds focus on providing basic services and meeting public needs, proprietary funds aim to operate in a business-like manner, generating revenues to cover their costs.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Major Funds:

The financial statements at the fund level categorize funds into major and non-major funds, as per generally accepted accounting principles (GAAP). Major funds are those deemed significant enough to warrant separate reporting and analysis due to their size, importance, or nature. These major funds provide a comprehensive view of the Department's most significant financial activities and operations. By focusing on major funds, stakeholders can concentrate their analysis on the most critical aspects of the Department's financial performance.

Fund Types:

The Department utilizes two primary fund types for its operations:

Governmental Funds: These funds encompass activities related to providing basic services and fulfilling public needs. Examples include operations financed through federal grants, film industry development activities, the Rums of Puerto Rico (ROPR), and other programs related to Act No. 60, which are funded through state resources. Governmental funds are crucial for supporting the Department's mission of fostering economic growth and development within Puerto Rico.

Proprietary Funds: Unlike governmental funds, proprietary funds operate in a business-like manner, aiming to recover their costs through user fees and charges. The Department charges fees to its operational units, which are component units of the Commonwealth, for administrative functions. Additionally, rental activities were included in its proprietary fund, mirroring private sector accounting practices. Revenue primarily arises from the rental of commercial facilities, demonstrating the Department's efforts to diversify its revenue streams and enhance financial sustainability.

By examining fund-level financial statements, stakeholders gain valuable insights into the Department's financial activities, priorities, and performance at a more granular level. These insights enable stakeholders to make informed decisions, assess the effectiveness of financial management practices, and identify areas for improvement or strategic focus. Moreover, analyzing major funds facilitates a comprehensive understanding of the Department's most significant financial activities and operations, thereby enhancing transparency and accountability in financial reporting.

Governmental Funds

The focus on governmental funds within the Department's financial reporting sheds light on how money flows into and out of these funds, as well as the balances remaining at the end of the fiscal year that are available for spending. Unlike government-wide statements, which adopt an accrual basis of accounting, governmental fund financial statements utilize the current financial resources measurement focus and the modified accrual basis of accounting. This approach emphasizes cash and other financial assets that can readily be converted to cash, providing a snapshot of the Department's short-term financial position and liquidity.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

One key distinction of governmental fund financial statements is the exclusion of assets and liabilities that do not impact current financial resources, such as capital assets and long-term liabilities. By focusing solely on current financial resources, these statements provide a detailed short-term view of the Department's financial activities and resources available for immediate use. This approach is particularly relevant for assessing the Department's ability to fund its ongoing programs and initiatives in the near future.

Within governmental fund financial statements, a significant portion of the Department's basic services and expenditures are reported. These include programs financed with federal financial assistance under the Workforce Innovation Opportunity Act (WIOA), ARP Act, and other smaller programs. The inclusion of these programs in governmental fund statements helps stakeholders understand the allocation and utilization of federal funds and assess the Department's compliance with grant requirements and objectives.

Additionally, governmental fund statements also capture other programs financed through state funds, such as the Rums of Puerto Rico program and various economic development activities. These programs play a crucial role in driving economic growth and development within Puerto Rico, and their inclusion in governmental fund statements provides stakeholders with insights into the Department's allocation of state resources and its efforts to stimulate economic activity.

Reconciliations between governmental activities reported in the statement of net position and the statement of activities and governmental funds are presented following the fund financial statements. These reconciliations help bridge the gap between the long-term perspective provided by government-wide statements and the short-term focus of governmental fund statements. By comparing and reconciling information from both sets of statements, stakeholders can gain a more comprehensive understanding of the Department's overall financial position, performance, and fiscal sustainability.

In summary, the emphasis on governmental funds in the Department's financial reporting serves to provide stakeholders with a detailed view of the Department's short-term financial position, liquidity, and allocation of resources for immediate use. By excluding non-current assets and liabilities and focusing on current financial resources, governmental fund statements offer insights into the Department's ability to finance its ongoing programs and initiatives in the near future, thereby enhancing transparency and accountability in financial reporting.

Proprietary Funds

The Department's financial operations extend beyond governmental funds to include proprietary funds, which report on business-type activities. It plays a crucial role in facilitating the Department's revenue generation and cost recovery efforts, enhancing financial sustainability and operational efficiency.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Rental and Other Service Fees Activities:

The Department generates revenue from rental activities. This revenue is derived from renting out commercial facilities owned or managed by the Department. These rental activities contribute to the Department's overall revenue stream, further bolstering its financial resources and supporting its operations. Additionally, other service fees are generated related to the administration, services and platform management used to provide certain incentives and permits.

Internal Service Activities:

The Department's internal service fund operates similarly to business-type activities reported in government-wide statements. It serves as a centralized fund responsible for providing goods and services, such as administrative support, equipment maintenance, or information technology services, to other departments or agencies within the Commonwealth. The internal service fund functions as an intermediary entity, facilitating the efficient delivery of services across various departments while ensuring cost recovery and financial accountability.

Financial Reporting Standards:

Proprietary funds adhere to specific financial reporting standards, including the economic resources measurement focus and the accrual basis of accounting. Unlike governmental funds, which focus on current financial resources, proprietary funds emphasize economic resources, encompassing both current and non-current assets and liabilities. This approach provides a comprehensive view of the Department's financial position and performance, capturing all economic events regardless of when cash transactions occur.

Proprietary funds are required to prepare comprehensive financial statements, including a balance sheet, a statement of revenues, expenses, and changes in net position, and a statement of cash flows. These statements offer insights into the financial health, revenue generation capabilities, and cash flow dynamics of the Department's business-type activities. The statement of cash flows, in particular, provides valuable information on the sources and uses of cash, aiding stakeholders in assessing the Department's liquidity, investment, and financing activities.

In summary, proprietary funds play a vital role in the Department's financial operations, supporting revenue generation, cost recovery, and efficient service delivery. By adhering to specific financial reporting standards and preparing comprehensive financial statements, proprietary funds provide stakeholders with insights into the Department's business-type activities, financial performance, and cash flow dynamics, enhancing transparency, accountability, and decision-making processes.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Notes to the Financial Statements

The notes to the basic financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide financial statements and the fund financial statements.

Required Supplementary Information

The statements and notes are followed by the required supplementary information that contains the schedule of the Department's proportionate share of total pension liability and the schedule of the Department's proportionate share of the collective total OPEB liability.

Financial Analysis

The following is an analysis of the financial position and changes in the financial position of the Department's activities for the fiscal year 2023.

Net Position

Condensed financial information from the statement of net position as of June 30, 2023, and 2022, as restated, is as follows (expressed in thousands):

	Governmental Activities		Business-type Activities		Total		Change	%
	(As Restated)		(As Restated)		(As Restated)			
	2023	2022	2023	2022	2023	2022		
Assets:								
Current and other assets	\$ 296,843	\$ 243,890	\$ 100,745	\$ 85,983	\$ 397,588	\$ 329,873	\$ 67,715	21%
Capital assets	3,578	3,788	62,839	64,807	66,417	68,594	(2,177)	-3%
Total assets	<u>300,421</u>	<u>247,678</u>	<u>163,584</u>	<u>150,789</u>	<u>464,005</u>	<u>398,467</u>	<u>65,538</u>	<u>16%</u>
Deferred outflows of resources	<u>31,678</u>	<u>8,636</u>	<u>7,640</u>	<u>9,967</u>	<u>39,318</u>	<u>18,603</u>	<u>20,715</u>	<u>111%</u>
Liabilities:								
Current and other liabilities	111,703	93,045	18,370	19,826	130,073	112,871	17,202	15%
Long-term liabilities	<u>63,254</u>	<u>42,978</u>	<u>42,876</u>	<u>53,775</u>	<u>106,130</u>	<u>96,753</u>	<u>9,377</u>	<u>10%</u>
Total liabilities	<u>174,957</u>	<u>136,023</u>	<u>61,246</u>	<u>73,602</u>	<u>236,203</u>	<u>209,624</u>	<u>26,579</u>	<u>13%</u>
Deferred inflows of resources	<u>4,309</u>	<u>1,609</u>	<u>58,207</u>	<u>56,120</u>	<u>62,516</u>	<u>57,729</u>	<u>4,787</u>	<u>8%</u>
Net position:								
Net investment in capital assets	3,578	3,788	62,839	64,807	66,417	68,595	(2,178)	-3%
Restricted	90,250	23,369	1,166	708	91,416	24,077	67,339	100%
Unrestricted (deficit)	<u>59,005</u>	<u>91,526</u>	<u>(12,234)</u>	<u>(34,481)</u>	<u>46,771</u>	<u>57,045</u>	<u>(10,274)</u>	<u>-18%</u>
Total net position	<u>\$ 152,833</u>	<u>\$ 118,683</u>	<u>\$ 51,771</u>	<u>\$ 31,034</u>	<u>\$ 204,604</u>	<u>\$ 149,717</u>	<u>\$ 54,887</u>	<u>37%</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

As of June 30, 2023, the Department's net position increased by \$54.8 million or 37% when compared to 2022 mainly because of increase in cash of \$67.7 million due to the receipt of federal funds of \$57.2 million and \$15 million for capital improvements and increases in deferred outflows of \$20.7 million and an increase in total liabilities of \$26.6 million.

Total assets increased by \$65.5 million or 16%, mostly due to the increase in current and other assets because of unearned revenue of \$51.5 million which funds are deposited in commercial banks and still unexpended. Total liabilities increased by \$26 million or 13%, mostly due to the unearned revenue recorded for the unexpended amounts of federal funds recorded in cash.

Change in Net Position

Condensed financial information from the statement of activities as of June 30, 2023, and 2022, as restated, is as follows (expressed in thousands):

	Governmental Activities		Business-type Activities		Total		Change	
	2023	(As Restated) 2022	2023	(As Restated) 2022	2023	(As Restated) 2022		
Revenues:								
Program revenues:								
Operating grants and contributions	\$ 465,180	\$ 414,817	\$ -	\$ -	\$ 465,180	\$ 414,817	\$ 50,363	12%
Charges for services - fees and others	-	13,145	30,808	16,245	30,808	29,390	1,418	5%
Capital grants and contributions	-	5,000	15,050	-	15,050	5,000	10,050	201%
	<u>465,180</u>	<u>432,962</u>	<u>45,858</u>	<u>16,245</u>	<u>511,038</u>	<u>449,207</u>	<u>61,831</u>	<u>14%</u>
General revenue:								
Contributions from the Commonwealth	-	-	2,790	5,083	2,790	5,083	(2,293)	-45%
Contributions from federal agency for salaries reimbursement	10,141	-	-	-	10,141	-	10,141	100%
Interest income	<u>1,139</u>	<u>-</u>	<u>2,679</u>	<u>-</u>	<u>3,818</u>	<u>-</u>	<u>3,818</u>	<u>100%</u>
	<u>11,280</u>	<u>-</u>	<u>5,469</u>	<u>5,083</u>	<u>16,749</u>	<u>5,083</u>	<u>11,666</u>	<u>230%</u>
Total revenues	<u>476,460</u>	<u>432,962</u>	<u>51,327</u>	<u>21,328</u>	<u>527,787</u>	<u>454,290</u>	<u>73,497</u>	<u>16%</u>
Expenses:								
General government and other	314,592	293,390	30,590	12,506	345,182	305,896	39,286	13%
Special revenue funds	98,797	94,196	-	-	98,797	94,196	4,601	5%
Economic development programs and others	14,979	1,679	-	-	14,979	1,679	13,300	792%
Green energy incentives	<u>13,942</u>	<u>3,183</u>	<u>-</u>	<u>-</u>	<u>13,942</u>	<u>3,183</u>	<u>10,759</u>	<u>338%</u>
Total expenses	<u>442,310</u>	<u>392,448</u>	<u>30,590</u>	<u>12,506</u>	<u>472,900</u>	<u>404,954</u>	<u>67,946</u>	<u>17%</u>
Changes in net position	34,150	40,514	20,737	8,822	54,887	49,336	5,551	11%
Net position - beginning of year	118,683	31,723	31,034	23,751	149,717	55,474	94,243	170%
Restatement adjustments	-	46,446	-	(1,539)	-	44,907	(44,907)	-100%
Net position - beginning of year, as restated	<u>118,683</u>	<u>78,169</u>	<u>31,034</u>	<u>22,212</u>	<u>149,717</u>	<u>100,381</u>	<u>49,336</u>	<u>49%</u>
Net position - end of year	<u>\$ 152,833</u>	<u>\$ 118,683</u>	<u>\$ 51,771</u>	<u>\$ 31,034</u>	<u>\$ 204,604</u>	<u>\$ 149,717</u>	<u>\$ 54,887</u>	<u>37%</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

The Department's change in net position increased by \$5.6 million or 11%. The Department's revenues increased by \$73.5 million or 16% due to an increase of \$24.0 million of ARPA funds, \$12.8 million of Act 60 funds, and other federal grants for incentive programs that were received. The expenses in green energy incentives and economic development program incentives also increased by \$10.8 million or 338% and \$13.3 million or 792% based also on the increase in revenues. As the revenues increase the federal incentive expenditure increases too. Total expenses increased by \$67.9 million or 17%, mainly due to the Department's recognition of an allowance for doubtful accounts of approximately \$38 million related to accounts receivables of the Commonwealth.

The significant adjustment to fiscal year 2022 net position of \$44.9 million is mostly related to an adjustment of certain account payables to the Science, Technology and Research Trust, this adjustment is related to the validity of the Act 60.

Financial Analysis of the Department's Major funds

Governmental Funds

Condensed financial information from the balance sheets of governmental funds as of June 30, 2023 and 2022, is as follows (expressed in thousands):

	<u>Governmental Activities</u>		<u>Changes</u>	
		(As Restated)		
	<u>2023</u>	<u>2022</u>		
Assets				
Total assets - General fund	\$ 225,887	\$ 209,611	\$ 16,276	8%
Total assets - Federal	<u>74,639</u>	<u>37,693</u>	<u>36,946</u>	<u>98%</u>
Total assets	<u><u>300,526</u></u>	<u><u>247,304</u></u>	<u><u>53,222</u></u>	<u><u>22%</u></u>
Liabilities				
Total liabilities - General fund	37,273	57,016	(19,743)	-35%
Total liabilities - Federal	<u>74,670</u>	<u>37,724</u>	<u>36,946</u>	<u>98%</u>
Total liabilities	<u><u>111,943</u></u>	<u><u>94,740</u></u>	<u><u>17,203</u></u>	<u><u>18%</u></u>
Fund balances				
Nonspendable	-	658	(658)	-100%
Spendable:				
Restricted	62,983	22,337	40,646	182%
Unassigned	<u>125,600</u>	<u>129,569</u>	<u>(3,969)</u>	<u>-3%</u>
Total fund balances	<u><u>188,583</u></u>	<u><u>152,564</u></u>	<u><u>36,019</u></u>	<u><u>24%</u></u>
Total liabilities and fund balances	<u><u>\$ 300,526</u></u>	<u><u>\$ 247,304</u></u>	<u><u>\$ 53,222</u></u>	<u><u>22%</u></u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Total fund balance of governmental funds as of June 30, 2023, amounted to \$188.6 million, an increase of \$36.1 million or 24% when compared to \$152.6 million in 2022. Such variance is due to a high reduction in general expenditures due to less administrative expense while upholding revenue inflow.

Total assets and total liabilities, respectively, increased in federal funds by \$36.9 million or 98% which is mainly related to the American Rescue Plan Act (ARPA) funding received and not yet disbursed. This undisbursed funding is recorded as unearned revenues in the Statement of Net Position and the same represents an increase of \$34.4 million when compared to the 2022 balances.

Net Change in Fund Balances of Governmental Funds

Condensed financial information from the statement of revenues, expenditures, and changes in fund balances of governmental funds as of June 30, 2023 and 2022, is as follows (expressed in thousands):

	Governmental Activities		Changes	
	2023	(As Restated) 2022		
Revenues:				
Total revenues - General fund	\$ 377,664	\$ 333,904	\$ 43,760	13%
Total revenues - Workforce Innovation and Opportunity Act Programs and others	<u>98,797</u>	<u>99,058</u>	<u>(261)</u>	<u>0%</u>
Total revenues	<u>476,461</u>	<u>432,962</u>	<u>43,499</u>	<u>10%</u>
Expenditures:				
Total expenditures - General fund	\$ 341,645	\$ 290,122	\$ 51,523	18%
Total expenditures - Workforce Innovation and Opportunity Act Programs and others	<u>98,797</u>	<u>99,058</u>	<u>(261)</u>	<u>0%</u>
Total expenditures	<u>440,442</u>	<u>389,180</u>	<u>51,262</u>	<u>13%</u>
Excess of revenues over (expenditures) and net change in fund balances	36,019	43,782	(7,763)	-18%
Fund balance, at beginning of year, as previously reported	152,564	62,336	90,228	145%
Restatement adjustments	<u>-</u>	<u>46,446</u>	<u>(46,446)</u>	<u>0%</u>
Fund balance, at beginning of year, as restated	<u>152,564</u>	<u>108,782</u>	<u>43,782</u>	<u>40%</u>
Fund balance, end of fiscal year	<u>\$ 188,583</u>	<u>\$ 152,564</u>	<u>\$ 36,019</u>	<u>24%</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Governmental funds' net change in fund balance for 2023 decreased by 7.7 million or -18%. Total revenues for the year amounted to \$476.5 million, which represents an increase of \$43.5 million or 10%, when compared to \$433.0 million in 2022, most significant increases were an increase of \$24.0 million of ARP Act funds, \$12.8 million of Act No. 60 funds, \$12.4 million of fiscal year 2022 unearned revenues recognized during this fiscal year as revenues and the contribution from Commonwealth of \$38.7 million to establish an incentive program named 21st Century Program which promotes the development of students in the use of technological tools from primary to secondary school students.

Total expenditures amounted to \$440.4 million which represents an increase of \$51.2 million or 13% when compared to 2022. This is the result of an allowance for uncollectible accounts that the Department has established for some account receivables from the Commonwealth.

The fund balance restatement is mostly because of an adjustment of certain account payables to the Puerto Rico Science, Technology and Research Trust, this adjustment is related to the validity of the Act No. 60.

Proprietary Fund

The proprietary fund plays a crucial role in financial reporting, providing thorough insights into the Department's business-type activities. It offers a detailed perspective that aligns with the government-wide statements but delves deeper into the specifics. This fund offers a comprehensive overview of the Department's financial performance, with a particular emphasis on its revenue-generating operations and efforts to recover costs.

For the fiscal year ended June 30, 2023, the Department's proprietary fund exhibited growth, with the total net position increasing by \$20.7million compared to the previous year. This growth underscores the Department's effective management of its business-type activities, resulting in enhanced financial stability and strengthens its net position.

A noteworthy contributor to this increase was a substantial contribution of \$15.0 million from the Commonwealth, which is available for Capital additions including improvements to the properties.

This continuity in improving the operations reflects the Department's commitment to sound financial management practices and prudent resource allocation strategies. With steady operational activities, the Department demonstrates its ability to effectively generate revenue, manage expenses, and achieve financial sustainability in its business-type endeavors. Revenues streams in the business type activities include, Fees and collections from the Single Business Platform (fees for permits and decrees), Charges for back office services to PRIDCO and the rental activities of the Department.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Overall, the proprietary fund serves as a valuable tool for assessing the Department's financial performance in its revenue-generating activities. The significant increase in net position, coupled with the contribution from the Commonwealth and the maintenance of positive operations, underscores the Department's success in managing its business-type activities and advancing its organizational objectives.

Capital Assets

As of June 30, 2023, the Department's net investment in capital assets totaled approximately \$66.4 million. This figure encompasses various categories of capital assets, including buildings, building improvements, land, vehicles, and equipment. However, it's important to note that this amount reflects a decrease of approximately \$2.2 million compared to the previous fiscal year.

The decline in the net investment in capital assets primarily stems from depreciation charges applied to these assets over time. Depreciation is a non-cash expense that reflects the gradual wear and tear, obsolescence, or aging of capital assets. As such, it reduces the recorded value of these assets on the Department's financial statements, contributing to the decrease in net investment.

While the Department's net investment in capital assets decreased slightly as of June 30, 2023, due to depreciation charges, these assets remain integral to its operations. Managing and maintaining these assets effectively is crucial for supporting the Department's ongoing activities and fulfilling its mission effectively.

Long-term liabilities

Total long-term liabilities as of June 30, 2023, amounted to \$106.1 million an increase of \$9.4 million or 10% when compared to 2022. The Department's long-term liabilities consist of pension plan liability, OPEB liability, voluntary termination accrual and accrued compensated absences. Both the governmental fund and the business-type fund long-term liabilities balances remained comparable to the previous year.

Currently Known Facts

Reorganization of the Department

On July 11, 2018, the Governor signed the Reorganization Plan of the Department of Economic Development and Commerce Execution Act of 2020 (Act No. 141), which implements the Reorganization Plan established on The New Government Act. With this reorganization, the following governmental entities were consolidated with the Department:

- Office of Industrial Tax Exemptions
- Commonwealth of Puerto Rico Regional Center Corporation
- Permits Management Office
- State Office of Energy Policy
- Puerto Rico Trade and Export Company

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

Also, as part of this reorganization, the following governmental entities will remain ascribed until further consolidation within the Department:

- Puerto Rico Tourism Company
- Puerto Rico Industrial Development Company, which shall include, as ascribed, the Puerto Rico Planning Board and the Local Redevelopment Authority for Roosevelt Roads

On May 9, 2019, the Oversight Board acknowledged the above reorganization plan, in its Fiscal Plan for Puerto Rico.

Retirement System of the Central Government

Under Act No. 106, a significant change in retirement benefits for active employees has been introduced, which mandates a minimum contribution of 8.5% of their compensation to a defined contribution plan. This alteration marks a significant shift from traditional pension plans to a defined contribution model, wherein employees' contributions are deposited into individual accounts and invested according to specified guidelines.

