

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

IN RE: REQUEST FOR CERTIFICATION
NEOL CHP, LLC

CASE NO.: NEPR-CT-2021-0003

SUBJECT: Motion in Compliance with
Resolution.

RESOLUTION

I. Introduction

On September 23, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution ("September 23 Resolution") regarding the evaluation of the Request for Certification as an Electric Service Company ("Request") of NEOL CHP, LLC ("NEOL"), pursuant to Regulation 8701.¹ Through the September 23 Resolution, the Energy Bureau determined that additional information was required for NEOL's Request to be complete. Specifically, the Energy Bureau required NEOL to:

1. Submit information related to the provision of service by NEOL. Specifically, NEOL shall (i) clarify the type of service it pretends to offer and (ii) submit a copy of any Power Purchase Agreement between NEOL and its client.
2. Refer a copy of the Operational Report to the Public Energy Policy Program of the Department of Economic Development and Commerce ("PEPP"), as required by Section 2.02(E) of Regulation 8701. NEOL shall submit evidence of such referral to the Energy Bureau.
3. Submit a certified statement from a Certified Public Accountant that confirms that the company has the minimum financial resources, as required by Section 3.03(A)(3) of Regulation 8701.
4. Submit a statement related to the sufficiency of human resources, as required by Section 3.03(A)(4) of Regulation 8701.

The Energy Bureau granted NEOL a term of thirty (30) days to comply with the above requirements.

II. Motion in Compliance with Resolution

On October 8, 2021, NEOL filed before the Energy Bureau a document titled *Motion in Compliance with the Resolution Issued on September 21, 2021* ("Motion"). Through its Motion, NEOL submitted clarifications, information, and documents in response to the September 23 Resolution.

NEOL clarified that it intends to provide services related to the generation and sale of energy to a single client, Neolpharma, through an Energy Services Agreement ("ESA").² NEOL submitted a copy of the ESA as Exhibit A to its Motion, for which it requested confidential treatment.³ Further, pursuant to the requirements of Section 2.02(E) of Regulation 8701,

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

² Motion, p. 2.

³ *Id.*



NEOL submitted its Operational Report to the Energy Public Policy Program (EPPP) and provided, as Exhibit B to its Motion, evidence of such referral.⁴

Regarding requirements (3) and (4) of the September 23 Resolution, NEOL expressed that it should be exempt from complying with such requirements. NEOL bases its statement in Section 3.01(I) of Regulation 8701, which establishes that for electric service companies with an aggregate capacity between one (1) MW and five (5) MW it is sufficient to certify in its Request for Certification they have filed their Personal Information under Section 2.01 of Regulation 8701, and the appropriate payment for the certification fee.

Notwithstanding the foregoing, NEOL submitted as Exhibit C of its Motion its gross income and financial statements, which present evidence of sufficient funds to complete construction of the projects and to operate at a profit once operational.⁵ Also, NEOL submitted as Exhibit D , a copy of an Operation and Maintenance Agreement executed by NEOL and a capable company with sufficient personnel and technical expertise to provide services in compliance with the obligations in the ESA.⁶ NEOL also requested confidential treatment for Exhibit D .

Upon review of the documents filed by NEOL as part of the Request and the Motion, the Energy Bureau **CERTIFIES** NEOL as an Electric Service Company, pursuant to Regulation 8701.

III. Request for Confidential Treatment

As part of its Motion, NEOL requested that Exhibit A and Exhibit D be designated and treated as confidential information pursuant Section 6.15 of Act 57-2014⁷ and Section 1.15 of Regulation 8701. NEOL states that the terms and conditions agreed upon by the parties relate to project-specific negotiations. NEOL argues that the disclosures of the agreements entered into by NEOL and the parties could affect negotiations regarding future projects and business endeavors. Further, NEOL argues that the disclosure of such information could cause competitive disadvantage and prospective economic harm to NEOL and/or its customer. Therefore, NEOL requests that the Energy Bureau provide confidential designation and treatment to Exhibit A and Exhibit D.

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.⁸ 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”.⁹ 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.”¹⁰

Upon examining NEOL’s arguments, the Energy Bureau **GRANTS** confidential designation and treatment to Exhibit A and Exhibit D, under Article 6.15 of Act 57-2014.

Be it notified and published.

⁴ *Id.*, p. 3.

⁵ *Id.*, p. 4.

⁶ *Id.*, p. 5.


⁷ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

⁸ Section 6.15 of Act 57-2014, as amended.

⁹ *Id.*

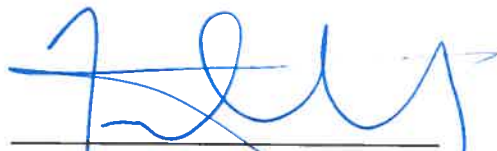
¹⁰ *Id.*





Edison Aviles Deliz
Chairman


Angel 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 hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on October 25, 2021. I also certify that on October 26, 2021 a copy of this Resolution was notified by electronic mail to antonio.collazo@oneillborges.com y josue.gonzalez@oneillborges.com; and I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today October 26, 2021.


Sonia Seda Gaztambide
Clerk

