



**COMMONWEALTH OF PUERTO RICO
PUERTO RICO ENERGY COMMISSION**

**IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW**

CASE NO.: CEPR-AP-2015-0001

SUBJECT: Reconsideration of
Confidentiality Resolution for Discovery
Requests for question CEPR-PC-01-047.

RESOLUTION AND ORDER

On October 5, 2016 the Puerto Rico Energy Commission (“Commission”) issued a Resolution and Order ruling on several confidentiality requests made by the Puerto Rico Electric Power Authority (“PREPA”) during the discovery proceeding in the present case. In such Resolution and Order the Commission denied, among other things, PREPA’s request for confidentiality for a document¹ filed in response to question CEPR-PC-01-047 in the 4th Request of Information. The Commission’s determination was based on the fact that PREPA did not file a memorandum of law supporting its petition, as required by Commission’s regulations.

On October 14, 2016 PREPA filed a motion for reconsideration² to the Commission’s determination denying their request for confidentiality for the above mentioned document. In its motion PREPA argues that they failed to file the memorandum of law in support of their petition by mistake, and requests the Commission to accept the legal and factual justifications provided in their motion. PREPA also requests the Commission to vacate the confidentiality designation pertaining to its response to CEPR-PC-01-047, and in turn determine its confidential nature.

In support of its request for confidentiality PREPA argues that the document for which PREPA seeks confidentiality treatment contains trade secrets. Act 80-2011³ requires PREPA to demonstrate that the information it deems a trade secret has a real or potential independent economic value, or that the information provides a competitive advantage since such information is no readily accessible to the public.

PREPA’s requests confidentiality of the aforementioned document because it contains information regarding PREPA’s TOU-P and TOU-T tariffs, which identifies peak load information for the only commercial class customer billed under PREPA’s TOU tariff, and therefore constitutes confidential information of that particular client. PREPA argues that publication of such information may compromise its relationship with its customers, and

¹ PREPA Response to ROI DRR CEPR-PC-01-47_Attach 02 (CONFIDENTIAL).xlsx.

² PREPA’s Motion to Reconsider Denial of Confidentiality Designation in the Puerto Rico Energy Commission’s Resolution and Order of October 5, 2016.

³ Industrial and Trade Secret Protection Act of Puerto Rico, as amended.

potentially cause the loss of business, which will adversely impact PREPA's existing ratepayers.

After reviewing PREPA's arguments in support of its requests, the Commission **GRANTS** PREPA's requests for reconsideration and designates the *document PREPA Response to ROI DRR CEPR-PC-01-47_Attach 02 (CONFIDENTIAL).xlsx* provided in answer to question CEPR-PC-01-047 of the 4th Requirement of Information as confidential.

Any intervenor that wishes to access the documents designated as confidential under the trade secrets or CEII doctrines, shall sign and return to the Commission the Non-Disclosure Agreement provided by the Commission through Resolution CEPR-MI-2016-0009. The access to such documents and confidential information will be granted according to the processes established in such resolution.

PREPA shall have a continuing obligation to update any information it deems confidential to eliminate any claim applicable to information which, due to the passing of time or because of its voluntary disclosure, no longer warrants confidential treatment. As such, PREPA is **ORDERED** to, from time to time, update its document logs and disclose any information which it deems no longer warrants confidential treatment.

Any party adversely affected by this Resolution and Order may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date a copy of the notice of this Resolution and Order was filed in the record of the Commission. This in accordance with Section 11.03 of Regulation No. 8543, the applicable dispositions of Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedure Act and the rules and regulations of the Court of Appeals.

For the benefit of all the parties involved, the Commission issues this Resolution and Order in both Spanish and English languages. Should any conflict between each version arise, the English version shall prevail.

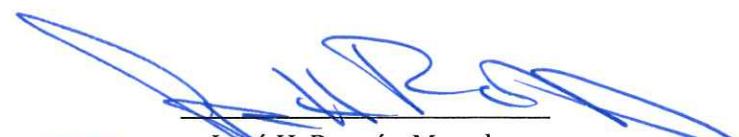
Be it notified and published.



Agustín F. Carbó Lugo
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



José H. Román Morales
Associate Commissioner



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Commission has so agreed on October 19, 2016. I also certify that on this date a copy of this Resolution and Order was notified by electronic mail to the following: n-ayala@aeep.com, c-aquino@aeep.com, glenn.rippie@r3law.com, michael.guerra@r3law.com, john.ratnaswamy@r3Law.com, codiot@opic.pr.gov, jperez@oipc.pr.gov, mmuntanerlaw@gmail.com, jfeliciano@constructorespr.net, abogados@fuerteslaw.com, jose.maeso@aae.pr.gov, edwin.quinones@aae.pr.gov, nydinmarie.watlington@cemex.com, aconer.pr@gmail.com, eenergypr@gmail.com, jorgehernandez@escopr.net, ecandelaria@camarapr.net, pga@caribe.net, manuelgabrielfernandez@gmail.com, mreyes@midapr.com, agraitfe@agraitlawpr.com, mgrpcorp@gmail.com, attystgo@yahoo.com, maribel.cruz@acueductospr.com, eirizarry@ccdlawpr.com and pnieves@vnblegal.com. I certify that this is a true and exact copy of the Resolution and Order issued by the Puerto Rico Energy Commission. I further certify that today, October 19, 2016, I have proceeded with the filing of the Resolution and Order and I have sent a copy thereof to:

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For the record, I sign this in San Juan, Puerto Rico, today, October 19, 2016.



María del Mar Cintrón Alvarado
Clerk