

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

**IN RE:** REQUEST FOR CERTIFICATION  
SOUTH SOLAR ONE PROJECT, LLC

**CASE NO.:** NEPR-CT-2023-0003

**SUBJECT:** Request for Certification and  
2025 Gross Income Report.

**RESOLUTION**

**I. Introduction**

Humacao Solar Project LLL ("Humacao Solar")<sup>1</sup> subscribed a Power Purchase Operating Agreement ("PPOA") with the Puerto Rico Electric Power Company ("PREPA") through the development, construction and operation of a solar project (the "System") with a capacity of forty (40) MW to provide energy for twenty-five (25) years. On March 7, 2016, Humacao Solar and PREPA signed a third amendment to the PPOA dividing the project into two phases of twenty (20) MW each. The first phase began operations in December 2016.

On August 25, 2017, Humacao Solar filed before the Energy [Bureau] of the Puerto Rico Public Service Regulatory Board ("Energy Bureau"), a Request for certification with the following forms<sup>2</sup>, to provide the service of electric power generation for sale in Puerto Rico through distribute generation system (the "System") with aggregated capacity of a hundred (100) MW or less:

1. *Request for Certification Electric Service Companies* (Form CEPR-B04).
2. *Personal Information Electric Service Companies* (Form CEPR-B01).
3. *Operational Report Electric Service Companies* (Form CEPR-B03).
4. *Gross Revenue and Financial Statements Report* (CEPR (Form CEPR-B05).

In one of the attached documents of the Request for Certification, Humacao Solar reported that the second phase of twenty (20) MW was in construction.

On November 28, 2018, the Energy Bureau issued a Resolution ("November 28 Resolution") concluding that Humacao Solar had complied with all the regulatory requirements and, under the dispositions of Act No. 54-2014<sup>3</sup> and Regulation 8701<sup>4</sup>, certified it as an Electric Service Company.

Humacao Solar has since filed the corresponding forms and reports before the Energy Bureau as operator of the System, until March 2, 2020, when it filed its *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05) under its company name. Humacao Solar also submitted a Form NEPR-B05 for South Solar One Project, LLC ("South Solar"), an entity named for the first time in the administrative proceedings.

On April 21, 2020, The Energy Bureau issued a Resolution and Order requesting from Humacao Solar the reason South Solar information was filed despite not being a certified electric service company and to explain its contractual relationship with PREPA.

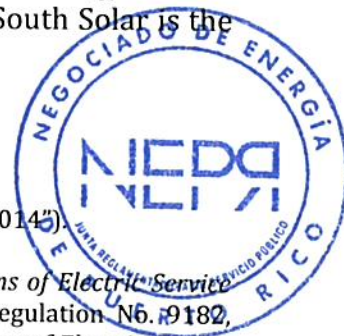
On June 1, 2020, Humacao Solar filed a Motion ("June 1 Motion") before the Energy Bureau explaining that as part of the third amendment of the PPOA with PREPA, South Solar is the

<sup>1</sup> Case No.: CEPR-CT-2017-0001.

<sup>2</sup> Each form with its corresponding annexes, and evidence of filing fees.

<sup>3</sup> Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

<sup>4</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").





asset owner of Phase 2 (20 MW) of the System and was connected to PREPA's grid in July 2019.

After several administrative proceedings and interlocutory events, on June 16, 2023, the Energy Bureau issued a Resolution and Order ("June 16 Resolution") that determined that South Solar must present its own Request for Certification for evaluation.

On August 9, 2023, South Solar filed before the Energy Bureau the following documents:

1. *Request for Certification Electric Power Companies* (Form NEPR-B04), with the following annexes:

