

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

IN RE: REQUEST FOR CERTIFICATION
FORTRESS POWER LLC

CASE NO.: NEPR-CT-2024-0010

SUBJECT: DR Aggregator Certification
Renewal

RESOLUTION AND ORDER

On February 7, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution ("February 7 Resolution") granting the request for certification as an Electric Service Company and as a Demand Response Aggregator¹ filed by Fortress Power LLC ("Fortress"), subject to the continuing applicability of the waivers of certain Regulation 8701² requirements, under the Transition Period Plan and any subsequent Energy Bureau directives. The certifications of DR Aggregators were made under the circumstances of the Transition Period Plan ("TPP") and LUMA's³ Emergency Demand Response Program.

In the February 7 Resolution the Energy Bureau reminded Fortress of its obligation to comply with all other sections of Regulation 8701 and Regulation 9246 not expressly waived or otherwise modified by January 28 Waiver Resolution⁴ or any future orders by the Energy Bureau. The January 28 Waiver Resolution clarified the waivers applicable to certain requirements of Regulation 8701 in the case of DR Aggregators.

On January 26, 2026, Fortress filed a document ("February 26 Motion") with the following request:

RE
Fortress Power is requesting an extension to the Resolution case number NEPR-CT-2024-0010 to continue working in the Demand Response battery program in Puerto Rico. It was signed on February 7, 2025.

AM
On January 28, 2026, Fortress filed a document titled *Fortress Power LLC's Motion for Extension of Certification* ("January 28 Motion") requesting an extension to the certification granted in the February 7 Resolution as a Demand Response Aggregator. Fortress included in the January 28 Motion the following:

1. Privacy and Data Security Policy, in compliance to Section 6.01(A) of Regulation 9246.
2. Complaint Procedure, in compliance to Section 6.03 of Regulation 9246.

AM
Section 6.01(A) of Regulation 9246 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 must be reviewed and approved 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 According to the requirements of the *Regulation for Demand Response*, December 21, 2020 ("Regulation 9246").

² *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").

³ LUMA Energy, LLC and LUMA Energy ServCo, LLC (referred to jointly as "LUMA").

⁴ Resolution and Order, *In Re: Energy Efficiency and Demand Response Transition Period Plan*, Case No.: NEPR-MI-2022-0001, January 28, 2025 ("January 28 Waiver Resolution").



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 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.

As addressed in a Resolution and Order issued by the Energy Bureau on April 3, 2025,⁵ 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, 2028⁶. The Energy Bureau extended the Transition Period Plan ("TPP") until June 30, 2026.

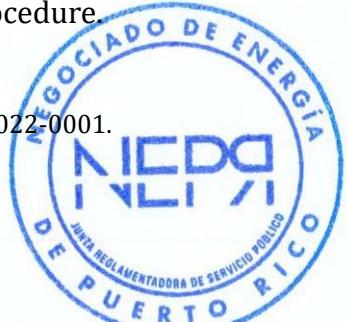
The language provided by Fortress in its procedure for addressing complaints regarding the Demand Response Services or compensation fails to establish clear deadlines for a customer to submit a complaint and does not adequately distinguish between the informal process before Fortress and the formal process before the Energy Bureau. Greater detail and clarity are required.

Fortress's filing requires modification to ensure faithful compliance with Section 6.03 of Regulation 9246. Fortress has not provided evidence of the publication of the mentioned procedure, which is also required by the referenced section.

Hence, Fortress's submittal is **DEEMED** incomplete. This determination is made in fulfillment of our duty to provide customers with reasonable protection. The Energy Bureau **GRANTS** Fortress **twenty (20) days** to provide the corresponding adjustments to its complaint procedure, so it aligns with Section 6.03 of Regulation 9246. Additionally, within the same timeframe, Fortress shall provide proof of having published its complaint procedure.

⁵ *In Re: Energy Efficiency and Demand Response Transition Period Plan*, Case No.: NEPR-MI -2022-0001.

⁶ 2026-2028 EE and DR Plan.



Regarding the certification renewal request the Energy Bureau **GRANTS** Fortress' DR Aggregator certification renewal, **under the special circumstances of the TPP and the LUMA's Emergency DR Program.**

Certification Expiration date⁷: June 30, 2028.

Certification could be renewed upon request of Fortress. Renewal requests shall be filed, at least thirty (30) days before the Expiration Date.

The Energy Bureau **ORDERS** the Clerk Office to include Fortress in the List of Certified DR Aggregators at the Energy Bureau's web site, including the Fortress's contact information, as required by Section 2.02(C) of Regulation 9246.

The Energy Bureau **WARNs** Fortress that non-compliance with this Resolution and Order may result in the imposition of fines under Art. 6.36 of Act 57-2014.⁸

Be it notified and published.



Edison Avilés Deliz
Chairman



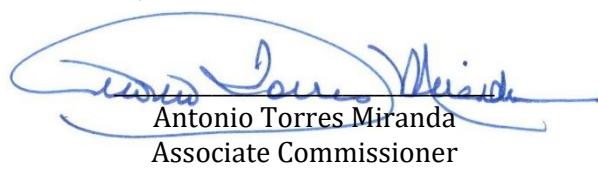
Lillian Mateo Santos
Associate Commissioner



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 has so agreed on February 11, 2026. I also certify that on February 11, 2026, a copy of this Resolution was notified by electronic mail to carolinep@fortresspower.com; nathanr@fortresspower.com; and I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on February 11, 2026.



Sonia Seda Gatzambide
Clerk

⁷ Extension of TPP, see November 29, 2023, Resolution and Order "Extension of Transition Period Plan by One Year; Extension of DR Aggregator Certification Deadline", Case No.: NEPR-ML-2022-0001.

⁸ Known as the *Puerto Rico Energy Transformation and Relief Act*, as amended ("Act 57-2014")