

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

**NEPR**

**Received:**

**Aug 2, 2024**

**10:29 PM**

**IN RE:** IMPLEMENTATION OF THE PUERTO RICO ELECTRIC POWER AUTHORITY INTEGRATED RESOURCE PLAN AND MODIFIED ACTION PLAN

**CASE NO.:** NEPR-MI-2020-0012

**MOTION IN COMPLIANCE WITH THE JULY 3<sup>RD</sup> RESOLUTION AND ORDER**

**TO THE HONORABLE ENERGY BUREAU,**

**COMES NOW** the Puerto Rico Electric Power Authority ("PREPA") through its undersigned legal representation and, very respectfully, informs and requests as follows:

1. On May 7<sup>th</sup>, 2024, PREPA filed a "Motion to Submit Additional Energy Storage Service Agreements (ESSAs) for the Energy Bureau's Approval" with the Energy Bureau of the Puerto Rico Public Service Regulatory Board (the "Energy Bureau"). In this motion, PREPA presented two additional ESSAs related to Tranche #1 and sought the Energy Bureau's approval.

2. On July 3<sup>rd</sup>, 2024, the Energy Bureau issued a Resolution and Order in the instant case, requiring PREPA to submit certain documents and information July 3<sup>rd</sup> Order. In compliance with the July 3<sup>rd</sup> Order, PREPA hereby submits as **Exhibit A** to this Motion the answers to requirements 1-4 of the *Request for Information* of the July 3<sup>rd</sup> Order. These answers refer to the relevant supporting documentation also included with this Motion.

3. The information and documents in Exhibit A are not final and are subject to the Energy Bureau's approval. They contain trade or business secrets that are deemed confidential according to applicable law and have been requested by Service Providers to be maintained in a confidential manner. Therefore, PREPA requests that they be kept confidential.

4. Article 6.15 of the Puerto Rico Energy Transformation and RELIEF Act provides 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 states that "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). If the Energy Bureau determines that the information is confidential, "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).

5. In the exercise of its powers, the PREB and PREPA approved Regulation 8815, which has force of law. *Id.* at Art. 6.3 (b). Regulation 8815 includes language in Art. 10.2, which protects confidential information in those

competitive bidding processes contemplated in the regulation. In its pertinent part, it states that "[o]nce the Contract has been executed, the Authority shall make public the report of the Project Committee which shall contain the information related to the procurement, evaluation, scoring, selection and negotiation process, and the information contained in the Proposal as required by law, except trade secrets, proprietary or privileged information of the Proponent clearly identified as such by the Proponent, or information that must otherwise be protected from publication according to law, unless otherwise ordered by a court order, in each case, if the Authority determines that the protection of such information is appropriate."

6. As previously stated, exhibit A includes information that is part of an ongoing negotiation process and incorporates trade or business secrets that Service Providers have specifically requested to be maintained in a confidential manner. Accordingly, PREPA respectfully requests that the Energy Bureau find these documents and information confidential and thus order that they be maintained under seal.

**WHEREFORE**, PREPA respectfully requests the Energy Bureau to: (1) take **NOTICE** of the present Motion; and (2) deem PREPA in compliance with the July 3<sup>rd</sup> Order.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 2<sup>nd</sup> day of August 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>, and courtesy copies were sent via e-

mail to LUMA Energy, LLC through its counsels of record at [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com), [julian.angladapagan@us.dlapiper.com](mailto:julian.angladapagan@us.dlapiper.com), [laura.rozas@dlapiper.com](mailto:laura.rozas@dlapiper.com), [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com) and to Genera PR, LLC through its counsels of record at [jfr@sbgblaw.com](mailto:jfr@sbgblaw.com), [alopez@sbgblaw.com](mailto:alopez@sbgblaw.com).

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