

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

**IN RE:** REQUEST FOR CERTIFICATION  
ENERNET CHP ONE LLC

**CASE NO.:** NEPR-CT-2024-0009

**SUBJECT:** Request for Certification as  
Electric Power Company.

**RESOLUTION AND ORDER**

**I. Introduction**

On September 23, 2024, Enernet CHP ONE, LLC ("Enernet CHP ONE") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a Request for Certification as an Electric Service Company and for Certification as Highly Efficient Generation ("Application"). The Application included the following documents:

1. Motion to Request Certification as an Electric Service Company, to Request Certification as Highly Efficient Generation, and to Request Confidential Treatment;
2. Attachments I-1: Executed PPOA CHP ONE, First Amendment to PPOA, and Second Amendment to PPOA (confidentiality requested);
3. Attachment II-1: Personal Information (confidentiality requested);
4. Attachment II-2: Operational Report (confidentiality requested);
5. Attachment II-3: Request for Certification (confidentiality requested);
6. Attachment III-1: Highly Efficient Generation Discussion (confidentiality requested); and
7. Attachment V-1: ACH Confirmation (confidentiality requested).

In its Application, Enernet CHP ONE requested that the Energy Bureau (i) certify Enernet CHP ONE as an Electric Service Company under Regulation No. 8701; (ii) certify that the CHP system meets the definition of the term Highly Efficient Generation for Act 60-2019<sup>1</sup>; and (iii) provide confidential treatment to certain information filed with the Application.

Enernet CHP ONE also requested a waiver to submit information in their own format rather than using the Energy Bureau's standard forms.

**II. Applicable Law and Analysis**

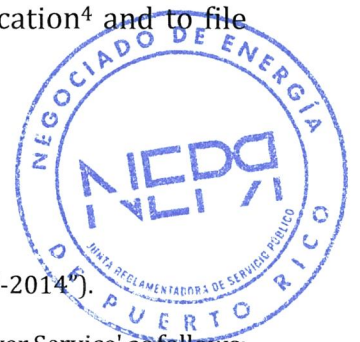
Act 57-2014<sup>2</sup> requires all electric service companies<sup>3</sup> to obtain a certification<sup>4</sup> and to file certain information under the terms established by the Energy Bureau.

<sup>1</sup> Known as the *Puerto Rico Incentives Code*, as amended, ("Act No. 60-2019").

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

<sup>3</sup> Section 1.3(1) of Act 57-2014 defines the term 'Electric Power Company' or 'Electric Power Service' 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>4</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]."



Sections 2.01 and 3.03 of Regulation 8701<sup>5</sup> describe the information that every electric service company seeking to offer services in Puerto Rico must submit with its Request for Certification.<sup>6</sup>

Section 3.05 of Regulation 8701 empowers the Energy Bureau to issue a cease-and-desist order, revoke, and annul any decision, ruling or order issued in relation to the process of any Request for Certification, when an electric service company "... has failed to comply with its duty to provide or update the information required under Act 57-2014, as amended, or this Regulation."

### A. Request for Certification as Electric Power Company

Enernet CHP ONE submitted various attachments purporting to contain the information required by Sections 2.01 and 3.03 of Regulation 8701. However, the Energy Bureau notes several deficiencies in the submission:

a) The Personal Information (Attachment II-1) and the Operational Report (Attachment II-2) were not signed by the Designated Authorized Representative as required by Section 2.01(B) and Section 3.03(D) of Regulation 8701.

b) Enernet CHP ONE did not provide copies of all obtained federal, state, and municipal permits, authorizations, and endorsements as required by Section 3.03(A)(5) of Regulation 8701. Instead, the company submitted screenshots of an internal permit tracker, which does not satisfy the regulatory requirement.

Enernet CHP ONE submitted Attachment II-1 as its Personal Information and Attachment II-2 as its Operational Report. While these attachments seem to have most of the required elements, they were not submitted using Form NEPR-B01 as required.

