

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



IN RE: REQUEST FOR CERTIFICATION OF
DG SOLAR LESSEE II, LLC.

CASO NÚM.: CEPR-CT-2016-0017

ASUNTO: Order to Show Cause.

RESOLUTION AND ORDER

On December 17, 2018, the Puerto Rico Energy Bureau ("Energy Bureau") ordered DG Solar Lessee II, LLC ("DG Solar") to show cause why the Energy Bureau should not impose a fine of five thousand dollars (\$5,000.00) for noncompliance with the provisions of Act No. 57-2014¹ and Section 2.02 (A) (1) of Regulation 8701² regarding the obligation of electric service companies to submit their annual operational report.

On December 27, 2018, DG Solar submitted a letter via email explaining to the Energy Bureau the reasons for the noncompliance.

Regarding the submission of briefs before the Energy Bureau, Section 2.02 of Regulation 8543³ provides:

Section 2.02.- General Requirements of Written Appearances

Every pleading, motion or document presented before the Energy Bureau must comply with these requirements:

- A) Have a heading or subheading with the name of the [Bureau], the name of the parties, the case number (assigned by the [Bureau]), and the nature of the complaint. The initial document shall include the names of all petitioners and respondents. However later documents shall only display the name of the first parties mentioned in the initial document, and the abbreviation "et al." shall reference the other petitioners and respondents.
- B) Be on U.S. letter-sized paper, in 12-point font, double-spaced.

¹ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

² *Amendment to Regulation No. 8618, on Certification, Annual Fees and Operational Plans of Electric Service Companies in Puerto Rico, Regulation No. 8701, Energy Bureau, February 17, 2016.*

³ *Regulation on Adjudicative, Notice of Non-Compliance, Rate Review, and Investigation Proceedings, Regulation No. 8543, Energy Bureau, December 18, 2014.*



C) The initial document presented before the [Bureau] shall include the name, last name, physical address, mailing address, phone number and email address of every appearing party. During the adjudicative proceedings, all appearing parties must provide written notice to the [Bureau] of any change in their contact information within three (3) days, counted from the date on which the change occurred. Failure to meet this requirement will impose penalties.

- 1) If the appearing party is a corporation or a limited liability company organized under the laws of the Commonwealth of Puerto Rico, the Department of State registry number shall be included.
- 2) If the appearing party is a person with a personal business, the name under which the person does business shall be included.
- 3) If the party is represented by a lawyer or the [Bureau] establishes otherwise by way of an order, the mailing address and email address provided under this paragraph shall be the addresses that the [Bureau] will use to notify the parties of its orders and resolutions, and the addresses all appearing parties in the case will use to notify copies of all documents presented before the [Bureau].

D) Include the date of presentation of the document before the [Bureau].

E) Except for claims that result in initiating an adjudicative proceeding before the [Bureau], every document shall contain a certification from the appearing party or the appearing party's lawyer with being represented, indicating that they have served a copy to every other party to the case of the document, and the vehicle used to effect said notice.

- 1) Notice to all parties shall be affected the same day the document is presented before the [Bureau].
- 2) When a lawyer represents a party, notice shall be served to the lawyer, unless the [Bureau] orders that notice be sent directly to the party.
- 3) Notice shall be sent via email to the address on record. If



any party, or lawyer, has no email account, notice shall be personally delivered, faxed or mailed to the number or address, as may be the case, appearing on record. Notice shall be served upon being sent (via email or fax) or upon being mailed.

- F) The document shall be signed by the appearing party's lawyer, or by the party themselves, if not legally represented. The signature of the party or the party's attorney shall constitute a certification that the undersigned has read the document and, to the best of his knowledge, understanding and belief, formed after reasonable examination, the information submitted is true and accurate. The name, last names, physical address, mailing address, telephone number and email address of the undersigned shall be indicated on top or beneath the signature. When a lawyer appears in representation of a party, all writings must also include the attorney's registration number.
- 1) Every lawyer who has appeared before the [Bureau] in representation of a party and resigns as legal counsel of the party during proceedings must provide written notice to the [Bureau] by the period of ten (10) days prior to the resignation becoming effective. If a sudden resignation occurs, written notice shall be served within three (3) days from the date the resignation becomes effective.
- G) The appearing parties may annex documents to any claim, pleading, or motion presented, which shall be part of the claim, pleading, or motion to which they are annexed. Notwithstanding, the [Bureau] shall determine its admissibility as evidence and its probative value in the corresponding procedural phase.

The document submitted by DG Solar does not comply with Regulation 8543. Therefore, the Energy Bureau **GRANTS** DG Solar five (5) days, from notification date of this Resolution and Order, to comply with the provisions regarding the presentation of documents before the Energy Bureau. The Energy Bureau **WARNS** DG Solar that the non-compliance with Act 57-2014 and/or the Energy Bureau Regulations is sufficient cause for imposing fines and other administrative sanctions, under Act 57-2014 and any applicable regulations. For these purposes, future responses to orders to show cause or any other order of the Energy Bureau not presented properly or that include documents without presenting evidence that the payment of the corresponding charge has been made shall be considered not filed.

Be it notified and published.

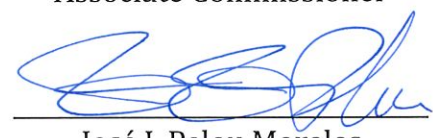



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Chairman


Angel R. Rivera de la Cruz
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Lillian Mateo Santos
Associate Commissioner


José J. Palou Morales
Associate Commissioner

CERTIFICATION

I hereby certify that the Puerto Rico Energy Bureau has so agreed on February 1, 2019 and on this date a copy of the Resolution and Order was notified by electronic mail sent to jeff.lewis@terraform.com and cfl@mcvpr.com. I also certify that this is a true and exact copy of the Resolution and Order issued by the Puerto Rico Energy Bureau and I have proceeded with the filling of this Resolution and I have sent a copy thereof to:

Jeff Lewis
Terra Form Power
200 Liberty Street 14th Floor
New York, NY 10281

McConnell Valdés, LLC
Lcdo. Carlos Fernández Lugo
PO Box 364225
San Juan, P.R. 00936

For the record, I sign this in San Juan, Puerto Rico, today, February 1, 2019.


María del Mar Cintrón Alvarado
Clerk