

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

<b>NEPR</b>  Received:  Mar 10, 2020  7:07 PM
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**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 REQUEST FOR RECONSIDERATION OF  
ORDER FOR REVISIONS TO 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 10, 2020, PREPA<sup>1</sup> submitted a *Request for Reconsideration of Order for Revisions to Proposed RFP Documents* (the “Request for Reconsideration”). The Request for Reconsideration includes three (3) exhibits that have been submitted under seal pursuant to regulations 8543<sup>2</sup> and 8815<sup>3</sup> and also, the Policy on Management of Confidential Information<sup>4</sup>. PREPA herein submits a memorandum of law further explaining the legal basis in support of its argument that the exhibits to the Request for Reconsideration should be designated as confidential and remain under seal.

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<sup>1</sup> 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.

<sup>2</sup> Regulation 8543 of the Puerto Rico Energy Bureau, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings*, approved on December 18, 2014.

<sup>3</sup> Regulation 8815 of the Puerto Rico Energy Bureau, *Joint Regulation for the Procurement, Evaluation, Selection, Negotiation and Award of Contracts for the Purchase of Energy and for the Procurement, Evaluation, Selection, Negotiation and Award Process for the Modernization of the Generation Fleet*, approved on September 1, 2016.

<sup>4</sup> *Resolution* entered in case CEPR-MI-2016-0009, *In Re: Policy on Management of Confidential Information in Procedures Before the Commission*, dated August 31, 2016 as amended on September 20, 2016.

## II. REQUEST FOR CONFIDENTIAL DESIGNATION AND TREATMENT

The Request for Reconsideration includes revised versions of the (1) 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, prior versions of the above-listed documents have been previously granted confidential designation and remained under seal as part of the RFP evaluation process.<sup>5</sup>

PREPA herein incorporates and restates the arguments made in the Memorandums<sup>6</sup> in support to the request for confidential designation and treatment and requests the Energy Bureau to grant confidential designation to the exhibits attached to the Request for Reconsideration.

## III. CONCLUSION

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

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10<sup>th</sup> day of March 2020.

/s/ Katuska Bolaños  
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<sup>5</sup> See March 3 Order at Sec. II (D).

<sup>6</sup> *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, *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 and *Memorandum of Law Requesting Confidential Treatment for Exhibits Attached to Motion to Submit Revised Proposed RFP Documents* dated March 5, 2020 (all memorandums together are herein referred to as (the "Memorandums").

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Exhibit I of the Request for Reconsideration

*[This exhibit has been submitted under seal.]*

Exhibit II of the Request for Reconsideration

*[This exhibit has been submitted under seal.]*

Exhibit III of the Request for Reconsideration

*[This exhibit has been submitted under seal.]*