

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

IN RE: REQUEST FOR CERTIFICATION
FRANKLIN WH ENERGY STORAGE INC

CASE NO.: NEPR-CT-2025-0010

SUBJECT: Resolution and Order pertaining to January 15 Resolution requesting FranklinWH Energy Storage Inc. information and documentation to comply with its request of certification as DR Aggregator

RESOLUTION AND ORDER

I. Introduction

On January 15, 2026, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("January 15 Resolution") granting FranklinWH Energy Storage Inc. ("FranklinWH") thirty (30) days to submit the information and documentation requested in the November 20 Resolution in order to evaluate its request for certification as a Demand Response Aggregator, under Regulation 9246¹ and, the applicable provisions of Regulation 8701². FranklinWH was warned that failure to comply with the January 15 Resolution would result in deeming its request for certification as not filed, in accordance with Regulation 8701.

On February 9, 2026, FranklinWH filed an untitled document ("February 9 Motion") clarifying that it seeks certification as a Demand Response Aggregator, under Regulation 9246, and therefore as an electric service company under Act 57-2014³. Nonetheless, FranklinWH did not submit the pertinent documentation in support of its request.

II. Applicable Laws and Regulations

A. Regulatory Requirements to Demand Response Aggregators Certification

Section 1.03 of Regulation 9246 describes the importance of Demand Response to reconstruct the electrical grid of Puerto Rico:

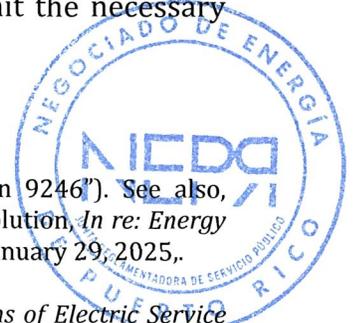
Demand response has a significant role to play in rebuilding a stronger energy system responsive to customers' needs. Developing demand response programs can be a resource to reduce system costs. Specifically, demand response can help reduce the cost of capacity, energy, and other energy services for all customers while increasing system flexibility and allowing for better integration of renewable resources. Customers participating in demand response programs will benefit through having opportunities to reduce their energy costs by better managing their usage.

It is important that entities requesting certification as Demand Response Aggregators understand the corresponding regulatory requirements in order to submit the necessary forms, information and documents to better fulfill their responsibilities.

¹ Regulation for Demand Response, Regulation 9246, December 21, 2020 ("Regulation 9246"). See also, Temporary waivers for Demand Response Aggregators as per the Energy Bureau's Resolution, *In re: Energy Efficiency and Demand Response Transition Period Plan*, Case No. NEPR-MI-2022-0001, January 29, 2025.

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



On April 3, 2025, the Energy Bureau issued a Resolution and Order (“April 3 Resolution”)⁴, 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, 2028⁵. The Energy Bureau extended the Transition Period Plan (“TPP”) until June 30, 2026.

On October 24, 2025, the Energy Bureau issued a Resolution and Order (“October 24 Resolution”)⁶ that modified previous Resolutions on how waivers to the certification process provisions applicable under Regulation 8701 would be prospectively applied to entities requesting DR Aggregator certification. Specifically, the October 24 Resolution determined all Regulation 8701 provisions shall apply with the following exceptions:

<p>Article 2 Required Information and Duty to Update</p>	<p>Applicable only: Section 2.01 - Personal Information Section 2.03 – Fees Section 2.03(A)(1) Personal Information (\$100.00) Section 2.03(A)(1)(a) Update (\$50.00)</p> <p>The rest of Article 2 is waived.</p>
<p>Article 3 Certification</p>	<p>Applicable except: Section 3.03(B).</p>

Among the clarifications in the October 24 Resolution it was determined that:

The waivers herein shall apply to all new DR Aggregators requesting certification of this Resolution and Order. Existing certified DR Aggregators shall commence with all filing requirements except the waivers specified herein commencing the start of the following calendar year January 1, 2026.⁷

B. Requisites for the Certification of Demand Response Aggregators

Under Regulation 9246, and the applicable provisions of Regulation 8701, entities requesting DR Aggregator certification must submit the following forms, information and documents:

<p style="text-align: center;">Requisites for DR Aggregators certification under Regulation 8701</p> <p>1. Submit a <i>Request for Certification of Electric Service Companies</i> (Form NEPR-B04) – Complying with the information required in Article 3 of Regulation 8701 but excluding the information in Section 3.03(B) of Regulation 8701.⁸</p> <ul style="list-style-type: none"> a. The type or types of electric service the company intends to offer. b. Whether the electric service company intends to enter into a contract or any other legal transaction with PREPA or any other electric service company for the provision of service. c. Certified statement by a Certified Public Accountant.⁹

⁴ In Re: Energy Efficiency and Demand Response Transition Period Plan, Case No.: NEPR-MI -2022-0001

⁵ 2026-2028 EE and DR Plan.

