

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

FEB 03 2026

Secretaria  
Negociado de Energía  
10:37am

IN RE: Request for Certification  
FLIP ENERGY, INC.

CASE NO.: NEPR-CT-2024-0005

SUBJECT: Certification as Electric  
Power Company and Demand  
Response Aggregator

**REQUEST FOR CLARIFICATION ON DR AGGREGATOR CERTIFICATE AND  
OTHER MATTERS**

**TO THE HONORABLE ENERGY BUREAU:**

COMES NOW FLIP ENERGY, INC. ("FLIP"), represented by the undersigned counsel, and very respectfully states, alleges, and prays as follows:

**I. SUMMARY OF RELEVANT FACTS**

1. On June 21, 2024, FLIP filed before the Honorable Puerto Rico Energy Bureau ("PREB") a request for certification as an Electric Power Service Company and as a Demand Response ("DR") Aggregator pursuant to Regulations Nos. 8701 and 9246, and the resolutions issued by the PREB in Case No. NEPR-MI-2022-0001.
2. On August 26, 2024, the PREB issued a Resolution and Order in Case No. NEPR-CT-2024-0005 determining the filing complete and certifying FLIP as (i) an Electric Power Service Company and (ii) a DR Aggregator, "under the special circumstances of the Transition Period Plan ("TPP") and the LUMA Emergency DR Program" (the "Certification Order").

3. The PREB issued the Certification Order with an expiration date stated as June 30, 2025, and quoted its November 29, 2023, Resolution and Order which extended the TPP until June 30, 2025, as the basis for the expiration date<sup>1</sup> (See, footnote 13 Certification Order).
4. On April 3, 2025, the PREB further extended the TPP through June 30, 2026; and aligned the first Three-Year EE/DR Plan to cover July 1, 2026, through June 30, 2028, while partially approving the permanent CBES program for a three-year term extending to June 30, 2028 (See, Resolution and Order issued on April 3, 2025) (See, Case No. NEPR-MI-2022-0001, Resolution and Order issued on April 3, 2025, page 2).
5. Before the aforesaid extensions of the TPP, on June 15, 2023, the PREB waived the application of certain Articles and Sections of Regulation 8701 as amended. Among the Articles and Sections waived by PREB were Article 2, -except for section 2.01 and 2.03 A (1) which relate to Personal Information and charges regarding filing of Personal Information- and Article 4 (waived entirely).
6. Later, on October 24, 2025, the PREB **determined** that “Regulation No. 8701 shall be applied to DR Aggregators prospectively, with limited waivers remaining as follows: “Article 2: Waived, except for Sections 2.01 and 2.03 A (1) (Personal Information) which are applicable. Article 3: Only Section 3.03(B) shall be waived.” (See, Resolution and Order issued on October 24, 2025, Page 2. NEPR-MI-2022-0001). In this same resolution, in footnote number 4, the PREB noted the following:

“The waivers herein shall apply to all new DR Aggregators requesting certification after notification of this Resolution and Order. **Existing DR Aggregators shall commence with all filing requirements except the waivers specified herein commencing the start of the following calendar year January 1, 2026.**”, (emphasis ours).
7. Under Regulation No. 8701, as amended by Regulation No. 9182, Article 4 establishes two recurring annual submissions for Electric Power Service Companies: (a) an Annual Gross Revenues report, due within sixty (60) days after the close of each calendar year, and (b)

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<sup>1</sup> On November 29, 2023, before, FLIP was certified as a DR Aggregator and an Electric Power Service Company, in Case No. NEPR-MI-2022-0001, the PREB extended the TPP through June 30, 2025.

financial statements—compiled if annual gross revenues are  $\leq$  \$3,000,000; audited if they exceed that threshold—due within one hundred twenty (120) days after the end of the company’s fiscal year. (Regulation No. 9182, § 4.02(A)–(B), (E)–(F)). The October 24, 2025 Resolution and Order revised waivers reinstates this requirement for purposes of DR Aggregators.

8. By contrast, PREB’s October 24, 2025 Resolution and Order maintained the waiver of Article 2 for DR Aggregators, except for the event-driven “Personal Information” elements in §§ 2.01 and 2.03(A)(1). As a result, the Article 2 Operational Report (§ 2.02) and its related fee are not part of the recurring obligations for DR Aggregators; § 2.01 continues to be satisfied through initial filing and prompt updates when changes occur. (Regulation No. 8701 § 2.01; and Oct. 24, 2025 Resolution and Order).
9. PREB also specified that, for existing certified DR Aggregators, the applicable filing requirements begin “commencing … January 1, 2026.”

## **II. REQUEST FOR CLARIFICATION ON DR AGGREGATOR CERTIFICATION VALIDITY DURING TPP EXTENSIONS AND ALIGNMENT TO JUNE 30, 2028**

10. The Certification Order expressly ties FLIP’s certification to the “special circumstances of the TPP and the LUMA Emergency DR Program” and references, in footnote 13, the PREB’s first extension of the TPP issued on November 29, 2023, until June 3, 2025. In substance and effect, the Certification Order recognized the TPP as the framework within which DR Aggregator certifications were being issued during the pilot-to-permanent transition.<sup>2</sup>
11. As described above, subsequent PREB Resolution and Orders extended the timeframe for that framework. First, the TPP was extended to June 30, 2025, and then, more recently to June 30, 2026. Then, to “align the EE and the DR programs on a common timeframe with the CBES program and to enable comprehensive review of the second Three-Year EE and DR Plan,” the

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<sup>2</sup> Thereafter, the PREB did the same when it certified SunStrong Management LLC (Case No. NEPR-CT-2025-0012), on November 13, 2025, providing that its Certification expiration date will be June 30, 2028 and citing PREB’s Resolution and Order issued on April 3, 2025 (the second TPP extension) as the basis for the expiration.