The implementation of this defined contribution plan signifies a departure from the previous pension system, where retirement benefits were determined based on years of service and final average salary. Instead, employees are now tasked with actively contributing a portion of their compensation towards their retirement savings, providing them with greater control over their financial future.

Each employee's contributions are deposited into separate accounts, ensuring transparency and accountability in the management of retirement funds. These accounts serve as a personal savings vehicle, with the accumulated contributions and investment returns earmarked for retirement benefits upon reaching retirement age.

The investment of these contributions follows predefined guidelines to ensure prudent and responsible asset management. These guidelines likely encompass considerations such as risk tolerance, diversification, and long-term growth objectives, aiming to optimize investment returns while mitigating potential risks.

Upon retirement, employees are entitled to receive retirement benefits accumulated until the enactment of Act No. 106, subject to certain limitations. Additionally, they will receive benefits accumulated under the defined contribution plan established by the same Act. This dual benefit structure combines the accrued benefits under the previous pension system with the contributions and investment returns from the defined contribution plan, providing employees with a comprehensive retirement package.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Management's Discussion and Analysis (Unaudited) – (continued)

June 30, 2023

The transition to a defined contribution plan under Act No. 106 represents a significant reform aimed at ensuring the long-term sustainability of retirement benefits while empowering employees to take a more active role in planning for their financial security post-retirement. By shifting towards a model that emphasizes individual contributions and investment earnings, the Act seeks to modernize retirement benefits, aligning them with contemporary financial practices and economic realities.

Note 12 of the financial statements provides additional details and disclosures regarding the implementation and impact of Act No. 106 on the Department's retirement benefit obligations and financial position. This note likely includes information on the calculation of retirement benefits, the administration of the defined contribution plan, and any transitional provisions or adjustments required to facilitate the transition to the new retirement system.

Request for Information

This financial report is designed to provide a general overview of the Department of Economic Development and Commerce of Puerto Rico. Questions concerning the information provided in this report or requests for additional financial information should be addressed to the Office of the Secretary, Department of Economic Development and Commerce of Puerto Rico, P.O. Box 192159, San Juan, Puerto Rico, 00919.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Statement of Net Position

June 30, 2023

	Governmental Activities	Business-type Activities	Total
Assets:			
Cash in commercial bank	\$ 28,857,302	\$ 86,562,393	\$ 115,419,695
Restricted cash in commercial banks	120,093,237	2,975,277	123,068,514
Due from:			
Commonwealth of Puerto Rico	57,104,620	-	57,104,620
Federal Government	21,453,923	-	21,453,923
Other Governmental entities	10,911,696	13,775,282	24,686,978
Internal balances	58,422,458	(58,422,458)	-
Lease receivable	-	55,854,976	55,854,976
Capital assets, net	3,577,778	62,838,879	66,416,657
Total assets	300,421,014	163,584,349	464,005,363
Deferred outflows of resources:			
Pension related	31,621,019	7,538,259	39,159,278
Other postemployment benefits related	57,200	101,599	158,799
Total deferred outflows of resources	31,678,219	7,639,858	39,318,077
Liabilities:			
Accounts payable and accrued liabilities	41,419,400	6,264,915	47,684,315
Due to Commonwealth of Puerto Rico	9,400	8,738,130	8,747,530
Unearned revenue	51,538,453	-	51,538,453
Due to:			
Subrecipients	13,678,908	-	13,678,908
US Department of Labor	1,614,435	-	1,614,435
Liabilities payable within one year:			
Total pension liability	2,284,172	2,658,073	4,942,245
Total OPEB liability	57,200	101,600	158,800
Voluntary termination benefits	247,732	555,067	802,799
Accrued compensated absences	853,066	51,939	905,005
Liabilities payable after one year:			
Total pension liability	58,416,939	37,850,554	96,267,493
Total OPEB liability	431,026	1,002,278	1,433,304
Voluntary termination benefits	1,131,285	1,044,291	2,175,576
Accrued compensated absences	3,275,035	108,281	3,383,316
Tenant deposits	-	1,808,959	1,808,959
Legal reserve	-	1,061,993	1,061,993
Total liabilities	174,957,051	61,246,080	236,203,131
Deferred inflows of resources:			
Pension related	4,309,007	5,864,403	10,173,410
Lease	-	52,342,996	52,342,996
Total deferred inflows of resources	4,309,007	58,207,399	62,516,406
Net position :			
Net investment in capital assets	3,577,778	62,838,879	66,416,657
Restricted for economic development and others	90,249,884	1,166,318	91,416,202
Unrestricted (deficit)	59,005,513	(12,234,469)	46,771,044
Total net position	\$ 152,833,175	\$ 51,770,728	\$ 204,603,903

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Statement of Activities

For the year ended June 30, 2023

	Expenses	Program revenue			Net revenues (expenses) and changes in net position		
		Charges for Services - fees, commissions, and others	Operating grants and contributions	Capital grants and contributions	Governmental activities	Business-type activities	Total
Functions/programs:							
Governmental activities:							
General government	\$ 314,591,851	\$ -	\$ 337,461,320	\$ -	\$ 22,869,469	\$ -	\$ 22,869,469
Labor development	98,797,008	-	98,797,008	-	-	-	-
Other federal programs	14,979,616	-	14,979,616	-	-	-	-
Green energy incentives	<u>13,941,998</u>	-	<u>13,941,998</u>	-	-	-	-
Total governmental activities	<u>442,310,473</u>	-	<u>465,179,942</u>	-	<u>22,869,469</u>	-	<u>22,869,469</u>
Business-type activities:							
Rental activities	16,086,752	15,625,757	2,789,963	15,050,000	-	17,378,968	17,378,968
Operating and administrative	<u>14,502,865</u>	<u>15,181,250</u>	-	-	-	<u>678,385</u>	<u>678,385</u>
Total business-type activities	<u>30,589,617</u>	<u>30,807,007</u>	<u>2,789,963</u>	<u>15,050,000</u>	-	<u>18,057,353</u>	<u>18,057,353</u>
Total functions/programs	<u>\$ 472,900,090</u>	<u>\$ 30,807,007</u>	<u>\$ 467,969,905</u>	<u>\$ 15,050,000</u>	<u>\$ 22,869,469</u>	<u>\$ 18,057,353</u>	<u>\$ 40,926,822</u>
General revenue:							
Contributions from federal agency for salaries reimbursement					10,141,496	-	10,141,496
Interest income					<u>1,139,170</u>	<u>2,679,108</u>	<u>3,818,278</u>
Change in net position					34,150,135	20,736,461	54,886,596
Net position - beginning of year, as previously reported					<u>72,237,533</u>	<u>32,573,178</u>	<u>104,810,711</u>
Restatement adjustments					<u>46,445,507</u>	<u>(1,538,911)</u>	<u>44,906,596</u>
Net position - beginning of year, as restated					<u>118,683,040</u>	<u>31,034,267</u>	<u>149,717,307</u>
Net position - end of year					<u>\$ 152,833,175</u>	<u>\$ 51,770,728</u>	<u>\$ 204,603,903</u>

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Balance Sheet - Governmental Funds

June 30, 2023

	<u>General Fund</u>	<u>Federal Programs Fund</u>	<u>Total</u>
Assets:			
Cash in commercial banks	\$ 28,857,302	\$ -	\$ 28,857,302
Cash in commercial banks - restricted	67,622,739	52,470,498	120,093,237
Due from:			
Commonwealth of Puerto Rico	57,104,620	-	57,104,620
Federal government, net	-	21,453,923	21,453,923
Other Governmental entities	10,196,804	714,892	10,911,696
Internal Balances	<u>62,105,186</u>	<u>-</u>	<u>62,105,186</u>
Total assets	<u><u>225,886,651</u></u>	<u><u>74,639,313</u></u>	<u><u>300,525,964</u></u>
 Liabilities and fund balances (deficit):			
Liabilities:			
Accounts payable and accrued liabilities	37,273,452	4,145,948	41,419,400
Unearned revenue	-	51,538,453	51,538,453
Due to:			
Subrecipients	-	13,678,908	13,678,908
US Department of Labor	-	1,614,435	1,614,435
Due to Commonwealth of Puerto Rico	-	9,400	9,400
Internal Balances	<u>-</u>	<u>3,682,728</u>	<u>3,682,728</u>
Total liabilities	<u><u>37,273,452</u></u>	<u><u>74,669,872</u></u>	<u><u>111,943,324</u></u>
 Fund balances:			
Restricted	62,983,146	-	62,983,146
Unassigned (deficit)	<u>125,630,053</u>	<u>(30,559)</u>	<u>125,599,494</u>
Total fund balance (deficit)	<u>188,613,199</u>	<u>(30,559)</u>	<u>188,582,640</u>
Total liabilities and fund balances	<u><u>\$ 225,886,651</u></u>	<u><u>\$ 74,639,313</u></u>	<u><u>\$ 300,525,964</u></u>

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Position

June 30, 2023

Total fund balance of governmental funds	\$ 188,582,640
Amounts reported for governmental activities in the statement of net position are different than the amounts reported in the governmental funds because:	
Capital assets used in governmental activities are not current financial resources and, therefore, are not reported in the funds	3,577,778
Deferred outflows of resources, pension related	31,678,219
Total pension liability	(60,701,111)
Total OPEB liability	(488,226)
Deferred inflows of resources, pension related	(4,309,007)
Accrued compensated absences liability is not paid with current financial resources and, therefore, not reported in the fund financial statements	(4,128,101)
Voluntary termination benefits liability is not paid with current financial resources and, therefore, not reported in the fund financial statements	<u>(1,379,017)</u>
Net position of governmental activities	<u>\$ 152,833,175</u>

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Statement of Revenue, Expenditures and Changes in
Fund Balances – Governmental Funds

Year ended June 30, 2023

	<u>General Fund</u>	<u>Federal Programs Fund</u>	<u>Total</u>
Revenue:			
Contributions from Commonwealth of Puerto Rico	\$ 335,903,615	\$ -	\$ 335,903,615
Contributions from federal agencies	-	127,718,622	127,718,622
Contributions from federal agency for salaries reimbursement	10,141,496	-	10,141,496
Other income	1,557,702	-	1,557,702
Interest income	<u>1,139,170</u>	<u>-</u>	<u>1,139,170</u>
Total revenue	<u>348,741,983</u>	<u>127,718,622</u>	<u>476,460,605</u>
Expenditures:			
Program direct	248,554,899	108,516,871	357,071,770
Administrative	54,120,544	16,089,727	70,210,271
Salaries and fringe benefits	9,892,715	3,037,369	12,930,084
Capital outlay	<u>154,809</u>	<u>74,655</u>	<u>229,464</u>
Total expenditures	<u>312,722,967</u>	<u>127,718,622</u>	<u>440,441,589</u>
Excess of revenue over expenditures and net change in fund balances	<u>36,019,016</u>	<u>-</u>	<u>36,019,016</u>
Fund balances (deficit) – beginning of year, as restated	<u>152,594,183</u>	<u>(30,559)</u>	<u>152,563,624</u>
Fund balances (deficit) – end of year	<u>\$ 188,613,199</u>	<u>\$ (30,559)</u>	<u>\$ 188,582,640</u>

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Reconciliation of the Statement of Revenue, Expenditures and Changes in
Fund Balances – Governmental Funds to the Statements of Activities

Year ended June 30, 2023

Net changes in fund balances - total governmental funds		\$ 36,019,016						
Amounts reported for governmental activities in the statement of activities are different because:								
Governmental funds report outlays for capital assets as expenditures because such outlays use current financial resources. In contrast, the statement of activities reports only a portion of the outlay as expense. The outlay is allocated over the assets' estimated useful lives as depreciation expense for the period.	<table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 10px;">Capital outlays</td> <td style="text-align: right;">176,485</td> </tr> <tr> <td>Less depreciation</td> <td style="text-align: right;"><u>(386,410)</u></td> </tr> <tr> <td>Subtotal</td> <td style="text-align: right;">(209,925)</td> </tr> </table>	Capital outlays	176,485	Less depreciation	<u>(386,410)</u>	Subtotal	(209,925)	
Capital outlays	176,485							
Less depreciation	<u>(386,410)</u>							
Subtotal	(209,925)							
Compensated absences expenses reported in the statement of activities do not require the use of current financial resources and these are not reported as expenditures in governmental funds		(420,059)						
Voluntary termination expenses reported in the statement of activities do not require the use of current financial resources and these are not reported as expenditures in governmental funds		246,848						
Deferred outflows expenses reported in the statement of activities do not require the use of current financial resources and these are not reported as expenditures in governmental funds		23,042,183						
Pension expenses reported in the statement of activities do not require the use of current financial resources and these are not reported as expenditures in governmental funds		(22,023,190)						
OPEB expenses reported in the statement of activities do not require the use of current financial resources and these are not reported as expenditures in governmental funds		194,930						
Deferred inflows expenses reported in the statement of activities do not require the use of current financial resources and these are not reported as expenditures in governmental funds		<u>(2,699,668)</u>						
Change in net position of governmental activities		<u>\$ 34,150,135</u>						

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Statement of Net Position – Proprietary Fund

June 30, 2023

	Proprietary Fund
Assets:	
Current assets:	
Cash in commercial banks	\$ 86,562,393
Restricted cash in commercial banks	2,975,277
Due from other governmental entities	13,775,282
Lease receivable	8,835,394
Total current assets	112,148,346
Noncurrent assets:	
Capital assets, net	62,838,879
Lease receivable	47,019,582
Total assets	222,006,807
Deferred outflows of resources:	
Pension related	7,538,259
Other postemployment benefits related	101,599
Total deferred outflows of resources	7,639,858
Total assets and deferred outflows of resources	229,646,665
Liabilities:	
Current liabilities:	
Accounts payable and accrued liabilities	6,264,915
Due to Commonwealth of Puerto Rico	8,738,130
Due to other funds	58,422,458
Total pension liability	2,658,073
Total OPEB liability	101,600
Voluntary termination benefits	555,067
Accrued compensated absences	51,939
Total current liabilities	76,792,182
Noncurrent liabilities:	
Total pension liability	37,850,554
Total OPEB liability	1,002,278
Voluntary termination benefits	1,044,291
Accrued compensated absences	108,281
Tenant deposits	1,808,959
Legal reserve	1,061,993
Total liabilities	119,668,538
Deferred inflows of resources:	
Pension related	5,864,403
Lease	52,342,996
Total deferred inflows of resources	58,207,399
Net position:	
Net investment in capital assets	62,838,879
Restricted for tenants deposits and other	1,166,318
Unrestricted (deficit)	(12,234,469)
Total net position	51,770,728
Total liabilities, deferred inflows of resources and net position	\$ 229,646,665

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Statement of Revenues, Expenses and Change in Net Position – Proprietary Fund

For the year ended June 30, 2023

	Proprietary Fund
Operating revenue:	
Rent revenues	\$ 15,625,757
Operating and administrative charges for services	13,737,522
Other revenue	1,443,728
Total operating revenue	30,807,007
Operating expenses:	
Salaries and fringe benefits	16,160,112
Office and administrative	11,404,549
Depreciation	3,024,956
Total operating expenses	30,589,617
Operating income	217,390
Non-operating revenue (expenses):	
Contribution from the Commonwealth of Puerto Rico	2,789,963
Interest income	2,679,108
Total non-operating revenue, net	5,469,071
Capital contribution from the Commonwealth of Puerto Rico	15,050,000
Net change in net position	20,736,461
Net position, at beginning of year, as previously reported	32,573,178
Restatement adjustments	(1,538,911)
Net position, beginning of year, as restated	31,034,267
Net position, end of year	\$ 51,770,728

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Statement of Cash Flows – Proprietary Fund

For the year ended June 30, 2023

	Proprietary Fund
Cash flows from operating activities:	
Cash received from rental revenues	\$ 19,358,423
Cash received from administrative management fees and charges	11,470,528
Cash paid for expenses other than payroll	(13,656,460)
Cash paid for payroll and related costs	(20,214,133)
Other revenues	1,443,728
Net cash used in operating activities	<u>(1,597,914)</u>
Cash flows from noncapital financing activities:	
Intergovernmental contributions	2,789,963
Receipts from other funds	<u>62,162,559</u>
Net cash provided by noncapital financing activities	<u>64,952,522</u>
Cash flows from capital and related financing activities:	
Intergovernmental capital contributions	15,050,000
Acquisition of capital assets	<u>(1,330,259)</u>
Net cash provided by capital and related financing activities	<u>13,719,741</u>
Cash flows from investing activities:	
Interest Income	<u>2,679,108</u>
Net cash provided by investing activities	<u>2,679,108</u>
Net change in cash	<u>79,753,457</u>
Cash and restricted cash, beginning of year	<u>9,784,213</u>
Cash and restricted cash, end of year	<u>\$ 89,537,670</u>
Reconciliation of operating income to net cash provided by operating activities:	
Operating income	\$ 217,390
Adjustment to reconcile operating income to net cash used in operating activities:	
Depreciation	3,024,956
Loss on disposition of assets	273,054
Provision for doubtful accounts	1,544,214
Changes in operating assets and liabilities:	
Due from other governmental entities	2,297,305
Total pension liability	(13,190,364)
Lease receivable	(1,013,583)
Deferred outflows of resources	2,327,269
Accounts payable and accrued liabilities	1,571,383
Voluntary termination benefits	(650,180)
Other postemployment benefits	(102,262)
Accrued compensated absences	16,002
Deferred inflows of resources - lease	(1,362,264)
Deferred inflows of resources - pension related	3,449,166
Net cash used in operating activities	<u>\$ (1,597,914)</u>
Reconciliation of cash and restricted cash to the Statement of Net Position:	
Cash in commercial banks	\$ 86,562,393
Cash in commercial banks - restricted	2,975,277
Total cash	<u>\$ 89,537,670</u>

See accompanying notes to the basic financial statements

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements

June 30, 2023

Note 1 - Governmental Environment

Organization

The Department of Economic Development and Commerce (the Department), and the Office of the Secretary of Economic Development and Commerce (the Secretary), and its director, were created by The Reorganization Plan No. 4 of June 22, 1994, as amended (the Reorganization Plan). The Department is responsible for implementing Puerto Rico's public policy on economic development in the various entrepreneurial sectors of manufacturing, commerce, tourism, services, the cooperative movement, and others. The Reorganization Plan also attached the Economic Development Administration to the Department, as an operating component. Thereafter, Act No. 203, of December 29, 1997, was enacted to transfer all functions, powers, and duties of the Economic Development Administration to the Industrial Development Company and incorporate it into the Reorganization Plan.

Act No. 171 of October 2, 2014 was enacted to incorporate the Labor Development Program, the Film Industry Development Program, and the Youth Development Program under the Department, repealing certain other laws under which those activities were previously carried. Under Act No. 171, all employees, and assets of the three programs were transferred to the Department.

Labor Development Program

The Labor Development Program's (formerly, the Labor Development Administration) (LDP) main activity is the administration of federal funds received from the US Department of Labor, especially from the Workforce Innovation Opportunity Act Program (WIOA). The purpose of WIOA funds is to increase the employment, retention, earnings, and occupational skill attainment of US workers, particularly those individuals with barriers to employment. WIOA programs administered by the LDP are: Adult Program, Youth Activities Program, and Dislocated Worker Formula Grants.

Film Industry Development Program

The Film Industry Development Program (formerly the Corporation for the Development of the Arts, Science, and Film Industry of Puerto Rico) (FIDP) was created for the development of the arts and the film industry in Puerto Rico. Through this program, the Department provides incentives to the film industry to produce movies and for the development of the film industry within Puerto Rico by means of financing, donations, tax incentives, tax credits, among other. Its revenues consist of legislative appropriations, charges for services, consisting of a 1% application fee of the Puerto Rico production expenditures of film projects applying for tax benefits under Act No. 27 of 2011, and government appropriations related to the collections from the sales and use tax.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 1 - Governmental Environment – (continued)

Youth Development Program

The Youth Development Program (formerly the Office of Youth Affairs) (YDP) was created to facilitate the training, employment, entertainment, and spiritual recreation of the Puerto Rican youth. By understanding the need for a coordinated and comprehensive attention to this sector of the population, young people play as framers to the future of the economic development of Puerto Rico. YDP integrates young people in the economic development of Puerto Rico through the programs: “*Juvenile*” and micro-enterprises.

Business Development Office Program

The Business Development Office Program is responsible for the compliance with Act No. 73-2008, approved on May 28, 2008, as amended, known as “Law of Economic Incentives for the Development of Puerto Rico” (“Act 73”). Act 73’s purpose is to promote the industrial, economic and social development of the Island in alignment with the new challenges presented by a globalized economy. This, together with a new vision and new strategies of development, is one of the tools that this administration has to stand out local economy and achieve a profound transformation in Puerto Rico.

On July 11, 2018, the Governor of the Commonwealth of Puerto Rico (the Commonwealth) signed Act 141, which transfers the *Oficina Exención Contributiva Industrial* (OECI), *Oficina de Permisos* (OGPe) and *Política Pública Energética* (PPE) to the Department of Economic Development and Commerce (DEDC).

The Public Energy Policy Program (PEPP)

The Public Energy Policy Program (PEPP) of the Department of Economic Development and Commerce is responsible for developing and promulgating the public energy policy of the Government of Puerto Rico, by virtue of Law No. 141 of July 11, 2018, also known as the Law on the Execution of the Reorganization Plan of the Department of Economic Development and Commerce, of 2018. Among its many functions, it is responsible for managing and operating different federal programs, including the Weatherization Assistance Program (WAP), the State Energy Program (SEP) and the State Program of the Green Energy Fund, with the main purpose of promoting energy efficiency and introducing renewable energies to Puerto Rico's electricity grid. Under Law 17-2019, it is intended to mitigate Puerto Rico's dependence on centralized fossil fuel plants and optimize the available energy resources to build resilience and, ultimately, make it easier for the island to obtain 100% of its energy from renewable sources by 2050.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 1 - Governmental Environment – (continued)

The Office of Permit Management (OGPe)

The Office of Permit Management (OGPe) was created under Law 161 of December 1, 2009, also known as the "Law for the Reform of the Permit Process of Puerto Rico." This law establishes that the OGPe will be the office in charge of issuing final determinations and permits, licenses, inspections, certifications and any other authorization or procedure that is necessary to meet the requests of citizens. All to facilitate and promote the integral, economic, social and sustainable physical development of Puerto Rico that will result in the growth of more, better and diverse industries and the creation of jobs in the private sector.

