

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

**IN RE:** REQUEST FOR CERTIFICATION  
PASH Energy, LLC.

**CASE NO.:** NEPR-CT-2020-0006

**SUBJECT:** Amended Request for  
Certification as Electric Service Company.

**RESOLUTION**

**I. Introduction**

On February 22<sup>nd</sup> 2022, the company PASH Energy, LLC (“PASH”) and Rooftop Solar JV, LLC (“Rooftop”) filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) an *Amended Request for Certification as Electrical Service Company* (“Amended Request”), in accordance with the provisions of Regulation 8701.<sup>1</sup> As part of its Request, PASH and Rooftop attached the following documents:

- (1) *Informative Motion Notifying Submission of Amended Request for Certification as Electric Service Company.*
- (2) Exhibit A:
  - a. *Amended Request for Certification Electrical Service Companies, Form NEPR-B04 (“Amended Request for Certification”).*
  - b. *Personal Information Update Electrical Service Companies, Form NEPR-B01 (“Personal Information Update”).*
- (3) Exhibit B:
  - a. *Form Site Power Purchase Agreement.*
  - b. Copy of paycheck no. 72724 for the amount of \$150 dollars.

*Am*  
*JAA*  
PASH is a limited liability company (for-profit), organized under the laws of Puerto Rico. Rooftop is a “Joint Venture” company, which was organized by PASH and Puma Power LLC.<sup>2</sup> Based on the the administrative file, PASH owns 95 per cent of the Rooftop shares, and Puma owns the other 5 per cent. The Original Request for Certification was filed by PASH on August 25<sup>th</sup> 2020.

*SPM*  
PASH filed an *Amended Request for Certification* because it will not be the liable entity for providing the electrical services. Now on, such responsibility falls on the new legal entity Rooftop Solar JV, LLC.

Rooftop will provide a Generation service with an aggregated capacity of 321.48 kW.<sup>3</sup> Rooftop has 772.2 kW worth of projects currently waiting for LUMA’s approval to commence installation and a further 548.9 kW to be submitted to LUMA’s.<sup>4</sup>



<sup>1</sup> *Amendment of Regulation No. 8618, Certifications, Annual Fees y Electric Service Providers’ Operational Plans, February 17<sup>th</sup> 2016 (“Regulation 8701”).*

<sup>2</sup> *Informative Motion Notifying Submission of Amended Request for Certification as Electric Service Company, p.3.*

<sup>3</sup> Amended Request for Certification, p. 1.

<sup>4</sup> *Informative Motion Notifying Submission of Amended Request for Certification as Electric Service Company, p.5.*

## II. Regulation 8701 and Analysis

Act 57-2014<sup>5</sup> requires that every Electric Service Company<sup>6</sup> obtain a certification<sup>7</sup> to provide services in Puerto Rico, in addition to presenting specific information in accordance with the requirements established by the Energy Bureau. Regulation 8701 establishes the requirements that any electric service company must comply with to provide electric services in Puerto Rico

Sections 2.01 and 3.03 of Regulation 8701 describe the information that every electric service company with the intention of offering services in Puerto Rico must submit with its Request for Certification. Similarly, Section 2.02 of Regulation 8701 establishes the content requirements of the Operational Report to be submitted by the electric service companies.

### A. Personal Information

Personal Information Update Electric Service Companies (*Form NEPR-B01*) was signed and certified by the Manager, Mr. Kofi Owusu-Bemph. The name of the company was updated as: Rooftop Solar JV, LLC. Rooftop indicates its Fiscal Year **begins** on October 1<sup>st</sup> and **ends** on September 30<sup>th</sup>. Data in Parts B, C, D, E, F and G was also updated.

Rooftop **did not attach** a copy of the *Certificate of Incorporation and Registration*, nor the *Certificate of Good Standing*, as required by Section 2.01 of Regulation 8701. Rooftop **did not comply** with Section 2.01 requirements.

Rooftop made the payment corresponding to the update of Form *NEPR-B01*, as required by Section 2.03(A)(1)(a), using paycheck no. 72724 for \$150 dollars (\$50 dollars for the update, and \$100 dollars for filing the Amended Request for Certification).

### B. Operational Report

Rooftop **did not submit** the Operational Report Electric Service Companies (*Form NEPR-B03*) required by Section 2.02(A)(1) of Regulation 8701.

PASH attach an Operational Report to the Original Request for Certification, but PASH will not be the legal entity liable for the electric services that will be provided. Now such responsibility falls on Rooftop. Therefore, the new legal entity Rooftop Solar JV, LLC **must** submit its own Operational Report.

Rooftop **did not comply** with the Section 2.02(A)(1) requirements.

### C. Request for Certification

In the *Amended Request for Certification* (Form NEPR-B04), Rooftop indicates that will provide a Generation service using photovoltaic cells with aggregated capacity of 321.48 kW. Rooftop will provide service to 7 facilities through a Power Purchase Agreement (PPA), and it has plans to extend its services to other facilities in the future, which will result in an increase of its aggregated capacity.

