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COMMONWEALTH OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU

IN RE: ENERGY EFFICIENCY AND DEMAND RESPONSE TRANSITION PERIOD PLAN	**CASE NO.:** NEPR-MI-2022-0001 **SUBJECT:** Urgent Motion for Clarification Regarding SunStrong's Participation as a DR Aggregator in the CBES Program and the possible Impact of Solaris's Lack of Certification on the Implementation of the Master Aggregator Agreement

URGENT MOTION FOR CLARIFICATION REGARDING SUNSTRONG'S PARTICIPATION AS A DR AGGREGATOR IN THE CBES PROGRAM AND THE POSSIBLE IMPACT OF SOLARIS'S LACK OF CERTIFICATION ON THE IMPLEMENTATION OF THE MASTER AGGREGATOR AGREEMENT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC**, and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Introduction

As the Transmission and Distribution system operator, LUMA is responsible for facilitating the implementation of a pilot battery Demand Response program (called "Customer Battery Energy Sharing" ("CBES") — which provides incentives to residential customers for sharing stored energy from their batteries during Demand Response ("DR") events, thereby contributing to grid stability and supporting energy demand during peak demand periods. This program uses the aggregator model, wherein the customers enroll in the program through a qualified third-party aggregator, which is responsible for enrolling customers, dispatching battery resources for participating customers during grid events, reporting performance, and compensating customers based on participation ("DR Aggregator"). Notably, the services provided by DR

Aggregators under the Master Aggregation Agreement are paid with funds collected through the Power Purchase Cost Adjustment ("PPCA") Rider, which are public funds.

In accordance with Energy Bureau directives, in June 2025, LUMA transitioned the CBES Pilot into a permanent program (the "CBES Program") and expanded its scope for the Summer 2025, in a program known as the CBES+.

The purpose of this Motion is to request the Energy Bureau's clarification regarding SunStrong's Participation as a DR Aggregator in the CBES Program and the possible impact of Solaris's lack of certification on the implementation of the Master Aggregator Agreement ("MAA") between Sunnova Energy Corporation ("Sunnova") and the Puerto Rico Electric Power Authority ("PREPA") (represented by LUMA as its agent pursuant to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA")).

II. Relevant Procedural History

1. On October 13, 2025, LUMA filed an *Informative Motion Regarding Status of Sunnova's Participation in CBES and CBES+* ("October 13th Motion") informing that it had been recently notified of the sale, in connection with the Chapter 11 bankruptcy proceedings of Sunnova and its affiliates,[1] of substantially all of Sunnova's assets to another entity ("Purchaser"), and the assignment to the Purchaser of certain contracts and leases in connection with this sale, which included the Sunnova MAA. *See* October 13th Motion, p. 5. LUMA further informed that it had been in communication with an entity with certain interest in the mentioned sale (SunStrong) regarding the necessary steps for that entity to participate in the CBES program as a certified DR Aggregator pursuant to Regulation 9246[2].

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[1] Commenced on June 8, 2025, in the United States Bankruptcy Court for the Southern District of Texas Houston Division, Case No. 25-90160 (ARP), *In re: Sunnova Energy International Inc., et al*.

[2] Regulation for Demand Response, December 21, 2020 ("Regulation 9246").

2. On October 24, 2025, the Energy Bureau issued a Resolution and Order, ("October 13th Resolution") about the Applicability of Regulation No. 8701[3] to DR Aggregators, in which it essentially, ordered all DR aggregators to comply with Regulation No. 8701.

3. On October 31, 2025, SunStrong filed a *Motion to Confirm Interim Authorization to Operate under Sunnova's DR Aggregator Certification and Request for Confidential Treatment* ("SunStrong Motion") in which SunStrong reported that Sunnova's assets, including Sunnova's contracts with LUMA, were purchased by Solaris Assets, LLC, Solaris ABS, LLC and Solaris Borrower, LLC ("Solaris Purchasers") and other entities. SunStrong further informed that the court-approved sale of the Sunnova assets to the Solaris Purchasers was completed on September 3, 2025; SunStrong was engaged by Capital Holdings, LLC and Solaris TEP H Purchaser, LLC ("Solaris") as asset manager[4]; and the Solaris Purchasers had designated SunStrong to purchase a portion of the acquired assets, including Sunnova's contracts with LUMA. *See* SunStrong Motion, p. 4. Note that at this time, SunStrong was not certified as an Electric Service Company by the Energy Bureau. Neither was Solaris.

