

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



IN RE: REQUEST FOR CERTIFICATION
ORIANA ENERGY, LLC

CASE NO.: CEPR-CT-2016-0019

SUBJECT: Submittal of Operational Report
and Gross Income Information.

RESOLUTION AND ORDER

On February 27, 2019, Oriana Energy, LLC ("Oriana") filed before the Puerto Rico Energy Bureau ("Energy Bureau") information related to the gross revenues generated during fiscal year 2018, pursuant to the provisions of Section 4.02 of Regulation 8701.¹ Furthermore, on February 28, 2019, Oriana submitted its operational report, pursuant to the provisions of Section 2.02(A) of Regulation 8701.

I. Gross Revenue Information.

Oriana submitted its gross revenue information for fiscal year 2018, using Energy Bureau's Form NEPR-B05. With its submission, Oriana also included (i) an unaudited Balance Sheet and Statements of Income (Loss) for the aforementioned fiscal year; and (ii) a copy of a letter² stating that the financial statements audit process is not finalized and that the company commits to deliver the final audited financial statements by May 15, 2019.

Paragraph (D) and (E) of Section 4.02 of Regulation 8701 establish the following regarding the presentation of Financial Statements of electric service companies:

- D) Where the gross revenue of an electric service company for a given fiscal year **is equal to or less than three million dollars (\$3,000,000.00)**, the gross revenue report must be signed by an authorized representative of the electric service company. The signature of the authorized representative shall constitute a sworn certification, under penalty of perjury, that said information is correct and complete. Furthermore, **the electric service company must file before the [Energy Bureau] its financial statements as complied by a Certified Public Accountant (CPA) authorized to practice said profession in Puerto Rico.**

¹ Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Companies in Puerto Rico, February 17, 2016.

² See Letter Re: Gross Income Report Oriana Energy (CEPR-CT-2016-0019), Case No. CEPR-CT-2016-0019, February 26, 2019.

- E) Where the gross revenue of an electric service company for a given fiscal year **exceeds three million dollars (\$3,000,000.00)**, the gross revenue report must be signed by an authorized representative of the electric service company. The signature of the authorized representative shall constitute a sworn certification, under penalty of perjury, that said information is correct and complete. Similarly, **the company must file before the [Energy Bureau] a copy of the financial statements for the corresponding fiscal year as audited by a Certified Public Accountant (CPA) authorized to practice said profession in Puerto Rico.** Said audited financial statements must be filed with the [Energy Bureau] **within a period of one hundred and twenty (120) days, from the end date of the fiscal year** that the Company generated the gross income in question.³

The provisions of Regulation 8701 are clear regarding the requirements of presentation of the financial statements of electric service companies. It is their duty to submit their financial statements according to the provisions and terms established on Regulation 8701, subject to the amount of revenues generated for the fiscal year in question. Based on the above, and given the information provided regarding the revenues generated during Fiscal Year 2018, Oriana shall present its audited financial statements before the Energy Bureau **on or before April 30, 2019.**

II. Operational Report.

Regarding the operational report, Oriana noted that it was referred to the Energy Public Policy Program, providing evidence of said referral. However, Oriana did not issue the payment of the operational report presentation fee, as established on Section 2.03 or Regulation 8701.

Based on the above, the Energy Bureau **GRANTS** Oriana **five (5) days**, from the date of notification of this Resolution and Order, for Oriana to submit payment of the corresponding fee for the presentation of the operational report, including evidence of such payment. Until Oriana satisfies the payment of the presentation fee set forth in Regulation 8701, the operational report shall be deemed not filed.

The Energy Bureau **WARNS** Oriana that noncompliance with the provisions of the Energy Bureau Regulations is sufficient cause for imposing fines and other administrative penalties, in accordance with the provisions of Act 57-2014⁴ and any applicable regulations.

³ Emphasis added.

⁴ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

Be it notified and published.





Edison Avilés Deliz
Chairman


Ángel R. Rivera de la Cruz
Associate Commissioner


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


José J. Palou Morales
Associate Commissioner

CERTIFICATION

I hereby certify that the Puerto Rico Energy Bureau has so agreed on March 14, 2019 and on this date a copy of the Resolution and Order was notified by electronic mail sent to leslie@sonnedix.com and notices@sonnedix.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 Order I have sent a copy thereof to:

Oriana Energy, LLC

Leslie Hufstetler
PO Box 363991
San Juan, P.R. 00936

For the record, I sign this in San Juan, Puerto Rico, today, March 14, 2019.


María del Mar Cintrón Alvarado
Clerk