

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



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

**CASE NO.:** CEPR-AP-2015-0001

**SUBJECT:** Discovery confidentiality  
requests 10<sup>th</sup> Request of Information.

**RESOLUTION AND ORDER**

On October 3, 2016 the Puerto Rico Electric Power Authority ("PREPA") filed several answers to the Puerto Rico Energy Commission ("Commission") 10<sup>th</sup> Request of Information ("ROI10")<sup>1</sup>. As an answer to question CEPR-PC-07-08 of ROI10, PREPA included two attachments called CEPR-PC-07-08 (CONFIDENTIAL).PDF and CEPR-PC-07-08 Attach 02 (CONFIDENTIAL).xlsx. As part of its filing PREPA requested confidentiality treatment for the attachments incorporated in its answer. On October 12, 2016, PREPA filed its memorandum of law stating the arguments and legal grounds in support of its request for confidentiality.<sup>2</sup>

PREPA's confidentiality request for the documents included in their submission is based on the grounds that the information contained in such documents constitutes business confidential trade secret information. Act 80-2011<sup>3</sup> 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 not readily accessible to the public.

PREPA argues that the information provided is not known to the general public and has an independent economic value because it contains hourly load information for certain tariff codes that is specific for particular costumers. Therefore, PREPA claims that disclosure of such information may compromise PREPA's relationships with its customers and potentially lose their business, adversely impacting PREPA's ability to operate, as well as its revenues, and as a consequence, existing ratepayers. Also, PREPA argues that disclosing such information may reduce or eliminate PREPA's competitive advantage.

After reviewing PREPA's arguments in support of its requests, the Commission **GRANTS** the confidentiality requests for the documents CEPR-PC-07-08 (CONFIDENTIAL).PDF and CEPR-PC-07-08 Attach 02 (CONFIDENTIAL).xlsx provided as answer to question CEPR-PC-07-08 of ROI10.

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-

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<sup>1</sup> 10<sup>th</sup> Requirement of Information sent to PREPA on September 2, 2016.

<sup>2</sup> Section 1.15 of Regulation No. 8720, New Regulation on Rate Filing Requirements or the Puerto Rico Electric Authority's First Rate Case.

<sup>3</sup> Industrial and Trade Secret Protection Act of Puerto Rico, as amended.

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 motion for reconsideration before the Commission, pursuant to Section 11.01 of Regulation 8543 and the applicable provisions of Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedure Act (UAPA). Said motion must be filed within twenty (20) days from the date in which copy of the notice of this Resolution and Order has been filed. Said motion must be filed at the Commission Clerk's Office. Copy of the motion as filed must be sent by email to all the parties notified of this Resolution and Order within the timeframe established herein.

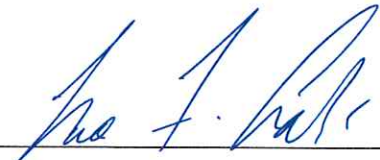
The Commission shall have fifteen (15) days from the date in which said motion is filed to consider it. If the Commission rejects it forthright or fails to act upon it within said period of fifteen (15) days, the term to seek judicial review shall begin on the date in which the Commission notifies such denial or the date in which said fifteen (15) day expires, whichever occurs first. If the Commission considers the motion, the term to seek judicial review shall commence from the date a copy of the notice of the Commission's resolution definitively resolving the motion for reconsideration is filed. Such resolution shall be issued and filed within ninety (90) days after the motion for reconsideration has been filed. If the Commission's considers the motion for reconsideration but fails to take any action with respect to such motion within ninety (90) days of its filing, it shall lose jurisdiction to consider it and the term to seek judicial review shall commence upon the expiration of said ninety (90)-day term, unless the Commission, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

In the alternative, any affected party 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 UAPA 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 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, epenenergypr@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 further certify that on 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.

A handwritten signature in blue ink, which appears to read 'M. Cintrón', is written over a horizontal line.

María del Mar Cintrón Alvarado  
Clerk