The Office of Incentives Codes (OECI)

The Office of Incentive Codes (previously Tax Exemption Office) was created to supervise the compliance of the terms and conditions of incentives that forgo tax revenues to companies that establish their operations in Puerto Rico. The Office of Incentive Codes evaluates the incentives and measures the return on investments (ROI) and maintains recent data of the return by economic sector. In addition, this office facilitates the analysis of the incentives to determine if they will be held, modified, or discontinued due to being obsolete or resulting in a negative return.

The following Acts were enacted to provide incentives with the purpose of making Puerto Rico competitive:

Act No. 60 – Effective on July 1, 2019, the Commonwealth enacted Act No. 60-2019 known as the Puerto Rico Incentives Code (the Incentives Code), which compiles all current and outstanding tax incentives laws into a single code. Qualifying industries such as scientific research and development, manufacturing operations, export services, financial and insurance services, green and efficient energy production, recycling businesses, technology, film, agriculture, hospital facilities, hotels and related tourist activities are eligible to apply for certain preferential tax rates, tax credits, cash grants, and full or partial exemptions from income, property, municipal, and other taxes.

Aiming to codify incentives granted for diverse purposes throughout decades in one code and foster economic development more effectively, the Incentives Code establishes a Return on Investment (ROI) methodology as a measurement tool to grant tax incentive benefits. From January 1, 2020, all tax incentive applications are submitted under the Incentives Code. However, the previous incentives issued under provisions from deprecated acts are still subject to the provisions of the acts they were issued under.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 1 - Governmental Environment – (continued)

The Office of Incentives Codes (OEIC) – (continued)

The Incentives Code adopts a legal and administrative framework for the application, evaluation, and grant or denial of incentive benefits by the Commonwealth. The following are some of the standard terms and benefits provided by the Incentives Code to eligible businesses and individuals:

- 4% fixed income tax rate on eligible income
- 75% exemption on property taxes
- 50% exemption on municipal taxes
- research and development tax credits of up to 50%

Pursuant to Act No. 60, all economic incentives are centralized in the Department. The following funds are presented in the basic financial statements as part of governmental funds:

- The Special Fund for Economic Development (SFED) was created through Act No. 8 dated January 24, 1987, amended with Act No. 135 dated January 1, 1998. It was created to strengthen and enhance Puerto Rico's economic development through economic incentive grants to private enterprises. Funding is sourced by contributions made by the Commonwealth, which are budgeted every fiscal year as part of the Commonwealth's general fund budget process.
- The Special Incentives Fund (SIF) was created through Act No. 381 of May 8, 1951, to enhance Puerto Rico's economic development through economic incentive grants to private enterprises. Funding is sourced by contributions made by the Commonwealth through the approval of legislative resolutions and the Special Fund for Economic Development (SFED). The Fund did not receive any funding directly from the Commonwealth.
- The Rums of Puerto Rico (ROPR) Fund was created through Act No. 1 of January 1, 2011, as amended. It was created to encourage the production and promotion of the Puerto Rican rum, including, and without limitation, promoting and marketing the rum of Puerto Rico in foreign markets, promoting the investment in infrastructure of agricultural, industrial or commercial projects necessary for the development of the rum industry of Puerto Rico, to support participants of the local rum industry by granting incentives for production, marketing and promoting incentives for construction and infrastructure improvements, including incentives to subsidiaries and/or affiliates of such participants for use in benefit of the local industry, with the objective of increasing the funds allocated annually for that purpose by the Commonwealth.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 1 - Governmental Environment – (continued)

The Office of Incentives Codes (OEIC) – (continued)

Additionally, Section 7652 of Title 26 of the United States Internal Revenue Code provides that all excise taxes collected on rum imported into the United States which has been produced in Puerto Rico shall have been "covered-over" or transferred to the Commonwealth. The Commonwealth uses the transferred funds to finance infrastructure and public work programs, support its expenditures, preserve and improve the environment by protecting vital ecosystems, market and promote efforts of the Puerto Rican rums in the United States, and support the development of the science and technology industry, among other uses related to the socioeconomic development of Puerto Rico. The source of funding for the ROPR fund is provided by legislative appropriations from the Commonwealth.

- Act No. 20 of January 17, 2012, known as the "Act to Promote the Export Services" – Incentive Act for the exportation of services (consolidated into Act No. 60). The purpose of Act No. 20 is to develop Puerto Rico as a center of international services. Also, the Act promote the permanence and return of local professionals and attract foreign capital achieving the way an economic development for Puerto Rico. As of January 1, 2020, Act 20 was replaced by Act No. 60.
- Act No. 22 of January 17, 2012, known as the "Individual Investors Act" – The purpose of this incentive is to promote that individual who are not residents of Puerto Rico in the last 15 years and held investments on or outside of United States establish a residence in Puerto Rico. To incentive the transfer of these individuals to Puerto Rico, this Act totally exempts the payment of income tax in Puerto Rico of the passive income accrued by these individuals with respect to their investments. In addition, the long-term capital gains are exempt of income taxes. As of January 1, 2020, Act 22 was replaced by Act No. 60.
- Act No.14 of 2017 known as the "Incentive Act for the Retention and Return of Medical Professionals". The doctor who has a decree under this law will be subject to a fixed tax rate of 4% over their income from medical services. In addition, they can make voluntary contributions after the payment of income tax until 25% of net income in retirement plans (Keogh) or 25% of their income in corporate retirement plans. As of July 1, 2020, Act 14 was replaced by Act No. 60.
- Act No. 27 of 2011 known as the "Economic Incentives for the Puerto Rico Film Industry"– See previous reference to the Film Industry Development Program. As of January 1, 2020, Act 27 was replaced by Act No. 60.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 1 - Governmental Environment – (continued)

The Office of Incentives Codes (OEIC) – (continued)

- Act No. 73 of 2008 known as the “*Economic Incentives for Puerto Rico Development Act*” - (consolidated into Act No. 60, and until that date administered by Puerto Rico Industrial Development Company “PRIDCO”) – The Industrial Incentive Act was established to help promote economic development in Puerto Rico, improve the local industry and attract foreign investment by providing numerous tax incentives to businesses that are engaged in eligible activities in Puerto Rico. As of January 1, 2020, Act 73 was replaced by Act No. 60.

Puerto Rico Trade and Export Program

Effective July 1, 2020, the transition process to merge the Puerto Rico Trade and Export Company as a program into the Department of Economic Development and Commerce was fulfilled as per the provisions of Act No. 141 known as the “Department of Economic Development and Commerce Reorganization Plan Implementation Act 2018”.

The Program has the responsibility to promote the highest efficiency in the services provided to the commercial sector, with emphasis on small and medium-sized enterprises, and the export of products and services from Puerto Rico to other countries to strengthen the economy of the Commonwealth and promote the creation and retention of employments.

Governmental Instrumentalities

The Department also oversees several governmental instrumentalities that include agencies and public corporations focused on different economic sectors and initiatives to achieve its public policy goals. Each instrumentality is a component unit of the Commonwealth of Puerto Rico (the Commonwealth) and responds to the Secretary in administrative matters only, as stipulated by the Reorganization Plan.

The following instrumentalities are defined as operational components created by independent laws:

Industrial Agencies

- Economic Development Administration operates under Act No. 203 of December 29, 1997.
- Puerto Rico Industrial Company (PRIDCO) operates under Act No. 188 of May 11, 1942, as amended.
- Puerto Rico Tourism Company (PRTC) operates under Act No. 10 of June 18, 1970, as amended.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 1 - Governmental Environment – (continued)

Governmental Instrumentalities – (continued)

- Horse Racing Sport & Industry Administration (HRSIA) operates under Act No. 83 of July 2, 1987.
- Office of Industrial Tax Exemption (OITE) operates under Act No. 73 of May 28, 2008, as amended.
- Program of Energetic Public Policy (PPE) operates under Act No. 141 of July 11, 2018.

Regional Development Agencies

- Puerto Rico Land Administration (PRLA) operates under Act No. 13 of May 16, 1962, as amended.
- Local Redevelopment Authority Roosevelt Roads (LRA-RR) operates under Act No. 508 of September 29, 2004, as amended.
- Puerto Rico Convention District Authority (PRCCDA) operates under Act No. 351 of September 2, 2000, as amended.
- Port of the Americas operates under Act No. 171 of August 11, 2002, as amended.
- Puerto Rico Cooperative Development Commission (PRCDC) operates under Act No. 247 of August 10, 2008 as amended.
- Ponce Ports Authority (PPA) Act No. 240 of 2011.

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies

The accounting policies of the Department conform to accounting principles generally accepted in the United States of America (US GAAP) for governments, as prescribed by the Government Accounting Standards Board (GASB).

The accompanying basic financial statements present the financial position of the Department, the results of its operations and its various funds, the changes in fund balances, and the cash flows of the business type fund. It does not intend to and does not present fairly the financial position and changes in financial position of the Commonwealth in conformity with accounting principles generally accepted in the United States of America. The basic financial statements are presented as of June 30, 2023 and for the year then ended.

Financial Reporting Entity

The Department includes all funds and functions that have been determined to meet the requirement for inclusion in the Department's financial reporting entity. The Department has considered all potential component units for which it is financially accountable, other organizations which are fiscally dependent on the Department, and the significance of their relationship with the Department is such that exclusion would be misleading or incomplete.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

GASB has set forth criteria to be considered in determining financial accountability. These criteria include appointing an organization's governing body voting majority and the ability of the State to impose its will over that organization or the potential for the organization to provide specific financial benefits to or impose specific financial burdens on the Department. Based on the above criteria, there are no potential component units that should be included in the basic financial statements.

Basis of Presentation

Government-Wide and Fund Financial Statements

Government-Wide Financial Statements - The statement of net position and the statement of activities report information of all the activities of the Department. The effect of interfund balances has been removed from the government-wide statement of net position, except for the residual amounts due between governmental and business-type activities. Interfund charges for services among functions of the government-wide statement of activities have not been eliminated. The Department's activities are distinguished between governmental and business-type activities. Governmental activities are generally supported by intergovernmental revenue and certain taxes are reported separately from business-type activities, which rely to a significant extent on rent revenue and charges for services.

The statement of net position presents the Department's assets, deferred outflows of resources, liabilities, and deferred inflows of resources, with the difference reported as net position. Net position is reported in three categories:

- *Net Investment in Capital Assets* – This component of net position consists of capital assets net of accumulated depreciation, reduced by the outstanding balance of mortgages or other borrowings directly attributable to the acquisition, construction, or improvement of those assets.
- *Restricted Net Position* – This component of net position consists of restricted assets and deferred outflows of resources reduced by related liabilities and deferred inflows of resources. Generally, a liability relates to restricted assets if the asset results from a resource flow that also results in the recognition of a liability or if the liability will be liquidated with the restricted assets supported. Restricted assets result when constraint placed on those assets use is either, externally imposed by creditors, grantors, contributors, and the like, or imposed by law through constitutional provisions or enabling legislation.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Government-Wide and Fund Financial Statements – (continued)

- *Unrestricted Net Position* – This component of net position is the net amount of the assets, deferred outflows of resources, liabilities, and deferred inflows of resources that are not included in the determination of net investment in capital assets or the restricted component of net position.

When both restricted and unrestricted resources are available for use, it is the Department's policy to use restricted resources first, and then unrestricted resources as they are needed.

The accompanying statement of activities presents the Department's results of operations by showing how the net position (deficit) changed during the fiscal year. The statement presents the cost of each function/program as well as the extent to which each of the Department's functions, programs or other services either contributes to or draws from the Department's general revenues.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenue. Direct expenses are those that are clearly identifiable within a specific function or segment. Program revenues include (i) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment and (ii) management fees charged to the operational components for administrative services. Other items not meeting the definition of program revenues are instead reported as general revenues.

Programs' revenues are generated directly from a program itself or may come from parties outside the Department. In the statement of activities, program revenues reduce the costs (expenses) of the function/program to arrive at the net cost of the function/program that must be financed from the Department's general revenues.

The accompanying statement of activities reports the following categories of program revenues:

- *Charges for Services* – These revenues generally consist of exchange or exchange-like transactions involving charges to customers or applicants who purchase, use, or directly benefit from the goods, services or privileges provided, or are otherwise directly affected by the services. These revenues include fees charged to its operational units, which are component units of the Commonwealth, for administrative functions, as well as rental revenue from operating leases of commercial properties. This rental revenue recognizes revenue as earned during the term of lease. The rent receivable is presented as the unpaid balance less the allowance for uncollectible accounts.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Government-Wide and Fund Financial Statements – (continued)

- *Program-Specific Operating Grants and Contributions* – These revenues consist of transactions that are either mandatory or voluntary non-exchange transactions with other governments that restrict the resources for use in a particular program. Operating grants and contributions consist of resources that are required to be used to finance the costs of operating a specific program or can be used either for operating or capital purposes of a specific program. Restricted operating grants and contributions are program revenues because they are specifically attributable to a program and reduce the net expense of that program to the Department. They are reported net of estimated uncollectible amounts.
- *Capital Grants and Contributions* - These revenues consist of assets or resources that are restricted for capital purposes, such as purchasing, constructing, or renovating capital assets associated with a specific program. These funds represent income that directly supports a specific initiative.

Governmental Fund Financial Statements – Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities. A fund is a separate accounting entity with a self-balancing set of accounts.

The financial activities of the Department that are reported in the accompanying basic financial statements have been classified into governmental and proprietary funds. Major funds are determined using a predefined percentage of the assets, deferred outflows of resources, liabilities, deferred inflows of resources, revenue, or expenditures/expenses of either the fund category or the governmental and proprietary funds combined. The nonmajor funds are combined in a single column in the fund financial statements.

Governmental Funds

Governmental funds focus on the sources and uses of funds and provide information on near-term inflows, outflows, and balances of available resources.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Government-Wide and Fund Financial Statements – (continued)

The Department reports the following governmental funds:

- *General Fund* – This fund is used to account for and report all financial resources received and used for those services traditionally provided by a government, except for those required to be accounted for and reported in another fund. The financial resources received and used in this fund mostly include budgeted resources (such as charges for services), as approved by the Commonwealth Legislature and as adjusted for timing and basis of accounting differences, and other financial resources outside the General Fund budget such as: federal funds, other special revenue and general-type funds.

Federal funds include the following:

- *Workforce Innovation and Opportunity Act (WIOA) Program Fund* – Accounts for funds related to the WIOA Programs aimed to reform federal job training programs and create a new, comprehensive workforce investment system.
- *Weatherization Assistance Program Fund (WAP)* – Accounts for funds that are used to improve the energy performance of dwellings families in need, using the most advanced technologies and testing procedures available in the housing industry.
- *State Energy Program Fund (SEP)* – Accounts for funds received to promote innovative approaches for local clean energy development that will reduce energy bills for families and businesses, protect the environment by reducing carbon emissions, and increase our energy security.
- *Puerto Rico Federal Contracting Center Fund (FECC)* – Accounts for funds that are used to assist local businesses to sell their products and services to the Federal Government.
- *Developmental Disabilities Basic Support and Advocacy Grants (CEDD)* – Accounts for funds to promote advocacy, capacity building, and systemic change activities to promote the self-determination, independence, productivity, integration, and inclusion of persons with developmental disabilities (IDDs), their families, and the community.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Government-Wide and Fund Financial Statements – (continued)

- *State Trade Expansion Program (STEP)* – Accounts for funds to increase the number of U.S. small businesses that export, the dollar value of exports, and the number of U.S. small businesses exploring significant new trade opportunities.
- *Economic Development Administration - Economic Adjustment Assistance Program (EDA)* – Accounts for funds to provide a wide range of technical, planning, and public works and infrastructure assistance in regions experiencing adverse economic changes that may occur suddenly or over time. These adverse economic impacts may result from a steep decline in manufacturing employment following a plant closure, changing trade patterns, catastrophic natural disaster, a military base closure, or environmental changes and regulations.
- *FEMA Disaster Grants - Public Assistance* – Accounts for funds to provide supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations through the Public Assistance (PA) Program.
- *Coronavirus State and Local Fiscal Recovery Fund - ARP Act (ARPA)* – Accounts for funds that can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis.

In accordance with GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, the classification of fund balance is based on the extent to which the Department is bound to observe constraints imposed upon the use of resources in governmental funds. The classifications are as follows:

- *Non-Spendable* – Amounts that are not in a spendable form or are legally or contractually required to be maintained intact.
- *Restricted* – Amounts that are legally restricted by outside parties, constitutional provisions, or enabling legislation for a specific purpose.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Government-Wide and Fund Financial Statements – (continued)

- *Committed* – Amounts that are constrained for specific purposes that are internally imposed by the government’s formal action at the highest level of decision-making authority and do not lapse at year-end. The highest level of decision authority for the Department is the Secretary, and the formal action is the passage of a law specifying the purposes for which amounts can be used.
- *Assigned* – includes fund balance amounts that are constrained by the Department and are intended to be used for specific purposes that are neither considered restricted or committed.
- *Unassigned* – is the residual classification for the General Fund. In a governmental fund other than the General Fund, a negative amount indicates that the expenditures incurred for a specific purpose exceeded the amounts in the fund that are restricted, committed, and assigned to that purpose.

The Department uses restricted amounts first when both restricted and unrestricted fund balances are available, unless there are legal documents/contracts that prohibit doing this, such as a grant agreement, the Department would first use committed, then assigned, and lastly unassigned amount of unrestricted fund balance when expenditures are made.

The Department does not have a formal minimum fund balance policy.

Proprietary Fund

This fund accounts for those activities, which are financed and operated in a manner similar to private business enterprises. Management intends to recover, primarily through user charges, the cost of providing goods or services to its operational components.

The following business-type activities of the Department is reported as major proprietary fund:

- *Administration Fund* – The Administration Fund accounts for and reports the management services provided to its operational components as well as the administration of rental properties as a result of the merger previously described in Note 1.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Measurement Focus and Basis of Accounting

Government-Wide Financial Statements – The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned, and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenues as soon as all eligibility requirements have been met.

Governmental Fund Financial Statements – The governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available.

Revenues are considered to be available when they are collectible within the current period, or soon enough thereafter to pay the liabilities of the current period. For this purpose, the Department considers revenues to be available if they are collected within 90 days after the end of the fiscal year. Principal revenue sources are recorded in the accounting period in which they are expended. Intergovernmental revenues, representing annual appropriations from the Commonwealth are recorded when measurable and available.

Expenditures generally are recorded when the liability is incurred, as under accrual accounting. Modifications to the accrual basis of accounting include the following:

- Employees vested annual vacation are recorded as expenditures when matured. The unmatured amount of accumulated annual vacation and unpaid on June 30, 2023 is reported only in the government-wide financial statements.
- General capital asset acquisitions are reported as expenditures (capital outlays) in governmental funds.
- Other expenses that do not require the use of current financial resources are reported only in the government-wide financial statements.

A summary reconciliation of the difference between total fund balance as reflected in the governmental funds balance sheet and net position of governmental activities as shown on the government-wide statement of net position is presented in an accompanying reconciliation of the balance sheet of governmental funds to the statement of net position.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Measurement Focus and Basis of Accounting – (continued)

A summary reconciliation of the difference between net change in fund balance as reflected in the governmental funds statement of revenue, expenditures, and changes in fund balance and change in net position in the statement of activities of the government-wide financial statements is presented in the accompanying reconciliation of revenue, expenditures, and changes in fund balances of governmental funds to the statement of activities.

Business-type Fund Financial Statements – The basic financial statements of the business type funds are reported using the economic resources measurement focus and the accrual basis of accounting, similar to the government-wide statements described above. The business type fund accounts for those activities for which the intent of management is to recover, primarily through fees charged and, the cost of providing goods or services to its operational components.

Business-type funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing the services that correspond to the business-type fund's principal ongoing operations. Operating revenues are generated from rent revenue and charges for services. Operating expenses include the operational components of the Department's related expenses, and all general and administrative expenses, among others. Revenue and expenses not meeting this definition are reported as nonoperating revenue and expenses.

Use of Estimates

The Department has made certain estimates and assumptions relating to the reporting of assets and liabilities and the disclosure of contingent assets and liabilities to prepare these financial statements in conformity with US GAAP. Actual results could differ from those estimates.

Cash

For deposits, custodial credit risk is the risk that in the event of bank failure, the Department's deposits may not be recovered. Under Puerto Rico statutes, public funds deposited in commercial banks must be fully collateralized for the amounts deposited in excess of federal depository insurance generally provided by the Federal Deposit Insurance Corporation (FDIC). All securities pledged as collateral are held by the Secretary of the Treasury of the Commonwealth, but not in the Department's name. The custodial credit risk, the availability, and recoverability of cash is evaluated continuously by the Department.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Cash – (continued)

The Department is required, by law, to deposit funds only in institutions approved by the Puerto Rico Treasury Department, and such deposits required to be kept in separate accounts in the name of the specific Program.

The Puerto Rico Commissioner of Financial Institutions requires that Puerto Rico's private financial institutions deposit collateral securities to secure the deposits of the Commonwealth and all other governmental entities in each of these institutions. The amount of collateral securities to be pledged for the security of public deposits must be established by the rules and regulations promulgated by the Commissioner of Financial Institutions.

As provided by the General Fund Budget Resolution and the State Special Funds Resolution, any unencumbered previous-year balance of non-current allocations cannot longer be obligated. Any proposal to use said funds from previous years must be submitted through budget requests for the evaluation of the Financial Oversight and Management Board. In addition, as a general rule, previous year balances from the General Fund accounts should be closed and forwarded to the Puerto Rico Treasury Department.

