

**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: Gross Revenue and Financial
Statements Natural Year 2022.

RESOLUTION AND ORDER TO SHOW CAUSE

I. Introduction

On May 31st 2016, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a certification for GASNA 18P, LLC. ("GASNA") as an Electric Service Company.¹ GASNA owns a solar photovoltaic generation project ("Project") with aggregate capacity of 5 MW.

II. Applicable Law and Analysis.

Act 57-2014² requires all electric service companies³ to obtain a certification⁴ 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 8701⁵ establish the requirements each electric service company must comply with.

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."

The Energy Bureau has the power to impose penalties on electric service companies for violations of Act 57-2014, its regulations, and orders.⁶

A. Gross Income and Financial Statements

Specifically, Sections 4.02(A), (B), (E), (F) of Regulation 8701, as amended, establish the following:

¹ See, Certification as an Electric Service Company, *In re: Request for Certification GASNA 18P, LLC.*, Case No. CEPR-CT-2016-0008, May 31, 2016.

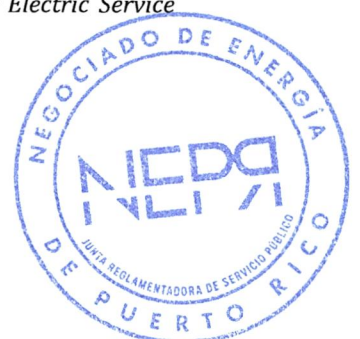
² Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

³ 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."

⁴ 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]."

⁵ *Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, February 17, 2016 ("Regulation 8701"), as amended by Regulation No. 9182, *Amendment to Regulation No. 8701, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, June 24, 2020 ("Regulation 9182").

⁶ See Section 6.7(h) of Act 57-2014.



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, electric service companies must inform their Annual Gross Revenue within a period of sixty (60) days following the conclusion each Natural Year.** (Emphasis supplied.)

C) ...

D) ...

E) When the Annual Gross Revenue of an Electric Service Company during a Calendar Year is equal to or less than three million dollars (\$3,000,000.00), the Annual Gross Revenue report must be signed by the authorized representative of the Electric Service Company. The signature of the authorized representative shall constitute a certificate under oath, under penalty of perjury, that such information is correct and complete. In addition, the Electric Utility Company shall submit to the Energy Bureau its financial statements for each Fiscal Year compiled by an Authorized Public Accountant (CPA) authorized to practice such profession in Puerto Rico, or in any jurisdiction of the United States of America. **Such compiled financial statements shall be submitted to the Energy Bureau within one hundred and twenty (120) days, counted from the date on which the Electric Service Company's Fiscal Year ends.** The provisions of this paragraph shall apply to any successor to the Puerto Rico Electric Power Authority. (Emphasis supplied.)

F) When the Annual Gross Revenue of an Electric Power Company during a Calendar Year exceeds three million dollars (\$3,000,000.00), the gross revenue report must be signed by the Authorized Representative of the Electric Power Company. The signature of the authorized representative shall constitute a certificate under oath, under penalty of perjury, that such information is correct and complete. Likewise, the company must submit to the Energy Bureau a copy of the financial statements corresponding to the Fiscal Year, audited by an Authorized Public Accountant (CPA) authorized to practice said profession in Puerto Rico, or in any jurisdiction of the United States of America. **Such audited financial statements shall be submitted to the Energy Bureau within a term of one hundred and twenty (120) days, counted from the date on which the Electric Power Company's Fiscal Year ends.** The provisions of this paragraph shall apply to any successor to the Puerto Rico Electric Power Authority. (Emphasis supplied.)

Under the above-mentioned legal provisions, GASNA had to inform its gross revenue during the Natural Year 2022 on or before March 1, 2023. According to the administrative record, GASNA **has not filed** its gross revenue for Natural Year 2022. GASNA **has not complied** with the requirements of Section 4.02 of Regulation 8701, as amended.

III. Conclusion.

The Energy Bureau **ORDERS** GASNA to, **within five (5) business days**, from the notification date of this Resolution and Order, (i) file its report on the gross revenue of the sales generated during Natural Year 2022 pursuant to the provisions of Section 4.02 of Regulation 8701 as amended; and (ii) show cause why the Energy Bureau should not impose an administrative fine of \$500.00 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 of additional administrative fines.

Be it notified and published.





Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on March 20, 2023. I also certify that on March 20, 2023 a copy of this Resolution and Order to Show Cause was notified by electronic mail to: 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 March 20, 2023.



Sonia Seda Gaztambide
Clerk