COMMONWEALTH OF PUERTO RICO
PUERTO RICO ENERGY COMMISSION

IN RE: PUERTO RICO ELECTRIC POWER AUTHORITY RATE REVIEW	CASE NO. CEPR-AP-2015-0001 SUBJECT: SUNNOVA'S MOTION FOR RECONSIDERATION OF THE COMMISSION'S JANUARY 10, 2017 FINAL RESOLUTION AND ORDER REGARDING PREPA'S RATE REVIEW

MOTION FOR RECONSIDERATION

TO THE HONORABLE PUERTO RICO ENERGY COMMISSION:

COMES NOW Sunnova Energy Corporation ("Sunnova"), through the undersigned counsel, and very respectfully STATES and PRAYS as follows:

1. On January 10, 2017, the Puerto Rico Energy Commission ("Commission") issued a Final Resolution and Order ("Final Resolution") in response to a Petition for Rate Review filed by the Puerto Rico Electric Power Authority ("PREPA"), pursuant to Section 6A of Act No. 83 of May 2, 1941, as amended, better known as the "Puerto Rico Electric Power Authority Act", and Article 6.25 of Act No. 57-2014, as amended, known as the "Puerto Rico Transformation and RELIEF Act".

2. As notified by the Commission by and through its Final Resolution, "[a]ny party adversely affected by this Final Resolution and Order may file a motion for reconsideration before the Commission, pursuant to Section 11.01 of Regulation 8543 and the applicable provisions of Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedure Act".

3. This "Motion for Reconsideration" is brought before the Commission under the Final Resolution; Sections 3.14 and 3.15 of Act No. 170 of August 12, 1988, as amended, also known as the "Uniform Administrative Procedure Act", 3 L.P.R.A. §§ 2164-2165. ("LPAU", for its Spanish acronym); Act No. 83 of May 2, 1941, as amended, better known as the "Puerto Rico Electric Power Authority Act"; Act No. 57-2014, as amended, known as the "Puerto Rico Transformation and RELIEF Act"; Act No. 114-2007, as amended, directing the Electric Power Authority to establish a net metering program; Act No. 4-2016, known as the "Electric Power Authority Revitalization Act"; Section 11.01 of Regulation No. 8543; and all other applicable legal authorities.

4. In compliance with the Commission's Final Resolution and applicable statutory provisions, Sunnova hereby respectfully submits this "Motion for Reconsideration".

I. INTRODUCTION AND SUMMARY

5. Sunnova appreciates the efforts taken by the Commission, PREPA and intervenors during the first ever ratemaking proceeding before the Commission towards determining appropriate rates for PREPA's customers, and implementing directives towards PREPA's economic recovery. Sunnova also recognizes that it has been a long, complex and arduous process for all parties.

6. Notwithstanding, at this point in time, the Commission should not make any determinations that affect or alter the treatment of solar net energy metering ("NEM") customers without a full discussion and analysis of all the underlying policy, legal, and technical issues because the Commission: (1) stated multiple times that the information provided by PREPA is incomplete and insufficient for a final determination; (2) was not clear

on which issues would be addressed in this proceeding and which issues were deferred for consideration in a future and separate proceeding; and (3) previously stated that this Final Resolution would not be its final determination on net metering matters. The above creates confusion to NEM customers, unnecessary complications to PREPA, and potential multiple changes to the NEM scheme in a relatively short timeframe. For these reasons, Sunnova understands that the Commission should not make a determination regarding net metering until all the issues affecting NEM customers are fully vetted in the deferred proceeding that the Commission established must occur.

