

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



IN RE: REQUEST FOR CERTIFICATION CEN
JUNCOS SOLAR, LLC

CASE NO.: NEPR-CT-2019-0003

SUBJECT: Motion to File Personal
Information and Request for Certification
Forms.

RESOLUTION

I. Introduction and Description of the System

On December 2, 2019, CEN Juncos Solar, LLC ("CEN Juncos Solar") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to File Personal Information and Request for Certification Forms* ("Motion"). Through the Motion, CEN Juncos Solar presented the following documents, pursuant to the provisions of Regulation 8701¹:

1. Personal Information Form, NEPR-B01 ("Personal Information");
2. Request for Certification of Electric Power Companies Form, NEPR-B04 ("Request for Certification");
3. Checks No. 122921 and 122919 addressed to the Puerto Rico Energy Bureau for the quantities of one hundred dollars (\$100.00) and two thousand five hundred dollars (\$2,500.00), respectively.

CEN Juncos Solar states that Article 3 of Regulation 8701 generally requires electrical service companies to file a request for certification from the Energy Bureau that authorizes such companies to operate and offer services in Puerto Rico.² Additionally, CEN Juncos Solar refers to Section 2.01 of Regulation 8701, which requires all electric service companies that intend to operate or offer services in Puerto Rico to present the information listed in said section, as applicable.³ According to CEN Juncos Solar, it did not include the Operational Report form, and annexes as its system is not yet operational.⁴

¹ Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Companies in Puerto Rico, February 5, 2016.

² Motion, p. 1.

³ *Id.*

⁴ *Id.*, p. 2.

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CEN Juncos Solar is a Limited Liability Company, organized in the State of Delaware.⁵ According to Request for Certification, CEN Juncos Solar will provide services related to distributed generators with aggregated capacity of one (1) megawatt (MW) or more, using solar energy sources.⁶ Additionally, the aggregated capacity of the company's generation is established as 4.91 MW (DC).⁷ CEN Juncos Solar facility is set to be located in an existing facility under renovation in the municipality of Juncos, where the company is the owner of said facility.⁸ CEN Juncos Solar specified that the facility is in its possession through a Power Purchase Agreement and a Lease Agreement.⁹ However, CEN Juncos Solar did not provide additional information regarding the Power Purchase Agreement or the Lease Agreement.

II. Regulation 8701 and Analysis

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Act 57-2014¹⁰ requires electric service companies¹¹ to obtain a certification¹² as such to provide services in Puerto Rico, besides filing specific information pursuant to the requirements established by the Energy Bureau. Regulation 8701 specifies the requirements that any electric service company must comply with in order to provide electric services in Puerto Rico.

Section 2.01 of Regulation 8701 establishes the information that all electric service companies intending to offer services in Puerto Rico must file along with the Request for Certification. Section 2.02 of Regulation 8701 establishes the requirements that shall be contained in the Operational Report to be filed by electric service companies. In specific, Section 2.02(A)(1) of Regulation 8701 establishes the following:

⁵ Personal Information, p. 1.

⁶ Request for Certification, p. 1.

⁷ *Id.*

⁸ *Id.*, p. 2

⁹ *Id.*, p. 2.

¹⁰ *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

¹¹ Section 1.3(l) of Act 57-2014 defines the term "Electric Power Company" or "Electric Power Service Company" as follows: "Shall mean any natural or juridical person or entity, energy cooperative, engaged in the provision of generation services, transmission and distribution services, billing, wheeling, grid services, energy storage, resale of electric power as well as any other electric power service as defined by the Bureau. The Electric Power Authority or its successor as well as any Contractor under a Partnership or Sales Contract executed in relation to PREPA Transactions conducted by virtue of Act No. 120-2018 shall be deemed Electric Power Service Companies for purposes of this Act."

¹² See Section 6.13 of Act 57-2014. See, also, Section 1.3(h) which defines the term "Certified" as follows: "Shall mean every electric power service company that has been evaluated and authorized by the Energy Bureau."





A) Pursuant to the provisions of this Section, the following electric service companies must file before the Commission an Operational Report that includes the information required below:

- 1) Persons who offer electric power generation services for sale in Puerto Rico through distributed generators that are interconnected to PREPA's power grid with an aggregate capacity of one megawatt (1 MW) or more, regardless of whether or not said distributed generators or the customers to whom the electric power is sold are participants of PREPA's Net Metering Program; or

Persons who generate electric power through the use of fossil fuels or renewable energy sources with an aggregate capacity that is equal to or less than one hundred megawatts (100 MW) for sale to PREPA or any other electric service company in accordance with a power purchase agreement.-

The Operational Report of the electric service companies identified in this Subsection (A)(1) shall include:

- a) A projection of the percentage of the total demand of electric power service the company proposes to satisfy in Puerto Rico. Where it is a company that offers electric power generation services through distributed generation for sale in Puerto Rico, the Report must also include the amount of installed systems and customers the company serves per electric service region in Puerto Rico, as these have been established by PREPA, as well as an estimate of the amount of new customers to whom the company will offer service during the year that follows the filing of the Operational Report;
- b) In cases where companies offer electric power generation services for sale in Puerto Rico by way of distributed generators, the Operational Report must:
 - a. Specify (i) the charges and rates it charges customers who purchase electric power and (ii) what each of those charges and rates represents;
 - b. Identify and explain all the efforts that the company is carrying out to (i) inform its customers of the benefits of conservation and efficiency in their electric power service consumption and (ii) foster the efficient consumption of electric power service on the part of its customers;



c) A projection of the capital investments it will make within a one (1) year time horizon, including investments for the acquisition or use of equipment, technologies, systems, and facilities;

d) In cases where all or part of the system's operation is to be contracted out to another entity, the company must provide the name, contact information, and credentials of the entity to be contracted; and

e) Any other information required in the appropriate form provided by the Commission.