⁶ On Case No.: NEPR-MI-2022-0001.

⁷ Footnote 4, at page 2.

⁸ Determined in Resolution and Order, *In Re: Energy Efficiency and Demand Response Transition Period Plan Case* No.: NEPR-MI-2022-0001, January 29 and October 24, 2025.

⁹ This provision was object of the following interpretation: “Companies seeking certification under Regulation 8701 shall provide audited financial statements in accordance with GAAS, that conclude whether, in the judgement of the CPA, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Company’s ability to continue as a going concern for a reasonable period, without guaranteeing future solvency.” *Interpretative Resolution, In re: Interpretative Resolution: Amendments to the Regulation on*



<p>d. A statement as to the fact that the company has the necessary human resources (technical, professional, and administrative) to operate and provide the services it intends to offer in Puerto Rico.</p> <p>e. A detailed list of the technical and professional qualifications of said personnel, as well as the profile of those it intends to recruit in order to show their expertise and competence to operate and provide the services the company intends to offer in Puerto Rico.</p> <p>f. Copy of the permits, authorizations, and federal, state, and municipal endorsements the company has obtained in order to operate and do business in Puerto Rico and provide electric power service in Puerto Rico.</p> <p>g. Any other information that the Energy Bureau may require.</p>
<p>2. Submit a <i>Personal Information Electric Service Companies</i> (Form NEPR-B01)</p> <p>a. Include evidence of payment of filing fee of Form NEPR-B01.</p>
<p>Requisites for DR Aggregators certification under Regulation 9246</p>
<p>1. Submit the following documents and information:</p> <p>a. Description of describe the DR resources it seeks to develop and aggregate. (Regulation 9246, Section 2.02(B)(2)(a))</p> <p>b. Identify the DR program or programs offered by PREPA it intends to utilize on behalf of its customers. (Regulation 9246, Section 2.02(B)(2)(a))</p> <p>c. Submit copy of the privacy and data security policy. (Regulation 9246, Section 2.02(B)(2)(c) and Section 6.01)</p> <p>d. Submit copy of the procedure for addressing customers' complaints regarding DR services or compensation. (Regulation 9246, Section 6.03)</p> <p>e. Appropriate contractual or other arrangements with their customers necessary to implement DR service consistent with all applicable laws, Energy Bureau requirements and Regulation 9246. (Regulation 9246, Section 2.03(K))</p>
<p>2. Additional requisite for Demand Response Aggregators that intend to serve residential or small commercial customers:</p> <p>a. Provide the standard form letter or electronic communication and agreement to be submitted to each customer explaining the terms and conditions of participating in the DR service. (Regulation 9246, Section 2.02(B)(2)(d) and Section 2.03)</p>

As stated in Article 3.03(G) of Regulation 8701, Requests for Certification shall be deemed submitted if the appropriate fee has been paid, they contain all the information, data, and documents required by Regulation 8701, and once the Energy Bureau has confirmed and given written notice that the Request in question is complete. Any Requests that do not comply with every applicable provision of Regulation 8701 shall be deemed to have never been submitted and shall no legal effect.

C. Complaint Procedure for Consumers Enrolled in a Demand Aggregator Program

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

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.

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D. Privacy and Data Security Policy Requirement under Regulation 9246

Regulation 9246 requires that DR Program Providers 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(D) requires the following:

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D) Each DR Program Provider's privacy and data security policy shall ensure at a minimum that:

1) The company's policy is consistent with the principles for data privacy and the smart grid in the DataGuard Energy Data Privacy Program Voluntary Code of Conduct.

2) The company may not sell private or proprietary customer information.

3) The company may not disclose private or proprietary customer information with or to its affiliates, subsidiaries, or any other third party to market services or product offerings to a retail electric customer who does not already subscribe to that service or product.

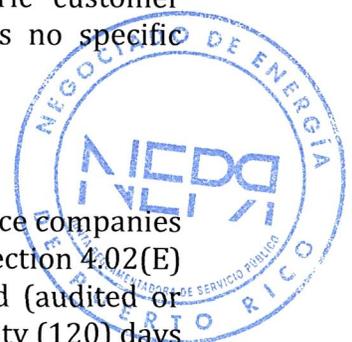
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a) The DR Program Provider shall be allowed to share customer information with its DR vendors, verifiers, and evaluators, with data sharing limited to that which is necessary for effectively operating each vendor's DR program or programs or the verification or evaluation of such programs.