Also, the information was not signed by the Designated Authorized Representative. In the Personal Information attachment, Enernet CHP ONE included the name of a Designated Authorized Representative and a separate name for the Resident Agent. However, all signatures presented to the Energy Bureau are by the Resident Agent and not by the Designated Authorized Representative as required by Section 2.01(B) and Section 3.03(D) of Regulation 8701.

### B. Analysis of Waiver Request

Enernet CHP ONE requested a waiver to submit information in their own format rather than using the Energy Bureau's standard forms. In their request, Enernet CHP ONE stated that "based on the complexity of the information related to the Enernet CHP ONE's request for certification, the aforementioned Forms may not be practical."

Section 1.12 of Regulation 8701 establishes the process and allowable reasons for requesting waivers from the Energy Bureau's requirements. Section 1.12 states:

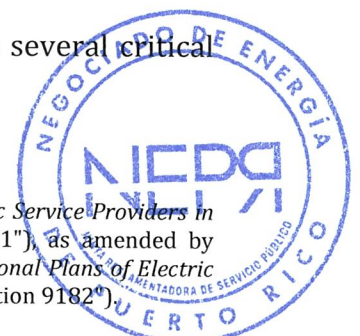
"The fact that the Energy Bureau has not adopted one or more forms, is in the process of review them, or the website is out of service, shall not release any person from their obligation to timely submit the required information to the Energy Bureau."

While Enernet CHP ONE did provide a reason for their waiver request, the circumstances cited do not align with those specified in Section 1.12. The complexity of information is not a justifiable reason for submitting information outside of the standard forms.

The Energy Bureau emphasizes that the use of standardized forms serves several critical purposes:

<sup>5</sup> Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico, Regulation 8701, Puerto Rico Energy Bureau, 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, Regulation 9182, Puerto Rico Energy Bureau, June 24, 2020 ("Regulation 9182").

<sup>6</sup> As defined in Regulation 8701.





1. It streamlines and expedites the review process, allowing for more efficient evaluation of applications.
2. It aids applicants in ensuring compliance with all application elements and requirements, reducing the likelihood of omissions or errors.
3. It facilitates consistency across applications, enabling fair treatment of all applicants.
4. It simplifies the process for applicants by providing a clear structure for the required information.

The Energy Bureau recognizes that in some cases additional information may be necessary to explain complex situations, however, using standard forms ensures consistency and completeness in applications. It serves the interests of all parties—applicants, the Energy Bureau, and the public—to adhere to using the standard application forms.

Therefore, the Energy Bureau **DENIES** Enernet CHP ONE's request for a blanket waiver to submit information in their own format. However, recognizing the potential complexity of certain information, the Energy Bureau will allow the submission of supplemental material to complement the information in the standard forms, as detailed in the Conclusion section of this Resolution and Order.

### C. Request for Certification as Highly Efficient Generation

Enernet CHP ONE has requested certification that its CHP system meets the definition of Highly Efficient Generation for Act 60-2019, as established in the November 16, 2021, Resolution in Docket No. CEPR-MI-2016-0001<sup>7</sup>. The company provided Attachment III-1 to support this request.

The Energy Bureau acknowledges this request but will defer its examination until Enernet CHP ONE has resubmitted documentation addressing the deficiencies noted in this Resolution and Order.

### III. Request for Confidential Designation

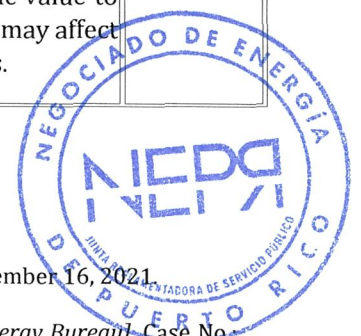
In its Application, Enernet CHP ONE requested that certain documents be granted confidential treatment under Article 6.15 of Act 57-2014 and the August 31, 2016, Resolution in Case No. CEPR-MI-2016-0009<sup>8</sup>, In Re: Policy on Management of Confidential Information in Procedures Before the Commission, as amended by the September 20, 2016, Resolution on the same case ("August 31 Resolution").