The electric service companies identified in this Subsection (A)(1) must file an Operational Report every year, as provided in this Subsection and in Subsection (D) of this Section.

Additionally, Section 2.02(C) of Regulation 8701 establishes that "[e]lectric service companies that intend to operate or offer services in Puerto Rico after this Amendment has taken effect must submit the appropriate Operational Report in accordance with Subsection (A) of this Section, along with their Request for Certification."

Section 3.03 of Regulation 8701 establishes the presentation requirements that shall be contained in the Request for Certification. In specific, Section 3.03(I) of Regulation 8701 establishes the following:

I) The provisions established in Subsections (A) through (G) of this Section shall not apply to the electric service companies described in Section 1.08(A)(5)(c)(i) with an aggregate capacity of between one megawatt (1 MW) and less than five megawatts (5 MW). All electric service companies in this category that intend to offer services in Puerto Rico must file a Request for Certification before the Commission; however, it will be enough for companies to certify in said Request that they have filed their Personal Information with the Commission in accordance with the provisions of Section 2.01 of this Regulation, together with the appropriate payment for the certification fee, as specified below in this Regulation.

As part of the Personal Information filed, CEN Juncos Solar established that it included (i) Copy of the Company's Incorporation and Register Certificate, (ii) Copy of the Good Standing Certificate issued by the Puerto Rico State Department, (iii) Copy of the Authorization Certificate to do business in Puerto Rico, and (iv) a Complementary Sheet (NEPR-Z01). However, upon review of the information contained in the administrative file, the aforementioned documents were not included as part of CEN Juncos Solar's Personal Information.

As stated in the Motion, CEN Juncos Solar expressed that it had not included the Operational Report since the company is not yet operational. However, Section 2.02(C) of Regulation 8701 clearly establishes that an electric service company intending to offer services in Puerto Rico must provide its Operational Report along with its Request for Certification. The information required to be included in the Operational Report, as established in Section 2.02(A)(1) of Regulation 8701, is related to the company's projections regarding the demand it intends to supply and capital investments. Additionally, the Energy Bureau requires information related to the charges and rates that customers will be paying for the service provided. From the information provided as part of the Request for Certification, CEN Juncos Solar informed the possession of a Power Purchase Agreement. Also, CEN Juncos Solar informed the aggregated capacity, in MW, of the company's proposed generation. Based on the above, CEN Juncos Solar shall be able to file an Operational Report, pursuant to Section 2.02 of Regulation 8701.

As part of the information presented, CEN Juncos Solar included a document, signed by Joaquin Altenberg, Manager, through which it certifies that it has filed the Request for Certification pursuant to Section 3.03(I) of Regulation 8701.

III. Request Evaluation

Upon review of the documents filed by CEN Juncos Solar through its Motion, the Energy Bureau **DETERMINES** that additional information is required (i) for CEN Juncos Solar request to be complete pursuant to the provisions of Regulation 8701, and (ii) before a complete evaluation can be performed. Therefore, CEN Juncos Solar must present the following information, and/or related documents:

1. Documents marked as annexes to the Personal Information, but not filed. Specifically, (i) Copy of the Company's Incorporation and Register Certificate, (ii) Copy of the Good Standing Certificate issued by the Puerto Rico State Department, (iii) Copy of the Authorization Certificate to do business in Puerto Rico.
2. Operational Report, pursuant to Section 2.02 of Regulation 8701.
3. Additional information related to the provision of services by CEN Juncos Solar. Specifically, CEN Juncos Solar shall (i) clarify the type of service intended to be offered in Puerto Rico, and (ii) specify the type and objective of any legal transaction it intends to enter into with its customer.

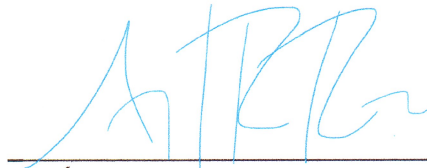
The Energy Bureau **GRANTS** CEN Juncos Solar a term of thirty (30) days, from the notification of this Resolution, to provide the required information. This term may be extended upon request.

Be it notified and published.





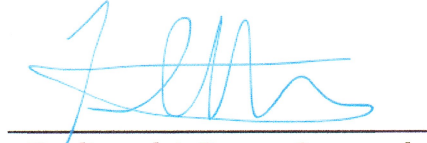
Edison Avilés Deliz
Chairman



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 majority of the members of the Puerto Rico Energy Bureau has so agreed on April 23, 2020. I also certify on April 23, 2020 a copy of the Resolution was notified by electronic mail sent to joaquin@cleanenergynexus.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 proceeded with the filing of this Resolution.

For the record, I sign this in San Juan, Puerto Rico, today, April 23, 2020.



Wanda I. Corriero Morales
Clerk

