

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

IN RE: REQUEST FOR CERTIFICATION
VIRTUAL PEAKER, INC.

CASE NO.: NEPR-CT-2024-0001

SUBJECT: DR Aggregator certification
renewal.

RESOLUTION AND ORDER

On July 24, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") certified Virtual Peaker, Inc. ("Virtual Peaker") as an Electric Power Company and a Demand Response Aggregator ("DRA") under the circumstances of the Transition Period Plan ("TPP") and LUMA's¹ Emergency Demand Response Program. The Energy Bureau warned Virtual Peaker that its DRA Certification would expire on June 30, 2025² and that certification could be renewed upon request, at least thirty (30) days before the Expiration Date.

On January 15, 2026, Virtual Peaker filed before the Energy Bureau the followings forms ("January 15 documents"):

1. *Personal Information Electric Power Companies* (Form NEPR-B01). Reported change from its March 11, 2024 filing: new postal addresses for: (i) the principal office³; (ii) authorized person to receive notifications personally⁴; (iii) designated contact⁵; and (iv) Founder & CEO⁶.
2. *Continuation Sheet Information on Affiliate or Subsidiary Entities* (Form NEPR-B02). No changes from its 2024 filing.
3. *Operational Report Electric Power Companies* (Form NEPR-B03). No changes from its Mach 11, 2024, filing.
4. *Request for Certification Electric Power Companies* (Form NEPR-B04), Amended Request. Reported change from 2024 filing: the aggregated capacity of the company's generation (MW): from 20 MW to 1.36 MW.
5. *Gross Revenue and Financial Statements Report Electric Power Companies* (Form NEPR-B05). Reporting for Fiscal Year 2024.⁷

Section 6.01(A) of Regulation 9246⁸ requires DR Program Providers to adopt and maintain a privacy and data security policy that describes and governs how it stores, safeguards, and limits disclosure of customer information. Section 6.01(B) requires that such privacy and data security policy is subject to review and approval by the Energy Bureau and under Section 6.01(C) the Energy Bureau may audit each DR Program Provider's procedures and practices to ensure consistency with its privacy and data security policy.

Section 6.03 of Regulation 9246 requires DR Program Providers a complaint procedure for its customers with the following elements:

¹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (referred to jointly as "LUMA").

² See *In Re: Energy Efficiency and Demand Response Transition Period Plan*, Case No.: NEPR-MI-2022-0001, Resolution and Order issued on November 29, 2023 (Extension of TPP and DR Aggregator Deadline).

³ Part B. Information in Puerto Rico.

⁴ Part C. Addresses for Receipt of Notifications.

⁵ Part D. Information for Designated Contact before the Energy Bureau.

⁶ Part F. Information of Members of the Board of Directors or Governing Body and Executive Principals.

⁷ Virtual Peaker Fiscal Year ends in December 31.

⁸ *Regulation for Demand Response*, December 21, 2020 ("Regulation 9246").



A. Before enrolling customers in a DR program, each DR Program Provider shall develop and publish a procedure for addressing any complaints a Customer may have regarding the DR services or compensation provided to the Customer. The procedure shall clearly describe the process through which a Customer may file any complaint or grievance with the DR Program Provider and the process through which the DR Program Provider will address said complaint or grievance, including the time period within which such complaints or grievances will be addressed.

1) A DR Program Provider with a pre-existing complaint procedure that has been approved by the Energy Bureau may use that procedure until it develops a complaint procedure fully aligned with this regulation. When it begins implementation of a DR program, such provider shall propose to the Energy Bureau the timeline for updating its complaint procedure to be fully aligned with this regulation, or shall explain why it believes that its preexisting procedure is fully aligned with this regulation.

2) Each DR Program Provider's complaint procedure shall include information regarding how to contact the Independent Consumer Protection Office.

B) The procedure must include processes for investigation and resolution of complaints by a Customer whose private or proprietary information may have been sold by the DR Program Provider or disclosed by the DR Program Provider to market services or product offerings in violation of this Article.

C) Any Customer dissatisfied with a determination made by the DR Program Provider in relation to a complaint or grievance made under this Section may file a complaint with the Energy Bureau for review of such determination by the DR Program Provider. Such complain shall be filed under Regulation 8543.

On April 29, 2024, Virtual Peaker filed certain annexes for its Request for Certification including a privacy and data security policy.

As this date Virtual Peaker had not filed the complaint procedure as DR Aggregator as required by Section 6.03 of Regulation 9246.

