



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

IN RE: REQUEST FOR CERTIFICATION
SUNEDISON PUERTO RICO, LLC.

CASE NO.: CEPR-CT-2016-0014

SUBJECT: Administrative Fine.

RESOLUTION AND ORDER

On May 6, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") ordered SunEdison Puerto Rico, LLC ("SunEdison") to show cause why the Energy Bureau should not impose a fine of five thousand dollars (\$5,000.00) for its failure to comply with the provisions of Act 57-2014¹ and Regulation 8701,² regarding the submittal of the company's gross revenue information as well as its Operational Report. Furthermore, the Energy Bureau ordered SunEdison to submit (i) the gross revenue report and corresponding financial statements for Fiscal Year 2018; and (ii) the Operational Report according to the provisions of Section 2.02(A)(1) of Regulation 8701.

On May 16, 2019, SunEdison filed a document titled *Motion in Compliance with Order Dated May 6, 2019, and Requesting Confidential Treatment of Operational Report Annexes and of Financial Information* ("Motion"). As part of the Motion, SunEdison submitted (i) the Operational Report for year 2019 and corresponding filing fee; and (ii) its Gross Revenues and Financial Information Form, with the pertinent financial information. SunEdison stated that its cause for not being able to comply in a timely manner with the requirements of Regulation 8701 was due to an administrative lapse and recent changes in the company's personnel.

As part of the Operational Report filed on May 16, 2019, SunEdison stated that said report was not referred to the Energy Public Policy Program ("EPPP"), as required by Section 2.02(E) of Regulation 8701. SunEdison stated that since it had not found legal or regulatory provisions under which it could request confidential treatment for the referenced document, it did not referred them to the EPPP.

Upon reviewing SunEdison's Motion, the Energy Bureau **DETERMINES** that SunEdison did not show just cause for its noncompliance with the timely submission of its Operational Report and Gross Revenue and Financial Information for Fiscal Year 2018. Furthermore, the Operational Report, as submitted by SunEdison, is deficient due to its noncompliance with the requirements of Section 2.02(E) of Regulation 8701.

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

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



Based on the above, the Energy Bureau **IMPOSES** a fine of five hundred dollars (\$500.00) based on its noncompliance with the provisions of Act 57-2014 and Regulation 8701. Furthermore, the Energy Bureau **ORDERS** SunEdison to (i) issue the payment of the aforementioned fine **within fifteen (15) days of the issuance of this Resolution and Order**, and (ii) comply with the requirements of Section 2.02(E) of Regulation 8701, regarding the referral of the Operational Report to the EPPP, within the term specified above. The Energy Bureau **WARNS** SunEdison that until the Operational Report is referred to the EPPP and evidence of such presentation is filed before the Energy Bureau, the Operational Report will be deemed not filed and subject to additional administrative fines.

Any party affected by this determination may move for reconsideration of this Resolution and Order before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543, and the 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 filing this Resolution and Order. Such request must be presented to the Bureau Clerk's Office at World Plaza Building, 268 Ave. Muñoz Rivera, Plaza Level Ste. 202, San Juan, P.R. 00918 or electronically in the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/>.

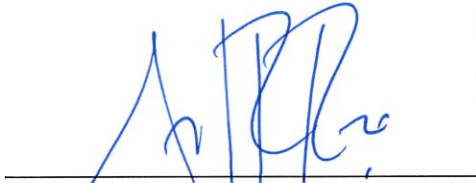
The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from notice of such denial, or from the expiration of the fifteen (15)-day term. 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. Such resolution shall be issued and filed in the record within ninety (90) days after the motion to reconsider has been filed. If the Bureau accepts the motion to reconsider but takes no action regarding said motion within ninety (90) days of its filing, it shall lose jurisdiction on the motion and the term to file judicial review shall commence upon the expiration of the 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.

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 Energy Bureau. Under Section 11.03 of Regulation 8543, and the dispositions of the UAPA and the Court of Appeals Regulation.

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

CERTIFICATION

I hereby certify that the Puerto Rico Energy Bureau has so agreed on June 21, 2019 and on this date a copy of the Resolution and Order was notified by electronic mail sent to accounting@everstreamcapital.com and cfl@mcvpr.com. I also certify that this is a true and exact copy of the Order issued by the Puerto Rico Energy Bureau and I have proceeded with the filing of this Resolution and I have sent a copy thereof to:

SunEdison Puerto Rico, LLC

Tracy Hutt
101A Clay Street #134
San Francisco, CA 94111

McConnell Valdés

Lcdo. Carlos Fernández Lugo
PO Box 364225
San Juan, PR 00936-4225

For the record, I sign this in San Juan, Puerto Rico, today, June 21, 2019



Wanda I. Cordero Morales
Clerk