

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

<p>NEPR</p> <p>Received:</p> <p>Jun 10, 2021</p> <p>9:43 AM</p>

In re: REQUEST FOR CERTIFICATION

Certification no. CEPR-CT-2016-0020

SUNNOVA MANAGEMENT, LLC

Subject: Reporting of Gross Revenues

**MOTION IN COMPLIANCE WITH SECTION 4.02 OF REGULATION 8701 AND TO
REQUEST CONFIDENTIAL TREATMENT OF FINANCIAL INFORMATION**

TO THE HONORABLE ENERGY BUREAU:

COMES NOW Sunnova Management, LLC represented by the undersigned legal counsel, and very respectfully prays and requests:

1. Section 4.02 of the Amended Regulation on Certifications, Annual Charges and Operational Plans of Electrical Service Companies in Puerto Rico, Regulation No. 8701 (“Regulation No. 8701”), generally requires electrical service companies to report gross revenues associated with sales during the fiscal year prior to submittal. Specifically, Section 4.02(D) of Regulation 8701 requires electrical service companies whose gross revenues are equal to or less than \$3,000,000.00 to file compiled financial statements. The reporting of gross revenues must be made within sixty (60) days of the end of an electrical service company’s fiscal year. Sunnova Management, LLC’s fiscal year ended on December 31.
2. On February 16, 2021, Sunnova Management, LLC filed a *Request for Extension to Inform Gross Revenues*, in which it petitioned the Honorable Energy Board until **May**

31, 2021, for it to inform Puerto Rico gross revenues for fiscal year 2020. The Energy Bureau has not ruled on said motion.

3. On May 28, 2021, Sunnova Management, LLC filed a *Second Request for Extension to Report Gross Revenues and Request for Confidential Treatment of Information*, in which it requested an additional thirty (30) days for it to inform its 2020 Puerto Rico gross revenues. The Energy Bureau has not ruled on said motion.

4. In compliance with Regulation No.8701, Sunnova Management, LLC herein attaches its Gross Revenues and Financial Statements Form, which in turn attaches the document entitled *Special Purpose Combined Carve-Out Financial Statements and Supplemental Information* as of December 31, 2019. Said statements report financial information of Sunnova Management, LLC relating solely to Puerto Rico.

5. Sunnova Management, LLC respectfully requests that such financial information be granted confidential treatment. Section 6.15 of Act No. 57 of May 17, 2014, as amended, provides:

If a person having the obligation to submit information to the Energy Commission understands the information to be submitted is privileged or confidential, [such person] may request said Commission to give [privileged or confidential] treatment subject to the following:

(a) if the Energy Commission, after due evaluation, understands the information should be protected, it shall find a way to grant this protection in the manner that impacts less the public, transparency and the rights of the parties involved in the administrative proceeding under which the alleged confidential document is being filed.

(b) To such effects, the Energy Commission may grant access to the document, or to portions of the document that are privileged, only to counsel and external consultants involved in the administrative proceeding after execution of a confidentiality agreement.

(c) The Energy Commission shall keep documents presented before it completely out of public scrutiny only in exceptional cases. In such cases, the information shall be duly safeguarded and delivered exclusively to Energy Commission personnel on a need-to-know basis, under non-disclosure rules. However, the Energy Commission shall order that a non-confidential version for public review be submitted.

(d) Any claim of privileged or confidential information by a person under the jurisdiction of the Energy Commission must be ruled in an expedited manner by the Commission through a resolution to such effects, before any confidential information alleged by a party is disclosed.

6. In turn, Section 1.15 of the Regulation No. 8701 provides that when a person who is required to submit information to the Energy Bureau considers such information to be privileged or confidential, the person shall identify the information it deems privileged or confidential, request the Energy Bureau to protect such information, and present arguments supporting the privilege or confidentiality claim. The Energy Bureau shall evaluate the petition and, if it concludes the information merits protection, it shall proceed pursuant to Section 6.15 of Act No. 57.

7. Sunnova Management, LLC requests that the Gross Revenue and Financial Statements Form and financial statements attached thereto be kept confidential. The disclosure of said financial information would place Sunnova Management, LLC at a competitive disadvantage with respect to other market participants and cause it economic harm. Sunnova Management, LLC requests that the Energy Bureau only grant access to said information to internal Energy Bureau personnel, counsel, and consultants subject to the execution of a confidentiality agreement.

WHEREFORE, Sunnova Management, LLC respectfully requests it be deemed in compliance with the Energy Bureau's Section 4.02 of Regulation No. 8701 and that its Gross Revenue and Financial Statements Form and financial information attached thereto be granted confidential treatment.

Respectfully submitted, on June 10, 2021.

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