

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

NEPR
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IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY INTEGRATED
RESOURCE PLAN

CASE NO. CEPR-AP-2018-0001

SUBJECT: RESPONSE
IDENTIFYING CONFIDENTIAL
DOCUMENTS

LOCAL ENVIRONMENTAL ORGANIZATIONS' RESPONSE
IDENTIFYING DOCUMENTS DESIGNATED AS CONFIDENTIAL BY PREPA

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

On January 13, 2020, the Energy Bureau ordered Local Environmental Organizations (“LEO”) to specifically identify information to which it has not been granted access due to a confidentiality designation. Local Environmental Organizations respectfully provide the following list of items, withheld by PREPA due to confidentiality designations:

Information withheld by PREPA, where there is no confidentiality designation or
the designation is unclear

Local Environmental Organizations' Second Request For Information

LEOs' second ROI included the following Question #34:

Refer to IRP Exhibit 3-34 and the electricity sales forecast from the Fiscal Oversight Management Board at p. 57 of the June 27, 2019 PREPA Fiscal Report.

- a. Please provide all communications from the Fiscal Oversight Management Board concerning its electricity sales forecast.
- b. Please provide a detailed description of the reason for the discrepancies between IRP Exhibit 3-34 and the Fiscal Oversight Management Board's electricity sales forecast.

PREPA's response refused to provide emails responsive to 34(a), asserting: "Email communications between Siemens and FOMB are confidential."

Local Environmental Organizations' Third Request For Information

PREPA's response to #6 in LEOs' third ROI included a September 26, 2018 Letter of Recommendation from the United States Coast Guard to NFEnergia LLC. The Coast Guard provided a Letter of Recommendation Analysis as an attachment to the September 2018 Letter of Recommendation, in both a confidential and a redacted version. PREPA has not provided either version of the Letter of Recommendation Analysis.

Question 19 of Local Environmental Organizations' Third ROI asked for all weekly status reports on the conversion of San Juan 5 & 6 units and the micro fuel handling facility. PREPA provided the report for the week of September 30, 2019, but has refused to provide any further reports.

Integrated Resource Plan

In an Order dated August 27, 2019, PREB rejected PREPA's confidentiality requests for several documents, including Existing Units Parameters_12292018_V6.1.xlsx. PREPA later submitted a motion for reconsideration of the ruling concerning Existing Units Parameters_12292018_V6.1.xlsx. PREB has not to date granted PREPA's motion, so this document should be publicly available.

PREB's August 27, 2019 Order next required PREPA to justify confidentiality designations for the following documents:

- Distribution_Sub_Feeder_v1.1.xlsx
- Mini Grids CapEx Summary 1.22.2029.xlsx
- IRP_19_Substation_LoadProcessing_Final.xlsx
- Minigrid VOLL_final.xlsx
- MiniGrids CapEx Summary_wPriority_Final.xlsx
- Contingency_Analysis_Output_Final.xlsx
- Within the "Maps" folder in the Appendix 1 folder (5 files; ITEM 46)
 - 46_Mapa Maestro PRGrid64.pdf
 - 46_Mapa PR_40_Grid_2

PREPA did subsequently submit justifications for the confidentiality of these documents. PREB issued no further ruling; the confidentiality status of these documents is unclear.

Finally, PREB's August 27, 2019 Order ordered PREPA to submit all Aurora modeling files in a readable format. PREPA subsequently offered several options short of submitting the files. PREB has issued no further ruling; the confidentiality status of these Aurora files is unclear.

Information Essential For Experts to Fully Participate In This Proceeding

PREB's January 13, 2020 Order also ordered Local Environmental Organizations to specify the information "essential to perform the work of his expert witness." PREB stated that LEOs "should request specifically the information and the reasons for the disclosure to the third party with all the consequences involved with the disclosure." Local Environmental Organizations submit that the remaining information contained within the Integrated Resource Plan designated as confidential is necessary for its experts to fully participate in this proceeding. Our experts have received confidential documents in other proceedings, they have experience in taking the necessary steps to ensure the protection of these documents, and they are willing to sign the Non-Disclosure Agreement provided by the Bureau.

