

**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:** Motion in Compliance with  
Resolution.

**RESOLUTION**

**I. Introduction**

On April 22, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution ("April 22 Resolution") through which it certified PR Solar D1, LLC ("PR Solar") as an Electric Service Company, pursuant to Regulation 8701.<sup>1</sup> The Energy Bureau conditioned said certification to the compliance of PR Solar with (i) the presentation of a copy of the Solar Power Purchase Agreement ("SPPA") entered between PR Solar and its Client; and (ii) a 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 granted PR Solar thirty (30) days to comply with the above requirements.

**II. Motion in Compliance with Resolution**

On May 18, 2021, PR Solar filed before the Energy Bureau a document titled *Motion in Compliance with Resolution* ("Motion in Compliance"). Through its Motion, PR Solar submitted a copy of the SPPA executed between PR Solar and its client and requested the same to be designated as confidential information. Further, PR Solar clarified that although the capacity originally contemplated for the solar system to be installed at the client's facility was 1.7MW AC, the final system's capacity may be modified based on the design and engineering process.

Upon review of the Motion in Compliance, the Energy Bureau **DETERMINES** that PR Solar complied with the conditions established in the April 22 Resolution for its certification as an Electric Service Company.

<sup>1</sup> Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico, as amended by Regulation 9182, Amendment to Regulation No. 8701, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico.



### III. Request for Confidential Treatment

On May 18, 2021, PR Solar filed before the Energy Bureau a document titled *Memorandum of Law in Support of Request for Confidential Treatment* (“Memorandum of Law”). Through the Memorandum of Law, PR Solar provided the legal basis for the request for confidential treatment of the SPPA included as Exhibit A to the Motion in Compliance, in accordance with Section 6.15 of Act 57-2014,<sup>2</sup> Section 1.15 of Regulation 8701 and the Energy Bureau’s August 31, 2016 Resolution in Case No. CEPR-MI-2016-0009.<sup>3</sup>

PR Solar argues that the SPPA contains the terms and conditions of a power sale and purchase transaction with a single client which includes sensitive and confidential information, including the financial terms of the transaction and the structure thereof.<sup>4</sup> Furthermore, PR Solar alleges that public disclosure of this information 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.<sup>5</sup> PR Solar states that the terms and conditions of the SPPA constitute a “trade secret” under Act 80-2011.<sup>6</sup>

Act 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment for any information that the party submitting understands deserves such protection.<sup>7</sup> 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”.<sup>8</sup> 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.”<sup>9</sup>

Upon examining PR Solar’s arguments, the Energy Bureau **GRANTS** confidential designation and treatment for the SPPA submitted under Exhibit A of the Motion in Compliance, in accordance with Article 6.15 of Act 57-2014.

<sup>2</sup> Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>3</sup> 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.

<sup>4</sup> Memorandum of Law, p. 3.

<sup>5</sup> *Id.*

<sup>6</sup> Known as the *Industrial and Trade Secret Protection Act of Puerto Rico*.

<sup>7</sup> Section 6.15 of Act 57-2014, as amended.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*




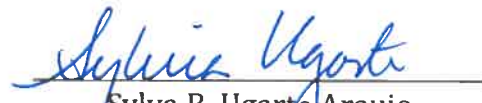
Be it notified and published.

  
\_\_\_\_\_  
Edison Avilés Deliz  
Chairman

  
\_\_\_\_\_  
Ángel R. Rivera de la Cruz  
Associate Commissioner

  
\_\_\_\_\_  
Lillian Mateo Santos  
Associate Commissioner

  
\_\_\_\_\_  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
\_\_\_\_\_  
Sylva B. Ugarte Araujo  
Associate Commissioner

#### CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 24, 2021. I also certify that on June 30, 2021 a copy of this Resolution was notified by electronic mail to: [laura.rozas@dlapiper.com](mailto:laura.rozas@dlapiper.com). I also certify that today, June 30, 2021, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today June 30, 2021.

  
\_\_\_\_\_  
Sonia Seda Gaztambide  
Clerk