In the event, the Department regains access to those funds, through the approval of the Oversight Board, the amount recovered will be presented as a change in estimate in the Statement of Activities and Statement of Revenues, Expenditures, and Changes in Fund Balances. As of June 30, 2023, the Department has no unencumbered previous-year balance of non-current allocations from the General Fund. This amount is the best estimate based on current facts and circumstances, however, due to the novel nature of this requirement, the Department's estimate may change in the near term.

Due from (Accounts Receivables)

Due from consist of accounts receivable which represent principally 1) US Department of Labor receivable owed to the Department for the reimbursement of expenditures incurred pursuant to federally funded programs; 2) intergovernmental receivable owed to the Department for service provided but not collected at year-end, which are determined based upon past collection experience, historical trends, current economic conditions and the periodic aging of accounts receivable, and 3) rent receivable presented as the unpaid balance less the corresponding allowance for uncollectible accounts for building space operating leases.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Basis of Presentation – (continued)

Due from (Accounts Receivable) – (continued)

The allowance for doubtful accounts is established through provisions recorded as an offset to rental revenue. Write-offs are recorded against the allowance when management believes that collectability is unlikely. The allowance is subject to and may be adjusted in the future because of changes in the economic or market conditions.

Governmental activities are generally supported by intergovernmental revenue, while business-type activities rely to a significant extent on rent revenue.

Notes Receivable and Allowance for Note Losses

Notes receivables are valued at the outstanding principal balance less an allowance for uncollectable amounts. The Department provides for losses through an allowance for doubtful accounts to the extent revenues from film productions are estimated to be insufficient to cover the outstanding balances. The allowance is increased by a provision for note losses, and reduced by charge-offs, net of recoveries. The Department considers the notes impaired when based on current information or factors (such as payment history, value of collateral, and assessment of the producers' creditworthiness), it is probable that the principal will not be collected. As of June 30, 2023, all notes receivables are fully reserved.

Leases

The Department adopted GASB No. 87, *Leases* (GASB No. 87) effective July 1, 2021. GASB No. 87 requires recognition of certain lease assets and liabilities for leases that were previously classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. This single model for lease accounting is based on the foundational principle that leases are financing for the right to use an underlying asset and eliminates the distinction between operating and capital leases. GASB No. 87 instructs that leases be recognized and measured using the facts and circumstances that exist at the beginning of the period of implementation or of the earliest period restated.

The Department engages in the lease of commercial buildings and building spaces to private parties. These lease arrangements consist of non-cancellable leases of buildings and building spaces. Management evaluated and concluded that many of these agreements are considered leases within the scope of GASB No. 87, and the adoption of the statement resulted in the Department classifying

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Leases – (continued)

lease arrangements as financing arrangements. Under GASB No. 87, a lessor is required to recognize a lease receivable and a deferred inflow of resources. Receivables related to lease arrangements are measured at the present value of fixed lease payments expected to be received during the lease term. For leases that were in place at adoption, fixed lease payments were measured over the remaining lease term. The discount rates utilized in the valuation of lease arrangements subject to GASB No. 87 are based on the Department's incremental cost of borrowing at the time of valuation. Deferred inflows of resources related to leases are amortized on a straight-line basis over the remaining lease term. The Department continually monitors changes in the circumstances that would require remeasurement of a lease receivable. When certain changes occur that are expected to significantly affect the value of the lease receivable, the lease receivable is remeasured and adjusted.

Investment in Film Rights

Acquisition of distribution film rights, mainly in international markets, are treated as investments pursuant to GASB Statement No. 51, *Accounting and Financial Reporting for Intangible Assets*. Under such agreements the Department has the right to license, exploit, reproduce, distribute, sub-distribute, broadcast, perform, exhibit, market, advertise and publicize the motion picture in the territory for non-commercial and commercial broadcast in any form, method or means of delivery including terrestrial, cable, satellite or whatsoever other means of delivery broadcast or exhibition now known or later, on such terms and conditions that the Department or its licensees may elect in the exercise of its sole discretion. The producer will have the right to buy back these rights for the same amount paid by the Department before the motion picture is completed and delivered or if thereafter before the Department makes the first sale of the motion picture.

The Department will first recoup the cost of the film rights and if it enters a profit position, then the Department will share the revenue equally with the producer on a 50%-50% basis. Investment in film rights is carried at the lower of cost or net realizable value. The Department has estimated the fair value of the investment by determining the present value of estimated expected future cash flows. Due to the lack of cash flows from these film rights, the Department has provided a reserve to write down the investment to its net realizable value.

Investment in Equity Interest

As a financing option to eligible film projects, the Department may invest in preferred units from eligible companies engaged in film projects. As of June 30, 2023, all investment in equity interest is reserved.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Restricted Assets

Funds set aside for a specified purpose are classified as restricted assets because their use is limited for a purpose by applicable agreements or as required by law.

Allowance for Uncollectible

The allowance for uncollectible receivables is an amount that management believes will be adequate to absorb possible losses on existing receivables that may become uncollectible based on evaluations of the collectability of the receivables and prior credit loss experience. Because of uncertainties inherent in the estimation process, the related allowance may change in the future. As of June 30, 2023, the Department has an allowance of approximately \$10.4 million in the business-type fund.

Capital Assets

Capital assets include land, building and building improvements, equipment (including software), and vehicles and are reported in the applicable governmental activities and business-type activities in the government-wide financial statements and in the proprietary fund financial statements. Capital assets are defined by the Department as assets which have a cost of \$500 or more at the date of acquisition and have an expected useful life of three or more years. When capital assets are purchased, they are recorded as expenditures in the governmental funds. Capital assets are stated at historical cost. When assets are sold, retired or otherwise disposed of, the cost is removed. Depreciation of capital assets is computed and recorded by the straight-line method. Estimated useful lives of the various classes of depreciable capital assets range from five to forty years.

All buildings occupied by the Department are recorded as capital assets in the accounting records of other agencies of the Commonwealth. Accordingly, all major modernizations and betterments, if any, done by the Department are charged to expenditures in its fund accounting and reported as expense in the government-wide financial statements when incurred. All other assets used in the governmental operations are accounted for in the government-wide financial statements of net position, rather than in the governmental funds.

GASB No. 49, *Accounting and Financial Reporting for Pollution Remediation Obligations* addresses accounting and financial reporting principles for pollution (including contamination) remediation obligations, which are obligations to address the current or potential detrimental effects of existing pollution by participating in pollution remediation activities such as site assessments and cleanups. The scope of the statement excludes pollution prevention or control obligations with respect to current obligations, and future pollution activities that are required upon retirement of an asset, such as post-closure care. As of June 30, 2023, management evaluated its responsibilities for environmental and pollution exposures and no contingency exposure was identified.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Accounting for the Impairment or Disposal of Long-lived Assets

The Department follows GASB Statement No. 42, *Accounting and Financial Reporting for Impairment of Capital Assets and for Insurance Recoveries*. This Statement establishes accounting and financial reporting standards for impairment of capital assets. A capital asset is considered impaired when its service utility has declined significantly and unexpectedly, and the event or change in circumstances is outside the normal life cycle of the asset. Management is then required to determine whether impairment of an asset has occurred. Impaired capital assets that will no longer be used by the Department should be reported at the lower of carrying value or fair value. Impairment losses on capital assets that will continue to be used by the Department should be measured using the method that best reflects the diminished service utility of the capital asset.

Impairment of capital assets with physical damage generally should be measured using a restoration cost approach, an approach that uses the estimated cost to restore the capital asset to identify the portion of the historical cost of the capital asset that should be written off.

Based on the Department's management evaluation for capital assets impairment, no impairment loss was identified during the fiscal year ended on June 30, 2023.

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position includes deferred outflows of resources, which represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. Deferred outflows/inflows of resources have to be reported in the government-wide statement of net position, which are items related to pensions, other postemployment benefit (OPEB), and leases. Pension related items (further disclosed in Note 12), changes in proportional share of contributions and differences between expected and actual experience, are capitalized and recognized over a period equal to the expected remaining working lifetime of active and inactive participants. The net difference between projected and actual earnings on pension plan investments is deferred and recognized over a five-year period. Pension contributions made subsequent to the measurement date are recognized as a reduction of the total pension liability after the next measurement date.

In addition to liabilities, the statement of net position and the governmental funds' balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial element represents an acquisition of net position and resources (revenue) until that time. The Department has two captions arising from the accrual basis of accounting that qualifies for reporting

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Deferred Outflows/Inflows of Resources – (continued)

in this category, items related to pensions and leases. Because all participants are inactive, there are no deferred inflows for the OPEB benefits. Pension related items (further discussed in the following paragraphs and Note 12), changes in proportional share of contributions, differences between expected and actual experience and changes in actuarial assumptions, are deferred and recognized over a period equal to the expected remaining working lifetime of active participants. Net differences between projected and actual earnings on pension plan investments is deferred and recognized over a five-year period. In relation to leases, deferred inflows of resources are amortized on a straight-line basis over the lease term.

Accounting for Pension Costs

The Department accounts for pension costs under the provision of GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets that are not within the Scope of GASB Statement No. 68, an amendment of Certain Provisions of GASB Statements No. 67 and 68 (GASB Statement 73)*. Statement No. 73 maintains the “accrual basis” model under Statement 68, where the Total Pension Liability is actuarially determined.

GASB Statement No. 73 requires a liability for pension obligations, known as the Total Pension Liability, to be recognized on the balance sheets of participating employers. Changes in Total Pension Liability are immediately recognized as pension expenses. As Act 106-2017 eliminated all contribution requirements for the pension plan and converted it into a PayGo system, the corresponding actuarial calculation of the total pension liability and related accounts changed to one based on benefit payments rather than contributions.

As a result, the Department recognized a Total Pension Liability and pension expenses, accordingly. As the change to the PayGo system was caused by the impact of legislation and the actuarial calculation changed from one based on contributions to a new one based on benefit payments under the PayGo system, the impact on all corresponding pension related accounts was accounted for prospectively.

Pursuant to the provisions of GASB No. 73, the Department recognizes a pension liability for its proportionate share of the collective pension liability under the Pension Plan, as well as its proportionate share of the collective deferred outflows of resources, collective deferred inflows of

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Accounting for Pension Costs – (continued)

resources, and collective pension expense. The Department's allocation percentage is based on the ratio of the Department's benefit payments to total benefit payments under the Pension Plan. Changes in the total pension liability during the period are recorded as pension expense, or as deferred inflows of resources or deferred outflows of resources depending on the nature of the change, in the period incurred. Those changes in the total pension liability that are recorded as deferred inflows of resources or deferred outflows of resources that arise from changes in actuarial assumptions or other inputs and differences between expected or actual experience are amortized over the average of the remaining service life of all participants including retirees, in the qualified pension plan and recorded as a component of pension expense beginning with the period in which they arose.

Other Postemployment Benefits Liability

The Department provided other retirement benefits such as postemployment healthcare benefits (collectively referred to as OPEB) for its retired employees in accordance with local law. The Department accounts for OPEB under the provisions of GASB Statement No. 75, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*.

This statement measures the total OPEB liability, deferred outflows of resources and deferred inflows of resources, if any, related to the OPEB, and OPEB expense. The information about the fiduciary net position of the Commonwealth and additions to/deductions from the Other Postemployment Benefit Medical Plan of the Commonwealth for Retired Participants of the Employees' Retirement System (the OPEB Plan)'s fiduciary net position have been determined on the same basis as they are reported by the OPEB Plan. For this purpose, the Department recognizes benefit payments when due and payable in accordance with the benefit terms.

Interfund Activities

The Department has the following types of inter-fund activities:

- *Inter-Fund Loans* – Represent amounts provided with a requirement for repayment, which are recorded as "due from" in the lender fund and "due to" in the borrower fund. For amounts not expected to be collected within a reasonable period of time, inter-fund receivables/payables are reduced to the estimated realizable value and the amount that is not expected to be repaid is reported as an operating transfer from the fund that made the loan.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Interfund Activities – (continued)

- *Inter-Fund Transfers* – Represent flows of assets without equivalent flows of assets in return and without a requirement for repayment. These are reported as other financing sources in the fund making transfers and as other financing sources in the fund receiving transfers.
- *Inter-Fund Reimbursements* – Represent repayments from the governmental fund responsible for particular expenditures or expenses to the governmental fund that initially paid for them. Inter-fund reimbursement activity has not been eliminated.

Compensated Absences

Compensated absences include paid time off made available to employees in connection with vacation, sick leave and compensatory time. The liability for compensated absences is reported in the statement of net position. A liability for compensated absences is reported in the fund financial statements only when payment is due.

The liability for compensated absences recorded in the accompanying statement of net position is limited to leave that is attributable to services already rendered and is not contingent on a specific event. The liability includes salary-related costs, which are directly and incrementally related to the amount of salary paid to the employee (such as employer's share of Social Security taxes and Medicare taxes).

On April 29, 2017, the Governor of the Commonwealth signed into law Act No. 26 of 2017 "*Law for the Compliance with the Fiscal Plan Act (Act No. 26-2017)*" which, among other things, changed the vacation and sick leave accrual formula for all government employees. Under the law, all employees accrued 1.25 days per month of service up to 60 days for vacation leave.

Employees generally accumulate sick leave at a rate of 1 day per month up to an annual maximum of 12 days and an accumulated maximum of 90 days. The Department's employees are entitled to 2.5 days per month up to maximum of 60 days for vacations, and 1.5 days per month up to a maximum of 90 days for sick leave. Vacation and sick leave are recorded as benefits when earned. The estimated values of leave earned by employees that may be used in subsequent years or paid upon termination or retirement are accounted for in the proprietary fund financial statements and the government-wide financial statements as a liability. In the governmental funds, such liability is recorded only for the current portion.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of Presentation and Summary of Significant Accounting Policies – (continued)

Compensated Absences – (continued)

Act No. 26-2017 was enacted to modify the existent legal and judiciary framework to be able to comply with the Fiscal Plan approved by the Oversight Board. In addition to accrual modifications, Act No. 26-2017 also altered the liquidation terms. After the enactment of Act No. 26-2017, only compensation of accrued vacation leave, up to 60 days, is paid upon employment termination. To be eligible to receive compensation, an employee must have been employed for at least three months. Accumulated unpaid sickness days are no longer liquidated upon employment termination.

Voluntary Termination Benefits

The Department accounts for voluntary termination benefits in accordance with GASB Statement No. 47, *Accounting for Termination Benefits*. Pursuant to the provisions of GASB Statement No. 47, in financial statements prepared on the accrual basis of accounting, employers should recognize a liability and expense for voluntary termination benefits (for example, early retirement incentives) when the offer is accepted, and the amount can be estimated.

A liability and expense for termination benefits (for example, severance benefits) is to be recognized in the government-wide financial statements when a plan of termination has been approved by those with the authority to commit the government to the plan, the plan has been communicated to the employees, and the amount can be estimated. In financial statements prepared on the modified accrual basis of accounting, liabilities and expenditures for termination benefits should be recognized to the extent the liabilities are normally expected to be liquidated with expendable available financial resources.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts, and other commitments for expenditures are recorded to reflect the use of the applicable spending appropriations, is used by the General Fund during the fiscal year to control expenditures. The unencumbered balance of any appropriation of the General Fund at the end of the fiscal year lapses immediately. Appropriations, other than in the General Fund, are continuing accounts for which the Department has authorized that an unspent balance from the prior year be carried forward and made available for current spending.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of presentation and summary of significant accounting policies – (continued)

Claims and Judgments

In the government-wide and proprietary funds financial statements, the Department recognizes an expense and a liability for claims and judgments only when it is probable that a loss has occurred, and the amount of the loss can be reasonably estimated. The liability for claims and judgments includes all claim adjustment expenses that are incremental (directly related to individual claims). In governmental fund financial statements, an expenditure and a liability are recognized only as liabilities come due for payment.

Direct Charges

Pursuant to and determined by an internal cost allocation plan, certain costs initially are charged to the General Fund and then billed as direct charges to other funds. Revenues from these charges are accounted for in the government-wide statement of activities as general government and in the statement of revenues, expenditures and changes in fund balances as charges for services in the General Fund. The corresponding expenses appear as function/program costs in the statement of activities.

New accounting principles

The following accounting standards are effective in fiscal year 2023:

- GASB Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*. The primary objective of this statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements (PPPs). This Statement also provides guidance for accounting and financial reporting for availability payment arrangements (APAs). The requirements of this Statement are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter. Earlier application is encouraged. Management concluded that this standard is not applicable to the Department.
- GASB Statement No. 96, *Subscription – Based Information Technology Arrangements*. This Statement provides guidance on the accounting and financial reporting for subscription –based information technology arrangements (SBITA's) for government end users (governments). The requirements of this Statement are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter. Management concluded that this standard is not applicable to the Department.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of presentation and summary of significant accounting policies – (continued)

Future adoption of accounting standards – (continued)

GASB has issued the following accounting standards that the Department has not yet adopted:

- GASB Statement No. 99, *Omnibus 2022* – The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing (1) practice issues that have been identified during implementation and application of certain GASB Statements and (2) accounting and financial reporting for financial guarantees. The practice issues addressed by this Statement are as follows:
 - Classification and reporting of derivative instruments within the scope of Statement No. 53, *Accounting and Financial Reporting for Derivative Instruments*, that do not meet the definition of either an investment derivative instrument or a hedging derivative instrument.
 - Clarification of provisions in Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*, related to (a) the determination of the public-private and public-public partnership (PPP) term and (b) recognition and measurement of installment payments and the transfer of the underlying PPP asset.
 - Clarification of provisions in Statement No. 96, *Subscription-Based Information Technology Arrangements*, related to the subscription - based information technology arrangement (SBITA) term, classification of a SBITA as a short-term SBITA, and recognition and measurement of a subscription liability.
 - Extension of the period during which the London Interbank Offered Rate (LIBOR) is considered an appropriate benchmark interest rate for the qualitative evaluation of the effectiveness of an interest rate swap that hedges the interest rate risk of taxable debt.
 - Accounting for the distribution of benefits as part of the Supplemental Nutrition Assistance Program (SNAP).
 - Disclosures related to nonmonetary transactions.
 - Pledges of future revenues when resources are not received by the pledging government.
 - Clarification of provisions in Statement No. 34, *Basic Financial Statements—and Management’s Discussion and Analysis—for State and Local Governments*, as amended, related to the focus of the government-wide financial statements.
 - Terminology updates related to certain provisions of Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*
 - Terminology used in Statement 53 to refer to resource flows statements.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of presentation and summary of significant accounting policies – (continued)

Future adoption of accounting standards – (continued)

The requirements of this Statement that are effective as follows:

- The requirements related to extension of the use of LIBOR, accounting for SNAP distributions, disclosures of nonmonetary transactions, pledges of future revenues by pledging governments, clarification of certain provisions in Statement 34, as amended, and terminology updates related to Statement 53 and Statement 63 are effective upon issuance.
 - The requirements related to leases, PPPs, and SBITAs are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter.
 - The requirements related to financial guarantees and the classification and reporting of derivative instruments within the scope of Statement 53 are effective for fiscal years beginning after June 15, 2023, and all reporting periods thereafter.
- GASB Statement No. 100, *Accounting Changes and Error Corrections—an Amendment of GASB Statement No. 62* - The primary objective of this Statement is to enhance accounting and financial reporting requirements for accounting changes and error corrections to provide more understandable, reliable, relevant, consistent, and comparable information for making decisions or assessing accountability.

This Statement defines *accounting changes* as changes in accounting principles, changes in accounting estimates, and changes to or within the financial reporting entity and describes the transactions or other events that constitute those changes.

As part of those descriptions, for (1) certain changes in accounting principles and (2) certain changes in accounting estimates that result from a change in measurement methodology, a new principle or methodology should be justified on the basis that it is preferable to the principle or methodology used before the change. That preferability should be based on the qualitative characteristics of financial reporting—understandability, reliability, relevance, timeliness, consistency, and comparability. This Statement also addresses corrections of errors in previously issued financial statements.

This Statement prescribes the accounting and financial reporting for (1) each type of accounting change and (2) error corrections. This Statement requires that (a) changes in accounting principles and error corrections be reported retroactively by restating prior periods, (b) changes to or within the financial reporting entity be reported by adjusting beginning balances of the current period, and (c) changes in accounting estimates be reported prospectively by recognizing the change in the current period.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of presentation and summary of significant accounting policies – (continued)

Future adoption of accounting standards – (continued)

The requirements of this Statement for changes in accounting principles apply to the implementation of a new pronouncement in the absence of specific transition provisions in the new pronouncement. This Statement also requires that the aggregate amounts of adjustments to and restatements of beginning net position, fund balance, or fund net position, as applicable, be displayed by reporting unit in the financial statements.

This Statement requires disclosure in notes to financial statements of descriptive information about accounting changes and error corrections, such as their nature. In addition, information about the quantitative effects on beginning balances of each accounting change and error correction should be disclosed by reporting unit in a tabular format to reconcile beginning balances as previously reported to beginning balances as restated. Furthermore, this Statement addresses how information that is affected by a change in accounting principle or error correction should be presented in required supplementary information (RSI) and supplementary information (SI). For periods that are earlier than those included in the basic financial statements, information presented in RSI or SI should be restated for error corrections, if practicable, but not for changes in accounting principles. The requirements of this Statement are effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023, and all reporting periods thereafter. Earlier application is encouraged. Management is currently evaluating to conclude if impact would be considered material.

- GASB Statement No. 101, *Compensated Absences* - The objective of this Statement is to better meet the information needs of financial statement users by updating the recognition and measurement guidance for compensated absences. That objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures.

This Statement requires that liabilities for compensated absences be recognized for (1) leave that has not been used and (2) leave that has been used but not yet paid in cash or settled through noncash means. A liability should be recognized for leave that has not been used if (a) the leave is attributable to services already rendered, (b) the leave accumulates, and (c) the leave is more likely than not to be used for time off or otherwise paid in cash or settled through noncash means. Leave is attributable to services already rendered when an employee has performed the services required to earn the leave. Leave that accumulates is carried forward from the reporting period in which it is earned to a future reporting period during which it may be used for time off or otherwise paid or settled.

