

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

**IN RE:** PREPA'S 10 YEAR PLAN  
COMPETITIVE INFRASTRUCTURE  
PROCUREMENT PROCESS

**CASE NO.:** NEPR-MI-2022-0005

**SUBJECT:** Memorandum of Law Requesting  
Confidential Designation and Treatment.

**RESOLUTION**

On May 25, 2023, GENERA PR, LLC ("Genera") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Memorandum of Law Requesting Confidential Designation and Treatment of Genera PR LLC's proposed Process for the Procurement of Black-Start and Emergency Peaking Resources* ("Memorandum of Law"). As part of its filing, Genera requested confidential designation and treatment of the documents attached to the Memorandum of Law, identified as Exhibit 1.

Genera alleges that Exhibit 1 includes information on the proposed RFP process for the procurement of Black Start and emergency peaking resources. Said information warrants protection from public disclosure, as the documents encompass privileged and confidential information. The information includes but is not limited to details about Genera's technical analysis and additional data that may be classified as trade secrets. Genera argues that if the information is disclosed, it could provide undue advantage to other parties in the procurement process and compromise the fairness of competitive bidding.

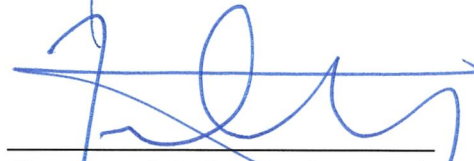
Act 57-2014<sup>1</sup> establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves this protection.<sup>2</sup> Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the information submitted provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".<sup>3</sup> 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 alleged confidential document is submitted."<sup>4</sup>

Upon review of Genera's arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to Exhibit 1, pursuant to Article 6.15 of Act 57-2014.

Be it notified and published.

  
Edison Avilés Deliz  
Chairman

  
Lillian Mateo Santos  
Associate Commissioner

  
Ferdinand A. Ramos Soegaard  
Associate Commissioner


<sup>1</sup> Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>2</sup> Section 6.15 of Act 57-2014, as amended.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



  
Sylvia B. Ugarte Araujo  
Associate Commissioner

  
Antonio Torres Miranda  
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 2, 2023. I also certify that on June 2, 2023 a copy of this Resolution was notified by electronic mail to mvazquez@diazvaz.law; jmarrero@diazvaz.law; brannen@genera-services.com; kbolanos@genera-pr.com; regulatory@genera-pr.com; jfr@sbgblaw.com; alopez@sbgblaw.com; and I have moved forward filing the Resolution issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today, June 2, 2023.

  
Sonia Seda Gaztambide  
Clerk