7. In addition to the procedural issues raised above, Sunnova respectfully requests this Honorable Commission to reconsider certain substantive parts of its Final Resolution because: (1) the Commission's Final Resolution includes determinations, without PREPA having provided enough evidence to demonstrate, among other matters, the alleged costs of NEM and the benefits, such that they are deemed appropriate; (2) PREPA did not prove its cost shifting argument in support of the reduced credit for NEM customers that PREPA seeks and that the Commission partially approved in the Final Resolution; (3) it includes several conclusions that should be modified or clarified to comply with the well-established public policy on net metering, renewable energy and diversification of energy sources; (4) it does not recognize the distinct treatment between net metering customers and regular customers, required by law, regarding the establishment of "just and reasonable" rates and charges; (5) it lacks essential details regarding the treatment of grandfathered and non-grandfathered net metering customers and the date when net metering customers should be grandfathered remains unclear; (6) it makes a number of determinations that need to be modified or clarified regarding the criteria when evaluating the net metering customer

charges; (7) creates procedural uncertainty as to the issues that will be dealt with in the instant proceeding and those postponed to future proceedings; and (8) it makes a number of findings that should be corrected.

II. DISCUSSION

A) PREPA FAILED TO PROVIDE EVIDENCE TO SUPPORT THE COMMISSION'S MODIFICATIONS TO NET METERING CUSTOMERS CHARGES

8. The instant procedure lacks substantial evidence supporting a just and reasonable determination on the proposed treatment of NEM customers, such that the Commission's determination is consistent with the net metering public policy and the Commission's own procedures as established throughout the case as established in several orders. The Commission's order of November 3, 2016 and the Final Resolution, proved that PREPA provided incomplete evidence to support the Commission's efforts to establish a just and reasonable NEM charges. In order to comply with well-established procedural law, the Commission should not base it determination regarding NEM customers in incomplete and faulty evidence provided by PREPA.

B) ASSUMING THAT PREPA PROVED ITS RATE CASE, THE COMMISSION SHOULD MODIFY ITS DIRECTIVES REGARDING THE CREDIT TO GRANDFATHERED AND NON-GRANDFATHERED NET METERING CUSTOMERS

9. The Commission states in paragraph #394 of the Final Resolution that "each grandfathered net-metering customer should be credited for outflow at the full energy charge applicable to its class, while a non-grandfathered net-metering customer should receive a somewhat lower credit, excluding certain non-by-passable charges."

Further in paragraph #398, the Commission states that "[f]or **outflow** from **non-grandfathered** net-metering, the credit shall **not** include: [Contribution In Lieu of Taxes ("CILT")], the energy efficiency charge (when created), public lighting subsidy, the Energy

Commission assessment, and all of the items denoted as 'help to humans' during the technical hearing: life-preserving equipment, LRS Tariff, RH3 tariff, residential fuel subsidy, and the fixed public housing rate (RFR tariff). These items are mostly social commitments - things that benefit the public as a whole, including net-metering customers. As Mr. Chernick explained, net-metering customers are actual or potential beneficiaries of energy efficiency programs."

The above language does not clearly establish which non-by-passable charges are being excluded from the credit to non-grandfathered net metering customers. Further, in light of the lack of evidence provided by PREPA and the Commonwealth of Puerto Rico established public policy regarding renewables, non-grandfathered net-metering customers should not receive a lower credit than grandfathered net metering customers (i.e., CILT credit), but should rather receive the same credit as a grandfathered net metering customer. Allowing for a difference in the net metering credits treatment between net metering customers collides with the Commonwealth's net metering public policy mandates,[1]

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[1] Act 82-2010, also known as the "Public Policy on Energy Diversification by Means of Sustainable and Alternative Renewable Energy in Puerto Rico Act", "seeks to establish and implement the Puerto Rico's new energy policy based on energy source diversification and conservation". Further, Section 1.2 of Act 82-1010 provides the following statement of public policy:

> It is hereby declared as the public policy of the Government of Puerto Rico to achieve the diversification of energy sources and energy technology infrastructure by reducing our dependency on energy sources derived from fossil fuels such as crude oil; reducing and stabilizing our energy costs; controlling electricity price volatility in Puerto Rico...

