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

IN RE: REQUEST FOR CERTIFICATION CEN JUNCOS SOLAR, LLC	**CASE NO.:** NEPR-CT-2019-0003 **SUBJECT:** Gross Revenues and Financial Statements Report; Operational Report and Annexes. and Request for Confidential Treatment.

RESOLUTION AND ORDER

I. Introduction

On March 1, 2024, CEN JUNCOS SOLAR, LLC ("CEN JUNCOS") filed a document titled *Motion to Request Confidential Treatment of 2024 Gross Revenues* ("March 1 Motion") before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") with the following attachment:

1. Attachment 1 of the March 1 Motion included the following document:

    a. *Gross Revenue and Financial Statements Report Electric Power Companies* (NEPR-B05).

On April 1, 2024, CEN JUNCOS filed before the Energy Bureau a document titled *Motion to Request Confidential Treatment of 2024 Operational Report and Other Remedies* ("April 1 Motion") which included the following attachment:

1. Attachment 1 of the April 1 Motion included the following documents:

    a. *2024 Operational Report Electric Power Companies* (Form NEPR-B03)[1].
    b. *2024 Operational Report Annexes.*
    c *Evidence of the Wire Transfer for the Payment of the Operational Report Fees*[2].

In the April 1 Motion, CEN JUNCOS requested that all information in the Operational Report and its annexes be kept confidential alleging that such information is of sensitive nature, is not available to the public, and disclosure of such information would place CEN JUNCOS at a competitive disadvantage and cause it economic harm.[3]

On April 9, 2024, CEN JUNCOS filed before the Energy Bureau a document titled *Motion to Amend 2024 Operational Report Annexes and Request Confidential Treatment.* ("April 9 Motion") which included the following attachment:

1. Attachment 1 of the April 9 Motion included the following documents:

    a. Amended Operational Report Annexes.

In the April 9 Motion CEN JUNCOS informs that it is filing an amended Operational Report due to a clerical error in the Operational Report filed in the April 1 Motion. CEN JUNCOS also requests that the information contained in the Amended Operational Report Annexes be kept confidential, alleging that such information is of a sensitive nature, is not available to the

[1] New Report Year.

[2] Payment of filing fee for $800 on April 4, 2024.

[3] April 1 Motion, pp. 2-3.

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public, and disclosure of such information would place CEN JUNCOS at a competitive disadvantage and cause it economic harm.[4]

On April 29, 2024, CEN JUNCOS filed before the Energy Bureau a document titled *Motion to Request Confidential Treatment of Financial Information for Fiscal Year 2023* ("April 29 Motion") which included the following attachment:

1. Attachment 1 of the April 29 Motion included the following documents:

   (i) *Gross Revenue and Financial Statements Report Electric Power Companies* (NEPR-B03) for 2023.
   (ii) Balance Sheet – 12-31-2022, 12/31/2023 and difference.
   (iii) Income Statement. From 1/1/2023 – 12/31/2023.
   (iv) Statement of Cash Flow. 1/1/2023 – 12/31/2023
   (v) Debt Service Coverage Ratio 1/1/2023 – 12/31/2023

CEN JUNCOS also requests that the Financial Statements attached to the Gross Revenue and Financia Statement Form, be kept confidential, alleging that such information is of a sensitive nature, is not available to the public, and disclosure of such information would place CEN JUNCOS at a competitive disadvantage and cause it economic harm.

II. Applicable Law and Analysis

Act 57-2014[5] requires all electric service companies to obtain a certification[6] to provide services in Puerto Rico, presenting specific information in accordance with the requirements established by the Energy Bureau. Regulation 9182[6] establishes the requirements that any electric service company must comply to provide electric services in Puerto Rico.

Section 4.02 of Regulation 9182, as amended, establishes the requirement for an electric service company to inform the Energy Bureau of their gross revenue, and Section 2.02 established the requirement to submit an Operational Report.

A. Analysis of April 1, April 9 and 29 Motions about CEN JUNCOS Gross Revenues

Section 4.02(H) of Regulation 9182 as amended establishes that in the event of any discrepancy between the information provided in the Annual Gross Revenue report and the Annual Gross Income set forth in the compiled or audited financial statements, as the case may be, the Energy Bureau shall grant the Electric Utility Company the opportunity to explain such discrepancy and may require such additional information as it deems necessary before correcting the amount that corresponds to pay to the Electric Service Company for the regulatory charge.

