

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

IN RE: REQUEST FOR CERTIFICATION
CEN JUNCOS SOLAR II, LLC

CASE NO.: NEPR-CT-2023-0002

SUBJECT: Request for Certification.

RESOLUTION AND ORDER

I. Introduction

On July 14, 2023, CEN JUNCOS SOLAR II, LLC ("CEN JUNCOS II") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a *Motion in Compliance with Resolution and Order Notified on June 16, 2023* ("July 14 Motion"), and the attached *Exhibit* including the following documents (collectively "Exhibit"):

- (i) *CEN Juncos Solar II, LLC, Exhibit of Motion in Compliance with Resolution and Order Notified on June 16, 2023.* ("Aggregated Power Capacity Data")
- (ii) Copy of a Bank Statement showing a deposit to the Energy Bureau for two thousand six hundred dollars (\$2,600) on 07/14/23. ("Evidence for Payment of Filing Fees")
- (iii) *Request for Certification Electric Power Companies* (Form NEPR-B04)
- (iv) Copy of *Certification of Filing of Personal Information Form and Payment of Filing Fees.*

In the July 14 Motion, CEN JUNCOS II requested, (i) the information in the Exhibit be kept confidential, alleging that this information is of sensitive nature, is not available to the public, and disclosure of this information would place CEN JUNCOS II at a competitive disadvantage and cause it economic harm¹; and (ii) it be considered that has filed its Operational Report, because the technical information of CEN JUNCOS II was already reported in the Operational Report filed² by CEN Juncos Solar, LLC³ on March 30, 2023.

On July 14, 2023, CEN JUNCOS II also filed a *Personal Information Electric Power Companies* (Form NEPR-B01), with the following attached documents (collectively "Attachments"):

- (i) *Certificate of Good Standing*, State of Missouri, December 27, 2019.
- (ii) *Certificado de Cumplimiento*, Departamento de Estado, Gobierno de Puerto Rico, 14 de julio de 2023.
- (iii) *Certificate of Authorization to Do Business in Puerto Rico*, Department of State, Government of Puerto Rico, December 27, 2019.
- (iv) *Certificate of Authorization to Do Business of a Foreign Corporation*, Department of State, Government of Puerto Rico, December 27, 2019.

On July 19, 2023, attorney Ignacio J. Vidal Cerra filed a document titled *Motion to withdraw as Legal Counsel* ("July 19 Motion") to (i) inform his last day of employment with law firm McConnel Valdés was July 19, 2023; and (ii) clarify McConnel Valdés will continue to represent CEN JUNCOS II in the instant case. Attorney Vidal Cerra also requests the Energy Bureau grant his leave to withdraw as legal counsel for CEN JUNCOS II.

¹ See July 14 Motion, p.3, ¶5.

² Under Energy Bureau's Docket No. NEPR-CT-2019-0003.

³ CEN Juncos Solar, LLC is an electric power company certified by the Energy Bureau on December 10, 2020. See, Resolution, *IN RE: REQUEST FOR CERTIFICATION CEN JUNCOS SOLAR II, LLC*, December 10, 2020, Docket No. NEPR-CT-2019-0003.



II. Applicable Law and Analysis

Act 57-2014⁴ requires all electric service companies⁵ to obtain a certification⁶ and to file certain information under the terms established by the Energy Bureau.

Sections 2.01 and 3.03 of Regulation 8701⁷ describe the information that every electric service company to offer services in Puerto Rico must submit with its Request for Certification⁸.

Section 2.02 of Regulation 8701 establishes the requirement for an electric service company to file to the Energy Bureau their operational reports.

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."

A. Personal Information

In Part D of Form NEPR-B01, CEN JUNCOS II indicates that Natalie Riley is the authorized person to receive notifications from the Energy Bureau at:

Physical Address:
718 W. Business Highway 60
Dexter, MO 63841

Postal Address:
PO Box 639
Dexter, MO 63841

E-mail:
assetmanagement@rea-investments.com

In Part G of Form NEPR-B01, CEN JUNCOS II indicates Juncos Solar Holdings II, LLC is a member with a participation percent equal or greater than thirty-five percent (35%).

The Energy Bureau **TAKES NOTICE** of all the data presented by CEN JUNCOS II in Form NEPR-B01 and its Attachments.

Section 2.01(A)(2) of Regulation 8701 requires electric power companies to file a copy of its certificate of incorporation and registration issued by the competent government entity of

⁴ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

⁵ 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."

⁶ 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]."

⁷ 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").

⁸ As defined in Regulation 8701.



the jurisdiction and country under whose laws it has been organized. CEN JUNCOS II **did not file** its certificate of incorporation and registration. CEN JUNCOS II ignored the requirements of Section 2.01(A)(2) of Regulation 8701. CEN JUNCOS II **shall file** its certificate of incorporation and registration.

CEN JUNCOS II filed the *Evidence for Payment of Filing Fees* (\$2,500 dollars for filing the Request for Certification, and \$100 dollars for filing the Personal Information Form, for a Total of \$2,600 dollars). CEN JUNCOS II **met** the fee payment requirements of Section 2.03(A)(1) of Regulation 8701.

