

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

IN RE: REQUEST FOR CERTIFICATION
VIRTUAL PEAKER, INC.

CASE NO: NEPR-CT-2024-0001

SUBJECT: Request for Certification as
Electric Service Company and Demand
Response Aggregator.

RESOLUTION AND ORDER

I. Introduction

On May 29, 2024, the Puerto Rico Energy Bureau of the Puerto Rico Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("May 29 Resolution") determining that the Request for Certification filed¹ by Virtual Peaker, Inc ("Virtual Peaker") was incomplete and granted fifteen (15) days from the notification date of the Resolution to file following information:

- 1. Certificate of Good Standing issued by the Puerto Rico Department of State, as required by section 2.01(A)(3) of Regulation 8701²
- 2. Evidence of the payment fee for filing the Personal Information Form³, as required by Section 2.03(A)(1) of Regulation 8701.
- 3. Certified Statement from a Certified Public Accountant ("CPA") confirming the financial resources capacity, as required by Section 3.03(A)(3) of Regulation 8701.
- 4. File any confidential treatment request⁴ for any document filed before the Energy Bureau.

On June 13, 2024, Virtual Peaker filed before the Energy Bureau the following documents ("June 13 Documents"):

- 1. Management's Assertion on Virtual Peakers Compliance with the Requirements of the Request of Certification as Electric Service Company and Demand Response Aggregator.
- 2. Copy of check #9902224837 for the payment of \$100.00 for the Personal Information form filing fee, dated June 13, 2024, and copy of a \$100 payment's approval with reference to check #9902224837.
- 3. Certificate of Good Standing issued by the Puerto Rico Department of State, dated May 30, 2024.

II. Analysis of June 13 Documents

- A. Energy Bureau request for compliance with Section 2.01(A)(3) and 2.03(A)(1) of Regulation 8701.

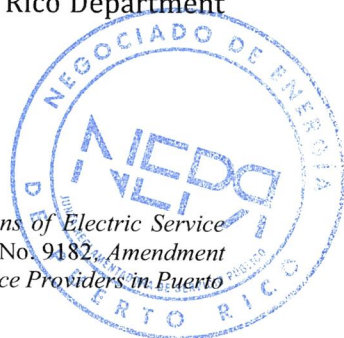
Virtual Peakers filed its Certificate of Good Standing issued by the Puerto Rico Department of State, dated May 30, 2024.

¹ Refers to the documents filed by Virtual Peaker on April 29, 2024.

² 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").

³ NEPR Form NEPR-B01.

⁴ Confidential Treatment Request as provided by Section 1.15 of Regulation 8701 and Section 6.15 of Act No. 57-2014 known as the "Puerto Rico Energy Transformation and RELIEF Act", as amended (Act 57-2014"). Also, In re: Policy on Management of Confidential Information in Procedures before the [Energy Bureau], Case No.: CEPR-MI-2016-0009.



The Energy Bureau **TAKES NOTE** of the Certificate of Good Standing issued by the Puerto Rico State Department and **DEEMS** Virtual Peaker **in compliance** with the requirement of Section 2.01(A)(3) of Regulation 8701.

Virtual Peaker filed in the June 13 Motion, copy of check #9902224837 for \$100.00 dated June 13, 2024, as evidence for the payment for the Personal Information filing fee.

The Energy Bureau **TAKES NOTE** of the Payment Evidence and **DEEMS** Virtual Peaker **in compliance** with the requirement of Section 2.03(A)(1) of Regulation 8701.

B. Energy Bureau request for compliance with Section 3.03(A)(3) of Regulation 8701

To demonstrate the financial resources to carry out the project in Puerto Rico, Virtual Peaker filed a document titled *"Management's Assertions on Virtual Peaker, Inc.-Compliance with Requirements of the Request for Certification as Electric Service Company and Demand Response Aggregator by the Puerto Energy Bureau, as of June 13, 2024 with Independent Accountants' Attestation Report"*.

Virtual Peaker included as attachments: (i) a letter titled *"Independent Accountants' Attestation Report"* signed by a CPA and (ii) a letter titled *"Management's Assertion"*, signed by Virtual Peaker's CEO.

The documents attest Virtual Peaker's technical, administrative and financial support to provide the services as an Electric Service Company and Demand Response Aggregator.

The Energy Bureau **TAKES NOTE** of the Financial Capability Statement and **DEEMS** Virtual Peaker **in compliance** with the requirement of Section 3.03(A)(3) of Regulation 8701.

III. Confidential Designation

Virtual Peaker did not request confidential treatment about the motions, forms, annexes, and information filed before the Energy Bureau. Notwithstanding, the April 29 Documents included a document listing the Forms submitted to the Energy Bureau, annexes, certifications, and related information. This document was marked as "Confidential".

