

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

IN RE: REVIEW OF LUMA'S INITIAL
BUDGETS

CASE NO.: NEPR-MI-2021-0004

SUBJECT: Motion to Request Confidential
Designation of Legal Memorandum
Submitted as Part of Exhibit B to PREPA's
June 21 Motion.

RESOLUTION

On June 21, 2023, 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 *Motion to Submit Responses to the Energy Bureau's June 9, 2023 Bench Orders and Third Request for Information in Compliance with the June 12, 2023 Order* ("June 21 Motion"). As part of the June 21 Motion, PREPA submitted under seal of confidentiality a Memorandum prepared by McGuire Woods LLP with more detailed information in response to ROI#9 (f) ("Memorandum").

On July 5, 2023, PREPA filed before the Energy Bureau a document titled *Motion to Request Confidential Designation of Legal Memorandum Submitted as Part of Exhibit B to PREPA's June 21 Motion* ("July 5 Motion"). Through its July 5 Motion, PREPA argues that the Memorandum is a confidential document subject to attorney-client privilege and the attorney work product doctrine, as it includes, the description of anticipated services, litigation, and settlement possibility in connection with the insurance claims stemming from the Hurricane Maria and Earthquake claims.

Act 57-2014¹ 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.² Specifically, Act 57-2014 requires the Energy Bureau to confidentially treat the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected."³ 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."⁴

Upon review of PREPA's arguments, the Energy Bureau **GRANTS** confidential designation and treatment to the Memorandum submitted as part of the June 21 Motion, under Article 6.15 of Act 57-2014.

Be it notified and published.



¹ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

² Section 6.15 of Act 57-2014.

³ *Id.*

⁴ *Id.*

Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on July 12 2023. Associate Commissioner Ferdinand A. Ramos Soegaard did not intervene. I also certify that on July 5, 2023 a copy of this Resolution was notified by electronic mail: pre@promesa.gov; margarita.mercado@us.dlapiper.com; ana.rodriguezrivera@us.dlapiper.com; mvazquez@diazvaz.law; jmarrero@diazvaz.law; brannen@genera-services.com; kbolanos@genera-pr.com; regulatory@genera-pr.com; jfr@sbgblaw.com; alopez@sbgblaw.com. I also certify that on July 12, 2023, I have -moved forward with filing the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, signed in San Juan, Puerto Rico, today, July 12, 2023.

Sonia Seda Gaztambide
Clerk

