

COMMONWEALTH OF PUERTO RICO
PUERTO RICO ENERGY COMMISSION

IN RE: AGUIRRE SITE ECONOMIC
ANALYSIS

CASE NO.: CEPR-AP-2017-0001

SUBJECT: EcoEléctrica's Confidentiality
Request for Request of Information CEPR-
EcoEléctrica-01-02.

RESOLUTION

On July 12, 2017, EcoEléctrica, L.P. ("EcoEléctrica") filed its answers to the Puerto Rico Energy Commission ("Commission") 1st Requirement of Information ("ROI 1"),¹ including its answer to question CEPR-EcoEléctrica-01-02. As part of its responses to ROI 1, EcoEléctrica included a Motion titled "Legal Memorandum in Support of Confidentiality Claim for CEPR-EcoEléctrica-01-02 and to Provide Requested Information by Less Onerous Means". Through its Motion, EcoEléctrica stated that the Commission did not specify the purpose of request CEPR-EcoEléctrica-01-02 requiring the contract between EcoEléctrica and Gas Natural Fenosa ("Tolling Agreement"), nor the information the Commission was seeking to examine. Furthermore, EcoEléctrica argued that the Tolling Agreement is a "private contract (and not a public document), which contains highly sensitive commercial information and trade secrets subjecting the parties to proprietary and non-disclosure obligations."² Based on the aforementioned, EcoEléctrica stated that the requested information is of confidential nature pursuant to the Rules of Evidence and Act 80-2011³ and should not be disclosed. For this reason, EcoEléctrica did not file the Tolling Agreement as requested by the Commission, seeking to be exempt from this requirement.

Notwithstanding the above, EcoEléctrica filed certain information as part of its response to CEPR-EcoEléctrica-01-02, including a document titled "Application for Limited Amendment Under Section 3 of the Natural Gas Act", which was submitted to the Federal Energy Regulatory Commission on August 11, 2016. EcoEléctrica alleges that said document "contains all the information relevant to the terminal's capacity and with regards to the use of inherent spare capacity within the existing LNG vaporizers".⁴

After examining EcoEléctrica's responses to ROI 1 and the arguments in support of its request, the Commission **ACCEPTS** the information provided in response to CEPR-

¹ 1st Requirement of Information sent to EcoEléctrica on June 30, 2017.

² Legal Memorandum in Support of Confidentiality Claim for CEPR-EcoEléctrica-01-02 and to Provide Requested Information by Less Onerous Means, July 12, 2017, p. 2.

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

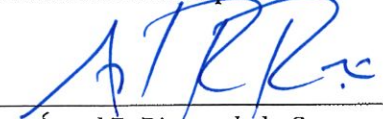
⁴ Legal Memorandum in Support of Confidentiality Claim for CEPR-EcoEléctrica-01-02 and to Provide Requested Information by Less Onerous Means, July 12, 2017, p. 2.

EcoEléctrica-01-02 and **DETERMINES** it is sufficient for the purposes of the instant case. Therefore, the Commission **EXEMPTS** EcoEléctrica from providing the Tolling Agreement.



For the benefit of all the parties involved, the Commission issues this Resolution 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
Interim Chairman

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Commission has so agreed on July 19, 2017 and on this date a copy of this Resolution was notified by electronic mail to the following: j-morales@aepr.com, n-vazquez@aepr.com, c-aquino@aepr.com, n-ayala@eepr.com, pbarcelo@estrellallc.com, lmorera@estrellallc.com, serdar.tufekci@na.engie.com, richard.houston@na.engie.com, jperez@oipc.pr.gov, codiot@oipc.pr.gov, rstgo2@gmail.com, ladrian@gasnaturalfenosa.com, francisco.rullan@aae.pr.gov, wilma.lopez@aae.pr.gov, tonytorres2366@gmail.com, sierra@arctas.com, molinilawoffices@gmail.com, ccf@tcmrslaw.com, carlos.reyes@ecoelectrica.com, cfl@mcvpr.com, hmc@mcvpr.com, mgrpcorp@gmail.com, victorluisgonzalez@yahoo.com, epo@amgprlaw.com, acasellas@amgprlaw.com, agraitfe@agraitlawpr.com, kbolanos@cnrd.com and lfortuno@steptoe.com. I also certify that today, July 19, 2017, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Commission and I have sent a true and exact copy to the following:

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For the record, I sign this in San Juan, Puerto Rico, today, July 19, 2017.

A handwritten signature in blue ink, which appears to read "M. del Mar Cintrón". The signature is written in a cursive style.

María del Mar Cintrón Alvarado
Clerk