

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



IN RE: REQUEST FOR CERTIFICATION  
GASNA 18P, LLC.

CASE NO.: CEPR-CT-2016-0008

SUBJECT: Order to Show Cause.

**ORDER**

**I. Introduction**

On March 1, 2022 GASNA 18P, LLC. ("GASNA") filed the following documents before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") :

- (1) Letter *Re: GASNA 18P, LLC--Gross Revenue and Financial Statement Report (2021)*, March 1, 2022 ("March 1 Letter")
- (2) Form *Gross Revenues and Financial Statements Report Electric Power Companies* (Form NEPR-B05)
- (3) *PRCC SOLAR HOLDING, LLC AND SUBSIDIARY FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2021* ("Compiled Financial Statements").

On March 3, 2022 GASNA filed before the Energy Bureau the following documents:

- (1) Letter *Re: GASNA 18P, LLC - -Personal Information Form - Information Update*, March 2, 2022 ("March 2 Letter")
- (2) Form *Personal Information Electrical Power Companies* (Form NEPR-B01)
- (3) Copy of paycheck no. 11167 for the amount of fifty (\$50.00) dollars.

**II. Applicable Law and Analysis.**

Act 57-2014<sup>3</sup> requires all electric service companies<sup>4</sup> to obtain a certification<sup>5</sup> and to file certain information under the terms established by the Energy Bureau. Sections 2.01, 2.02, 2.03, 3.03 and 4.02 of Regulation 8701<sup>6</sup> establish the requirements each electric service company must comply.

Section 3.05 of Regulation 8701 empowers the Energy Bureau to issue a cease-and-desist order, revoke, and annul any decision, ruling or order issued in relation to the process of any Request for Certification, when an electric service company "... has failed to comply with its duty to provide or update the information required under Law 57-2014, as amended, or this Regulation."

<sup>3</sup> Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>4</sup> Section 1.3(l) of Act 57-2014 defines the term "Electric Power Company" or "Electric Power Service Company" as follows: "Shall mean any natural or juridical person or entity, energy cooperative, engaged in the provision of generation services, transmission and distribution services, billing, wheeling, grid services, energy storage, resale of electric power as well as any other electric power service as defined by the Bureau. The Electric Power Authority or its successor as well as any Contractor under a Partnership or Sales Contract executed in relation to PREPA Transactions conducted by virtue of Act No. 120-2018 shall be deemed Electric Power Service Companies for purposes of this Act."

<sup>5</sup> See Section 6.13 of Act 57-2014. See also Section 1.3(h) of Act 57-2014 which defines the term "Certified" as follows: "Shall mean every electric power service company that has been evaluated and authorized by the Energy [Bureau]."

<sup>6</sup> *Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, February 5, 2016 as amended by Regulation 9182, *Amendment to Regulation No. 8701, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, June 8, 2020.

*Handwritten notes:*  
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The Energy Bureau has the power to impose penalties on electric service companies for violations of Act 57-2014, its regulations, and orders.<sup>7</sup>

**A. Personal Information**

GASNA updated personal information in Parts A, B, C, D, E, F and G of Form NEPR-B01, and filed a copy of paycheck no. 11167 for the amount of fifty (\$50.00) dollars as evidence of fee payment. GASNA **complied** the requirements of Section 2.01(D) and 2.03(A)(1)(a) of Regulation 8701.

**B. Operational Report**

Section 2.02 of Regulation 8701 establishes the requirement for an electric service company to file to the Energy Bureau their operational reports. Specifically, Sections 2.02(A)(1) and (D) and (E) of Regulation 8701 establishes the following:

A) In accordance with the provisions of this Section, the following electric utilities shall submit to the Commission an Operational Report containing the following information:

- 1) Persons who offer power generation services for sale in Puerto Rico through distributed generators interconnected to the PREPA grid with an aggregate capacity of one megawatt (1 MW) or more, regardless of whether or not such distributed generators or the customers to whom the energy is sold are participating in PREPA's Net Metering Program; or

Persons who generate energy through the use of fossil fuels or renewable energy sources, with an aggregate capacity equal to or less than one hundred megawatts (100 MW), to sell it to PREPA or another electric service company under a power purchase agreement.

[...]

The electric service companies identified in this subsection (A)(1) **shall submit an Annual Operational Report**, in accordance with the provisions of this sub-paragraph and subsection (D) of this Section. (Emphasis supplied.)

[...]

- D) Notwithstanding the provisions of paragraph (A) of this Section regarding the frequency with which each class of electric service company must submit the Operational Report, it must be submitted to the Commission **on or before the month of March of the year** in which its filing corresponds. Likewise, the Commission may order any electric service company to submit at any time all or part of the information required in the Operational Report.
- E) The electric utility **will refer its Operational Report to the [Energy Public Policy Program (EPPP) of the Puerto Rico Economic Development and Commerce Department]** for review and comments prior to its submission to the Energy Commission. When submitting its Operational Report to the Commission, the electric utility company will indicate whether it referred it to the [EPPP] for review and comments.

Under the above-mentioned legal provisions, GASNA had to file its operational report on or before March 1, 2022. According to the administrative file, GASNA **has not complied** with Sections 2.02 of Regulation 8701.

<sup>7</sup> See Section 6.7(h) of Act 57-2014.




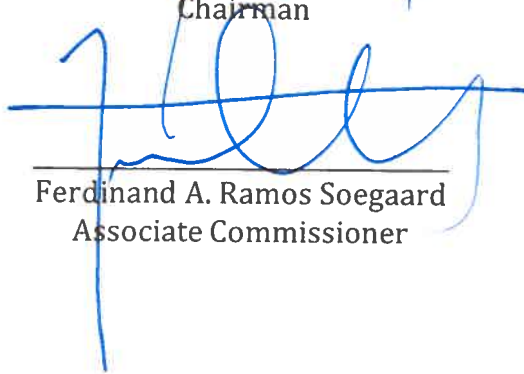
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**III. Conclusion.**

The Energy Bureau **ORDERS** GASNA to, **within five (5) days**, from the notification date of this Order, (i) file its annual operational report pursuant the provisions of Section 2.02 and the corresponding fee as required by Section 2.03(A)(2) of Regulation 8701; (ii) file evidence of the referral to the EPPP; and (iii) show cause why the Energy Bureau should not impose an administrative fine of five hundred (\$500) for its failure to comply with Act 57-2014 and Regulation 8701. The Energy Bureau **WARNS** GASNA that non-compliance with Energy Bureau's orders and regulations may carry the imposition additional administrative fines.

Be it notified and published.

  
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Edison Avilés Deliz  
Chairman

  
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Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
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Lillian Mateo Santos  
Associate Commissioner

  
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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 July 12, 2022. I also certify that on July 12, 2022 a copy of this Order was notified by electronic mail to: [fortiz@reichardescalera.com](mailto:fortiz@reichardescalera.com) and I have proceeded with the filing of the Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today July 12, 2022.

  
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Wanda J. Cordero Morales  
Interim Clerk

