

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

NEPR

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

CASE NO.: CEPR-AP-2018-0001

SUBJECT: Motion for Reconsideration of
the Puerto Rico Energy Bureau's August 13,
2019 Resolution

MOTION FOR RECONSIDERATION

Intervener National Public Finance Guarantee Corporation ("National"), by and through its attorneys at Adsuar Muñiz Goyco Seda & Perez-Ochoa, P.S.C. ("AMG") and Weil, Gotshal & Manges LLP ("Weil"), hereby moves, pursuant to Section 11.01 of Regulation 8543,¹ for reconsideration of the Puerto Rico Energy Bureau's (the "Bureau") August 13, 2019 Resolution (the "Resolution") granting confidential designations to certain documents submitted by the Puerto Rico Electric Power Authority ("PREPA"). In support thereof, National respectfully states as follows:

On August 9, 2019, PREPA submitted a filing to the Bureau titled *PREPA's Compliance re August 13 Presentation Documents and Confidentiality Designations* (the "Compliance Filing"). The Compliance Filing provided three presentation documents for the August 13, 2019 Initial Technical Hearing, including a presentation regarding PREPA's IRP Minigrid proposal, of which there are three versions: (i) a public version, (ii) a confidential version that excludes Critical Energy Infrastructure Information ("CEII"), and (iii) a confidential version that includes CEII.² In its Compliance Filing, PREPA requested that the Bureau approve its confidential designation for

¹ See *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Procedures*, December 18, 2014.

² See Compliance Filing at 2-3.

two versions of its IRP Minigrid proposal presentation, and stated that it would only serve the public version of the presentation on intervenors.³ In its Resolution, the Bureau granted confidential designations to the two requested PREPA documents (together, the “Confidential Documents”).⁴ The Bureau also stated that “Any party affected by this determination may move for reconsideration of this Resolution before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543, and the provisions of Act 38-2017, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico (‘UAPA’).”⁵

National, an intervenor in this proceeding, is a party affected by the Bureau’s Resolution, and hereby moves for reconsideration of the Resolution to request access to the Confidential Documents, including all CEII and redacted information contained therein. Specifically, National requests access on behalf of itself, its technical advisor Black & Veatch,⁶ and certain attorneys at AMG and Weil, all of whom have executed and delivered to the Bureau Non-Disclosure Agreements affording them access to information that the Bureau marks as “confidential.”⁷

³ *Id.* at 3.

⁴ *See* Resolution at 1. The file names of the Confidential Documents are “04 Confidential - PREPA IRP 2019 - MiniGrid_and_Transmission_Draft.pdf.” and “05 Confidential and CEII - PREPA IRP 2019 - MiniGrid_and_Transmission_Draft.pdf.”

⁵ *Id.* at 2.

⁶ Black & Veatch, a top-ranked engineering, procurement, consulting and construction company, has previously entered into, and at all times complied with, non-disclosure agreements permitting access to CEII, including a non-disclosure agreement with the Eastern Interconnection Reliability Assessment Group. Black & Veatch is also party to an agreement with the United States Federal Energy Regulatory Commission governing access to CEII.

⁷ *See* Non-Disclosure Agreement at Section II(3). Black and Veatch and its Principal Consultant Gary Wilmes executed and delivered Non-Disclosure Agreements to the Bureau on September 3, 2019. The following attorneys for National from AMG and Weil also delivered executed Non-Disclosure Agreements to the Bureau on August 29, 2019, August 30, 2019, and September 3, 2019: Eric Perez Ochoa, Alexandra Casellas-Cabrera, Luis A. Oliver Fraticelli, Juliana M. Pérez-Alemañy, Debora Hoehne, Corey Brady, and Jeremy Auster.

For the avoidance of doubt, National does not contest the Bureau’s grant of a “confidential” designation to the Confidential Documents. National merely requests access to the Confidential Documents pursuant to the protocols set forth in the Non-Disclosure Agreement for itself and its authorized representatives who have executed and delivered Non-Disclosure Agreements to the Bureau.

WHEREFORE, National respectfully requests that the Bureau:

- a. Grant National’s Motion for Reconsideration;
- b. Grant National, its technical advisor Black & Veatch, and its attorneys at AMG and Weil who have executed a Non-Disclosure Agreement access to the documents granted confidential designations pursuant to the Bureau’s August 13, 2019 Resolution, including all Critical Energy Infrastructure Information and redacted information contained therein; and
- c. Grant any other relief that the Bureau deems just and proper.

RESPECTFULLY SUBMITTED,

THIS 3rd DAY OF SEPTEMBER, 2019

CERTIFICATE OF SERVICE: We hereby certify that on this same date a true and accurate copy of the foregoing motion was sent via electronic means to the following email addresses, in accordance with Section III (“Parties Notification Mailing List”) of the Energy Bureau’s August 21, 2019 Resolution and Order in the instant case: n-vazquez@aepr.com; astrid.rodriquez@prepa.com; jorge.ruiz@prepa.com; c-aquino@prepa.com; mvazquez@diazvaz.law; kbolanos@diazvaz.law; acarbo@edf.org; javier.ruajovet@sunrun.com; pedrosaade5@gmail.com; rmurthy@earthjustice.org; carlos.reyes@ecoelectrica.com; ccf@tcmrslaw.com; victorluisgonzalez@yahoo.com; mgrpcorp@gmail.com; hriviera@oipc.pr.gov; jriviera@cnspr.com; manuelgabrielfernandez@gmail.com; acasellas@amgprlaw.com; corey.brady@weil.com; maortiz@lvprlaw.com; negron@dnlawpr.com; paul.demoudt@shell.com; escott@ferraiuoli.com; agraitfe@agraitlawpr.com; castrodieppalaw@gmail.com; voxpopulix@gmail.com; cfl@mcpvpr.com; info@liga.coop; amaneser2020@gmail.com; sierra@arctas.com; tonytorres2366@gmail.com.

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