

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



**IN RE:** REQUEST FOR APPROVAL OF  
AMENDED AND RESTATED POWER  
PURCHASE AND OPERATING AGREEMENT  
WITH ECOELÉCTRICA AND NATURAL  
GAS SALE AND PURCHASE AGREEMENT  
WITH NATURGY

**CASE NO.:** NEPR-AP-2019-0001

**SUBJECT:** PREPA's petition for confidential  
treatment

**RESOLUTION AND ORDER**

On December 19, 2019, the Puerto Rico Electric Power Authority ("PREPA") filed before the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") a document titled *Request for Confidential Designation of Unredacted Documents Regarding Gas Price, Projected Savings and Sargent and Lundy Report Related to Approval of Amended and Restated Power Purchase and Operating Agreement with EcoEléctrica and Natural Gas Sale and Purchase Agreement with Naturgy and Importance of the Agreements* ("December 19 Motion"). As part of the December 19 Motion, PREPA requested confidential designation and treatment regarding the unredacted documents submitted regarding natural gas pricing and projected savings, as well as for the Sargent and Lundy Report.<sup>1</sup>

PREPA bases its request for the confidential designation and treatment of the documents specified on the December 19 Motion in the allegation that those documents contain information that qualifies as proprietary and includes trade secrets protected under Puerto Rico Law.

Act 57-2014<sup>2</sup> 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 party submitting understands deserves such protection.<sup>3</sup> Specifically, 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>4</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>5</sup>

<sup>1</sup> Gas Prices Proposed by Naturgy; PREPA EcoEléctrica Savings Presentation 17 December 2019; Projected Savings Per Year; Sargent & Lundy EcoEléctrica and Naturgy Contract Renegotiations Report.

<sup>2</sup> Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>3</sup> Section 6.15 of Act 57-2014, as amended.

<sup>4</sup> *Id.*

Upon review of PREPA's arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment for the items specified on the December 19 Motion pursuant to the provisions of Article 6.15 of Act 57-2014. Notwithstanding the foregoing, the Energy Bureau **ORDERS** PREPA to in compliance with the provisions of Resolution CEPR-MI-2016-0009, file a redacted copy of the documents that may be designated and treated as nonconfidential.

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 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. 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 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.

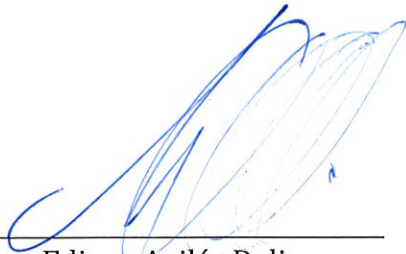
Be it hereby notified and published.

---

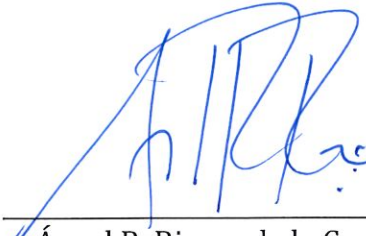
<sup>5</sup> Id.



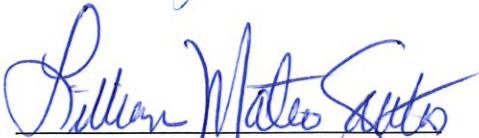




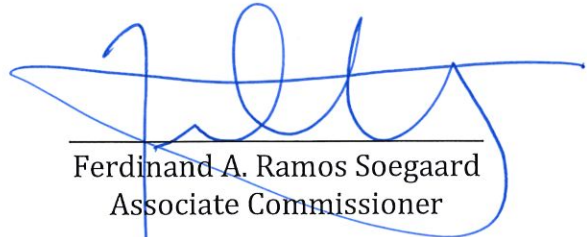
Edison Avilés Deliz  
Chairman



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 January 16, 2020. I also certify that on January 17, 2020 a copy of this Resolution and Order was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aeep.com, c-aquino@prepa.com and kbolanos@diazvaz.law. I also certify that today, January 17, 2020, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy to the following:

#### **Puerto Rico Electric Power Authority**

Nitza D. Vázquez Rodríguez  
Astrid I. Rodríguez Cruz  
Jorge R. Ruíz Pabón  
Carlos M. Aquino Ramos  
PO Box 363928  
San Juan, PR 00936-3928

For the record, I sign this in San Juan, Puerto Rico, today January 17, 2020.



Wanda I. Cordero Morales  
Clerk

