

**GOVERNMENT OF PUERTO RICO  
PUERTO RICO ENERGY COMMISSION**



**IN RE:** REQUEST FOR CERTIFICATION  
SUNNOVA ENERGY CORPORATION

**CASE NO.:** CEPR-CT-2016-0002

**SUBJECT:** Petition for confidential  
treatment of information.

**RESOLUTION**

On March 9, 2018, **Sunnova Energy Corporation** (“Sunnova”) filed information related to its Tax Returns for Fiscal Years 2016 and 2015 as well as its affiliated entities,<sup>1</sup> as requested by the Puerto Rico Energy Commission (“Commission”). As part of its filing, Sunnova requested such documents and information be kept confidential, pursuant to Section 6.15 of Act 57-2014<sup>2</sup> and Section 1.15 of Regulation No. 8701.<sup>3</sup>

Act 57-2014 establishes that any person having the obligation to submit information to the Commission, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.<sup>4</sup> Specifically, Act 57-2014 requires the Commission to provide confidential treatment to the submitted information provided that “the Energy Commission, after the appropriate evaluation, believes such information should be protected”.<sup>5</sup> In which case the Commission “shall grant such protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.”<sup>6</sup>

Furthermore, Section 1.15 of Regulation No. 8543,<sup>7</sup> establishes:

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<sup>1</sup> Sunnova Asset Portfolio 4, LLC; Sunnova AP5 Warehouse, LLC; Sunnova Asset Portfolio 5, LLC; Sunnova Lease Vehicle 3, LLC; Sunnova AP5-A, LLC; Sunnova AP5 Conduit, LLC, Sunnova Asset Portfolio 6, LLC; Sunnova AP 6 Warehouse II, LLC; and Sunnova Asset Portfolio 6 Holdings, LLC.

<sup>2</sup> Puerto Rico Energy and Transformation and RELIEF Act, as amended.

<sup>3</sup> Regulation No. 8701, Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans for Electric Service Providers in Puerto Rico.

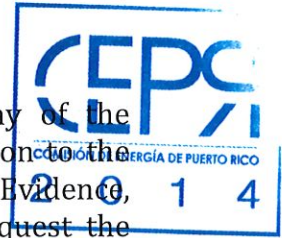
<sup>4</sup> Section 6.15 of Act 57-2014, as amended.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Regulation No. 8543, Regulation of Adjudicative, Notice of Compliance, Rate Review and Investigation Proceedings.

If in compliance with the provisions of this Regulation or any of the Commission's orders, a person has the duty to disclose information to the Commission considered to be privileged, pursuant to the Rules of Evidence, said person shall identify the allegedly privilege information, request the Commission the protection of said information, and provide supportive arguments, in writing, for a claim of information of privileged nature. The Commission shall evaluate the petition and, if it understands the material merits protection, proceed according to what is set forth in Article 6.15 of Act. 57-2014, as amended.



Sunnova argues that the information for which they request protection is of confidential nature and is not publicly available, therefore its public dissemination will place it at a competitive disadvantage with respect to other market participants and cause it economic harm.

After careful examination of Sunnova's request for confidentiality treatment, the Commission **GRANTS** confidentiality to the following documents:

1. Sunnova Energy Corporation, LLC PR Tax Returns for Fiscal Years 2016 and 2015;
2. Sunnova Asset Portfolio 4, LLC Tax Returns for Fiscal Year 2016 and 2015;
3. Sunnova AP5 Warehouse, LLC Tax Returns for Fiscal Year 2016 and 2015;
4. Sunnova Asset Portfolio 5, LLC Tax Returns for Fiscal Year 2016 and 2015;
5. Sunnova Lease Vehicle 3, LLC Tax Returns for Fiscal Year 2016 and 2015;
6. Sunnova AP5-A, LLC Tax Returns for Fiscal Year 2016 and 2015;
7. Sunnova AP5 Conduit, LLC Tax Returns for Fiscal Year 2016 and 2015;
8. Sunnova Asset Portfolio 6, LLC Tax Returns for Fiscal Year 2016;
9. Sunnova AP 6 Warehouse II, LLC Tax Returns for Fiscal Year 2016; and
10. Sunnova Asset Portfolio 6 Holdings, LLC Tax Returns for Fiscal Year 2016.

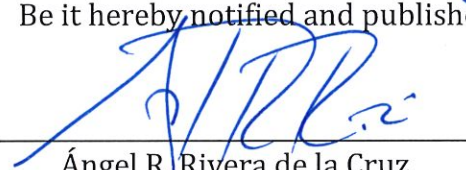
Any party affected by this determination may file a motion for reconsideration of this Resolution before the Commission pursuant to Section 11.01 of Regulation 8543, and the applicable provisions of Act 38-2017, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico ("UAPA"). The affected party shall file its motion for reconsideration within the term of twenty (20) days from the date of the filing of this Resolution. Such request must be presented to the Commission Clerk's Office.



The Commission shall consider said motion within fifteen (15) days of its filing. Should the Commission reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from the date of notice of such denial or from the expiration of the fifteen (15)-day term, as the case may be. If a determination is made in its consideration, the term to petition for review shall commence from the date when a copy of the notice of the Commission's resolution definitively resolving the motion to reconsider is filed in the record of the case. Such resolution shall be issued and filed in the record of the case within ninety (90) days after the motion to reconsider has been filed. If the Commission accepts the motion to reconsider but fails to take any action with respect to said motion within ninety (90) days of its filing, it shall lose jurisdiction on said motion and the term to file judicial review shall commence upon the expiration of said ninety (90)-day term, unless the Commission, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

In the alternative, any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of this Resolution was filed in the record of the Commission. The aforementioned pursuant to Section 11.03 of Regulation 8543, and the applicable dispositions of the UAPA and the Court of Appeals Regulation.

Be it hereby notified and published.

  
Ángel R. Rivera de la Cruz  
Associate Commissioner

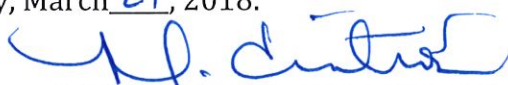
  
José H. Román Morales  
Associate Commissioner  
Interim Chairman

#### CERTIFICATION

I hereby certify that the Puerto Rico Energy Commission has so agreed on March 27, 2018, and on this date a copy of the Resolution was notified by electronic mail sent to: viviana.harrington@sunnova.com. I also certify that this is a true and exact copy of the Resolution issued by the Puerto Rico Energy Commission and I have proceeded with the filing of this Resolution and I have sent a copy thereof to:

**Sunnova Energy Corporation**  
Viviana Harrington  
P.O Box 56229  
Houston, TX 77256-6229

For the record, I sign this in San Juan, Puerto Rico, today, March 27, 2018.

  
María del Mar Cintrón Alvarado  
Clerk