



**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:** Request of Confidential  
Treatment regarding documents filed by  
PREPA on August 23, 2019.

**RESOLUTION AND ORDER**

On August 23, 2019, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Request for Confidential Designation of Unredacted AES Coal Plan Conversion Assessment* ("Motion"), which included the unredacted documents for which PREPA requested confidential treatment. Furthermore, PREPA submitted a document titled *Submittal of Redacted AES Coal Plant Conversion Assessment*, which contains the redacted version of the aforementioned document. Through its Motion, PREPA requested confidential treatment of Section 4 – AES Steady State Assessment, arguing that said item contained technical information that is Confidential Energy Infrastructure Information ("CEII").

Also, on August 23, 2019, PREPA submitted a second document titled *Request for Confidential Designation Documents Responsive to the Energy Bureau's Second Set of Requests* and a third document titled *Request for Confidential Designation Documents Responsive to the Bureau's Fourth Set of Request of Information ("ROI")*. As part of its filing, in both documents, PREPA requested confidential treatment of its Responses to the Energy Bureau Second Set ("ROI 2")<sup>1</sup> and Forth Set ("ROI 4"),<sup>2</sup> federal and Puerto Rico law, including Regulation 9021<sup>3</sup> and under Section 6.15 of Act 57-2014<sup>4</sup> and Act 80-2011.<sup>5</sup>

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.<sup>6</sup> Specifically,

<sup>1</sup> See referenced electronic file, with ROI 2 for Confidential Treatment that contains Critical Energy Infrastructure Information (CEII).

<sup>2</sup> See referenced electronic file, with ROI 4 for Confidential Treatment that contains Critical Energy Infrastructure Information (CEII).

<sup>3</sup> *Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority*, April 24, 2018.

<sup>4</sup> *The Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

<sup>5</sup> *Industrial and Trade Secret Protection Act of Puerto Rico*, as amended.

<sup>6</sup> Section 6.15 of Act 57-2014, as amended.

Act 57-2014 requires the Energy Bureau to confidentially treat the submitted information provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected”.<sup>7</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>8</sup>

The Energy Bureau **GRANTS** confidentiality designation and treatment for the filed documents<sup>9</sup> under Article 6.15 of Act 57-2014, as detailed on Table 1, 2 and 3, respectively. The information is available to parties that have signed the appropriate Non-Disclosure Agreement (“NDA”) under the protocols.

Table 1. Documents designated as confidential.

<i>AES Coal Plan Conversion Assessment</i>	
File	Reason
Section 4-AES Steady State Assessment	CEII

Table 2. Documents designated as confidential.

<b>Requirement of Information 2</b>		
Question	File	Reason
PREB-PREPA-02-04	Confidential-PREPA ROI_2_04 Attach 3.zip	CEII
PREB-PREPA-02-04	Confidential-PREPA ROI_2_04 Attach 4.pdf	CEII
PREB-PREPA-02-04	Confidential-PREPA ROI_2_04 Attach 5.xlsx	CEII

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> See referenced electronic files, that contains Critical Energy Infrastructure Information (CEII): Section 4- of AES Steady State Assessment; Electronic file with ROI 2 for Confidential Treatment and Electronic file with ROI 4 for Confidential Treatment.

Table 3. Documents designated as confidential.

Requirement of Information 4		
Question	File	Reason
PREB-PREPA-04-09	Confidential PREPA ROI_4_9 Attach 1.pdf	CEII
PREB-PREPA-04-43	Confidential-PREPA ROI_4_43 Attach 1.pdf	CEII
PREB-PREPA-04-43	Confidential-PREPA ROI_4_43 Attach 2.pdf	CEII
PREB-PREPA-04-44	Confidential PREPA ROI_4_44 Attach 1.xlsx	CEII
PREB-PREPA-04-50	Confidential-PREPA ROI_4_50 Attach 1.pdf	CEII
PREB-PREPA-04-50	Confidential-PREPA ROI_4_50 Attach 2.pdf	CEII
PREB-PREPA-04-50	Confidential-PREPA ROI_4_50 Attach 3.pdf	CEII
PREB-PREPA-04-50	Confidential-PREPA ROI_4_50 Attach 4.pdf	CEII
PREB-PREPA-04-50	Confidential-PREPA ROI_4_50 Attach 5.pdf	CEII
PREB-PREPA-04-50	Confidential-PREPA ROI_4_50 Attach 6.pdf	CEII
PREB-PREPA-04-50	Confidential-PREPA ROI_4_50 Attach 7.pdf	CEII

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,<sup>10</sup> and 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/>.

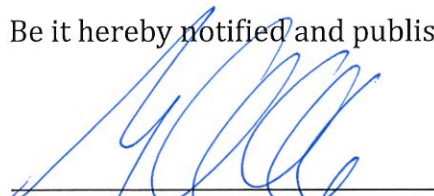
The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from notice of such denial, or from the expiration of the fifteen (15)-day term. 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 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

<sup>10</sup> Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, December 18, 2014.

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 Avilés Deliz  
Chairman



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 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, rnegrón@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, agraitfe@agraitlawpr.com, castrodiéppalaw@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