

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



IN RE: REQUEST FOR PROPOSALS FOR
TEMPORARY EMERGENCY GENERATION

CASE NO.: NEPR-AP-2020-0001

SUBJECT: Request for Confidential
Designation and Treatment.

RESOLUTION

On May 8, 2020, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Memorandum of Law Requesting Confidential Treatment to Insurance Claim Communications* ("May 8 Memorandum"). As part of the May 8 Memorandum, PREPA requested confidential designation and treatment to Exhibit C of the *Motion in Compliance with Bench Order Entered on April 30, 2020* submitted by PREPA in May 7, 2020. PREPA alleges that the aforementioned Exhibit C includes several confidential communications between PREPA, the insurers and the insurers' adjusters related to the insurance claims made by PREPA for the damages to Unit 5 of the Costa Sur Plant and the emergency generation lease.¹

PREPA bases its request for the confidential designation and treatment of the documents specified on the May 8 Memorandum in the allegation that those documents contain confidential letters exchanged between PREPA and the insurers and related reports that, if publicly disclosed, could disrupt the ongoing negotiations for insurance payments or any other type of coverage that the insurance policies may offer.²

Act 57-2014³ 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 confidentially treat 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

¹ May 8 Memorandum, p. 2.

² *Id.*

³ Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.


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

⁵ *Id.*

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 review of PREPA’s arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment for the items specified on the May 8 Memorandum pursuant to the provisions of Article 6.15 of Act 57-2014.

Be it hereby notified and published.



Edison Aviles Delliz
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 majority of the members of 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 that on November 25, 2020 a copy of this Resolution was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aepr.com, c-aquino@prepa.com, and kbolanos@diazvaz.law. I also certify that today, November 25, 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 November 25, 2020.



Wanda I. Cordero Morales
Clerk



⁶ Id.