

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

**IN RE:** REQUEST FOR CERTIFICATION  
NFE POWER PR, LLC.

**CASE NO.:** NEPR-CT-2022-0004

**SUBJECT:** Request for Certification as  
Electric Service Providers.

**RESOLUTION**

**I. Introduction and System Description**



On February 25<sup>th</sup> 2022, the company NFE Power PR, LLC ("NFE") filed with the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a Request for Certification as Electrical Service Companies ("Request"), in accordance with Regulation 8701.<sup>1</sup> As part of its Request, NFE attached the following documents:

- (1) Request for Certification as Electrical Service Company, *Form NEPR-B04* ("Request for Certification").
- (2) *"Annexes - Documents included with the Request for Certification Form":*
  - a. *"NFE Power PR LLC – Form NEPR-B04 – CPA Statement Cover Letter";*
  - b. *"NFE Power PR LLC – Form NEPR-B04 – CPA Statement Commitment Letter";*
  - c. Document titled: *"Boehringer Ingelheim Cogeneration Plant Operation & Maintenance";*
  - d. *"Report of Independent Auditors";*
  - e. *"NFEnergia LLC Consolidated Balance Sheets".* (Also attached a copy the Financial Statements and other related documents);
  - f. *"Report of Independent Registered Public Accountant Firm";*
  - g. *"New Fortress Energy Inc. Consolidated Balance Sheets".* (Also attached a copy the Financial Statements and other related documents);
  - h. *"List of Subsidiaries of New Fortress Energy Inc.";*
  - i. *"Consent of Independent Registered Public Accounting Firm";*
  - j. *"Certification of Chief Executive Officer Pursuant to Rules 13A-14(A), and Rule 15D-14(A) Under the Securities Exchange Act of 1934 [...]"*. (Also attached copy of other related documents);
  - k. *"BIAH Permit Process Status Resume".*
- (3) Statement affirming the sufficiency of the company's human resources (Section 3.03(A)(4)).
- (4) Copy of permits, authorizations and endorsement obtained to operate, do business, and to provide services in Puerto Rico (Section 3.03(A)(5)):
  - a. Construction permit No. 2021-350234-PCOC-013862.
  - b. Operation single permit No. 2021-350234-PUI-003561.
  - c. Evidence of DTOP's Endorsement request.
  - d. Evaluation Report of the Boehringer-Ingelheim (BI) Cogeneration Project, September 27<sup>th</sup> 2021. LUMA.
  - e. Construction Plans Certification (Electric).
- (5) Copy of paycheck no. 1019483117 for \$2,500 dollars (Section 3.07(A)(1)(a)).
- (6) Personal Information Electric Service Companies, *Form NEPR-B01*.

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



- (7) Copy of the Company's Incorporation and Register Certificate (Section 2.01(A)(2)).
- (8) Copy of the Good Standing Certificate issued by the Puerto Rico State Department (Section 2.01(A)(3)).
- (9) Copy of paycheck no. 1682608353 for \$100 dollars (Section 2.03(A)(1)).
- (10) Operational Report Electric Service Companies, *Form NEPR-B03*.
- (11) *"Annexes - Documents included with the Operational Report form"*:
  - a. Projection of the percent of the total demand it intends to meet in Puerto Rico (Section 2.02(A)(1)(a));
  - b. Information regarding charges and rates, and the company efforts to orient clients and promote efficient electric energy consumption (Section 2.02(A)(1)(c));
  - c. Projection of the capital investments for the next year after the submission of the Report (Section 2.02(A)(1)(c)); and
  - d. Contact information and credentials of the entity to be hired if the system operation is contracted (Section 2.02(A)(1)(d)).
- (12) Copy of paycheck no. 1019483116 for \$800 dollars (Section 2.03(A)(2)(a)).
- (13) Gross Income and Financial Statements Electric Service Companies, *Form NEPR-B04*.
- (14) Copy of payckeck no. 1019483115 for \$100 dollars.
- (15) Copy of payckeck no. 2261 for \$100 dollars.

  
NFE is a Limited Liability Company (for-profit), organized under the laws of Puerto Rico. According to the Certification Request submitted to the Energy Bureau, NFE proposes to provide a generation service based on fossil fuels or renewable energy with an aggregate capacity of one hundred (100) MW or less.<sup>2</sup> According to NFE, it will provide a generation service based on natural gas with an aggregate capacity of 2.8 MW.<sup>3</sup> NFE signed a contract with only one customer: Boehringer Ingelheim Animal Health ("BIAH").<sup>4</sup> The BIAH project is in the Arecibo region, Barceloneta PR.<sup>5</sup> The BIAH project is described as a cogeneration project based on natural gas that will be connected in parallel to the network of the Puerto Rico Electric Power Authority ("PREPA").<sup>6</sup> The proposed system will not export electrical energy to the PREPA/LUMA system.<sup>7</sup> NFE is a wholly owned subsidiary of NFEnergia LLC, which is an indirect wholly owned subsidiary of New Fortress Energy Inc.<sup>8</sup>

<sup>2</sup> Request for Certification, p. 1.

