

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

IN RE: REQUEST FOR CERTIFICATION
PATTERN SANTA ISABEL, LLC.

CASE NO.: CEPR-CT-2016-0011

SUBJECT: Personal Information Update.

RESOLUTION AND ORDER

I. Introduction and Procedural Background.

On May 18, 2022, Pattern Santa Isabel, LLC ("Pattern") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a Motion (May 18 Motion) including the following documents:

1. Letter to the Energy Bureau, *Operational Report for Year 2021*, May 17, 2022 ("May 17 Letter");
2. *Operational Report Electric Power Companies (form NEPR-B03)*;
3. *Evidence of the Wire Transfer for the payment of the Operational Report fees*; and
4. Letter to the Department of Economic Development and Commerce, *Operational Report, February 25, 2022 ("February 25 Letter")*.

On March 29, 2023, the Energy Bureau issued an Order to Show Cause ("March 29 Order"), in which it order Pattern to within five (5) days, from the notification date, (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 8701¹, as amended; and (ii) show cause why the Energy Bureau should not impose an administrative fine of five thousand dollars (\$5,000) for its failure to comply with Act 57-2014² and Regulation 8701.

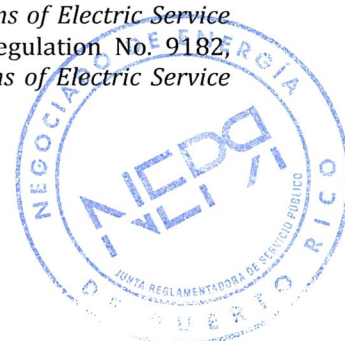
On April 14, 2023, the Energy Bureau's Clerk added a Note to File, *In Re: Request For Certification Pattern Santa Isabel, LLC*, Case No.: CEPR-CT-2016-0011, to inform the March 29 Order was notified to the previous Pattern representatives, as a result of an unintentional error. The Order was notified again to the new Pattern representatives. A new term of five days was granted to answer the March 29 Order.

On April 19, 2023, Pattern filed before the Energy Bureau an Updated Personal Information Electric Power Companies Form - Form NEPR-B01 ("Updated Personal Information Form") and a document titled *Motion in compliance with Order to Show Cause and Request for Confidential Treatment of Financial Information* ("April 19 Motion"), with the attached documents (i) *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05), (ii) *Financial Statements Pattern Santa Isabel LLC as of December 31, 2022 and 2021* (collectively, "Attachments").

In the April 19 Motion, Pattern requests Confidential Treatment of the attached documents pursuant to Section 6.15 of Act 57-2014 and Section 1.15 of Regulation 8701. Pattern argues that the information for which they request protection is of confidential nature and the disclosure of said financial information would place Pattern at a competitive disadvantage

¹ 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").

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



respect to its competitors and cause it economic harm³. Pattern also presents a justification why the Energy Bureau should not impose an administrative fine of thousand dollars (\$5,000) for its failure to comply with Act 57-2014 and Regulation 8701.

Pattern is the owner of a wind generation project with aggregate capacity of 101.2 MW ("Project"). The Project has a Power Purchase and Operating Agreement with the Puerto Rico Electric Power Authority ("PREPA").⁴ On June 2, 2016, under Regulation 8701,⁵ the Energy Bureau issued Pattern's certification as an Electric Service Provider.⁶

II. Applicable Law and Analysis.

Act 57-2014⁷ requires all electric service companies⁸ to obtain a certification⁹ and to file certain information pursuant to the terms established by the Energy Bureau.

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 Act 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.¹⁰ Under Section 6.36 of Act 57-2014, the Energy Bureau has the power to impose these penalties:

- (a) The Energy Bureau shall impose administrative fines for violations of this Act, or the regulations and orders issued thereunder, 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 aforementioned amounts corresponding to the most recent taxable year shall be the amount of 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

³ See, April 19 Motion, p. 3.

⁴ See Contract No. 2010-P00047 awarded on June 11, 2010.

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").

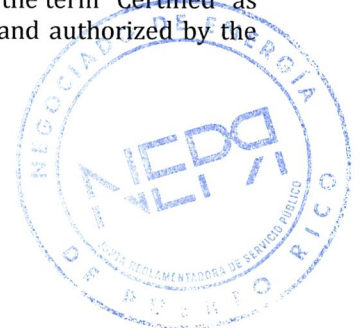
⁶ See Certification of Electric Service Provider, Case No. CEPR-CT-2016-0011, June 2, 2016.

⁷ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

⁸ 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."

⁹ 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]."

¹⁰ See Section 6.7(h) of Act 57-2014.



