

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

IN RE: REQUEST FOR CERTIFICATION
PR SOLAR D1, LLC.

CASE NO.: NEPR-CT-2021-0002

SUBJECT: Filing of Application for
Certification and Request for Confidential
Treatment.

RESOLUTION

I. Introduction

On March 23, 2021, PR Solar D1, LLC ("PR Solar") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Submit Application for Certification and Related Documents and Request for Confidential Treatment* ("Motion"). Through the Motion, PR Solar presented the following documents, pursuant to Regulation 8701:¹

1. Personal Information Form and Complementary Sheet ("Personal Information").
2. Operational Report Form and Complementary Sheet ("Operational Report").²
3. Request for Certification of Electric Power Companies Form and Complementary Sheet ("Request for Certification").
4. Checks no. 103124500031988, 103103600016527, and 103124500031990 addressed to *Negociado de Energía de Puerto Rico* for the amounts of one hundred dollars (\$100.00), eight hundred dollars (\$800.00) and two thousand five hundred dollars (\$2,500.00), respectively.

PR Solar is a Limited Liability Company, organized in the State of Delaware.³ According to the Request for Certification, PR Solar will provide services related to distributed generators with aggregated capacity of one (1) megawatt (MW) or more, using a

¹ Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico, as amended,

² PR Solar filed Redacted and Unredacted versions of the Operational Report.

³ Personal Information, p. 1.



solar power electric generation facility.⁴ The aggregated capacity of the company's generation is established at 1.7 MW (AC).⁵ PR Solar's facility is set to be in a new facility in the municipality of Sabana Grande, where the company is the owner of the solar power electric generation facility.⁶ PR Solar states that a Solar Power Purchase Agreement ("SPPA") was executed between PR Solar and Henkel Puerto Rico, Inc. ("Client") as of November 11, 2020, for the supply of electricity generated from solar power.⁷

II. Regulation 8701 and Analysis

In addition to filing specific information pursuant to the requirements established by the Energy Bureau, Act 57-2014⁸ requires electric service companies⁹ to obtain a certification¹⁰ to provide services in Puerto Rico. 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 with the Request for Certification. Section 2.02 of Regulation 8701 details the information that must be included in the Operational Report to be filed by electric service companies. Section 3.03 of Regulation 8701 establishes the information that shall be included in the Request for Certification.

A. Personal Information

As part of the Personal Information, PR Solar informed that it submitted (i) a copy of the Company's Incorporation and Register Certificate, (ii) a copy of the Good Standing Certificate issued by the Puerto Rico State Department, and (iii) a copy of the Authorization Certificate to do business in Puerto Rico.

⁴ Request for Certification, p. 1.

⁵ *Id.*

⁶ *Id.*, p. 2.

⁷ Exhibit A, Request for Certification.

⁸ *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

⁹ 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 120-2018 shall be deemed Electric Power Service Companies for purposes of this Act."

¹⁰ See Section 6.13 of Act 57-2014. See, also, Section 1.3(h) which establishes that the term "Certified", "Shall mean every electric power service company that has been evaluated and authorized by the Energy Bureau."



Additionally, PR Solar filed a complementary sheet to the Personal Information, through which it informed that it will not have offices in Puerto Rico, however its solar power generation facility will be at Sabana Grande, Puerto Rico. PR Solar also provided information on the address for receipt of notifications and informed that the PR Solar has two officials, whose information is included as part of the filed Personal Information.

The information was presented pursuant to the requirements of Section 2.01 of Regulation 8701.

B. Operational Report

Under Section 2.02(A)(1) of Regulation 8701, PR Solar provided information on the percentage of total energy demand to be satisfied through the provision of its services.¹¹ Additionally, PR Solar provided information on the charges and rates to be charged to its Client, under the SPPA, for which it requested confidential treatment.¹² PR Solar explained the efforts to inform the benefits of conservation and efficiency of electric power consumption¹³ and the projection of capital investments.¹⁴ PR Solar also provided information on the entity to be contracted for operating the system, Origis Services LLC.¹⁵

PR Solar provided evidence of the submission of its Operational Report to the Public Energy Policy Program of the Department of Economic Development and Commerce, pursuant to the requirements of Section 2.02(E) of Regulation 8701.¹⁶

C. Request for Certification

As part of its Request for Certification, PR Solar included, (i) a statement certified by a Certified Public Accountant that attests minimum financial resources of the company, (ii) a statement affirming the sufficiency of the company's human resources, (iii) copy of permits, authorizations and endorsements obtained to operate, do business, and provide services in Puerto Rico, and (iv) a complementary sheet.

