

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

<p>NEPR</p> <p>Received:</p> <p>Feb 14, 2022</p> <p>8:10 PM</p>

In Re: Request for Approval of
Amendment to Renewable Power
Purchase Agreement, CIRO One Salinas,
LLC

Case no. NEPR-AP-2021-0001
Noncompliance of Requirements of
Resolution and Order dated June 10,
2022

MOTION IN COMPLIANCE WITH *RESOLUTION AND ORDER DATED FEBRUARY 9, 2022*, AND TO REQUEST CONFIDENTIAL TREATMENT OF INFORMATION

TO THE HONORABLE ENERGY BUREAU:

COMES NOW CIRO One Salinas, LLC (“CIRO”), represented by the undersigned legal counsel, and very respectfully prays and requests:

1. On February 9, 2022, the Honorable Energy Bureau issued a *Resolution and Order* wherein it ordered CIRO to (1) submit its Request for Certification as an electric service company within five days and (2) show cause as to why CIRO should not be imposed an administrative fine of \$5,000.00 for noncompliance of the requirement to file for its certification as an electrical service companies within the thirty days of approval of the amended power purchase agreement with the Puerto Rico Electric Power Authority (“PREPA”) under Title III of PROMESA.
2. The *Resolution and Order* also ordered CIRO and PREPA to (1) submit a full copy of the approved power purchase agreement in question executed by the parties, (2) show cause as to why the progress report for October of 2021 was not submitted, and (3) submit such October, 2021 progress report.

3. CIRO herein complies. First, on this date, CIRO is filing its request for certification electronically. Second, CIRO informs that it did not file its request for certification within the thirty days of approval of the amended power purchase agreement due to an administrative oversight. Third, CIRO is attaching herein a full copy of the executed power purchase agreement as **Attachment 1**. Regarding the Project Monthly Status Report of October 2021 progress report, CIRO did provide it to PREPA, but PREPA did not file it with the Energy Bureau due to an administrative oversight on the part of PREPA. Fourth, CIRO is attaching herein a copy of the Project Monthly Status Report of October 2021 as **Attachment 2** for which it requests confidential treatment.

4. Section 6.15 of Act No. 57 of May 17, 2014, as amended, provides:

If a person having the obligation to submit information to the Energy Commission understands the information to be submitted is privileged or confidential, [such person] may request said Commission to give [privileged or confidential] treatment subject to the following:

(a) if the Energy Commission, after due evaluation, understands the information should be protected, it shall find a way to grant this protection in the manner that impacts less the public, transparency and the rights of the parties involved in the administrative proceeding under which the alleged confidential document is being filed.

(b) To such effects, the Energy Commission may grant access to the document, or to portions of the document that are privileged, only to counsel and external consultants involved in the administrative proceeding after execution of a confidentiality agreement.

(c) The Energy Commission shall keep documents presented before it completely out of public scrutiny only in exceptional cases. In such cases, the information shall be duly safeguarded and delivered exclusively to Energy Commission personnel on a need-to-know basis,

under non-disclosure rules. However, the Energy Commission shall order that a non-confidential version for public review be submitted.

(d) Any claim of privileged or confidential information by a person under the jurisdiction of the Energy Commission must be ruled in an expedited manner by the Commission through a resolution to such effects, before any confidential information alleged by a party is disclosed.

5. In turn, Section 1.15 of the Regulation No. 8701 provides that when a person who is required to submit information to the Energy Bureau considers such information to be privileged or confidential, the person shall identify the information it deems privileged or confidential, request the Energy Bureau to protect such information, and present arguments supporting the privilege or confidentiality claim. The Energy Bureau shall evaluate the petition and, if it concludes the information merits protection, it shall proceed pursuant to Section 6.15 of Act No. 57.

6. The Project Monthly Status Report attached herein contains information on construction, technical and other aspects relating to CIRO's project that is of sensitive nature. Specifically, it addresses construction, design, and vendor matters (among others) that could reveal technology and strategy-related decisions that CIRO has chosen to better comply with applicable laws and regulation as well as to more conveniently develop its project per its goals. Were such information be made public, specifically to industry competitors, CIRO One Salinas, LLC would suffer economic harm, as knowledge of the identity of CIRO One Salinas, LLC's industry partners as well as the technical information required by the Energy Bureau would put CIRO One Salinas, LLC in a position of disadvantage. Moreover, the attached report could disclose to third parties technology that CIRO chose to implement as a matter of strategy and

compliance. CIRO believes the foregoing should be protected, as revealing it to the public or industry competitors would affect CIRO's competitive position, especially when competitive bidding is currently taking place. CIRO One Salinas, LLC requests that the Energy Bureau only grant access to said information to internal Energy Bureau personnel, counsel, and consultants subject to the execution of a confidentiality agreement.

WHEREFORE, CIRO One Salinas, LLC respectfully requests it be deemed in compliance with the *Resolution and Order* dated February 9, 2022; not impose any administrative fines; and grant confidential treatment of the attached Project Monthly Status Report of October 2021 as well as to all prior and future progress reports in connection with CIRO's project.

Respectfully submitted, on February 14, 2022, in San Juan, Puerto Rico.

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