

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 ECOELECTRICA AND NATURAL GAS
SALE AND PURCHASE AGREEMENT WITH
NATURGY

CASE NO.: NEPR-AP-2019-0001

SUBJECT: PREPA's Request for Confidential
Designation.

RESOLUTION

On February 17, 2020, the Puerto Rico Electric Power Authority ("PREPA") filed before the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") document titled *Request for Confidential Designation of Document Summarizing Contents of Draft Agreement*. As part of its filing, PREPA requested confidential treatment of files attached as Exhibits to the *Motion in Compliance with Bench Order Entered on February 14, 2020* filed on February 17, 2020 (the "February 17 Motion"). Both motions were filed twice.

PREPA argues the summary explains the scheduling, take-or-pay and make-up provisions of the proposed amended agreement with Naturgy and PREPA which are contents of the draft agreement. The information is part of an on-going negotiation, and summarizes information filed with the *Request for Confidential Designation of Unredacted Documents Regarding Gas Price, Project 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 Agreement* ("December 19 Motion") that the Energy Bureau granted confidentiality¹.

Act No. 57-2014² 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.³ 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".⁴ In such case, the Energy Bureau "shall grant such protection in a manner that least affects the public interest, transparency, and the rights of

¹ See, Resolution and Order, NEPR-AP-2019-0001, January 17, 2020.

² Known as the *Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

³ Section 6.15 of Act 57-2014, as amended.

⁴ *Id.*


the parties involved in the administrative procedure in which the allegedly confidential document is submitted.”⁵

Upon review of PREPA’s arguments and applicable law, the Energy Bureau **GRANTS** confidentiality designation to the documents attached to the February 17 Motion. Furthermore, to ensure efficient filing with the Energy Bureau’s Clerks Office and avoid unnecessary confusions, PREPA shall **ABSTAIN** from filing the same document multiple times, in either the instant case or any other proceedings before the Energy Bureau. If confidentiality is requested, PREPA shall file the corresponding memorandum of law and the clean and redacted copies the document for which confidentiality is requested as part of the submittal motion..

Be it hereby notified and published.



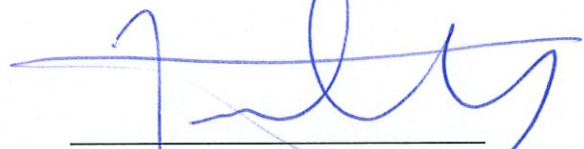
Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



⁵ *Id.*

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on February 28, 2020. I also certify that on February 28, 2020 a copy of this Resolution was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aepr.com, c-aquino@prepa.com, adiaz@diazvaz.law, mvazquez@diazvaz.law and kbolanos@diazvaz.law. I also certify that today, February 28, 2020, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy to the following:


Puerto Rico Electric Power Authority

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For the record, I sign this in San Juan, Puerto Rico, today February 28, 2020.


Wanda I. Cordero Morales
Clerk

