COMMONWEALTH OF PUERTO RICO
PUERTO RICO ENERGY COMMISSION

IN RE: INVESTIGATION ON THE RATES OF THE PUERTO RICO ELECTRIC POWER AUTHORITY	**No.:** CEPR-IN-2015-0002 **SUBJECT:** INFORMATION REQUIREMENT TO THE PUERTO RICO ELECTRIC POWER AUTHORITY

AMENDED ORDER GOVERNING CONFIDENTIAL OR PRIVILEGED INFORMATION

On February 12, 2015, the Commission issued the Order initiating the investigation in the matter In re: Investigation on the Rates of the Puerto Rico Electric Power Authority, CEPR-IN-2015-0002, requiring information from PREPA. Since then, PREPA has made several confidentiality claims on some of the information required by the Commission.[1]

On April 24, 2015, the Commission issued the Order Governing Confidential or Privileged Information ("April 24 Order") to which we enclosed the Confidentiality Agreement ("April 24 Agreement") that Commission's advisors (as defined therein) were to sign in order to have access to information marked or classified as "confidential" in the matter In re: Investigation on the Rates of the Puerto Rico Electric Power Authority, CEPR-IN-2015-0002. The April 24 Agreement addressed the Puerto Rico Electric Power Authority's ("PREPA") concerns regarding the confidential information it furnished during that Investigation. However, given the Commission's regulatory powers, and those duties expressly delegated to it by Act 57-2014, the Commission is undergoing a series of administrative procedures, which may deal with alleged privileged or confidential information.

In addition to raising confidentiality claims on the aforementioned investigation, PREPA has raised confidentiality claims when it submitted its Integrated Resource Plan proposal, as well as in its responses to discovery in said procedure, In re: Integrated Resource Plan for the Puerto Rico Electric Power Authority, CEPR-AP-2015-0002.[2]

JHRM

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[1] *See, Motion to Reconsider the Amended Final Resolution*, filed by PREPA on April 9, 2015; *Partial Answer to Information Requirement* filed by PREPA on May 4, 2015; *Memorandum Justifying Confidential Treatment of Information and Documents Submitted in PREPA's May 4th Partial Answer to Information Requirement* filed on May 14, 2015; *Second Submission of Partial Answers to Information Requirements and Request for Brief Extension of Time* filed by PREPA on May 21, 2015; *Second Submission of Partial Answers to Second Requirement of Information* filed by PREPA on July 1, 2015.

[2] PREPA has repeatedly raised a single confidentiality claim in its filing for the Integrated Resource Plan, that of the answer to Section 2.03 (B)(9)(c) and (d) of Regulation 8594, which PRPEA claims deals with its critical infrastructure. *See Submittal of Answers and Documents in Response to Resolution on Waiver Request* (July 21, 2015); *Waiver Application* (June 5, 2015).

Given the intertwined relationship between these proceedings, the Commission's advisors who are working on the matter No. CEPR-IN-2015-0002 need to access PREPA's IRP filing materials. Similarly, the advisors who are working on IRP and Energy Relief Plan matters need to access information from the CEPR-IN-2015-0002 file. Therefore, the Commission deems it necessary to have one general confidentiality agreement for all its advisors, stating their duty to secure confidential information related to any and all investigations the Commission has conducted to this date and in the future, as well as any adjudicative or non-adjudicative proceeding held by or before the Commission. For this reason, this Commission amends the April 24 Order and the April 24 Agreement to modify the latter in order for it to cover the Commission advisors' duty to safeguard confidential information not only in relation to the matter No. CEPR-IN-2015-0002, but on any proceeding.

The Advisor Non-Disclosure Agreement that is enclosed and made part of this Amended Order Governing Confidential and Privileged Information, broadens the scope of the administrative procedures covered by it, yet retains the same purpose as the April 24 Order and April 24 Agreement: to duly safeguard privileged or confidential information. Confidential information will be handled, protected, identified and classified pursuant to the rules and procedures the Commission established for that purpose.[3] While this Advisor Non-Disclosure Agreement will have retroactive effect to February 12, 2015, any advisor who signed the April 24 Agreement who for any reason doesn't sign this Advisor Non-Disclosure Agreement will remain bound by the terms and conditions of the April 24 Agreement.

Be it hereby notified and published.

Agustín F. Carbó Lugo
Chairman

Ángel R. Rivera de la Cruz
Associate Commissioner

José H. Román Morales
Associate Commissioner

[3] *See Normas Internas para el Manejo de Información Confidencial en la Comisión de Energía de Puerto Rico* (Apr. 24, 2015) (Attachment II).

I certify that the Puerto Rico Energy Commission has so agreed on November 24, 2015. I also certify that on this date a copy of this Order was notified to PREPA by electronic mail sent to n-vazquez@aeepr.com and n-ayala@aeepr.com.

Brenda Liz Mulero Montes
Secretaria Interina

CERTIFICATION

I certify that this is a true and exact copy of the Order issued by the Puerto Rico Energy Commission. I further certify that today November 25, 2015, I have proceeded with the filing of this Order and I have sent a copy to the:

Puerto Rico Electric Power Authority
To the Attention of Nélida Ayala & Nitza D. Vázquez Rodríguez
PO Box 364267
Post Office Headquarters
San Juan, PR 00936-4267

For the record, I sign this in San Juan Puerto Rico, today 25 de Noviembre de 2015.

JHRM

Rafael O. García Santiago
Clerk of the Puerto Rico
Telecommunications Regulatory Board

JUNTA REGLAMENTADORA DE TELECOMUNICACIONES DE PUERTO RICO 1996

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COMISIÓN DE ENERGÍA DE PUERTO RICO
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