Also, Act 4-2016, as amended, known as the "Electric Power Authority Revitalization Act", expresses in its Statement of Motives that the "Authority's transformation is a critical element for it to succeed and be able to . . . promote public-private investment and create the conditions for key investments in electric power infrastructure, cleaner energy, and diversification of energy sources, including renewable sources. . ."

Act No. 114-2007, as amended, states in the Statement of Motives the following:

> Net metering is an essential incentive for investment in equipment that generates electricity using sources of renewable energy. This is obtained by means of the interconnection of PREPA's system of transmission and distribution and the solar and wind energy system

confuses the consumer, and adds unnecessary complexities to PREPA's billing system. Thus, the credit to NEM customers should include Contribution In Lieu of Taxes ("CILT").

10. The Commission states in paragraph #409 of the Final Resolution that "there is no basis to inferring a legislative intent to exempt grandfathered net-metering customers from **all charges**, including those charges which have always been included in PREPA's rates and which are now being separately stated in each bill." (Emphasis ours).

The Commission's statement is incorrect as it does not consider that Section 4 of Act 114-2007, as amended by Section 29 of Act-4-2016, clearly states that during the 20-year grace period, the charges approved by the Commission shall not be billed. Nowhere does the law say "all" charges.[2] Thus, there is legal basis to conclude that the legislative will is to exempt grandfathered net metering customers from all charges approved by the Commission, and not all charges existing before.

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installed by the customer. Net metering enables customers to use the electricity generated by their solar electric equipment, windmills or other source of renewable energy to offset the consumption of electricity provided by PREPA by means of a single meter that registers the flow of electricity in the opposite direction when it generates electricity in excess of the demand.
Net metering translates into benefits for the customer because it promotes the use of clean and inexpensive energy, and the customer receives compensation for the excess electricity generated and only pays for the net electricity supplied by PREPA. It is also an encouragement to save energy
because the greater the amount of excess energy generated and not used, the greater the credit or the payment the customer will receive from PREPA.
In the same way, PREPA benefits because when customers produce electricity during peak periods, it alleviates the load on the transmission and distribution system. PREPA also reduces its operating expenses by receiving energy at a lower cost than what it costs the public utility to produce said energy and increases its reserve.

[2] Specifically, Section 29 of Act 4-2016 states the following: "Any customer that has entered into a net metering agreement as of the approval of this Act or that is in the process of evaluating or developing a renewable energy project which shall be interconnected to the system of the Authority shall have a grace period of twenty (20) days, counted as of the approval of this Act, **during which the charges approved by the Commission shall not be billed.**" (Emphasis ours).

11. In paragraph #412 of the Final Resolution, the Commission states that "the Commission holds that charges approved under Section 4 of Act 114-2007 may be imposed on a non-grandfathered net-metering customer's inflow from PREPA, without receiving a credit for such charges on their outflow."

Sunnova's position is that the Commission's approval of a reduced credit for energy produced and fed into PREPA's grid by non-grandfathered net-metering customers that does not equal to the new charges approved by the Commission to be imposed on their energy inflow from PREPA, would account to net metering customers producing energy to PREPA for free. In addition, the Commission would not be complying with the well-established public policy as discussed in the Statement of Motives of Act 114-2007, which reasserts that one of the reasons for the establishment of net metering programs is that "[n]et metering translates into benefits for the customer because it promotes the use of clean and inexpensive energy, and the customer receives compensation for the excess electricity generated and only pays for the net electricity supplied by PREPA." If non-grandfathered net-metering customers don't receive a credit for the new charges approved by the Commission to be imposed on their energy inflow from PREPA, then there would be no benefit or incentive to such net metering customers.

