

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

**IN RE:** Annual Regulatory Fees for Electric Service Companies

**CASE NO.:** NEPR-MI-2020-0007

**SUBJECT:** Annual Fees for Fiscal Years 2020-2021 and 2021-2022.

**RESOLUTION**

**I. Introduction**

On July 14, 2022, Sunnova Energy Corporation ("Sunnova Energy") filed under seal before the Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Deposit Annual Fee Amounts and to Request Confidential Treatment of Information* ("July 14 Motion")<sup>1</sup>. Sunnova included as Attachment 1 a company check and a breakdown of the amount included in the check.

On December 14, 2022, the Energy Bureau, issued a Resolution and Order ("December 14 Resolution")<sup>2</sup> ordering Sunnova Energy, among other things, to submit a detailed explanation with supporting documents to sustain the gross revenue calculated for the electrical service provided and used by Sunnova Energy to estimate the regulatory fee as presented in the Attachment 1 of the July 14 Motion for the years 2014 up to year 2020.

On December 16, 2022, Sunnova Energy filed before the Energy Bureau a document titled *Request for Extension to Comply with Resolution and Order dated December 14, 2022, and for Confidential Treatment of Information* ("December 16 Request")<sup>3</sup>. Through the December 16 Request, Sunnova Energy request a thirty (30) days extension to provide the information requested by the Energy Bureau on the December 14 Resolution. On December 21, 2022, the Energy Bureau granted the additional 30 days to comply with the December 14 Resolution.<sup>4</sup>

On December 27, 2022, Sunnova Energy filed before the Energy Bureau a document titled *Motion in Compliance with Resolution and Order Dated December 21, 2022, and Request for Confidential Treatment of Information* ("December 27 Motion")<sup>5</sup>. Sunnova submitted the information requested in the December 14 Resolution.

Pursuant to Section 6.16 of Act No. 57-2014<sup>6</sup> the Energy Bureau budget is computed based on an annual regulatory fee as established by the Energy Bureau that comes from the annual gross income of the Puerto Rico Electric Power Authority ("PREPA") and all others Electric Service Companies in Puerto Rico.

<sup>1</sup> *In re: Request for Certification Sunnova Energy Corporation*, Case No.: CEPR-CT-2016-0002, , *Motion to Deposit Annual Fee Amounts and to Request Confidential Treatment of Information*, filed by Sunnova Energy on July 14, 2022.

<sup>2</sup> Resolution and Order, *In re: Request for Certification Sunnova Energy Corporation*, Case No.: CEPR-CT-2016-0002, December 14, 2022.

<sup>3</sup> *In re: Request for Certification Sunnova Energy Corporation*, Case No.: CEPR-CT-2016-0002, *Request for Extension to Comply with Resolution and Order dated December 14, 2022, and for Confidential Treatment of Information*, filed by Sunnova Energy on December 16, 2022.

<sup>4</sup> Resolution and Order, *In re: Request for Certification Sunnova Energy Corporation*, Case No.: CEPR-CT-2016-0002, December 21, 2022.

<sup>5</sup> *In re: Request for Certification Sunnova Energy Corporation*, Case No.: CEPR-CT-2016-0002, *Motion in Compliance with Resolution and Order dated December 21, 2022, and Request for Confidential Treatment of Information*, filed by Sunnova Energy on December 27, 2022

<sup>6</sup> Known as the *Puerto Rico Energy and Transformation and RELIEF Act*, as amended ("Act 57-2014")



Section 4.03 of Regulation 9182<sup>7</sup> provides that the Energy Bureau shall calculate the regulatory annual fees that correspond to each of the Electric Service Companies based on a pro-rata factor.

II. Analysis

On April 11, 2019, Act 17-2019, known as the *Puerto Rico Energy Public Policy Act* (“Act 17-2019”), entered into force. Among other things, Act 17-2019 amended Section 6.16 of Act 57-2014 for the purpose of modifying the budget of the Energy Bureau and the way in which the origin of the necessary funds to cover said budget is determined.

As established in the amended Article 6.16 of Act 57-2014, as of Fiscal Year 2019-2020, the budget of the Energy Bureau will be twenty million dollars for each fiscal year. Said budget is based on the gross income of each natural year for PREPA and for the Electric Service Companies.

The change in Law gave rise to the amendment of Article 4 of Regulation 8701<sup>8</sup> on the computation of annual charges for regulation and their collection by the Energy Bureau. Said amendment is included in Section 2.12 of Regulation 9182.

The Energy Bureau analyzed the data submitted by Sunnova Energy for the fiscal years 2021 and 2022, which rely on the Energy Service Companies financial information for the calendar years 2019 and 2020, respectively, given that those were the applicable years after the amendment to Regulation 8701 – known as Regulation 9182 dated June 24, 2020 – whereby Energy Service Companies would each pay their proportional share based on the revenues of the totality of the certified Energy Service Companies in Puerto Rico of \$20,000,000, Energy Bureau’s budget.

Upon evaluating the data submitted by Sunnova, the Energy Bureau concluded that Sunnova Energy paid to the Energy Bureau an amount in excess of what is required under Regulation 9182. Therefore, the Energy Bureau has the obligation to refund the Energy Service Companies for the excess annual dues paid for fiscal years 2021 and 2022 due to Sunnova’s initial exclusion.

