

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

**IN RE:** REQUEST FOR CERTIFICATION  
SAN FERMIN SOLAR FARM, LLC

**CASE NO:** CEPR-CT-2016-0012

**SUBJECT:** Operational Report 2024 and  
Extension Request for 2023 Audited  
Financial Statements

**RESOLUTION AND ORDER**

**I. Introduction**

On May 9, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("May 9 Resolution") ordering SAN FERMIN SOLAR FARM, LLC ("SAN FERMIN"), within five (5) days from the notification of the Resolution and Order, (i) to file its annual Operation Report; (ii) to refer its Operational Report to the Energy Public Policy Program ("EPPP"); (iii) to present evidence of the payment fee of eight hundred dollars (\$800) for the annual filing of the Operational Report; and (iv) to show cause why the Energy Bureau should not impose an administrative fine for its failure to comply with Act 57-2014<sup>1</sup> and Regulation 8701<sup>2</sup> by not submitting its Operational Report within the established term of compliance. The May 9 Resolution also ordered SAN FERMIN to include, on or before May 13, 2024, the Audited Financial Statements for the year 2023.

On May 13, 2024, SAN FERMIN filed before the Energy Bureau its Financial Statements for the years 2022 and 2023 ("Financial Statements").

On May 14, 2024, SAN FERMIN, filed before the Energy Bureau the following documents ("May 14 documents"): (i) Letter about the Operational Report and Proposed fine, (ii) Operational Report Electric Power Companies (Form NEPR B-03) for 2023, (iii) Complementary Sheet (Form NEPR Z-01), and (iv) Evidence of the electronic payment of the fee for submission of the Operational Report for year 2023<sup>3</sup>.

**II. Analysis and Discussion**

***A. Financial Statements submitted on May 13***

The Financial Statements submitted by SAN FERMIN covers the natural years 2022 and 2023. In each year its gross revenues exceeded the amount of three million dollars (\$3,000,000).

Section 4.02(F) of Regulation 8701 that where the gross revenue of an electric service company for a given natural year exceeds three million dollars (\$3,000,000.00) they must submit its financial statements audited by a Certified Public Account (CPA) authorized to practice said profession in Puerto Rico or in any other jurisdiction of the United States of America.

In the Financial Statements submitted by SAN FERMIN there is no name nor signature of a CPA, as required by Section 4.02(F) of Regulation 8701.

The Energy Bureau **DETERMINES** that SAN FERMIN has **not complied** with Section 4.02(F) of Regulation 8701. SAN FERMIN **SHALL FILE** its audited Financial Statements signed by an authorized CPA.

<sup>1</sup> Known as the *Puerto Rico Transformation and RELIEF Act*.

<sup>2</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 25, 2020 ("Regulation 9182").

<sup>3</sup> Electronic transfer dated May 13, 2024.



**B. May 14 documents**

*1. Letter about the Operational Report and proposed fine*

In the May 14 Motion SAN FERMIN acknowledges the notice to a potential fine in missing the reporting timeline of the annual Operational Report filing and regrets and apologizes for the mistake alleging that they missed the reporting timeline because they use an internal tracking tool for the reminder, and incorrectly input May 31 instead of March 31 as the reporting deadline.

*Im* The Energy Bureau **TAKES NOTICE** of the information presented by SAN FERMIN in and **DETERMINES** it complies with the May 9 Resolution. The Energy Bureau **WAIVES** SAN FERMIN the administrative fine of five hundred dollars (\$500) for its failure to comply with the requirements of Act 57-2014 and Regulation 8701.

*2. Evidence of filing fee for the Operational Report*

*TH* In the May 14 Documents, San Fermin includes copy of the evidence of an electronic transfer payment dated May 13, 2024, corresponding to the filing fee for the Operational Report for 2023 as required by Section 2.03(A)(2)(a) of Regulation 8701.

The Energy Bureau **TAKES NOTICE** of the evidence of payment for the Operational Report filing fees and **DEEMS** SAN FERMIN in compliance with Section 2.03(A)(2)(a).

