

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

**IN RE:** REQUEST FOR CERTIFICATION  
SUNE WMT PR2, LLC.

**CASE NO.:** CEPR-CT-2016-0015

**SUBJECT:** Gross Revenue, Financial  
Statements and Annual Operational  
Reports.

**RESOLUTION AND ORDER**

**I. Introduction**

On February 28, 2022, the company SUNE WMT PR2, LLC ("SUNE PR2") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Gross Revenue and Financial Statements Report* ("Financial Report"), in accordance with the provisions of Regulation 8701.<sup>1</sup> As part of its Financial Report, SUNE PR2 attached the following documents:

- (1) *Gross Revenue and Financial Statements Report Electrical Power Companies* (Form NEPR-B05).
- (2) *SunE WMT PR2 Condensed Financial Statements-December 31, 2021 (unaudited)*

On the same day, SUNE PR2 filed a document titled *Motion to Request Confidential Treatment of Financial Information for Fiscal Year 2021* ("February 28 Request"). In the February 28 Request SUNE PR2 request that the Financial Report be kept confidential alleging that such information is of sensitive nature, is not available to the public and disclosure of such information would place SUNE PR2 at a competitive disadvantage and cause it economic harm.<sup>2</sup>

On March 30, 2022, SUNE PR2 filed a document titled *Request for Extension to File 2022 Operational Report* ("March 30 Request").<sup>3</sup>

On April 26, 2022, SUNE PR2 filed a document titled *Operational Report* ("Operational Report"), in accordance with the provisions of Regulation 8701. As part of the Operational Report, SUNE PR2 attached the following documents:

- (3) *Operational Report Electrical Power Companies* (Form NEPR-B03).
- (4) *SunE WMT PR2, 2022 Operational Report Annexes*. ("Annexes").<sup>4</sup>

On same day, April 26, 2022, SUNE PR2 submitted a document titled *Motion to Request Confidential Treatment of 2022 Operational Report and Other Remedies* ("April 26 Request"). In the April 26 Request, SUNE PR2 alleges that such information contained in its Operational Report, if made public, would cause SUNE PR2 economic harm and position it in a disadvantage.<sup>5</sup>

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

<sup>2</sup> February 28 Request, pp. 2-3, ¶5.

<sup>3</sup> The March 30 Request in now considered moot with the filing of the Operational Report on April 26, 2022.

<sup>4</sup> Annexes were filed separately by SUNE PR2 the same day April 26, 2022.

<sup>5</sup> April 26 Request, pp. 3-4, ¶7.



SUNE PR2 is the owner of multiple generation solar PV projects with aggregated capacity of 1.139 MW. SUNE PR2 has a Power Purchase Agreements (PPAs) with several private clients. On July 19, 2016 the Energy Bureau certified SUNE PR2 as an Electric Service Company.

## II. Regulation 8701 and Analysis

Act 57-2014<sup>6</sup> requires that every Electric Service Company<sup>7</sup> obtain a certification<sup>8</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

- A. 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 April 26 Motion, SUNE PR2 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** SUNE PR2 to submit evidence of the electronic payment on or before fifteen (15) days from the notification of this Resolution and Order.

SUNE PR2 indicates there was a "full site outage" at the Barceloneta site from August 4 to August 20, 2021, for unknown reasons ("August 2021 Outage").<sup>9</sup> The Energy Bureau considers it is a noticeable long outage and no explanation have been offered. Therefore, the Energy Bureau **ORDERS** SUNE PR2 to submit on or before fifteen (15) days from the notice of this Resolution and Order a description and explanation for the August 2021 Outage, including corrective and preventive measures taken.

## III. Request for Confidential Designation

As part of February 28 Request and April 26 Request, SUNE PR2 requested that certain documents and information be treated as confidential, under Section 6.15 of Act 57-2014. Specifically, SUNE PR2 requested these documents to be confidential: i) Financial Statements attached to the *Gross Revenue and Financial Statements Report Electrical Power Companies (Form NEPR-B05)*, ii) *Operational Report Electrical Power Companies (Form NEPR-B03)*, and iii) *SunE WMT PR2, 2022 Operational Report Annexes. (Annexes)*, (collectively, "Confidential Documents")

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>10</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

<sup>6</sup> Known as the *Transformation and Energetic RELIEF Act of Puerto Rico*, as amended ("Law 57-2014")

<sup>7</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 entered into by virtue of Law 120-2018, shall be considered as Electric Service Companies for the purposes of this Law".

<sup>8</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."

<sup>9</sup> Annexes, p. 4.

<sup>10</sup> Section 6.15 of Act 57-2014, as amended.



protected”.<sup>11</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>12</sup>

Upon examining SUNE PR2 arguments, the Energy Bureau **GRANTS** confidential designation and treatment to the Confidential Documents, under Article 6.15 of Act 57-2014.

**IV. Conclusion**

The Energy Bureau **ORDERS** SUNE WMT PR2 to submit in or before fifteen (15) days from the date of the notification of this Resolution and Order (i) evidence of the electronic payment and (ii) description for the August 2021 Outage including the corrective and preventive measures taken.

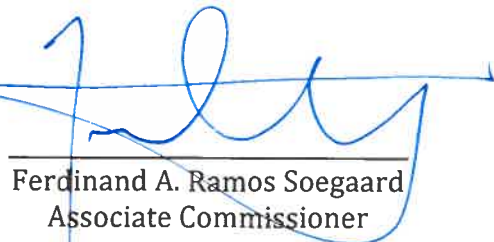
Notify and publish.



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: [meghan.semiao@longroadenergy.com](mailto:meghan.semiao@longroadenergy.com), and [ivc@mcvpr.com](mailto: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.

  
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Sonia Seda Gaztambide  
Clerk

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*