C) THE COMMISSION SHOULD MODIFY THE FINAL RESOLUTION TO REFLECT THE DISTINCT TREATMENT BETWEEN REGULAR CUSTOMERS AND NET METERING CUSTOMERS, AS REQUIRED BY SECTION 29 OF ACT 4-2016

12. In paragraph #415 of the Final Resolution, the Commission states that "the term 'just' must be defined in the broader context of Act 57-2014. Said Act requires electric service rates to be 'just and reasonable' for all customers. The evaluation of the applicability of a charge under Section 4 of Act 114-2007 is made within the context of a rate review

procedure under Act 57-2014 and not within a separate procedure under Act 114-2007. As such, the term 'just' applies to all customers, not only to net metering customers."

In paragraph #416 of the Resolution, the Commission states that they "reached a similar conclusion in our previous decision in the Restructuring Order. On that occasion, we stated that 'justness to net-metering customers does not require making non-net-metering customers pay more so that net-metering customers can pay less.'304 We further stated that 'the term 'just' applies to all customers, not only net-metering customers' and that 'to apply the term 'just' only to the net-metering customers would mean that the other customers are subject to some standards other than 'just', a result contrary to the tenets of Act 57-2014."

It is Sunnova's contention that the Commission fails to recognize the distinct treatment between NEM customers and regular customers, required by law, regarding the establishment of "just and reasonable" rates and charges. The Commission disregards that Section 29 of Act 4-2016 states that "the Authority may propose, as part of its rates, **just and reasonable charges to its net metering customers**. The Commission shall evaluate said charges as part of the rate proposal of the Authority." (Emphasis ours). It further states that the "charge to be billed shall be just and shall have the purpose of covering the operating and administrative expenses of the grid services that any customer receives that entered into a net metering agreement. The grid services received by the net metering customer shall be clearly differentiated from the services that the Authority bills on a regular basis to all of its customers." Thus, there must be a clear distinction between regular customers and net metering customers when it comes to the definition of "just". The term "just" cannot be applied in the same manner to all customers (including net metering customers), otherwise there would be no incentive for the NEM customer. As mandated by Section 29 of Act 4-2016,

the proposed charge to be billed to NEM customers must be "just" and "related to grid services received by net metering customers" and not related to grid services received by all regular customers.

Substantively, the term "just" must be interpreted within the clearly established legal requirements of the aforementioned disposition and the obligation for PREPA to foster and incorporate renewable generation into its grid, and the Commission's duty to implement the Commonwealth's public policy that calls for, without limitation, implementation of net-metering, diversification of energy sources, including renewables, and compliance with the RPS.[3]

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[3] Section 4 of Act 114-2007, as amended by Act 4-2016, states:

> The Energy Commission **shall evaluate and determine which charges shall apply** to net metering customers, such as the Contribution In Lieu of Taxes, Securitization, Subsidies, and Grants. Both the Authority and the Commission shall take into account the following **criteria** when proposing and evaluating the net metering customer charges:
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> i. **The charge to be billed shall be just and shall have the purpose of covering the operating and administrative expenses of the grid services that receives any customer that entered into a Net Metering Agreement.** The **grid services received by a net metering customer shall be clearly differentiated from the services that the Authority bills on a regular basis to all of its customers.**
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> ii. **The charge shall never be excessive or established in such a manner as to constitute an obstacle to the implementation of renewable energy projects.** (Emphasis ours).

In addition, the Statement of Motives of Act 114-2007 reasserts the need to stimulate energy production through renewable sources and the establishment of net metering programs. Three reasons to establish these programs are:

> First, customers instantly receive an **economic benefit** for the electricity produced by consuming this energy or eventually by means of a credit or payment for the excess feedback to the electricity company. Second, **net metering reduces customer costs** by eliminating the need for a second meter. Third, net metering provides a simple, **inexpensive**, and easily administered mechanism for encouraging the use of solar electric equipment and windmills which at the same time benefit the environment and the economy in general.
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> **Net metering is an essential incentive** for investment in equipment that generates electricity using sources of renewable energy.
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> . . .
>
> **Net metering translates into benefits for the customer** because it promotes the use of clean and inexpensive energy, and the customer receives compensation for the excess electricity generated and only pays for the net electricity supplied by PREPA. (Emphasis ours).

