

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

IN RE: REQUEST FOR CERTIFICATION
ENERNET CHP TWO LLC

CASE NO.: NEPR-CT-2024-0008

SUBJECT: Order requesting evidence of payment of the 2025 Operational Report applicable fee.

RESOLUTION AND ORDER

I. Introduction

On February 24, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“February 24 Resolution”) requesting Enernet CHP Two, LLC (“Enernet Two”) to file the following documents:

1. *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05).
2. *Operational Report Electric Power Companies* (Form NEPR-B03).

On March 11, 2025, Enernet Two filed a document titled *Motion in Compliance with the February 24, 2025, Resolution and Order, and to Request Confidential Treatment* (“March 11 Motion”) with the two documents requested by the Energy Bureau:

1. *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05) and attachments, as required by Section 4.02 of Regulation 8701.
2. *Operational Report Electric Power Companies* (Form NEPR-B03) and attachments, as required by Section 2.02(A)(1) of Regulation 8701¹. Enernet Two did not submit evidence of payment of the applicable filing fee according to the type of electric service to be provided.

Enernet Two alleged that since it has not commenced operations and didn’t generate income in Fiscal Year 2024, financial statements were not needed at this time.

Enernet Two requested confidential treatment of the Form NEPR-B03 and Form NEPR-B05 and its attachments. Enernet TWO submitted both redacted and unredacted versions of the documents in compliance with: (i) Section 6.15 of Act 57-2014²; (ii) Section 1.15 of Regulation 8701; and (iii) *In Re: Policy on Management of Confidential Information in Procedures before the Commission*, Case No.: CEPR-MI-2016-0009, Resolution and Order issued on August 31, 2016 (“Confidential Treatment Resolution”).

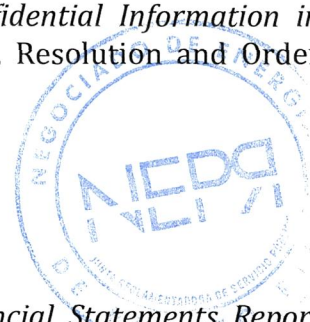
II. Applicable Laws and Regulations

A. Gross Revenue

The Energy Bureau has established the *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05) as the official document to be completed, to provide the financial information of an electric service company to the Energy Bureau. Specifically, Section 4.02(A) and (B) of Regulation 8701, as amended, establishes that electric

¹ *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”).

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



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services companies must inform their Annual Gross Revenue within sixty (60) days after the end of the Natural Year.

B. Financial Statements

Section 4.02 (E) and (F) of Regulation 8701 establishes that electric service companies must submit their financial statements within one hundred and twenty (120) days after the end of their Fiscal Year. The financial statements must be certified by an Certified Public Accountant (CPA) authorized to practice said profession in Puerto Rico, or in any jurisdiction of the United States of America.³

C. Operational Report and Filing Fee

Section 2.02 of Regulation 8701 requires that all electric service companies must submit an Operational Report with the frequency corresponding to their classification⁴. The required format for such reports is the *Operational Report for Electric Power Companies* (Form NEPR-B03), as established by the Energy Bureau.

In addition, Section 2.03(A)(2) of Regulation 8701 mandates that all electric service companies submitting an operational report must pay the applicable filing fee corresponding to their type of electric service.

D. Request of Information and Credentials of Contracted Entity

Under Section 2.02 of Regulation 8701, companies must report if any part of their system's operation is contracted to a third party. In cases where all or part of the system's operation is to be contracted out to another entity, the company must provide the name, contact information, and credentials of the entity to be contracted.

Operational Report for Electric Power Companies (Form NEPR-B03) requires disclosure of:

- The name and contact information of the contracted entity; and
- Evidence of the entity's credentials and operational capacity.

