

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

**IN RE: REQUEST FOR CERTIFICATION
LIGUETO OPERATING PR SA LLC**

CASE NO.: NEPR-CT-2024-0012

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

RESOLUTION

I. Introduction

On October 2, 2024, Ligueto Operating PR SA LLC ("Ligueto") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a Request for Certification as an Electric Power Service Company ("Application"). The Application included the following documents:

1. Form NEPR-B01 (Personal Information) with supporting documentation:
 - Certificate of Good Standing from Puerto Rico Secretary of State
 - Certificate of Organization from Puerto Rico Secretary of State
 - Certificate of Formation of a Limited Liability Company from the Puerto Rico
 - Certificate of Legal Entity from Puerto Rico Secretary of State
 - Evidence of \$100 payment for personal information fee
2. Form NEPR-B03 (Operational Report) with:
 - Statement of Technical Specifications describing the rooftop solar and battery storage systems
 - Evidence of \$800 payment for operational report fee
3. Form NEPR-B04 (Request for Certification) with:
 - Certification regarding financial resources
 - Statement regarding human resources
 - Personnel qualifications provided
 - Evidence of \$2500 payment for request for certification fee
4. Confidentiality request regarding the entire Application.

Ligueto seeks certification as an Electric Service Company, with the stated intention of installing rooftop solar photovoltaic panels and battery storage systems.

In its Application, Ligueto requested that the Energy Bureau (i) certify Ligueto as an Electric Service Company under Regulation No. 8701¹; and (ii) provide confidential treatment to certain information filed with the Application.

¹ Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico, Regulation 8701, 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 9782, Energy Bureau, June 24, 2020 ("Regulation 9182").



II. Applicable Law and Analysis

Act No. 57-2014² requires all electric service companies³ to obtain a certification⁴ and to file certain information under the terms established by the Energy Bureau.

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

Ligueto submitted various documents containing information required by Sections 2.01 and 3.03 of Regulation 8701. However, the Energy Bureau notes several critical discrepancies and deficiencies in the submission:

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- a) **Affiliate and Subsidiary Entities Documentation:** Ligueto must submit a NEPR-B02 Form to account for affiliates and/or subsidiaries in the documentation provided to the Energy Bureau. Section 2.02(A)(1) of Regulation 8701 requires information for each affiliate or subsidiary entities of Ligueto, as well as its parent companies that are electric service companies.
 - b) **Referral of Operational Report to [Energy Public Policy Program]⁵**– Ligueto must submit the Operational Report to CEPPPO for review and comments before submitting it to the Energy Bureau to satisfy Section 2.02(E) of Regulation 8701.
 - c) **Certified Financial Statement:** While Ligueto submitted a financial statement certification, the statement was not certified by a certified public accountant as required under Section 3.03(A)(3).
 - d) **Incorrect Payment:** Ligueto has not provided required payments under Section 3.07 (Certification Application fees). Ligueto provided payment for companies with an aggregated capacity of 1MW to less than 5MW. However, Ligueto listed its estimated aggregate generation capacity at a higher threshold in its application. Therefore, its applicable fee should be for an aggregate generation of 10MW to less than 20MW, making the applicable fees six thousand dollars (\$6,000).

III. Request for Confidential Designation

In its Application, Ligueto requested that certain documents be granted confidential treatment under Article 6.15 of Act 57-2014 and Section 1.15 of Regulation No. 8701.

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Table 1 below details the information to which Ligueto requested confidential designation and treatment.

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

³ Section 1.3(1) of Act 57-2014 defines the term 'Electric Power Company' or 'Electric Power Service' as follows:

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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.

⁴ 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]."

⁵ Energy Public Policy Program ("PPPE"), of the Department of Economic Development and Commerce ("DDEC"), formerly known as the Commonwealth Energy Public Policy Office, ("CEPPO").



Document Name	Provided Designation	Cited Legal Basis	Justification Provided	Date Filed
Personal Information NEPR-B01	Sensitive Information	Act 57 - 2014; Article 6.15	Public release of information in the document could put company at competitive disadvantage.	October 2, 2024
Operational Report NEPR-B03	Sensitive Information	Act 57 - 2014; Article 6.15	Public release of information in the document could put company at competitive disadvantage.	October 2, 2024
Request for Certification NEPR-B04	Sensitive Information	Act 57 - 2014; Article 6.15	Public release of information in the document could put company at competitive disadvantage.	October 2, 2024
Statement of Sufficient Human Resources	Sensitive Information	Act 57 - 2014; Article 6.15	Public release of information in the document could put company at competitive disadvantage.	October 2, 2024
Financial Certification	Sensitive Information	Act 57 - 2014; Article 6.15	Public release of information in the document could put company at competitive disadvantage	October 2, 2024

Table 1: Ligueto's Request for Confidential Information Designation and Treatment.

Ligueto provided justifications for each document's confidentiality request, citing Section 6.15 of Act No. 57 of May 17, 2014, as amended, and Section 1.15 of Regulation No. 8701. In compliance with the August 31, 2016 Resolution in Case No. CEPR-MI-2016-0009⁶, 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"), Ligueto filed both redacted and unredacted versions of these documents.

