

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



IN RE: REQUEST FOR CERTIFICATION  
DG SOLAR LESSEE II, LLC

CASE NO.: CEPR-CT-2016-0017

SUBJECT: Petition for confidential  
treatment of information.

RESOLUTION

On May 2, 2020, DG Solar Lessee II, LLC, ("DG Solar") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Request Confidential Treatment of Operational Report and Issuance of Order to Execute Confidentiality Agreement* ("Motion"). As part of its filing, DG Solar submitted its operational report form and corresponding annexes for the year 2020. In its Motion, DG Solar requested that such documents be kept confidential, under Section 6.15 of Act 57-2014<sup>1</sup> and Section 1.15 of Regulation No. 8701.<sup>2</sup>

Act No. 57-2014 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 submitting party understands deserves such protection.<sup>3</sup> Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".<sup>4</sup> 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."<sup>5</sup>

Upon examining DG Solar's arguments, the Energy Bureau **GRANTS** confidential designation and treatment for the filed documents<sup>6</sup>, in accordance with Article 6.15 of Act 57-2014.

<sup>1</sup> Known as the *Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

<sup>2</sup> *Regulation No. 8701, Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans for Electric Service Providers in Puerto Rico*, February 5, 2016.

<sup>3</sup> Section 6.15 of Act 57-2014, as amended.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See 2020 Operational Reports and Annexes.

Any party affected by this determination may move for reconsideration of this Resolution before the Puerto Rico Energy Bureau under Section 11.01 of Regulation 8543, and Act 38-2017, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico ("UAPA"). The affected party shall move for reconsideration within the term of twenty (20) days from filing this Resolution. Such request must be presented to the Bureau Clerk's Office at World Plaza Building, 268 Ave. Muñoz Rivera, Plaza Level Ste. 202, San Juan, P.R. 00918 or electronically in the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/>.

The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from notice of such denial, or from the expiration of the fifteen (15)-day term. If a determination is made in its consideration, the term to petition for review shall commence from the date when a copy of the notice of the Energy Bureau's resolution definitively resolving the motion to reconsider is filed in the record. Such resolution shall be issued and filed in the record within ninety (90) days after the motion to reconsider has been filed. If the Bureau accepts the motion to reconsider but takes no action regarding the motion within ninety (90) days of its filing, it shall lose jurisdiction on the motion and the term to file judicial review shall commence upon the expiration of the ninety (90)-day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

Any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of this Resolution was filed in the record of the Energy Bureau. Under Section 11.03 of Regulation 8543, and the dispositions of the UAPA and the Court of Appeals Regulation.

Be it notified and published.



Edison Avilés Deliz  
Chair



Ángel R. Rivera de la Cruz  
Associate Commissioner



Lillian Mateo Santos  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner



## CERTIFICATION

I hereby certify that the Puerto Rico Energy Bureau has so agreed on May 14, 2020. I also certify on May 14, 2020 a copy of the Resolution regarding the Case No. CEPR-CT-2016-0017 was notified by electronic mail sent to jeff.lewis@terraform.com, ivc@mcvpr.com and cfl@mcvpr.com. I also certify that this on May 14, 2020, I have proceeded with the filing of this Resolution.

For the record, I sign this in San Juan, Puerto Rico, today, May 14, 2020.

  
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Wanda I. Cordero Morales  
Clerk

