

GOVERNMENT OF PUERTO RICO  
PUBLIC SERVICE REGULATORY BOARD  
PUERTO RICO ENERGY BUREAU



IN RE: REVIEW OF THE PUERTO RICO  
ELECTRIC POWER AUTHORITY  
INTEGRATED RESOURCE PLAN

CASE NO.: CEPR-AP-2018-0001

SUBJECT: PREPA's Confidentiality Request  
for Certain Items of the August 27, 2018  
Compliance Filing.

RESOLUTION

On August 27, 2018, the Puerto Rico Electric Power Authority ("PREPA") submitted before the Puerto Rico Energy Bureau ("Energy Bureau") its *Combined Compliance Filing and Memorandum on Confidentiality for Items Due August 24, 2018* ("Compliance Filing"), which contained its response to the August 17, 2018 Resolution and Order<sup>1</sup> in narrative form. As part of its submission, PREPA requested confidentiality treatment of certain documents submitted as part of the Compliance Filing.<sup>2</sup> Furthermore, PREPA provided a memorandum of law stating its legal arguments in support of its request for confidentiality designation.

PREPA argues that the information contained in the attachments includes information that is deemed Critical Energy Infrastructure Information ("CEII"), which is protected under Federal and Puerto Rico Law. Furthermore, PREPA states that Regulation 9021<sup>3</sup> "contains multiple provisions that recognize CEII and other grounds for confidentiality designations."<sup>4</sup> PREPA also argues that the information for which confidential

<sup>1</sup> See Resolution and Order, Case No. CEPR-AP-2018-0001, August 17, 2018.

<sup>2</sup> DRAFT Confidential Critical Infrastructure Region Carolina Map.pdf; DRAFT Confidential Critical Infrastructure of the Transmission System\_Region Mayaguez\_Distrito San Sebastian.pdf; DRAFT Confidential Critical Infrastructure of the Transmission System\_Region Mayaguez\_Distrito San German.pdf; DRAFT Confidential Critical Infrastructure of the Transmission System\_Region Mayaguez\_Distrito Mayaguez.pdf; DRAFT Confidential Critical Infrastructure of the Transmission System\_Region Mayaguez\_Distrito Aguadilla.pdf; DRAFT Confidential Critical Infrastructure of the Transmission System\_Distrito Fajardo.pdf; DRAFT Confidential Critical Infrastructure of the Transmission System\_Distrito Carolina.pdf; DRAFT Confidential Critical Infrastructure of the Transmission System\_Distrito Canovanas.pdf; DRAFT Confidential Critical Infrastructure of the Distribution System-San Juan Region.pdf; DRAFT Confidential Critical Infrastructure of the Distribution System-Ponce Region.pdf; DRAFT Confidential Critical Infrastructure of the Distribution System-Mayaguez Region.pdf; DRAFT Confidential Critical Infrastructure of the Distribution System-Carolina Region.pdf; DRAFT Confidential Critical Infrastructure of the Distribution System-Caguas Region.pdf; DRAFT Confidential Critical Infrastructure of the Distribution System-Bayamón Region.pdf; DRAFT Confidential Critical Infrastructure of the Distribution System-Arecibo Region.pdf; CONFIDENTIAL-DRAFT PREPA Minigrid Memo20180820.pdf.

<sup>3</sup> Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority.

<sup>4</sup> PREPA's Combined Compliance Filing and Memorandum on Confidentiality for Items Due August 24, 2018 at p. 6.



treatment is requested conforms trade secrets information, pursuant to Act 80-2011.<sup>5</sup>

Upon examining PREPA's arguments, the Energy Bureau **GRANTS** the confidentiality designation request for the attachments submitted in response to the August 17, 2018 Resolution and Order.<sup>6</sup>

Any party affected by this determination may file a motion for reconsideration of this Resolution before the Energy Bureau pursuant to Section 11.01 of Regulation 8543,7 and the applicable provisions of Act 38-2017, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico ("UAPA"). The affected party shall file its motion for reconsideration within the term of twenty (20) days from the date of the filing of this Resolution. Such request must be presented to the Energy Bureau Clerk's Office.

The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from the date of notice of such denial, or from the expiration of the fifteen (15)-day term, as the case may be. If a determination is made in its consideration, the term to petition for review shall commence from the date when a copy of the notice of the Energy Bureau's resolution definitively resolving the motion to reconsider is filed in the record of the case. Such resolution shall be issued and filed in the record of the case within ninety (90) days after the motion to reconsider has been filed. If the Energy Bureau accepts the motion to reconsider but fails to take any action with respect to said motion within ninety (90) days of its filing, it shall lose jurisdiction on the motion and the term to file judicial review shall commence upon the expiration of the ninety (90)-day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

Any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of this Resolution was filed in the record of the Energy Bureau. The aforementioned pursuant to Section 11.03 of Regulation 8543, and the applicable dispositions of the UAPA and the Court of Appeals Regulation.

<sup>5</sup> Industrial and Trade Secret Protection Act of Puerto Rico, as amended.

<sup>6</sup> See Note 2 *supra*.


<sup>7</sup> Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures.



Be it notified and published.

  
Edison Avilés Deliz  
Chairman

  
Lillian Mateo Santos  
Associate Commissioner


  
Ángel R. Rivera de la Cruz  
Associate Commissioner

  
Ferdinand A. Ramos Soegaard  
Associate Commissioner



### CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 31, 2018. I also certify that on this date a copy of this Resolution regarding the Case No. CEPR-AP-2018-0001 was notified by electronic mail to the following: n-vazquez@aepr.com, jorge.ruiz@prepa.com and astrid.rodriguez@prepa.com.

  
María del Mar Cintrón Alvarado  
Clerk

I certify that today, August 31, 2018, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy to the following:

### **Puerto Rico Electric Power Authority**

Attn.: Astrid I. Rodríguez Cruz  
Jorge R. Ruíz Pabón  
Nitza D. Vázquez Rodríguez  
PO Box 363928  
San Juan, PR 00936-3928

For the record, I sign this in San Juan, Puerto Rico, today August 31, 2018.

  
María del Mar Cintrón Alvarado  
Clerk