Under the Energy Bureau's August 31 Resolution, as amended, any party seeking confidential treatment of information must:

- A. File a detailed memorandum of law explaining the legal basis supporting its confidentiality claims;
- B. Provide a comprehensive table that identifies:
 1. Document names
 2. Specific page numbers containing confidential information
 3. Filing dates
 4. Summary of legal basis for each confidentiality claim
 5. Summary of reasons each claim conforms to cited legal basis

Ligueto's confidentiality request fails to meet these requirements. Instead, Ligueto merely states that the documents "have sensitive information, otherwise not available to the public, which Ligueto prefers not to disclose and that could place Ligueto at a competitive disadvantage." This general assertion is not enough to support a claim of confidentiality under our regulations and established procedures.

⁶ Resolution, *In re: Policy on Management of Confidential Information in Procedures Before the [Energy Bureau]*, Case No.: CEPR-MI-2016-0009, August 31, 2016.



Upon review of the redacted information, the Energy Bureau notes that much of the information Ligueto seeks to protect is routinely made public in certification proceedings before this Bureau. Specifically:

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- A. Basic corporate information such as fiscal year dates, addresses, and contact information does not merit confidential treatment;
 - B. Information regarding planned operations and service offerings that is essential for public awareness and oversight should be publicly available;
 - C. General business plans and projections that do not reveal trade secrets or proprietary methodologies do not warrant confidential protection.

Jim The Energy Bureau has consistently held that transparency in certification proceedings serves the public interest by facilitating visibility to the oversight process. The information Ligueto seeks to protect does not rise to the level of sensitivity that would outweigh this public interest in transparency.

Jim Act 57-2014 establishes that any person having the obligation to submit information to the Energy Bureau may request that any information it is privileged or confidential be treated in such fashion.⁷ 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".⁸ 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".⁹

Act 57-2014 prioritizes transparency, particularly where information serves the public interest in regulated services, and the Energy Bureau finds the release of the information necessary to do so. Ligueto has not provided substantive reasons to claim confidential treatment of the submitted information.

Under Article 6.15 of Act 57-2014, the Energy Bureau **DENIES** confidential treatment to the documents identified in Table 1 herein. However, if Ligueto believes it can provide sufficient justification for confidential treatment of specific information contained in its filing, the Energy Bureau **GRANTS** Ligueto **thirty (30) days** from the notification of this Resolution to submit a new request for confidential treatment that fully complies with the August 31 Resolution requirements.

IV. Conclusion

M After careful evaluation of Ligueto's Request for Certification as an Electric Service Company, the Energy Bureau **DETERMINES** that the Application is **incomplete** and does not fully meet the requirements in Regulation 8701.

Specifically, the Energy Bureau has identified the following deficiencies:

- Jim*
1. Complementary Affiliate and Subsidiary Entities (NEPR-B02) form required under Section 2.02(A)(1) of Regulation 8701.
 2. Referral of Operational Report to [PPPE] to satisfy Section 2.02(E) of Regulation 8701.
 3. The Financial Certification given is not certified by a CPA, which does not satisfy Section 3.03(A)(3) of Regulation 8701.
 4. Per Section 3.07 (Certification Application fees), the incorrect payment amount was submitted.

⁷ Section 6.15 of Act 57-2014, Rules of Confidentiality.

⁸ *Id.* at (a).

⁹ *Id.*



The Energy Bureau **GRANTS** Ligueto **thirty (30) days from the notification date of this Resolution** to:

1. Submit the Complementary Affiliate and Subsidiary Entities (NEPR-B02) form required under Section 2.02(A)(1) of Regulation 8701.
2. Refer the Operational Report to [PPPE] for their comments and evaluation.
3. Provide a declaration certified by a CPA demonstrating sufficient financial resources as required by Section 3.03(A)(3),
4. Submit correct payment amount and evidence of all required payments under Sections 2.03 and 3.07.
5. Submit a new request for confidential treatment that fully complies with the August 31 Resolution requirements.

The Energy Bureau **ADVISES** that any request for extension of the thirty (30) day period must be filed at least five (5) business days before its expiration.

The Energy Bureau **REMINDS** that once these Operational Report elements are completed, Ligueto must submit the complete Operational Report to the PPPE for review and comments before filing with the Energy Bureau, as required by Section 2.02(E).

If Ligueto believes it can provide sufficient justification for confidential treatment of specific information in its filing, the Energy Bureau **GRANTS** Ligueto **thirty (30) days** from the notification of this Resolution to submit a new request for confidential treatment that complies with the August 31 Resolution requirements.

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 November 4, 2024. I also certify that on November 4, 2024 a copy of this Resolution was notified by electronic mail to apc@mcvpr.com; derek.heckendorn@palmetto.com. I also certify that on November 4, 2024, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on November 4, 2024.



Sonia Seda Gaztambide
Clerk