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4) This section does not require customer permission for or prevent disclosure of private or proprietary customer information by the DR Program Provider to a third party with which the DR Program Provider has a contract where such contract is directly related to conduct of the DR Program Provider's business and the services being provided, provided that the contract prohibits the third party from further disclosing or selling any private or proprietary customer information obtained from the DR Program Provider to a party that is not the DR Program Provider and not a party to the contract with the DR Program Provider.

5) A DR Program Provider may collect and release retail electric customer information in aggregate form if the aggregated information allows no specific customer to be identified.

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E. Duty to Report Gross Revenue and File Financial Statements

Section 4.02(A) to (D) of Regulation 8701 establishes the duty of electric service companies to report its gross revenue sixty (60) days after the end of their Natural Year. Section 4.02(E) and (F) of Regulations 8701 required Financial Statements to be submitted (audited or compiled according to the amount of gross revenue) on one hundred and twenty (120) days after the end of their Fiscal Year.



During 2027 certified DR Aggregators must submit its: (i) Gross Revenue Report as required by Section 4.02(A) of Regulation 8701; and (ii) Financial Statements as required in Section 4.02(E) and (F) of Regulation 8701, with the corresponding 2026 information, and on the filing dates established in these provisions.¹⁰

F. Prospective Documents and Information to Submit

After its certification as Demand Response Aggregator, and therefore as Electric Service Company, in addition to the duty to report gross revenue and file financial statements on a yearly basis, the following information must be submitted on an annual basis as established in Regulation 9246 and Regulation 8701:

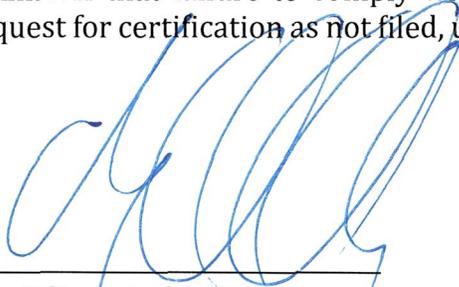
Copy of an Annual Report with a description of the DR Aggregator's complete activities during the year, including a summary of the DR resources aggregated, the DR programs in which they are enrolled, and the performance of their resources during events when DR has been dispatched, and any other such information as the Energy Bureau shall determine by order or resolution. A DR Aggregator may request to the Energy Bureau that some or all of its annual report be treated as confidential business information.^{11,12}

III. Conclusion

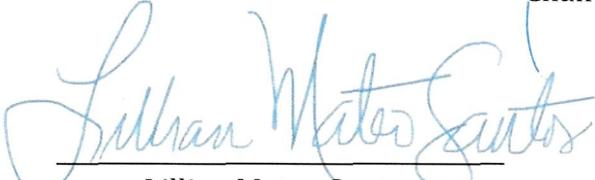
The Energy Bureau **TAKES NOTICE** of the clarification submitted by FranklinWH on the February 9 Motion and **GRANTS thirty (30) days** from the notification of this Resolution and Order to comply with the November 20 Resolution and submit the pending information and documentation as described in Part II of this Resolution.¹³

The Energy Bureau **WARNS** FranklinWH that failure to comply with this Resolution and Order will result in deeming the request for certification as not filed, under Regulation 8701.

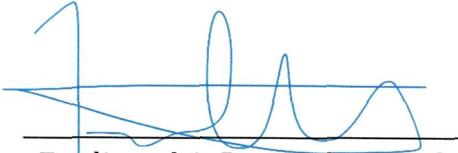
Be it notified and published.



Edison Avilés Deliz
Chairman



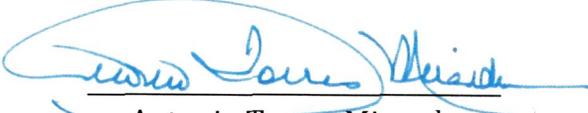
Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



Antonio Torres Miranda
Associate Commissioner

¹⁰ October 24 Resolution and Order, under Case No.: NEPR-MI-2022-0001.

¹¹ Section 2.02(B)(1) and Section 5.01(A) of Regulation 9246.

¹² PREPA must submit quarterly public reports as required in Section 5.01(B) of Regulation 9246.

¹³ FranklinWH also submitted documents and information not necessary for its certification as DR Aggregator.



CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on February 27, 2026. I also certify that on February 27, 2026 I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau and a copy was notified by electronic mail to ke.bi@franklinwh.com, usfinance@franklinwh.com; pedro.velez@franklinwh.com.

I sign this in San Juan, Puerto Rico, today February 27, 2026.



Sonia Seda Gaztambide
Clerk