

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 for Confidential
Designation of Documents Filed in Support
of Additional Responses to the Energy
Bureau's Fourth set of Requirements of
Information.

RESOLUTION AND ORDER

On September 6, 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 Documents Filed in Support of Additional Responses to the Energy Bureau's Fourth set of Requirements of Information* ("Motion"). Through its Motion, PREPA requested confidential treatment to the additional responses to the Fourth Requirement of Information ("ROI"), under federal and Puerto Rico law, including Regulation 9021¹, Section 6.15 of Act 57-2014² and Act 80-2011.³

Act 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 treat the submitted information as confidential, 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

The Energy Bureau **GRANTS** confidential designation and treatment for the filed documents⁷ under Article 6.15 of Act 57-2014, as detailed on Table 1, below. The information

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 The Puerto Rico Industrial and Trade Secret Protection Act, as amended.

⁴ Section 6.15 of Act 57-2014.

⁵ Id.

⁶ Id.

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

is available to parties that have signed the appropriate Non-Disclosure Agreement ("NDA") under the established protocols.

Table 1. Documents designated as confidential.

Requirement of Information 4		
Question	File	Reason
PREB-PREPA-04-21	Confidential-PREPA ROI_4_21 Attach 1.xlsx	CEII
PREB-PREPA-04-22	Confidential- PREPA ROI_4_22 Attach 1.xlsx	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 8543,⁸ 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 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.

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



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 23, 2019. I also certify that on September 23, 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, mvazquez@diazvaz.law, kbolanos@diazvaz.law, c-aquino@prepa.com, 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@cnslpr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, maortiz@lvprlaw.com, rnegron@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, agraitfe@agraitlawpr.com, castrodieppalaw@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 23, 2019.


Wanda I. Cordero Morales
Clerk