Integrated Resource Plan

On June 21, 2019, PREPA designated over five hundred files in seven folders as confidential:

- IRP2019 - Appendix 1 - Transmission and Distribution 06072019 CONFIDENTIAL.pdf
- Appendix_1_workpapers CONFIDENTIAL.7z . 7z indicates that the item is a "zipped" folder (81 files)
- Fuel Forecast Model & Workpapers CONFIDENTIAL.7z (4 files)
- Load Forecast Model & Workpapers CONFIDENTIAL.7z (3 files)
- OUT_files CONFIDENTIAL.7z (469 files)
- Resource Side Workpapers – A CONFIDENTIAL.7z (13 files)
- Resource Side Workpapers - B CONFIDENTIAL.7z (8 files)

PREB granted these confidentiality designations through Order dated July 3, 2019.

Appendix 1 of the Integrated Resource Plan

On August 27, 2019, PREB approved confidentiality designations for the following items:

- Distribution DG Impact v2.1.xlsx
- MAX FEED AMP 083016 1200 2100.xlsx
- DG Impact estimation.xlsx
- DG Impact v2.xlsx
- Distribution DG Impact v2.xlsx
- "Maps" folder in the Appendix 1 folder (5 files; ITEM 46)

From the Resources Side Workpapers:

- AWS WIND SITES.xlsx
- Generic Wind Profiles 20190418 vS.xlsx
- 20131104 Upd Solar TS Hurrllrene.zip
- DEL 2 Updated Wind data.zip
- AWS Solar v4.3.xlsx
- AWS Wind v4.3.xlsx

All other information designated as confidential in this proceeding by PREPA is listed in Appendix A. Once LEOs have executed an NDA, LEOs are entitled to receive this information as well.

Amendments to the NDA

The Local Environmental Organizations insist that the NDA document should be amended for the Local Environmental Organizations representatives be able to sign the NDA. Therefore, the LEOs request that PREB modify the NDA provided so that (1) it be restricted to specific items, documents or information determined to be “Validated Confidential Information” by the PREB; (b) that signature of the NDA does not imply the loss of the right to question a confidentiality determination; (c) allow the parties’ witnesses to sign as well, and review confidential material; (d) and/or in any case that Local Environmental Organizations be recognized the right to sign NDA’s applicable to specific items determined to be “Validated Confidential Information.”

Respectfully submitted,

/s/ Raghuram Murthy
Raghuram Murthy
Earthjustice

CERTIFICATE OF SERVICE

We hereby certify that, on January 23, 2020, we have filed this Response via the Energy Bureau's online filing system, and sent to the Puerto Rico Energy Bureau Clerk and legal counsel to: secretaria@energia.pr.gov; astrid.rodriguez@prepa.com; jorge.ruiz@prepa.com; n-vazquez@aeopr.com; c-aquino@prepa.com and to the following persons:

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- EcoElectrica (carlos.reyes@ecoelectrica.com and ccf@tcmrslaw.com);
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- Arctas Capital Group (sierra@arctas.com, tonytorres2366@gmail.com);
- SESA PR & Caribe GE (cfl@mcvpr.com);
- League of Cooperatives of Puerto Rico and AMANESER 2025 (info@liga.coop, amaneser2020@gmail.com)
- AES-PR (apagan@mpmlawpr.com, mpietrantoni@mpmlawpr.com)

Respectfully submitted on this day January 23, 2020

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Appendix A

AES Coal Plan Conversion Assessment

PREPA has designated the following documents, related to the Coal Plant Conversion Assessment, as confidential:

