



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

IN RE: IMPLEMENTATION OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY INTEGRATED RESOURCE
PLAN AND MODIFIED ACTION PLAN

CASE NO.: NEPR-MI-2020-0012

SUBJECT: Request for Confidential
Designation and Treatment.

RESOLUTION

On December 23, 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 *Request for Confidential Designation and Supporting Memorandum of Law* (“December 23, Request”). As part of its filing, PREPA requested confidential designation and treatment to the documents attached to the *Motion in Compliance with Order Submitting Final Procurement Plan and Associated Request for Proposal* (“Motion in Compliance with Order”) submitted by PREPA on December 22, 2020. The documents include the following appendices:

1. 01 Procurement Plan-05 (PREB Submittal Version)¹;
2. 02 Procurement Plan Appendix B_22Dec2020²;
3. 03 RE RFP_02B (PREB Submittal Version II)³
 - a. 03 RE RFP_Appendix H MTRs⁴;
 - b. 03 RE RFP_Appendix C_Proposal Data Forms⁵;
 - c. 03 RE RFP_Appendix I_Interconnection_BESS⁶;

¹ 01 Procurement Plan_05 - Draft, pages 1-44 (PREB Submission version).

² 02 Appendix B- 02 Procurement Plan Appendix B_ 22 Dec 2020, Procurement Process Questions and Ongoing Technical Issues for Parallel Resolution, pages 1-7. (submitted under seal)

³ 03 RE RFP_02B- (PREB Submittal Version II) Request for Proposals, Renewable Energy Generation Resources and Energy Storage Systems, Tranche 1, pages 1-63. (submitted under seal)

⁴ a. 03 RE RFP_Appendix H_MTRs- Minimum Technical Requirements for Interconnection of Photovoltaic (PV) Facilities, pages 1-37. (submitted under seal)

⁵ b. 03 RE RFP_Appendix C_Proposal Data Forms, pages 1-267. (submitted under seal)

⁶ c. 03 RE RFP_Appendix I_Interconnection_BESS- Annex A, BESS Information Request Form, pages 1-6. (submitted under seal)

Handwritten signatures and initials in blue ink on the left margin.

- d. 03 RE RFP_Appendix I_Interconnection_Solar⁷;
- e. 03 RE RFP_Appendix I_Interconnection_Wind⁸;
- f. 03 RE RFP_Appendix J_Preferred Location of Energy Resources⁹;
- g. 03 RE RFP_Appendix F Form of Energy Storage Services Agreement¹⁰; and
- h. 03 Solar PPOA_RE RFP_02 - Appendix E_Form os Solar PPOA¹¹.

- 4. 04 SL Renewable Integration Study of Puerto Rico, 22Dec2020-Final¹²;
- 5. 05 Utility Scale Interconnections Preferred Locations¹³; and
- 6. 06 Utility Scale RE and BESS Preferential Locations Maps.¹⁴

PREPA alleges that the Appendixes contains information that qualifies as proprietary information of PREPA, that they include trade secrets and Critical Energy Infrastructure Information (CEII), which is protected under Puerto Rico law. PREPA also alleges that the appendixes are part of a draft request for proposals and publishing these documents would give an unfair advantage to potential proponents which would disrupt future proceedings. For these reasons, PREPA requests the Energy Bureau to grant confidential designation and treatment to the referenced Appendixes.

Act 57-2014¹⁵ 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.¹⁶ Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the information submitted provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected”.¹⁷ In such case, the Energy Bureau “shall grant such

⁷ d. 03 RE RFP_Appendix I_Interconnection_Solar- Annex A, PV Generation Information Request Form, pages 1-7. (submitted under seal).

⁸ e. 03 RE RFP_Appendix I_Interconnection Wind- Annex A, Wind Generation Information Request Form, pages 1-7. (submitted under seal).

⁹ f. 03 RE RFP_Appendix J-Preferred Location Energy Resources, pages 1-2. (submitted under seal).

¹⁰ g. 03 Appendix F- Form of Energy Storage Services Agreement, pages 1-140. (submitted under seal).

¹¹ h. 03 Solar PPOA_RE-PFP_02 Appendix E_Form of Solar PPOA, pages 1-142. (submitted under seal).

¹² 04 SL Renewable Integration Study of Puerto Rico, 22Dec2020-Final, pages 1-66. (submitted under seal).

¹³ 05 Utility Scale Interconnections Preferred Locations, pages 1-2. (submitted under seal).

¹⁴ 06 Utility Scale and BESS Preferential Locations Maps, pages 1-3. (submitted under seal).

¹⁵ Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

¹⁶ Section 6.15 of Act 57-2014, as amended.

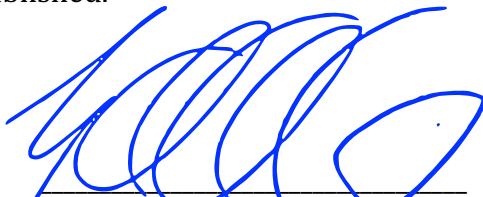
¹⁷ *Id.*



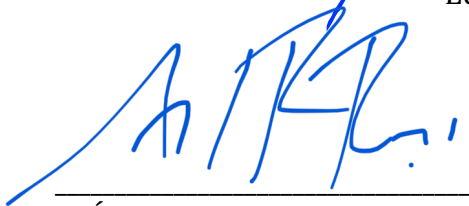
protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.”¹⁸

Upon review of PREPA’s arguments and the applicable law, the Energy Bureau **GRANTS partial confidential designation and treatment** to the Appendixes attached to the Motion in Compliance with Order, pursuant to the provisions of Article 6.15 of Act 57-2014. Therefore, the Energy Bureau **ORDERS** PREPA to submit, **on or before Monday January 11, 2020 at 12:00 pm**, a redacted/public version all of the of the Appendixes submitted with Motion in Compliance with Order including, but not limited to, the RFP and all its attachments. The Energy Bureau **ORDERS** PREPA to ensure that the redaction required should be limited and restricted to those items of information or images that explicitly and clearly divulge CEII information. In the case of documents containing CEII information such as coordinates and/or map locations, PREPA shall provide a list of municipalities where the preferred sites are located and the number of sites per municipality. This determination is aligned and consistent with the provisions of Act 57-2014, that required the Energy Bureau to protect confidential information in a manner that least affects the public interest, transparency, and the rights of the parties involved in the instant case.

Be it notified and published.



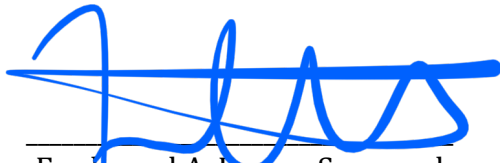
Edison Aviles Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Arjujo
Associate Commissioner


¹⁸ *Id.*



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 7, 2021. I also certify that on January 7, 2021 a copy of this Resolution was notified by electronic mail to the following: fabiola.rosa@prepa.com, marisol.pomales@prepa.com, vilmarie.fontanet@prepa.com, jorge.ruiz@prepa.com, mvazquez@diazvaz.law, kbolanos@diazvaz.law and jmarrero@diazvaz.law. I also certify that today, January 7, 2021, 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 January 7, 2021.



Wanda I. Cordero Morales
Clerk