Table 1 below details the information to which Enernet CHP ONE requested confidential designation and treatment.

Document Name	Provided Designation	Cited Legal Basis	Justification Provided	Date Filed
Attachment I-1: Power Purchase Agreement	Trade Secret; Third Party Information	Act 80-2011; Article 4 Act 122-2019	Document contains the agreed terms of service between Enernet CHP ONE and its industrial client. The information in Attachment I-1 is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024

<sup>7</sup> Resolution, *In re: Highly Efficient Fossil Generation Definition*, Case No.: CEPR-MI-2016-0001, November 16, 2021.

<sup>8</sup> Resolution, *In re: Policy on Management of Confidential Information in Procedures Before the [Energy Bureau]*, Case No.: CEPR-MI-2016-0009, August 31, 2016.



Document Name	Provided Designation	Cited Legal Basis	Justification Provided	Date Filed
			Attachment I-1 also contains Third-Party Information regarding Enernet CHP ONE and its industrial client.	
Attachment II-1: Personal Information	Third Party Information	Article 4 Act 122-2019	Document includes personal information of Enernet CHP ONE, board members, shareholders, and principal executive officers. It also contains Enernet CHP ONE's physical address.	September 23, 2024
Exhibit II-1.3	Third Party Information	Article 4 Act 122-2019	Document includes the personal information of Enernet CHP ONE, board members, shareholders, and principal executive officers, among other Third-Party information and Enernet CHP ONE's corporate structure.	September 23, 2024
Attachment II-2	Third Party Information	Article 4 Act 122-2019	Document includes the personal information of Enernet CHP ONE board members, which is considered Third-Party information.	September 23, 2024
Exhibit II-2.1: Demand Projection for first year of operation	Trade Secret	Act 80-2011	Document contains the estimated electric sales under the PPA. This information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-2.3: Projected Capital Investments	Trade Secret	Act 80-2011	Document contains Enernet CHP ONE projected investments, which reflect Enernet CHP ONE's business strategy and the PPA terms. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-2.4: Credentials of Contracted Entities	Trade Secret	Act 80-2011	Document contains Enernet CHP ONE's strategy to operate and manage the system. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Attachment II-3: Request for Certification	CEII Personal Information Trade Secret	Critical Infrastructures Protection Act of 2001; 18 C.F.R. § 388.113, Article 122-2019; Act 80-2011	Document contains the physical address of the place where service will be provided, which is considered CEII. Document contains Enernet CHP ONE's sales projections and a general description of its system assets. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-3.2: CPA Certification	Personal Information; Trade Secret	Article 4 Act 122-2019; Act 80-2011	Document contains Enernet CHP ONE's financial information, which is personal, is not publicly available, and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-3.3: Human Resources Certification	Trade Secret	Act 80-2011	Document contains information regarding Enernet CHP ONE's workforce projection and resources. This information reflects Enernet CHP ONE's strategy to operate and manage the system. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024

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Document Name	Provided Designation	Cited Legal Basis	Justification Provided	Date Filed
Exhibit II-3.4: Permitting Process and Status	Trade Secret	Act 80-2011	Document contains information regarding Enernet CHP ONE's strategy to develop its generation system. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-3.5: Certification of Economic Capacity and Solvency	Personal Information; Trade Secret	Article 4 Act 122-2019; Act 80-2011	Document contains Enernet CHP ONE's financial information, which is personal and not publicly available, and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-3.6: Generation System Description	CEII; Trade Secret	Critical Infrastructures Protection Act of 2001; 18 C.F.R. § 388.113; Act 80-2011	Document contains a detailed description of the generation assets to be used by Enernet CHP ONE, including locations, which is considered CEII. Information reflects Enernet CHP ONE strategy and approach to providing services in Puerto Rico and its overall business strategies. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-3.7: Genset Specification Sheet	Trade Secret	Act 80-2011	Document contains detailed descriptions of the CHP system generation assets, which is information regarding Enernet CHP ONE's strategy to develop the CHP system. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit II-3.8: Absorption Chiller Specification Sheet	Trade Secret	Act 80-2011	Document contains detailed descriptions of the CHP system thermal assets, which is information regarding Enernet CHP ONE's strategy to develop the CHP system. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Exhibit III-1	Trade Secret	Act 80-2011	Document contains detailed descriptions of the CHP system operational parameters. Such information is not publicly available and is of economic value to Enernet CHP ONE whose disclosure may affect Enernet CHP ONE's competitiveness.	September 23, 2024
Attachment V-1	Personal Information	Article 4 Act 122-2019	Document contains information regarding Enernet CHP ONE's bank account, which is personal and is not publicly available.	September 23, 2024