The evidence provided by PREPA does not justify the determination of "just and reasonableness", as recognized by the Commission in its November 3, 2016 Resolution and the Final Resolution. With regards to the PREPA rate review process, the burden of proof is on PREPA to demonstrate the "just and reasonableness" of the proposed rates. Section 13.03(E) of Regulation 8543 specifically states the following:

> Once adjudicative proceedings for rate review start, pursuant to this section, **PREPA has the burden of proof to demonstrate**, according to the case, (i) that **the rate proposed by PREPA is just and reasonable**; therefore, the rate must be modified as requested...Pursuant to the provisions established in Articles 6.3 and 6.25 of Act No. 57-2014, as amended, in any rate review process, the Commission may order as remedy the adjustment and approval of the rate as requested by the petitioner, the adjustment and approval of the rate considered fair and reasonable by the Commission, or **dismissal of the petition for rate review and the issuance of an order stating that the current electricity rate shall remain unaltered.** (Emphasis ours).

13. Furthermore, in paragraph #417 of the Final Resolution, the Commission states that they "cannot ignore the strong public policy in favor of the development of renewable energy generation, specifically distributed generation, and has taken affirmative steps in other proceedings, such as the IRP Order, to promote integration of renewable energy. However, the existence of said public policy does not override the statutory requirement imposed on the Commission that rates be just and reasonable for all customers. A charge which unduly shifts the burden from one customers to another, absent express legislative intent, such as in the case of a grandfathering clause, cannot result in 'just and reasonable' rates."

Once again, the Commission does not contemplate that there is a difference between "just and reasonable" provisions for regular customers and the NEM customers' category immersed within the "regular customers". Section 4(i) of Act 114-2007, as amended by Act 4-2016, expressly makes that distinction, as discussed above.

14. With regards to costs related to grid services received by NEM customers, the Commission provided the following hypothetical situation in paragraph #420 of the Final Resolution: "[i]f, for example, a net-metering customer decided to switch off her distributed generation system during any given period of time, that customer would be responsible for the entire costs incurred by PREPA (and paid for by non-net-metering customers), not just a portion of the costs assigned to net-metering customers. Charges which are borne by all of PREPA's customers, regardless of whether they are net-metering customers or not, should be paid for in equal proportion by all customers."

This hypothetical example is not applicable nor illustrative. First, if a net metering customer were to switch off his distributed generation system, then he would **not** be a net metering customer. If the NEM customer does not use the distributed generation system, he is a regular customer, otherwise any person who just purchases such a system but never uses it or uses it sometimes will always be considered a net metering customer. Secondly, the hypothetical example ignores two important facts: (1) that NEM customers will always pay the full rate for energy consumed from the grid just as a regular customer, and as such it should be credited equally; and (2) that net metering customers provide a benefit for the grid, which has not been accounted for and specifically excluded from the Order. Finally, PREPA did not meet the burden of proof, required by the Commission, for the Commission to approve a cost shifting solution to an alleged inequity or "problem" that was inadequately established and discussed within the proceedings herein.

15. In paragraph #422 of the Final Resolution, the Commission stated that:

> The third criterion the Commission must consider is whether a charge is excessive. We have previously defined the term as something that is beyond usual, proper, necessary, or normal.306 We have previously stated that 'a charge is not 'excessive' if it does no more than recover costs legitimately

> applied to a customer.'307 In other words, the Commission must determine whether a proposed charge (or the total amount thereof) would result in the customer paying beyond what is necessary to cover the costs incurred by PREPA in servicing that customer. A charge which recovers the proper share of costs from net metering customers cannot be considered excessive, merely because it is inconvenient." (Emphasis ours).

