

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

IN RE: REQUEST FOR CERTIFICATION
SUNEDISON PUERTO RICO, LLC.

CASE NO.: CEPR-CT-2016-0014

SUBJECT: Request Confidential Treatment
of 2024 Operational Report and Other
Remedies.

RESOLUTION

I. Introduction

On April 1, 2024, SunEdison Puerto Rico, LLC ("SunEdison") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Request Confidential Treatment of 2024 Operational Report and Other Remedies* ("April 1 Motion"). As Attachment 1 to the April 1 Motion, SunEdison included the *Operational Report Electric Power Companies* (Form NEPR-B03) with the *2024 Operational Report Annexes*.

In the April 1 Motion, SunEdison requests the Energy Bureau to waive the fee payment of eight hundred dollars (\$800) for filing its Operational Report and requests confidential treatment for the information in Attachment 1.

II. Applicable Law and Analysis

Act 57-2014¹ requires every *electric service company*² to obtain a certification³ to provide electric services in Puerto Rico, besides presenting specific information under the requirements established by the Energy Bureau. Regulation 8701⁴ establishes the requirements that any electric service company must comply with to provide electric services in Puerto Rico.

A. Operational Report

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

Section 2.03(A)(2) establishes the fees every electric service company shall pay upon the submission of its Operational Report.

Section 2.03(B) of Regulation 8701 establishes the following:

- B) In cases where, pursuant to the provisions of Subsection (D) of Section 2.02 of this Regulation, the Commission orders an electric service company to submit information to the Commission and said company believes that the

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

² Section 1.3(l) of Act 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 Act 120-2018, shall be considered as Electric Service Companies for the purposes of this Law".

³ 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."

⁴ 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").



payment of the amount corresponding to the fee for the submission of the Operational Report would be onerous, the company in question may request that the Commission waive the requirement to pay the fee for the submission of the Operational Report. In such cases, the company must file, together with the information required by the Commission, a motion wherein it sets forth the facts and explains the legal basis that justifies said waiver of payment.

On the April 1 Motion, SunEdison requests the Energy Bureau to waive the fee payment of eight hundred dollars (\$800) for filing its Operational Report alleging that their solar system is not yet operational and generated no revenues. After the examination of the arguments in the April 1 Motion the Energy Bureau **WAIVES** the payment of eight hundred dollars (\$800) fee for the filling of its year 2024 Operational Report.

III. Request for Confidential Designation

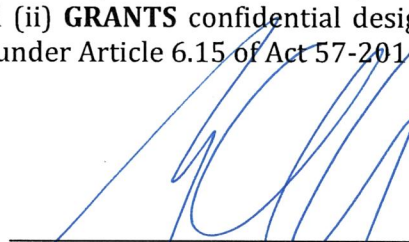
As part of the April 1 Motion, SunEdison requests Confidential Treatment, under Section 6.15 of Act 57-2014, for the information in Attachment 1. SunEdison argues the information for which they request protection is of confidential nature and is not publicly available, therefore its public dissemination will place SunEdison at a competitive disadvantage regarding other market participants and cause SunEdison economic harm.⁵

Act No. 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau, may request that any information deemed privileged or confidential be treated in such fashion⁶. 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”⁷. 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”⁸.


IV. Conclusion

Upon a thorough examination of the arguments brought forth by SunEdison, the Energy Bureau (i) **WAIVES** the payment of eight hundred dollars (\$800) fee for the filling of its year 2024 Operational Report and (ii) **GRANTS** confidential designation and treatment to the information in Attachment 1, under Article 6.15 of Act 57-2014.


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

⁵ April 1 Motion, p. 4, ¶7.

⁶ Section 6.15 of Act 57-2014, *Rules of Confidentiality*. See also, Section 1.15 of Regulation 8701.

⁷ *Id.* at (a).

⁸ *Id.*



CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on April 25 2024. Also certify that on April 26 2024, I have proceeded with the filing of this Resolution and was notified by email to: mqs@mcvpr.com; DGovert@ecofininvest.com and cfl@mcvpr.com.

I sign this in San Juan, Puerto Rico, today, April 26, 2024.



Sonia Seda Gaztambide
Clerk

