

**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: Compliance with March 27, 2024
Resolution and Order.

RESOLUTION

I. Introduction

On March 13, 2024, SUNE W-PR1, LLC (“SUNE PR1”) filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) a document titled *Motion to Request Cancellation of Certification as Electric Service Provider* (“March 13 Motion”).

On March 27, 2024, the Energy Bureau issued a Resolution and Order (“March 27 Resolution”) in which it ordered SUNE PR1 to file, within five (5) days from its notification, (i) a detailed explanation why the Energy Bureau should proceed to cancel their certification and (ii) evidence that their customer (s) and LUMA¹ have been notified about SUNE PR1 request for cancellation of their Certificate as an Electric Service Provider.

On the same day, the Energy Bureau issued an Order to Show Cause (“March 27 Order”) in which it ordered SUNE PR1 to, within ten (10) days, from the notification date of this Order, (i) report 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.

On April 1, 2024, SUNE PR1 filed a document titled *Request for Extension to comply with Resolution and Order from March 27, 2024, and file 2024 Operational Report* (“April 1 Request”) in which requested until April 8, 2024 to comply with the March 27 Resolution and to file its 2024 Operational Reports.² Through the April 1 Request, SUNE PR1 alleges the company has not finalized its 2024 Operational Report as it expected the approval of its request for cancellation made on the March 13 Motion.³

In the April 1 Request, SUNE PR1 also requested that all the information contained in the attached forms and annexes of the April 1 Request, be kept confidential alleging that due to the sensitive nature surrounding the request for cancellation and the confidentiality provisions of the agreement between SUNEPR1 and its client, the disclosure of such information would place SUNE PR1 in violation the contract’s confidentiality provisions.⁴

On April 8, 2024, SUNE PR1 filed a document titled *Motion to Comply with March 27, 2024, Resolution and Order, Submit 2024 Operational Report, and Request for Confidential Treatment* (“April 8 Request”). The April 8 Request included the following attachments:

1. Copy of the email sent to its client for a Settlement Agreement.
2. Copy of the email sent to its client notifying them of their decision to cancel their certification as an electric service provider.
3. Copy of the email sent to LUMA notifying their decision to cancel their certification as an electric service provider.
4. *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05).

¹ Jointly referred to LUMA Energy, LLC and LUMA Energy ServCo.

² April 1 Request, p. 4.

³ April 1 Request, p.2, ¶ 6.

⁴ April 1 Request, pp. 3-4.



5. *Operational Report Electric Power Companies* (Form NEPR-B03).
6. *SUNE W-PR1, LLC 2024 Operational Annexes* (“Operational Report Annexes”).

In the April 8 Request, SUNE PR1 requests confidential designation and treatment for the information contained in the motion and its attachments and requests the Energy Bureau to waive the fee payment of eight hundred dollars (\$800) for the filing of its Operational Report, pursuant Section 2.03(B) of Regulation 8701⁵.

In the April 8 Request, SUNE PR1 also presented justification why the Energy Bureau should not impose an administrative fine of five hundred dollars (\$500) for its failure to comply with Act 57-2014⁶ and Regulation 8701, alleging SUNE PR1 assumed that the submission of the gross revenue report would be unnecessary since SUNE PR1 had requested for the cancellation of its certification. SUNE PR1 also indicated it has taken steps to correct this oversight.

On May 9, 2024, the Energy Bureau issued a Resolution and Order (“May 9 Order”) in which it ordered SUNE PR1 to, within (5) business days, file a redacted version for the public record of the mentioned documents of the April 8 Motion and such redacted version shall include a table detailing each item that requires confidentiality treatment and its justification. The Energy Bureau deferred for further evaluation the April 8 Motion until filing the redacted version for the public record of the mentioned documents.

On May 14, 2024, SUNE PR1 filed a document titled *Motion in Compliance with May9 Resolution and Order in Compliance May9* (“May 14 Motion”). As Attachment A, SUNE PR1 includes the redacted version of the April 8 Motion and its attachments.

In the May 14 Motion, SUNE PR1 included a table detailing each item that requires confidentiality treatment and its justification. SUNE PR1 requested that the information in the paragraph 9, Footnote 1, Paragraph 20, and attachment 1 of the April 8 Motion be kept confidential alleging that such information is of sensitive nature, is not available to the public, and disclosure of such information would place SUNE PR1 at a competitive disadvantage and cause it economic harm.³

The Energy Bureau determined there is no need to address the April 1 Motion because SUNE PR1’s compliance with the March 27 Orders turned the April 1 Motion *moot*.

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.

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.”

⁵ *Amendment to Regulation No. 8618 on Certification, Annual Fees, and Operational Plans for Electric Service Companies in Puerto Rico*, February 17, 2016 (“Regulation 8701”).