Sunnova clarifies that it has never argued that charges which recover the proper share of costs from net metering customers are excessive because they are "inconvenient". Sunnova doesn't argue inconvenience, but rather that when adequately evaluating a charge to be imposed on net metering customers, the Commission should interpret the term "excessive", considering the public policy on renewable energy and net metering, as a charge that: (1) falls outside of the reasonableness zone, (2) deters investment from renewable energy projects, (3) affects future integration on renewable energy, and (4) that is supported by the evidence provided by PREPA. As previously discussed, PREPA has the burden of proof to demonstrate the "just and reasonableness" of the proposed rates, pursuant to Section 13.03(E) of Regulation 8543. Such burden of proof was clearly not met by PREPA.

Secondly, when determining whether a charge is excessive, the Commission must consider that NEM customers consume less energy from PREPA than do regular customers, which inherently provides a relief to PREPA's operational expenses. Lastly, the Commission is not in a position to determine whether a proposed charge is "excessive" or not when the Commission itself has acknowledged in the Final Resolution that it has no confidence in PREPA's cost of service study ("COSS") and marginal cost study due to gaps in data and discrepancies resulting from the testimony in the Technical Hearing. Given that PREPA's COSS doesn't work, the Commission's conclusion is unjustified and has no base.

16. The Commission stated in paragraph #423 that they defined the meaning of "obstacle" in the Restructuring Order as:

> [S]omething that impedes progress or achievement. One must understand the term "obstacle" in context. An obstacle is a change to what is normal-a barrier that impedes normal progress. It is a change to the status quo that makes progress more difficult than before. The Transition Charge reduces legacy costs. Requiring the customer to continue to bear those reduced costs is not an obstacle. The term "obstacle" cannot logically refer to the normal costs of interacting with society. That is all that the Transition Charge is: a means of recovering from all customers those costs legitimately and equitably allocated to all customers. If the Commission were imposing on net-metering a new, unjustified cost, that would be an obstacle. The Transition Charge is not a new cost; it is a mechanism for reducing existing costs for which all customers, including net metering customers, should be responsible. A charge that is the same for all customers cannot logically create an obstacle for net-metering customers. It takes nothing away from the good cause of renewable energy to reject this reasoning. (Citations omitted.)

The Commission has defined "obstacle" in the context of the Transition Charge, another proceeding in which Sunnova did not participate, and not in the context of this Rate Case. The Transition Charge is from inefficient use of PREPA's income whether through its rate or debt service. With regards to the Commission's statement that "[a] charge that is the same for all customers cannot logically create an obstacle for net-metering customers" is incorrect because all customers are not the same. There is a difference between regular and NEM customers, as previously discussed. When evaluating a charge to be imposed on NEM customers, the Commission should interpret the phrase "obstacle to the implementation of renewable energy projects", considering the public policy on renewable energy and net metering, including the Commonwealth's goals under its Renewable Portfolio Standard, among other mandates, as an economic impact due to the proposed charge that affects future integration on renewable energy and a determent of investment from renewables. Anything that challenges the progress of renewable energy is certainly an obstacle, as is the case with the PREPA net metering proposal, which as detailed in Sunnova and Windmar's Joint Brief

on Substantive Issues in Section 2, would destroy the financial viability of solar energy in Puerto Rico.

17. Finally, the Commission has created an uncertainty of when and in which proceeding certain issues will be addressed. This uncertainty is certainly an obstacle to renewable energy net metering. Particularly, the Commission stated in its Restructuring Order the following:

> *We wish to stress, as emphatically as possible, that these two conclusions are not the Commission's final words* on this subject. In the pending rate case and in other proceedings, the Commission will explore, fully and deeply, all feasible ways to ensure that the maximum amount of cost-effective renewable energy is developed in Puerto Rico. And we will explore, just as fully and deeply, how to allocate the benefits and costs of that renewable energy consistently with elementary (and statutorily mandated) principles of economic efficiency, justness and reasonableness and nondiscrimination. For example, if distributed generation bears its fair share of infrastructure costs, it is entitled to consideration of the value it contributes (such as the "capacity value" created by reducing future load or producing output at peak periods).