<sup>3</sup> *Id.*

<sup>4</sup> Document titled: *"Annexes – Documents included with the Operational Report form"*, p. 1.

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

<sup>6</sup> Evaluation Report of the Boehringer-Ingelheim (BI) Cogeneration Project, September 27th 2021, p. 1. LUMA.

<sup>7</sup> *Id.*, p. 11.

<sup>8</sup> Document titled: *NFE Power PR LLC – Form NEPR-B04 – CPA Statement Cover Letter*, p. 1.



## II. Regulation 8701 and Preliminary Analysis

Act No. 57-2014<sup>9</sup> requires that every Electric Service Company<sup>10</sup> obtain a certification<sup>11</sup> to provide services in Puerto Rico, besides 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 Electric Service Companies (*Form NEPR-B01*) was signed and certified by the Chief Financial Officer of the company, Mr. Christopher Guinta. NFE indicated on the *Form* that its Fiscal Year **will begin** on January 1, 2021 and **will end** on December 31, 2021. All the documents required by Section 2.01 of Regulation 8701 were submitted, including the *Certificate of Incorporation and Registration* issued by the Department of State of Puerto Rico. Since NFE is a company incorporated and registered under the laws of Puerto Rico, it does not need to present the *Certificate of Authorization to Do Business in Puerto Rico*. Nor should NFE submit the *Form NEPR-02* (Supplementary Information Sheet for Affiliated or Subsidiary Entities) since the parent companies NFEnergia LLC and New Fortress Energy Inc. are not certified Electric Service Companies in Puerto Rico and do not provide generation services, storage, billing, resale, or wheeling of energy in Puerto Rico

NFE made the payment corresponding to the filing of the *Form NEPR-B03*, as required by Section 2.03(A)(1), using paycheck no. 1682608353 for \$100 dollars.

We found that NFE **complied** with all the requirements of Section 2.01 and Section 2.03(A)(1) of Rule 8701.

### B. Operational Report

The Operational Report Electric Service Companies (*Form NEPR-B03*) indicates that NFE will offer a generation service based on fossil fuels or renewable energy with an aggregated capacity of one hundred (100) MW or less. The company indicates that it referred the Operational Report to the Energy Public Policy Program (EPPP) of the Department of Economic Development but **did not attach evidence** of the referral. **NFE must submit to the Energy Bureau evidence of the referral to the EPPP.** The form was signed and certified by the company's Chief Financial Officer, Mr. Christopher Guinta.

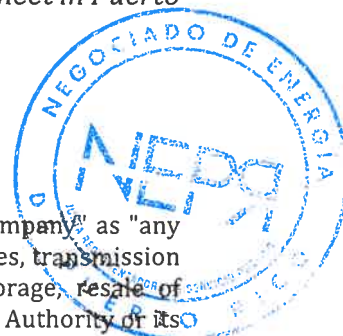
In addition, NFE submitted the following documents required by Section 2.02 of Regulation 8701:

1. *Projection of the percent of the total demand that it intends to meet in Puerto Rico (Section 2.02(A)(1)(a)):*

<sup>9</sup> Known as the *Puerto Rico Energy Transformation RELIEF Act*, as amended ("Law 57-2014")

<sup>10</sup> Section 1.3(l) of Law 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 by virtue of Law 120-2018, shall be considered as Electric Service Companies for the purposes of this Law".

<sup>11</sup> See Section 6.13 of Law 57-2104. Also see, Section 1.3(h) of Law 57-2014, which define "Certified" as "any electric service company which have been evaluated and authorized by the Energy Bureau."



NFE indicated that BIAH, which is its only customer, has an energy demand of 25,106 MWh/year, and the project expects to supply 22,110 MWh/year, or 88% of its demand.

2. *Information regarding charges and rates, and the company efforts to guide clients and promote efficient electric energy consumption (Section 2.02(A)(1)(b)):*

NFE indicated that the rate will be \$0.061/kWh plus the applicable gas rate. Fuel consumption will decrease by approximately 40%. Energy efficiency of the project will increase by the heat recovery to generate steam, which reduce emissions and fuel consumption.

3. *Projection of the capital investments for the next year after the submission of the Report (Section 2.02(A)(1)(c)):*

At the time of the Operational Report, no additional capital investment is foreseen for the first year of operation.

4. *Contact information and credentials of the entity to be hired in case that the system operation is contracted (Section 2.02(A)(1)(d)).*

The contractors that NFE expects to use have not been formally selected, but a list of candidates and contact information have been provided.

