

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

IN RE: REQUEST FOR CERTIFICATION DG
SOLAR LESSEE II, LLC.

CASE NO.: CEPR-CT-2016-0017

SUBJECT: Gross Revenue, Financial
Statements and Annual Operational Reports

RESOLUTION

I. Introduction

On February 25, 2022, the company DG SOLAR LESSEE II, LLC ("DG SOLAR") 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 8701.¹ As part of its Financial Report, DG SOLAR attached the following documents:

- (1) *Gross Revenue and Financial Statements Report Electrical Power Companies* (Form NEPR-B05)
- (2) *2021 Income Statement*

On the same day, DG SOLAR filed a document titled *Motion to Request Confidential Treatment of Financial Information* ("February 25 Request"). In the February 25 Request, DG SOLAR 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 DG SOLAR at a competitive disadvantage and cause it economic harm.²

On March 30, 2022, DG SOLAR filed a document titled *Request for Extension to File 2022 Operational Report* ("March 30 Request").³

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

- (3) *Operational Report Electrical Power Companies* (Form NEPR-B03).
- (4) *DG SOLAR LESSEE II, LLC, 2022 Operational Report Annexes*. ("Annexes")

On the same day, DG SOLAR filed before the Energy Bureau a document titled *Motion to Request Confidential Treatment of 2022 Operational Report and Other Remedies*. In the April 26 Request, DG SOLAR alleges that such information contained in its Operational Report, if made public, would cause DG SOLAR economic harm and position it in a disadvantage.



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

² February 25 Request, p. 3, ¶5.

³ The March 30 Request is now considered moot with the filing of the Operational Report on April 26, 2022.

⁴ April 26 Request, pp. 3-4, ¶7.

II. Regulation 8701 and Analysis

Act 57-2014⁵ requires that every Electric Service Company⁶ obtain a certification⁷ 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 April 26 Motion, DG SOLAR 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** DG SOLAR to submit evidence of the electronic payment within five (5) days of the notification of this Resolution and Order.

III. Request for Confidential Designation

As part of February 25 Request and April 26 Request, SUNE W-PR1 requested that certain documents and information be treated as confidential, under Section 6.15 of Act 57-2014. Specifically, DG SOLAR 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) *DG SOLAR LESSEE II, LLC, 2022 Operational Report Annexes. (Annexes)*, (collectively, "Confidential Documents")

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 fashion⁸. 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"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 DG SOLAR arguments, the Energy Bureau **GRANTS** confidential designation and treatment to the Confidential Documents, under Article 6.15 of Act 57-2014.

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

⁶ 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".

⁷ 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."

⁸ Section 6.15 of Act 57-2014, *Rules of Confidentiality*.

⁹ *Id.* at (a).

¹⁰ *Id.*



IV. Conclusion

The Energy Bureau **ORDERS** DG SOLAR to submit in or before fifteen (15) 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 was notified by electronic mail to jeff.lewis@terraform.com, ivc@mcvpr.com. I also certify that today, May 24, 2022, 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 May 24, 2022.



Sonia Seda Gaztambide
Clerk