On January 29, 2025, the Energy Bureau issued a Resolution and Order ("January 29 Resolution") in case *In Re: Energy Efficiency and Demand Response Transition Period Plan*, Case No.: NEPR-MI-2022-0001, whereby it clarified the waivers applicable to certain requirements of Regulation 8701 in the case of DR Aggregators. On October 24, 2025, the Energy Bureau issued a Resolution and Order ("October 24 Resolution") corresponding to the same matter. Under these determinations Section 2.03(A)(1)(a) of Regulation 8701, that requires payment of fifty dollars (\$50.00) for filing the update of the personal information, applies to DA Aggregators.

Virtual Peaker did not submit evidence of payment of the corresponding filing fee for *Personal Information Electric Power Companies* (Form NEPR-B01).

As addressed in a Resolution and Order issued by the Energy Bureau on April 3, 2025,⁹ to align Energy Efficiency ("EE") and Demand Response ("DR") programs on a common timeframe with the Customer Battery Energy Sharing ("CBES") program and to enable a comprehensive review of the first Three-Year EE and DR Plan, the Energy Bureau determined that the first Three Year EE and DR Plan shall cover only two years: July 1, 2026 through June 30, 2028¹⁰. The Energy Bureau extended the Transition Period Plan ("TPP") until June 30, 2026.

⁹ *In Re: Energy Efficiency and Demand Response Transition Period Plan*, Case No.: NEPR-MI -2022-0001

¹⁰ 2026-2028 EE and DR Plan.



After reviewing the January 15 documents filed by Virtual Peaker, the Energy Bureau **TAKES NOTICE** of the information provided under its continuing duty to update its information as a DR Aggregator. The Energy Bureau **GRANTS** Virtual Peaker an extension as DR Aggregator Certification through **June 30, 2028**. Certification could be renewed upon request of Virtual Peaker. Renewal requests shall be filed, at least thirty (30) days before the Expiration Date.

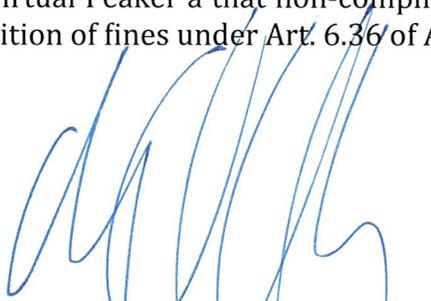
The Energy Bureau **GRANTS** Virtual Peaker **fifteen (15) days** to submit evidence of the filing fee for *Personal Information Electric Power Companies* (Form NEPR-B01) as required by Section 2.03(A)(1)(a) of Regulation 8701.

The Energy Bureau **GRANTS** Virtual Peaker **thirty (30) days** to submit its customer complain procedure as required by Section 6.03 of Regulation 9246.

The Energy Bureau **REMINDS** Virtual Peaker that moving forward it shall ensure timely compliance of relevant regulatory timeframes.

The Energy Bureau **WARNS** Virtual Peaker a that non-compliance with this Resolution and Order may result in the imposition of fines under Art. 6.36 of Act 57-2014.¹¹

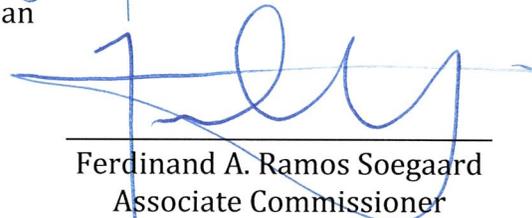
Be it notified and published.



Edison Avilés Deliz
Chairman



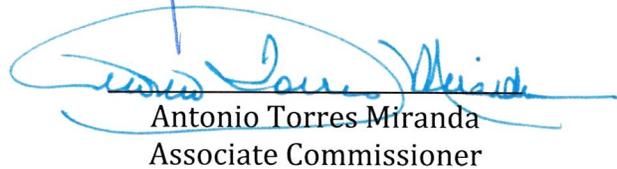
Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau have agreed on January 29 2026. I also certify that on January 30 2026 a copy of this Resolution and Order was notified by electronic mail jguigley@virtual-peaker.com, and I have proceeded with the filing of the Resolution and Order issued by Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, January 30 2026.



Wanda I. Cordero Morales
Interim Clerk



REGOCIADO DE ENERGÍA
DE PUERTO RICO
DIVI REGULAMENTADORA DE SERVICIO PÚBLICO

¹¹ Known as the *Puerto Rico Energy Transformation and Relief Act*, as amended ("Act 57-2014")