

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

IN RE: REQUEST FOR CERTIFICATION
AGROENERGÉTICA LLC.

CASE NO.: NEPR-CT-2026-0004

SUBJECT: Request for Certification as an Electric Power Company under Regulation 8701; and Request for Registration as a Third-Party Microgrid under Regulation 9028; filed by Agroenergética LLC.

RESOLUTION AND ORDER

I. Introduction

On April 27, 2026, Agroenergética LLC. ("Agroenergética") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") the following forms and documents ("April 27 Submission"):

1. *Personal Information Electric Power Companies* (Form NEPR-B01).
 - a. Puerto Rico Department of State *Certificate of Organization* issued on January 3, 2024.
 - b. Puerto Rico Department of State *Certificate of Good Standing* issued on April 27, 2026.
2. *Information on Affiliate or Subsidiary Entities* (Form NEPR-B02).¹

On May 12, 2026, Agroenergética filed a *Request for Certification Electric Power Companies* (Form NEPR-B04) requesting certification as an electric power company under Regulation 8701² for a renewable generation and microgrid project to be in the Municipality of Moca ("May 12 Request for Certification"). In the May 12 Request for Certification Agroenergética requested certification under the following types of electric service:

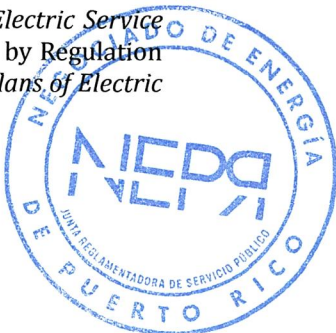
1. Distributed Generators with Aggregated Capacity of One (1) MW or more.
2. Energy Storage.
3. Energy Resale.

The May 12 Request for Certification included the following documents:

1. Agroenergética's *Explanatory Memorandum* for a Third-Party Microgrid. Dated August 8, 2025.
2. LUMA's *System Evaluation Request for GD System with Capacity Greater than 25 kW through 1 MW*. Dated September 19, 2025.
3. Puerto Rico Permits Management Office (OGPe, from its Spanish acronym for *Oficina de Gerencia de Permisos*) – Agroenergética's *Project Recommendations*. Issued on May 11, 2026.

¹ The form did not include any information about affiliate or subsidiary entities. Apparently, Agroenergética filled this form instead of using *Complementary Sheet* (Form NEPR-Z01). Nevertheless, the only information included in the form is that the *Personal Information Electric Power Companies* (Form NEPR-B01) was submitted.

² *Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, Energy Bureau, 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*, Energy Bureau, June 24, 2020 ("Regulation 9182").



4. CDBG-DR-ER2 User Requirements Specification – *Agrivoltaics PV System with Battery Energy Storage and Back-Up Power (Agrivoltaics Microgrid) for Integration to the Grid at Farming Facility in Moca, Puerto Rico*. Revised on December 28, 2024. The expressed purpose for this proposal is the following:

Agroenergética LLC submitted a proposal under CDBG-DR ER2 funding in support of the project “Agrivoltaics for Energy and Food Security in Rural Northwestern Puerto Rico.” The proposal was among the 20 proposals selected to proceed to the next phase of project awarding. This document provides the specifications for both main project activities within the AgriVoltaics project, which are the production of continuous, resilient energy for the benefit of Low- to Moderate-Income (LMI) people while maintaining the main purpose of agricultural land which is the production of food.

The goal of the project is to design and perform strategic project delivery of a 2.2 MW DC photovoltaic (PV) facility co-located with specialty agricultural crops at Hacienda Gosén, a farm and food processing facility in the Barrio Cerro Gorde of the municipality of Moca.

5. *Community Development Block Grant – Disaster Energy Grant Agreement for the Electric Power Reliability and Resilience Program between Puerto Rico Department of Housing and Agroenergética LLC for Agrivoltaics: Energy & Food Security in Rural PR*. Signed on July 22, 2025, and describing Agroenergética's project:

The proposed Project consists of a local microgrid of a 2.2 MW photovoltaic system and a 5 MW battery energy storage system (“BESS”) located on Hacienda Gosén in the Municipality of Moca, which will provide power to the microgrid and the grid, as well as an expansion of usable farmland for research purposes and additional production of specialty crops sold by Hacienda Gosén. The final generation and storage capacity and project details will be subject to the development of the Project Implementation Plan and the completion of design development and utility and regulatory coordination and compliance as required.³

In the May 12 Request for Certification Agroenergética reported that the proposed system qualifies as a Third-Party Microgrid⁴ but **did not submit** the corresponding forms or information required by Regulation 9028⁵.

II. Applicable Law and Analysis

A. Request for Certification as an Electric Power Company

Act No. 57-2014 requires all electric service companies to obtain a certification and to file certain information under the terms established by the Energy Bureau.

