

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

IN RE: REQUEST FOR CERTIFICATION PRIP
Three LLC

CASE NO.: NEPR-CT-2025-0001

SUBJECT: Resolution in Response to PRIP
Three LLC Request for Certification

RESOLUTION AND ORDER

I. Introduction

On February 13, 2025, PRIP Three LLC ("PRIP Three") 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 and for Certification as Highly Efficient Generation ("Application"). PRIP Three provided additional information and documents to be included in the Application. The Application includes the following documents:

1. Form NEPR-B01 (Personal Information) with supporting documentation:
 - a. Supplemental Attachment II-1: PRIP Three, LLC Board Members and Corporate Structure
 - b. Incorporation/Formation Certificate from Delaware State Department
 - c. Certificate of Good Standing from the Delaware State Department
 - d. Certificate of Authorization to do Business in Puerto Rico from Puerto Rico Secretary of State
2. Form NEPR-B03 (Operational Report) with:
 - a. Supplemental Attachment II-2: Annexes to the Operational Report
 - i. Demand Projections for the First Year of Operation
 - ii. Rate and Charges Information
 - iii. Projected Capital Investments
 - iv. Credentials of Contracted Entities
 - v. Statement on Referral to EPPP and supporting letter
3. Form NEPR-B04 (Request for Certification) with:
 - a. Supplemental Attachment II-3: Annexes to Request for Certification
 - i. Information on contracts with PREPA
 - ii. CPA-Certified Financial Statement
 - iii. Human Resources Statement
 - iv. Certification of Economic Capacity and Solvency
 - v. Generation Systems Description
 - vi. Generator Specification Sheets
 - vii. Energy Recovery System Description and Specification Sheets
 - b. Supplemental Attachment II-4: Permits, Authorizations, and Endorsement
 - i. Permits Table
4. Power Purchase Agreement & Amendments



5. High Efficiency Generation Statement

6. Evidence of Payment for Personal Information, Operational Report, and Certification

In its Application, PRIP Three requested that the Energy Bureau (i) certify PRIP Three as an Electric Service Company under Regulation No. 8701¹; (ii) certify that the CHP system meets the definition of the term Highly Efficient Generation for Act No. 60-2019²; and (iii) provide confidential treatment to certain information filed with the Application.

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.

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.⁶

A. Request for Certification as an Electric Power Company

PRIP Three submitted various documents containing information required by Sections 2.01 and 3.03 of Regulation 8701. However, the Energy Bureau notes a deficiency in the submission:

1. Certificate of Good Standing: While PRIP Three provided a Certificate of Good Standing, it did not provide a copy with an issuance date no more than three (3) months before the date of the submission of the Application to satisfy Section 2.01(A)(1)(c).
2. Human Resources Statement: PRIP Three provided a human resources statement that lists the type of personnel needed, but it does not list in detail the technical and professional qualifications of said personnel required to satisfy Section 3.03(A)(4).

B. Request for Certification as Highly Efficient Generation

PRIP Three has requested certification that its CHP system meets the definition of Highly Efficient Generation for Act 60-2019, as established in November 16, 2021,

¹ Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Company 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").

² Known as the *Puerto Rico Incentives Code*, as amended, ("Act 60-2019").

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: '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 11.3(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]."

⁶ As defined in Regulation 8701.



Resolution in Docket No. CEPR-MI-2016-0001 ("November 16, 2021 Resolution").⁷ For the purposes of Act 60-2019, a generation unit or system is considered "Highly Efficient" if it meets the Emissions Requirements and the Operations Requirement as follows:

1. Emissions Requirement

The average annual rate of carbon dioxide emissions from the generating unit, as measured in pounds per megawatt-hour (lb./MWh), is lower than the United States nationwide average for plants with the same primary fuel and primary fuel generation category as reported in the U.S. Environmental Protection Agency's Emissions & Generation Resource Integrated Database ("eGRID") (or successor source) for the most recent year in which data is available. The Energy Bureau may modify the referenced limits based on updated to the eGRID (or successor) data. The November 16, 2021 Resolution employed eGRID's 2019 data to establish that natural gas fired electricity generating units emit an average of approximately 1433 pounds of carbon dioxide (CO₂) per megawatt-hour (lb./MWh).⁸ PRIP Three determined that the emissions rate for its system would be 1,155.5 lb./MWh which is below the average rate carbon emission allowed by the Energy Bureau.

Therefore, PRIP Three **MEETS** the emission requirement for High Efficiency Generation.

2. Operational Requirement

PRIP Three states that its CHP system is not designed to export electricity to the Puerto Rico grid, and the CHP system will not be used to sell electricity to the grid. A CHP system that provide service to its clients on site, that is disconnected from the Puerto Rico grid, must comply with: (i) the Federal Energy Regulatory Commission (FERC) efficiency standard as stated in 18 CFR § 292.205, Criteria for Qualifying Cogeneration Facilities (a)(2)(i), and (ii) the condition described in 18 CFR § 292.205 (d)(1) to (d)(3). A combined heat and power (CHP) generator can comply with the Federal Energy Regulatory Commission (FERC) efficiency standard under 18 CFR § 292.205(a)(2)(i) by achieving a total efficiency of at least 42.5% for facilities using oil or gas as their primary energy source. This efficiency includes both electric and thermal outputs. To meet the additional conditions described in 18 CFR § 292.205(d)(1)-(3), the facility must ensure that the useful thermal output (e.g., heat or steam) is used productively, in a way that aligns with the cogeneration facility's purpose, and not primarily for sales to a third party, unless those sales meet specific regulatory allowances. This dual compliance ensures the CHP unit operates efficiently while contributing effectively to both electricity generation and beneficial heat recovery, consistent with FERC's regulatory criteria.

