

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

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

CASE NO.: NEPR-MI-2020-0012

SUBJECT: Motion in Compliance
with February 3, 2021 Order, and
Request for Confidential Treatment
of Information.

RESOLUTION AND ORDER

On February 3, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("February 3 Resolution") requiring the Puerto Rico Electric Power Authority ("PREPA") to, among other things, file a list of the renewable energy projects PREPA will choose to acquire 150 MW from amongst the 16 proposed projects¹ for which PREPA had requested and later withdrew petitions for the Energy Bureau's approval to execute the corresponding Power Purchase and Operation Agreements ("PPOAs"). The Energy Bureau ordered PREPA to submit said list by February 9, 2021, and to include in its filing a timeline for filing the draft PPOAs for the Energy Bureau's evaluation and approval.

On February 9, 2021, PREPA filed a document titled *Motion in Compliance with Order Submitting List of Projects PREPA will Potentially Choose to Acquire 150 MW of Renewable Energy* ("Motion"). The Motion includes as an Exhibit A a draft list of the projects PREPA might acquire 150 MW of renewable energy and informed it should be filing the draft PPOA's for the Energy Bureau's evaluation and approval in the next few weeks.

On the Motion PREPA also request that Exhibit A be treated as confidential as it is part of PREPA's still ongoing deliberative process. PREPA alleges the project list is a working document not yet final and is still being deliberated within PREPA and with the Oversight Board for a final determination.

In order for the Energy Bureau to adequately evaluate the methodology used by PREPA to choose the projects listed in the Exhibit A of the Motion, the Energy Bureau **ORDERS** PREPA to file within the next ten (10) days from the notification of this Resolution and Order the weighted criteria used to evaluate the 16 proposed projects and ultimately identify the projects listed in the Exhibit A.

Act 57-2014² establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that

¹ See Case Numbers NEPR-AP-2020-003 to NEPR-AP-2020-0018.

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



the party submitting understands deserves such protection. 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". 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."

Upon review of PREPA's arguments and the law, the Energy Bureau **GRANTS** partial confidential designation and treatment to Exhibit A attached to the Motion in Compliance, under Article 6.15 of Act 57-2014. Since part of the information in Exhibit A has become public, the Energy Bureau **ORDERS** PREPA to file within the next five (5) days from the notification of this Resolution a redacted version of Exhibit A.

The Energy Bureau **WARNS** PREPA that noncompliance with the Energy Bureau's orders or applicable legal requirements may carry the imposition on administrative fines of up to twenty thousand dollars (\$25,000.00) per day, per violation and/or other sanction that the Energy Bureau may deem appropriate.

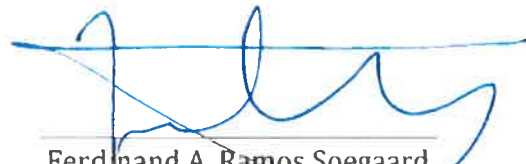
Be it notified and published.




Edison Avilés Deliz
Chairman



Angel R. Rivera de la Cruz
Associate Commissioner



Ferdinand A. Ramos Soegaard
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 March 5, 2021. Commissioner Mateo-Santos did not intervene. I also certify that on March 3, 2021 a copy of this Resolution was notified by electronic mail to the following: astrid.rodriguez@prepa.com, 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, March 3, 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 March 3, 2021.


Sonia Seda Gaztambide
Clerk

