

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

NEPR Received: Mar 5, 2020 7:19 PM

IN RE:

**REQUEST FOR PROPOSALS FOR
TEMPORARY EMERGENCY
GENERATION**

CASE NO.:

NEPR-AP-2020-0001

SUBJECT:

Request for Confidential Designation and
Treatment

**MEMORANDUM OF LAW REQUESTING CONFIDENTIAL TREATMENT
FOR EXHIBITS ATTACHED TO MOTION TO SUBMIT
REVISED PROPOSED RFP DOCUMENTS**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority through the undersigned legal representation and respectfully sets forth and pray:

I. INTRODUCTION

Today, March 5, 2020, PREPA¹ submitted a *Motion to Submit Revised Proposed RFP Documents* (the “Motion to Submit”). The Motion to Submit includes several exhibits that were submitted under seal pursuant to the (i) *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings*, the (ii) *Resolution* entered in case CEPR-MI-2016-0009, *In Re: Policy on Management of Confidential Information in Procedures Before the Commission* and the (iii) Joint Regulation 8815. PREPA herein submits a memorandum of law further explaining the legal basis in support of its argument that the exhibits to the Motion to Submit should be designated as confidential and remain under seal.

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the *Motion to Submit Revised Proposed RFP Documents* dated March 5, 2020.

II. REQUEST FOR CONFIDENTIAL DESIGNATION AND TREATMENT

The Motion to Submit includes: (1) the RFP Document, the (2) Dual Fuel LOA and the (3) RE and BESS LOA. These documents contain PREPA's proprietary information, trade secrets and are part of an ongoing procurement process under Joint Regulation 8815. Also, these documents are revised versions of documents that have been previously determined confidential by the Energy Bureau.²

PREPA herein incorporates and restates the arguments made in the Memorandums³ in support to the request for confidential treatment and requests the Energy Bureau to grant confidential designation to the exhibits to the Motion to Submit.

III. CONCLUSION

Wherefore, PREPA respectfully requests the Energy Bureau to find that the exhibits attached to the Motion to Submit are confidential and therefore, will remain under seal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of March 2020.

/s Katuska Bolaños
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TSPR 18888

² See March 3 Order, Sec. II (D).

³ *Memorandum of Law Requesting Confidential Treatment for Certain Exhibits Attached to the Notification and Urgent Request for Approval of Request for Proposals for Temporary Emergency Generation* dated February 12, 2020 and the *Memorandum of Law Requesting Confidential Treatment for Certain Exhibits Attached to the Supplement to Notification and Urgent Request for Approval of Request for Proposals for Temporary Emergency Generation* dated February 25, 2020.

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Exhibit A of the Motion to Submit

[This exhibit has been submitted under seal.]

Exhibit B of the Motion to Submit

[This exhibit has been submitted in a redacted version.]

Exhibit C of the Motion to Submit

[This exhibit has been submitted in a redacted version.]