

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

NEPR

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IN RE:

REQUEST FOR CERTIFICATION
ECOELÉCTRICA, LP

CASE NO.: CEPR-CT-2016-0001

**SUBJECT: Financial Statements Report
for the year 2023**

ECOELÉCTRICA, L.P.'s MOTION IN COMPLIANCE WITH ORDER

COMES NOW EcoEléctrica, L.P. ("EcoEléctrica"), by and through its counsel of record, and respectfully states as follows:

I. Procedural Background

1. On February 26, 2024, ECOELÉCTRICA, LP ("EcoEléctrica") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") the Gross Revenue and Financial Statements Report Electric Power Companies (Form NEPR-B05) for the Fiscal Year 2023.
2. On May 1, 2024, EcoEléctrica filed before the Energy Bureau its signed and certified Audited Financial Statements.
3. On July 17, 2024 the Energy Bureau issued a Resolution and Order asking EcoEléctrica to file an explanation for the discrepancy in the gross revenue reported in its Gross Revenue and Financial Statements Report Electric Power Companies (Form NEPR-B05) for the Fiscal Year 2023 filed on February 26, 2024 when compared to its signed and certified Audited Financial Statements. The resolution also requires EcoEléctrica to include all supporting documents certified by a Certified Public Accountant and to file, as necessary, an Amended Form NEPR-B05.

II. Compliance with the Resolution and Order

1. In compliance with the Resolution and Order, EcoEléctrica clarifies that:

a. Article 6.16(a) of the Energy Transformation and Relief Act, Act 57-2014 (hereinafter "Act 57-2014"), establishes that Energy Bureau shall annually impose and collect fees to generate sufficient income to cover the operating expenses of the Energy Bureau.

b. Article 6.16(b) of Act 57-2014 establishes that the annual fee shall be fixed by the Energy Bureau based on the gross income earned by any person under the jurisdiction of the Energy Bureau from the provision of electric power services or electric power transmission services.

c. For purposes of the annual fees collected by the Energy Bureau, Sec. 4.01 of Regulation 9182 promulgated by the Energy Bureau to Amend the Regulations on Certifications, Annual Charges, and Operational Plans of Electric Utilities in Puerto Rico (Regulation 8701) provides that "gross revenues" refers "to the volume of business generated by an electric service company as a result of the provision of electric services in the jurisdiction of the Commonwealth of Puerto Rico prior to any deduction for operational, administrative or any other expenses of any sort."¹

d. As required by Regulation 9182, EcoEléctrica reported in Form NEPR-B05, as Gross Revenue, its volume of business generated as a result of the provision of electric services in Puerto Rico. Such calculation excluded any revenue resulting from other business activities.

¹ Also refer to page 2 of 5 of the Resolution issued on July 16, 2024 by the Energy Bureau, NEPR-MI-2020-007.

e. Also, as required by Sec. 2.01 of the Regulation 9182, EcoEléctrica filed before the Energy Bureau its signed and certified Audited Financial Statements.

f. The gross revenues reported in these two documents filed by EcoEléctrica differ because the Audited Financial Statement includes all the revenues generated by EcoEléctrica including revenues that are not a result of the provision of electric services in Puerto Rico. Page 11 of the signed and certified Audited Financial Statement shows EcoEléctrica's total revenues for the years that ended on December 31, 2022 and 2023. The revenues from the tolling fees, the additional tolling fee, the services provided to the truck loading facility and from the water revenues are included in the company's total revenues but are not revenues from providing electric services. Accordingly, such revenues unrelated to the provisions of electric services must not be included in Form NEPR-B05 when computing the gross annual revenues as defined in Regulation 9182 and Act and Act 57-2014.

g. Accordingly, the information and Gross Annual Revenue included in Form NEPR-B05 is correct and does not need to be amended.

WHEREFORE, EcoEléctrica requests that the Bureau take notice of the above, deem EcoEléctrica to be in compliance with the Resolution and Order, along with any other relief that the Energy Bureau deems just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22nd day of July, 2024.

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