

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

IN RE: REQUEST FOR CERTIFICATION
SUNEDISON PUERTO RICO, LLC.

CASE NO.: CEPR-CT-2016-0014

SUBJECT: Determination on the January 30, 2023, Motion presented Gross Revenue and Financial Statements Report, and Request for Confidential Treatment and February 28, 2023 Personal Information Update.

RESOLUTION AND ORDER

I. Introduction

On January 30, 2023, the company SunEdison Puerto Rico, LLC ("SunEdison") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") the following documents:

- (1) *Motion in Compliance with Section 4.02 of Regulation No. 8701 and Request for Confidential Treatment of Financial Information* ("Jan 30 Request").
- (2) *Gross Revenue and Financial Statements Report Electrical Power Companies* (Form NEPR-B05).
- (3) An Annex titled *Statement*.

SunEdison argues that the information for which they requested protection is of confidential nature and is not publicly available, therefore its public dissemination will place SunEdison at a competitive disadvantage regarding other market participants and cause SunEdison economic harm.¹

SunEdison is the owner of a several solar photovoltaic generation projects with aggregate capacity of 3.3 MW.

On February 28, 2023, SunEdison filed before the Energy Bureau a document titled *Personal Information Electric Power Companies* (Form NERP-B01), with an Information Update.

II. Regulation 8701²

Act 57-2014 requires that every Electric Service Company obtain a certification 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 follow to provide electric services in Puerto Rico.

A. Gross Income and Financial Statements

Section 4.02 of Regulation 8701, as amended, establishes the requirement for an electric service company to inform the Energy Bureau their gross revenue. Section 4.02(A) of Regulation 8701 establishes the following:

¹ Jan 30 Request, p. 3, ¶5.

² Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico, February 5, 2016. Regulation 8701 was 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.



- A) All electric service companies operating in Puerto Rico before this Regulation entered into force must inform, along with their Personal Information filing under Section 2.01 of this Regulation, **the Annual Gross Revenue generated during each Natural Year**, as well as the latest compiled or audited financial statements, if any, as is applicable in accordance with Subsections (E) and (F) of this Section. For the following periods, each electric service company must inform their Annual Gross Revenue within a period of sixty (60) days following the conclusion of each Natural Year. (Emphasis supplied.)

SunEdison Fiscal Year begins on December 1 and ends on November 30. In the Annex titled *Statements* attached to the Form NEPR-B05, SunEdison reported its Gross Revenues from December 2021 to November 2022 as \$0.00 dollars; and \$0.00 dollars for December 2022.

According to the Administrative Record, SunEdison has a Power Purchase Agreement with a private client. SunEdison generates Revenues because of the Power Purchase Agreement with its client. The Energy Bureau **ORDERS** SunEdison to (i) notify the Energy Bureau if it has modified in any manner the Power Purchase Agreement with its client, (ii) notify if it has ceased operations in Puerto Rico as an Electric Service Provider, or (iii) explain why it has not generated Revenues during the Natural Year 2022.

B. Personal Information

Section 2.01 of Regulation 8701 establishes the requirement for an electric service company to file to the Energy Bureau their Personal Information. Specifically, Section 2.01(D) of Regulation 8701 establish the following:

- D) Should there be any changes in the information that an electric service company has submitted to the Energy Commission pursuant to this Section, said electric service company must alert the Commission of the referred change and submit the updated information within a period of ten (10) days following the occurrence of the date.

Section 2.03 of Regulation 8701 establish the fees for an electric service company to pay to the Energy Bureau for the filling of documents, forms, or information, specifically Section 2.03(A)(1)(a) of Regulation 8701 establish the following:

- a) Update of Personal Information of the electric service company: fifty dollars (\$50.00).

SunEdison filed an update of their Personal Information according to Section 2.01(D) of Regulation 8701 but didn't file any evidence that the corresponding fees has been paid to the Energy Bureau as established in Section 2.03(A)(1)(a) of Regulation 8701. The Energy Bureau **ORDERS** SunEdison to pay the corresponding fee according to Section 2.03(A)(1)(a) of Regulation 8701 or to present evidence that such payment has been made.

III. Confidential Treatment

Act No. 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, may request that any information deemed privileged or confidential be treated in such fashion³. 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"⁴. 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"⁵.

³ Section 6.15 of Act 57-2014, *Rules of Confidentiality*.

⁴ *Id.* at (a).

⁵ *Id.*



SunEdison requested Confidential Treatment for the gross income data and financial statements filed on Jan 30, 2023.

IV. Conclusion


The Energy Bureau **ORDERS** SunEdison to submit on or before five (5) business days from the notification of this Resolution and Order to: (i) notify if it has amended or ended the Power Purchase Agreement with its client; (ii) notify if it has ceased operations in Puerto Rico as an Electric Service Provider; or (iii) file an explanation of why it has not generated Revenues during the Natural Year 2022,


The Energy Bureau **ORDERS** SunEdison to file in the same time period as stated above, the evidence of the \$50.00 payment fee required for the *Personal Information Electric Power Companies* (Form NERP-B01).

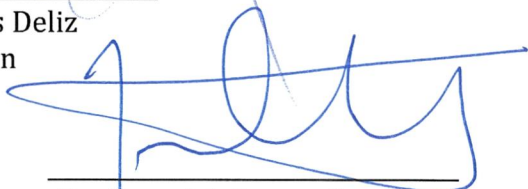
Upon a thorough examination of the arguments brought forth by SunEdison, the Energy Bureau **GRANTS** confidential designation and treatment to the gross income data and financial statements filed on Jan 30, 2023, under Article 6.15 of Act 57-2014.


Notice and publish,


Lillian Mateo Santos
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner


Edison Avilés Deliz
Chairman


Ferdinand A. Ramos Soegaard
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau have agreed on March 13 2023. I also certify that on March 13 2023 I proceeded with the filing of this Resolution and was notified by email to: DGovert@ecofininvest.com, njohnson@ecofininvest.com, ivc@mcvpr.com. Likewise, I certify that today I have sent a true and exact copy of the same to:

DAVID GOVERT
SUNEDISON PUERTO RICO, LLC
6363 COLLEGE BLVD., SUITE 100A
OVERLAND PARK, KS 662211

For the record, signed in San Juan, Puerto Rico, today March 13 2023.


Sonia Seda Gaztambide
Clerk

