

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

NEPR
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IN RE:

PUERTO RICO ELECTRIC POWER
AUTHORITY PERMANENT RATE

CASE NO. NEPR-MI-2020-0001

SUBJECT: Petition for public
access to PREPA's July 20th filing

**PETITION REQUESTING PUBLIC ACCESS TO PREPA'S JULY 20 REQUEST
FOR APPROVAL OF JUNE 2020 RECONCILIATION AND REVISION OF
AUGUST AND SEPTEMBER 2020 FCA AND PPCA RIDERS FACTORS**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW, CAMBIO PR, a non-for-profit organization based in San Jian, Puerto Rico, through the undersigned legal counsel, to respectfully request and set forth the following:

On January 17, 2020 the Puerto Rico Energy Bureau of the Public Service Regulatory Board (the "Energy Bureau") opened the Permanent Rate docket to evaluate the Puerto Rico Electric Power Authority's ("PREPA") filings regarding the rider factors, which include reconciliation costs. On April 23, the Energy Bureau ordered PREPA to submit monthly reconciliations of the fuel and purchase power costs by the end of the second week of the month following the billing cycle for which information is being submitted for.¹

¹ *Resolution and Order* entered on April 23, 2020 (the "April 13 Order").

In this docket, PREPA has previously filed monthly reports providing numerous details about how ratepayer funds are being spent. For example:

- Motion to Submit Reconciliations for the Months of December 2019 to February 2020, Proposed Factors for the Quarter of April to June 2020 and Public Lighting Repair Report.²
- Motion to Submit Reconciliations for the Months of March and April 2020 and Recalculation of Proposed Rider Factors.³
- Motion to Submit May 2020 Reconciliations and Proposed Factors for the July to September 2020 Period Riders.⁴

When PREPA sought to withhold certain data from these filings, PREPA has filed a motion seeking a confidentiality designation. The remainder of the data has been publicly available. This data allows ratepayers to determine whether their money is being spent wisely, and particularly whether PREPA is entitled to any increase from the Energy Bureau-approved rate.

According to the July 28th Resolution and Order, on July 20th, PREPA submitted the *Request For Approval of June 2020 Reconciliation and Revision of August and September 2020 FCA and PPCA Riders Factors* (“Moción de 20 de Julio”)

² See <https://energia.pr.gov/wp-content/uploads/2020/04/2020-03-13-MI20200001A2-p-Motion-to-Submit.pdf>

³ See <https://energia.pr.gov/wp-content/uploads/2020/05/2020-05-15-Motion-to-Submit-Reconciliations-for-the-Months-of-March-and-April-2020-and-Recalculation-of-Proposed-Rider-Factors-NEPR-MI-2020-0001-2020.pdf>

⁴ See <https://energia.pr.gov/wp-content/uploads/2020/06/2020-06-17-Motion-to-Submit-May-2020-Reconciliations-and-Proposed-Factors-for-the-July-to-September-2020-Period-Riders-NEPR-MI-2020-0001.pdf>

directly to the Energy Bureau, without any notice or request of confidentiality designation on the public docket.⁵ PREPA claims this data to be confidential, but has not publicly received nor obtained authority from the Energy Bureau to withhold this information from the public. PREPA has not justified confidential designation on every single item in this filing, when much of this data has previously been publicly available.

Citizens of Puerto Rico have a constitutional right to information possessed by PREPA.⁶ To protect this constitutional right, the Puerto Rico Legislature mandates reasonable access to information and broad public participation in PREB proceedings: “[t]ransparency and citizen participation in every process related to electric power service in Puerto Rico shall be promoted...”⁷

Puerto Rico law directs the Energy Bureau to structure any restrictions of public access to information “in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure,” and permits documents to be kept “out of public reach *only in exceptional cases.*”⁸

⁵ See <https://energia.pr.gov/wp-content/uploads/2020/07/Resoluci%C3%B3n-y-Orden-NEPR-MI-2020-0001.pdf>. The public docket does not even reflect the filing of PREPA’s motion.

⁶ CONST. ELA, Art. II, § 4; Soto v. Secretario de Justicia, 112 DPR 477, 485 (1982). See also, Dávila v. Gen’l Supervisor of Elections, 82 P.R.R. 256, 272 (1960) (“It is not enough merely to recognize the important political justification for freedom of information. Citizens of a self-governing society must possess the legal right to examine and investigate the conduct of its affairs, subject only to those limitations imposed by the most urgent public necessity. This right must be elevated to a position of highest sanctity if it is to constitute an effective bulwark against unresponsive leadership.”)

⁷ 22 L.P.R.A. §§ 1051(o).

⁸ 22 L.P.R.A. § 1054n(a), (c) (emphasis added).

PREPA has not even claimed that the July 20th filing is an exceptional case, let alone justified such a claim.

WHEREFORE, in absence of a request for confidentiality designation for PREPA's July 20 filing and its exhibits, Movant respectfully request that the submission be published on the Energy Bureau's online public docket immediately.

In the alternative, Movant request that PREPA be required to provide a timely request for a confidential designation, with a clear explanation of how the data in this filing is different from previous publicly available submissions.

Respectfully submitted on August 20, 2020,



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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2020, I have filed this Request via the Energy Bureau's online filing system, and sent to the Puerto Rico Energy Bureau Clerk and legal counsel on record to: secretaria@energia.pr.gov; kbolanos@diazvaz.law.

Respectfully submitted on this day August 20, 2020,

/s/ Laura Arroyo

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