

**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 in Support of Confidential Treatment of RFP Draft Scope Submitted in Compliance with Resolution and Order Dated August 23, 2023.

RESOLUTION

On September 8, 2023, GENERA PR, LLC ("Genera") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Submit Draft RFP in Compliance with Resolution and Order Dated August 23, 2023, and Request for Extension of Time to Supplement* ("September 8th Motion"), whereby Genera submitted under seal of confidentiality a copy of the document titled *Grid Support Units; Technical Specification for Power Generation Equipment* ("Draft Scope"), detailing the requirements and scope of the RFP that Genera will issue to purchase the units. Additionally, Genera requested an extension of time to submit a Memorandum of Law supporting its request for confidential treatment of the Draft Scope.

On September 15, 2023, GENERA filed a document titled *Memorandum of Law in Support of Confidential Treatment of RFP Draft Scope Submitted in Compliance with Resolution and Order Dated August 23, 2023* ("Memorandum of Law"). Through the Memorandum of Law, Genera requested confidential designation and treatment of the Draft Scope submitted on September 8, 2023 as Exhibit A.

Genera alleges that Exhibit A includes confidential information of an ongoing competitive procurement process. Said information warrants protection from public disclosure, as the documents encompass privileged and confidential information. The information includes but is not limited to Genera's evaluation of offers. Genera argues that the information must stay confidential to protect the procurement process's transparency, integrity and avoid potential prejudice to Genera. Premature disclosure of this information could disrupt future proceedings and subvert the equitable treatment of all participants.

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 this protection.² 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".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 Genera's arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to Exhibit A, described herein, pursuant to Article 6.15 of Act 57-2014.

Be it notified and published.

¹ Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

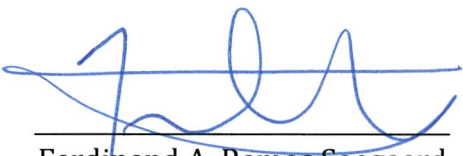
² Section 6.15 of Act 57-2014, as amended.


³ *Id.*

⁴ *Id.*




Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
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 September 21, 2023. President Edison Avilés Deliz did not intervene. Also certify that on September 21, 2023, I have proceeded with the filing of this Resolution, and was notified by email to mvazquez@diazvaz.law; jmarrero@diazvaz.law; legal@genera-pr.com; regulatory@genera-pr.com; jfr@sbgblaw.com; alopez@sbgblaw.com.

For the record, I sign in San Juan, Puerto Rico, today, September 21, 2023.


Sonia Seda Gaztambide
Clerk