These credentials must include:

1. Proof of legal personality to operate in Puerto Rico, including:
 - Name, legal structure (*e.g.*, LLC, corporation), jurisdiction and country of organization;
 - Certificate of incorporation and registration;
 - Certificate of good standing issued by the Puerto Rico Department of State (dated within three months of submission);
 - If a foreign entity, certificate of authorization to do business in Puerto Rico; and
 - Any additional information required by the Energy Bureau or its forms.
2. Evidence of capacity to operate the contracted services, including:
 - Summary of operational personnel;
 - Their technical qualifications and licenses.

³ The financial statements must be audited or compiled according to the amount of gross revenue established in Regulation 8701, as amended. Section 4.02(E) requires compiled financial statements for electric service companies with three million dollars (\$3,000,000) or less in annual gross revenue. Section 4.02(F) of Regulation 8701, as amended, requires audited financial statements for electric service companies with more than three million dollars (\$3,000,000) in annual gross revenue. The financial statements must be signed by the CPA to attest the authority of the certification. Section 4.02(G), with additional requirements, applies to the Puerto Rico Energy Power Authority (PREPA).

⁴ Each year for companies defined in Section 2.02(A)(1). Each three (3) years for companies defined in Section 2.02(A)(2), 2.02(A)(3), 2.02(A)(4), and 2.02(A)(5).



III. Conclusion

Upon reviewing the *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05) filed by Enernet Two, the Energy Bureau **TAKES NOTICE** of the information presented. The Energy Bureau **DETERMINES** Enernet Two **COMPLIED** with Section 4.02 of Regulation 8701 by submitting Form NEPR-B05 for Natural Year 2024.

The Energy Bureau **EXEMPTS** Enernet Two from the requirement to submit financial statements at this time, as it is not currently operational and is not generating revenues.

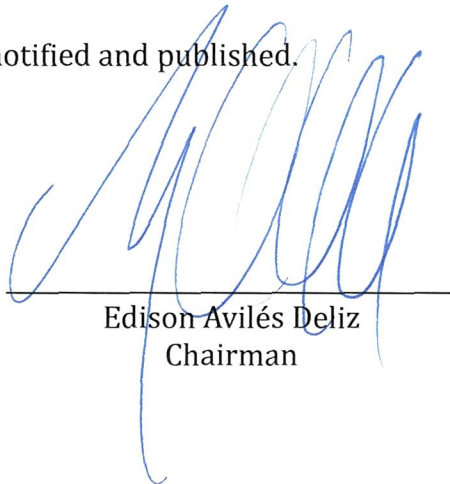
Enernet Two submitted its *2025 Operational Report for Electric Power Companies* (Form NEPR-B03). Nonetheless, it did not provide evidence of payment of the applicable fee. Hence, the Energy Bureau **GRANTS** Enernet Two **five (5) business days** to submit evidence of payment of the applicable filing fee. The Energy Bureau **WARNS** Enernet Two that the 2025 Operational Report will not be deemed submitted or subject to review until payment has been received.

The Energy Bureau **REMINDS** Enernet Two that if all or part of its system's operation is to be contracted out to another entity, it shall provide the name, contact information, and credentials of the entity or entities to be contracted, as previously specified. Additionally, Enernet Two shall describe what services, equipment, and systems the contracted entity will operate.

The Energy Bureau **GRANTS** Enernet Two's confidentiality request, pursuant to Act 57-2014 and Regulation 8701.

The Energy Bureau **WARNS** Enernet Two that failure to comply with this Resolution and Order, will result in the imposition of fines, in accordance with Art. 6.36 of Act 57-2014.

Be it notified and published.



Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner

(Did not intervene.)
Ferdinand A. Ramos Soegaard
Associate Commissioner




Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on July 30, 2025. Associate Commissioner Sylvia B. Ugarte Araujo did not intervene. I also certify that on July 30, 2025, I have proceeded with the filing of this Resolution and Order and was notified by email to arrivera@nuenergypr.com; rem@tcm.law.

I sign this in San Juan, Puerto Rico, July 30 2025.



Sonia Seda Gaztambide
Clerk