- a. Annex 1 - Information regarding the contracts or legal transaction with PREPA or another electric power company (Section 3.03(A)(2));
- b. Annex 2 - Statement certified by Certified Public Accountant that attests the provisions of minimum financial resources of the company (Section 3.03 (A)(3));
- c. Annex 3 - Statement affirming the sufficiency of the company's human resources (Section 3.03 (A)(4));
- d. Annex 4 - Copy of permits, authorizations and endorsements obtained to operate, do business and provide services in Puerto Rico, regarding Section 3.03(A)(5), including several documents:
  - i. Certificate of Authorization of U.S. Foreign Limited Liability Company, Department of State, Government of Puerto Rico.
  - ii. Certificate of Good Standing, Department of State, Government of Puerto Rico.
  - iii. Certificado de Registro de Comerciante, Departamento de Hacienda, Gobierno de Puerto Rico.
  - iv. Determinación de Cumplimiento Ambiental para Evaluación Ambiental, Oficina de Gerencia de Permisos, Gobierno de Puerto Rico y Resolución del 22 de agosto de 2013, Consulta Núm. 2012-51 - 0158-JPU-MA, Junta de Planificación, Gobierno de Puerto Rico.
  - v. Permiso de Construcción Núm. 2015-068332-PCO-008185, Oficina de Gerencia de Permisos, Gobierno de Puerto Rico.
  - vi. Permiso Único Núm. 2019-254112-PU-143130, Oficina de Gerencia de Permisos, Gobierno de Puerto Rico.
- e. Annex 5 - Certification of Permit Compliance for New Facilities Construction.
- f. Annex 6 - Certification of Financial Capacity and Solvency.
- g. Annex 7 - Final Engineering Design at Photovoltaic Power Plant: Humacao Solar Project Phase II, South Solar One Project.

2. *Personal Information Electric Power Companies* (Form NEPR-B01) with the following annexes:

- a. Certificate of Formation, State of Delaware, Secretary of State, November 16, 2011.
- b. Certificate of Authorization of U.S. Foreign Limited Liability Company, Department of State, Government of Puerto Rico.
- c. First Bank ACH Transaction Approval Confirmation for eight thousand dollars (\$8,000), Confirmation No. 4162478348.





- d. First Bank ACH Transaction Approval Confirmation for one hundred dollars (\$100), Confirmation No. 1862373663.
- e. First Bank ACH Transaction Approval Confirmation for eight hundred dollars (\$800), Confirmation No. 3265327500.

On August 10, 2023, South Solar filed before the Energy Bureau its Operational Report<sup>5</sup>.

On February 29, 2024, South Solar filed before the Energy Bureau the *Gross Revenue and Financial Statement Report* (Form NEPR-B05) with interim information for 2023 alleging that their accountants were working in the final audited statements.<sup>6</sup>

On May 29, 2024, The Energy Bureau issued a Resolution and Order ("May 29 Resolution") requiring South Solar to correct certain deficiencies in its request of certification.

On June 12, 2024, South Solar filed before the Energy Bureau an Operational Report<sup>7</sup> with additional information<sup>8</sup>. On June 13, 2024, South Solar filed before the Energy Bureau an *Operational Report Electric Power Companies* (Form NEPR-B03) referencing the information submitted on June 12 Operational Report.

On August 22, 2024, the Energy Bureau issued a Resolution and Order ("August 22 Resolution") determining that South Solar complied partially with the May 29 Resolution and required South Solar to: (i) submit the Operational Report Annexes with the information for the Natural Year 2023, in compliance with Section 2.02(A)(1) of Regulation 8701, and (ii) submit its audited financial statements for Natural Year 2023, in compliance with Section 4.02(F) of Regulation 8701.

On August 30, 2024, South Solar submitted the Audited Financial Statements for the year ending on December 31, 2023.

On October 4, 2024, The Energy Bureau issued an Order to Show Cause ("October 4 Resolution") requiring from South Solar to: (i) submit the annexes of *Operational Report Electric Power Companies* (Form NEPR-B03) for the year 2023; and (ii) show cause why the Energy Bureau should not impose an administrative fine of five hundred dollars (\$500) for its failure to comply with Act 57-2014 and Regulation 8701, as requested in the August 22 Resolution.

On October 21, 2024, South Solar filed before the Energy Bureau with a document titled *Response to Request of Certification* ("October 21 Motion") explaining that mistakenly they believed that the annexes of the Operational Report were included and requesting that the fine not be imposed. On the same date South Solar submitted the requested information.

On November 27, 2024, the Energy Bureau issued a Resolution ("November 27 Resolution") determining that South Solar has complied with the October 4 Order by submitting the requested information and waived the administrative fine.

On March 3, 2025, South Solar filed before the Energy Bureau its *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05) with the information for 2024. With the NEPR-B05 form they submitted an interim Profit and Loss statement.