PRIP Three's efficiency is 46.8%, which is greater than the FERC requirements, and 100% of its useful thermal output will be used productively, meeting the Cogeneration Criteria. Therefore, PRIP Three **MEETS** the operational requirement needs for Highly Efficient Generation.

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

⁸ *Id.*



Under Act 60-2019, the Energy Bureau **GRANTS** PRIP Three’s request for its systems to the certified as Highly Efficient Generation.

C. Request for Confidential Designation and Treatment

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

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

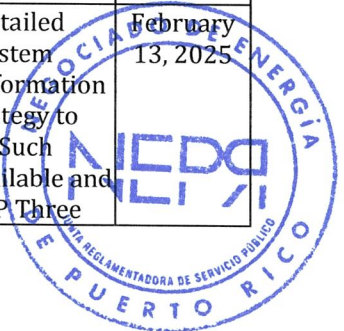
Document Name	Provided Designation	Cited Legal Basis	Justification Provided	Date Filed
Attachment I-1: Power Purchase Agreement	Trade Secret; Third Party Information	Act 80-2011 ³ ; Article 4 Act 122-2019 ⁴	The document contains the agreed terms of service between PRIP Three and its industrial client. The information in Attachment I-1 is not publicly available and is of economic value to PRIP Three whose disclosure may affect PRIP Three’s competitiveness. Attachment I-1 also contains Third Party Information regarding PRIP Three and its industrial client.	February 13, 2025
Attachment II-1: NEPR-B01 Form, Personal Information	Third Party Information	Article 4 Act 122-2019	The document includes the personal information of PRIP Three’s board members, shareholders, and principal executive officers. It also contains PRIP Three’s physical address.	February 13, 2025
Supplemental Attachment II-1: PRIP Three Corporate Structure	Third Party Information	Act 57 -2014; Article 6.15	The document contains the corporate structure of PRIP Three and the personal information of PRIP Three board members, shareholders, and certain organizational information that is not publicly available, is of economic value to PRIP Three whose disclosure may affect PRIP Three’s competitiveness.	February 13, 2025
Exhibit II-1.1: Incorporation/Forma-tion Certificate	Third Party Information	Article 4 Act 122-2019	The document contains the personal information of PRIP Three’s incorporators.	February 13, 2025
Attachment II-2: NEPR-B03, Operational Report	Third Party Information	Article 4 Act 2019	The document contains the personal information of PRIP Three Designated Authorized Representative which is considered Third-Party information.	February 13, 2025
Supplemental Attachment II-2 Annex 1: Demand Projections	Trade Secret	Act 80-2011	The document contains estimated electric sales pursuant the terms of the PPA. This information is not publicly available and is of economic value to PRIP Three whose disclosure may affect PRIP Three’s competitiveness.	February 13, 2025
Supplemental Attachment II-2 Annex 2: Rate and Changes Information	Trade Secret	Act 80-2011	The document contains rates and charges information agreed with PRIP Three industrial client. This information is not publicly available and is of economic value to PRIP Three’s competitiveness.	February 13, 2025
Supplemental Attachment II-2 Annex 3: Projected Capital Investments	Trade Secret	Act 80-2011	The document contains PRIP Three projected investments which reflects PRIP Three’s business strategy and the PPA terms. Such information is not publicly available and is of economic	February 13, 2025

³ Known as the *Industrial and Trade Secret Protection Act of Puerto Rico*, ("Act 80-2011").

⁴ Known as the *Puerto Rico Open Government Data*, ("Act 122-2019").



