

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

IN RE: REQUEST FOR CERTIFICATION
PR SOLAR D1, LLC

CASE NO.: NEPR-CT-2021-0002

SUBJECT: Motion Requesting Cancellation
of Certification.

RESOLUTION AND ORDER

I. Introduction

On March 27, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued an Order to Show Cause ("March 27 Order"), in which it ordered PR SOLAR D1, LLC ("PR SOLAR D1") to file, (i) its gross revenue of the Natural Year 2023, and (ii) show cause why the Energy Bureau should not impose an administrative fine of five hundred dollars (\$500) for its failure to comply with Act 57-2014 and Regulation 8701.

Later on March 27, 2024, PR SOLAR D1 filed before the Energy Bureau a document titled *Motion to Request Cancellation of Registration* ("March 27 Motion"), with the attached documents: (i) *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05), (ii) PR SOLAR D1, LLC Financial Statements (Unaudited) ending December 31, 2023, (iii) *Operational Report Electrical Power Companies* (Form NEPR-B03) and (iv) copy of email sent referring its Operational Report to the EPPP.

On April 9, 2024, PR SOLAR D1 filed before the Energy Bureau a document titled *Response to Show Cause* ("April 9 Motion"), as Exhibit 1, PR SOLAR D1 included an (i) *Annual Gross Revenue Report and Financial Statements* (Form NEPR-B05), (ii) *Complementary Sheet* (Form NEPR- Z01) and (iii) *PR SOLAR D1, LLC Financial Statements* (Unaudited) ending December 31, 2023. PR SOLAR D1 presented a justification why the Energy Bureau should not impose an administrative fine of five hundred dollars (\$500) for its failure to comply with Act 57-2014 and Regulation 8701, alleging that **never commenced operations in Puerto Rico and has not provided any electric services.**

On April 15, 2024, the Energy Bureau issued a Resolution and Order ("April 15 Order"), in which it ordered PR SOLAR D1, to file (i) evidence that its single client was notified about its decision of cancelling the project and (ii) evidence that LUMA has been notified about their decision.

On April 22, 2024, PR SOLAR D1 filed before the Energy Bureau a document titled *Motion in Compliance with Resolution and Orders of April 15, 2023* ("April 22 Motion"), as Exhibit 1, PR SOLAR D1 included copy of two (2) letters from PR Solar D1 regarding the termination of the Solar Power Purchase Agreement between the client and PR Solar D1 and a payment made thereunder.

In the April 22 Motion, PR SOLAR D1 requested that the Exhibit 1 be kept confidential alleging that such information is of sensitive nature, is not available to the public, and that the disclosure of such information would place PR SOLAR D1 at a competitive disadvantage and cause it economic harm.¹

II. Applicable Law and Analysis

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

¹ April 22 Motion, ¶ 11.



Sections 2.01 and 3.03 of Regulation 8701 describe the information that every electric service company with the intention of offering services in Puerto Rico must submit with its Request for Certification.

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. Compliance with March 27 Order

In its April 9 Motion, PR SOLAR D1 attached its *Gross Revenue and Financial Statements Report* (Form NEPR-B05), for the natural year 2023, and presented justification why the Energy Bureau should not impose an administrative fine. The Energy Bureau **TAKES NOTICE** of the information presented by PR SOLAR D1 in the April 9 Motion and **DETERMINES** it complies with the March 27 Order. The Energy Bureau **WAIVES** PR SOLAR D1 for the administrative fine of five hundred dollars (\$500) for its failure to comply with the requirements of Regulation 8701 and Act 57-2014.

B. Compliance with April 15 Order

In its April 22 Motion, PR SOLAR D1 included (i) a copy of two (2) letter sent to its client notifying the decision to cancel the project and (ii) informs that it did not notify LUMA because the project never submitted an interconnection application to LUMA, given that it did not reach the stage to commence that process. The Energy Bureau **TAKES NOTICE** of the information presented by PR SOLAR D1 in the April 22 Motion and **DETERMINES** it complies with the April 15 Order.

C. Cancellation of Certification Electric Service Company

Upon the review of the April 22 Motion, the Energy Bureau **ACKNOWLEDGES** the evidence presented by PR SOLAR D1 and **CANCELS** PR SOLAR D1's Electric Service Company Certification.

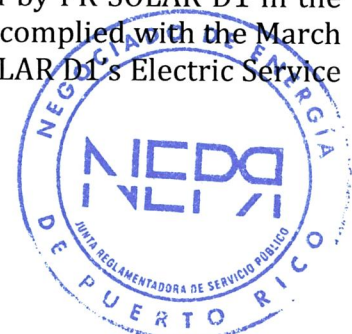
III. Confidential Designation and Treatment

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 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". 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".

Upon a thorough examination of the arguments brought forth by PR SOLAR D1, the Energy Bureau **GRANTS** confidential designation and treatment for Exhibit 1 filed on April 22, 2024, under Article 6.15 of Act 57-2014.

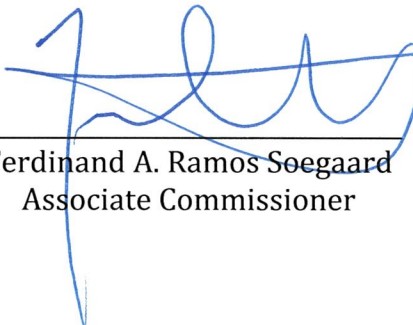
IV. Conclusion

The Energy Bureau **TAKES NOTICE** of the information presented by PR SOLAR D1 in the April 9 and April 22 Motions. The Energy Bureau **DETERMINES** it complied with the March 27 Order and April 15 Order and proceeded to **CANCEL** the PR SOLAR D1's Electric Service Company Certification.



The Energy Bureau **WAIVES** the payment of five hundred dollars (\$500) and **GRANTS** confidential designation and treatment to Exhibit 1 filed on April 22, 2024.

Be it notified and published.



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 May 9, 2024. Chairman Edison Avilés Deliz and Associate Commissioner Lillian Mateo Santos did not intervene. Also certify that on May 9, 2024, I have proceeded with the filing of this Resolution and Order and was notified by email to laura.rozas@us.dlapiper.com; origismanagement@origisenergy.com, Samir.verstyn@origisenergy.com.

I sign this in San Juan, Puerto Rico, today, May 9, 2024.



Sonia Seda Gaztambide
Clerk