According to the administrative record, in the *Gross Revenue and Financial Statements Report Electric Power Companies* (NEPR-B05) submitted on the March 1 Motion, the Gross Revenue was reported with a different amount than the amount included the financial statements submitted with the April 29 Motion.

On the April 29 Motion CEN JUNCOS **did not include** an explanation for the discrepancy between the two reported Gross Revenues for the same Natural Year. Furthermore, the financial statements are not certified by a Certified Public Accountant as required in Section 4.02(E) of Regulation 9182.

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[4] April 9 Motion, p. 4.

[5] Known as the Energy Transformation and RELIEF Act of Puerto Rico, as amended.

[6] *See* Section 6.13 of Act 57-2014 which establishes the requirement to obtain certification from the Energy Bureau and the certification request process. *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."

[6] Amendment to *Regulation 8701 on Certifications, Annual Fees and Operational Plans for the Electric Services Companies in Puerto Rico.*

The Energy Bureau **DETERMINES** that CEN JUNCOS has reported conflicting information to the Energy Bureau that can affect the Energy Bureau's process of determining and notifying the regulatory fees that electric services companies must submit under Article 6.1 of Act 57-2014.

The Energy Bureau **DETERMINES** that CEN JUNCOS (i) **shall** explain the discrepancy between the two reported Gross Revenues for the Natural Year ending on December 31, 2023, in compliance with Section 4.02(H) of Regulation 9182 and, (ii) **shall** submit financial statements certified by a Certified Public Accountant in compliance with Section 4.02(E) of Regulation 9182. The Certified Public Accountant must include the name and signature in the documents, attesting the authority to carry out the certification.

B. Analysis of April 1 and April 9 Motion about CEN JUNCOS Operational Report

In the April 1 Motion the Operational Report annexes about *Report on generation of energy* CEN JUNCOS did not check mark in: "Net Generation (Total Generation – Consumption), in MWh, produced by the generation system during the period prior to the submission of the Operational Report" but included justification why that information was not applicable in its case. The Energy Bureau **TAKES NOTICE** of the information provided by CEN JUNCOS regarding this requirement of the Operational Report.

In the April 9 Motion CEN JUNCOS included as Attachment 1 the Amended Operational Report Annexes, to correct a clerical error in the annexes submitted with the Operational Report on the April 1 Motion.

The error was that the information provided pertained to year 2023 and not year 2024. The error did not affect the second paragraph, the calculation of the projection of the percentage of the total demand that CEN JUNCOS intends to meet in Puerto Rico, because it was done correctly with the 2024 projection data form the Integrated Resource Plan.

The Energy Bureau **TAKES NOTICE** of the information presented by CEN JUNCOS. The Energy Bureau **DETERMINES** that CEN JUNCOS corrected *motu proprio* the information in the Operational Report.

III. Confidential Treatment

Section 6.15 of 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. 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]

The Energy Bureau **TAKES NOTICE** of the information presented by CEN JUNCOS in the Operational Report submitted in the April 1 Motion, the Amended Operational Report submitted on the April 9 Motion and the Gross Revenue and Financial Statements Report Electric Power Companies (Form NEPR-B05) and financial statements submitted in the April 29 Motion.

Upon examination of the arguments brought forth by CEN JUNCOS, the Energy Bureau **GRANTS** confidential designation and treatment to the Confidential Documents, under Article 6.15 of Act 57-2014.

[7] Id. At (a)
[8] Id.

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IV. Conclusion

The Energy Bureau **ORDERS** CEN JUNCOS to, **within fifteen (15) days** from the notification of this Resolution and Order, to (i) file a detailed explanation for the discrepancy between the two reported Gross Revenues for the Natural Year ending on December 31, 2023, in compliance with Section 4.02(H) of Regulation 9182, (ii) include financial statements certified by a Certified Public Accountant (CPA) in compliance with Section 4.02(E) of Regulation 9182 and, (iii) submit an Amended *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05) if there is a change in the gross revenue reported.

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: mqs@mcvpr.com; cfl@mcvpr.com and natalie@sixty-west.com.

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

Sonia Seda Gaztambide
Clerk

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