

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

NEPR

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IN RE: ENERGY EFFICIENCY DEMAND
RESPONSE TRANSITION PERIOD PLAN

CASE NO. NEPR-MI-2022-0001

SUBJECT: Motion In Response to LUMA's
Request for Clarification and In Support of
Sunstrong's Participation as a DR Aggregator

**MOTION IN RESPONSE TO LUMA'S REQUEST FOR CLARIFICATION AND IN SUPPORT
OF SUNSTRONG'S PARTICIPATION AS A DR AGGREGATOR**

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, SunStrong Management LLC ("SunStrong"), represented by the undersigned legal counsel, and respectfully submits the following:

I. INTRODUCTION

SunStrong respectfully submits this Motion to address the questions raised in LUMA's *Urgent Motion for Clarification Regarding SunStrong's Participation as a DR Aggregator in the CBES Program and the possible Impact of Solaris' Lack of Certification on the Implementation of the Master Aggregator Agreement*, filed on November 20, 2025, (the "Urgent Motion") regarding SunStrong's participation as a certified Demand Response Aggregator ("DR Aggregator") in the Commercial Battery Energy Storage ("CBES") Program and the alleged relevance of Solaris' certification status to that authority.

Sunstrong respectfully submits that the Energy Bureau has already considered and resolved the issues presented by LUMA. SunStrong's certification as a DR Aggregator, granted by the Bureau on November 13, 2025 and effective through June 30, 2028, constitutes full and independent authorization to perform all functions of a DR Aggregator including participation in the CBES Program. Furthermore, Solaris' certification status is legally irrelevant to SunStrong's

DR Aggregator certification, and the Bureau has imposed no additional prerequisites on SunStrong's participation.

II. RELEVANT PROCEDURAL BACKGROUND

On October 28, 2025, SunStrong filed before the Honorable Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Bureau") its *Motion to Request Certification as an Electric Service Company and as a DR Aggregator and Request for Confidential Treatment* ("October 28 Motion"). In that filing, SunStrong sought: (i) certification as an Electric Service Company, and (ii) certification as a DR Aggregator pursuant to the Regulation for Demand Response, Regulation No. 9246 of December 21, 2020 ("Regulation 9246").

On November 13, 2025, the Energy Bureau issued a Resolution and Order (the "November 13 R&O") whereby it certified SunStrong as a Demand Response Aggregator until June 30, 2028 under the special circumstances of the Transition Period Plan and LUMA's Emergency Demand Response Program. The Energy Bureau required SunStrong to submit its customer complaint procedure required under Section 6.03 of Regulation 9246.

The Bureau further determined that Solaris must obtain the certification as an Electric Service Company to lawfully provide electric service in Puerto Rico. Such determination was limited to those distributed generation assets engaged in the production and sale of electricity through Power Purchase Agreements or PPAs, which constitute a limited subset of the distributed generation assets owned by Solaris.

On November 20, 2025, SunStrong filed its *Motion in Compliance with November 13 Resolution and Order*, whereby it submitted the customer complaint procedure required under Section 6.03 of Regulation 9246 and the November 13 R&O.

On the same date, LUMA filed its Urgent Motion, seeking confirmation that SunStrong may participate in the CBES Program as a certified DR Aggregator and questioning whether Solaris' certification status has any bearing on SunStrong's aggregator authority.

III. DISCUSSION

The November 13 R&O addresses this distinction plainly: Solaris must seek certification to provide electric service as defined in Regulation 8701¹, that is, to engage in the provision of electric power generation for sale in Puerto Rico through distributed generators interconnected to the grid with an aggregated capacity of one (1) megawatt or more through PPAs; SunStrong, certified as a certified DR Aggregator, may immediately participate in the CBES and CEBS+ programs. The Bureau granted SunStrong its DR Aggregator certification, separate and distinct from Solaris' certification as an electric service company under the terms of Regulation 8701, and that certification remains valid and operative irrespective of Solaris' status.

