

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



**IN RE:** REQUEST FOR PROPOSAL FOR  
CONVERSION OF SAN JUAN UNITS 5 & 6  
TO NATURAL GAS

**CASE NO.:** CEPR-AI-2018-0001

**SUBJECT:** PREPA's Compliance Filing,  
Resolution and Order of October 4, 2018,  
and Request for Confidential treatment  
information.

**RESOLUTION AND ORDER**

On October 30, 2018, the Puerto Rico Electric Power Authority ("PREPA") submitted before the Puerto Rico Energy Bureau ("Energy Bureau") its *PREPA's Compliance Filing*, which contained its response to the Bureau's Resolution and Order of October 4, 2018 in the instant case.<sup>1</sup> As part of its submission, PREPA requested confidentiality treatment of the filed documents based on the fact that they contain copies of all proposals and memoranda detailing the evaluation and decision-making process of the Request for Proposal process. PREPA requests confidential treatment of the aforementioned documents<sup>2</sup> until the Request for Proposal award process ends.

Upon examining PREPA's arguments, the Energy Bureau **GRANTS** confidentiality designation and treatment for the documents filed in response to the October 4, 2018 Resolution and Order until the Request for Proposal is awarded. Notwithstanding the foregoing, the Energy Bureau **ORDERS** PREPA to file with the Energy Bureau an unredacted electronic copy of the file "New\_Fortress\_Proposal.pdf" on or before noon of November 5, 2018, in accordance with the provisions of Article 6.15 of Act 57-2014.<sup>3</sup>

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 8543<sup>4</sup> 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

<sup>1</sup> See Resolution and Order, Case No. CEPR-AI-2018-0001, October 4, 2018.

<sup>2</sup> The document list is as follows: (1) Invitation to Bid Attachments – Agenda RFP, Procurement Guide (27 documents); (2) Proof of Public Notification (2 documents); (3) Cost Savings Analysis (1 document); (4) Six Bid Submittals and One No Bid (15 documents) except those documents identified as private – propriety and confidential; (5) questions, Answers and Agenda (21 documents); (6) Documents Evaluation Process (6 documents); (7) Designation Evaluation Committee (1 document); (8) Notification letters Phase 1 (6 documents); (9) Price Evaluation Analysis (1 document); (10) Board Resolution (1 document); (11) Certification of Procurement Compliance (1 document).

<sup>3</sup> *The Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>4</sup> *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures*, December 18, 2014.

term of twenty (20) days from filing this Resolution and Order. 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 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.

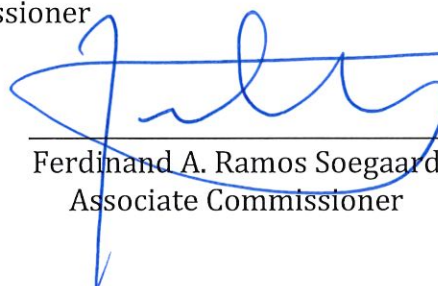
Be it notified and published.



Ángel R. Rivera de la Cruz  
Associate Commissioner



Lillian Mateo Santos  
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 November 2, 2018. The Energy Bureau Chairman, Edison Avilés Deliz did not intervene. I also certify that on this date a copy of this Resolution and Order regarding the Case No. CEPR-AI-2018-0001 was notified by electronic mail to: n-vazquez@aeep.com, jorge.ruiz@prepa.com and astrid.rodriguez@prepa.com.


  
María del Mar Cintrón Alvarado  
Clerk

I certify that today, November 2, 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 November 2, 2018.

  
María del Mar Cintrón Alvarado  
Clerk