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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 2 - Basis of presentation and summary of significant accounting policies – (continued)

Future adoption of accounting standards – (continued)

In estimating the leave that is more likely than not to be used or otherwise paid or settled, a government should consider relevant factors such as employment policies related to compensated absences and historical information about the use or payment of compensated absences. However, leave that is more likely than not to be settled through conversion to defined benefit postemployment benefits should not be included in a liability for compensated absences.

This Statement requires that a liability for certain types of compensated absences—including parental leave, military leave, and jury duty leave—not be recognized until the leave commences. This Statement also requires that a liability for specific types of compensated absences not be recognized until the leave is used.

This Statement also establishes guidance for measuring a liability for leave that has not been used, generally using an employee’s pay rate as of the date of the financial statements. A liability for leave that has been used but not yet paid or settled should be measured at the amount of the cash payment or noncash settlement to be made.

Certain salary-related payments that are directly and incrementally associated with payments for leave also should be included in the measurement of the liabilities. With respect to financial statements prepared using the current financial resources measurement focus, this Statement requires that expenditures be recognized for the amount that normally would be liquidated with expendable available financial resources. This Statement amends the existing requirement to disclose the gross increases and decreases in a liability for compensated absences to allow governments to disclose only the net change in the liability (as long as they identify it as a net change). In addition, governments are no longer required to disclose which governmental funds typically have been used to liquidate the liability for compensated absences. The requirements of this Statement are effective for fiscal years beginning after December 15, 2023, and all reporting periods thereafter. Earlier application is encouraged. Management is currently evaluating to conclude if impact would be considered material.

Note 3 - Risk Financing

The Department carries commercial insurance to cover property, casualty, theft, tort claims and other losses. Also, carries insurance coverage for death and bodily injuries caused by automobile accidents. This insurance is obtained through the Puerto Rico Automobile Accident Compensation Administration (AACA), a discretely presented component unit of the Commonwealth.

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 3 - Risk Financing – (continued)

The Department obtains workers' compensation insurance coverage through the State Insurance Fund Corporation, a component unit of the Commonwealth. This insurance covers workers against injuries, disability, or death because of work or employment-related accidents, or because of employment related illness.

The Department obtains unemployment compensation, non-occupational disability, and drivers' insurance coverage for its employees through various insurance programs administered by the Commonwealth's Department of Labor and Human Resources (DOL). These insurance programs cover workers against unemployment and provide supplementary insurance coverage for temporary disability, or death because of work or employment-related accidents or because of illness suffered as a consequence of their employment. Unemployment compensation, non-occupational disability and drivers' insurance premiums are paid directly to DOL on a cost reimbursement basis.

The Department also obtains medical insurance coverage from several health insurance companies for its employees. Different health insurance coverage and premium options are negotiated each year by the Department of Treasury on behalf of the Department. The Department's current insurance policies have not been cancelled or terminated.

Note 4 - Custodial Credit Risk

Deposits held in commercial banks are maintained in Puerto Rico and are insured as of June 30, 2023. The carrying amount of the deposits of the Department as of June 30, 2023, consists of the following:

	<u>Carrying Amount</u>	<u>Bank Balance</u>
Governmental activities		
Commercial banks	\$ 148,950,539	\$ 150,228,420
Business-type activities		
Commercial banks	<u>89,537,670</u>	<u>88,283,693</u>
Total	<u>\$ 238,488,209</u>	<u>\$ 238,512,113</u>

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 4 - Custodial Credit Risk – (continued)

Government Development Bank for Puerto Rico

On November 29, 2018, the Government Development Bank for Puerto Rico (GDB) completed a restructuring of certain of its indebtedness pursuant to the Qualifying Modification. Under the Qualifying Modification, holders of claims on account of deposits were exchanged for interest in a newly formed trust created pursuant to the GDB Restructuring Act, known as the Public Entity Trust (the PET). As of June 30, 2023, the Department interest amounted to \$2.2 million, which are fully reserved.

CORCO Fund

On January 8, 1981, the Commonwealth Oil Refining Company hereinafter named CORCO entered into an agreement with the Government of Puerto Rico in which 24 equal payments in the amount of \$291,667 were to be made to a fund that was to be administered by the Governor of Puerto Rico or whoever the Governor delegated to. The Governor then signed Executive Order 4004-A which designated the Office of Energy as the government entity in charge of the administration of the funds.

After various amendments the funds were to be utilized as follows:

- Accelerated Revamping Program \$638,705
- Waste to Energy Project/Eco Futures Caribe \$2,000,000
- Institutional Conservation Program \$4,116,376

As of June 30, 2023, the remaining funds being administered by the Office of Energy include a certificate of deposit amounting to \$3,003,301 for which a custodial credit loss of the same amount has been recorded in the financial records of the Energy Office.

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Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 5 - Receivables and Allowance for Uncollectible Accounts

Due from Commonwealth

Amounts due from the Commonwealth of Puerto Rico in the governmental activities as of June 30, 2023, consisted of economic incentives as follows:

	Governmental Activities
Act 20	\$ 127,540
Act 22	68,320
Act 73	34,248,646
Rum	17,415,025
Other operational assignments	5,245,089
Total due from Commonwealth of Puerto Rico	\$ 57,104,620

Due from Federal Government

Amounts due from the Federal Government in the governmental activities as of June 30, 2023, consisted of receivables from the federal programs as follows:

	Governmental Activities
SEP	\$ 1,298,104
WAP	2,567,510
WIOA	15,948,233
EDA	1,383,116
FECC	110,588
STEP	146,372
Total due from Federal Government	\$ 21,453,923

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 5 - Receivables and Allowance for Uncollectible Accounts – (continued)

Due from Other Governmental entities

Amounts due from Other Governmental entities in the governmental activities as of June 30, 2023, are as follows:

	Governmental Activities
Pridco	\$ 7,075,000
Receivable related to Act 60 repayments, net	2,822,368
Other receivables, net	299,432
Receivable related to federal programs	714,896
Total due from Other Governmental entities	\$ 10,911,696

Rent receivable

As of June 30, 2023, receivables in the business type activities consisted of the following:

	Business-type Activities
	Rent and other
Other governmental agencies	\$ 13,340,926
Rent and land leases	1,998,511
Rent under repayment plan and other	5,914,055
Other	2,951,034
	24,204,526
Less: Allowance for uncollectible accounts	(10,429,244)
	\$ 13,775,282

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Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 5 - Receivables and Allowance for Uncollectible Accounts – (continued)

Changes in the allowances for uncollectible accounts during the fiscal year ended June 30, 2023, are as follows:

	Business-type Activities <u>Rent and Other</u>
Allowances for uncollectible accounts, beginning of year	\$ 14,484,544
Provision for doubtful accounts	1,544,214
Write off	<u>(5,599,514)</u>
Allowances for uncollectible accounts, end of year	<u>\$ 10,429,244</u>

Lease receivable

The Department is a lessor for various noncancellable leases of buildings and building spaces to third parties. For leases with a maximum possible term of 12 months or less at commencement, the Department recognizes income based on the provision of the lease contracts. For all other leases, those that are not short-term, the Department recognizes a lease receivable and a deferred inflow of resources.

At the commencement of a lease, the Department initially measures the lease receivable at the present value of payments expected to be received during the lease term and the lease receivable is reduced by the principal portion of lease payments when received. The deferred inflow of resources is initially measured at the initial amount of the lease receivable and is recognized as revenue over the life of the lease term. The Department recognizes interest income on the lease receivables, and lease revenue from deferred inflows of resources in systematic and rational manner over the term of the lease.

Key estimates and judgments related to leases include how the Department determines (1) the discount rate it uses to discount the expected lease receipts to present value, (2) lease term, and (3) lease receipts:

- The Department uses its incremental borrowing rate as the discount rate for leases, unless specifically identified in the lease. The Department incremental borrowing rate for leases is based on the interest rate Puerto Rico Government restructuring debt issued by similar entities with similar characteristics to the Department.

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 5 - Receivables and Allowance for Uncollectible Accounts – (continued)

Lease receivable – (continued)

- The lease term includes the non-cancelable periods of the lease arrangements, plus any additional periods covered by an option to extend for which is reasonably certain to be exercised. Periods in which both the lessee and the Department have a unilateral option to terminate (or both parties must agree to extend) are excluded from the lease term.
- Lease receipts included in the measurement of the lease receivables are composed of fixed payments the Department will receive over the lease term.

Lease arrangements generally have an initial term of 5 to 10 years, and can contain automatic renewal options, generally of 5 to 10 years. Renewal options are included in the lease term if the option is reasonably certain of being exercised, and termination options are included if the option is reasonably certain of not being exercised. An amendment to the lease contract is considered a lease modification, unless the lessee's right to use the underlying asset decreases, in which case it is considered a partial or full lease termination. Discount rates applied to expected fixed lease payments are based on the Department's incremental cost of borrowing at the commencement of the lease term. The discount rate applied to expected fixed lease payments valuations is 5%. Receipts from the lessees are recorded as a reduction in the receivable (principal) and interest income. The Department also recognized a deferred inflows of resources at the amount of the lease receivable, including any lease payments received at or before commencement of the lease term that related to future periods and less incentives, if any. The deferred inflows of resources are amortized on a straight-line basis over the lease term.

As of June 30, 2023, the Department had minimum principal and interest lease receivable payments for its leasing activities, with a remaining term more than one year as follows:

Fiscal Year Ending	Principal	Interest	Total
2024	\$ 8,835,394	\$ 2,614,694	\$ 11,450,088
2025	7,941,140	2,187,814	10,128,954
2026	7,454,837	1,797,272	9,252,109
2027	7,300,712	1,417,990	8,718,702
2028	5,889,078	1,088,437	6,977,515
2029-2033	12,960,980	2,249,306	15,210,286
2034-2038	1,182,164	1,261,890	2,444,054
2039-2043	967,538	1,005,855	1,973,393
2044-2048	1,178,532	745,039	1,923,571
2049-2053	1,193,200	453,778	1,646,978
2054-2058	951,401	136,118	1,087,519
	<u>\$ 55,854,976</u>	<u>\$ 14,958,193</u>	<u>\$ 70,813,169</u>

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 6 - Investments in Equity Interest

Investments in equity interest consist of preferred stocks acquired by the Department from the following two Puerto Rico limited liabilities companies engaged in film projects:

	Shares Authorized			
	Preferred Units	Price	Purchases by Department	Project
El Acantilado Holdings, LLC				
Class A Preferred Membership Interest	1,000,000	\$ 1,000,000	\$ 1,000,000	El Acantilado
200 Cartas Films, LLC				
Class B Membership Interest	800	800,000	416,903	200 Cartas
Total			1,416,903	
Impairment allowance			(1,416,903)	
			\$ -	

The provision for impairment losses, established in prior years, represents the amount that management believes will be adequate to absorb possible losses on its investment in equity interest that may become unrecoverable.

Note 7 - Interfund Transactions

Interfund receivables and liabilities as of June 30, 2023 are comprised of amounts due to and from the business-type fund and governmental funds. The transactions resulting in the balances shown in the following table are mainly due to payments made to (by) a fund(s) as a result of cash shortages in such funds. Such transactions are non-interest bearing and short term in nature.

Interfund receivables and liabilities as of June 30, 2023, consisted of the following:

	Governmental Activities	Business-type Activities
General Fund	\$ 62,105,186	\$ -
Federal Funds	(3,682,728)	
Internal Services	-	(58,422,458)
Total interfund	\$ 58,422,458	\$ (58,422,458)

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 8 - Capital Assets

Capital assets activity of the Department for fiscal year ended June 30, 2023, was as follows:

	Balance June 30, 2022	Additions	Retirements	Adjustments	Balance June 30, 2023
Governmental activities:					
Nondepreciable assets					
Land	\$ 578,719	\$ -	\$ -	\$ -	\$ 578,719
Total capital assets, note being depreciated	<u>578,720</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>578,719</u>
Capital assets:					
Building and building improvements	4,304,457	-	-	-	4,304,457
Equipment	2,921,862	176,485	(397,100)	-	2,701,247
Vehicles	427,506	-	-	-	427,506
Total capital assets	<u>7,653,823</u>	<u>176,485</u>	<u>(397,100)</u>	<u>-</u>	<u>7,433,210</u>
Less accumulated depreciation:					
Building and building improvements	(1,639,626)	(139,871)	-	-	(1,779,497)
Equipment	(2,377,709)	(246,539)	397,100	-	(2,227,148)
Vehicles	(427,506)	-	-	-	(427,506)
Total accumulated depreciation	<u>(4,444,841)</u>	<u>(386,410)</u>	<u>397,100</u>	<u>-</u>	<u>(4,434,151)</u>
Capital assets, net of accumulated depreciation	<u>\$ 3,787,703</u>	<u>\$ (209,925)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,577,778</u>
Business-type activities:					
Rental Properties not being depreciated					
Land	\$ 38,069,174	\$ -	\$ -	\$ -	\$ 38,069,174
Total capital assets, note being depreciated	<u>38,069,174</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>38,069,174</u>
Construction in progress	<u>-</u>	<u>986,314</u>	<u>-</u>	<u>-</u>	<u>986,314</u>
Rental Properties being depreciated					
Building and building improvements	76,428,084	344,258	(6,491,770)	(3)	70,280,569
Equipment	2,934,739	-	-	(310)	2,934,429
Sub-total	<u>79,362,823</u>	<u>344,258</u>	<u>(6,491,770)</u>	<u>(313)</u>	<u>73,214,998</u>
Other properties not for rent being depreciated					
Equipment	5,134,482	-	-	-	5,134,482
Capital leases	628,631	-	-	-	628,631
Vehicles	372,112	-	-	-	372,112
Sub-total	<u>6,135,225</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6,135,225</u>
Total cost of depreciable assets	<u>85,498,048</u>	<u>344,258</u>	<u>(6,491,770)</u>	<u>(313)</u>	<u>79,350,223</u>
Less accumulated depreciation					
Rental properties	(52,625,367)	(3,024,956)	6,218,716	-	(49,431,607)
Other properties not for rent	(6,135,225)	-	-	-	(6,135,225)
Total accumulated depreciation	<u>(58,760,592)</u>	<u>(3,024,956)</u>	<u>6,218,716</u>	<u>-</u>	<u>(55,566,832)</u>
Total capital assets, being depreciated	<u>26,737,456</u>	<u>(2,680,698)</u>	<u>(273,054)</u>	<u>(313)</u>	<u>23,783,391</u>
Capital assets, net of accumulated depreciation	<u>\$ 64,806,630</u>	<u>\$ (1,694,384)</u>	<u>\$ (273,054)</u>	<u>\$ (313)</u>	<u>\$ 62,838,879</u>

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 8 - Capital Assets – (continued)

Depreciation expense was charged to general government expenses on the statement of activities for the year ended June 30, 2023.

Note 9 - Amounts due to subrecipients

Amounts due to subrecipients of approximately \$13.7 million consist principally of amounts due to municipalities or local areas of municipalities of the Commonwealth for cost of services performed and billed by such entities under the WIOA program.

Note 10 - Accrued Compensated Absences

The accrued compensated absences liability balance on June 30, 2023, consists of the following activity:

	Balance as of June 30, 2022	Increase	Decrease	Balance as of June 30, 2023	Due within One year
Accrued compensated absences	<u>\$ 3,852,260</u>	<u>\$ 2,049,433</u>	<u>\$ (1,613,372)</u>	<u>\$ 4,288,321</u>	<u>\$ 905,005</u>

Note 11 - Voluntary Termination Benefits

Termination Benefits (Act No. 70-2010)

On July 2, 2010, the Commonwealth enacted Act No. 70 to establish a program that provided benefits for early retirement or economic incentives for voluntary employment termination to eligible employees, as defined, including employees of the Department, who elected to retire no later than December 31, 2012. Act No. 70 provided that early retirement benefits to eligible employees that had completed between 15 and 29 years of credited service in the Retirement System. This program was available to employees from the enactment of law of 2012. Benefits ranged from 37.5% to 50% of the employee salary, as defined. Pursuant to Act No. 70-2010, the Department, as employer, will continue making the applicable employer contributions to the Retirement System, as well as covering the annuity payments to the employees opting for early retirement, until both the years of service and age requirements for full vesting would have occurred, at which time the applicable Retirement System will continue making the annuity payments.

Economic incentives are available to eligible employees who have less than 15 years of credited service in the Retirement System (incentivized resignation program) or who have at least 30 years of credited service in the Retirement System and who have the age for retirement (incentivized

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 11 - Voluntary Termination Benefits – (continued)

Voluntary Pre-retirement Program (Act No. 211-2015)

resignation program). Economic incentives will consist of a lump sum payment ranging from one month to six months' salary based on employment years. Additionally, eligible employees that choose to participate in the early retirement program or in the incentivized resignation program are eligible to receive health plan coverage for up to 12 months in a health plan selected by the management of the Commonwealth. At June 30, 2023, unpaid long-term benefits granted in Act No. 70-2010 were discounted at an interest rate of 3.30%.

On December 8, 2015, Act. No. 2011 was approved to create a Voluntary Preretirement Program. Effective June 30, 2017, the Department entered into the voluntary preretirement program as part of management plans to restructure the Department. The program consisted of, for each eligible employee applicant, 60% of the average salary at December 31, 2015 until the age of 61, liquidation of the vacation and sick leave licenses up to the limit permitted by law, exempt from income taxes, the Department will make the individual contribution to the Defined Contribution Hybrid Program, the Department will continue to make the employer contributions for the Social Security and Medicare for the 60% of the salary, the Department will pay the medical plan that the employee had up to two years. These payments will be made until the employee becomes eligible to receive payments from the Retirement System. The Department's voluntary pre-retirement program liability as of June 30, 2023, calculated using the discounted present value of expected future benefit payments with a discount rate of 3.0%, was as follows:

The following is the termination benefits liability for the year ended June 30, 2023:

	Balance as of June 30, 2022	Increase	Decrease	Balance as of June 30, 2023	Due within One year
Accrued Termination Benefits	\$ 3,875,403	\$ -	\$ (897,028)	\$ 2,978,375	\$ 802,799

Note 12 - Pension Plan

On August 23, 2017, Act No. 106 was enacted, which is known as the "Law to Guarantee Payment to our Pensioners". Under this Act, starting July 1, 2017, the General Fund, through the system of "pay-as-you-go" (PayGo), assumes the payments of the three Retirement Systems (Employees Retirement System [ERS] of the Government of the Commonwealth, the Teachers' Retirement System and Judiciary Retirement System), because the retirement plan has depleted the assets set aside to pay benefits.

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 12 - Pension Plan – (continued)

The Department will assume a proportional share of the pension benefits of the Department's retirees. Under Act No. 106, active employees will be required to contribute a minimum of 8.5% of their compensation into a defined contribution plan. However, Act No. 106 does not provide for employer contributions. Contributions will be deposited in a separate account for each employee and invested in accordance with certain guidelines.

Upon retirement, employees will receive retirement benefits accumulated after the enactment of Act No. 106, with certain limitations, plus benefits accumulated until the enactment of Act No. 106, with certain limitations, including benefits accumulated under previous defined benefit, defined contribution, and hybrid plans, as discussed below. Benefits accumulated after the enactment of Act No. 106 include only those amounts contributed by the participant during that period and the yield from those deposits. Based on the investment instruments acquired by the participant, there are investment risks that may impair the value of the participant account through the date of retirement.

On May 21, 2017, the Oversight Board filed in the United States District Court for the District of Puerto Rico voluntary petition under Title III of PROMESA for the ERS. On June 15, 2017, the United States Trustee appointed an Official Committee of Retired Employees in the Commonwealth's Title III cases.

Previously, the ERS also provided basic benefits under the defined benefit program principally consisting of a retirement annuity and death and disability benefits (collectively referred to herein as Basic System Pension Benefits). The ERS also administered benefits granted under various special laws that have provided additional benefits for the retirees and beneficiaries (collectively referred to herein as System Administered Pension Benefits). ERS' Administered Pension Benefits included, among others, additional minimum pension, death and disability benefits, ad-hoc cost-of-living adjustments and summer Christmas bonuses. Act No. 3-2013 and Act No. 160-2013 amended the amounts payable to existing retirees while eliminating the benefits for all future retirees (those retiring after June 30, 2013, and July 31, 2014). All these benefits are currently under the PayGo System.

Total Pension Liability and Actuarial Information

The total Pension Plan liability recorded by the Department as of June 30, 2023 (measurement date June 30, 2022) amounted to approximately \$101.2 million. Such total amount represents its proportionate share of the total pension liability of the Pension Plan as of such date. The total pension liability was determined by an actuarial valuation as of July 1, 2021, calculated based on the discount rate and actuarial assumptions, and was then rolled forward to June 30, 2022 (measurement date).

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 12 - Pension Plan – (continued)

The Department's proportion of the total pension liability and all components of the change in Total Pension Liability were directly determined based on the Department's membership participating in the Pension Plan.

The following table presents the Department's proportionate share of the total pension liability of ERS as of June 30, 2022, and the proportion percentage of the aggregate total pension liability of ERS allocated to the Department:

	Measured as of June 30, 2022	
	Governmental	Proprietary
Proportion of the total pension liability	0.45688%	0.45688%
Proportionate share of the total pension liability	<u>\$ 60,701,111</u>	<u>\$ 40,508,627</u>

Actuarial methods and assumptions

The actuarial valuation used the following actuarial methods and assumptions applied to all periods in the measurement period.

Discount rate

The discount rate for June 30, 2022 (measurement date) was 3.54%. This represents the municipal bond return rate as selected by the Commonwealth. The source is the Bond Buyer Obligation 20 Bond Municipal Bond Index, which includes tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher.