LUMA contends that that SunStrong "was not certified as an Electric Service Company by the Energy Bureau". SunStrong respectfully directs the LUMA to the Energy Bureau's October 24, 2025 Resolution and Order in Case No. NEPR-MI-2022-0001. In that order, the Bureau expressly clarified that DR Aggregators are considered Electric Power Service Companies under Act 17-2019. Therefore, upon the Bureau's certification of SunStrong as a DR Aggregator on November 13, 2025, SunStrong became, by operation of law, an Electric Power Service Company for all purposes applicable to DR Aggregators. LUMA's suggestion that SunStrong cannot act as a DR Aggregator absent separate certification as an Electric Service Company therefore misstates the regulatory framework.

¹ Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico, Department of State Regulation No. 8701, as amended.

LUMA also requests that the Energy Bureau provide clarity on SunStrong's ability to participate in the CBES program because: (1) SunStrong was directed to submit the customer complaint procedure in the November 13 R&O, and (2) "the Bureau has yet to issue a determination over SunStrong's ability to participate in the CBES Program."

Regarding the first of these contentions, on November 20, 2025, SunStrong respectfully informs LUMA that it filed its *Motion in Compliance with November 13 Resolution and Order*, whereby it submitted the customer complaint procedure required under section 6.03 of Regulation 9246 and the November 13 R&O. Regarding the second contention, that the Bureau had not issued a determination regarding SunStrong's ability to participate in the CBES Program, Sunstrong notes that the November 13 R&O neither limits nor conditions SunStrong's certification as a DR Aggregator. The November 13 R&O plainly states the "[t]he Energy Bureau **CERTIFIES** SunStrong as a Demand Response Aggregator under the special circumstances of the Transition Period Plan ("TPP") and LUMA's Emergency Demand Response Program." As such, SunStrong is presently authorized to participate in the CBES Program.

SunStrong also reiterates the urgent operational context supporting its participation in the CBES Program. Ongoing constraints on Puerto Rico's generation fleet continue to elevate the risk of load-shed events. At the same time, substantial customer-sited energy storage capacity remains idle due to administrative delays rather than technical limitations.

DR Aggregator-led mobilization of these resources is both feasible and urgently necessary to stabilize system operations. SunStrong's certified status as a DR Aggregator provides an immediate, fully authorized mechanism for deploying these resources in alignment with the Transition Period Plan and the goals of the CBES Program. Delaying aggregator participation at this juncture would increase system vulnerability and undermine the objectives of both the Bureau and the Integrated Resource Plan.

To that end, SunStrong respectfully requests that the Energy Bureau order LUMA to continue the enrollment and participation of customers serviced by SunStrong in emergency DR events under the Permanent CBES Program or CBES+, including expediting any required approvals or amendments.

WHEREFORE, SunStrong respectfully requests that the Energy Bureau: (1) confirm that SunStrong is presently authorized to participate in the CBES Program as a certified Demand Response Aggregator; (2) acknowledge SunStrong's compliance with the requirement to submit its customer complaint procedure; (3) clarify that Solaris' certification status does not affect SunStrong's authority to act as a DR Aggregator; (4) order LUMA to continue the enrollment and participation of customers serviced by SunStrong in emergency DR events under the Permanent CBES Program or CBES+, including expediting any required approvals or amendments; and (5) grant such other relief as the Bureau deems just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on November 25, 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 laura.rozas@us.dlapiper.com; neysha.natal@lumapr.com; william.riosmaldonad@lumapr.com; gustavo.bonet@lumapr.com; johanis.salcedomoral@lumapr.com; hrivera@jrsp.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net; javrua@sesapr.org; mrrios@arroyorioslaw.com; jordgraham@tesla.com; forest@cleanenergy.org; customerservice@sunnova.com; pjcleanenergy@gmail.com; agraitfe@agraitlawpr.com; info@sesapr.org.

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