

COMMONWEALTH OF PUERTO RICO  
PUERTO RICO ENERGY COMMISSION



IN RE: AGUIRRE SITE ECONOMIC ANALYSIS

CASE NO.: CEPR-AP-2017-0001

**SUBJECT:** Aguirre Offshore Gasport, LLC  
Confidentiality Request for Letters of Notice  
of Termination of Contracts.

**RESOLUTION**

On August 2, 2017, after it became aware that Aguirre Offshore Gasport, LLC ("Aguirre, LLC") had filed with the Federal Energy Regulatory Commission a report notifying the termination of the infrastructure and charter agreements for the Aguirre Offshore Gasport project ("AOGP"), the Puerto Rico Energy Commission ("Commission") issued an Order requesting Aguirre, LLC to file a copy of the notices of termination issued on June 27, 2017 by Aguirre, LLC to the Puerto Rico Electric Power Authority ("PREPA"), along with related communications pertaining to the status of the contracts.

On August 9, 2017 Aguirre, LLC filed a *Memorandum of Law Concerning Confidential Treatment of Information* along with two letters<sup>1</sup>, for which Aguirre, LLC requests confidential treatment. In its motion Aguirre, LLC argued that the information contained in such documents is confidential and proprietary and that it constituted business trade secrets. Specifically, Aguirre, LLC argued that, although it notified termination letters to PREPA, it continued to pursue the development of AOGP through good faith negotiations. Therefore, Aguirre, LLC argues that disclosure of the content of the notification letters, which is not in any public record, would cause harm to the undergoing process, since such notifications "are part of the commercial and settlement negotiations concerning the development of AOGP in the current Title III of PROMESA scenario."<sup>2</sup> Aguirre, LLC also contends that disclosure of the information would allow its "competitors to take unfair advantage of Aguirre, LLC's internal analysis and its legal and business evaluation."<sup>3</sup>

After examining Aguirre, LLC's arguments in support of its request, the Commission **GRANTS** the confidentiality request for the information and documents filed in response to the Commission's August 2, 2017 Order. Such information shall not be disclosed to any other party.

---

<sup>1</sup> Notice of Termination of LNG Storage and Regasification Agreement and Notice of Termination of Infrastructure Agreement.

<sup>2</sup> Aguirre, LLC Motion titled *Memorandum of Law Concerning Confidential Treatment of Information* of August 9, 2017 at 2 ¶7.

<sup>3</sup> *Id.* at 2 ¶8.



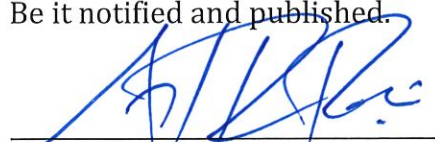
Any party adversely affected by this Resolution may file a motion for reconsideration before the Commission, pursuant to Section 11.01 of Regulation 8543<sup>4</sup> and the applicable provisions of Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedure Act ("UAPA"). Said motion must be filed within twenty (20) days from the date in which copy of the notice of this Resolution has been filed. Said motion must be filed at the Commission Clerk's Office. Copy of this motion as filed must be sent by email to all the parties notified of this Resolution within the timeframe established herein.

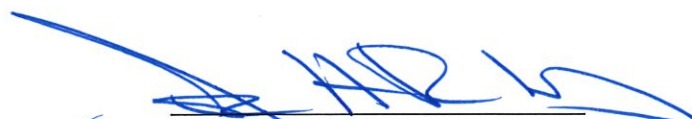
The Commission shall have fifteen (15) days from the date in which said motion is filed to consider it. If the Commission rejects it forthright or fails to act upon it within said period of fifteen (15) days, the term to seek judicial review shall begin on the date in which the Commission notifies such denial or the date in which said fifteen (15) days 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 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 was filed in the record of the Commission. This in accordance with Section 11.03 of Regulation 8543, the applicable dispositions of UAPA and the rules of regulation of the Court of Appeals.

For the benefit of all the parties involved, the Commission issues this Resolution in both English and Spanish languages. Should any discrepancy 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

<sup>4</sup> Regulation No. 8543, Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures.



