

**GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**



**IN RE: REQUEST FOR CERTIFICATION
SUNNOVA MANAGEMENT**

CASE NO.: CEPR-CT-2016-0020

SUBJECT: Petition for confidential
treatment of information.

RESOLUTION

On May 31, 2018, Sunnova Management LLC, ("Sunnova Management") filed its audited financial statements corresponding to fiscal year 2017¹, as requested by the Puerto Rico Energy Bureau ("Energy Bureau"). As part of its filing, Sunnova Management requested such documents and information be kept confidential, pursuant to Section 6.15 of Act 57-2014² and Section 1.15 of Regulation No. 8701.³

Act 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment for any information that the party submitting understands deserves such protection.⁴ Specifically, Act 57-2014 requires the Energy Bureau to provide confidential treatment to the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".⁵ In such case, the Energy Bureau "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."⁶

Furthermore, Section 1.15 of Regulation No. 8543,⁷ establishes:

¹ Sunnova Energy Corporation and Consolidated Subsidiaries Audited Financial Statements corresponding to fiscal year 2017

² *The Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

³ *Regulation No. 8701, Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans for Electric Service Providers in Puerto Rico*, February 5, 2016.

⁴ Section 6.15 of Act 57-2014, as amended.

⁵ *Id.*

⁶ *Id.*

⁷ *Regulation No. 8543, Regulation of Adjudicative, Notice of Compliance, Rate Review and Investigation Proceedings*, December 18, 2014.



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 Management 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 harm⁸.

Upon careful examination of Sunnova Management request for confidentiality treatment, the Energy Bureau **GRANTS** confidential designation and treatment to the 2017 Sunnova Energy Corporation and Consolidated Subsidiaries Audited Financial Statements.

Any party affected by this determination may file a motion for reconsideration of this Resolution before the Puerto Rico Energy Bureau 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 Bureau Clerk's Office located at World Plaza Building, 268 Ave. Muñoz Rivera, Plaza Level Ste. 202, San Juan, P.R. 00918.

The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau 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 Energy Bureau'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 Energy Bureau 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 Energy Bureau, 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

⁸ Sunnova Management's Letter to the Puerto Rico Energy Bureau, page 2, May 31, 2018. (Confidential Information)



Resolution was filed in the record of the Energy Bureau. 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.

Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ángel R. Rivera de la Cruz
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

CERTIFICATION

I hereby certify that the Puerto Rico Energy Bureau has so agreed on November 8, 2018. I also certify that on November 9, 2018, I have proceeded with the filing of this Resolution and was notified by electronic mail sent to: viviana.harrington@sunnova.com and ivc@mcvpr.com. I also certify that this is a true and exact copy of the Resolution issued by the Puerto Rico Energy Bureau and I have sent a copy thereof to:

Sunnova Management, LLC
Viviana Harrington
P.O Box 56229
Houston, TX 77256-6229

McConnell Valdés, LLC
Lcdo. Ignacio J. Vidal Cerra
PO Box 364225
San Juan, P.R. 00936

For the record, I sign this in San Juan, Puerto Rico, today, November 9, 2018.

María del Mar Cintrón Alvarado
Clerk