

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 AND ORDER

On June 30, 2022, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Service Regulatory Board ("Energy Bureau") a document titled *Motion to Submit Execution Copies of PPOA's in Compliance with the April 27 and June 13 Orders, Request for Additional Time to Submit Certain PPOA's and Memorandum of Law Requesting Confidential Treatment of PPOAS and Exhibits* ("June 30 Motion"). As part of its filing, PREPA requested, that the execution copies of the PPOA's in Exhibit A be kept under seal of confidentiality.¹ Further, PREPA requested that the information in Exhibits B, C, D, and E, which includes communications relating to contract pricing and related terms, as well as topics that remain under negotiations, also be kept under seal of confidentiality until the adjudication and award process of Tranche 1 is completed and final.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 treat as confidential 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

Upon review of PREPA's arguments and pursuant to the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to Exhibits A, B, C, D, and E attached to the June 30 Motion, as requested by PREPA, since such documents contain detailed information related to ongoing negotiations, strategies to prepare documents to be negotiated and proposals in the Tranche 1 RFP process, which is still under a deliberative process, and are confidential until the adjudication and award process is final. The Energy Bureau **TAKES NOTICE** that once the adjudicative and award process of Tranche 1 is final, then all such information shall become public.

The Energy Bureau **ORDERS** PREPA to **SHOW CAUSE**, on or before **July 8, 2022**, as to why the Energy Bureau should not issue an order requiring PREPA to file a redacted (public) version of the execution copies of PPOAs in Exhibit A.⁷ This determination is aligned and consistent with 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.

¹ June 30 Motion, p. 11 ¶ 29; p. 13 ¶ 34.

² *Id.*

³ *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

⁴ Section 6.15 of Act 57-2014.

⁵ *Id.*

⁶ *Id.* (Emphasis added).

⁷ June 30 Motion, p. 11 ¶ 29,

Be it notified and published.



Edison Avilés Deliz
Presidente



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Comisionado Asociado



Sylvia B. Ugarte Araujo
Comisionada Asociada

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on July 5, 2022. I also certify that on July 5, 2022 a copy of this Resolution and Order was notified by electronic mail to the following: laura.rozas@us.dlapiper.com, margarita.mercado@us.dlapiper.com, kbolanos@diazvaz.law and mvazquez@diazvaz.law and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today July 5, 2022.



Wanda I. Cordero Morales
Interim Clerk

