

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 Request for Confidential
Designation for Documents Produced in
compliance with February 24, 2020 Order.

RESOLUTION

On February 28, 2020, 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 *Memorandum of Law Requesting Confidential Treatment for Documents Produced in Compliance with Order* ("Memorandum"). In the Memorandum, PREPA requested the Energy Bureau to grant confidential designation and treatment for three exhibits submitted under seal as Exhibits I to III of the document titled *Motion in Compliance with Order dated February 24, 2020*.¹

PREPA argues that Exhibits I, II and III are the same file for the different model runs requested by the Energy Bureau, and therefore contain the same confidentiality designations.² More specifically, PREPA argues that the input tables of Aurora Modeling files are submitted as confidential, considering the data pertains to detailed operational specifications of the generating units and transmission interconnection that could compromise the integrity of Puerto Rico's electric system and should be protected as Critical Energy Infrastructure Information (CEII).³ Furthermore, PREPA alleged that the information included in the Aurora Modeling files also contain Trade Secret information since it contains performance curves of the units of diesel that if disclosed could place PREPA in a competitively disadvantageous position in dealing with potential proponents, ultimately harming customers.⁴

Act No. 57-2014⁵ establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any

¹ See, Memorandum, p. 1.

² *Id.* at p. 2.

³ *Id.*

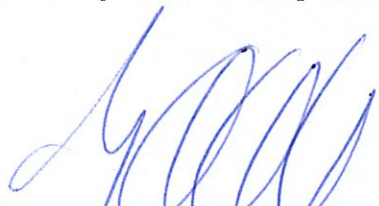
⁴ *Id.*

⁵ Known as the *Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

information that the party submitting understands deserves such protection.⁶ 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”.⁷ 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.”⁸ The procedures for requesting confidential designation and treatment of documents filed before the Energy Bureau are those established in the Resolution issued by the Energy Bureau on August 31, 2016.⁹

Upon review of PREPA’s arguments, the applicable law and the procedural requirements established by the Energy Bureau, the Energy Bureau **DETERMINES** that PREPA has complied with the applicable law and rules, and **GRANTS** confidentiality designation and treatment to Exhibits, I, II and III to the *Motion in Compliance with Order dated February 24, 2020*.

Be it hereby notified and published.



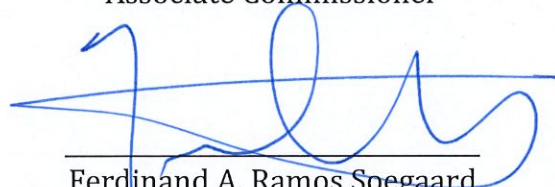
Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



⁶ See, Section 6.15 of Act 57-2014, as amended.

⁷ *Id.*

⁸ *Id.*

⁹ See, Resolution, In Re: Management of Confidential Information in Procedures Before the Commission, Case No. CEPR-MI-2016-0009, as amended on September 20, 2016.

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on March 12, 2020. I also certify that on March 12, 2020 a copy of this Resolution 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@cnspr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, maortiz@lvprlaw.com, rnegron@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, sproctor@huntonak.com, agraitfe@agraitlawpr.com, castrodieppalaw@gmail.com, voxpoplux@gmail.com, cfl@mcvpr.com, sierra@arctas.com, tonytorres2366@gmail.com, info@liga.coop, amaneser2020@gmail.com, apagan@mpmlawpr.com, sboxerman@sidley.com, bmundel@sidley.com.

I sign this in San Juan, Puerto Rico, today March 12, 2020.


Wanda I. Cordero Morales
Clerk