- Section 4-AES Steady State Assessment
- Confidential-PREPA ROI_2_04 Attach 3.zip
- Confidential-PREPA ROI_2_04 Attach 4.pdf
- Confidential-PREPA ROI_2_04 Attach 5.xlsx
- Question PREB-PREPA-02-09: Confidential-PREPA ROI_4_9 Attach 1.pdf
- Question PREB-PREPA-04-43: Confidential-PREP A ROI_4_43 Attach 1.pdf
- Question PREB-PREPA-04-43: Confidential-PREP A ROI_4_43 Attach 2.pdf
- Question PREB-PREPA-04-44: Confidential PREP A ROI_4_44 Attach 1.xlsx
- Question PREB-PREPA-04-50: Confidential-PREPA ROI_4_50 Attach 1.pdf
- Question PREB-PREPA-04-50: Confidential-PREPA ROI_4_50 Attach 2.pdf
- Question PREB-PREPA-04-50: Confidential-PREPA ROI_4_50 Attach 3.pdf
- Question PREB-PREPA-04-50: Confidential-PREPA ROI_4_50 Attach 4.pdf
- Question PREB-PREPA-04-50: Confidential-PREPA ROI_4_50 Attach 5.pdf
- Question PREB-PREPA-04-50: Confidential-PREPA ROI_4_50 Attach 6.pdf
- Question PREB-PREPA-04-50: Confidential-PREPA ROI_4_50 Attach 7.pdf

PREB approved this confidentiality designation through order dated September 17, 2019.

- Confidential-PREPA ROI_4_21 Attach 1.xlsx
- Confidential-PREPA ROI_4_22 Attach 1.xlsx

PREB approved these confidentiality designations through Order dated September 23, 2019.

August 13 Presentation Documents

On August 9, 2019, PREPA designated the following documents as confidential:

- 04 Confidential - PREPA IRP 2019 - MiniGrid_and_ Transmission_Draft.pdf
- 05 Confidential and CEII - PREPA IRP 2019 - MiniGrid_and_ Transmission_Draft.pdf

PREB granted these confidentiality designations through Order dated August 13, 2019.

First Set of PREB ROIs

PREPA has designated as confidential:

- Question PREB-PREPA-01-06: Confidential-PREP A ROI_1_6 Attach 1.docx
- Question PREB-PREPA-01-06: Confidential-PREP A ROI_1_6 Attach 2.xlsx
- Question PREB-PREPA-01-16: Confidential-PREPA ROI_1_16 Attach 1.pdf
- Question PREB-PREPA-01-16: Confidential-PREPA ROI_1_16 Attach 2.pdf
- Question PREB-PREPA-01-16: Confidential-PREPA ROI_1_16 Attach 3.pdf
- Question PREB-PREPA-01-16: Confidential-PREPA ROI_1_16 Attach 4.pdf
- Question PREB-PREPA-01-16: Confidential-PREPA ROI_1_16 Attach 5.pdf
- Question PREB-PREPA-01-16: Confidential-PREPA ROI_1_16 Attach 6.pdf
- Question PREB-PREPA-01-56: Confidential-PREPA ROI_1_56 Attach 1.xlsx

PREB approved these confidentiality designations through Order dated September, 17, 2019.

Second Set of PREB ROIs

PREPA has designated as confidential:

- Confidential-PREPA ROI 2 09 Attach 3.xlsx
- Confidential-PREPA ROI 2 09 Attach 4.xlsx
- Confidential-PREPA ROI 2 09 Attach 5.xlsx
- Confidential-PREPA ROI 2 09 Attach 6.xlsx
- Confidential-PREPA ROI 2 09 Attach 7.xlsx
- Confidential-PREPA ROI 2 09 Attach 8.xlsx
- Confidential-PREPA ROI 2 09 Attach 9.xlsx
- Confidential-PREPA ROI_2_17 Attach 1.pdf

PREB approved these confidentiality designations through Order dated September, 17 2019.

Fourth Set of PREB ROIs

PREPA has designated as confidential:

- Confidential PREPA ROI_4_21 Attach 1.xlsx
- Confidential PREPA ROI_4_22 Attach 1.xlsx

PREB approved these confidentiality designations through Order dated September, 23 2019.