After the commencement of the instant proceeding, the Commission issued its November 3, 2016 Resolution, in which it discussed the issues that would be deferred to a separate proceeding to begin after the conclusion of the instant case, **due to insufficiency of information provided by PREPA, discrepancies during the discovery process**, and shortness of time that prevents undertaking the detailed and precise work necessary. In such Resolution, the Commission deferred cost allocation and the cost of service study because it considered that the supporting information was insufficient to determine reasonableness of the results. In addition, the Commission deferred issues regarding the marginal cost study because it considered that it did not provide an adequate basis for a decision. Then, during the Technical Hearings, other issues regarding net metering were also deferred to a later proceeding in order to expedite this case. Now, in this Final Resolution, the Commission

made determinations and conclusions regarding net metering based on a defective COSS and marginal cost study, and regarding the same issues it indicated it could not responsibly address in the instant case.

18. Furthermore, the Commission stated in footnote #310 that:

> As part of the Directives . . . , the Commission is directing PREPA to provide monthly reports of net-metering applications and actual connections, which the Commission will use to, along with stakeholder participation, develop reliable and empirical metrics to asses and evaluate the impact of proposed charges on net-metering customers.

Thus, the Commission should postpone making any determination regarding net metering, until after it develops reliable and empirical metrics and has evaluated the impact of the proposed charges on net metering customers in a separate proceeding consistent with its November 3, 2016 Resolution. It is unclear whether the Commission considered the future impact of implementing the directives of the Final Resolution to NEM customers without the benefit of having an adequate and working COSS and marginal cost study, to support the changes to the NEM policy included in the Final Resolution. Moreover, the Commission is not in a position to make a just and reasonable determination that affects NEM customers in this proceeding without a full discussion and analysis of the aforementioned issues.

III. CONCLUSION

For the reasons discussed above, Sunnova respectfully requests this Honorable Commission to reconsider its Final Resolution, deny PREPA's rate petition as applicable to NEM customers, and defer making its determination regarding net metering to a future proceeding when all issues affecting NEM customers are fully vetted, due to the fact that the Commission: (1) stated multiple times that the information provided by PREPA is incomplete

and insufficient for a final determination; (2) is unclear as to which issues would be addressed in this proceeding and which issues were deferred for consideration in a future and separate proceeding; (3) stated that this Final Resolution is not its final determination on net metering matters; and (4) created confusion to NEM customers, imposed unnecessary complications to PREPA, and orders to implement multiple changes to the NEM scheme in a relatively short timeframe.

In the alternative that the Commission still chooses to move forward in approving the proposed rate case albeit its serious procedural and substantive deficiencies, it should (1) modify or clarify the treatment of net metering customers to comply with the well-established public policy on net metering, renewable energy and diversification of energy sources; (2) make a distinction between net metering customers and regular customers, as required by law, regarding the establishment of "just and reasonable" rates and charges; (3) clarify the "cut off" date, if any, when net metering customers should be grandfathered as per discussed in the January 27, 2017 Clarification Conference Call; (4) modify and clarify its conclusions regarding the criteria when evaluating the net metering customer charges; (5) clarify the issues that will be addressed in a future proceeding; and (6) modify and clarify any other finding that should be corrected.

WHEREFORE, Sunnova Energy Corporation respectfully prays this Honorable Commission to grant this Motion, conduct reconsideration, and issue a revised or amended Resolution and Order granting the relief requested herein and all other such relief it deems worthy to be warranted.

WE HEREBY CERTIFY that the foregoing was notified via e-mail to the following persons: n-ayala@aeepr.com; n-vazquez@aeepr.com; c-aquino@aeepr.com;

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RESPECTFULLY SUBMITTED this 30th day of January, 2017, in San Juan, Puerto Rico.

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