

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

IN RE: REQUEST FOR CERTIFICATION
SUNNOVA ENERGY CORPORATION.

CASE NO.: CEPR-CT-2016-0002

SUBJECT: Gross Revenue, Financial
Statements and Annual Operational Reports

RESOLUTION

I. Introduction

On February 25, 2022, SUNNOVA ENERGY CORPORATION ("SUNNOVA ENERGY") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Request for Extension to Inform Gross Revenues* ("February 25 Request"). SUNNOVA ENERGY had until March 1, 2022, to report its gross revenues to the Energy Bureau since its fiscal year ended December 31, 2021.¹ Through the February 25 Request, SUNNOVA ENERGY requested an extension of ninety (90) days to report its gross revenues alleging that SUNNOVA ENERGY usually prepares consolidated financial statement for all its subsidiaries in the states and territories of the United States for its annual filing of tax returns on April 15 and the statements generally do not include information specific to Puerto Rico.² SUNNOVA ENERGY requested until May 25, 2022, to file its gross revenue report since it needs time to compile its financial data specific to Puerto Rico as well as working towards preparing its consolidated financial statements for eventual filing on April 15, 2022.³

On March 31, 2022, SUNNOVA ENERGY filed before the Energy Bureau *2022 Operational Report* (NEPR-B03) and the *2022 Operational Report Annexes*, (collectively "Confidential Documents") On the same day, SUNNOVA ENERGY filed a document titled *Motion to Request Confidential Treatment of 2022 Operational Report and to Request Remedies*. SUNNOVA ENERGY requested that the information contained in the form and annexes filed in compliance with Section 2.02 Regulation 8701⁴ be kept confidential pursuant to Section 6.15 of Act 57-2014⁵ and Section 1.15 of Regulation 8543⁶.

SUNNOVA ENERGY argues that the information for which they requested protection is of confidential nature and is not publicly available, therefore its public dissemination will place SUNNOVA ENERGY at a competitive disadvantage with respect to other market participants and cause SUNNOVA ENERGY economic harm.⁷



¹ Section 4.02 Amendment to Regulation No. 8618, on Certifications, Annual Fees, and Operational Plans for Electric Power Providers in Puerto Rico, of February 5, 2016 ("Regulation 8701").

² February 25 Request, pp. 1-2, ¶2.

³ *Id.*, p. 2, ¶2.

⁴ Section 2.02 of Regulation 8701.

⁵ Known and the *Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

⁶ Regulation 8543, *Regulation of Adjudicative, Notice of Compliance, Rate Review, and Investigation Proceedings*, December 18, 2014.

⁷ March 31 Request, pp. 3-4, ¶6.

II. Regulation 8701 and Analysis

Act 57-2014 requires that every Electric Service Company⁸ obtain a certification⁹ 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.

Section 2.02 of Regulation 8701 details the information that must be included in the Operational Report to be filed by electric service companies. Further, the February 12, 2019 Order in Case No. CEPR-MI-2015-0006 ("February 12 Order") requires additional information to be filed by electric service companies as part of its Operational Report.

Section 2.03(A)(2)(a) requires Electrical Service Companies pay a filing fee for presenting its Operational Report. In its March 31 Request, SUNNOVA ENERGY indicates that a payment for \$800.00 for the corresponding filing fee will be done electronically. The Energy Bureau has not received evidence of such payment. Therefore, the Energy Bureau **ORDERS** SUNNOVA ENERGY to submit evidence of the electronic payment within five (5) days of the notification of this Resolution and Order.

III. Request for Confidential Designation

Act No. 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, may request that any information that is deemed privileged or confidential be treated in such fashion¹⁰. Specifically, Act 57-2014 requires from the Energy Bureau to treat as confidential the information submitted provided that "after the appropriate evaluation, believes such information should be protected"¹¹. 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"¹².

Section 1.15 of Regulation 8543 establishes:

If in compliance with the provisions of this Regulation of any of the [Energy Bureau's] orders, a person has the duty to disclose information to the Energy Bureau considered to be privileged, pursuant to the Rules of Evidence, said person shall identify the allegedly privilege information, request the [Energy Bureau] the protection of said information, and provide supportive arguments, in writing, for a claim of information of privileged nature. The [Energy Bureau] shall evaluate the petition and, if it understands the material merits protection, proceed according to what is set forth in Article 6.15 of Act 57-2014, as amended.

Upon examining SUNNOVA ENERGY arguments, the Energy Bureau **GRANTS** confidential designation and treatment to the Confidential Documents, under Article 6.15 of Act 57-2014.

⁸ 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".

⁹ 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."

¹⁰ Section 6.15 of Act 57-2014, *Rules of Confidentiality*.

¹¹ *Id.* at (a).

¹² *Id.*

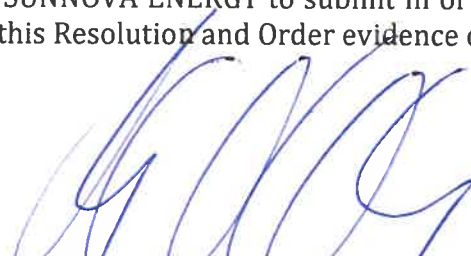


IV. Conclusion

The Energy Bureau **GRANTS** the extension of time requested and **ORDERS** SUNNOVA ENERGY to file its gross revenue report on or before May 25, 2022.

The Energy Bureau **ORDERS** SUNNOVA ENERGY to submit in or before five (5) days from the date of the notification of this Resolution and Order evidence of the electronic payment.

To be notified and published.



Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on May 23, 2022. Associate Commissioners Ángel R. Rivera de la Cruz and Sylvia B. Ugarte Araujo did not intervene. I also certify that on May 24, 2022 a copy of this Resolution and Order was notified by electronic mail to the following: Viviana.Harrington@sunnova.com and ivc@mcvpr.com. I also certify that today, May 24, 2022, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today May 24, 2022.



Sonia Seda Gaztambide
Clerk