PR Solar intends to provide services through distributed generation, using renewable energy resources. PR Solar established that the service will be provided through an SPPA

¹¹ Operational Report, Complementary Sheet, Redacted Version, p. 1.

¹² *Id.*, p. 2.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* PR Solar included the Statement of Qualifications of Origis Services, LLC as Exhibit A to the Operational Report.

¹⁶ Operational Report, copy of email from Laura Rozas to Francisco Berríos, dated March 18, 2021.



with its Client. Upon review of the document presented by PR Solar, a copy of the referred SPPA between PR Solar and its Client was not submitted.

Based on the information provided on the Request for Certification, PR Solar's aggregated capacity is 1.7 MW AC. PR Solar also provided a copy of a document titled *Solicitud de Evaluación para Sistema de Generación Distribuida al Sistema de Transmisión* ("Evaluation Request") issued by the Puerto Rico Electric Power Authority ("PREPA") for Projects No. 2020-GD-03318 and 2020-GD-03319.¹⁷ Each Evaluation Request establishes the location that each project is to be interconnected in PREPA's grid, and a capacity of 975 kW AC for each system, for a total of 1.95 MW AC.

Further, PR Solar provided a letter issued by PREPA on the evaluation of the interconnection of the distributed generator for each project, 2020-GD-03318 and 2020-GD-03319.¹⁸ In the aforementioned letters, the capacity evaluated for each project is established at 999 kW AC, for a total of 1.998 MW AC.

PR Solar also included a copy of the certification of the equipment to be used as part of the project, issued by the Permit Management Office.¹⁹

III. Evaluation of the Request

Upon review of the documents filed by PR Solar, the Energy Bureau **CERTIFIES** PR Solar as an Electric Service Company, pursuant to Regulation 8701. However, this certification is **conditioned** to the compliance of PR Solar with the following:

1. Presentation of a copy of the SPPA entered between PR Solar and its Client.
2. Clarification of the aggregated capacity of the distributed generation system to be installed at the Client's facility in the municipality of Sabana Grande.

The Energy Bureau **GRANTS** PR Solar a term of thirty (30) days, from the notification date of this Resolution to comply with the requirements.

IV. Request for Confidential Designation

As part of its Motion, PR Solar requested that certain information be treated as confidential under Rule 1.15 of Regulation 8543²⁰ and Resolution in Case No. CEPR-ML-2016-

¹⁷ Request for Certification, Exhibit D.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Regulation on Adjudicative Procedures, Notice of Noncompliance, Rate Review and Investigation Procedures*, December 18, 2014.




0009.²¹ Specifically, PR Solar requested that the information related to the rates to be charged to its Client be treated as confidential information. PR Solar argues that said information constitutes a “trade secret” under Act 80-2011,²² which disclosure may affect the competitiveness of PR Solar in relation to other distributed generation projects for commercial or industrial clients for which PR Solar may submit proposals under competitive procurement processes.²³

Act 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.²⁴ Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information, provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected”.²⁵ In such case, the Energy Bureau “shall grant such protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.”²⁶

Upon examining PR Solar’s arguments, the Energy Bureau **GRANTS** confidential designation and treatment for the information contained in the Operational Report, related to the rates to be charged to PR Solar’s Client, under Article 6.15 of Act 57-2014.

Be it notified and published.


Edison Avilés Deliz
Chairman


Ángel R. Rivera de la Cruz
Associate Commissioner


Lillian Mateo Santos
Associate Commissioner

²¹ In *Re: Policy on Management of Confidential Information in Procedures before the Energy Bureau*, Case No. CEPR-MI-2016-0009, August 31, 2016, as amended.

²² Known as the *Industrial and Trade Secret Protection Act of Puerto Rico*.

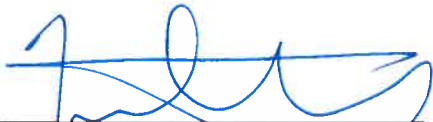
²³ Motion, p. 3.

²⁴ Section 6.15 of Act 57-2014, as amended.

²⁵ *Id.*

²⁶ *Id.*




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 April 20, 2021. I also certify that on this date a copy of this Resolution was notified by electronic mail to: samir.verstyn@origisenergy.com and process@corpcreations.com. I also certify that today, April 22, 2021, I have filed the Resolution issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today April 22, 2021.


Sonia Seda Gaztambide
Clerk