Document Name	Provided Designation	Cited Legal Basis	Justification Provided	Date Filed
			value to PRIP Three whose disclosure may affect PRIP Three's competitiveness.	
Supplemental Attachment II-2 Annex 4: Credentials of Contracted Entities	Trade Secret	Act 80-2011	The document contains PRIP Three's strategy to operate and manage the system. Such information is not publicly available and is of economic value to PRIP Three whose disclosure may affect PRIP Three's competitiveness.	February 13, 2025
Attachment II-3: Form NEPR-B04, Request for Certification	CEII, Personal Information, Trade Secret	Critical Infrastructures Protection Act of 2001; 18 CFR § 388.113, Article 4 Act 122-2019; Act 80-2011	The document contains the physical address of the place where the service will be provided which is considered CEII. The document contains PRIP Three's sales projections and a general description of its system assets. Such information is not publicly available and is of economic value to PRIP Three whose disclosure may affect PRIP Three's competitiveness. The document contains the personal information of PRIP Three Designated Authorized Representative which is considered third party information.	February 13, 2025
Supplemental Attachment II-3, Annex 2: CPA Certification	Personal Information, Trade Secret	Article 4 Act 122-2019; Act 80-2011	The document contains PRIP Three's financial information, which is personal in nature, is not publicly available, and is of economic value to PRIP Three whose disclosure may affect PRIP Three's competitiveness.	February 13, 2025
Supplemental Attachment II-3, Annex 3: Human Resources Certification	Trade Secret	Act 80-2011	The document contains information regarding PRIP Three's workforce projection and resources. This information reflects PRIP Three's strategy to operate and to manage the system. Such information is not publicly available and is an economic value to PRIP Three's competitiveness.	November 13, 2024
Supplemental Attachment II-3, Annex 4: Certification of Economic Capacity and Solvency	Personal Information, Trade Secret	Article 4 Act 122-2019; Act 80-2011	The document contains PRIP Three's financial information, which is personal in nature, is not publicly available, and is of economic value to PRIP Three whose disclosure may affect PRIP Three's competitiveness.	February 13, 2025
Supplemental Attachment II-3, Annex 5: Generation System Description	CEII, Trade Secret	Critical Infrastructures Protection Act of 2001; 18 CFR § 388.113; Act 80-2011	The document contains a detailed description of the generation assets to be used by PRIP Three, including locations which are considered CEII. The information contained therein reflects PRIP Three strategy and approach to provide services in Puerto Rico and its overall business strategies. Such information is not publicly available and is an economic value to PRIP Three's competitiveness.	February 13, 2025
Supplemental Attachment II-3, Annex 6 and Annex 7: Generator Specification Sheet	Trade Secret	Act 80-2011	The document contain a detailed description of the CHP system generation assets, which is information regarding PRIP Three's strategy to develop the CHP system. Such information is not publicly available and is an economic value to PRIP Three whose disclosure may affect PRIP Three's competitiveness.	February 13, 2025
Supplemental Attachment II-3, Annex 8 and Annex 9: Energy Recovery System Description and Specification Sheets	Trade Secret	Act 80-2011	The document contains detailed description of the CHP system generation assets, which is information regarding PRIP Three's strategy to develop the CHP system. Such information is not publicly available and is an economic value to PRIP Three	February 13, 2025



Document Name	Provided Designation	Cited Legal Basis	Justification Provided	Date Filed
			whose disclosure may affect PRIP Three's competitiveness.	
Supplemental Attachment II-4: Permits, Authorizations, and Endorsements	Trade Secret	Act 80-2011	The document contains information regarding PRIP Three's permitting process and strategy to develop its generation system. Such information is not publicly available and is an economic value to PRIP Three whose disclosure may affect PRIP Three's competitiveness.	February 13, 2025
Attachment III-1: Highly Efficient Generation Discussion	Trade Secret	Act 80-2011	The document contains detailed technical and operational descriptions of the generation assets to be used by PRIP Three. The information contained therein reflects PRIP Three's strategy and approach to provide services in Puerto Rico and its overall business strategies. Such information is not publicly available, it is an economic value to PRIP Three whose disclosure may affect PRIP Three's competitiveness.	February 13, 2025
Attachment V-1: ACH Confirmation	Personal Information	Article 4 Act 122-2019	The document contains information regarding PRIP Three's bank account, which is personal and not publicly available.	February 13, 2025

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

PRIP Three provided justifications for each document it requested confidential treatment. In compliance with the August 31, 2016 Resolution, PRIP Three filed both redacted and unredacted versions of these documents.

The Energy Bureau has reviewed the confidentiality requests, the justification 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 privileged or confidential be treated in such fashion.¹⁰ 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".¹¹ 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".¹²

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

III. Conclusion

After careful evaluation of PRIP Three's Application, the Energy Bureau **APPROVES** PRIP Three's Request for Certification as an Electric Service Company and as a Highly Efficient Generation.

The Energy Bureau **ORDERS** PRIP Three's to update the Good Standing Certificate on or before the next **ten (10) days** from the issuance of this Resolution and Order to comply with Section 2.01 (A)(1)(c) of Regulation 8701.

¹⁰ Section 6.15 of Act 57-2014, Rules of Confidentiality.

¹¹ *Id.* at (a).

¹² *Id.*




The Energy Bureau **ORDERS** PRIP Three to update on or before the next **ten (10) days** from the issuance of this Resolution and Order its statement that the company has the necessary human resources (technical, professional, and administrative) to operate and provide the services it intends to offer in Puerto Rico listing in detail the technical and professional qualifications of said personnel, as well as the profile of those it intends to recruit in order to show their expertise and competency to operate and provide the services the company intends to offer in Puerto Rico to comply with Section 3.03(A)(4) of Regulation 8701.

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

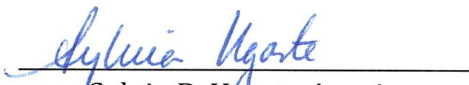
The Energy Bureau **WARNS** PRIP Three that in accordance with Art. 6.36 of Act 57-2014 noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions.

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 arrivera@nuenergypr.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