

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

NEPR

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IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-YEAR
INFRASTRUCTURE PLAN – DECEMBER
2020

CASE NO.: NEPR-MI-2021-0002

SUBJECT: MOTION SUBMITTING FOR
REVIEW AND APPROVAL THE SCOPE OF
WORK FOR THE TRANSFER OWNERSHIP
TO PREPA OF TEMPORARY
GENERATION UNITS

**MOTION IN COMPLIANCE WITH THE
JANUARY 19TH, 2024 RESOLUTION AND ORDER**

TO THE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority ("PREPA"), through its counsel of record, and respectfully submits and prays as follows:

1. On January 19th, 2024, the Energy Bureau issued a *Resolution and Order* whereby it, among other things, ordered PREPA to notify the Puerto Rico Public-Private Partnerships Authority ("P3 Authority") of PREPA's intent to acquire the emergency power generating units.

2. PREPA hereby informs the Energy Bureau that, on this same date, the P3 Authority was notified of PREPA's intent to acquire the emergency power generation units. Attached as Exhibit 1 is the letter sent to the P3 Authority.

3. It is important to mention to the Honorable Energy Bureau that acquiring the emergency temporary units will only require amending Annex I (Legacy Generation Assets) of the Puerto Rico Thermal Generation Facilities

Operation and Maintenance Agreement. All remaining clauses, terms, conditions, specifications, and requirements, including the compensation and the contract term, shall remain unaltered and continue to be in full force.

4. Also, the emergency power generation units will be acquired with federal funds allocated to the reconstruction of Puerto Rico's electrical infrastructure. This process will be completed through the Central Office for Recovery, Reconstruction and Resiliency ("COR3"), Puerto Rico Governor's Authorized Representative ("GAR"),¹ and the sub-recipient, PREPA.²

5. It is worth noting that Article 6.15 of the *Puerto Rico Energy Transformation and RELIEF Act* provides ("Relief Act") that "any person who is required to submit information to the Energy [Bureau] believes that the information to be submitted has any confidentiality privilege, such person may request the [Bureau] to treat such information as such[.]" Act 57 at Art. 6.15. "If the Energy [Bureau], after the appropriate evaluation, believes such information should be protected, it 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." *Id.* at Art. 6.15 (a).

6. If the Energy Bureau determines that the information is confidential,

¹ The GAR is "[t]he person empowered by the Governor to execute, on behalf of the State, all necessary documents for disaster assistance." See 44 CFR 206.2(a)(13).

² Subrecipient means the government or other legal entity to which a subaward is awarded and which is accountable to the recipient for the use of the funds provided. See 44 CFR § 206.431.

“the information shall be duly safeguarded and delivered exclusively to the personnel of the Energy [Bureau] who needs to know such information under nondisclosure agreements.” *Id.* at Art. 6.15 (c). “The Energy [Bureau] shall swiftly act on any privilege and confidentiality claim made by a person subject to its jurisdiction by means of a resolution to such purposes before any allegedly confidential information is disclosed.” *Id.* at Art. 6.15 (d).

7. Given that the information contained in Exhibit 1 is part of a negotiation process and incorporates trade or business secrets that are deemed confidential according to applicable law, PREPA hereby requests that the information in Exhibit 1 be maintained confidential pursuant to the cited sections of the *Relief Act*.

WHEREFORE, PREPA respectfully requests the Energy Bureau to take **NOTICE** of the foregoing and deem the January 19th Order as complied with by PREPA regarding the notification to P3 Authority ordered by the Energy Bureau. It further requests that the information contained in Exhibit 1 be maintained confidential pursuant to the above cited sections of the *Relief Act*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on the 22nd day of January 2024.

CERTIFICATE OF SERVICE: We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, which will send notification of such

filing to all attorneys of record.

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