Mortality

The mortality tables used in the June 30, 2022 (measurement date) actuarial valuation were as follows:

- Pre-Retirement Mortality - For general employees not covered under Act No. 127 of 1958, PubG-2010 Employee Mortality Rates, adjusted by 100% for males and 110% for females, projected to reflect Mortality Improvement Scale MP-2021 on a generational basis. For members covered under Act No. 127 of 1958, the PubS-2010 Employee Mortality Rates are assumed for males and females, projected to reflect Mortality Improvement Scale MP-2021 on a generational basis. As generational tables, they reflect mortality improvements both before and after the measurement date. 100% of deaths while in active service are assumed to be occupational for members covered under Act No. 127 of 1958.

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 12 - Pension Plan – (continued)

- Post-Retirement Mortality - Rates which vary by gender are assumed for healthy retirees and beneficiaries based on a study of the Plan's experience from 2013 to 2018 and updated expectations regarding future mortality improvement. The PubG-2010 healthy retiree rates, adjusted by 100% for males and 110% for females, projected using MP-2021 on a generational basis. As a generational table, it reflects mortality improvements both before and after the measurement date.
- Post-Retirement Disabled Mortality - Rates which vary by gender are assumed for disabled retirees based on a study of the Plan's experience from 2013 to 2018 and updated expectations regarding future mortality improvements. The PubG-2010 disabled retiree rates, adjusted by 80% for males and 100% for females. The base rates are projected using Mortality Improvement Scale MP-2021 on a generational basis. As a generational table, it reflects mortality improvements both before and after the measurement date.
- Post-Retirement Beneficiary Mortality - Prior to retiree's death, beneficiary mortality is assumed to be the same as the post-retirement retiree mortality. For periods after the retiree's death, the PubG-2010(B) contingent survivor rates, adjusted by 110% for males and 120% for females projected using MP-2021 on a generational basis. As a generational table, it reflects mortality improvements both before and after the measurement date.

Other assumptions

Actuarial cost method	Entry age normal
Inflation rate	Not applicable
Salary increases	3.00% per year. No compensation increases are assumed until July 1, 2021 as a result of Act 3 of 2017, four-year extension of Act No. 66 of 2014 and the current general economy.

Sensitivity of the Total Pension Liability to Changes in the Discount Rate

The following presents the Department's total pension liability calculated using the discount rate of 3.54%, as well as what the Department's proportionate share of the total pension liability it would be if it were calculated using a discount rate of 1% point lower (2.54%) or 1% point higher (4.54%) than the current rate (dollar in thousands):

	1% Decrease 2.54%	Discount Rate 3.54%	1% Increase 4.54%
Total pension liability - governmental	<u>\$ 67,954,410</u>	<u>\$ 60,701,111</u>	<u>\$ 54,717,311</u>
Total pension liability - proprietary	<u>\$ 45,302,940</u>	<u>\$ 40,508,627</u>	<u>\$ 36,478,207</u>

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 12 - Pension Plan – (continued)

Deferred Outflows of Resources and Deferred Inflows of Resources from Pension Activities

As of June 30, 2023 (measurement date June 30, 2022), the Department reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Governmental Fund		Proprietary Fund		Totals	
	Deferred Outflows of Resources	Deferred Inflows of Resources	Deferred Outflows of Resources	Deferred Inflows of Resources	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience in measuring total pension liability	\$ 761,501	\$ 1,287,078	\$ 508,185	\$ 858,926	\$ 1,269,686	\$ 2,146,004
Changes in assumptions	4,899,263	4,775,303	3,269,502	3,186,778	8,168,765	7,962,081
Changes in proportion and differences between actual contributions and proportionate share	15,000,723	39,178	9,777,859	26,145	24,778,582	65,323
Benefits paid and accrued subsequent to measurement date	2,284,172	-	2,658,073	-	4,942,245	-
Change in allocation between governmental and proprietary funds	<u>8,675,360</u>	<u>(1,792,552)</u>	<u>(8,675,360)</u>	<u>1,792,554</u>	<u>-</u>	<u>2</u>
	<u>\$ 31,621,019</u>	<u>\$ 4,309,007</u>	<u>\$ 7,538,259</u>	<u>\$ 5,864,403</u>	<u>\$ 39,159,278</u>	<u>\$ 10,173,410</u>

The \$4.9 million reported as deferred outflows of resources related to pension resulting from benefits paid and accrued after the measurement date, is related to the 2022 Pay-Go contribution to the pension plan and will be recognized as a reduction of the total pension liability after the measurement date June 30, 2022.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in the pension expense (recovery) as follows:

<u>Year ending June 30,</u>	<u>Amount</u>
2024	\$ 19,425,544
2025	<u>4,269,221</u>
	<u>\$ 23,694,765</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 12 - Pension Plan – (continued)

PayGo Pension Reform

Act No. 106-2017 approved a substantial pension reform for all the Commonwealth's retirement systems, which created the legal framework for the Commonwealth to guarantee benefit payments to pensioners. This reform modified most of the retirement systems activities, eliminated the employer contributions, established a separate "Account for the Payment of Accrued Pensions" to implement a pay-as-you-go (Pay-Go) system, and required the Commonwealth retirement systems to liquidate all their assets and to transfer the proceeds from such liquidation to the Commonwealth for the payment of pension benefits. Effective on July 1, 2017, the previously existing programs under Act No. 447, as amended, were terminated and transitioned to the Pay-Go system.

Under the Pay-Go system, the Commonwealth's General Fund makes direct pension payments to the pensioners and then gets reimbursed for those payments by the applicable employer. The Pay-Go charge must be submitted to the Treasury Department before the 15th day of each month along with the individual contributions withheld from active employees. As liquid retirement funds become depleted, the Pay-Go charge is expected to increase. For the year ended June 30, 2023, the Department's corresponding payments under the Pay-Go system were approximately \$4.4 million.

Note 13 - Other Postemployment Benefits

Plan Description

The Department participates in the Other Postemployment Benefit Medical Plan of the Commonwealth of Puerto Rico (the Commonwealth) for Retired Participants of the Employees' Retirement System, which is an unfunded, defined benefit other postemployment healthcare benefit plan sponsored by the Commonwealth. The OPEB Plan is administered on a pay-as-you-go basis and no assets are accumulated in a qualifying trust that meets the criteria of GASB Statement No. 75. The OPEB Plan covers a payment of up to \$100 per month for an eligible medical insurance plan selected by the member, provided that the member retired prior to July 1, 2013, Act No. 483 of September 23, 2004, as amended by Act No. 3 of April 4, 2013.

Employees covered

Commonwealth employees became members upon their date of employment. Plan members were eligible for benefits upon reaching the pension benefits retirement ages. However, Act No. 3 of 2013 eliminated this healthcare benefit to the Plan members that retired after June 30, 2013.

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 13 - Other Postemployment Benefits – (continued)

Contributions

The contribution requirement of the OPEB Plan was established by Act No. 95 approved on June 29, 1963. This OPEB Plan is financed by the Commonwealth on a pay-as-you-go basis. There is no contribution requirement from the plan member during active employment. Retirees contribute the amount of the healthcare insurance premium not covered by the Commonwealth contribution. As a result, these OPEB are 100% unfunded. During the year ended June 30, 2023, OPEB expense was a credit for approximately \$354 thousand.

The funding of the OPEB benefits is provided to the System through legislative appropriations each July 1 by the Commonwealth's General Fund. The legislative appropriations are considered estimates of the payments to be made by the System for the healthcare benefits throughout the year. However, each month the Commonwealth claims reimbursement from the employer for the actual OPEB payments.

Total Other Postemployment Benefits Liability

The Department's total OPEB liability was \$1,592,104 (\$488,226 and \$1,103,878 in the governmental and proprietary funds, respectively), as of June 30, 2023, and was determined by an actuarial valuation as of July 1, 2021, which was rolled forward to June 30, 2022 (measurement date).

Actuarial Methods and Assumptions

The census data collection date is at beginning-of-year. The total OPEB liability as of June 30, 2022 (measurement date), is based on projecting the System obligations determined as of the census data collection date of July 1, 2021, for one year, using roll-forward methods and assuming no liability gains or losses.

The actuarial valuation used the following actuarial assumptions:

Inflation	Not applicable
Municipal bond index	3.54%, as per Bond Buyer General Obligation 20-Bond Municipal Bond Index

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 13 - Other Postemployment Benefits – (continued)

Actuarial Methods and Assumptions – (continued)

Mortality

Pre-retirement Mortality:

For general employees not covered under Act No. 127 of 1958, PubG-2010 Employee Mortality Rates, adjusted by 100% for males and 110% for females, projected to reflect Mortality Improvement Scale MP-2021 on a generational basis. For members covered under Act No. 127 of 1958, the PubS-2010 Employee Mortality Rates are assumed for males and females, projected to reflect Mortality Improvement Scale MP-2021 on a generational basis. As generational tables, they reflect mortality improvements both before and after the measurement date. 100% of deaths while in active service are assumed to be occupational for members covered under Act No. 127 of 1958.

Post-retirement Healthy Mortality:

Rates which vary by gender are assumed for healthy retirees and beneficiaries based on a study of the OPEB Plan's experience from 2013 to 2018 and updated expectations regarding future mortality improvement. The PubG-2010 healthy retiree rates, adjusted by 100% for males and 110% for females, projected using MP-2021 on a generational basis. As a generational table, it reflects mortality improvements both before and after the measurement date.

Post-retirement Disabled Mortality:

Rates which vary by gender are assumed for disabled retirees based on a study of the OPEB Plan's experience from 2013 to 2018 and updated expectations regarding future mortality improvements. The PubG-2010 disabled retiree rates, adjusted by 80% for males and 100% for females. The base rates are projected using Mortality Improvement Scale MP-2021 on a generational basis. As a generational table, it reflects mortality improvements both before and after the measurement date.

Post-retirement Beneficiary Mortality:

Prior to retiree's death, beneficiary mortality is assumed to be the same as the post-retirement retiree mortality. For periods after the retiree's death, the PubG-2010(B) contingent survivor rates, adjusted by 110% for males and 120% for females projected using MP-2021 on a generational basis. As a generational table, it reflects mortality improvements both before and after the measurement date.

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 13 - Other Postemployment Benefits – (continued)

Discount Rate

The discount rate was based on the Bond Buyer General Obligation 20-Bond Municipal Bond Index, which includes tax-exempt general obligation municipal bonds with an average of AA/Aa or higher. It was applied to all periods of projected benefits payments to determine the total pension liability. The discount rate was 3.54% as of June 30, 2022 (measurement date).

Proportionate Share of total OPEB liability

The following table presents the Department’s proportionate share of the total OPEB liability of ERS as of June 30, 2022 (measurement date), and the proportion percentage of the aggregate total OPEB liability of ERS allocated to the Department:

	Measured as of June 30, 2022	
	Governmental	Proprietary
Proportion of the total OPEB liability	0.22888%	0.22888%
Proportionate share of the total OPEB liability	<u>\$ 488,226</u>	<u>\$ 1,103,878</u>

Sensitivity of the Total Other Postemployment Benefits Liability to Changes in the Discount Rate

The following table presents the total OPEB liability of the Department’s calculated using the discount rate of 3.54%, as well as what it would be if it were calculated using a discount rate of 1-percent point lower 2.54% or 1-percent point higher 4.54% than the current rate:

	1% Decrease	Current	1% Increase
	2.54%	Discount Rate 3.54%	4.54%
Total OPEB liability - Governmental fund	<u>\$ 531,456</u>	<u>\$ 488,226</u>	<u>\$ 451,137</u>
Total OPEB liability - Proprietary fund	<u>\$ 1,201,621</u>	<u>\$ 1,103,878</u>	<u>\$ 1,020,020</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 13 - Other Postemployment Benefits – (continued)

Deferred Outflows of Resources and Deferred Inflows of Resources

Because all participants are inactive, there are no deferred inflows as any changes due to changes in actuarial assumptions or economic or demographic gains and losses are recognized immediately during the measurement year.

In addition, as of June 30, 2023, employer OPEB payments subsequent to the measurement date in the amount of \$158 thousand were reported in the governmental and proprietary funds as deferred outflows of resources and were recognized as a reduction of the total OPEB expense in the year ended June 30, 2023.

Note 14 - Related-Party Transactions

Governmental Activities

Invest Puerto Rico (Invest PR)

Invest PR works to promote Puerto Rico as a world-class business destination. The organization is a public-private partnership created by law and incorporated as a 501(c)3 nonprofit. It is governed by an eleven-member Board of Directors appointed by the Governor of Puerto Rico and is comprised of three public sector representatives and eight private sector representatives. The Department contributed \$5 million to support the activities of Invest PR as of June 30, 2023.

Puerto Rico Industrial Investment Corporation (PRIICO)

The Puerto Rico Industrial Investment Company (PRIICO) is a component unit of the Commonwealth of Puerto Rico (the Commonwealth), created in 1942 by Act No. 188, as amended. PRIICO is engaged in promoting the development of new local enterprises and encouraging U.S. and foreign investors to establish and expand their business operations in Puerto Rico. To accomplish its mission, PRIICO, among its many programs, constructs industrial facilities for lease or sale to qualified enterprises. The Department pays rent to PRIICO for several offices and during the fiscal year 2023 it amounted to approximately \$2.9 million.

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 15 - Commitments and Contingencies

Litigation and Claims

The Commonwealth's Act No. 4 of June 30, 1955, as amended, known as Claims and Lawsuits against the State provides that lawsuits against an agency or instrumentality of the Commonwealth, present and former employees, directors and other may be represented by the Department of Justice of the Commonwealth. Any adverse claims to the defendants are to be paid by the Commonwealth's General Fund. However, the Secretary of the Treasury of the Commonwealth has the discretion of requesting reimbursement of the funds expended for the purposes from the public corporations, governmental institutions, and municipalities of the defendants.

The Department is involved in litigation arising from the normal course of operations. The management of the Department believes that the ultimate liability, if any, in connection with these matters will not have a material effect on the Department's financial position and results of operations. The Department has accrued \$1.1 million to cover potential liability related to outstanding claims and litigations in the proprietary fund.

Federal Awards

The Department participates in a number of federal assistance programs funded by the federal government. Funds received from federal funded programs are subject to financial and compliance audits in accordance with the provisions of Title 2 of the U.S. Code of Federal Regulation, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (the Uniform Guidance) or to compliance audits by the corresponding federal agencies and pass-through entities, as applicable. The Uniform Guidance requires compliance audits for entities receiving financial assistance in excess of \$750,000 in the aggregate in a single year. Related compliance reports are required to be submitted to the corresponding federal agencies.

The Department believes that the compliance with the grant's requirements will be achieved within the timeframe prescribed by the grant, however, there is no assurance that compliance will be attained. Since the Department received and expended federal financial assistance in excess of \$750,000, it is subject to compliance audits under the Uniform Guidance.

Federal agencies have the authority to recoup, as well as to limit, suspend, or terminate the federal financial assistance programs. If any unallowed costs are detected as a result of such compliance audits, the Department may be required to reimburse such amounts to the corresponding federal agencies from its own non-federal resources.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 15 - Commitments and Contingencies – (continued)

The accompanying financial statements include an adjustment on questioned cost amounting to \$331,225 that may result from this contingency and is included in accounts payable and accrual liabilities in the statement of net position.

During the year ended June 30, 2023, the Department received a conditional contribution grant from the U.S. Treasury Department, through the local government for the amount of \$57.2 million. Contribution was received for the purpose of providing payroll reimbursement during Covid 19, Molecular Science Program, R&D for Covid-19 treatments, film industry incentive, and energy incentive programs for small business, such grant was considered as nonexchange contribution. The grantor has restricted the use of these funds as conditional contributions. The Department accounts for conditional contributions received before the specified condition has been substantially met as a refundable advance liability (unearned revenues). Upon complying with the applicable restrictions, the refundable advances are recognized as revenue or gain in the statements of revenues, expenses and changes in net position. During the year ended June 30, 2023, the amount of \$24.5 million was expensed in fiscal year 2023 and \$1.2 million of the \$20 million grant received in fiscal year 2022, were expensed in fiscal year 2022, the remaining unexpended balance of \$51.5 million was recorded as unearned revenue in the accompanying statement of net position.

Note 16 - Collective Bargaining Agreements

Employees of the LDP are represented by the “*Coordinadora Unitaria de Trabajadores del Estado*” labor union. Employees of the LDP are represented by the United Automobile, Aerospace, and Agricultural Implement Workers of America. Under the labor agreements, the covered employees may enjoy certain rights and benefits that may differ from those enjoyed by non-unionized employees of the Department.

Note 17 - Restatement of Net Position and Fund Balance

During the year ended June 30, 2023, the Department identified errors related to the previous year’s financial statements governmental and business-type activities. Adjustments are being recorded against the beginning net position in the Department’s financial statements because of various reasons. The most significant misstatement was related to the reduction of an accrual to the Science, Technology and Research Trust (the Trust) because Act 73-2008, which established a formula to calculate the contributions that the Department had to make to the Trust was superseded by Act 60-2019, under which the Secretary of the Department determines the contributions to the Trust.

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Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 17 - Restatement of Net Position and Fund Balance – (continued)

Total net position/fund balance for governmental and business-type activities is adjusted effective July 1, 2022, as follows:

<u>Governmental-Wide financial statements</u>	<u>Governmental Activities</u>	<u>Business-type Activities</u>
Net position - July 1, 2022	\$ 72,237,533	\$ 32,573,178
Reduction of accrual for Science, Technology and Research Trust	46,767,591	-
Recording in books of cash account for Act 60	327,431	-
Payable of Rums related to administrative fees	(184,082)	-
Eliminate overaccruals to other governmental entities	-	2,638,839
Eliminate debit balances in payroll accounts	(465,433)	(629,880)
Eliminate debit balance in accrual account	<u>-</u>	<u>(3,547,870)</u>
Net position - July 1, 2022, as restated	<u>\$ 118,683,040</u>	<u>\$ 31,034,267</u>

Fund balance for the governmental activities is adjusted effective July 1, 2022, as follows:

<u>Governmental Funds financial statements</u>	<u>Governmental Activities</u>
Fund balance - July 1, 2022	\$ 106,118,117
Reduction of accrual for Science, Technology and Research Trust	46,767,591
Recording in books of cash account for Act 60	327,431
Payable of Rums related to administrative fees	(184,082)
Eliminate debit balances in payroll accounts	<u>(465,433)</u>
Fund balance - July 1, 2022, as restated	<u>\$ 152,563,624</u>

Note 18 - Subsequent Events

The Department has evaluated subsequent events through May 28, 2024, the date on which the financial statements were available to be issued. Management believes that the following events should be disclosed:

Puerto Rico Department of Economic Development and Commerce
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Notes to Basic Financial Statements (Continued)

June 30, 2023

Note 18 - Subsequent Events

Economic Development Bank Settlement

On August 28, 2023, the Department agreed to accept from the Economic Development Bank (EDB) the sum of \$430,098 which represents 8.75% of the total deposits maintained by the Department in EDB. This transaction was approved by the Oversight Board of PROMESA. These amounts had been fully reserved due to the uncertainty that the EDB was going to be able to grant the deposits based on the liquidity of the bank. The Department will recognize a cash recapture when funds are received.

Required Supplementary Information

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of the Department's Proportionate Share of the Collective Total Pension Liability
(Unaudited)

June 30, 2023

	Governmental fund				
	2023	2022	2021	2020	2019
Proportion (percentage) of the net collective total pension liability	0.45688%	0.14228%	0.13640%	0.12030%	0.08723%
Proportion share (amount) of the collective total pension liability	\$60,701,111	\$38,677,921	\$38,286,252	\$29,894,323	\$21,361,998
	Proprietary fund				
	2023	2022	2021	2020	2019
Proportion (percentage) of the net collective total pension liability	0.45688%	0.19754%	0.19291%	0.18942%	0.19116%
Proportion share (amount) of the collective total pension liability	\$40,508,627	\$53,698,991	\$54,148,270	\$47,071,584	\$46,813,347

Notes to Required Supplementary Information

1. As a result of the implementation of the PayGo system, as provided by Act No. 106 of 2017 (Act 106), the Pension Plan has no assets accumulated in a trust that are dedicated to pay the related benefits in accordance with the benefit terms. As such, the Pension Plan does not meet the criteria to be considered a plan that is administered through a trust or equivalent arrangement under GASB 68 and, therefore, it is subject to the provisions of GASB 73. Act 106 eliminated all employer contributions and required ERS to liquidate its assets and to transfer the proceeds to the Commonwealth for the payment of pension benefits.
2. The Department's proportion of the total pension liability was actuarially determined based on the ratio of the Department's benefit payments to the total benefit payments made by all participating employers under the Pension Plan for the year ending on the measurement date.
3. The schedule is intended to show information for 10 years. Additional years will be displayed as the information becomes available.
4. The amounts presented were determined by an actuarial valuation.

Puerto Rico Department of Economic Development and Commerce
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Schedule of Proportionate Share of the Collective Total OPEB Liability (Unaudited)

June 30, 2023

	Governmental fund						
	2023	2022	2021	2020	2019	2018	2017
Proportion (percentage) of the net collective total OPEB liability	0.22888%	0.08560%	0.08375%	0.08219%	0.06743%	0.06504%	N/A
Proportion share (amount) of the collective total OPEB liability	\$ 488,226	\$ 683,156	\$ 732,515	\$ 683,970	\$ 567,905	\$ 598,693	N/A
	Proprietary fund						
	2023	2022	2021	2020	2019	2018	2017
Proportion (percentage) of the net collective total OPEB liability	0.22888%	0.15112%	0.15533%	0.15255%	0.14809%	0.14218%	0.12950%
Proportion share (amount) of the collective total OPEB liability	\$1,103,878	\$1,206,140	\$1,358,552	\$1,269,536	\$1,247,142	\$1,308,831	\$1,534,680

Notes to Required Supplementary Information

1. The OPEB plan has no assets accumulated in a trust dedicated to pay the related benefits in accordance with the benefit terms.
2. The Department's proportion of the net OPEB liability was actuarially determined based on the ratio of the Department's benefit payments to the total benefit payments made by all participating employers under the OPEB Plan for the year ending on the measurement date.
3. The schedule is intended to show information for 10 years. Additional years will be displayed as the information becomes available.
4. The amounts presented were determined by an actuarial valuation.

