

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

IN RE: REQUEST FOR CERTIFICATION
HORIZON ENERGY, LLC

CASE NO.: NEPR-CT-2016-0004

SUBJECT: Updated Personal Information.
Gross Revenue and Financial Statements
Report and Annual Operational Report.

RESOLUTION AND ORDER

I. Introduction.

On February 26, 2024, HORIZON ENERGY, LLC ("HORIZON") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") the following documents: (i) *Updated Personal Information Electric Power Companies Form*- Form NEPR-B01 ("Updated Personal Information Form") and (ii) *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05), including an attached copy of its unaudited Financial Statements for the Fiscal Year ending on December 31, 2023.

On February 27, 2024, HORIZON filed before the Energy Bureau the following documents: (i) *Operational Report Electric Power Companies* (Form NEPR-B03) for the Natural Year 2023 and (ii) *Complementary Sheet* (Form NEPR-Z01).

II. Applicable Law and Analysis.

Act 57-2014¹ requires all electric service companies to obtain a certification² and to file certain information under the terms established by the Energy Bureau.

Section 2.02 of Regulation 8701³ establishes the requirement for an electric service company to file to the Energy Bureau their operational reports. Specifically, Section 2.02(A)(1), (D) and (E) of Regulation 8701 establishes the followings:

A) In accordance with the provisions of this Section, the following electric utilities shall submit to the Commissions an Operational Report containing the following information:

- 1) Person who offers power generation services for sale in Puerto Rico through distributed generators interconnected to the PREPA grid with an aggregate capacity of one megawatt (1MW) or more, regardless of whether or not such distributed generators or the customers to whom the energy is sold are participating in PREPA's Net Meeting Program; or

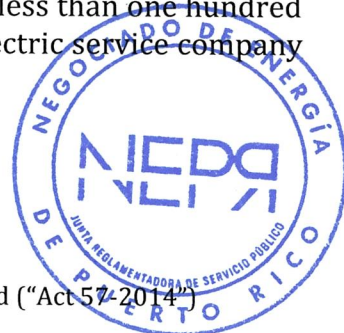
Persons who generate energy through the use of fossil fuels or renewable energy sources, with an aggregate capacity equal to or less than one hundred megawatts (100MW), to sell it to PREPA or another electric service company under a power purchase agreement.

[...]

¹ Known as the *Transformation and Energetic RELIEF Act of Puerto Rico*, as amended ("Act 57-2014")

² 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]."

³ *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").



The electric service companies identified in this subsection (A)(1) **shall submit an Annual Operation Report**, in accordance with the provisions of this sub-paragraph and subsection(D) of this Section. (Emphasis supplied.)

[...]

- D) Notwithstanding the provisions of paragraph (A) of this Section regarding the frequency with which each class of electric service company must submit the Operational Report, it must be submitted to the Commissions **on or before the month of March of the year** in which its filing corresponds. Likewise, the Commission may order any electric service company to submit at any time all or part of the information required in the Operational Report. (Emphasis supplied.)
- E) Electric service companies **shall refer** their Operational Report to the CEPP0⁴ for review and comments prior to submitting it to the Energy Commission. In submitting their Operational Reports before the Commission, electric service companies shall indicate whether they referred to the CEPP0 for review and comments. (Emphasis supplied.)

Section 2.03(A)(1)(a) and 2.03 (A)(2)(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:

1) Personal Information of the electric service company: one hundred dollars (\$100.00).

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

2) Operational Report:

a) Companies identified in Subsections (A)(1), (A)(3), and (A)(4) of Section 2.02 of this Regulation: **eight hundred dollars (\$800.00)**; (Emphasis supplied.).

Section 4.02 of Regulation 8701, as amended, establishes the requirements for an electric service company to inform the Energy Bureau of their gross revenue and to file a copy of its financial statements.

Specifically, Sections 4.02(A) and 4.02(F) establish the following:

- A) All electric service companies operating in Puerto Rico before this Regulation entered into force must inform, along with their Personal Information filing under Section 2.01 of this Regulation, the Annual Gross Revenue generated during each Natural Year, as well as the latest compiled or audited financial statements, if any, as applies in accordance with Subsections (E) and (F) of this Section. For the following periods, electric service companies must inform their Annual Gross Revenue within a period of sixty (60) days following the conclusion each Natural Year.
- F) When the Annual Gross Revenue of an Electric Power Company during a Calendar Year exceeds three million dollars (\$3,000,000.00), the gross revenue report must be signed by the Authorized Representative of the Electric Power Company. The signature of the authorized representative shall constitute a certificate under oath, under penalty of perjury, that such information is correct and complete.

