

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

**IN RE:** AMENDMENT TO POWER  
PURCHASE OPERATING AGREEMENT  
BETWEEN PREPA AND HORIZON ENERGY,  
LLC

**CASE NO.:** NEPR-AP-2023-0007

**SUBJECT:** Request for Confidential  
Designation and Treatment

**RESOLUTION AND ORDER**

On December 7, 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 *Petition for Approval of Seventh Amendment to Power Purchase Operating Agreement Between the Puerto Rico Electric Power Authority and Horizon Energy, LLC* ("Petition"), requesting the Energy Bureau to allow PREPA to amend a power purchase operating agreement executed between PREPA and Horizon Energy, LLC. The proposed amendment was attached as Annex A of the Petition. PREPA submitted Annex A under seal.

PREPA alleges that Annex A is part of a deliberative process, incorporates trade or business secrets deemed confidential according to applicable law and has been requested by Resource Providers to be maintained in a confidential manner. Therefore, PREPA requests the Energy Bureau to grant confidential designation and treatment to the referenced document.

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 such 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 allegedly confidential document is submitted."<sup>4</sup>

Upon review of PREPA's arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to Annex A, pursuant to the provisions of Article 6.15 of Act 57-2014.

The Energy Bureau **ORDERS** PREPA to file a redacted version of the proposed amendment attached in Annex A of the Petition within five (5) days of the notification of this Resolution and Order. PREPA shall include a table listing by number each redacted item and its justification for such redaction.

Be it notified and published.



<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.*



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Edison Avilés Deliz  
Chairman



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Sylvia B. Ugarte Araujo  
Associate Commissioner



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Antonio Torres Miranda  
Associate Commissioner

**CERTIFICATION**

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on December 13, 2023. Associate Commissioners Lillian Mateo Santos and Ferdinand A. Ramos Soegaard were not available. Also certify that on December 13, 2023 a copy of this Resolution and Order was notified by electronic mail to arivera@gmlex.net; mvalle@gmlex.net; 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 December 13, 2023.



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Sonia Seda Gaztambide  
Clerk

