

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
Treatment for Exhibits Attached to the
Production of Documents in Response to
Information Request Made During IRP
Evidentiary Hearings.

RESOLUTION

On March 12, 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 *Production of Documents in Response to Information Requests Made During IRP Evidentiary Hearings* ("March 12 Motion"). In the March 12 Motion, as ordered by the Energy Bureau, PREPA submitted additional detailed information requested during the Integrated Resource Plan ("IRP") Evidentiary Hearing held on February 3-7, 2020.

On March 13, 2020, the Energy Bureau issued a Resolution and Order ("March 13 Resolution")¹ in which it ordered PREPA to, on or before March 20, 2020, provide responses to the information request filed by the Local Environmental Organizations ("LEO") on February 9, 2020² ("LEO February 9 Request") and to the information request filed by the Environmental Defense Fund ("EDF") on February 7, 2020 ("EDF Motion").³

On March 16, 2020, the Energy Bureau, in accordance with the Executive Orders issued by Gov. Wanda Vázquez Garced, took precautionary measures to reduce the possibilities of contagion of the Coronavirus (Covid-19) to its personnel and the general

¹ See, Resolution and Order, PREPA's Request for Extension of Time to File Reply to Legal Brief, Case No. CEPR-AP-2018-0001, March 13, 2020.

² See, Request of Information to Puerto Rico Electric Power Authority from Local Environmental Organizations, in Accordance with the Bureau's Order, Case No. CEPR-AP-2018-0001, February 10, 2020.

³ See, Motion Requesting PREPA Additional Information as Agreed in Evidentiary Hearing, Case No. CEPR-AP-2018-0001, February 7, 2020.

public.⁴ Among those measures was the extension of any term expiring during the quarantine to the next day on which the Energy Bureau resumes its in-person operations.⁵

On March 25, 2020, PREPA filed before the Energy Bureau its response to the EDF Motion.⁶ PREPA failed to comply with the Energy Bureau's March 13 Resolution with respect to the LEO February 9 Request.

Given the importance of the completion of the IRP Procedure for the transformation and recovery of Puerto Rico's electric system, on April 15, 2020, the Energy Bureau issued a Resolution and Order to resume the procedural matters in the instant case.⁷ Additionally, the Energy Bureau ordered PREPA to file its response to the LEO February 9 Request by Monday, April 20, 2020.

On April 20, 2020, PREPA filed a document titled *Motion to Quash Local Environmental Organizations Disallowed Discovery* ("Motion to Quash"). Through the Motion to Quash, PREPA requested the Energy Bureau to quash the LEO February 9 Request, alleging that portions of the request were already denied by the Energy Bureau or not made during the Evidentiary Hearing. PREPA also stated that LEO February 9 Request included a list of requests for information that PREPA voluntarily agreed to produce and provided the responses.

On April 24, 2020, the Local Environmental Organizations filed a document titled *Local Environmental Organizations' Response to PREPA's Motion to Quash* ("Response to Motion"). Through the Response to Motion, the Local Environmental Organizations provided a clarification regarding the number of information requests that were made. The Local Environmental Organizations also alleged that PREPA failed to (i) provide the current, updated figure on the percentage of non-technical losses, (ii) confirm that the Palo Seco plant, depot accompanying infrastructure are in tsunami flood area (which was considered settled based on the information previously provided) and (iii) provide the cost of preliminary permitting and engineering for each of the Yabucoa and Mayagüez Ship-Based LNG Terminal and 302 MW F-Class Combined Cycle Gas Turbines ("CCGTs").

⁴ See, Order, Rescheduling of Administrative Proceedings and Methods for the Filing of Documents, Case No. NEPR-MI-2020-0005, March 16, 2020 as amended by Order, Rescheduling of Administrative Proceedings and Methods for the Filing of Documents, Case No. NEPR-MI-2020-0005, March 31, 2020; and Order, Rescheduling of Administrative Proceedings and Methods for the Filing of Documents, Case No. NEPR-MI-2020-0005, April 13, 2020.

⁵ During the quarantine, the Energy Bureau continued its operations remotely through the technology, including the availability of its electronic filing platform.

⁶ See, The Puerto Rico Electric Power Authority Response to the Environmental Defense Fund Request for Additional Production of Documents and Information, Case No. CEPR-AP-2018-0001, March 25, 2020.

⁷ See, Resolution and Order, Deadline for Reply to Final Brief, Case No. CEPR-AP-2018-0001, April 15, 2020.




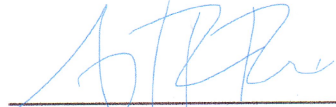
On April 28, 2020, the Energy Bureau issued a Resolution and Order⁸ ("April 28 Resolution and Order") through which it eliminated the Local Environmental Organizations second and fourth information requirements contained on LEO February 9 Request since the second information requirement was considered settled and the fourth information requirement was considered to be a compilation of other requests made during the Evidentiary Hearing and should not be considered as a request for information made by the Local Environmental Organizations. On the April 28 Resolution and Order, the Energy Bureau ordered PREPA to submit the requested additional information related to the current, updated figure on the percentage of non-technical losses, in terms of GWh and percentage, and to the preliminary permitting and engineering costs for the Yabucoa and Mayagüez terminals and CCGTs.

On May 1, 2020, PREPA filed before the Energy Bureau a document titled *Motion in Partial Compliance with April 28, 2020 Resolution and Order*, and a document titled *Supplemental Response in Compliance with April 28, 2020 Resolution and Order*. Through the foregoing documents PREPA provided the information requested through the April 28 Resolution and Order.


Upon examining PREPA's submittals, the Energy Bureau **DETERMINES** that PREPA **COMPLIED** with the Energy Bureau's orders.

Be it hereby notified and published.


Edison Aviles Deliz
Chairman


Ángel R. Rivera de la Cruz
Associate Commissioner


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner

⁸ See, Resolution and Order, Motion to Quash Local Environmental Organizations Disallowed Discovery Case No. CEPR-AP-2018-0001, April 28, 2020.



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on May 13, 2020. I also certify that on May 13, 2020 a copy of this Resolution and Order was notified by electronic mail to: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, mvazquez@diazvaz.law, javier.ruajovet@sunrun.com, carlos.reyes@ecoelectrica.com, mgrpcorp@gmail.com, manuelgabrielfernandez@gmail.com, paul.demoudt@shell.com, agraitfe@agraitlawpr.com, tonytorres2366@gmail.com, apagan@mpmlawpr.com, jfranklin@progression-energy.com, n-vazquez@aeepr.com, kbolanos@diazvaz.law, pedrosaade5@gmail.com, ccf@tcmrslaw.com, hriviera@oipc.pr.gov, acasellas@amgprlaw.com, escott@ferraiuoli.com, cfl@mcvpr.com, info@liga.coop, sboxerman@sidley.com, c-aquino@prepa.com, acarbo@edf.org, rmurthy@earthjustice.org, victorluisgonzalez@yahoo.com, jrivera@cnslpr.com, corey.brady@weil.com, sproctor@huntonak.com, sierra@arctas.com, amaneser2020@gmail.com, bmundel@sidley.com,

I sign this in San Juan, Puerto Rico, today May 13, 2020.


Wanda I. Cordero Morales
Clerk