To obtain confidential treatment in its forms, documents, and information, under Section 6.15 of Act 57-2014 and Section 1.15 of Regulation 8701, Virtual Peaker must meet requirements established in the *In Re: Policy on Management of Confidential Information in Procedures Before the Commission*, CEPR-MI-2016-0009, August 31, 2016, Resolution. Section A (6) of the Resolution requires the following document submission:

"The Producing Party must simultaneously file a "redacted" or "public" version and an "un-redacted" or "confidential" version of any document containing Confidential Information. The filing of any document containing Confidential Information will not be deemed complete until the Producing Party files both versions of the document. The Producing Party must notify all the parties a copy of the "redacted" or "public" version of said document."

Act 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau may request that any information it is considered privileged or confidential be treated in such fashion.⁵ Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the information submitted provided that "after the appropriate evaluation, believes such information should be protected".⁶ In such case, "the Energy Bureau shall grant such protection in a manner that least affects the public interest, transparency, and the rights

⁵ Section 6.15 of Act 57-2014, Rules of Confidentiality.

⁶ *Id.* At (a).



of the parties involved in the administrative procedure in which the allegedly confidential document is submitted”.⁷

IV. Conclusion

The Energy Bureau **DETERMINES** the Request for Certification filed by Virtual Peaker is complete and it meets the applicable Certification requirements of Regulation 8701, Regulation 9246⁸, and the June 15 Resolution⁹.

The Energy Bureau **CERTIFIES** Virtual Peaker as (i) an Electric Power Company, and (ii) a Demand Response Aggregator, **under the special circumstances of the TPP and the LUMA’s Emergency DR Program.**

Certification Expiration date¹⁰: June 30, 2025

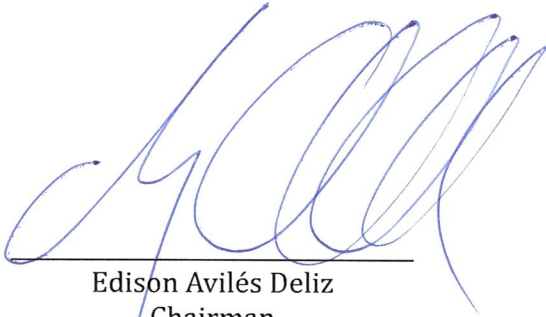
Certification could be renewed upon request of Virtual Peaker. Renewal request shall be filed, at least, thirty (30) days before the Expiration Date.

The Energy Bureau **ORDERS** the Clerk Office to include Virtual Peaker in the List of Certified DR Aggregators at the Energy Bureau’s web site, including the Virtual Peaker’s contact information, as required by Section 2.02(C) of Regulation 9246.

The Energy Bureau **WARNS** Virtual Peaker that non-compliance with Energy Bureau’s orders and regulations may carry the imposition of administrative fines.

The Energy Bureau **GRANTS** Virtual Peaker **fifteen (15) days**, from the notification date of this Resolution and Order, to file any confidential treatment request for any document filed before the Energy Bureau, as referenced on **Part III** of this Resolution and Order.

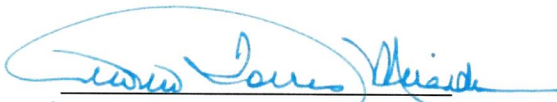
Be it notified and published.



Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Antonio Torres Miranda
Associate Commissioner



⁷ *Id.*

⁸ Regulation No. 9246, known as the *Regulation for Demand Response*, December 21, 2020. (“Regulation 9246”).

⁹ June 15, 2023 Resolution under *In Re: Energy Efficiency and Demand Response Transition Period Plan*, Case No. NEPR-MI-2022-0001 in which in which, among other things, it (i) clarifies several topics about the Demand Response Aggregators, and (ii) waves some certification requirements for those Demand Response Aggregators participating in the LUMA’s Emergency DR Program.

¹⁰ Extension of TPP, see November 29, 2023 Resolution and Order “Extension of Transition Period Plan by One Year; Extension of DR Aggregator Certification Deadline”, Case No.: NEPR-MI-2022-0001.

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on July 24, 2024. Associate Commissioners Ferdinand A. Ramos Soegaard and Sylvia B. Ugarte Araujo did not intervene. I also certify that on July 24, 2024 I have proceeded with the filing of the Resolution and Order, and a copy of this Resolution and Order was notified by electronic mail to jquigley@virtual-peaker.com.

I sign this in San Juan, Puerto Rico, on July 24, 2024.



Sonia Seda Gaztambide
Clerk

