



**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 petition for confidential treatment of portions of its Responses to the Energy Bureau Second Set of ROIs.

RESOLUTION AND ORDER

On August 8, 2019, the Puerto Rico Electric Power Authority ("PREPA") filed a document titled *PREPA's Motion for Confidential Treatment of Portions of its Responses to ROIs* before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau"). As part of its filing, PREPA requested confidential treatment of portions of its Responses to the Energy Bureau Second Set of Request of Information ("ROI"), under federal and Puerto Rico law, including Regulation 9021¹ and under Section 6.15 of Act 57-2014² and Act 80-2011³.

Act No. 57-2014 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.⁴ Specifically, Act 57-2014 requires the Energy Bureau to provide confidential treatment to the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".⁵ 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."⁶

¹ *Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority*, April 24, 2018.

² *The Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

³ *Industrial and Trade Secret Protection Act of Puerto Rico*, as amended.

⁴ Section 6.15 of Act 57-2014, as amended.

⁵ *Id.*

⁶ *Id.*

The Energy Bureau **GRANTS** confidentiality designation and treatment for the filed documents⁷ under Article 6.15 of Act 57-2014, as detailed on Table 1. The information is available to parties that have signed the appropriate Non-Disclosure Agreement ("NDA") under the applicable protocols.

Table 1. Documents designated as confidential.

Requirement of Information 2		
Question	File	Reason
PREB-PREPA-02-09	Confidential-PREPA ROI_2_09 Attach 3.xlsx	CEII
PREB-PREPA-02-09	Confidential-PREPA ROI_2_09 Attach 4.xlsx	CEII
PREB-PREPA-02-09	Confidential-PREPA ROI_2_09 Attach 5.xlsx	CEII
PREB-PREPA-02-09	Confidential-PREPA ROI_2_09 Attach 6.xlsx	CEII
PREB-PREPA-02-09	Confidential-PREPA ROI_2_09 Attach 7.xlsx	CEII
PREB-PREPA-02-09	Confidential-PREPA ROI_2_09 Attach 8.xlsx	CEII
PREB-PREPA-02-09	Confidential-PREPA ROI_2_09 Attach 9.xlsx	CEII
PREB-PREPA-02-17	Confidential - PREPA ROI_2_17 Attach 1.pdf	Trade Secret

Furthermore, the Energy Bureau **DETERMINES** that the documents detailed in Table 2 **shall not be designated as confidential information.**

⁷ See referenced electronic file, that contains Critical Energy Infrastructure Information (CEII).

Table 2. Documents not designated as confidential.

Requirement of Information 2		
Question	File	Reason
PREB-PREPA-02-15	Confidential - PREPA ROI_2_15 Attach 1.pdf	Document filed as part of CEPR-AP-2017-0001 (Ex. 1.04 of April 28, 2017 filing). PREPA did not request confidentiality as part of referenced case and the document is uploaded/published on the Energy Bureau's website since 2017.
PREB-PREPA-02-20	Confidential - PREPA ROI_2_20 Attach 1.pdf	Document filed as part of CEPR-AP-2017-0001 (Ex. 1.02 Part 1 of April 28, 2017 filing). PREPA did not request confidentiality as part of referenced case and the document is uploaded/published on the Energy Bureau's website since 2017

Any party affected by this determination may move for reconsideration of this Resolution and Order before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543,⁸ and the provisions of Act 38-2017, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico ("UAPA"). The affected party shall move for reconsideration within the term of twenty (20) days from filing this Resolution and Order. Such request must be presented to the Bureau Clerk's Office, at World Plaza Building, 268 Ave. Muñoz Rivera, Level Ste. 202, San Juan, P.R. 00918, or electronically in the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/>.

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 record. Such resolution shall be issued and filed in the record within ninety (90) days after

⁸ Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, December 18, 2014.



the motion to reconsider has been filed. If the Energy Bureau accepts the motion to reconsider but takes no action regarding 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 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 hereby notified and published.

Edison Aviles Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Angel 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 September 17, 2019. I also certify that on September 17, 2019 a copy of this Resolution and Order was notified by electronic mail to: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aeep.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, jrivera@cnslpr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, maortiz@lvprlaw.com, rnegrone@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, agraitfe@agraitlawpr.com, castrodiieppalaw@gmail.com, voxpopulix@gmail.com, cfl@mcvpr.com, sierra@arctas.com, tonytorres2366@gmail.com, info@liga.coop, amaneser2020@gmail.com.

I sign this in San Juan, Puerto Rico, today September 17, 2019.

Wanda I. Cordero Morales
Clerk