

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



IN RE: REQUEST FOR CERTIFICATION  
SUNE XVI LESSOR, LLC

CASE NO.: NEPR-CT-2024-0006

SUBJECT: Motion in Response to August 28  
Resolution and Order and Request for  
Confidential Treatment.

**RESOLUTION AND ORDER**

**I. Introduction**

On August 28, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order (August 28 Resolution") ordering SunE XVI Lessor, LLC ("SunE XVI") to file, within ten (10) days from the notification of the Resolution and Order, a redacted version of the information and documents of the June 20 Motion<sup>1</sup> for which SunE XVI is requesting Confidential Treatment in compliance with Section 6.15 of Act No. 57-2014<sup>2</sup> and Section 1.15 of Regulation 8701<sup>3</sup>.

On September 9, 2024, SunE XVI filed before the Energy Bureau a document titled *Motion in Response to August 28 Resolution and Order, Request for Confidential Treatment and Other Remedies* ("September 9 Motion"). In the September 9 Motion SUNE XVI filed a series of documents in Unredacted and Redacted versions included in Attachments of September 9 Motion:

SunE XVI requested that all the information contained in the September 9 Motion and the attached documents be kept confidential in accordance with Section 1.15 of Regulation 8701.

On September 23, 2024, SunE XVI filed a document titled *Third Motion in Compliance with August 28 Resolution and Order and Request for Confidential Treatment* ("September 23 Motion"), in which included as Attachment 1 (Unredacted version) and Attachment 3 (Redacted version) its *Operational Report Electric Power Companies* (Form NEPR-03). In the Motion SunE XVI requested from the Energy Bureau "to acknowledge receipt of the filing fee, submitted via wire transfer" without including copy of the transaction.

**II. Applicable Law and Analysis**

Act 57-2014<sup>4</sup> requires all electric service companies<sup>5</sup> to obtain a certification<sup>6</sup> and to file certain information under the terms established by the Energy Bureau. Section 2.01 of Regulation 8701 related to Personal Information and Section 3.03 of Regulation 8701 related to Request of Certification, describe the information and documents that every electric service company to offer services in Puerto Rico must submit with its Request for

<sup>1</sup> In re: Request for Certification DG Solar Lessee II, LLC, Case No.: CEPR-CT-2016-0017, Motion in Response to June 10 Resolution and Order and Request for Confidential Treatment, filed by SunE XVI on June 20, 2024 (June 20 Motion").

<sup>2</sup> Known as the Puerto Rico Energy Transformation and RELIEF Act, ("Act 57-2014").

<sup>3</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 24, 2020 ("Regulation 9182").

<sup>4</sup> Known as the Puerto Rico Energy Transformation and RELIEF Act, ("Act 57-2014").

<sup>5</sup> Section 1.3(l) of Act 57-2014 defines the term "Electric Power Company" or "Electric Power Service Company" as follows: "Shall mean any natural or juridical person or entity, energy cooperative, engaged in the provision of generation services, transmission and distribution services, billing, wheeling, grid services, energy storage, resale of electric power as well as any other electric power service as defined by the Bureau. The Electric Power Authority or its successor as well as any Contractor under a Partnership or Sales Contract executed in relation to PREPA Transactions conducted by virtue of Act No. 120-2018 shall be deemed Electric Power Service Companies for purposes of this Act."

<sup>6</sup> See Section 6.13 of Act 57-2014. 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."



Certification. Section 6.15 of Act 57-2014 and Section 1.15 of Regulation 8701 describe the requirements to obtain confidential designation and treatment of forms, documents, and information.

*A. August 28 Resolution First Requirement – Submit Evidence of the Payment of the Regulatory Fee for the Personal Information Electric Power Companies (Form NEPR-B01).*

The Energy Bureau requested SunE XVI to submit evidence of the payment of the regulatory fee for filing the *Personal Information Electric Power Companies* (Form NEPR-B01), as established in Section 2.03(A)(1) of Regulation 8701. In the September 9 Motion SunE XVI submitted evidence of the filing fee payment for the Form NEPR-B01.

The Energy Bureau **DETERMINES** that SunE XVI complied with the August 28 Resolution.

*B. August 28 Resolution Second Requirement - Submit the Operational Report Electric Power Companies (Form NEPR-B03)*

The Energy Bureau requested SunE XVI to submit the *Operational Report Electric Power Companies* (Form NEPR-B03) as required in Section 2.02(A)(1). In the September 9 Motion SunE XVI is requested a fourteen (14) day extension to submit Form NEPR-B03.

In the September 23 Motion SunE XVI submitted its *Operational Report Electric Power Companies* (Form NEPR-03).

The Energy Bureau **DETERMINES** SunE XVI complied with the August 28 Resolution.

