

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

IN RE: REQUEST FOR CERTIFICATION
SUNE W-PR1, LLC

CASE NO.: CEPR-CT-2016-0016

SUBJECT: Determination on filings of Updated Personal Information, Payment of Fine, and Compiled Financial Statements.

RESOLUTION AND ORDER

On October 13, 2023, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("October 13 Order") in which it ordered SUNE W-PR1, LLC ("SUNE W-PR1") to, within five (5) business days, from the notification date, to (i) pay the five hundred dollars (\$500) administrative fine with the Energy Bureau's Clerk; (ii) file an Updated Personal Information Form (Form NEPR-B01) or file another Complementary Sheet (Form NEPR-Z01) to add the contact data for the new counsel (name, phone number, email address, etc.) and to eliminate the names and contact data for the previous counsels, if necessary; (iii) file evidence of the payment fee for the Personal Information update as required by Section 2.03 of Regulation 8701¹; and (iv) to file its Compiled Financial Statements for the Fiscal Year 2022 on or before November 3, 2023.

On October 18, 2023, SUNE W-PR1 filed a document titled *Motion in Compliance with Resolution and Order dated October 13, 2023* ("October 18 Motion"), with the following attachments:

- (i) Updated Complementary Sheet Form (Form NEPR-Z01);
- (ii) Copy of check no. 135190 for the amount of fifty dollars (\$50) for the payment of the Personal Information update; and
- (iii) Copy of check no. 135189 for the amount of five hundred dollars (\$500) for the payment of the administrative fine.

In the updated² Complementary Sheet (Form NEPR-Z01), SUNE W-PR1 provided the names, mail and email addresses of the counsels authorized to receive notifications from the Energy Bureau, other designated contacts, as well as the names, mail and email addresses of members of the board of directors.

In the October 18 Motion, SUNE W-PR1 requested confidential treatment to the information presented in the motion and its accompanying attachments ("October 18 Request"). SUNE W-PR1 argues that the information for which they request protection is of confidential nature and is not publicly available, therefore it contains sensitive banking information about SUNE W-PR1 and its legal representatives⁵.

On November 3, 2023, SUNE W-PR1 filed a document titled *Motion in Compliance with Resolution and Order dated October 13, 2023 and Section 4.2 of Regulation No. 8701* ("November 3 Motion"), with the following attachments:

- (i) Gross Revenue and Financial Statements Report Electric Power Companies (Form NEPR-B05), including other supporting documents related to Fiscal Year 2022 SUNE W-PR1's Financial Statements (collectively "Attachments").

In the November 3 Motion, SUNE W-PR1 requested confidential treatment to the information presented in the motion and its accompanying attachments ("November 3 Request"). SUNE

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 It updates the data in Form NEPR-Z01 filed on February 18, 2020, Docket No. CEPR-CT-2016-0016.

⁵ October 18 Motion, p.4.



W-PR1 states that disclosure of such information would cause economic harm and would also put SUNE W-PR1 at a disadvantage⁶.

Act No. 57-2014⁷ 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. 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"⁸. 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"⁹.

Upon a thorough examination of the arguments brought forth by SUNE W- PR1, the Energy Bureau **GRANTS** confidential designation and treatment to the October 18, November 3 Motions, and all corresponding Attachments, pursuant to Article 6.15 of Act 57-2014 and Section 1.15 of Regulation 8701.

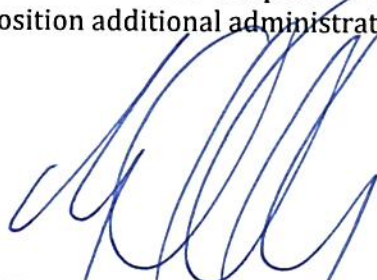
Through the November 3 Motion, SUNE W-PR1 filed its compiled Financial Statement for the Fiscal Year 2022 but did not include a certification or any other evidence to demonstrate such Financial Statements were compiled by a Certified Public Accountant ("CPA") authorized to practice such profession in Puerto Rico, or in any jurisdiction of the United States of America, as required by Section 4.02(E) of Regulation 8701. SUNE W-PR1 **SHALL FILE** a certification or any other evidence to sustain its Fiscal Year 2022 Financial Statements were compiled by a Certified Public Accountant (CPA).

The Energy Bureau **ACKNOWLEDGES** and **TAKES NOTICE** the information filed by SUNE W-PR1 in the October 18 Motion and **DETERMINES** SUNE W-PR1 **partially complied** with the October 13 Order.

The Energy Bureau **ORDERS** SUNE W-PR1 to, **within five (5) days from the notification date of this Resolution and Order**, file a certification or any other evidence to demonstrate its Fiscal Year 2022 Financial Statements were compiled by a Certified Public Accountant (CPA) authorized to practice such profession in Puerto Rico, or in any jurisdiction of the United States of America, as required by Section 4.02(E) of Regulation 8701, as amended.

The Energy Bureau **WARNS** SUNE W-PR1 that non-compliance with Energy Bureau's orders and regulations may carry the imposition additional administrative fines.


Be it notified and published.



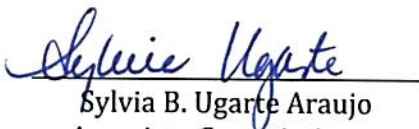
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



Antonio Torres Miranda
Associate Commissioner

⁶ November 3 Motion, p.4.

⁷ Known as the Puerto Rico Energy Transformation and RELIEF Act ("Act 57-2014"), as amended.

⁸ *Id.* at 6.15(a). See also Section 1.15 of Regulation 8701.

⁹ *Id.*



CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on November 27 2023. Also certify that on November 27 2023. I have proceeded with the filing of this Resolution and was notified by email to: apc@mcvpr.com and cfl@mcvpr.com .

I sign this in San Juan, Puerto Rico, today, November 27, 2023.



Sonia Seda Gaztambide
Clerk

