

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



IN RE: REQUEST FOR PROPOSALS FOR
CONVERSION OF SAN JUAN UNITS
5 AND 6 TO NATURAL GAS

CASE NO.: CEPR-AI-2018-0001

SUBJECT: PREPA's Compliance Filing and
Memorandum on Confidentiality for Items
Due August 31, 2018

RESOLUTION AND ORDER

On August 31, 2018, the Puerto Rico Electric Power Authority ("PREPA") submitted before the Puerto Rico Energy Bureau ("Energy Bureau") its *PREPA's Compliance Filing and Memorandum on Confidentiality for Items Due August 31, 2018* ("Compliance Filing"), which contained its response to the Bureau's Resolution and Order of August 24, 2018 in the instant case.¹ As part of its submission, PREPA requested confidentiality treatment of a document titled "Puerto Rico Electric Power Authority Fuel Supply in the North RFP: Presentation to the Puerto Rico Energy Commission" ("Presentation"), submitted as part of the Compliance Filing.²

PREPA argues that the information in the Presentation includes information considered as trade secrets. According to PREPA, such information is protected under the "Industrial and Trade Secret Protection Act of Puerto Rico"³. PREPA argues that it has a strong interest in protecting the trade secrets of actual and prospective vendors and contractors who entrust PREPA with that information in confidence as part of business and financial dealings.⁴ Furthermore, PREPA states that a public release of the information could harm the parties that provided financial data, and could threaten PREPA's ability to acquire goods and services from the markets at the lowest cost, ultimately harming customers.⁵

Upon examining PREPA's arguments, the Energy Bureau **GRANTS** the confidentiality designation request for the Presentation submitted in response to the August 24, 2018 Resolution and Order.

Furthermore, in order for the Energy Bureau to evaluate the information contained

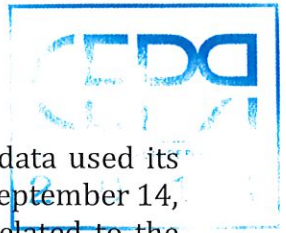
¹ See Resolution and Order, Case No. CEPR-AI-2018-0001, August 24, 2018.

² The document contains a financial analysis of a range of prices for diesel fuel and natural gas.

³ Act 80-2011, as amended.

⁴ Compliance Filing, ¶ II.1, p. 2.

⁵ *Id.*




in the Compliance Filing, it must have access to the workpapers and input data used its development. Therefore, PREPA is **ORDERED** to submit, on or before Friday, September 14, 2018, all workpapers and input data, in native form with formulas intact, related to the information provided in the Presentation.


Any party affected by this determination may move for reconsideration of this Resolution and Order before the Energy Bureau under Section 11.01 of Regulation 8543⁶ and 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 filing this Resolution and Order. Such request must be presented to the Energy Bureau Clerk's Office.

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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 notice of such denial, or from the expiration of the fifteen (15)-day term. 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. Such resolution shall be issued and filed in the record within ninety (90) days after the motion to reconsider has been filed. If the Energy Bureau accepts the motion to reconsider but takes no action regarding the 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.

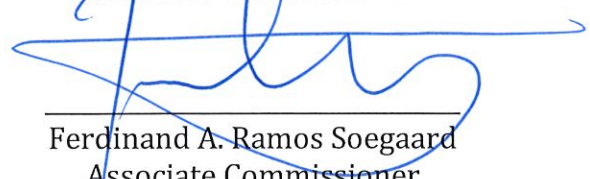
Any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of this Resolution and Order was filed in the record of the Energy Bureau. Under Section 11.03 of Regulation 8543, and the dispositions of the UAPA and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

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

⁶ 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 Bureau has so agreed on September 11, 2018. I also certify that on this date a copy of this Resolution and Order regarding the Case No. CEPR-AP-2018-0001 was notified by electronic mail to: n-vazquez@aepr.com, jorge.ruiz@prepa.com and astrid.rodriguez@prepa.com.

María del Mar Cintrón Alvarado
Clerk

I certify that today, September 11, 2018, I have file the Resolution and Order issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy to:

Puerto Rico Electric Power Authority

Attn.: Astrid I. Rodríguez Cruz
Jorge R. Ruíz Pabón
Nitza D. Vázquez Rodríguez
PO Box 363928
San Juan, PR 00936-4267

For the record, I sign this in San Juan, Puerto Rico, today September 11, 2018.

María del Mar Cintrón Alvarado
Clerk