

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 Motion for Limited  
Extension of Time and Request for  
Confidential Treatment of Information.

**RESOLUTION**

On January 23, 2019, the Puerto Rico Electric Power Authority ("PREPA") filed before the Puerto Rico Energy Bureau ("Energy Bureau") a motion titled *The Puerto Rico Electric Power Authority Motion for a Limited Extension of Time* ("Motion"). With its Motion, PREPA included the following documents: Main Body of IRP Filing, Part One to Eight; Technical Appendix 1 – Partial and; Technical Appendices 3, 4, and 5.<sup>1</sup>

**I. Request for Limited Extension of Time.**

The filed documents represent a partial/incomplete version of the Integrated Resource Plan ("IRP"). In its Motion, PREPA argues that, despite its best efforts, some of the analysis and much of the write-up of the IRP is not yet performed or drafted.<sup>2</sup> Due to the foregoing, PREPA requested the Energy Bureau to extend the deadline for the submission of the IRP to February 12, 2019. PREPA alleges that this date was selected after careful consideration of the remaining tasks, and **with the intention of avoiding any further motion for an extension of time.**<sup>3</sup>

It is important to note that PREPA expressed that the filed documents are in draft form. Therefore, PREPA stated that there is a possibility that some of these documents will require updating, revision, and/or correction.<sup>4</sup> Section 3.02(A) of Regulation 9021<sup>5</sup> establishes that, upon PREPA's filing of a proposed IRP, the Energy Bureau will have thirty (30) days to review such filing in order to determine whether it complies with the applicable

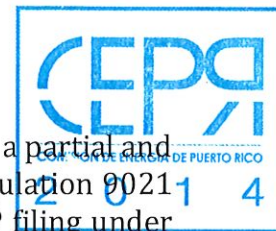
<sup>1</sup> See Motion, January 23, 2019.

<sup>2</sup> *Id.*, p. 2, ¶¶ 4 - 5.

<sup>3</sup> *Id.*, p. 3, ¶ 7.

<sup>4</sup> *Id.*, pp. 2 - 3, ¶ 6.

<sup>5</sup> *Regulation on Integrated Resource for the Puerto Rico Electric Power Authority*, April 24, 2018.



regulatory requirements. Given the fact that PREPA's January 23, 2019 filing is a partial and incomplete one, the thirty (30) day term established in Section 3.02(A) of Regulation 9021 is not applicable. As such, the Energy Bureau will not evaluate the partial IRP filing under the provisions of the referenced Section 3.02(A). Notwithstanding the above, the Energy Bureau will include the filed documents in the docket of the instant case.

For the benefit of interested parties and the general public, the Energy Bureau will publish all non-confidential documents included in PREPA's partial IRP filing. However, it is important to state that this action **shall not be construed** as the initiation of the adjudicative proceeding phase of the instant case. As such, at this time the Energy Bureau **will not** consider petitions to intervene, discovery requests or any other dispositive or procedural matters.

Once PREPA files a complete IRP, as determined by the Energy Bureau pursuant the provisions of Section 3.02(A) of Regulation 9021, the Energy Bureau will issue the procedural schedule for the instant case. Such procedural schedule will include the period for interested parties to file their intervention requests, the period to conduct discovery, the technical conferences dates and any other procedural matter.

Upon examining PREPA's arguments, the Energy Bureau **GRANTS** PREPA's request to extend the deadline for the filing of the proposed IRP to February 12, 2019. The Energy Bureau **DETERMINES** that, since PREPA's filing is not a final version of the IRP, the Energy Bureau will not evaluate such filing under the provisions of Section 3.02(A) of Regulation 9021. The Energy Bureau further **DETERMINES** that PREPA's partial IRP filing will be part of the docket of the instant case, and as such all non-confidential documents will be made available to the general public.

## II. Request for Confidential Treatment of Information.

As part of its submission, PREPA requested confidential designation and treatment of the document titled *Technical Appendix 1 – Partial*. PREPA based its request on the fact that such document contains Critical Energy Infrastructure Information that requires confidential treatment under applicable federal and Puerto Rico Law, and prior decisions of the Energy Bureau.<sup>6</sup>

Regarding the confidential designation and treatment of documents filed with the Energy Bureau, Act No. 57-2014<sup>7</sup> establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the submitting party understands deserves such protection.<sup>8</sup> Specifically,

<sup>6</sup> Motion, p. 3, ¶ 8.

<sup>7</sup> Known as *The Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

<sup>8</sup> Section 6.15 of Act 57-2014, as amended.



Act 57-2014 requires the Energy Bureau to provide confidential treatment to information provided that "the [Energy Bureau], after the appropriate evaluation, believes such information should be protected".<sup>9</sup> In such case, the Energy Bureau "shall grant such protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted."<sup>10</sup>

Upon examining PREPA's arguments, the Energy Bureau **GRANTS** confidential designation and treatment for the document titled *Technical Appendix 1 - Partial* in accordance with the provisions of Article 6.15 of Act 57-2014.

Any party affected by the determination made on Section II of this Resolution, regarding the confidential treatment of information, may file a motion for reconsideration of this Resolution before the Puerto Rico Energy Bureau pursuant to Section 11.01 of Regulation 8543, 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 Bureau Clerk's Office, located at World Plaza Building, 268 Ave. Muñoz Rivera, Plaza Level Ste. 202, San Juan, P.R. 00918.

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 said motion and the term to file judicial review shall commence upon the expiration of said 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.

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 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.

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

Be it hereby notified and published.



Edison Avilés Deliz  
Chairman




Ángel R. Rivera de la Cruz  
Associate Commissioner



Lillian Mateo Santos  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner



José J. Palou Morales  
Associate Commissioner


#### CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 25, 2019. I also certify that on this date a copy of this Resolution was notified by electronic mail to the following: n-vazquez@prepa.com, astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com. I also certify that today, January 25, 2019, 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.: Nitza D. Vázquez Rodríguez  
Astrid I. Rodríguez Cruz  
Jorge R. Ruíz Pabón  
PO Box 364267  
Correo General  
San Juan, PR 00936-4267

For the record, I sign this in San Juan, Puerto Rico, today January 25, 2019.



María del Mar Cintrón Alvarado  
Clerk