Regulation 8701 describes the information that every electric service company seeking to offer services in Puerto Rico must submit with its request or certification.

³ CDBG-DR-ER2 User Requirements Specification, Attachment A – Scope of Work, page 1.

⁴ Agroenergética's Explanatory Memorandum, page1, ¶ 2.

⁵ Regulation on Microgrid, Energy Bureau, May 18, 2018 (“Regulation 9028”).



Section 3.01 of Regulation 8701 establishes:

[N]o electric service company shall operate or offer any service whatsoever in Puerto Rico without first having requested and obtained a certification from the Energy Bureau authorizing it to operate or offer electric service in Puerto Rico subject to the terms and conditions established by the Energy Bureau upon the issuance of said Certification.

Section 3.03 of Regulation 8701 establishes the information and documentation to be submitted in the request of certification. The Energy Bureau has established *Request for Certification Electric Service Companies* (Form NEPR-B04) to be filed with the corresponding information.

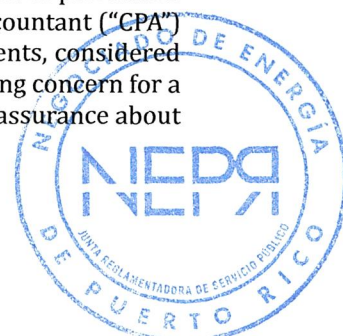
Section 2.01 of Regulation 8701 requires that the request for certification must be filed with certain personal information. The Energy Bureau established *Personal Information Electric Service Companies* (Form NEPR-B01) to be filed with the corresponding information.

Section 2.02(C) of Regulation 8701 establishes that electric service companies that intend to operate or offer services in Puerto Rico must submit the appropriate Operational Report along with their Request for Certification. The Energy Bureau has established *Operational Report Electric Service Companies* (Form NEPR-B03) to be filed with the corresponding information.

After evaluating the forms and information submitted by Agroenergética, listed in Part I of this Resolution, the Energy Bureau determines that certain required information was not included, preventing the further evaluation of the Request for Certification. The Energy Bureau notes that the Application is substantially **incomplete** as Agroenergética did not include the following:

1. Personal Information Electric Power Companies (Form NEPR-B01).
 - a. Information on fiscal year - The dates on which the electric service company's fiscal year begins and ends were not included, as required by Section 2.01(A)(e).
2. Request for Certification Electric Power Companies (Form NEPR-B04)
 - a. Information and documentation required for all electric power companies under Section 3.03 of Regulation 8701.
 - i. Information on contracts or legal transactions - No information regarding the contracts or legal transactions with PREPA or another electric power company were submitted as required by Section 3.03 (A)(2) of Regulation 8701.
 - ii. Certified Financial Statements - No certified financial statements were submitted as required by Section 3.03(A)(3) of Regulation 8701.⁶
 - iii. Human Resources Statements -- No human resources statements or organizational information was provided as required by Section 3.03(A) (4) of Regulation 8701.

⁶ Through the Interpretative Resolution issued on *In re: Interpretative Resolution: Amendments to the Regulation on Certifications, Annual Fees, and operational Plans of Electric Service Companies (Reg. 8701)*, Case No. NEPR-IR-2025-0001, March 14, 2025, the Energy Bureau clarified that to satisfy the CPA certification requirement in Section 3.03(A) (3) of Regulation 8701, a Company must submit audited financial statements performed under Generally Accepted Auditing Standards ("GAAS"), that include the Certified Public Accountant ("CPA") professional conclusion as to whether, in the auditor's judgment, 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. This approach ensures alignment between the Energy Bureau's need for assurance about the Company's financial health and the CPA profession's established standards.



- iv. Technical Specifications – The information about technical specifications of units and equipment, installation locations, or detailed facility information submitted is incomplete or unclear, and don't comply with Sections 3.03(A)(6) and 3.03(B) of Regulation 8701. [See Infra footnotes 11 and 12]
 - v. No information about the title or legal business – No information whereby Agroenergética, as owner, it is in possession of the facility, as any other information that the Energy Bureau can request under Section 3.03(A)(6) of Regulation 8701.
 - b. A certification stating that the company has obtained all necessary permits, from the appropriate public entities, for the construction of new facilities were not included, as required by Section 3.03 (B)(1)(b) of Regulation 8701.
3. Operational Report Electric Power Companies (Form NEPR-B03)⁷
- a. Operational Report with the information and documentation required by Section 2.02(A) of Regulation 8701.

Also, Agroenergética offers various classifications of services (energy generation, energy storage and energy resale); therefore, the operational report to be submitted must meet the specific requirements for each of the services it offers to provide. Agroenergética must clarify if the energy storage and energy resale are independent services or are included as part of the energy generation service.

B. Request for Third-Party Microgrid Certification

Regulation 9028 sets forth the requirements for the microgrid registration. Section 6.01 of Regulation 9028 requires that any person interested in developing a Microgrid must complete a registration form, as applicable for the classification of their Microgrid. The Energy Bureau established the *Microgrid Register Form* (Form NEPR-D01) as the document to comply with this provision.