<sup>5</sup> Known as the *Transformation and Energetic RELIEF Act of Puerto Rico*, as amended ("Act 57-2014")

<sup>6</sup> Section 1.3(l) of Act 57-2014 defines the term "Energy Company" or "Electric Service Company" as "any person or entity, natural or legal, energy cooperative, dedicated to offering generation services, transmission and distribution, billing, energy wheeling, network services ("grid services"), energy storage, resale of electricity, as well as any other electrical service as defined by the Bureau. The Electric Power Authority or its successor, as well as any Contractor under an Alliance Contract or Sales Contract granted in relation to PREPA Transactions entered into by virtue of Law 120-2018, shall be considered as Electric Service Companies for the purposes of this Law".

<sup>7</sup> See Section 6.13 of Act 57-2104. Also see, Section 1.3(h) of Act 57-2014, which define "Certified" as "any electric service company which have been evaluated and authorized by the Energy Bureau



Section 1.08(A)(5) of Regulation 8701 establishes the definitions for an “Electric Service Company” to determine the specific requirements of the Regulation that each category of company must comply with. In specific, Section 1.08(A)(5)(c)(i) defines an “Electric Service Company” as *any natural or legal person that offers these services:*

*Electric power generation for sale in Puerto Rico through distributed generators interconnected to the PREPA power grid with an aggregate capacity of one megawatt (1 MW) or more, whether or not said distributed generators or the clients to whom the electric power is sold are participants of PREPA’s Net Metering Program.*

According to the information provided by Rooftop Solar JV, LLC, the aggregated capacity of the systems it intends to install is smaller than the minimum aggregated capacity established by Section 1.08(A)(5)(c)(i). At this moment, Rooftop Solar JV, LLC **does not comply** with the minimum capacity requirements to be certified as an “Electric Service Company”.

Rooftop also requested an exemption to the requirements of Section 3.03(A) to (G). Such request does not proceed at this time because the company does not have an aggregated capacity greater or equal to 1 MW and less than 5 MW.

### III. Amended Request Evaluation

Section 1.08(A)(5) of Regulation 8701 establishes the definitions for an “Electric Service Company” to determine the specific requirements of the Regulation that each category of company must comply with. In specific, Section 1.08(A)(5)(c)(i) defines an “Electric Service Company” as *any natural or legal person that offers these services:*

*Electric power generation for sale in Puerto Rico through distributed generators interconnected to the PREPA power grid with an aggregate capacity of one megawatt (1 MW) or more, whether or not said distributed generators or the clients to whom the electric power is sold are participants of PREPA’s Net Metering Program.*

*Jm*  
*MA*  
*Ad*  
From the information provided by Rooftop, the aggregated capacity of the systems it intends to install is less than the minimum aggregated capacity established in the definition of “Electric Service Company” of Regulation 8701. However, from the information contained in the Amended Request, Rooftop intends to expand its aggregated capacity to include additional installations and informed that has 772.2 kW worth of projects currently waiting for LUMA’s approval to commence installation and a further 584.9 kW to be submitted to LUMA Although at this moment Rooftop is not required to be certified as an Electric Service Company since its aggregated capacity is less than the minimum established in Regulation 8701, Rooftop must submit to the Energy Bureau a full list of: (1) the projects currently waiting for LUMA’s approval and (2) the projects to be submitted to LUMA, with the expected dates of approvals and submissions.

The Energy Bureau will continue monitoring Rooftop expansion and will continue with the evaluation of its Amended Request once the information mentioned above is submitted before the Energy Bureau.

In addition, the Energy Bureau has concluded this Amended Request for Certification is **incomplete**. Consequently, Rooftop **must correct** the indications contained in Part II of this document and comply with each one of the provisions of Regulation 8701 to put the Energy Bureau in a position to evaluate the Request.

The Energy Bureau **GRANTS** Rooftop a term of thirty (30) days, from the date of this Resolution, to provide the information and correct the aforementioned statements. This term may be extended upon request.



#### IV. Request for Confidential Designation


As part of its Amended Request, Rooftop requested that certain documents and information be treated as confidential, under Section 6.15 of Act 57-2014. Specifically, Rooftop requested these documents to be confidential: i) the Power Purchase Agreement (PPA) and its corresponding amendments.

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 understand deserves such protection.<sup>8</sup> Specifically, Act 57-2014 requires the Energy Bureau to confidentially treat the submitted information provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected”.<sup>9</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>10</sup>

Upon examining Rooftop arguments, the Energy Bureau **GRANTS** confidential designation and treatment to the filed documents, under Article 6.15 of Act 57-2014.

Be it notified and published.

  
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 May 13, 2022. Chairman Edison Avilés Deliz and Associate Commissioner Ángel R. Rivera de la Cruz did not intervene. I also certify that on May 13, 2022 a copy of this Resolution was notified by electronic mail to [jeffrey@pashglobal.com](mailto:jeffrey@pashglobal.com), [kofi@pashglobal.com](mailto:kofi@pashglobal.com), [antonio.collazo@oneillborges.com](mailto:antonio.collazo@oneillborges.com). I also certify that today, May 13, 2022, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today, May 13, 2022.

  
Sonia Seda Gaztambide  
Clerk



<sup>8</sup> Section 6.15 of Act 57-2014, as amended.

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

<sup>10</sup> *Id.*