

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

**IN RE:** REQUEST FOR CERTIFICATION  
WINDMAR RENEWABLE ENERGY, INC.

**CASE NO.:** CEPR-CT-2016-0006

**SUBJECT:** Operational Report 2024

**RESOLUTION AND ORDER**

**I. Introduction**

On March 30, 2024, WINDMAR RENEWABLE ENERGY, INC ("WINDMAR") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") its *Operational Report Electric Power Companies* (Form NEPR-B03) in accordance with Regulation 8701.<sup>1</sup>

**II. Applicable Law and Analysis**

Act 57-2014<sup>2</sup> requires all electric service companies<sup>2</sup> to obtain a certification<sup>3</sup> and to file certain information under the terms established by the Energy Bureau.

Section 2.03 of Regulation 8701, as amended, establishes the followings:

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

[...]

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).

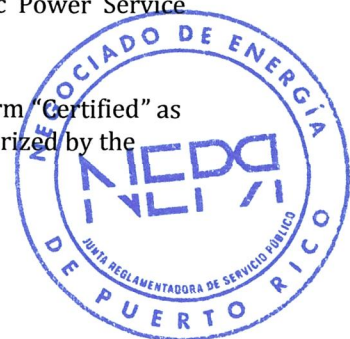
Section 3.05 of Regulation 8701 empowers the Energy Bureau to issue a cease-and-desist order, revoke, and annul any decision, ruling or order issued in relation to the process of any Request for Certification, when an electric service company "... has failed to comply with its duty to provide or update the information required under Law 57-2014, as amended, or this Regulation."

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

<sup>2</sup> Section 1.3(I) 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, transmissions 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 Transaction conducted by virtue of Act No. 120-2018 shall be deemed Electric Power Service Companies for Purposes of this Act."

<sup>3</sup> 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]."



The Energy Bureau has the power to impose penalties on electric service companies for violations of Act 57-2014, its regulations, and orders<sup>4</sup>. 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 (\$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<sup>5</sup>.

#### A. Operational Report

Section 2.03 (A)(2)(a) requires Electrical Services Companies to pay a filing fee presenting their Operational Report. According to the Administrative Record, WINDMAR filed its Operational Report for the Year 2024 but **did not present evidence** of the required payment fee of eight hundred dollars (\$800) for the filing of the report.

### III. Conclusion

The Energy Bureau **ORDERS** WINDMAR, **within five (5) days**, from the notification of this Resolution and Order, to present evidence of the payment fee of eight hundred dollars (\$800.00) for the filing of the annual Operational Report.

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

<sup>4</sup> See Section 6.7(h) of Act 57-2014.

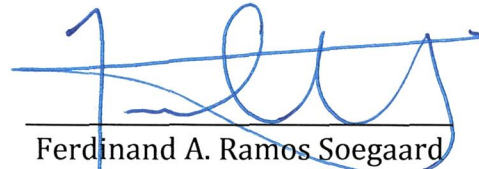
<sup>5</sup> See Section 6.36 of Act 57-2014.






Be it notified and published.

  
Lillian Mateo Santos  
Associate Commissioner

  
Ferdinand A. Ramos Soegaard  
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 April 10 2024. Chairman Edison Avilés Deliz did not intervene. Also certify that on April 10 2024, I have proceeded with the filing of this Resolution and was notified by email to: [victorluisgonzalez@yahoo.com](mailto:victorluisgonzalez@yahoo.com) and [windmarre@windmarenergy.com](mailto:windmarre@windmarenergy.com).

I sign this in San Juan, Puerto Rico, today, April 10, 2024.

  
Sonia Seda Gaztambide  
Clerk

