



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

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

CASE NO.: CEPR-AP-2015-0001

SUBJECT: CEMEX confidentiality request.

RESOLUTION AND ORDER

On August 31, 2016, the Puerto Rico Energy Commission ("Commission") adopted Resolution No. CEPR-MI-2016-0009 ("August 31 Resolution") which sets forth the rules and procedures applicable to the filing, evaluation, treatment and handling of confidential information. On October 14, 2016, the Commission issued a Resolution and Order granting intervenors until November 9, 2016 to file their responses to discovery. On October 31, 2016 the Puerto Rico Electric Power Authority ("PREPA") sent CEMEX a request of information and production of documents. On November 9, 2016 CEMEX filed its response to PREPA's request, including a memorandum of law stating the arguments and legal grounds in support of its request for confidentiality of certain documents included its filing.¹

CEMEX based its request on the grounds that the information included in such documents constitutes business confidential trade secret information. Act 80-2011² requires CEMEX 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.

In its motion, CEMEX argued that Exhibits 1, 2 and 3³, of its answers to PREPA's first request of information and production of documents included trade secrets that should be

¹ See Section 1.15 of Regulation No. 8720, New Regulation on Rate Filing Requirements or the Puerto Rico Electric Authority's First Rate Case.

² Industrial and Trade Secret Protection Act of Puerto Rico, as amended.

³ Exhibit1(Confidential)11092016; Exhibit2-1(Confidential)11092016; Exhibit2-2(Confidential)11092016; Exhibit2-3(Confidential)11092016; Exhibit2-4(Confidential)11092016; Exhibit2-5(Confidential)11092016; Exhibit2-6(Confidential)11092016; Exhibit2-7(Confidential)11092016; Exhibit2-8(Confidential)11092016; Exhibit2-9(Confidential)11092016; Exhibit2-10(Confidential)11092016; Exhibit2-11(Confidential)11092016; Exhibit2-12(Confidential)11092016; Exhibit2-13(Confidential)11092016; Exhibit2-14(Confidential)11092016; Exhibit2-15(Confidential)11092016; Exhibit2-16(Confidential)11092016; Exhibit2-17(Confidential)11092016; Exhibit2-18(Confidential)11092016; Exhibit2-19(Confidential)11092016; Exhibit2-20(Confidential)11092016; Exhibit2-21(Confidential)11092016; Exhibit2-22(Confidential)11092016; Exhibit2-23(Confidential)11092016; Exhibit2-24(Confidential)11092016; Exhibit3-1(Confidential)11092016; Exhibit3-2(Confidential)11092016; Exhibit3-3(Confidential)11092016; Exhibit3-4(Confidential)11092016; Exhibit3-5(Confidential)11092016; Exhibit3-6(Confidential)11092016; Exhibit3-7(Confidential)11092016; Exhibit3-8(Confidential)11092016; Exhibit3-9(Confidential)11092016; Exhibit3-10(Confidential)11092016; Exhibit3-11(Confidential)11092016; Exhibit3-12(Confidential)11092016; Exhibit3-13(Confidential)11092016;

protected. CEMEX also argued that such information was of a commercial nature, confidential and that it had a significant value in the form of trade secrets. Specifically, CEMEX stated that the information included in its answer was proprietary information of their costs structure for cement, including but not limited to, generation and production of cement, services and materials costs, all which are related to economic and strategic internal models. CEMEX added that such information is not publicly available and its publication may put CEMEX at a competitive disadvantage by providing their competitors with internal business strategies, which will cause direct and significant damage.

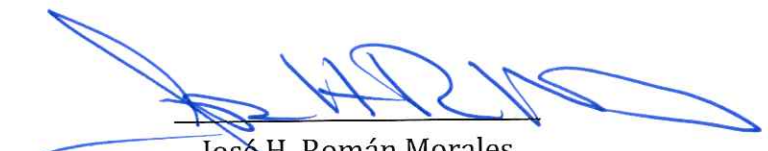
After reviewing CEMEX's arguments in support of its requests, the Commission **GRANTS** CEMEX's request and classifies Exhibit 1, 2 and 3 as trade secret information.

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.



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 November 17, 2016. The Chairman, Agustín F. Carbó Lugo, did not intervene. On this date a copy of this Resolution and Order was notified by electronic mail to the following: n-ayala@aeepr.com, c-aquino@aeepr.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, epenergypr@gmail.com, jorgehernandez@escopr.net, ecandelaria@camarapr.net, pga@caribe.net, manuelgabrielfernandez@gmail.com, mreyes@midapr.com, agraitfe@agraitlawpr.com, maribel.cruz@acueductospr.com, mgrpcorp@gmail.com, attystgo@yahoo.com, eirizarry@ccdlawpr.com and pnieves@vnblegal.com. I also certify that today, November 17, 2016, I have proceeded with the filing of the Resolution and Order

Exhibit3-14(Confidential)11092016;
16(Confidential)11092016;
Exhibit3-19(Confidential)11092016;
21(Confidential)11092016;

Exhibit3-15(Confidential)11092016;
Exhibit3-17(Confidential)11092016;
Exhibit3-20(Confidential)11092016;
Exhibit3-22(Confidential)11092016;

Exhibit3-
18(Confidential)11092016;
Exhibit3-
23(Confidential)11092016

issued by the Puerto Rico Energy Commission and I have sent a true and exact copy to the following:

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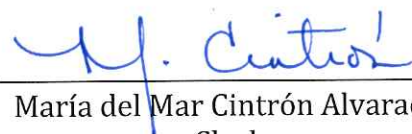
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For the record, I sign this in San Juan, Puerto Rico, today, November 17, 2016.



María del Mar Cintrón Alvarado
Clerk