

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

~~NEPR~~  
**Received:**  
**May 27, 2020**  
**12:37 PM**

**IN RE:**

**PUERTO RICO ELECTRIC POWER  
AUTHORITY PERMANENT RATE**

CASE NO.:  
NEPR-MI-2020-0001

SUBJECT:  
Request for Confidential Designation and  
Treatment

**REQUEST FOR CONFIDENTIAL DESIGNATION OF ATTACHMENT TO  
MOTION IN COMPLIANCE WITH BENCH ORDERS ENTERED  
DURING THE MAY 22, 2020 TECHNICAL CONFERENCE**

TO THE 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**

Yesterday, May 26, 2020, PREPA<sup>1</sup> filed *Errata Motion in Compliance with Bench Orders Entered During the May 22, 2020 Technical Conference* (the “Motion”). The Motion includes a report for the estimate of consumption, generation and maximum demand for energy in *.xls* native format (the “Native DMAX Report”).<sup>2</sup> The Native DMAX Report is a spreadsheet in its native form that has (1) formulas, calculations and procedures that are proprietary information of PREPA; (2) that should not be made public in their native form and (3) are protected under Act 80 - 2011<sup>3</sup>. Therefore, the Native DMAX Report contains confidential information of PREPA considered trade secrets and should remain under seal.

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<sup>1</sup> Capitalized terms not defined herein shall be ascribed the same meaning provided in the Motion.

<sup>2</sup> See Motion at Exhibit C.

<sup>3</sup> The Trade Secrets Act of Puerto Rico as approved on June 3, 2011 (“Act 80-2011”).

## II. MEMORANDUM OF LAW

PREPA herein adopts and incorporates by reference all the arguments raised in the May 15 Motion in which PREPA requested the Energy Bureau to declare confidential and maintain under seal a document similar to the Native DMAX Report based on the same legal arguments.

The Native DMAX Report for which PREPA is requesting confidential treatment includes trade secrets of PREPA. This document is similar to the documents submitted with the May 15, 2020 Motion and PREPA's arguments of the reasons to requests that these be kept under seal are the same. In summary, PREPA's Regulation 6285 provides that information declared confidential and exempt from disclosure by law or regulation shall be declared and treated confidential, restricted from disclosure to the public.<sup>4</sup> Act 80-2011 protects confidential information and trade secrets. Moreover, the Energy Bureau's Regulation 8543 specifically provides for the confidential treatment of such information. The Native DMAX Report contains formulas, calculations and procedures that are proprietary information of PREPA. Pursuant to applicable laws, this information qualifies as proprietary and it's considered a trade secret. Therefore, the Native DMAX Report is protected from public disclosure and, accordingly, the Energy Bureau should declare it confidential and maintain it under seal.

WHEREFORE, PREPA respectfully requests the Energy Bureau to grant confidential designation to Exhibit C to the Motion and to keep it under seal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27<sup>th</sup> day of May 2020.

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<sup>4</sup> Regulation 6285 at Sec. V. (16).

/s Katuska Bolaños  
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Exhibit C

[The native form of this exhibit has been filed under seal and a public version can be downloaded at [https://diazvaz-my.sharepoint.com/:f:/g/personal/kbolanos\\_diazvaz\\_law/EqSVn\\_QUDAVKsTsEMTId0LIBWeA1b4ENEYTFUcwymF3dKA?e=ZZ5QPn](https://diazvaz-my.sharepoint.com/:f:/g/personal/kbolanos_diazvaz_law/EqSVn_QUDAVKsTsEMTId0LIBWeA1b4ENEYTFUcwymF3dKA?e=ZZ5QPn) ]