⁶ *Puerto Rico Transformation and RELIEF Act*, as amended (“Act 57-2014”).⁶ *Puerto Rico Transformation and RELIEF Act*, as amended (“Act 57-2014”).

³ May 14 Motion.



A. Compliance with March 27 Resolution and the March 27 Order

In its April 8 Request, SUNE PR1 attached its Gross Revenue Report for the natural year 2023 and presented justification why the Energy Bureau should not impose an administrative fine. SUNE PR1 also presented a detailed explanation why the Energy Bureau should proceed to cancel their certification and evidence that their customer (s) and LUMA have been notified about this decision.

The Energy Bureau **TAKES NOTICE** of the information presented by SUNE PR1 in the April 8 Request and **DETERMINES** it complies with the March 27 Resolution and the March 27 Order.

The Energy Bureau **RELEASES** SUNE PR1 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. Operational Report Electric Power Companies

The Energy Bureau **ACKNOWLEDGES** and **TAKES NOTICE** of the information presented by SUNE PR 1 in its Operational Report and attached Annexes.

SUNE PR1 requested the Energy Bureau to waive the fee payment of eight hundred dollars (\$800) for the filing of its Operational Report alleging, SUNE PR1's electric facility has not been operational since 2022 and thus did not generate any revenues during 2023.

Upon the examination of the arguments presented by SUNE PR1 in the April 8 Request, the Energy Bureau **RELEASES** SUNE PR1 of the payment of eight hundred dollars (\$800) fee for the filing of its year 2024 Operational Report.

C. Cancel of Certification Electric Service Company

Upon the review of the April 8 Request, the Energy Bureau **ACKNOWLEDGES** the evidence presented by SUNE PR1 and **CANCELS** SUNE PR1's Electric Service Company Certification.

D. Confidential Treatment

SUNE PR1 requested Confidential Treatment for Paragraph 9, Footnote 1, Paragraph 20, and attachment 1 filed on April 8 Motion.

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 fashion.⁷ 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 PR1, the Energy Bureau **GRANTS** confidential designation and treatment for Paragraph 9, Footnote 1, Paragraph 20, and attachment 1 filed on April 8 Motion, under Article 6.15 of Act 57-2014.

III. Conclusion

The Energy Bureau **TAKES NOTICE** of the information presented by SUNE PR1 in the April 8 Request. The Energy Bureau **DETERMINES** it complied with the March 27 Orders and therefore **CANCELS** the SUNE PR1's Certification of Electric Service Company.

⁷ Section 6.15 of Act 57-2014

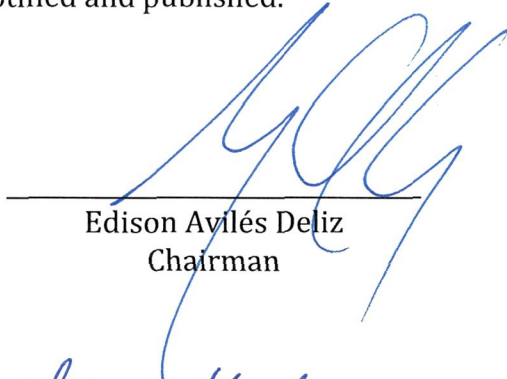
⁸ *Id.* at (a).

⁹ *Id.*

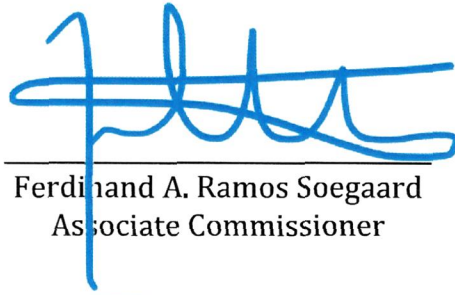


The Energy Bureau **RELEASES** SUNE PR1 for the administrative fine of five hundred dollars (\$500) for its failure to comply with the requirements of Regulation 8701 and Act 57-2014 and the payment of eight hundred dollars (\$800) fee for the filling of its Operational Report.

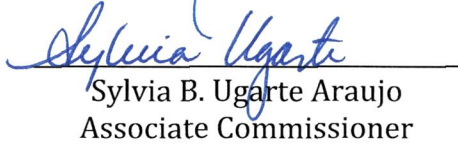
Be it notified and published.




Edison Avilés Deliz
Chairman



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner

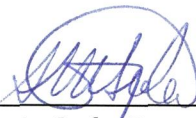


Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 10, 2024. Associate Commissioner Lillian Mateo Santos did not intervene. I also certify that on June 10, 2024 a copy of this Resolution was notified by electronic mail to cfl@mcvpr.com; apc@mcvpr.com, and I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on June 10, 2024.



Sonia Seda Gaztambide
Clerk

