

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



IN RE: REQUEST FOR CERTIFICATION
SUNE W-PR1, LLC

CASE NO.: CEPR-CT-2016-0016

SUBJECT: Motion to Request Confidential
Treatment of Operational Report.

RESOLUTION

On May 12, 2020, SUNE W-PR1, LLC ("SunE") filed a document titled "Motion to Request Confidential Treatment of Operational Report and Issuance of Order to Execute Confidentiality Agreement" before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau"). As part of its filing, SunE submitted its operational report form and corresponding annexes for the year 2020. In its Motion, SunE requested such documents, and information of sensitive nature¹ be kept confidential, pursuant to Section 6.15 of Act 57-2014² and Section 1.15 of Regulation No. 8701.³

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

¹ See Operational Report form and corresponding annexes for the year 2020.

² Known as the *Puerto Rico Energy and 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.

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

⁵ *Id.*

⁶ *Id.*

Upon examining SunE's arguments, the Energy Bureau **GRANTS** confidential designation and treatment to the filed documents⁷ in accordance with the provisions of Article 6.15 of Act 57-2014.

Any party affected by this determination may file a motion for reconsideration of this Resolution before the Puerto Rico Energy Bureau pursuant to Section 11.01 of Regulation 8543, and the applicable provisions of Act 38-2017, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico ("UAPA"). The affected party shall file its motion for reconsideration within the term of twenty (20) days from the date of the filing of this Resolution. Such request must be presented to the Bureau Clerk's Office, located at World Plaza Building, 268 Ave. Muñoz Rivera, Level Ste. 202, San Juan, P.R. 00918 or electronically in the in the Energy Bureau's digital platform at <https://radicacion.energia.pr.gov/>.

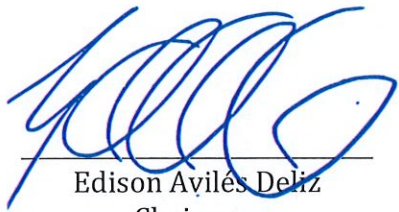
The Energy Bureau shall consider said motion within fifteen (15) days of its filing. Should the Energy Bureau reject it forthright or fail to act upon it within fifteen (15) days, the term to request review shall recommence from the date of notice of such denial, or from the expiration of the fifteen (15)-day term, as the case may be. If a determination is made in its consideration, the term to petition for review shall commence from the date when a copy of the notice of the Energy Bureau's resolution definitively resolving the motion to reconsider is filed in the record of the case. Such resolution shall be issued and filed in the record of the case within ninety (90) days after the motion to reconsider has been filed. If the Energy Bureau accepts the motion to reconsider but fails to take any action with respect to said motion within ninety (90) days of its filing, it shall lose jurisdiction on said motion and the term to file judicial review shall commence upon the expiration of said ninety (90)-day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

In the alternative, any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of this Resolution was filed in the record of the Energy Bureau. The aforementioned pursuant to Section 11.03 of Regulation 8543, and the applicable dispositions of the UAPA and the Court of Appeals Regulation.

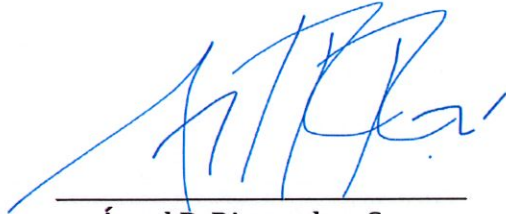
Be it hereby notified and published.



⁷ See Operational Report form and corresponding Annexes for the Year 2020.



Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner

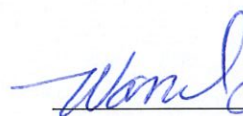


Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the Puerto Rico Energy Bureau has so agreed on November 25, 2020. Associate Commissioner Ferdinand A. Ramos Soegaard was not available for signature. I also certify on November 25, 2020 a copy of the Resolution was notified by electronic mail sent to legal@terraform.com, ivc@mcvpr.com and cfl@mcvpr.com. I also certify that this is a true and exact copy of the Resolution issued by the Puerto Rico Energy Bureau and I have proceeded with the filing of this Resolution.

For the record, I sign this in San Juan, Puerto Rico, today, November 25, 2020


Wanda I. Cordero Morales
Clerk