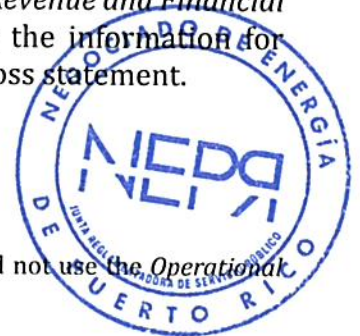
## II. Applicable Law and Analysis

<sup>5</sup> South Solar submitted the Operational Report information in a letter format. It did not use the *Operational Report Electric Power Companies* (Form NEPR-B03).

<sup>6</sup> On March 1, 2024, South Solar filed before the Energy Bureau the same Form NEPR-B05.

<sup>7</sup> South Solar submitted the Operational Report information in a letter format. It did not use the *Operational Report Electric Power Companies* (Form NEPR-B03).

<sup>8</sup> South Solar submitted the Operational Report information in a letter format. It did not use the *Operational Report Electric Power Companies* (Form NEPR-B03).





*A. Request of Certification – Submitted on August 9, 2023*

Act 57-2014 requires all electric service companies<sup>9</sup> to obtain a certification<sup>10</sup> to provide services in Puerto Rico and to file certain information under the terms established by the Energy Bureau. Regulation 8701 establishes the requirements that any electric service company must fulfill to be considered by the Energy Bureau for certification. The forms, information and documents that every company must submit to be considered to offer services in Puerto Rico area described in Section 3.03 of Regulation 8701 related to Request for Certification; Section 2.01 of Regulation 8701 related to Personal Information; Section 2.02 and Section 3.03(A)(6) of Regulation 8701 related to Operational Report; and Section 2.03 and Section 3.07 related to payment of the corresponding regulatory and filing fees.<sup>11</sup>

The Energy Bureau **DETERMINES** that, according to Section 3.04 of Regulation 8701, South Solar (i) has confirmed its legal, technical, financial, physical, moral, and human resources capacity for operating and providing the services it intends to offer; (ii) the provision of services and operations, as proposed on the Request, follow the energy public policy of the Commonwealth of Puerto Rico, Act 57-2014, as amended, and any other applicable law, and the Bureau's Regulations; (iii) the Request of Certification shows that the service that the petitioner intends to offer is reliable and will not threaten the safety and reliability of the electrical infrastructure; and (iv) the Request of Certification is complete and complies with the requirements established by law, this Regulation, and the orders the Energy Bureau has issued in the performance of its functions.

*B. Gross Revenue Report – Submitted on March 3, 2025*

Section 4.02(A) of Regulation 8701 requires that all electric service companies must inform the gross revenue generated during the preceding Natural Year. The Form established by the Energy Bureau for this information is the *Gross Revenue and Financial Statements Report* (Form NEPR-B05).

On March 3, 2025, South Solar filed before the Energy Bureau its Gross Revenue report with the information for 2024.

The Energy Bureau **TAKES NOTICE** of the filing of the Gross Revenue Report. The Energy Bureau reminds South Solar that under Section 4.02(E) the financial statements must be filed within a period of one hundred and twenty (120) days, from the end date of the Natural Year.

**IV. Conclusion**

The Energy Bureau has evaluated, on its merits, the Request for Certification, the information submitted by South Solar required by Regulation 8701, the Resolutions and Orders issued in the present case the official forms required with the corresponding documents. According to the administrative record the Energy Bureau **DETERMINES** that South Solar **has fulfilled** all the Energy Bureau requests and the regulatory requirements to receive its certification as an electric service company.

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>10</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."


<sup>11</sup> Depending on the type of service to be provided, there may be other regulations and requirements applicable. As is the case with Wheeling, Microgrids or Demand Response.




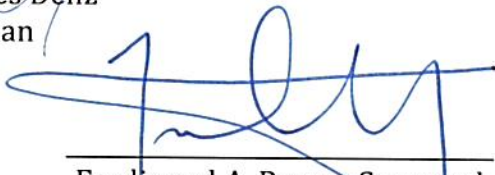
After careful consideration the Energy Bureau **GRANTS** South Solar's Request for Certification as an Electric Service Company.

The Energy Bureau **TAKES NOTICE** of the Gross Revenue Report filed by South Solar for the Natural Year 2024.

Be it 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 March 25, 2025. I also certify that on March 27, 2025 a copy of this Resolution and Order was notified by electronic mail to h.bobea@fonrochepr.com, and 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 March 27, 2025.



  
Sonia Seda Gaztambide  
Clerk