B. Request for Certification

In its *Request for Certification* (Form NEPR-B04), CEN JUNCOS II indicates it owns an existing facility⁹ described as a net-metered interconnected solar photovoltaic system¹⁰ with an aggregated capacity of 2.61MW. The facility is located at¹¹ :

PR-31, km 24.4
Ceiba Norte Industrial Park, Lots 4 and 6
Juncos, PR 00777

Section 3.03(I) of Regulation 8701 establishes that:

The provisions established in Subsections (A) through (G) of this Section shall not apply to the electric service companies described in Section 1.08(A)(5)(c)(i) with an aggregate capacity of between one megawatt (1 MW) and less than five megawatts (5 MW). All electric service companies in this category that intend to offer services in Puerto Rico must file a Request for Certification before the Commission; however, it will be enough for companies to certify in said Request that they have filed their Personal Information with the Commission in accordance with the provisions of Section 2.01 of this Regulation, together with the appropriate payment for the certification fee, as specified below in this Regulation.

Provisions of Subsections (A) through (G) of Section 3.03 of Regulation 8701 does not apply to CEN JUNCOS II because its aggregated capacity is 2.61MW, which is greater than 1MW and less than 5MW. CEN JUNCOS II is exempt from filing data requirements of Subsections (A) through (G) pursuant to Section 3.03(I) of Regulation 8701.

The Energy Bureau **TAKES NOTICE** of all the data presented by CEN JUNCOS II in its Request for Certification. The Energy Bureau **DETERMINES** CEN JUNCOS II **met** the requirements of Sections 3.03 and 3.07(A)(1)(a) of Regulation 8701. Section 3.07 of Regulation 8701 establishes the fees for filing the Request for Certification.

C. Operational Report

CEN JUNCOS II alleges its technical information is the same data reported by CEN Juncos Solar, LLC in its Operational Report filed on March 30, 2023 under the Docket No. NEPR-CT-2019-0003.

The Operational Report filed by CEN Juncos Solar, LLC on March 30, 2023 was already evaluated by the Energy Bureau and it makes no reference to CEN JUNCOS II. The Energy Bureau **DETERMINES** CEN JUNCOS II shall file its own Operational Report.

⁹ Request for Certification Electric Power Companies (Form NEPR-B04), Part B, Line 1, July 14, 2023. Docket No. NEPR-CT-2023-0002.

¹⁰ Id, Part A, Line 6.

¹¹ Id, Part B, Line 1.



III. Request for Confidential Designation

As part of the July 14 Motion, CEN JUNCOS II requested that certain documents and information be treated as confidential, under Section 6.15 of Act 57-2014. For more details see Part I of the present Resolution and Order.

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. Motion to withdraw as Legal Counsel

The Energy Bureau **TAKES NOTICE** of the July 19 Motion and **GRANTS** attorney Vidal Cerra his leave to withdraw as counsel for CEN JUNCOS II.

V. Conclusion

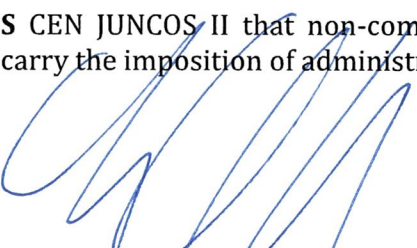
The Energy Bureau **IDENTIFIED** several deficiencies in the documents filed by CEN JUNCOS II. The deficiencies are described on Part II of the present Resolution and Order. The Energy Bureau **DETERMINES** the Request for Certification filed by CEN JUNCOS II is incomplete. CEN JUNCOS II **SHALL** review and correct the deficiencies mentioned in Part II of the present Resolution and Order.

The Energy Bureau **ORDERS** CEN JUNCOS II, **within ten (10) days from the notification date of this Resolution and Order**, to file (i) a copy of its certificate of incorporation and registration, and (ii) its own Operational Report pursuant the requirements of Section 2.02 of Regulation 8701.


The Energy Bureau **GRANTS** confidential designation and treatment to Exhibit of the June 14 Motion, under Article 6.15 of Act 57-2014 and Section 1.15 of Regulation 8701.

The Energy Bureau **WARNS** CEN JUNCOS II that non-compliance with Energy Bureau's orders and regulations may carry the imposition of administrative fines.

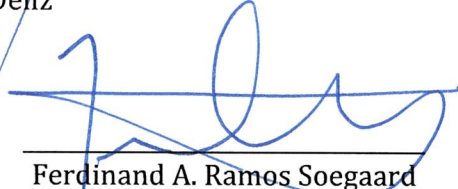
Be it notified and published.




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

¹² Section 6.15 of Act 57-2014, *Rules of Confidentiality*. Also see Section 1.15 of Regulation 8701.

¹³ *Id.* at (a).


¹⁴ *Id.*



CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on October 13, 2023. I also certify that on October 13, 2023 a copy of this Resolution and Order was notified by electronic mail to the following: assetmanagement@rea-investments.com. I also certify that today, October 13, 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 October 13, 2023.



Sonia Seda Gaztambide
Clerk

