

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



IN RE: HIGHLY EFFICIENT FOSSIL
GENERATION DEFINITION

CASE NO.: CEPR-MI-2016-0001

SUBJECT: Memorandum of Law Requesting Confidential Treatment for Request for Interpretation of Resolution in Case CEPR-MI-2016-0001, "Resolution Adopting the Definition of Highly Efficient Fossil Generation."

RESOLUTION

On August 19, 2020, AES Puerto Rico, LP ("AES-PR") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") two documents: the first document titled *Request for Interpretation of Resolution in Case CEPR-MI-2016-0001, "Resolution Adopting the Definition of Highly Efficient Fossil Generation"* ("Request for Interpretation") and the second document titled *Memorandum of Law Requesting Confidential Treatment for the Request for Interpretation of Resolution in Case CEPR-MI-2016-0001, "Resolution Adopting the Definition of Highly Efficient Fossil Generation"* ("Memorandum of Law"). As part of its filing, AES-PR requested confidential designation and treatment for the Request for Interpretation submitted.

AES-PR sustain that the Request for Interpretation submitted contains confidential information that includes trade secrets¹ and requested such document and information be kept confidential, pursuant to Section 6.15 of Act 57-2014² and Section 1.15 of Regulation No. 8701.³

¹ See Request for Interpretation of Resolution in Case CEPR-MI-2016-0001, Resolution Adopting the Definition of Highly Efficient Fossil Generation". AES-PR sustain that the information provided in the Request for Interpretation regarding AES-PR's requirements and statements, including the information about its units, operations, possible investments, emissions and supposed emissions, efficiency, qualifies as proprietary and includes Trade Secrets which are protected under Puerto Rico law.


² Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

³ Regulation No. 8701, Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans for Electric Service Providers in Puerto Rico, February 17, 2016.

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 party submitting understands deserves such protection.⁴ Specifically, Act 57-2014 requires the Energy Bureau to provide confidential treatment to the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".⁵ 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."⁶

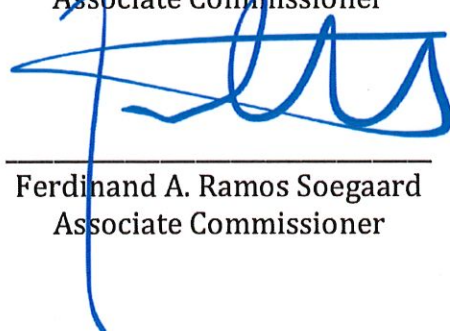
Upon examining AES-PR arguments, the Energy Bureau **GRANTS** confidential designation and treatment to the information pertaining its units, operations, possible investments, emissions, supposed emissions and efficiency contained in the Request for Interpretation, pursuant to the provisions of Article 6.15 of Act 57-2014.


Be it notified and published.


Edison Aviles Deliz
Chairman


Ángel R. Rivera de la Cruz
Associate Commissioner


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner

⁴ See Section 6.15 of Act 57-2014, as amended.

⁵ *Id.*

⁶ *Id.*



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 22, 2020. I also certify that on September 22, 2020 a copy of this Resolution was notified by electronic mail to the following: mpietrantoni@mpmlawpr.com and apagan@mpmlawpr.com. I also certify that today, September 22, 2020, I have proceeded with the filing of the Resolution.

For the record, I sign this in San Juan, Puerto Rico, today September 22, 2020.


Wanda I. Cordero Morales
Clerk