*3. Operational Report*

*am* The *Operational Report Electric Power Companies* (Form NEPR-B03) filed by SAN FERMIN with the May 14 Motion is incomplete. In the annexes section of the Operational Report there are several information items check marked, but they are not included in the Complementary Sheet<sup>4</sup> submitted by SAN FERMIN. The full information that SAN FERMIN shall include for compliance with Regulation 8701 is explained as follows:

*i. Information necessary for compliance with Section 2.02(A)(1)(b) - Information regarding charges and rates*

Section 2.02(A)(1)(b) of Regulation 8701 states that:

“In cases where companies offer electric power generation services for sale in Puerto Rico by way of distributed generators, the Operational Report must:

a. Specify (i) the charges and rates it charges customers who purchase electric power and (ii) what each of those charges and rates represents;”

In the 2024 Operational Report submitted, SAN FERMIN check marked the option that reads as follows:

“**Information regarding charges and rates**, and the company efforts to orient clients and promote efficient electric energy consumption” (Emphasis supplied).

The information about charges and rates was not included by SAN FERMIN in the Complementary Form.

*am* The Energy Bureau **DETERMINES** that SAN FERMIN **SHALL SUBMIT** the information about charges and rates to be charged to the customers.

The Energy Bureau **DETERMINES** that SAN FERMIN did **not comply** with the requirements of Section 2.02(A)(1)(b).

<sup>4</sup> Form NEPR Z-01.



*ii. Information necessary for compliance with Section 2.02(A)(1)(b) - Efforts to orient clients and to promote efficient electric energy consumption*

Section 2.02(A)(1)(b) of Regulation 8701 states that:

"In cases where companies offer electric power generation services for sale in Puerto Rico by way of distributed generators, the Operational Report must:

...

b. Identify and explain all the efforts that the company is carrying out to (i) inform its customers of the benefits of conservation and efficiency in their electric power service consumption and (ii) foster the efficient consumption of electric power service on the part of its customers;"

In the 2024 Operational Report submitted, SAN FERMIN check marked the option that reads as follows:

**"Information regarding charges and rates, and the company efforts to orient clients and promote efficient electric energy consumption"**  
(Emphasis supplied).

The information about the SAN FERMIN's efforts to comply with Section 2.02(A)(1)(b) is not included in the Complementary Sheet.

The Energy Bureau **DETERMINES** that SAN FERMIN **SHALL SUBMIT** the information requested in Section 2.02(A)(1)(b).

The Energy Bureau **DETERMINES** that SAN FERMIN did **not comply** with the requirements of Section 2.02(A)(1)(b).

*iii. Information necessary for compliance with Section 2.02(A)(1)(d) - Contracted entity information*

Section 2.02(A)(1)(d) of Regulation 8701 states that:

"In cases where all or part of the system's operation is to be contracted out to another entity the company must provide the name, contact information, and credentials of the entity to be contracted;"

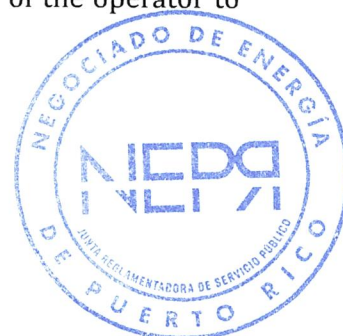
In the 2024 Operational Report submitted, SAN FERMIN check marked the option that reads as follows:

"Contact information and credentials of the entity to be hired in case that the system operation is contracted".

The information about the contracted operator is not included in the Complementary Sheet.

In the context of Section 2.02(A)(1)(d) the information and credentials of an entity are not a pro forma requirement. The purpose is to identify and demonstrate the authority and capacity of the entity to fulfill the contract with the electric service company, in compliance with the reported operations, as part of the Puerto Rico electric grid.

The Energy Bureau **DETERMINES** that SAN FERMIN did **not comply** with the requirements of Section 2.02(A)(1)(d). SAN FERMIN **SHALL SUBMIT** the name, contact information and credentials for the operator that at least include: (i) a corporate resolution by the operator stating that (a) it has the authority and capacity to carry out the contracted services, and (b) that it has been authorized to do business in Puerto Rico, and (ii) a declaration by SAN FERMIN stating that it has carried out the due diligence on the capacity of the operator to fulfill the contracted services.



*iv. Information necessary for compliance with Section 2.02(A)(1)(e) - Report on the availability of the power generation system.<sup>5</sup>*

Section 2.02(A)(1)(e) of Regulation 8701 states that:

“The Operational Report of the electric service companies identified in this Subsection (A)(1) shall include:

...

(e) Any other information required in the appropriate form provided by the Commission.”

Under Section 2.02(A)(1)(e) of Regulation 8701 the Energy Bureau established in the *Operational Report Electric Power Companies* (Form NEPR-B03) the following documents to be annexed:

“Report on the availability of the power system:

Schedule of operation during the period prior to the submission of the Operational Report.

Capacity Factor [during] the period prior to the submission of the Operational Report.”