Department of Economic Development and Commerce of Puerto Rico
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Balance Sheet - Federal Programs Funds - Combining Schedule

June 30, 2023

Assets:	Workforce Innovation Opportunity Act Fund	State Energy Program Fund	Weatherization Assistance Program Fund	State Trade Expantion Program Fund	Economic Development Fund	FEMA Funds	CEDD Funds	American Rescue Plan Funds	Federal Contracting Center Funds	Total
Cash in commercial banks - Restricted	\$ 882,959	\$ -	\$ -	\$ -	\$ 26,726	\$ 22,360	\$ -	\$ 51,538,453	\$ -	\$ 52,470,498
Due from:										
Federal government , net	15,948,233	1,298,104	2,567,510	146,372	1,383,116	-	-	-	110,588	21,453,923
Other governmental entities	<u>40,043</u>	<u>1,820</u>	<u>23</u>	<u>-</u>	<u>33,560</u>	<u>-</u>	<u>634,063</u>	<u>-</u>	<u>5,383</u>	<u>714,892</u>
Total assets	<u>16,871,235</u>	<u>1,299,924</u>	<u>2,567,533</u>	<u>146,372</u>	<u>1,443,402</u>	<u>22,360</u>	<u>634,063</u>	<u>51,538,453</u>	<u>115,971</u>	<u>74,639,313</u>
Liabilities and fund balances										
Liabilities:										
Accounts payable and accrued liabilities	2,985,426	136,657	285,023	42,871	540,111	22,360	118,251	-	15,249	4,145,948
Unearned revenue	-	-	-	-	-	-	-	51,538,453	-	51,538,453
Due to:										
Subrecipients	13,678,908	-	-	-	-	-	-	-	-	13,678,908
US Department of Labor	1,614,435	-	-	-	-	-	-	-	-	1,614,435
Due to Commonwealth of Puerto Rico	9,400	-	-	-	-	-	-	-	-	9,400
Internal balances	<u>(1,416,934)</u>	<u>1,163,267</u>	<u>2,282,510</u>	<u>103,501</u>	<u>903,291</u>	<u>-</u>	<u>515,812</u>	<u>-</u>	<u>131,281</u>	<u>3,682,728</u>
Total liabilities	<u>16,871,235</u>	<u>1,299,924</u>	<u>2,567,533</u>	<u>146,372</u>	<u>1,443,402</u>	<u>22,360</u>	<u>634,063</u>	<u>51,538,453</u>	<u>146,530</u>	<u>74,669,872</u>
Fund balances:										
Unassigned (deficit)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(30,559)</u>	<u>(30,559)</u>
Total liabilities and fund balances	<u>\$ 16,871,235</u>	<u>\$ 1,299,924</u>	<u>\$ 2,567,533</u>	<u>\$ 146,372</u>	<u>\$ 1,443,402</u>	<u>\$ 22,360</u>	<u>\$ 634,063</u>	<u>\$ 51,538,453</u>	<u>\$ 115,971</u>	<u>\$ 74,639,313</u>

Department of Economic Development and Commerce of Puerto Rico
(An Agency of the Commonwealth of Puerto Rico)

Statement of Activities - Federal Programs Funds - Combining Schedule

June 30, 2023

Revenues:	Workforce Innovation Opportunity Act Fund	State Energy Program Fund	Weatherization Assistance Program Fund	State Trade Expansion Program Fund	Economic Development Fund	American Rescue Plan Funds	FEMA Funds	CEDD Funds	Federal Contracting Center Funds	Total
Contributions from federal agencies	\$ 98,797,008	\$ 927,473	\$ 613,289	\$ 288,325	\$ 1,589,581	\$ 24,461,735	\$ 88,548	\$ 611,550	\$ 341,113	\$ 127,718,622
Total revenue	<u>98,797,008</u>	<u>927,473</u>	<u>613,289</u>	<u>288,325</u>	<u>1,589,581</u>	<u>24,461,735</u>	<u>88,548</u>	<u>611,550</u>	<u>341,113</u>	<u>127,718,622</u>
Expenditures:										
Program direct	80,273,484	634,363	559,963	288,325	1,448,681	24,461,735	88,548	579,244	182,528	108,516,871
Administrative	15,846,089	243,638	-	-	-	-	-	-	-	16,089,727
Salaries and fringe benefits	2,623,511	38,994	50,813	-	140,900	-	-	24,566	158,585	3,037,369
Capital outlays	53,924	10,478	2,513	-	-	-	-	7,740	-	74,655
Total expenditures	<u>98,797,008</u>	<u>927,473</u>	<u>613,289</u>	<u>288,325</u>	<u>1,589,581</u>	<u>24,461,735</u>	<u>88,548</u>	<u>611,550</u>	<u>341,113</u>	<u>127,718,622</u>
Net change in fund balances	-	-	-	-	-	-	-	-	-	-
Fund balance (deficit) - beginning of the year	-	-	-	-	-	-	-	-	(30,559)	(30,559)
Fund balance (deficit) - end of the year	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (30,559)</u>	<u>\$ (30,559)</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Expenditures of Federal Awards

For the Year Ended June 30, 2023

Federal Agency/ (Pass-Through Agency) and Program Title	Expenditures					Passed- Through to Subrecipients
	Assistance Listing Number	Other Award Number	From Direct Awards	From Pass- Through Awards	Total	
U.S. Department of Labor						
Direct Programs						
Workforce Innovation Opportunity Act (WIOA) Cluster:						
WIOA Adult Program	17.258		\$ 27,254,752	\$ -	\$ 27,254,752	\$ 25,451,780
WIOA Youth Activities	17.259		26,744,318	-	26,744,318	24,352,331
WIOA Dislocated Workers Formula Grant	17.278		<u>44,486,641</u>	<u>-</u>	<u>44,486,641</u>	<u>39,139,043</u>
			<u>98,485,711</u>	<u>-</u>	<u>98,485,711</u>	<u>88,943,154</u>
WIOA Employment Service/Wagner-Peyser						
Trade Adjustment Assistance	17.245		154,849	-	154,849	85,326
Apprenticeship USA Grants	17.285		<u>156,449</u>	<u>-</u>	<u>156,449</u>	<u>65,600</u>
Total U.S. Department of Labor			<u>98,797,009</u>	<u>-</u>	<u>98,797,009</u>	<u>89,094,080</u>
U.S. Department of Energy						
State Energy Program	81.041		927,473	-	927,473	-
Weatherization Assistance Program for Low Income Persons	81.042		<u>613,286</u>	<u>-</u>	<u>613,286</u>	<u>-</u>
Total U.S. Department of Energy			<u>1,540,759</u>	<u>-</u>	<u>1,540,759</u>	<u>-</u>
U.S. Department of Defense						
Procurement Technical Assistance Program	12.002		<u>341,113</u>	<u>-</u>	<u>341,113</u>	<u>-</u>
U.S. Department of Homeland Security						
Disaster Grants -Public Assistance	97.036		<u>88,550</u>	<u>-</u>	<u>88,550</u>	<u>-</u>
U.S. Small Business Administration						
Star Trade Expansion Program	59.061		<u>288,325</u>	<u>-</u>	<u>288,325</u>	<u>-</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Expenditures of Federal Awards – (Continued)

For the Year Ended June 30, 2023

Federal Agency/ (Pass-Through Agency) and Program Title	Assistance Listing Number	Other Award Number	Expenditures			Passed-Through to Subrecipients
			From Direct Awards	From Pass- Through Awards	Total	
U.S. Department of Commerce						
Economic Development Cluster						
Economic Adjustment Assistance	11.307		1,589,581	-	1,589,581	-
Total U.S. Department of Commerce			1,589,581	-	1,589,581	-
U.S. Department of Health and Human Services						
Developmental Disabilities Basic Support and Advocacy Grants	93.630		611,550	-	611,550	-
Total U.S. Department of Health and Human Services			611,550	-	611,550	-
U.S. Department of Treasury (Pass-through from the Puerto Rico Department of Treasury)						
Coronavirus State and Local Fiscal Recovery Fund - ARP Act	21.027		-	24,461,735	24,461,735	-
Total U.S. Department of Treasury			-	24,461,735	24,461,735	-
Total Expenditures of Federal Awards			\$ 103,256,887	\$ 24,461,735	\$ 127,718,622	\$ 89,094,080

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Notes to the Schedule of Expenditures of Federal Awards

For the Year Ended June 30, 2023

Note 1 - Basis of presentation

The accompanying supplementary Schedule of Expenditures of Federal Awards (the Schedule) includes the federal grant activity of the Puerto Rico Department of Economic Development and Commerce (the Department) and is presented on the accrual basis of accounting. The information in the Schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*. Therefore, some amounts presented in the Schedule may differ from amounts presented in or used in the preparation of the Department's financial statements.

Because the Schedule presents only a selected portion of the activities of the Department, it is not intended to, and does not present the net position, changes in net position, and cash flows of the Department.

Note 2 - Summary of significant accounting policies

- a. The Schedule is prepared from the Department's accounting records. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures may or may not be available or may be limited as to reimbursement.
- b. The financial transactions are recorded by the Department in accordance with the terms and conditions of the grants, which are consistent with accounting principles generally accepted in the United States of America.
- c. Expenditures are recognized in the accounting period in which the liability is incurred, if measurable, or when paid, whichever occurs first.
- d. In 2018, the Department signed an indirect cost rate agreement with the U.S. Department of Labor (DOL) on which the state agency would use an indirect cost of 20.37% for Workforce Innovation Opportunity Act Programs. As for the rest of the grants on which the DOL served as Grantor the indirect cost rate would be of 21.44%. This agreement was signed on February 18, 2021, and would be valid from July 1, 2018, through June 30, 2023.

Note 3 - Assistance Listing Numbers (ALN)

The Assistance Listing numbers (ALN) included in the Schedule are determined based on the program name, review of grant contract information and the public descriptions of federal assistance listings published by the U.S. Government on sam.gov. ALN are presented for those programs for which such numbers were available.

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Secretary of Puerto Rico
Department of Economic Development and Commerce
of the Commonwealth of Puerto Rico

We have audited in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Puerto Rico Department of Economic Development and Commerce (an Agency of the Commonwealth of Puerto Rico)(the Department), which comprise the statement of net position as of June 30, 2023, and the related statements of revenues, expenses and changes in net position (deficit) and cash flows for the year then ended, and the related notes to the basic financial statements, which collectively comprise the Department's basic financial statements, and have issued our report thereon dated May 28, 2024.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Department's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control. Accordingly, we do not express an opinion on the effectiveness of the Department's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies, and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying schedule of findings and questioned costs, we identified certain deficiencies in internal control over financial reporting that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We consider the deficiency described in the accompanying schedule of findings and questioned costs as item 2023-001 to be a material weakness.

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiency described in the accompanying schedule of findings and questioned costs as item 2023-002 to be a significant deficiency.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Department's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Department's Response to Findings

Government Auditing Standards require the auditor to perform limited procedures on the Department's response to the findings identified in our engagement and described in the accompanying schedule of findings and questioned costs. The Department's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance, and the result of that testing, and not to provide an opinion on the effectiveness of the Department's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Department's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Galíndez LLC

San Juan, Puerto Rico
May 28, 2024
License No. LLC-322
Expires December 1, 2026



INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH REQUIREMENTS
APPLICABLE TO EACH MAJOR FEDERAL PROGRAM AND ON INTERNAL CONTROL OVER
COMPLIANCE IN ACCORDANCE WITH THE UNIFORM GUIDANCE

To the Secretary of Puerto Rico
Department of Economic Development and Commerce
of the Commonwealth of Puerto Rico

Report on Compliance for Each Major Federal Programs

Qualified and Unmodified Opinions

We have audited the Puerto Rico Department of Economic Development and Commerce (an Agency of the Commonwealth of Puerto Rico) (the Department) compliance with the types of compliance requirements identified as subject to audit in the *OMB Compliance Supplement* that could have a direct and material effect on each of the Department's major federal programs for the year ended June 30, 2023. The Department's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

Qualified Opinion on Coronavirus State and Local Fiscal Recovery Funds - ARP Act

In our opinion, except for the noncompliance described in the Basis for Qualified and Unmodified Opinions section of our report, the Department's complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on Coronavirus State and Local Fiscal Recovery Fund - ARP Act for the year ended June 30, 2023.

Unmodified Opinion on Each of the Other Major Federal Programs

In our opinion, the Department complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its other major federal programs identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs for the year ended June 30, 2023.

Basis for Qualified and Unmodified Opinions

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (Government Auditing Standards); and the audit requirements of *Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditors' Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the Department's and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the Department's compliance with the compliance requirements referred to above.

Matter Giving Rise to Qualified Opinion on Coronavirus State and Local Fiscal Recovery Fund - ARP Act

As described in the accompanying schedule of findings and questioned costs, the Department did not comply with requirements regarding Assistance Listing No. 21.027 Coronavirus State and Local Fiscal Recovery Fund - ARP Act as described in finding number 2023-003 for Energy Incentive Program disbursement to Ineligible Providers and Beneficiaries - Allowable Activities.

Compliance with such requirements is necessary, in our opinion, for the Department to comply with the requirements applicable to that program.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the Department's federal programs.

Auditors' Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the Department's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the Department's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the Department's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the Department's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Other Matters

The results of our auditing procedures disclosed an instance of noncompliance which is required to be reported in accordance with the Uniform Guidance and which is described in the accompanying schedule of findings and questioned costs as item 2023-004. Our opinion on each major federal program is not modified with respect to this matter.

Government Auditing Standards requires the auditor to perform limited procedures on the Department's response to the noncompliance findings identified in our audit described in the accompanying schedule of findings and questioned costs. Department's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

Report on Internal Control Over Compliance

Our consideration of internal control over compliance was for the limited purpose described in the Auditors' Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance and therefore, material weaknesses or significant deficiencies may exist that were not identified. As discussed below, we did identify certain deficiencies in internal control over compliance that we consider to be material weaknesses.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented or detected and corrected on a timely basis. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as item 2023-003 to be a material weakness.

A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as item 2023-004 to be a significant deficiency.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

Government Auditing Standards requires the auditor to perform limited procedures on the Department's response to the internal control over compliance findings identified in our audit described in the accompanying schedule of findings and questioned costs. The Department's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.



Galíndez LLC

San Juan, Puerto Rico
May 28, 2024
License No. LLC-322
Expires December 1, 2026

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs

For the Year Ended June 30, 2023

Part I - Summary of Auditors' Results

Financial Statements

- a) Type of report the auditor issued on whether the financial statements audited were prepared in accordance to GAAP: Unmodified opinion
- b) Material weaknesses in internal control over financial reporting identified: Yes.
- c) Significant deficiencies in internal control over financial reporting identified that are not considered to be material weaknesses: Yes.
- d) Noncompliance that is material to the financial statements: No.

Federal Awards

- a) Internal control over compliance with major programs:
 - i. Material weaknesses identified? Yes.
 - ii. Significant deficiencies identified? Yes.
- b) Type of auditors' report issued on compliance for major programs: Qualified and Unmodified opinion.
- c) Are there any reportable findings under Uniform Guidance § 200.516: Yes.
- d) Major programs:

<u>Name of Federal Program or Cluster:</u>	<u>AL Number</u>
U.S. Department of Labor:	
Workforce-Innovation and Opportunity Act (WIOA) Cluster:	
WIOA Adult Program	17.258
WIOA Youth Activities	17.259
WIOA Dislocated Workers Formula Grants	17.278
U.S. Department of Treasury (Pass-through from the Puerto Rico Department of Treasury)	
Coronavirus State and Local Fiscal Recovery Fund - ARP Act	21.027

- e) Dollar threshold used to distinguish between Type A and Type B programs: \$3,000,000.
- f) Auditee qualified as a low-risk auditee under Uniform Guidance § 200.520: No.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part II - Findings Relating to the Financial Statements that are Required to be Reported in Accordance with Government Auditing Standards

Finding No. 2023-001 - Restatement of prior period financial statements

Type of Finding

Internal Control Over Financial Reporting

Category

Material weakness

Criteria

Internal control practices require that quantitative information included in the accounting records and financial statements be adequately supported with tangible evidence.

Condition

During the year ended June 30, 2023, the Department identified errors related to the previous year's financial statements governmental and business-type activities. Adjustments were being recorded against the beginning net position/fund balance in the Department's financial statements because of various reasons explained below.

Total net position for the governmental and business-type activities was adjusted effective July 1, 2022, as follows:

	<u>Governmental Activities</u>	<u>Business-type Activities</u>
Net position - July 1, 2022, as previously reported	\$ 72,237,533	\$ 32,573,178
Reduction of accrual for Fideicomiso de Ciencias, Tecnología e Investigación	46,767,591	-
Recording in books of cash account for Act 60	327,431	-
Payable of Rums related to administrative fees	(184,082)	-
Eliminate overaccruals to other governmental entities	-	2,638,839
Eliminate debit balances in payroll accounts	(465,433)	(629,880)
Eliminate debit balance in accrual account	-	(3,547,870)
Net position - July 1, 2022, as restated	<u>\$ 118,683,040</u>	<u>\$ 31,034,267</u>

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part II - Findings Relating to the Financial Statements that are Required to be Reported in Accordance with Government Auditing Standards – (continued)

Finding No. 2023-001 - Restatement of prior period financial statements – (continued)

Fund balance for the governmental activities was adjusted effective July 1, 2022, as follows:

	<u>Governmental Activities</u>
Fund balance - July 1, 2022	\$ 106,118,117
Reduction of accrual for Science, Technology and Research Trust	46,767,591
Recording in books of cash account for Act 60	327,431
Payable of Rums related to administrative fees	(184,082)
Eliminate debit balances in payroll accounts	<u>(465,433)</u>
Fund balance - July 1, 2022, as restated	<u>\$ 152,563,624</u>

Cause

The significant adjustment to net position of \$46,445,507 was mainly due to errors identified by the Department during the year ended June 30, 2023, related to the previous year's financial statements governmental and business-type activities. Adjustments are being recorded against the beginning net position in the Department's financial statements because of various reasons. The most significant misstatement was related to the reduction of an accrual to the Science, Technology and Research Trust (the Trust) because Act 73-2008, which established a formula to calculate the contributions that the Department had to make to the Trust was superseded by Act 60-2019, under which the Secretary of the Department determines the contributions to the Trust. The significant adjustment to net position of \$1,538,911 in the Business-type Activities was mainly caused by lack of timely analysis of accounts payables and accrual accounts.

Effect

The Department's net position as of July 1, 2022, has been increased by \$46,445,507 in the Governmental Activities and a decrease of \$1,538,911 in the Business-type Activities to correct the effect of the matters described above.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part II - Findings Relating to the Financial Statements that are Required to be Reported in Accordance with Government Auditing Standards – (continued)

Finding No. 2023-001 - Restatement of prior period financial statements – (continued)

Questioned Cost

None

Identification as a Repeated Finding

This is a repeat finding from the immediate previous audit, Finding No. 2022-001.

Recommendation

Management of the Department must assure that the financial figures presented in the financial records be adequately supported. Emphasis must be placed for significant amounts included therein. For these balances, management should perform periodic reconciliations with the counterparties, which shall be properly supported with corresponding evidence. Supervision shall also be enhanced during the accounting period and year end closing procedures to ascertain that the amounts presented have undergone the corresponding validation analysis.

Views of responsible officials and planned corrective actions.

Management of the Department agrees with this finding. Refer to the corrective action plan on pages 112-113.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part II - Findings Relating to the Financial Statements that are Required to be Reported in Accordance with Government Auditing Standards – (continued)

Finding No. 2023-002 - Lack of Adequate Analysis of Prior Fiscal Years Accounts Payables Balances

Type of finding

Internal Control Over Financial Reporting

Category

Significant Deficiency

Criteria

Internal control practices require management periodically to analyze the balance sheet accounts to have balances presented in accordance with U.S. GAAP.

Condition

During our audit procedures, we detected several accounts payable balances from prior periods that haven't been evaluated and analyzed by management. Our testing around accounts payable disclosed that monthly reconciliations between the balance in the general ledger and the open invoices are not being performed. The lack of this control feature allows for differences to occur and accumulate over a period of time. Our audit procedures revealed that errors in account classifications between general fund and the business type fund which caused reclassification entries to be made at the end of the year. Proper account classifications are critical to producing accurate financial statements from which sound business decisions can be made.

Cause

During the fiscal year ended June 30, 2021, as per the provisions of Act 141 of 2018, "Department of Economic Development and Commerce Reorganization Plan Implementation Act", the Puerto Rico Trade and Export Company was merged into the Puerto Rico Department of Economic Development and Commerce (DDEC) effective July 1, 2020. After the merger of the Puerto Rico Trade and Export Company, its rental activities are now managed by DDEC, which are accounted for in a manner similar to businesses operating in the private sector. Due to this merger, the management now oversee a new set of operations and has a new set of payable balances that were not originally accounted for in their analysis. This event has also delayed the analysis of their old accounts. On June 30, 2023, management is in the process to develop a plan to analyze these new accounts.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part II - Findings Relating to the Financial Statements that are Required to be Reported in Accordance with Government Auditing Standards – (continued)

Finding No. 2023-002 - Lack of Adequate Analysis on Accounts Payables Balances – (continued)

Effect

Lack of detailed analysis of accounts payables balances resulted in incorrect classifications of balances and reclassifications between business type fund and general fund. Furthermore, not timely reconciliation and analysis of the accounts caused improper recognition of payments as expenses, instead of reduction of accounts payables balances. Since accounts are not being analyzed, there is lack of communication with debtors that increases the risk of incorrect balances.

Questioned cost

None

Identification as a Repeated Finding

This is a repeat finding from the immediate previous audit, Finding No. 2022-002.