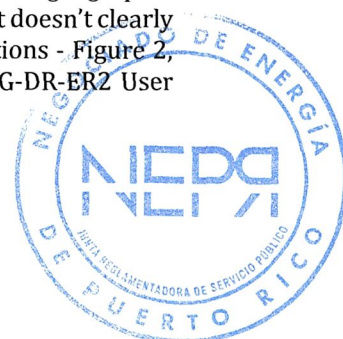
After evaluating the forms and information submitted by Agroenergética, the Energy Bureau determines that certain required information was not included, preventing the evaluation of the Microgrid Register Request. The Energy Bureau notes that the Application requires to submit the documentation identified in Regulation 9028, including but not limited to the following:

1. *Microgrid Register Form* (Form NEPR-D01), and its annexes.
 - a. Microgrid Operator Information as required by Section 5.03(A) of Regulation 9028.
 - b. Map showing the geographical boundaries of the proposed microgrid, as required by Section 5.03(C) of Regulation 9028.⁸
 - c. Equipment vendor information, as required by Section 5.03(G) of Regulation 9028.⁹

⁷ In the Request for Certification Agroenergética proposes various types of services (energy generation, energy storage and energy resale); therefore, the operational report to be submitted must meet the specific requirements for each of the services it proposes to provide.

⁸ Agroenergética included a conceptual physical layout of the PV solar system without clear geographic ubication CDBG-DR-ER2 User Requirements Specifications - Figure 1, page 4), and a map that doesn't clearly show the geographic ubication of the project (CDBG-DR-ER2 User Requirements Specifications - Figure 2, page 6). Also, the diagram of the solar system doesn't show clearly its components (CDBG-DR-ER2 User Requirements Specifications - Figure 10, page 16).

⁹ Agroenergética describes the vendor information only for the energy storage system.



- d. Model contract, for the Energy Bureau review and approval, as required by Section 5.03(I)(1) of Regulation 9028.
- e. Sample bill, for the Energy Bureau review and approval, as required by Section 5.03(I)(2) of Regulation 9028.
- f. Billing model, as required by Section 5.03(J), as required
- g. Proposed rate structure, as required by Section 5.03(K) and 5.04(D) of Regulation 8701.

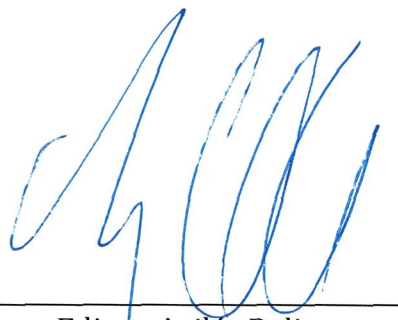
III. Conclusion

Upon reviewing the April 27 Submission and May 12 Request for Certification, the Energy Bureau **DETERMINES** that Agroenergética's requests **is incomplete** and **GRANTS** Agroenergética, **thirty (30) days** from the notification of this Resolution and Order:

1. To submit all necessary information and documentation required to demonstrate compliance with the applicable provisions of Regulation 8701, as listed in Part IIA of this Resolution, to enable the proper evaluation of the Request for Certification.
2. To clarify in the *Request for Certification* (Form NEPR-B04) if the energy storage and energy resale are included as contractually distinct from generation, that is: (i) if these are independent services or, (ii) if they are "ancillary services" included as part of the energy generation service.
3. To submit the *Microgrid Register Form* (Form NEPR-D01), and its annexes, required to demonstrate compliance with the applicable provisions of Regulation 9028, as listed in Part IIB of this Resolution, to enable the proper evaluation of the Microgrid register request.

The Energy Bureau authorizes members of its staff and consultants to hold informal technical meetings with representatives and/or consultants of Agroenergética to clarify the requirements listed in this Resolution and Order, as well as other matters related to the Request for Certification. However, it must be understood that Energy Bureau staff and consultants may not make binding representations or commitments on behalf of the Energy Bureau. The final authority regarding the evaluation and determination of the Request for Certification rests exclusively with the Commissioners.

Be it notified and published.



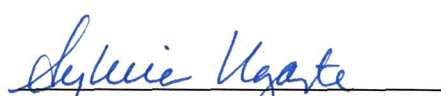
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



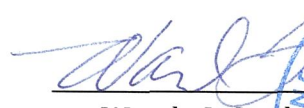
Antonio Torres Miranda
Associate Commissioner



CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 24, 2026. I also certify that on June 24, 2026 a copy of this Resolution and Order was notified by electronic mail to the following: dperez@puraenergiapr.com y alexandragarcia21@gmail.com . I also certify that on June 24, 2026, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on June 24, 2026.


Wanda I. Cordero Morales
Interim Clerk

