



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

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

CASE NO.: CEPR-CT-2016-0017

SUBJECT: Imposition of administrative fine  
for non-compliance

RESOLUTION AND ORDER

On August 21, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("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) per day for its failure to comply with Act 57-2014<sup>1</sup> and Regulation 8701,<sup>2</sup> regarding the deadline for the payment of its annual regulatory fee for fiscal year 2018.

On August 22, 2019, DG Solar filed a document titled *Motion in Compliance with Order Dated August 21, 2019* ("Motion"). In the Motion, DG Solar informed that it had wired the funds corresponding to the payment of its annual fee, to be received by 12:00 p.m. on August 23, 2019.<sup>3</sup>

Upon reviewing DG Solar's Motion, the Energy Bureau determines the arguments presented by DG Solar did not show sufficient cause for its noncompliance with the deadline for the payment of its annual regulatory fee for fiscal year 2018. Regulation 8701 is clear regarding the requirements for the terms by which the companies must pay the appropriate annual fee. It is the company's duty to submit its annual regulatory fee payment according to the provisions and terms established on Regulation 8701. DG Solar should have paid its annual regulatory fee, within sixty (60) days from the date in which the Energy Bureau notified the corresponding amount of its annual fee, under Section 4.04(A)(1) of Regulation 8701. DG Solar failed to do so.

In light of the above, the Energy Bureau **IMPOSES** on DG Solar a fine of five hundred dollars (\$500.00) for its noncompliance with Act 57-2014 and Regulation 8701, to be paid within fifteen (15) days from the notification of this Resolution and Order.

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

<sup>1</sup> Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

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


<sup>3</sup> DG Solar expressed that it had processed the payment on or around May 31, 2019, but apparently had technical difficulties on its end to transfer the funds.

Regulation 8543,<sup>4</sup> 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 Aviles Deliz  
Chairman



Lillian Mateo Santos  
Associate Commissioner



Angel R. Rivera de la Cruz  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner

<sup>4</sup> Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, December 18, 2014.





## CERTIFICATION

I hereby certify that the Puerto Rico Energy Bureau has so agreed on September 3, 2019. I also certify on September 4, 2019 a copy of the Resolution and Order regarding the Case No. CEPR-CT-2016-0017 was notified by electronic mail sent to jeff.lewis@terraform.com, ivc@mcvpr.com and cfl@mcvpr.com. I also certify that this on September 4, 2019, I have proceeded with the filling of this Resolution and Order and I have sent a true and exact copy thereof to:

**McConnell Valdés, LLC**

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

**Jeff Lewis**

Terra Form Power  
200 Liberty Street 14<sup>th</sup> Floor  
New York, NY 10281

For the record, I sign this in San Juan, Puerto Rico, today, September 4, 2019.

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Wanda I. Cordero Morales  
Clerk