## CERTIFICATION



I hereby certify that the majority of the members of the Puerto Rico Energy Commission has so agreed on August 10, 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, August 10, 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:

### **Autoridad de Energía Eléctrica de Puerto Rico**

Attn.: Lcdo. Javier Morales Tañón  
Lcda. Lcda. Nitza D. Vázquez Rodríguez  
Lcdo. Carlos M. Aquino Ramos  
P.O. Box 363928  
Correo General  
San Juan, PR 00936-3928

### **Autoridad de Energía Eléctrica de Puerto Rico**

Cancio, Nadal, Rivera & Diaz  
Lcda. Katiuska Bolaños Lugo  
403 Ave. Muñoz Rivera  
Hato Rey, PR 00918-3345

### **ENGIE Development, LLC**

Attn.: Richard Houston  
Serdar Tufekci  
1990 Post Oak Blvd, Suite 1900  
Houston, Texas 77056

### **ENGIE Development, LLC**

Estrella, LLC  
Attn: Pedro A. Barceló & Luis M. Morera  
Pérez  
P.O. Box 9023596  
San Juan, PR 00902-3596

### **EcoEléctrica, L.P.**

Attn.: Carlos A. Reyes, P.E.  
Carretera 337 Km 3.7, Bo. Tallaboa  
Peñuelas, PR 00624

### **EcoEléctrica, L.P.**

Toro, Colón, Mullet, Rivera & Sifre, P.S.C.  
Attn.: Lcdo. Carlos Colón Franceschi  
P.O. Box 195383  
San Juan, PR 00919-5383

### **National Public Finance Guarantee Corp.**

Adsuar Muñoz Goyco Seda & Pérez Ochoa, P.S.C.  
Attn.: Lcda. Alexandra C. Casellas Cabrera  
P.O. Box 70294  
San Juan, PR 00936

### **SeaOne Puerto Rico, LLC**

Attn.: Luis G. Fortuño  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

**Windmar Group**

Roumain & Associates, PSC  
1702 Ave. Ponce de León, 2ndo Piso  
San Juan, PR 00909

**Windmar Group**

Attn.: Víctor L. González  
Calle San Francisco #206  
San Juan, PR 00901

**Gas Natural Aprovechamientos SDG, S.A.**

Attn.: Leyre de Adrián  
Avenida de San Luis 77, Edif I-3  
28033 Madrid (España)

**Oficina Independiente de Protección al Consumidor**

Attn.: Lcdo. José A. Pérez Vélez  
Lcda. Coral M. Odio Rivera  
268 Ave. Ponce de León  
Hato Rey Center, Suite 524  
San Juan, PR 00918

**Enlace Latino de Acción Climática**

Lcda. Ruth Santiago  
Apartado 518  
Salinas, PR 00751

**Enlace Latino de Acción Climática**

41 Calle Faragan  
Urb. Chalets de Villa Andalucía  
San Juan, PR 00926

**Oficina Estatal de Política Pública Energética**

Attn.: Ing. Francisco J. Rullán Caparrós  
Lcda. Wilma I. López Mora  
P.O. Box 413314  
San Juan, PR 00940

**Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico**

Attn.: Lcdo. Fernando E. Agrait  
701 Ave. Ponce de León  
Oficina 414  
San Juan, PR 00907

**Arctas Capital Group, LP**

Lcdo. Antonio Torres Miranda  
PO Box 9024271  
Old San Juan Station  
San Juan, PR 00902-4271

**Arctas Capital Group, LP**

Attn.: Rick Sierra  
1330 Post Oak Blvd, Suite 1375  
Houston, TX 77056

**TY Croes Group, Inc.**

Attn.: Lcdo. Fernando Molini-Vizcarrondo  
1782 Glasgow Avenue  
College Park  
San Juan, PR 00921

**Aguirre Offshore Gasport, LLC**

Attn.: Lcdo. Carlos J. Fernández Lugo  
Lcdo. Hernán Marrero-Caldero  
P.O. Box 364225  
San Juan, PR 00936-4225

For the record, I sign this in San Juan, Puerto Rico, today, August 10, 2017.

María del Mar Cintrón Alvarado  
Clerk