In the 2024 Operational Report submitted, SAN FERMIN check marked the option for this document but did not include the information about the schedule of operation and capacity factor in its Complementary Form.

The Energy Bureau **DETERMINES** that SAN FERMIN did **not comply** with the requirements of Section 2.02(A)(1)(e). SAN FERMIN **SHALL SUBMIT** the check marked information.

*v. Information necessary for compliance with Section 2.02(A)(1)(e) - Outages of the power generation system<sup>6</sup>*

Section 2.02(A)(1)(e) of Regulation 8701 states that:

“The Operational Report of the electric service companies identified in this Subsection (A)(1) shall include:

...

(e) Any other information required in the appropriate form provided by the Commission.”

In the 2024 Operational Report submitted, SAN FERMIN check marked the option that reads as follows:

“Scheduled Outages information: should specify the date, hour, duration, and purpose of the outages that have occurred on the company’s electric equipment, during the period prior to the submission of the Operational Report.

Non-scheduled Outages information: should specify the date, hour, duration, and purpose of the outages that have occurred on the company’s electric equipment, during the period prior to the submission of the Operational Report.”

<sup>5</sup> The information is not explicitly requested in Regulation 8701, but it is included in the NEPR-B03 Form, *Operational Report Electric Power Companies*.

<sup>6</sup> Id.



The information about the scheduled and non-scheduled outages of its power generation system is not included in the Complementary Sheet.

The Energy Bureau **DETERMINES** that SAN FERMIN **shall submit** the complete information of service interruption as requested in the *Operational Report Electric Power Companies* (Form NEPR-B03) with the specification about "date, time, duration", meaning the specific days and hours of the interruptions and the total elapsed time.

The Energy Bureau **DETERMINES** that SAN FERMIN did not comply with the requirements of Section 2.02(A)(1)(e) of Regulation 8701.

**III. Conclusion**

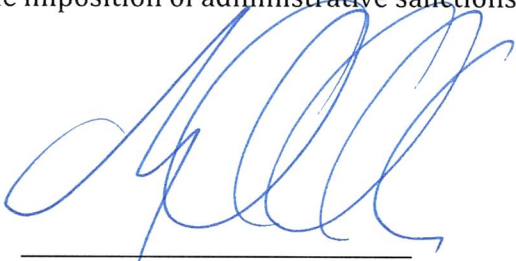
The Energy Bureau **ORDERS** SAN FERMIN to, **within ten (10) days** from the notification date of this Resolution and Order: (i) to file its Audited Financial Statements for the years 2022 and 2023, duly signed certified and signed by an authorized Certified Public Accountant (CPA), pursuant to Section 4.02(E) of Regulation 8701, and (ii) to file an amended *Complementary Sheet* (Form NEPR Z-01) with the full information described in Part II(2) of this Resolution.

The Energy Bureau **DETERMINES** that SAN FERMIN **SHALL SUBMIT** the annexes to the Operational Report with the information indicated in Part IIB(4) of this Resolution: (i) charges and rates to be charged to the customers; (ii) schedule of operation during the period prior to the submission of the Operational Report; (iii) Capacity Factor during the period prior to the submission of the Operational Report; (iv) the scheduled and non-scheduled outages of its power generation system is not included in the Complementary Sheet. SAN FERMIN also **SHALL SUBMIT** the name, contact information and credentials for the operator that at least include: (i) a corporate resolution by the operator stating that (a) it has the authority and capacity to carry out the contracted services, and (b) that it has been authorized to do business in Puerto Rico, and (ii) a declaration by SAN FERMIN stating that it has carried out the due diligence on the capacity of the operator to fulfill the contracted services.

The Energy Bureau **DETERMINES** SAN FERMIN partially complied with the May 9 Resolution and **WAIVES** for the administrative fine of five hundred dollars (\$500).

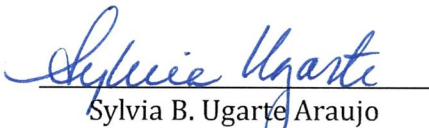
The Energy Bureau **WARNS** SAN FERMIN that non-compliance with Energy Bureau's orders and regulations may carry the imposition of administrative sanctions and fines.

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



**CERTIFICATION**

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on July 17, 2024. Also certify that on July 17, 2024, I have proceeded with the filing of this Resolution and Order and was notified by email to rbullock@ycamstex.com.

I sign this in San Juan, Puerto Rico, today, July 17, 2024.

  
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Sonia Sed Gaztambide  
Clerk

