

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

**IN RE:** REQUEST FOR CERTIFICATION  
DG SOLAR LESSEE II, LLC.

**CASE NO.:** CEPR-CT-2016-0017

**SUBJECT:** Gross Revenue, Financial  
Statements and Annual Operational Reports

**RESOLUTION AND ORDER**

**I. Introduction**

On February 28, 2023 the company DG SOLAR LESSEE II, LLC. (“DG SOLAR”) filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) a document titled *Request for Extension to Report 2022 Gross Revenues* (“February 28 Request”).

On March 24, 2023, the company DG SOLAR filed a document titled *Motion in Compliance with Section 4.02 of Regulation No. 8701 and Request for Confidential Treatment of Financial Information* (“March 24 Request”), in accordance with the provisions of Regulation 8701.<sup>1</sup> As part of its Financial Report, DG SOLAR attached two documents titled, (i) *Gross Revenue and Financial Statement Report Electrical Power Companies* (Form NEPR-B05); and (ii) *2022 Income Statement*. In the March 24 Request, DG SOLAR requested that the Financial Report be kept confidential alleging that such information is of sensitive nature, is not available to the public, and disclosure of such information would place DG SOLAR at a competitive disadvantage and cause it economic harm.<sup>2</sup>

On March 31, 2023, DG SOLAR filed a document titled *Motion to Request Confidential Treatment of 2023 Operational Report and Other Remedies* (“March 31 Request”). In the March 31 Request, DG SOLAR alleges that such information is of sensitive nature, is not available to the public and disclosure of such information would place DG SOLAR at a competitive disadvantage and cause it economic harm.<sup>3</sup> DG SOLAR attached the following documents to the March 31 Request: (i) *Operational Report Electrical Power Companies* (Form NEPR-B03); (ii) *DG Solar Lessee II, LLC 2023 Operational Report Annexes*. (“Annexes”)

The Energy Bureau did not address the February 28 Request because DG SOLAR finally filed its Gross Revenues Report. The February 28 Request turned *moot*.

**II. Regulation 8701 and Analysis**



<sup>1</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>2</sup> February 28 Request.

<sup>3</sup> March 31 Request.

Act 57-2014<sup>4</sup> requires that every electric service company<sup>5</sup> obtain a certification<sup>6</sup> to provide services in Puerto Rico, in addition to presenting specific information in accordance with the requirements established by the Energy Bureau. Regulation 8701 establishes the requirements that any electric service company must comply with to provide electric services in Puerto Rico.

- A. Section 2.02 of Regulation 8701 details the information that must be included in the Operational Report to be filed by electric service companies. Further, the February 12, 2019 Order in Case No. CEPR-MI-2015-0006 ("February 12 Order") requires additional information to be filed by electric service companies as part of its Operational Report.

Section 2.03(A)(2)(a) requires electrical service companies to pay a filing fee for presenting their Operational Report. In its March 31 Request, DG SOLAR indicates that a payment of \$800.00 for the corresponding filing fee will be done electronically. The Energy Bureau has not received evidence of such payment. The Energy Bureau **ORDERS** DG SOLAR to submit evidence of the electronic payment on or before fifteen (15) days from the notification of this Resolution and Order.

### III. Request for Confidential Designation

As part of the February 28 Request and March 31 Request, DG SOLAR requested that certain documents and information be treated as confidential, under Section 6.15 of Act 57-2014. Specifically, DG SOLAR requested these documents to be confidential: (i) Financial Statements attached to the *Gross Revenue and Financial Statements Report Electrical Power Companies (Form NEPR-B05)*, (ii) *Operational Report Electrical Power Companies (Form NEPR-B03)*, and (iii) *DG Solar Lessee II, LLC 2023 Operational Report Annexes. (Annexes)*, (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 fashion.<sup>7</sup> 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".<sup>8</sup> 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".<sup>9</sup>

### IV. Conclusion

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

The Energy Bureau **ORDERS** DG SOLAR to submit in or before fifteen (15) days from the notification of this Resolution and Order evidence of the electronic payment.

<sup>4</sup> Known as the *Transformation and Energetic RELIEF Act of Puerto Rico*, as amended ("Act 57-2014")

<sup>5</sup> Section 1.3(l) of Law 57-2014 defines the term "Energy Company" or "Electric Service Company" as "any person or entity, natural or legal, energy cooperative, dedicated to offering generation services, transmission and distribution, billing, energy wheeling, network services ("grid services"), energy storage, resale of electricity, as well as any other electrical service as defined by the Bureau. The Electric Power Authority or its successor, as well as any Contractor under an Alliance Contract or Sales Contract granted in relation to PREPA Transactions entered into by virtue of Law 120-2018, shall be considered as Electric Service Companies for the purposes of this Law".

<sup>6</sup> See Section 6.13 of Act 57-2104. Also see, Section 1.3(h) of Act 57-2014, which define "Certified" as "any electric service company which have been evaluated and authorized by the Energy Bureau."

<sup>7</sup> Section 6.15 of Act 57-2014, *Rules of Confidentiality*.

<sup>8</sup> *Id.* at (a).

<sup>9</sup> *Id.*

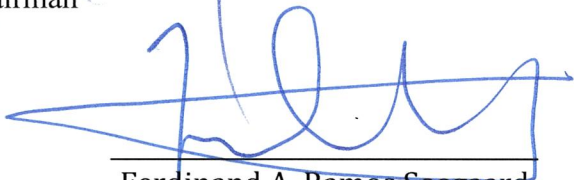




Be it notified and published.

  
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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 agreed on May 9, 2023. I also certify that on May 10, 2023 a copy of this Resolution and Order was notified by electronic mail to the following: jeff.lewis@terraform.com; ivc@mcvpr.com. I also certify that today, May 10, 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 10, 2023.

  
Sonia Seda Gaztambide  
Clerk