PREB established that the next EE/DR plan period shall run from July 1, 2026 through June 30, 2028, while the permanent CBES program remains approved for a three-year term through June 30, 2028.

12. After reasonable efforts reviewing the docket of Case No. NEPR-MI-2022-0001, FLIP and its representatives have not found any expression or determination by PREB on whether the expiration date of existing DR Aggregators' certificates would automatically be extended with the extension of the TPP and the extension of the EE / DR Plan period through June 30, 2028.
13. Nevertheless, FLIP understand that treating DR Aggregator certifications issued under the TPP as expiring on the original June 30, 2025 date would create a gap contrary to the PREB's own alignment objectives, and the continuity required for CBES operations.
14. Accordingly, FLIP respectfully understands and submits that its DR Aggregator and Electric Power Service Company certification should be deemed valid (automatically extended), at minimum, through the extended TPP end date of June 30, 2026, and, consistent with the PREB's April 3, 2025, alignment decision and the approved CBES term, through June 30, 2028. This interpretation promotes regulatory continuity, protects program participants, and avoids duplicative re-certification solely due to TPP timing changes.
15. In light of the foregoing, FLIP respectfully requests that the PREB expressly confirm or clarify the intended duration of its DR Aggregator and Electric Power Service Company certification in accordance with the ongoing extensions of the TPP and the alignment with the CBES program. FLIP would greatly appreciate the PREB's prompt guidance on this matter to avoid any ambiguity regarding the certification's validity through the aligned periods.

### **III. REQUEST FOR CLARIFICATION ON START DATE FOR FILINGS**

16. As discussed above, the revised regulatory waivers reinstate DR Aggregators obligation to file Annual Gross Revenue Reports and Financial Statements under Article 4 under Regulation No. 8701, as amended by Regulation No. 9182. At the same time, under the same revised

waiver, Article 2 Operational Report (§ 2.02) and its related fee are not part of the recurring obligations for DR Aggregators.

17. Importantly, PREB also specified that, for existing certified DR Aggregators, the applicable filing requirements begin “commencing … January 1, 2026.”

18. Read together with the first TPP regulatory waiver this forward-looking statement seems to indicate that Article 4’s periodic reporting obligations start with the 2026 reporting cycle, rather than reaching back to 2025. (See, October 24, 2025; June 15, 2023 Resolution and Orders). Other possible interpretation is that PREB wants DR Aggregators to file gross revenue and financial information for the year 2025, which does not seem compatible with the “prospective” application of the regulatory framework that requires filing information relating to the prior year (the one during which the waiver was in effect).

19. Thus, FLIP respectfully requests clarification on this matter. On one side, the footnote in the October 24 Resolution and Order (n.4) could, if read in isolation, be taken to suggest a filing in 2026 covering 2025 activity. On the other -considering the waiver applicable to the immediate past year- it could be argued that the first Gross Revenue Reports and Financial Statements filings will be due in 2027. The first reading would place a retroactive obligation on a period when Article 4 filings were still waived for DR Aggregators. Therefore, the more coherent reading—consistent with the order’s prospective phrasing and the prior waiver—is that the first annual Article 4 submissions are those covering the 2026 year.

20. Accordingly, the first Annual Gross Revenues report for an existing certified DR Aggregator should cover the 2026 calendar year and be due within sixty (60) days of year-end—i.e., by March 1, 2027. Likewise, the first set of financial statements under Article 4 would be those for the fiscal year that ends in 2026, due within one hundred twenty (120) days after that fiscal year’s end.

21. In light of the foregoing, FLIP respectfully requests that the PREB expressly confirm or clarify the intended purpose of its determination expressed at page 2 and footnote 4 of the Resolution and Order issued on October 24, 2025.

#### **IV. CONCLUSION AND REQUEST**

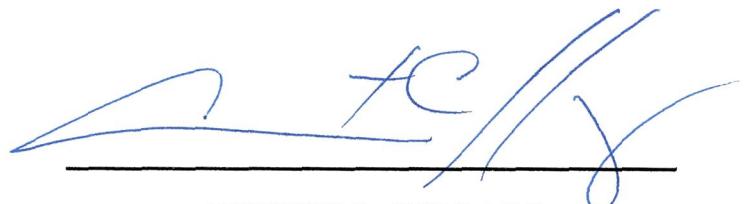
**WHEREFORE**, FLIP ENERGY, INC respectfully requests that the PREB:

1) Takes notice of the foregoing; 2) clarifies that FLIP's certification issued in NEPR-CT-2024-0005 remains valid through at least June 30, 2026, corresponding to the extended TPP period; or alternatively and consistent with the PREB's April 3, 2025 Resolution and Order aligning program timelines and approving CBES for a three-year term, FLIP's certification shall be recognized as valid through June 30, 2028; and 3) provide further clarification on the expected filing of Article 4 gross revenue and financial statement reports (i.e., whether PREB expects to receive corresponding filings in 2026 or 2027).

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, on February 3, 2026.

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