

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: Resolution to Motion in Compliance with Resolution Dated April 23, 2020, and to Request Confidential Treatment of Operational Report and Issuance of Order to Execute Confidentiality Agreement.

RESOLUTION

I. Introduction

On April 23, 2020 the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution ("April 23 Resolution") regarding evaluating the Request for Certification¹ filed by CEN Juncos Solar, LLC ("CEN Juncos Solar"). Through the April 23 Resolution, the Energy Bureau determined that additional information was required (i) for CEN Juncos Solar request to be complete pursuant to the provisions of Regulation 8701,² and (ii) before a complete evaluation could be performed. The Energy Bureau granted CEN Juncos Solar a term of thirty (30) days to 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.

¹ Motion to File Personal Information and Request for Certification Forms, Case No. NEPR-CT-2019-0003, December 2, 2019.

² Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Companies in Puerto Rico, February 5, 2016.

On June 30, 2020, CEN Juncos Solar filed before the Energy Bureau a document titled *Motion in Partial Compliance with Resolution Dated April 23, 2020, and to Request Extension to Submit Operational Report and Other Information* ("June 30 Motion"). As part of the June 30 Motion, CEN Juncos Solar provided several documents in partial compliance with the requirements of the April 23 Resolution. Furthermore, CEN Juncos Solar requested an extension of time, until July 10, 2020, to comply with the April 23 Resolution.

On July 10, 2020, CEN Juncos Solar filed a document titled *Motion in Compliance with Resolution Dated April 23, 2020, and to Request Confidential Treatment of Operational Report and Issuance of Order to Execute Confidentiality Agreement* ("July 10 Motion"). As part of the July 10 Motion, CEN Juncos Solar provided additional documents in compliance with the April 23 Resolution. CEN Juncos Solar also provided its Operational Report and corresponding annexes, for which it requested confidential designation and treatment.

On August 13, 2020, the Energy Bureau issued a Resolution and Order through which it granted confidential treatment and designation to the documents detailed in the July 10 Motion.

II. Evaluation of the June 30 Motion and July 10 Motion

The Energy Bureau required additional information to determine that the Request for Certification filed by CEN Juncos Solar was complete, under Regulation 8701, and to perform a complete evaluation of the request. Below an evaluation of the information provided.

A. Documents marked as annexes to the Personal Information, but not filed.

As part of the June 30 Motion, CEN Juncos Solar provided (i) Copy of the Good Standing Certificate issued by the Puerto Rico State Department and (ii) Copy of the Authorization Certificate to do business in Puerto Rico. Additionally, as part of the July 10 Motion, CEN Juncos Solar provided a Copy of the Company's Incorporation and Register Certificate.

B. Operational Report, pursuant to Section 2.02 of Regulation 8701.

CEN Juncos Solar included its Operational Report, and corresponding annexes, as part of the July 10 Motion. Under Section 2.02(A)(1) of Regulation 8701, CEN Juncos Solar projected the percent of total demand intended to be satisfied in Puerto Rico. Additionally, it provided information on the rates to be charged to its client for the provision of its services, a projection of the capital investments for the next year after submission of the Operational Report, and information on the entity to be hired for operating the system. On the other hand, CEN Juncos Solar provided information on its operation in compliance with the February 12, 2019 Order issued on Case No. CEPR-MI-2015-0006.³

³ Orden, *Producción de Información Adicional para Informes Operacionales de Compañías de Servicio Eléctrico*, Case No. CEPR-MI-2015-0006, February 12, 2019.



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Section 2.02 (E) of Regulation 8701 establishes that “[e]lectric service companies shall refer their Operational Report to the [Energy Public Policy Program (“EPPP”)] for review and comments before submitting it to the Energy [Bureau]. When submitting their Operational Reports before the [Energy Bureau], electric service companies shall indicate whether they referred it to the EPPP for review and comments.” In addition, Section 2.02 (E)(2) of Regulation 8701 establishes that “[i]n cases where electric service companies have not referred their Operational Report to the EPPP prior to filing it before the [Energy Bureau], the electric service companies shall explain the reasons that justify them not having made said referral.”

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Through the July 10 Motion, CEN Juncos Solar states it has not referred its Operational Report to the PPPE. CEN Juncos Solar argues that it has not found regulatory or legal provisions pursuant to which the PPPE may grant confidential treatment of sensitive information such as that included in its Operational Report.⁴ Further, CEN Juncos Solar informs that it has approached the PPPE intending to execute a confidentiality agreement as an alternative to the lapse in legal or regulatory provisions to treat confidential information.⁵

C. *Additional information related to the provision of services by CEN Juncos Solar.*

As part of the April 23 Resolution, the Energy Bureau required CEN Juncos Solar to provide additional information related to the provision of services. Specifically, the Energy Bureau required information to (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 with its customer.

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Through the July 10 Motion, CEN Juncos Solar informs that it will offer energy generation services via a net-metered interconnected solar photovoltaic system. Further, it states that energy will be sold through a power purchase agreement with a private party.

III. Conclusion

Upon review of CEN Juncos Solar Request for Certification, as well as the June 30 Motion and the July 10 Motion, the Energy Bureau **CERTIFIES** CEN Juncos Solar as an Electric Service Company under Regulation 8701. This certification **is conditioned** to CEN Juncos Solar compliance with the following:

1. CEN Juncos Solar shall complete the actions to fully comply with Section 2.02(E) of Regulation 8701, regarding the referral of the Operational Report to the PPPE.

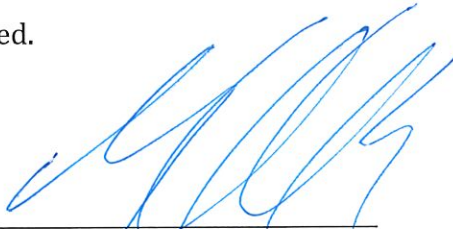
⁴ July 10 Motion, p. 4.

⁵ *Id.*



The Energy Bureau **GRANTS** CEN Juncos Solar a term of **forty-five (45) days**, from the date of notification of this Resolution, to comply with the aforementioned requirement.

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



Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on October 28, 2020. I also certify on October 28, 2020 a copy of the Resolution was notified by electronic mail sent to joaquin@cleanenergynexus.com and ivc@mcvpr.com. I also certify 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.

-I sign this in San Juan, Puerto Rico, today, October 28, 2020.



Wanda I. Cordero Morales
Clerk