III. Conclusion

The Energy Bureau analyzed the information submitted by Sunnova Energy on the December 27 Motion and **DETERMINED** that for fiscal years 2021 and 2022, which rely on the Energy Services Companies’ financial information for the calendar years 2019 and 2020, respectively, there is an exceed in the amount paid by each of the Electric Service Companies that should be reimbursed to each one. The credit balance driven by the changes of Law that required Energy Service Companies to pay their proportional share – based on the proportion of their revenues to the total revenues of all of the Energy Service Companies – of \$20,000.000.00

The Energy Bureau **ESTABLISHES** the funds to be returned as follow:

Company Name	Amounts to be reimbursed FY21 and FY22
AES Ilumina, LLC	\$ 204.81
AES Puerto Rico, LLC	\$ 7,525.05
Autoridad de Energía Eléctrica	\$ 88,826.69
Coto Laurel Solar Farm	\$ 75.21



<sup>7</sup> Amendment to Regulation No. 8701 on Certification, Annual Fees, and Operational Plans for Electric Services Companies in Puerto Rico, June 24, 2020.

<sup>8</sup> Amendment to Regulation No. 8618 on Certification, Annual Fees, and Operational Plans for Electric Service Companies in Puerto Rico, February 17, 2016.

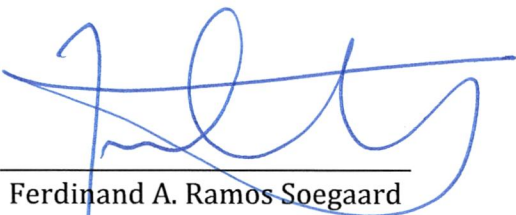


Company Name	Amounts to be reimbursed FY21 and FY22
DG Solar Lessee II	\$ 16.04
EcoEléctrica, L.P.	\$ 8,404.83
Gasna 18P	\$ 40.07
Horizon Energy LLC	\$ 115.23
Humacao Solar Project, LLC	\$ 229.94
Landfill Gas Technologies	\$ 31.45
Oriana Energy LLC	\$ 414.31
Pattern Santa Isabel	\$ 647.10
PV Properties, Inc.	\$ 70.82
San Fermín Solar Farm	\$ 176.48
SunE W-PR1, LLC	\$ 7.59
SunE WMT PR2	\$ 6.55
SunEdison Puerto Rico LLC	\$ 110.75
Sunnova Energy	\$ 6,135.39
Windmar Renewable Energy	\$ 26.00

The Energy Bureau **DETERMINES** that it will issue a payment for the reimbursement corresponding to fiscal years 2021 and 2022, to each of the Electric Service for the amounts shown above.

Be it notified and published.

  
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 May 2, 2023. Chairman Edison Avilés Deliz did not intervene. Also certify that on May 2, 2023 I have moved forward with filing this Resolution and was notified by email to:

AES ILUMINA, LLC	jesus.bolinaga@aes.com obed.santos@aes.com
AES PUERTO RICO, LLC	jesus.bolinaga@aes.com obed.santos@aes.com
AUTORIDAD DE ENERGÍA ELÉCTRICA DE PUERTO RICO	astrid.rodriguez@prepa.com lionel.santa@prepa.com
COTO LAUREL SOLAR FARM, INC.	victorluisgonzalez@yahoo.com cotolaurelsolarfarm@windmarenergy.com
DG SOLAR LESSEE II	jeff.lewis@terraform.com lvc@mcvpr.com
ECOELÉCTRICA, L.P.	carlos.reyes@ecoelectrica.com jorge.ramirez@ecoelectrica.com
GASNA 18P, LLC	jcmendez@reichardescalera.com jtorres@reichardescalera.com
HORIZON ENERGY LLC	leslie.hufstetler@infinigenrenewables.com
HUMACAO SOLAR PROJECT, LLC	h.bobea@fonrochepr.com
LANDFILL GAS TECHNOLOGIES OF FAJARDO, LLC	jczayas@conwastepr.com coteroto@conwastepr.com
ORIANA ENERGY LLC	leslie.hufstetler@infinigenrenewables.com
PATTERN SANTA ISABEL, LLC	kara.beckmann@patternenergy.com regulatory@patternenergy.com
PV PROPERTIES, INC.	victorluisgonzalez@yahoo.com pvproperties@windmarenergy.com
SAN FERMÍN SOLAR FARM, LLC	hjcruz@urielrenewables.com
SUNE W-PR1, LLC	ivc@mcvpr.com legal@terraform.com
SUNE WMT PR2, LLC	meghan.semiao@longroadenergy.com ivc@mcvpr.com
SUNEDISON PUERTO RICO LLC	pprakash@tortoiseadvisors.com kedgar@tortoiseadvisors.com ivc@mcvpr.com
SUNNOVA ENERGY CORPORATION	ivc@mcvpr.com tax@sunnova.com
WINDMAR RENEWABLE ENERGY, INC.	victorluisgonzalez@yahoo.com windmarre@windmarenergy.com

For the record, signed in San Juan, Puerto Rico, today May 2, 2023.

  
Sonia Seda Gaztambide  
Clerk

