

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

~~NEPR~~  
**Received:**  
**May 28, 2020**  
**2:17 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 MOTION  
TO SUBMIT APRIL 2020 COST DIFFERENTIAL ANALYSIS  
FOR FEMA AND INSURANCE REINBURSEMENT**

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 27, 2020, PREPA<sup>1</sup> filed *Motion to Submit Revised April 2020 Cost Differential Analysis for FEMA and Insurance Reimbursement* (the “Motion”). The Motion includes a report of the peaking generation analysis which in turn includes a detail of the cost estimate calculation for the months of January to April 2020 (the “Peaking Generation Report”).<sup>2</sup> The Peaking Generation Report details draft internal calculations currently used by PREPA for the purpose of deliberating on the appropriate process to request reimbursement from FEMA and insurance carriers for the expenses incurred in the operation of the peaking units used to substitute Costa Sur’s generation. The calculations are not final and are currently being used as part of

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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> Motion at Exhibit A.

PREPA's the deliberative process. Therefore, the Peaking Generation Report is privileged and should remain under seal.

## **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 Peaking Generation Report based on the same legal arguments.

The Peaking Generation Report for which PREPA is requesting confidential treatment includes detailed internal draft calculations made by PREPA to evaluate the requests for reimbursement of the expenses incurred in operating the peaking units used to substitute Costa Sur's generation. These calculations are not final and are being used to deliberate on managements' decisions. PREPA's Regulation 6285 provides that information of PREPA's deliberative processes are confidential and therefore, restricted from disclosure to the public.<sup>3</sup> The Energy Bureau's Regulation 8543 specifically provides for the confidential treatment of such information. The Peaking Generation Report contains draft internal calculations in draft form and subject to revisions that are currently being used during PREPA's deliberative procedures. Therefore, the Peaking Generation 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 the Peaking Generation Report and to maintain it under seal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28<sup>th</sup> day of May 2020.

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<sup>3</sup> Regulation 6285 at Sec. V. (4).

/s Katuska Bolaños  
Katuska Bolaños  
[kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law)  
TSPR 18,888

DÍAZ & VÁZQUEZ LAW FIRM, P.S.C.  
290 Jesús T. Piñero Ave.  
Oriental Tower, Suite 1105  
San Juan, PR 00918  
Tel. (787) 395-7133  
Fax. (787) 497-9664

Exhibit C of the Motion

[The native form of this exhibit has been filed under seal.]