4. In addition, in the SunStrong Motion, SunStrong requested confirmation from the Energy Bureau that, pursuant to various agreements related to this sale (referenced in and attached to the SunStrong Motion), SunStrong could continue Sunnova's ongoing demand response operations under the Sunnova MAA until SunStrong's own certification as an Electric Service Company and DR Aggregator was approved by the Energy Bureau. *See* SunStrong Motion, p. 3. SunStrong also requested the Energy Bureau to "order LUMA to resume implementation of the Sunnova MAA and expedite any required approvals or amendments to immediately continue the

[3] Amendment to Regulation No. 8618, Regarding Certifications, Yearly Charge and Operational plans of Electric Service Companies, February 17, 2016, as amended ("Regulation No 8701")
[4] As described by SunStrong in their motion.

enrollment and participation of customers serviced by Sunnova in emergency DR events under the Permanent CBES Program or the CBES+", *See id*.

5. On November 13, 2025, the Energy Bureau issued a Resolution and Order ("November 13th Resolution") in Case NEPR-CT-2025-0012, *In re: Request for Certification SunStrong Management LLC* ("SunStrong Certification Docket") in which the Energy Bureau issued its determination regarding a request submitted by SunStrong on October 28, 2025 for certification as an Electric Service Company to provide the service of electric power generation for sale in Puerto Rico through distributed generator systems with aggregated capacity of one (1) MW or more, under Regulation 8701 and certification as DR Aggregator according to Regulation 9246.

6. In the November 13th Resolution, the Energy Bureau determined that Solaris was the entity that had acquired the portfolio of distributed solar generation systems and customer contracts constituting the electric service operation in Puerto Rico and was the legal owner of the physical and contractual assets that generate and supply electricity to customers. *See id*., p. 5. Accordingly, the Energy Bureau determined that Solaris must be certified as an Electric Service Company to lawfully provide electric services in Puerto Rico. *See id*.

7. Pertaining to SunStrong's request for certification, the Energy Bureau determined that:

> SunStrong has complied with all applicable requirements of Regulation 8701. Additionally, SunStrong has met the requirements set forth in Section 2.02 of Regulation 9246. Nonetheless, SunStrong has not filed its procedure for addressing complaints a customer may have regarding the DR services or compensation provided to the customer established under Section 6.03 of Regulation 9246. Hence, the Energy Bureau **GRANTS** SunStrong **seven (7) days** to submit its complaint procedure.

Id., p. 5.

III. Request For Clarification Regarding SunStrong's Participation as a DR Aggregator in the CBES Program and the possible Impact of Solaris's Lack of Certification on the Implementation of the MAA

8. LUMA respectfully requests this Honorable Energy Bureau to provide clarity regarding SunStrong's ability to participate in the CBES Program as a DR Aggregator. Specifically, although in the November 13th Resolution (in the SunStrong Certification Docket) the Energy Bureau certified SunStrong as a DR Aggregator, the Energy Bureau also directed that entity to submit the requisite procedure under Section 6.03 of Regulation 9246. Importantly, Section 6.03 of Regulation 9246 requires from the DR Aggregator —among other things— to "before enrolling customers in a DR program…develop and publish a procedure for addressing any complaints a Customer may have regarding the DR services or compensation provided to the Customer".

9. Given that the language in this provision preconditions enrollment of customers to the development and publication of the mentioned procedure, and given that the Energy Bureau has yet to issue a determination over SunStrong's ability to participate in the CBES Program, LUMA respectfully requests the Energy Bureau to clarify whether LUMA may proceed with adding SunStrong as a DR Aggregator once SunStrong complies with the relevant regulatory and legal framework (governmental contracting and procurement requirements, among others).

10. In addition, LUMA notes that the Energy Bureau determined that Solaris, as owner of the Sunnova assets in Puerto Rico —and not SunStrong— was required to become certified as an electric services company in connection with the sale of electricity in Puerto Rico. Given that Solaris is the owner of the assets that are to be managed by SunStrong as DR Aggregator, LUMA also respectfully requests the Energy Bureau to confirm whether the lack of certification of Solaris is an impediment to SunStrong's ability to participate in the CBES Program.

11. LUMA recognizes the importance of resolving these matters expeditiously to ensure continuity of service for participating customers, uphold regulatory compliance, and support the broader goals of grid resilience and demand response in Puerto Rico.

12. LUMA respectfully requests that the Energy Bureau promptly provide these clarifications so that LUMA may proceed, if possible, with the necessary steps towards having SunStrong act as a DR Aggregator on the CBES Program. LUMA reaffirms its support to appropriately include or add any qualified Electric Service Company and / or DR Aggregator to CBES and CBES+ programs in compliance with all applicable laws and regulations.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and issue the **clarifications** requested herein.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of November 2025.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this Motion to hrivera@jrsp.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net; javrua@sesapr.org; mrios@arroyorioslaw.com; jordgraham@tesla.com; forest@cleanenergy.org; customerservice@sunnova.com; pjcleanenergy@gmail.com; agraitfe@agraitlawpr.com; info@sesapr.org; cfl@mcvpr.com; mqs@mcvpr.com.

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