

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

**IN RE:** REQUEST FOR CERTIFICATION  
PASH Energy, LLC

**CASE NO.:** NEPR-CT-2020-0006

**SUBJECT:** Amended Request for  
Certification as Electric Service Company.

**RESOLUTION**

**I. Introduction**

On February 22, 2022, PASH Energy, LLC ("PASH") and Rooftop Solar JV, LLC ("Rooftop") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") an *Amended Request for Certification as Electrical Service Company* ("Amended Request"), in accordance with Regulation 8701.<sup>1</sup>

On May 13, 2022, the Energy Bureau issued a Resolution ("May 13 Resolution") in which it determined that the Request for Certification submitted by Rooftop was incomplete and should be reviewed and corrected.

On June 9, 2022, Rooftop filed a Motion ("June 9 Motion") requesting until July 13, 2022 to provide additional information.

On July 11, 2022, Rooftop filed a Motion ("July 11 Motion") to submit additional information and to request reconsideration. Along with the July 11 Motion, Rooftop submitted:

- (1) List of projects submitted to LUMA and their status as of July 8, 2022
- (2) Copy of the letter to Mr. Francisco Berrios Portela, Director, Energy Public Policy Program (EPPP) of the Department of Economic Development and Commerce, dated July 11, 2022, referring the Operational Report.
- (3) Operational Report, Form NEPR-B03.
- (4) Certificate of Formation of a Limited Liability Company.
- (5) Certificate of Good Standing.

On July 22, 2022, Rooftop submitted a payment with a check numbered 73517 for \$2,500.00 as part of the payable fess for the Request of Certification, as established on Section 3.07(A)(1)(a)

Rooftop is a limited liability company (for-profit), organized under the laws of Puerto Rico, and it is a "Joint Venture" company, which was organized by PASH and Puma Power LLC.<sup>2</sup> Based on the administrative file, PASH owns 95 per cent of the Rooftop shares, and Puma owns the other 5 per cent. On August 25, 2020, PASH filed the original Request for Certification.

PASH filed an *Amended Request for Certification* to clarify that it was not going to be the entity providing the electrical services. Such responsibility falls on the new legal entity, Rooftop.

<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> Informative Motion Notifying Submission of Amended Request for Certification as Electric Service Company, p.3.






## II. Regulation 8701 and Analysis

Act 57-2014<sup>3</sup> requires that every Electric Service Company<sup>4</sup> obtain a certification<sup>5</sup> to provide services in Puerto Rico., besides presenting specific information under 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, to offer 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

In response to the May 13 Resolution, Rooftop submitted the following documents:

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1. Certificate of Formation of a Limited Liability Company issued by the Department of State on December 5, 2019.
  2. Certificate of Good Standing, issued by the Department of State on July 6, 2022.

Rooftop **submitted** the information required by the May 13 Resolution to comply with the requirements of Section 2.01 of Regulation 8701.

### B. Operational Report

On July 11, 2022, in response to the May 13 Resolution, Rooftop submitted copy of its Operational Report Electric Power Companies (NEPR-B03). Such report includes:

- (1) Copy of the referral letter of the Operational Report to the EPPP.
- (2) Explanation Memo (dated July 01, 2022) establishing their energy projected demand.
- (3) Explanation Memo (dated July 01, 2022) specifying their tariff charges rates.
- (4) Explanation Memo (dated July 01, 2022) describing their efforts for the customer conservation and efficiency of power consumption.
- (5) Explanation Memo (dated July 01, 2022) describing their projected capital investment.

The Energy Bureau **DETERMINES** that Rooftop **complied** with the applicable requirements of Section 2.02(A)(1) of Regulation 8701 and the May 13 Resolution.

### C. Request for Certification

In the *Amended Request for Certification* (Form NEPR-B04), Rooftop indicates that will provide a generation service using photovoltaic cells with aggregated capacity of 321.48 kW. Rooftop informs that will be providing service to 7 facilities through a Power Purchase

<sup>3</sup> Known as the *Transformation and Energetic RELIEF Act of Puerto Rico*, as amended ("Act 57-2014")

<sup>4</sup> 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".

<sup>5</sup> 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."





Agreement (PPA), and it has plans to extend its services to other facilities in the future, which will result in an increase of its aggregated capacity.

Section 1.08(A)(5) of Regulation 8701 establishes the definitions for an "Electric Service Company" to determine the specific requirements of the Regulation that each category of company must comply with. In specific, Section 1.08(A)(5)(c)(i) defines an "Electric Service Company" as *any natural or legal person that offers these services:*

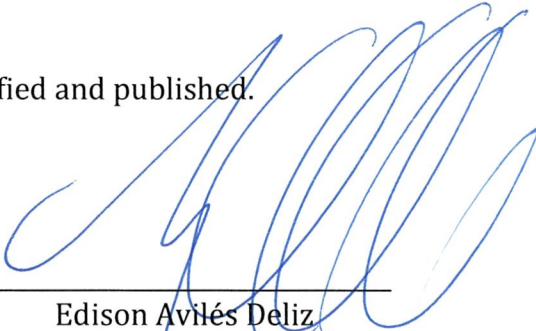
*Electric power generation for sale in Puerto Rico through distributed generators interconnected to the PREPA power grid with an aggregate capacity of one megawatt (1 MW) or more, whether or not said distributed generators or the clients to whom the electric power is sold are participants of PREPA's Net Metering Program.*

In the July 11 Motion, Rooftop filed a list of projects submitted to LUMA with an aggregate capacity of over 1MW worth of projects and on July 22, 2022 Rooftop submitted the payment applicable for their Request for Certification as established on Section 3.07(A)(1)(a) of Regulation 8701.

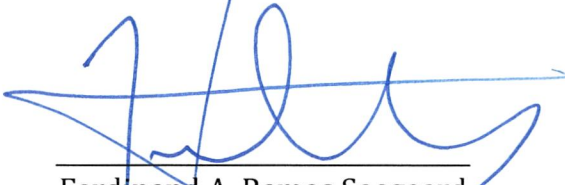
### III. Amended Request Evaluation


Upon the review of all documents filed by Rooftop as part of its Reconsideration Request, the Energy Bureau **CERTIFIES** Rooftop as an Electric Service Company, pursuant to Regulation 8701.

Be it notified and published.

  
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Edison Avilés Deliz  
Chairman

  
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Lillian Mateo Santos  
Associate Commissioner

  
\_\_\_\_\_  
Ferdinand A. Ramos Soegaard  
Associate Commissioner


  
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Sylvia B. Ugarte Araujo  
Associate Commissioner

### CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on August 1<sup>st</sup> 2022. Also certify that on August 1<sup>st</sup> 2022 I have proceeded with the filing of this Resolution and was notified by email to: [jeffrey@pashglobal.com](mailto:jeffrey@pashglobal.com), [kofi@pashglobal.com](mailto:kofi@pashglobal.com), [antonio.collazo@oneillborges.com](mailto:antonio.collazo@oneillborges.com), [josue.gonzalez@oneillborges.com](mailto:josue.gonzalez@oneillborges.com) . Likewise, I certify that today I have sent a true and exact copy of the same to:

**Mr. Jeffrey Blege**  
PASH Advisory LLP  
Mayfair, London  
W1J 8BD  
United Kingdom

For the record, signed in San Juan, Puerto Rico, today August 1<sup>st</sup> 2022.

  
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Sonia Seda Gaztambide  
Clerk