

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

**IN RE:** REQUEST FOR CERTIFICATION  
SAN FERMIN SOLAR FARM, LLC.

**CASE NO.:** CEPR-CT-2016-0012

**SUBJECT:** Gross Revenue and Financial  
Statements Natural Year 2022. Updated  
Personal Information Form.

**ORDER TO SHOW CAUSE**

**I. Introduction**

On June 2<sup>nd</sup> 2016, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution<sup>1</sup> through which it certified SAN FERMIN SOLAR FARM, LLC. (“SAN FERMIN”) as an Electric Service Company pursuant to Regulation 8701.<sup>2</sup>

SAN FERMIN owns a solar photovoltaic generation project (“Project”) with aggregate capacity of 20 MW.

On February 7<sup>th</sup> 2023, SAN FERMIN filed before the Energy Bureau these documents:

- (1) Updated *Personal Information Electric Companies Form* (Form NEPR-B01)
- (2) *Certificado de Registro de Comerciante*, Gobierno de Puerto Rico, Departamento de Hacienda.
- (3) *Certificate of Formation of San Fermin Solar Farm LLC*, State of Delaware.
- (4) *Certificate of Good Standing*, Government of Puerto Rico, Department of State.

**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.

**A. Personal Information (Form NEPR-B01)**

Section 2.01(D) of Regulation 8701 establishes the following:

- D) Should there be any change 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

<sup>1</sup> See *Certificación de Compañía de Servicio Eléctrico, In re: Solicitud de Certificación San Fermin Solar Farm, LLC.*, Caso Núm. CEPR-CT-2016-0003, 2 de junio de 2016.

<sup>2</sup> *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”).

<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].”



referred change and submit the updated information within a period of ten (10) days following the occurrence of the change.

Section 2.03(A)(1)(a) of Regulation 8701 establishes the following:

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

SAN FERMIN filed an Updated *Personal Information Electric Companies Form* (Form NEPR-B01) but **did not include** the payment fee of fifty dollars (\$50.00) required by Section 2.03(A)(1). SAN FERMIN **did not comply** with the requirements of Section 2.03(A)(1)(a) of Regulation 8701.

The Energy Bureau acknowledges the changes in the *Personal Information Electric Companies Form*, including the change of mail and email address for notifications.

### **B. Gross Revenues and Financial Statements**

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

- 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.)
- B) Any Electric Service Company that has not been operating in Puerto Rico prior to the entry into force of these Regulations and to whom the Energy Bureau has issued a Certification, **must report its Annual Gross Income to the Energy Bureau within sixty (60) days after the end of the Calendar Year, starting in the year in which it has started its operations in Puerto Rico.** (Emphasis supplied.)
- [...]
- 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, SAN FERMIN had to inform its gross revenue during the Natural Year 2022 on or before March 1, 2023. According to the administrative record, SAN FERMIN **has not complied** with Section 4.02 of Regulation 8701, as amended.

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.<sup>6</sup> Under Section 6.36 of Act 57-2014, the Energy Bureau has the power to impose these penalties:

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- (a) The Energy Bureau shall impose administrative fines for violations of this Act, or the regulations and orders issued, committed by any person or electric power company subject to its jurisdiction, of up to a maximum of twenty-five thousand dollars (\$25,000) per day. Said fines shall never exceed five percent (5%) of the gross sales, fifteen percent (15%) of the net income, or ten percent (10%) of the net worth of the sanctioned person or the electric power company. The greater of the amounts corresponding to the most recent taxable year shall be the fine.
  - (b) If the person or certified electric power company commits a subsequent violation of this Act, the Energy Bureau may impose penalties of up to a maximum of twenty-five thousand dollars (\$25,000) per day. In such case and by unanimous determination of the Energy Bureau, it may impose fines up to twice the limitations on the basis of sales, income or assets set forth in subsection (a) of this Section and up to five hundred thousand dollars (\$500,000).
  - (c) Any claim or cause of action authorized by law filed by any person with legal standing shall not affect the powers granted under this Section to impose administrative sanctions.
  - (d) Any person who intentionally violates any provision of this Act, omits, disregards, or refuses to obey, observe, and comply with any rule or decision of the Energy Bureau shall commit a misdemeanor and upon conviction shall be punished by imprisonment for a term not to exceed six (6) months, or by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), at the discretion of the Energy Bureau. In the event of recurrence, the established penalty shall increase to a fine of not less than ten thousand dollars (\$10,000) nor

<sup>6</sup> See Section 6.7(h) of Act 57-2014.



more than twenty thousand dollars (\$20,000), at the discretion of the Energy Bureau.

- (e) The Energy Bureau may resort to the pertinent forums to seek any remedy, including account garnishment, to ensure compliance with the penalties imposed.<sup>7</sup>

III. Conclusion.

The Energy Bureau **ORDERS** SAN FERMIN to, **within five (5) days**, from the notification date of this Order, (i) file its report on the gross revenue of the sales generated during Natural Year 2022 and its financial statements pursuant to Section 4.02 of Regulation 8701, as amended; (ii) pay the fee of fifty dollar (\$50.00) for the filing of the *Updated Personal Information Form* and present evidence of such payment; (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** SAN FERMIN that non-compliance with Energy Bureau’s orders and regulations may carry the imposition 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 certify that the majority of the members of the Puerto Rico Energy Bureau agreed on March 28 2023. I also certify that on March 29 2023, I have proceeded with the filing of this Resolution and was notified by email to: rbullock@camstex.com.

I sign this in San Juan, Puerto Rico, today, March 29, 2023.

  
Sonia Seda Gaztambide  
Clerk



<sup>7</sup> See Section 6.36 of Act 57-2014.