NFE paid for filing Form NEPR-B03 as required by Section 2.03(A)(2)(a)), using paycheck no. 1019483116 for \$800.

#### C. Request for Certification

NFE indicated at *Form NEPR-B04* that will provide generation services with an aggregated capacity of 2.8 MW using natural gas.

NFE is not subject to provide the information required by Section 3.03(A)(2) because the company will not sell energy to PREPA or to any other electrical service company. At this moment BIAH is their only one customer.

NFE submitted all the information required by Sections 3.03(A)(3) and 3.03(A)(4), regarding the financial and human resources of the company.

NFE submitted a copy of all permits, endorsement, and authorizations obtained to operate as required by Section 3.03(A)(5). NFE indicates<sup>12</sup> is waiting for the approval of the Air Emission Source Permits (AESPs) of the Department of Natural & Environmental Resources (DNER), and the Construction Endorsement of Department of Transportation and Public Works (DTPW). NFE submitted the evidence of the Request for DTPW Endorsement. NFE propose to generate electric power with the combustion of Natural Gas, which requires an AESP for the construction of the project and a AESP for operating the system. NFE **did not attach** to Form NEPR-B04 evidence of the AESPs' request at DNER.

NFE is not subject to the requirements of Sections 3.03(B)(1)(b) and 3.03(B)(1)(c) because will not sell energy to PREPA or to any other Electric Service Company and will not offer energy storage or wheeling neither.

NFE is not subject to the requirements of Section 3.03(B)(2)(b) and 3.03(B)(2)(c) because it has not an aggregate capacity equal or greater than 5 MW.

NFE paid for filing *Form NEPR-B04* as required by Section 3.07(A)(1)(a), using a paycheck no. 1019483117 for \$2,500 dollars. NFE **complied** with the requirements of Section 3.07(A)(1)(a).

<sup>12</sup> Document titled: "BIAH Permit Process Status Resume"





We found **discrepancies** regarding the Physical Address of the facility where the company will provide services and the Territorial Impact:

1. At Part B of Form NEPR-B04, NFE indicated that the physical address of the facility where the service will be provided is: *954 Ponce de León, Suite 400, San Juan, PR 00907*.
2. At Part B of Form NEPR-B04, NFE indicated that the Territorial Impact is: *Municipality of San Juan*.
3. In the permits attached<sup>13</sup> to the Form NEPR-B04, the physical address of the facility where the service will be provided is: *Km. Hm. 56.4 Carr 2, Bo. Florida Afuera, Sector Trinidad, Barceloneta, Puerto Rico 00617*
4. The Evaluation Report<sup>14</sup> of LUMA indicates the physical address of the Project is: *PR-2 Km 56.7, Barceloneta, Puerto Rico*
5. In *Form NEPR-B03* NFE indicates the Project is at Arecibo region, Barceloneta, PR<sup>15</sup>.

NFE **must revise and do corrections** to Part B of Form NEPR-B04 regarding the Physical Address of the facility where the electric service will be provided and its Territorial Impact.

NFE **must comply** with all requirements of Section 3.03 and **must submit** evidence of the request of the Air Emission Source Permits (AESPs) at the DNER.

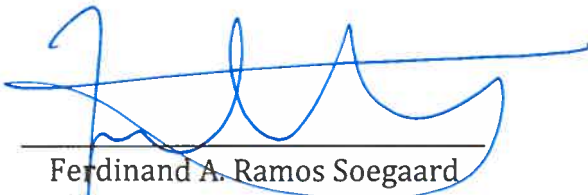
### III. Conclusion

The Energy Bureau has evaluated all information provided by NFE and concluded this Request for Certification is **incomplete**. NFE **must correct** the indications in Part II of this document and comply with each provision of Regulation 8701 so the Energy Bureau is in a position to evaluate the Request.

The Energy Bureau **GRANTS** NFE thirty (30) days from the date of notification of this Resolution to provide the information and correct the aforementioned statements. This term may be extended if requested.

Be it notified and published.

  
Lillian Mateo Santos  
Associate Commissioner

  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
Sylvia B. Ugarte Araujo  
Associate Commissioner



<sup>13</sup> Construction permit no. 2021-350234-PCOC-013862, Operational Single Permit no. 2021-350234-PUL-003561.

<sup>14</sup> Evaluation Report of the Boehringer-Ingelheim (BI) Cogeneration Project, September 27<sup>th</sup> 2021, p. 1. LUMA.

<sup>15</sup> Document titled: "Annexes – Documents included with the Operational Report Form", p. 1.

## 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 [jfr@sbgblaw.com](mailto:jfr@sbgblaw.com), [tax@newfortressenergy.com](mailto:tax@newfortressenergy.com), [cguinta@newfortressenergy.com](mailto:cguinta@newfortressenergy.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