(\$25,000) per day. In such cases 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 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.¹¹

A. Personal Information updates

Section 3.05 of Regulation 8701 empowers the Energy Bureau to, among other things, 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 Act 57-2014, as amended, or this Regulation." (Enfasis supplied)

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

- A) All electric service companies shall pay the Energy Commission the fees established below upon submission of the following forms, documents, or information:

[...]

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

In the May 17 Letter, Pattern requests to update the contact information from Sergio Gonsales to Kara Beckmann as:

- kara.beckmann@patternenergy.com
- regulatory@patternenergy.com.

Pattern **did not pay** the filing fee of fifty dollars (\$50) for the Personal Information update requested in the May 17 Letter.

On April 19, 2023, Pattern filed an Updated Personal Information Form, to update Parts B, C, D, E, and F. In Part C, Pattern appointed Angela Leon, mail and physical address 1088 Sansome Street, San Francisco, CA 94111, as the new person in charge for the receipt of notifications. Pattern only kept the email address regulatory@patternenergy.com for notification purposes. Pattern did not include the payment of the filing fee of fifty dollars (\$50) for the new updates.

¹¹ See Section 6.36 of Act 57-2014.



Pursuant to the above-mentioned legal provisions, Pattern had to make two payments of fifty dollars (\$50) each, for a total of one hundred dollars (\$100) for the update of its Personal Information. According to the administrative record, Pattern **has not paid** the fees of one hundred dollars (\$100) for the update of its Personal Information. Pattern **did not comply** with the requirements of Section 2.03(A)(1)(a) of Regulation 8701.

B. Compliance with the March 29 Order

On April 19, 2023, Pattern filed all the documents required by the Energy Bureau in the March 29 Order, but the justification presented of why it should not be fined for its failure to comply with Act 57-2014 and Regulation 8701, is not valid reason. The Energy Bureau **DETERMINES** Pattern **did not comply** with the March 29 Order and **IMPOSE** an administrative fine of five hundred dollars (\$500) pursuant to Section 6.36 (d) of Act 57-2014.

III. Confidential Treatment

As part of the April 19 Motion, Pattern requested that certain documents and information be treated as confidential, under Section 6.15 of Act 57-2014. Specifically, Pattern requested these documents to be confidential: (i) *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05), (ii) *Financial Statements Pattern Santa Isabel LLC as of December 31, 2022 and 2021* (collectively, "Attachments"), (collectively, "Confidential Documents")

Act No. 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, may request that any information that it is deemed privileged or confidential be treated in such fashion¹². 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"¹³. 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"¹⁴.

IV. Conclusion.

The Energy Bureau **DETERMINES** Pattern **did not comply** with the March 29 Order.

The Energy Bureau **GRANTS** confidential designation and treatment to the Confidential Documents, under Article 6.15 of Act 57-2014.

The Energy Bureau **ORDERS** Pattern to, **within five (5) days**, from the notification date of this Order, (i) pay the fee of one hundred dollars (\$100) for the update of its Personal Information, and (ii) pay the administrative fine for not complying with the March 29 Order. The Energy Bureau **WARNS** Pattern that non-compliance with Energy Bureau's orders and regulations may carry the imposition of additional administrative fines.

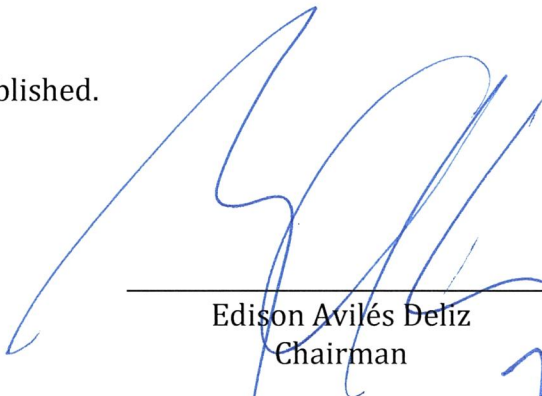






¹² Section 6.15 of Act 57-2014, *Rules of Confidentiality*.

¹³ *Id.* at (a).

¹⁴ *Id.*

Be it notified and published.

 _____ Edison Avilés Deliz Chairman	 _____ Ferdinand A. Ramos Soegaard Associate Commissioner
 _____ Lillian Mateo Santos Associate Commissioner	 _____ Antonio Torres Miranda Associate Commissioner
 _____ Sylvia B. Ugarte Araujo Associate Commissioner	

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has agreed on May 5, 2023. I also certify that on April 5, 2023 a copy of this Resolution and Order was notified by electronic mail May kara.beckmann@patternenergy.com; regulatory@patternenergy.com. I also certify that today, May 5, 2023, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today, May 5, 2023.



Sonia Seda Gaztambide
Clerk