⁴ Now known as, the Energy Public Policy Program (EPPP) of the Puerto Rico Department of Economic Development and Commerce (DEDC).



Likewise, the company must submit to the Energy Bureau a copy of the financial statements corresponding to the Fiscal Year, **audited** by an Authorized Public Accountant (CPA) authorized to practice said profession in Puerto Rico, or in any jurisdiction of the United States of America. Such audited financial statements shall be submitted to the Energy Bureau **within a term of one hundred and twenty (120) days**, counted from the date on which the Electric Power Company's Fiscal Year ends. The provisions of this paragraph shall apply to any successor to the Puerto Rico Electric Power Authority. (Emphasis Supplied)

A. Personal Information Updates

In the Updated Personal Information (Form NEPR-B01), HORIZON updated the names, physical, and email addresses of the persons authorized to receive notifications from the Energy Bureau, as well as the names, phone number, mail, and email addresses of members of the board of directors:

The Energy Bureau **AKNOWLEDGES** and **TAKES NOTICE** of the information presented by HORIZON in Form NEPR-B01.

an HORIZON **did not file** evidence of the payment fee of fifty dollars (\$50) for the update of its Personal Information as required by Section 2.03(A)(1)(a) of Regulation 8701. HORIZON **did not comply** with the requirements of Section 2.03(A)(1)(a) of Regulation 8701. HORIZON **shall present** evidence of the payment fee of fifty dollars (\$50) for the update of its Personal Information.

B. Gross Revenue and Financial Statements Report

The Energy Bureau **AKNOWLEDGES** and **TAKES NOTICE** of the information presented by HORIZON in its *Gross Revenue and Financial Statements Report* (Form NEPR-B05) and its corresponding attachment. HORIZON **complied** with the reporting requirements of Section 4.02(A) of Regulation 8701.

C. Operational Report

fm According to the Administrative Record, HORIZON filed its annual Operational Report, **but did not present** (i) evidence of the payment fee of eight hundred dollars (\$800) for the filing of the report, nor (ii) evidence of the referral to the EPPP at DEDC. HORIZON **did not comply** with the requirements of Sections 2.03(A)(2)(a) and 2.02(E) of Regulation 8701. HORIZON **shall present** (i) evidence of the payment fee of eight hundred dollars (\$800) for the annual filing of the Operational Report, and (ii) evidence of the referral to the EPPP.

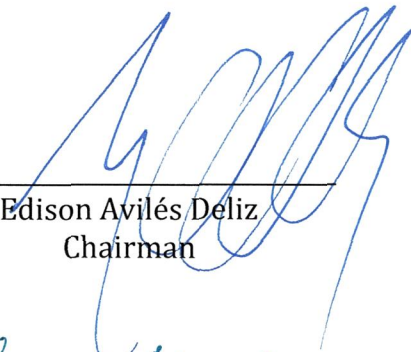
III. Conclusion.

sm The Energy Bureau **ORDERS** HORIZON to file, **within ten (10) days**, from the notification date of this Resolution and Order, (i) evidence of the payment fee of fifty dollars (\$50) for the update of its Personal Information, (ii) evidence of the payment fee of eight hundred dollars (\$800) for the annual filing of the Operational Report, and (iii) evidence of the referral to the EPPP.


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

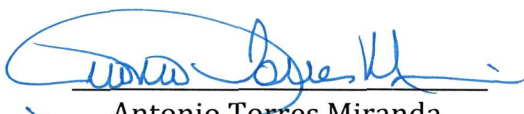
Be it notified and published.





Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

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 March 27 2024. Associate Commissioner Ferdinand A. Ramos Soegaard did not intervene. I also certify that on March 27 2024, I have proceeded with the filing of this Resolution and was notified by email to Leslie.hufstetler@infinigenrenewables.com; notices@infinigenrenewables.com; and he@infinigenrenewables.com

I sign this in San Juan, Puerto Rico, today, March 27, 2024.



Sonia Seda Gaztambide
Clerk
