

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

IN RE: REQUEST FOR CERTIFICATION
ROOFTOP SOLAR JV, LLC.

CASE NO.: NEPR-CT-2020-0006

SUBJECT: Gross Revenue, Financial
Statements and Operational Report Year
2022.

RESOLUTION AND ORDER

I. Introduction

On August 1st 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") certified ROOFTOP SOLAR JV, LLC ("ROOFTOP") as an electric service company¹ pursuant to Regulation 8701.²

On March 9th 2023, ROOFTOP file before the Energy Bureau the following documents:

- (1) Operational Report Electric Power Companies (Form NEPR-B03)
- (2) *Addendum to Rooftop Solar JV LLC, 2023 Operational Report*
- (3) Evidence of Submittal of the Operational Report to the Energy Public Policy Program ("EPPP")
- (4) Gross Revenue and Financial Statements Report Electric Power Companies (Form NEPR-B05)
- (5) *Rooftop Solar JV LLC, Financial Statements, September 30, 2022.*
- (6) Copy of the paycheck no. 74500 for eight hundred dollars (\$800).

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 Energy, LLC ("PASH") and Puma Power LLC. ("Puma"). Based on the administrative record, PASH owns ninety-five (95) per cent of ROOFTOP shares, and Puma owns the other five (5) per cent.

II. Applicable Law and Analysis.

Act 57-2014³, as amended, requires all electric service companies to obtain a certification⁴ and to file certain information under the terms established by the Energy Bureau.

A. Gross Revenue and Financial Statements

Section 4.02 of Regulation 8701, as amended, establishes the requirement for an electric service company to present before the Energy Bureau its gross revenue.

¹ 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."

² *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").

³ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

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]."



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

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- [...]
- 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.
- Am
- 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.



ROOFTOP filed the Gross Revenue and Financial Statements Report (Form NEPR-B05) for the fiscal year ending on September 30, 2022. ROOFTOP also attached a compiled version of its Financial Statements for the Fiscal Year 2021-2022. ROOFTOP fiscal year begins on October 1st and ends on September 30th.

Article 4 of Regulation 8701 was amended on June 24, 2020, and now it requires electric services companies to present the Gross Revenue for the Natural Year, but keeping the

requirement of the Financial Statements for its Fiscal Year. Under the above-mentioned legal provisions, ROOFTOP had to inform its gross revenue during the Natural Year 2022 on or before March 1, 2023. ROOFTOP **did not file** its Gross Revenue for October, November, and December 2022. ROOFTOP **did not comply** with Article 4 of Regulation 8701, as amended. ROOFTOP shall correct its Gross Revenue and Financial Statement Report to present its Gross Revenue for the Natural Year 2022 (that is, from January 1st 2022 to December 31st 2022).

B. Operational Report

Section 2.02 of Regulation 8701 establishes the requirement for an electric service company to file before the Energy Bureau their operational reports. Section 2.02 also requires electrical service companies to referral its operational report to the EPPP. Section 2.03 of Regulation 8701 establishes the fees that an electrical service company must pay to file forms, documents, or information before the Energy Bureau.

ROOFTOP filed its Operational Report for the year 2022 and attached a copy of paycheck no. 74500 for eight hundred dollars (\$800.00). ROOFTOP also filed evidence of the submittal of its Operational Report to the EPPP. ROOFTOP reports it has installed 23 photovoltaics systems with a total installed capacity of 0.688 MW AC.

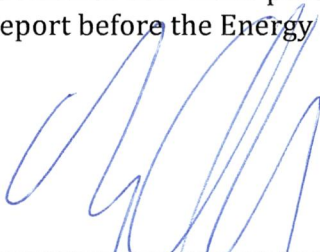
The Energy Bureau has evaluated the information presented by ROOFTOP. The Energy Bureau **DETERMINES** ROOFTOP met the requirements of Sections 2.02 and 2.03 of Regulation 8701.

III. Conclusion.

The Energy Bureau evaluated the information filed by ROOFTOP on March 9th 2023 and found deficiencies. ROOFTOP shall correct the deficiencies described in Part II of the present Resolution and Order.

The Energy Bureau **ORDERS** ROOFTOP to, **within fifteen (15) days**, from the notification of this Resolution and Order, (i) correct its Gross Revenue and Financial Statement Report to present its Gross Revenue for the Natural Year 2022 pursuant to Section 4.02 of Regulation 8701, as amended; (2) file such report before the Energy Bureau.


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 April 14 2023. Also certify that on April 17 2023, I have proceeded with the filing of this Resolution and was notified by email to: antonio.collazo@oneillborges.com; jeffrey@pashglobal.com.

I sign this in San Juan, Puerto Rico, today, April 17 2023.



Sonia Seda Gaztambide
Clerk

