

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

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IN RE: REQUEST FOR CERTIFICATION
ENERNET CHP TWO, LLC

CASE NO.: NEPR-CT-2024-0008

SUBJECT: Motion in Compliance and
Request for Waiver.

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER OF JULY 30, 2025, AND
REQUEST FOR WAIVER**

To the Honorable Puerto Rico Energy Bureau:

COMES NOW Enernet CHP TWO, LLC, through the undersigned counsel, and respectfully states and request the following:

I. Introduction, Analysis and Discussion.

Pursuant to the Energy Bureau of the Puerto Rico Public Service Regulatory Board's ("Energy Bureau") directives, on March 11, 2025, Enernet CHP TWO, LLC ("Enernet CHP TWO") filed a *Motion in Compliance with the February 24, 2025, Resolution and Order, and to Request Confidential Treatment* ("March 11 Motion"). Through the March 11 Motion, and pursuant to the provisions of Regulation No. 8701¹, Enernet CHP TWO filed (i) its Gross Revenue and Financial Statements Report and (ii) its Operational Report, both corresponding to Natural Year 2024.

On July 30, 2025, the Energy Bureau issued a Resolution and Order through which, among other things, granted Enernet CHP TWO five (5) days to submit evidence of payment of the applicable filing fee related to its Operational Report.

Paragraph (D) of Section 2.02 of Regulation 8701 establishes that each year Electric Service Companies must file its Operational Report on or before March. According to paragraph (A)(2)(a) of Section 2.03 of Regulation 8701 the corresponding filing fee for companies that generate electric power through the use of fossil fuels with an aggregate capacity equal to or less than 100 MW is \$800.00.

Notwithstanding, paragraph (B) of Section 2.03 of Regulation 8701 establishes that, "[i]n cases where, pursuant to the provisions of Subsection (D) of Section 2.02 of this Regulation, the [Energy Bureau] orders an electric service company to submit information to the [Energy Bureau] and said company believes that the payment of the amount corresponding to the fee for the submission of the Operational Report would be onerous, the company in question

¹ *Amendment to Regulation No. 8618 on Certification, Annual Fees, and Operational Plans for Electric Service Companies in Puerto Rico*, as amended ("Regulation 8701").

may request that the [Energy Bureau] waive the requirement to pay the fee for the submission of the Operational Report.”²

Through this Motion, Enernet CHP TWO respectfully request the Energy Bureau to, pursuant to paragraph (B) of Section 2.03 of Regulation 8701, waive the payment corresponding to the fee for the submission of the referenced Operational Report as it would be too onerous to Enernet CHP TWO. As stated in the March 11 Motion and the attachments thereto, Enernet CHP TWO’s system was still under construction during Natural Year 2024 and as such it did not commence operations during that term. Moreover, there were no material changes to the original Operational Report presented as part of Enernet CHP TWO’s request for certification as an electric service company on November 13, 2024.³ Finally, since the CHP system was not in operation during Natural Year 2024, Enernet CHP TWO did not have income from sales during that period. As such, paying the filing fee on an Operational Report that has no material changes from the original report filed less than one year ago while the CHP system has not achieved commercial operation, would be onerous to Enernet CHP TWO.

II. Conclusion.

For all the above, Enernet CHP TWO respectfully requests that the Honorable Energy Bureau:

- (1) Waive the payment of the fee for the submission of Enernet CHP TWO’s Operational Report corresponding to Natural Year 2024 since it would be onerous to Enernet CHP TWO; and
- (2) Issue any other determination that it deems appropriate under current statutes and regulations.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on July 30, 2025.

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² Paragraph (B) of Section 2.03 of Regulation 8701 also states that “[i]n such cases, the company must file, together with the information required by the [Energy Bureau], a motion wherein it sets forth the facts and explains the legal basis that justifies said waiver payment.”

³ See Motion in Compliance with the October 17, 2024, Resolution and Order, and to Request Confidential Treatment, Attachment II-2 and Supplemental Attachment II-2. The only change was the expected sales which were adjusted based on the sales projections for Natural Year 2025. See March 11 Motion, Supplemental Attachment I, Annex 1.