

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



IN RE: CERTIFICATE OF ENERGY
COMPLIANCE

CASE NO.: NEPR-AP-2020-0002

SUBJECT: P3 Authority's Request for
Issuance of Certificate of Energy
Compliance and Request for Confidential
Treatment of Documents Submitted to
PREB

RESOLUTION

On May 18, 2020, the Puerto Rico Public-Private Partnerships Authority ("P3 Authority") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Puerto Rico Public-Private Partnerships Authority's Request for Issuance of Certificate of Energy Compliance and Request for Confidential Treatment of Documents Submitted to PREB* ("May 18 Motion"). Through the May 18 Motion, the P3 Authority requests the Energy Bureau to issue a Certificate of Energy Compliance for a Preliminary Contract, in accordance with the provisions of Act 120-2018.¹

The Preliminary Contract relates to a proposed Puerto Rico Electric Power Authority ("PREPA") Transaction, as such term is defined in Act 120-2018. The proposed PREPA Transaction is an Operation and Maintenance Contract for PREPA's Transmission and Distribution System, among other things.

As part of its filing, the P3 Authority requests confidential treatment of Exhibits 1² and 2³ of the May 18 Motion. The P3 Authority alleges that such Exhibits are part of an ongoing procurement process and, therefore, the information should not be disclosed.

Act 57-2014⁴ establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that

¹ Known as *The Puerto Rico Electric Power System Transformation Act*, as amended.

² Preliminary Contract comprised of the initial agreement and the supplemental terms agreements.

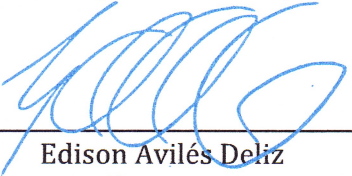
³ Report prepared by the Partnership Committee, as required by Act 29-2009. Such Report includes the reasons for entering into a Public-Private Partnership, the reason for selecting the chosen proponent, a description of the selection procedure, including comparisons between the proposed Contract by the Selected Proponent, the recommended Transformation Contract and other proposals presented, as well as all other information pertinent to the selection procedure and the evaluation conducted.

⁴ Known as *The Puerto Rico Energy and Transformation and RELIEF Act*, as amended.

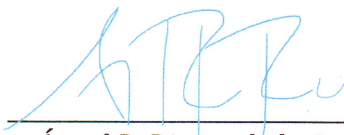
the party submitting understands deserves such protection.⁵ Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information, provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".⁶ In such case, the Energy 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."⁷

Upon review of P3 Authority's arguments and applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to Exhibits 1 and 2 of the May 18 Motion.

Be it hereby notified and published.



Edison Avilés Deliz
Chairman



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 majority of the members of the Puerto Rico Energy Bureau has so agreed on June 9, 2020. I also certify that on June 9, 2020 a copy of this Resolution was notified by electronic mail to the following: fermin.fontanes@p3.pr.gov. I also certify that today, June 9, 2020, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today June 9, 2020.



Wanda I. Cordero Morales
Clerk



⁵ Section 6.15 of Act 57-2014.

⁶ *Id.*

⁷ *Id.*