Recommendation

To maintain proper control over accounts payable, we suggest that the open invoice file be reconciled with the balance in the general ledger at the end of every month. If any differences exist, they should be investigated and solved promptly. These procedures will ensure that the balance in the general ledger reflects the accurate accounts payable balance supported by the subsidiary system. Accurate account classifications should be made through the year. We suggest that steps be taken to implement procedures that ensure the accuracy of all transaction entries at their origin. Also recommend the Department to immediately reconcile the prior fiscal years of accounts balances and establish reconciliations procedures of accounts on a timely basis.

Views of responsible officials and planned corrective actions.

Refer to the corrective action plan on pages 112-113.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part III - Findings and Questioned Costs Relating to Federal Awards

Finding No. 2023-003 – Energy Incentive Program disbursement to Ineligible Providers and Beneficiaries

Federal Program Coronavirus State and Local Fiscal Recovery Funds
ALN 21.027

Name of Federal Agency U.S. Department of Treasury

Pass-through Entity

Puerto Rico Department of Treasury

Compliance Requirement Activities Allowed

Type of Finding

Internal control over compliance/non-compliance

Category

Material Weakness

Criteria

According to the 31 CFR Subtitle A Part 35 Subpart 35.6 (b)(3)(ii)(B)(2). Eligible uses 35.6(b) A recipient may use funds to respond to the public health emergency or its negative economic impacts if the use meets the criteria. (3) A recipient may use funds to respond to the public health emergency or its negative economic impacts on a beneficiary or class of beneficiaries for one or more of the following purposes unless such use is grossly disproportionate to the harm caused or exacerbated by the public health emergency or its negative economic impacts. (ii) Responding to the negative economic impacts of the public health emergency for purposes including, (B) assistance to small businesses including, (2) a program, service, capital expenditure, or other assistance that responds to disproportionately impacted small businesses, including rehabilitation of commercial properties; storefront and façade improvements; technical assistance, business incubators, and grants for start-ups or expansion costs for small businesses; and programs or services to support micro-businesses.

Additional criteria were established in the Energy Incentive Program Guidance issued by the Disbursement Oversight Committee established by the Government of Puerto Rico.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part III - Findings and Questioned Costs Relating to Federal Awards – (continued)

Finding No. 2023-003 - Energy Incentive Program disbursement to Ineligible Providers and Beneficiaries – (continued)

Condition

During our examination, we noted twelve (12) suppliers’ instances and thirty-two (32) instances of beneficiaries, which based on the regulation previously indicated, the Energy Incentive was paid to suppliers and beneficiaries that not provided required supporting documentation to be eligible.

Context

From a sample of thirty-three (33) suppliers and beneficiaries that receive the Energy Incentive payments, twelve (12) suppliers and thirty-two (32) beneficiaries did not meet the eligibility criteria.

INELIGIBLE SUPPLIERS Case Id	Amount Disbursed	Questioned Cost
815	343,800.00	-
2590	274,646.37	-
1333	225,000.00	-
1681	607,644.00	-
245	558,730.00	-
575	973,727.31	-
1587	220,796.31	-
191	141,100.00	-
353	187,276.00	-
831	449,615.56	-
256	374,970.00	-
880	386,979.00	-
Total	\$4,744,284.55	\$ -

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part III - Findings and Questioned Costs Relating to Federal Awards – (continued)

Finding No. 2023-003 - Energy Incentive Program disbursement to Ineligible Providers and Beneficiaries – (continued)

Context – (continued)

INELIGIBLE BENEFICIARIES Case Id	Amount Disbursed	Questioned Cost
465	25,000.00	25,000.00
180	25,000.00	25,000.00
701	25,000.00	25,000.00
1162	25,000.00	25,000.00
1386	25,000.00	-
730	24,872.50	-
444	25,000.00	-
1145	14,800.00	-
462	14,556.50	-
2590	25,000.00	-
1333	25,000.00	-
1681	25,000.00	25,000.00
1247	22,095.00	-
211	25,000.00	-
960	25,000.00	-
245	25,000.00	25,000.00
2741	25,000.00	25,000.00
575	25,000.00	25,000.00
1587	9,088.82	-
191	25,000.00	-
353	25,000.00	-
828	25,000.00	-
1071	25,000.00	25,000.00
1531	19,123.13	19,123.13
831	22,101.63	22,101.63
247	25,000.00	-
256	25,000.00	-
1791	25,000.00	-
2529	25,000.00	25,000.00
2023	15,000.00	15,000.00
880	25,000.00	-
815	25,000.00	25,000.00
Total	\$ 741,637.58	\$ 331,224.76
TOTAL	\$5,485,922.13	\$ 331,224.76

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part III - Findings and Questioned Costs Relating to Federal Awards – (continued)

Finding No. 2023-003 - Energy Incentive Program disbursement to Ineligible Providers and Beneficiaries (continued)

Cause

The program administration suffered several changes which caused that the procedures established in the program guide not be followed correctly and the required documents not being properly safeguarded.

Effect

As a result of this condition, the US Department of Treasury may request the return of funds, issue warnings and/or impose penalties to the Department.

Questioned Costs

The known questioned costs were calculated by the amounts disbursed to ineligible suppliers and beneficiaries. We did not include as questioned costs the amounts disbursed for certain suppliers and beneficiaries, because the Department provide the required documentation after the field work was completed. Based on this reason, we modified the questioned costs based on the beneficiaries with missing required documents that were disbursed, for total questioned costs amounting to \$331,224.76.

Identification as a Repeated Finding

This is not a repeat finding from the immediate previous audit.

Recommendation

We recommend the Department to strengthen controls in eligibility determination and disbursement of federal funds to ensure the compliance with the requirements of the program.

In addition, implement a document control system to comply with document retention requirement. Any government and non-government entity receiving Program funds will be required to retain use of funds records and supporting documentation for a period of five (5) years.

Views of responsible officials and planned corrective actions.

Refer to the corrective action plan on pages 112-113.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part III - Findings and Questioned Costs Relating to Federal Awards – (continued)

Finding No. 2023-004 - Late Filing of Single Audit Reporting Package

Federal Programs Workforce Innovation and Opportunity Act Cluster
ALN 17.258, 17.259, and 17.278
Coronavirus State and Local Fiscal Recovery Funds
ALN 21.027

Federal Agency U.S. Department of Labor (DOL)
U.S. Department of Treasury

Pass-through Entity

Puerto Rico Department of Treasury

Compliance Requirement Reporting

Type of Finding

Internal Control over Compliance

Category

Significant Deficiency

Criteria

As required by the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), § 200.512 Report submission (a) (1), “ the audit must be completed and the data collection form described in paragraph (b) of this section and reporting package described in paragraph (c) of this section must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day”.

Condition

The Department has not submitted the Single Audit Reporting Packages for the year ended June 30, 2023.

Puerto Rico Department of Economic Development and Commerce
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Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part III - Findings and Questioned Costs Relating to Federal Awards – (continued)

Finding No. 2023-004 - Late Filing of Single Audit Reporting Package – (continued)

Cause

The Single Audit Reporting Packages late submission results from the operational changes caused by Act No. 171 of October 2, 2014 (Act No. 171) enactment. Act No. 171 integrated the Labor Development Program and the WIOA Cluster Programs with the Department. This merger, in conjunction with other difficulties in accounting and reporting processes, has delayed the Department's efforts to bring up to date all federal filings.

Effect

If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or passthrough entity may take one or more of the following actions, as appropriate in the circumstances:

- a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or passthrough entity.
- b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- c) Wholly or partly suspend or terminate the Federal award.
- d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a passthrough entity, recommend such a proceeding be initiated by a federal awarding agency).
- e) Withhold further Federal awards for the project or program.
- f) Take other remedies that may be legally available.

Questioned Costs

None.

Identification as a Repeated Finding

This is a repeat finding from the immediate previous audit, Finding No. 2022-005.

Puerto Rico Department of Economic Development and Commerce
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Schedule of Findings and Questioned Costs – (Continued)

For the Year Ended June 30, 2023

Part III - Findings and Questioned Costs Relating to Federal Awards – (continued)

Finding No. 2023-004 - Late Filing of Single Audit Reporting Package – (continued)

Recommendation

The data collection form and single audit reporting package must be submitted within the required due dates. Also, we strongly suggest the accounting department to take whatever steps necessary to ensure that senior management receives current and accurate financial information on a timely basis. If it is determined that the department is understaffed, steps should be taken to alleviate this problem so that work can remain current without an undue hardship on any one employee. Once up to date, the accounting staff must consistently provide management with the accurate financial reports and information necessary to effectively manage the Department's operations and comply with the reporting deadlines.

Views of responsible officials and planned corrective actions.

Refer to the corrective action plan on pages 112-113.

Puerto Rico Department of Economic Development and Commerce
(An Agency of the Commonwealth of Puerto Rico)

Summary Schedule of Prior Year Audit Findings

For the Year Ended June 30, 2023

Part VI – Summary of Prior Year Audit Findings

Finding Number	Program	Fiscal Year	Finding Title / Comments	Corrective Action	Questioned Costs	Status	Comments								
2022-001	N/A	Year ended June 30, 2022	<p>Financial Statements Finding: Restatement of Prior Period Financial Statements</p> <p>During the year ended June 30, 2022, the Department identified an error related to the previous year's financial statements business-type activities due to the transition process of the Puerto Rico Trade and Export Company merge into the Department of Economic Development and Commerce. An adjustment to accounts payables and accrued liabilities of \$1,244,081 was recorded against the beginning fund balance in the Department's financial statements because of disbursements recorded as expenses instead of reducing the accruals.</p> <p>Total net position for business-type activities is adjusted effective July 1, 2021, as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2" style="text-align: center;"><u>Business-type Activities</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Net position - July 1, 2021, as previously reported</td> <td style="text-align: right;">\$ 22,506,609</td> </tr> <tr> <td style="text-align: left;">Adjustment to accounts payables and accrued liabilities</td> <td style="text-align: right;"><u>1,244,081</u></td> </tr> <tr> <td style="text-align: left;">Net position - July 1, 2021, as restated</td> <td style="text-align: right;">\$ 23,750,690</td> </tr> </tbody> </table>	<u>Business-type Activities</u>		Net position - July 1, 2021, as previously reported	\$ 22,506,609	Adjustment to accounts payables and accrued liabilities	<u>1,244,081</u>	Net position - July 1, 2021, as restated	\$ 23,750,690	<p>DEDC has established a plan to manage accounts with aged balances that are related to previous years' accounting. DEDC has established enhanced procedures to address and contain errors in current accounting, using checklists, recurrent reconciliations, financial analytics, among others. The plan to manage and correct aged balance sheet accounts may require additional analysis to ensure it is properly corrected and the correct impact is attained.</p> <p>Management expects to substantially clean-up aged balances on or before June 2024.</p>	None	Not Corrected	Findings related to this matter were noted in fiscal year 2023 procedures.
<u>Business-type Activities</u>															
Net position - July 1, 2021, as previously reported	\$ 22,506,609														
Adjustment to accounts payables and accrued liabilities	<u>1,244,081</u>														
Net position - July 1, 2021, as restated	\$ 23,750,690														

Puerto Rico Department of Economic Development and Commerce
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Summary Schedule of Prior Year Audit Findings (Continued)

For the Year Ended June 30, 2023

Finding Number	Program	Fiscal Year	Finding Title / Comments	Corrective Action	Questioned Costs	Status	Comments
2022-002	N/A	Year ended June 30, 2022.	<p>Financial Statements Finding: Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB)</p> <p>The Department closed books and provided the financial statements almost one and half years after the June 30, 2022, year-end.</p>	<p>Management is implementing a risk management and internal controls framework that will enhance controls in a systematic and sustainable manner. Consistent with the strategy, the Standard Operating Procedures are being updated and/or designed that specifically address reporting matters.</p> <p>Additional resources and controls have been implemented to enhance the preparation of financial statements. Consequently, management issued Financial Statements for FY 2022 in December 2023, reducing the time to issue financial statements.</p> <p>Management expects to achieve full compliance with pending Financial Statements issuance on or before June 2024.</p>	None	Corrected	No new findings related to this matter were noted in fiscal year 2023 procedures
2022-003	N/A	Year ended June 30, 2022.	<p>Financial Statements Finding: Several Payable Accounts Originating from Prior Fiscal Years Lack Adequate Analysis on Current Balances and are Classified in the Incorrect Fund</p> <p>During our audit procedures, we detected several accounts payable balances from prior periods that haven't been evaluated and analyzed by management. Our testing around accounts payable disclosed that monthly reconciliations between the balance in the general ledger and the open invoices are not being</p>	<p>In order to address this finding related to the cumulative effect of prior fiscal years internal controls matters, management is currently in a project of analyzing and adjusting and / or reclassifying accounts for which balances are no longer supported, along with the design of tools for continuing monitoring. Furthermore, a Standard Operating Procedure will be developed to properly describe reconciliation activities, and account analysis monthly.</p> <p>Related to current operations, management has implemented various activities, such as closing checklists,</p>	None	Partially Corrected	Finding related to this matter noted in fiscal year 2023 procedures.

Puerto Rico Department of Economic Development and Commerce
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Summary Schedule of Prior Year Audit Findings (Continued)

For the Year Ended June 30, 2023

Finding Number	Program	Fiscal Year	Finding Title / Comments	Corrective Action	Questioned Costs	Status	Comments
			performed. The lack of this control feature allows for differences to occur and accumulate over a period of time. Our audit procedures revealed that errors in account classifications between general fund and the enterprise fund which caused numerous reclassification entries to be made at the end of the year. Proper account classifications are critical to producing accurate financial statements from which sound business decisions can be made.	grant reconciliation procedures, accounts reconciliation procedures, among others, which should reduce the recurrence of aged balances in the financial statements. Management expects to substantially clean-up aged balances and to develop the SOP on or before June 2024.			
2022-004	Workforce Innovation Opportunity Act Cluster ALN No. 17.258, 17.259, and 17.278	Year ended June 30, 2022.	<p>Findings and Questioned Costs Relating to Federal Awards: Federal Funding Accountability and Transparency Act (FFATA), Reporting</p> <p>None of the required Federal Funding Accountability and Transparency Act (FFATA) reports were timely filed.</p>	<p>DEDC's Finance Department with the assistance of the Human Resources Department submitted the FFATA Reports that were not filed in previous years, in order to get current in the FFATA reporting requirements during the month of September 2022. Thereafter, DEDC has been able to submit FFATA reports as required.</p> <p>In DEDC Reporting SOP, the submission deadlines have been established, as well as the personnel responsible for its completion. To fully mitigate the finding, an SOP related solely to FFATA reports was prepared and implemented, including the following details: parties responsible for preparing and submitting reports, management oversight in the process and the process to ensure timely submission as per requirements. The SOP details responsible parties with proper segregation of duties for preparation and review and DEDC's oversight to ascertain quality and</p>	None	Corrected	No new findings related to this matter were noted in fiscal year 2023 procedures.

Puerto Rico Department of Economic Development and Commerce
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Summary Schedule of Prior Year Audit Findings (Continued)

For the Year Ended June 30, 2023

Finding Number	Program	Fiscal Year	Finding Title / Comments	Corrective Action	Questioned Costs	Status	Comments
				timeliness of submittals. The SOP was shared with Finance and Programmatic resources and a training session was provided to all parties involved in the procedure. These activities were completed during the month of May 2023, which should significantly enhance controls for subsequent periods.			
2022-005	Workforce Innovation Opportunity Act Cluster ALN No. 17.258, 17.259, and 17.278 State Energy Program ALN 81.041 Weatherization Assistance Program for Low Income Persons ALN 81.042	Year ended June 30, 2022.	<p>Findings and Questioned Costs Relating to Federal Awards: Late Single Audit Submission, Reporting</p> The Department has not submitted the Single Audit Reporting Packages for the year ended June 30, 2022.	Management submitted single audit reports up to fiscal year 2022. In order to address the root cause for this finding, management performed the following actions: Management audit contracts are followed up directly by CFO to ensure timely execution to ensure audits are timely completed and planned. Management enhancements to the finance function, such as accounting closing checklists, accounting closing meetings and reconciliation processes, among other actions, should improve the timing of audit results. Additional resources (consultants) were hired to assist in the audit process to ensure external auditors have information on a timely basis. In order to ascertain that basic and recurrent information requested by auditors is ready, management prepared an updated list of information normally requested and prepared a OneDrive (cloud backup storage) where all information will be archived and ready to be delivered to the auditors as requested. This should provide the efficiency and agility to response to auditors in a timely manner.	None	Not Corrected	Finding related to this matter was noted in fiscal year 2023 procedures.

Puerto Rico Department of Economic Development and Commerce
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Summary Schedule of Prior Year Audit Findings (Continued)

For the Year Ended June 30, 2023

Finding Number	Program	Fiscal Year	Finding Title / Comments	Corrective Action	Questioned Costs	Status	Comments
				Management expects to achieve full compliance of pending Single Audit reports' issuance on or before August 2024.			
2022-006	Workforce Innovation Opportunity Act Cluster ALN No. 17.258, 17.259, and 17.278	Year ended June 30, 2022.	<p>Findings and Questioned Costs Relating to Federal Awards: Insufficient Controls Related to the Application of Indirect Costs Rates</p> <p>The Department recorded indirect cost transaction that did not correspond as indirect costs for the audit year ended June 30, 2022.</p>	<p>Management will enhance procedures related to indirect costs rates matters, including accounting and review process. A Standard Operating Procedure will be developed to address key tasks, responsible parties, and oversight activities.</p> <p>Management expects this SOP to be completed and implemented on or before June 2024.</p>	None	Corrected	No new findings related to this matter were noted in fiscal year 2023 procedures.

FINDING NUMBER	PROGRAM	FINDING TITLE / CORRECTIVE ACTION	LEAD PERSONS ACCOUNTABLE FOR ACTION ITEM COMPLETION	TARGET COMPLETION DATE
2023-001	N/A	<p>Financial Statements Finding: Restatement of Prior Period Financial Statements</p> <p>DEDC has established a plan to manage accounts with aged balances that are related to previous years' accounting. DEDC has established enhanced procedures to address and contain errors in current accounting, using checklists, recurrent reconciliations, financial analytics, among others. The plan to manage and correct aged balance sheet accounts may require additional analysis to ensure it is properly corrected and the correct impact is attained.</p> <p>Management expects to substantially clean-up aged balances on or before June 2024.</p>	<p>Jamille E. Muriente Díaz, Chief Financial Officer Telephone: 787-758-4747 Email: Jamille.muriente@ddec.pr.gov</p>	6/30/2024
2023-002	N/A	<p>Financial Statements Finding: Lack Adequate Analysis of Prior Fiscal Years Accounts Payables Balances</p> <p>In order to address this finding related to the cumulative effect of prior fiscal years internal controls matters, management is currently in a project of analyzing and adjusting and / or reclassifying accounts for which balances are no longer supported, along with the design of tools for continuing monitoring. Furthermore, a Standard Operating Procedure was developed to properly describe reconciliation activities, and account analysis monthly.</p> <p>Related to current operations, management has implemented various activities, such as closing checklists, grant reconciliation procedures, accounts reconciliation procedures, among others, which should reduce the recurrence of aged balances in the financial statements.</p> <p>Management expects to substantially clean-up aged balances on or before June 2024.</p>	<p>Jamille E. Muriente Díaz, Chief Financial Officer Telephone: 787-758-4747 Email: Jamille.muriente@ddec.pr.gov</p>	6/30/2024
2023-003	Coronavirus State and Local Fiscal Recovery Funds ALN No. 21.027	<p>Findings and Questioned Costs Relating to Federal Awards: Energy Incentive Program Disbursement to Ineligible Providers and Beneficiaries</p> <p>The program "Apoyo Energético", funded by the American Rescue Plan Act (ARPA), that resulted in this finding concluded early 2023, which lack of a complete and robust operational guidance. The guidance used to manage the process were simple, not quite restrictive, and with little internal controls for both suppliers and beneficiaries.</p>	<p>Viviana Ali-Fortuño, Energy Policy Program Director Telephone: 787-758-4747</p>	6/30/2024

FINDING NUMBER	PROGRAM	FINDING TITLE / CORRECTIVE ACTION	LEAD PERSONS ACCOUNTABLE FOR ACTION ITEM COMPLETION	TARGET COMPLETION DATE
		<p>DDEC has adopted guidelines for both suppliers and beneficiaries that are more restrictive, and specific with internal regulations that ensure data retention and storage. Currently, the second initiative of this program, being “Apoyo Energético 2.0” commenced April 2024, which is funded by a CDBG-DR funds, for registration of potential suppliers and are following the guidelines issued.</p>	<p><u>Email:</u> Viviana.ali@ddec.pr.gov</p>	
2023-004	<p>Workforce Innovation Opportunity Act Cluster ALN No. 17.258, 17.259, and 17.278</p>	<p>Findings and Questioned Costs Relating to Federal Awards: Late Single Audit Submission, Reporting Management submitted Single Audit reports up to fiscal year 2023. To address the root cause for this finding, management performed the following actions:</p> <ul style="list-style-type: none"> • Management audit contracts are followed up directly by CFO to ensure timely execution to ensure audits are timely completed and planned. • Management enhancements to the finance function, such as accounting closing checklists, accounting closing meetings and reconciliation processes, among other actions, should improve the timing of audit results. <p>Additional resources (consultants) were hired to assist in the audit process to ensure external auditors have information on a timely basis. In order to ascertain that basic and recurrent information requested by auditors is ready, management prepared an updated list of information normally requested and prepared a OneDrive (cloud backup storage) where all information will be archived and ready to be delivered to the auditors as requested. This should provide the efficiency and agility to response to auditors in a timely manner. Management successfully completed late Single Audit submissions with this 2023 Single Audit Report. With this filing, DDEC is up to date in its regulatory reports. Furthermore, with the process enhancements and improved controls implemented, DDEC expects to continue filing on or before filing due dates.</p>	<p>Jamille E. Muriente Díaz, Chief Financial Officer Telephone: 787-758-4747 <u>Email:</u> Jamille.muriente@ddec.pr.gov</p>	6/30/2024