*C. August 28 Resolution Third Requirement - Submit Evidence of the Payment of the Regulatory Fee for the Operational Report Electric Power Companies (Form NEPR-B03)*

The Energy Bureau ordered SunE XVI to submit evidence of the payment of the regulatory fee for the *Operational Report Electric Power Companies* (Form NEPR-B03). In the September 9 Motion SunE XVI requested a fourteen (14) day extension to submit evidence of the payment for its filing fee.

In the September 23 Motion SunE XVI alleges that the filing fee was “submitted via wire transfer”.

The Energy Bureau **GRANTS** SunE XVI fourteen (14) days from the notification of this Resolution to submit evidence of the wire transfer for the payment of the regulatory fee for Form NEPR-B03.

*D. August 28 Resolution Fourth Requirement - Statement about minimum financial resources*

The Energy Bureau ordered SunE XVI to correct the statement about the minimum financial resources required by Section 3.03(A)(3) of Regulation 8701 because the person who certified and signed the certification doesn't appear as a Certified Public Accountant in the statement as required by Section 3.03(A)(3) of Regulation 8701.

In the September 9 Motion SunE XVI submitted the same statement, in Attachment 2 (Unredacted version) and Attachment 5(ii) (Redacted version), with the signature of its President and Chief Executive Officer. The authority to accept the signature of this officer is established in the case of *In Re: Enmiendas al Reglamento sobre Certificaciones, Cargos Anuales y Planes Operacionales de Compañías de Servicio Eléctrico*, CEPR-MI-2015-0006. In the April 14, 2016, Clarifying Resolution of this case the Energy Bureau establishes the following:

The certified statement required by subparagraph (A)(3) of Section 3.03 of Regulation 8701 may be provided by a Certified Public Accountant (CPA) or, in the alternative, by the **principal executive officer of the requesting company**. (Emphasis supplied)



The Energy Bureau **DETERMINES** that SunE XVI complied with the August 28 Resolution.

*E. August 28 Resolution Fifth Requirement - Statement affirming the sufficiency of company's human resources*

The Energy Bureau requested SunE XVI to submit the list of technical and professional qualification of the personal that carry out the operations of the services it intends to offer in Puerto Rico. In the September 9 Motion Sun E XVI submitted the requested information in Attachment 3 (Unredacted version) and Attachment 5(iii) (Redacted version).

The Energy Bureau **DETERMINES** that SunE XVI complied with the August 28 Resolution.

*F. August 28 Resolution Sixth Requirement – SunE XVI Request for Confidential Designation and Treatment*

SunE XVI requested that the June 20 Motion and its attachments be afforded confidentiality. In the August 28 Resolution the Energy Bureau determined that SunE XVI had not complied with Section 6.15 of Act 57-2014 and Section 1.15 of Regulation 8701<sup>7</sup> by not submitting a redacted or public version of the documents about which confidentiality is requested. The “redacted” or “public” version and “un-redacted” or “confidential” versions of the documents about which SunE XVI request confidentiality has been submitted in the June 20 Motion and the September 9 Motion.

The Energy Bureau **DETERMINES** that SunE XVI complied with the August 28 Resolution.

**V. Conclusion**

The Energy Bureau **GRANTS** confidential designation and treatment to the Confidential Documents as filed in the June 20 and September 9 Motions, under Article 6.15 of Act 57-2014.

The Energy Bureau **DETERMINES** SunE XVI has submitted the information and documents requested in the August 28 Resolution in compliance with the Act 57-2014 and Regulation 8701.

The Energy Bureau **ORDERS** SunE XVI to, **within fourteen (14) days from the notification of this Resolution and Order**, to submit evidence of the wire transfer for the payment of the regulatory fee for filing the *Operational Report Electric Power Companies* (Form NEPR-B03).

Be it notified and published.

  
\_\_\_\_\_  
Edison Avilés Deliz  
Chairman

  
\_\_\_\_\_  
Lillian Mateo Santos  
Associate Commissioner

  
\_\_\_\_\_  
Sylvia B. Ugarte Araujo  
Associate Commissioner

  
\_\_\_\_\_  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
\_\_\_\_\_  
Antonio Torres Miranda  
Associate Commissioner



<sup>7</sup> See also Section A(6) of the August 31, 2016 Resolution in the case *In Re: Policy on Management of Confidential Information in Procedures Before the Commission*, CEPR-MI-2016-0009.



## CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on October 4 2024. I also certify that on October 4 2024 a copy of this Resolution and Order was notified by electronic mail to legal@luminace.com; cfl@mcvpr.com; apc@mcvpr.com; mqs@mcvpr.com and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on October 4 2024.

  
\_\_\_\_\_  
Wanda I. Cordero Morales  
Interim Clerk