**Table 1: Enernet CHP ONE's Request for Confidential Information Designation and Treatment.**

Enernet CHP ONE provided justifications for each document's confidentiality request, citing various legal bases including Act 80-2011 (trade secrets), Article 4 of Act 122-2019 (protection of personal information), and the Critical Infrastructures Protection Act of 2001. In compliance with the August 31 Resolution, Enernet CHP ONE filed both redacted and unredacted versions of these documents.

The Energy Bureau has reviewed the confidentiality requests, the justifications provided, and the redacted versions of the documents.



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.<sup>9</sup> 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".<sup>10</sup> 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".<sup>11</sup>

Under Article 6.15 of Act 57-2014, the Energy Bureau **GRANTS** confidential treatment to all documents identified in Table 1 herein.

The Energy Bureau **REMINDS** Enernet CHP ONE that this confidential designation does not exempt the company from providing any information required by the Energy Bureau in its regulatory duties.

#### IV. Conclusion

After careful evaluation of Enernet CHP ONE's Request for Certification as an Electric Service Company and for Certification as Highly Efficient Generation, the Energy Bureau **DETERMINES** that the Application is **incomplete** and does not fully meet the requirements listed in Regulation 8701 and other applicable regulations.

Specifically, the Energy Bureau has identified the following deficiencies:

1. The Personal Information (Attachment II-1) and the Operational Report (Attachment II-2) were not signed by the Designated Authorized Representative as required by Section 2.01(B) and Section 3.03(D) of Regulation 8701.
2. Enernet CHP ONE did not provide copies of all obtained federal, state, and municipal permits, authorizations, and endorsements as required by Section 3.03(A)(5) of Regulation 8701.
3. The information was not submitted using the standard forms as typically required by the Energy Bureau.

As for Enernet CHP ONE's request for a waiver to submit information in their own format rather than using the Energy Bureau's standard forms, the Energy Bureau **DENIES** this request. The Energy Bureau **DIRECTS** Enernet CHP ONE to use the standard forms for all required information but **ALLOWS** the submission of supplemental material to complement the information provided in the forms.

The Energy Bureau **GRANTS** Enernet CHP ONE **fifteen (15) days from the notification date of this Resolution and Order** to:

1. Resubmit the Personal Information using Form NEPR-B01, signed by the Designated Authorized Representative.
2. Submit copies of all obtained federal, state, and municipal permits, authorizations, and endorsements.
3. Submit all required information using the NEPR standard forms, with supplemental material, as necessary.
4. Address any other deficiencies identified in this Resolution and Order.

The Energy Bureau **DEFERS** its examination of Enernet CHP ONE's request for certification as Highly Efficient Generation until the company has resubmitted documentation addressing the deficiencies noted in this Resolution and Order.

<sup>9</sup> Section 6.15 of Act 57-2014, Rules of Confidentiality.

<sup>10</sup> *Id.* at (a).

<sup>11</sup> *Id.*





The Energy Bureau **APPROVES** Enernet CHP ONE's request for confidential designation of the documents filed confidentially, as detailed in Section III of this Resolution and Order.

Be 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 has so agreed on October 23, 2024. I also certify that on October 23, 2024 a copy of this Resolution and Order was notified by electronic mail to [arrivera@nuenergypr.com](mailto:arrivera@nuenergypr.com). I also certify that on October 23, 2024, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on October 23, 2024.

Sonia Seda Gaztambide  
Clerk

