

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

NEPR

Received:

Apr 7, 2025

4:24 PM

IN RE: REQUEST FOR CERTIFICATION OF
ENEL X ARECIBO, LLC

CASE NO: NEPR-CT-2023-0006

SUBJECT: Operational Report

**MOTION TO REQUEST CONFIDENTIAL
TREATMENT OF OPERATIONAL REPORT**

TO THE HONORABLE ENERGY BUREAU:

COMES NOW, Enel X Arecibo, LLC, represented by the undersigned legal counsel, and respectfully submits the following:

1. Pursuant to Section 2.02 of the *Amendment to Regulation No. 8618 on Certification, Annual Fees, and Operational Plans for Electric Service Companies in Puerto Rico*, Regulation 8701, dated February 17, 2016, as amended ("Regulation 8701"), electric service companies are required to file annual operational reports containing certain prescribed information. In particular, companies that provide distributed generation services must include details on the projection of the energy demand it intends to meet, the rates and charges applied to their customers, initiatives aimed at educating clients and encouraging efficient energy consumption, projected capital investments, and information regarding any entities contracted to operate their systems.
2. Moreover, on February 12, 2019, the Energy Bureau issued an Order (the "2019 Order") requiring additional information that electric service companies must include in their operational reports, namely: total and net generation produced by a system during the period prior to filing the operational report, times of operation and capacity factor for the period prior to the filing of the

operational report, and information on scheduled and unscheduled outages occurred during the period prior to the filing of the operational report.

3. As noted in our previous filing, Enel X hereby respectfully requests that the Honorable Bureau take notice that it has recently undergone a change in control which has led to the corporate entity's name being changed from Enel X to Calibrant Arecibo, LLC ("Calibrant"). Calibrant further notifies the Honorable Bureau that it will submit the pertinent documentation regarding this change in a forthcoming filing.

4. On March 31, 2025, respectfully requested that the Honorable Energy Bureau grant a brief seven-day extension, until April 7th, 2025, to submit its operational report for FY2024.

5. Calibrant hereby complies with Section 2.02 of Regulation 8701 and the 2019 Order by submitting its operational report and corresponding annex for the fiscal year 2024 (**Attachment 1**).

6. Furthermore, pursuant to Section 2.03 of Regulation 8701, companies that provide distributed generation services shall pay the Energy Bureau an eight hundred-dollar (\$800.00) fee upon submission of the Operational Report.

7. Calibrant hereby complies with Section 2.03 of Regulation 8701 and submits evidence of payment in the amount of \$800 for the corresponding filing fee (**Attachment 2**).

8. Lastly, Calibrant requests that confidential treatment be afforded to this motion and its corresponding attachments. Section 6.15 of Act No. 57 of May 17, 2014, as amended, 22 L.P.R.A. § 1054n, provides:

If 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, subject to the following:

(a) 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.

(b) To such purposes, the Energy [Bureau] shall provide access to the document or the privileged portion of the document only to the lawyers and external consultants involved in the administrative process after the execution of a confidentiality agreement.

(c) The Energy [Bureau] shall keep the documents submitted for its consideration out of public reach only in exceptional cases. In these cases, 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. However, the Energy [Bureau] shall direct that a non-confidential copy be furnished for public review.

(d) 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.

9. In turn, Section 1.15 of Regulation 8701 provides that when a person who is required to submit information to the Energy Bureau considers such information to be privileged or confidential, the person shall identify the information it deems privileged or confidential, request the Energy Bureau to protect such information, and present arguments supporting the privilege or confidentiality claim. The Energy Bureau shall evaluate the petition and, if it concludes the information merits protection, it shall proceed pursuant to Section 6.15 of Act No. 57.

10. Concomitantly, the Energy Bureau's Policy on Confidential Information details the procedures a party should follow to request that a document or portion thereof be afforded confidential treatment. In essence, the referenced Policy requires identifying confidential information and filing a memorandum of law explaining the legal basis and support for a request

to file information confidentially. See CEPR-MI-2016-0009, Section A, as amended by the Resolution of September 21, 2016, CEPR-MI-2016-0009. The memorandum should also include a table that identifies the confidential information, a summary of the legal basis for the confidential designation, and why each claim or designation conforms to the applicable legal basis of confidentiality. *Id.* at ¶ 3. The party seeking confidential treatment of information filed with the Energy Bureau must also file both “redacted” or “public version” and an “unredacted” or “confidential” version of the document that contains confidential information. *Id.* at ¶ 6.

11. Calibrant respectfully requests that all the information contained in this motion and the documents attached hereto be kept confidential in accordance with Section 1.15 of Regulation 8701 and Section 6.15 of Act No. 57. These documents have sensitive information, otherwise not available to the public, which Calibrant prefers not to disclose, that could place Calibrant at a competitive disadvantage with respect to other market participants and cause it economic harm. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, below is a table summarizing the hallmarks of this request for confidential treatment.

Document Name	Pages in which Confidential Information is Found	Date Filed	Summary of Legal Basis for Confidentiality Protection	Discussion
Operational Report Form NEPR-B05 and Operational Report Annex	All pages for Operational Report Form and Annex	4/7/25	<ul style="list-style-type: none">• Act No. 57-2014, § 6.15• Regulation 8701, § 1.15	This document contains sensitive information which should not be available to the public. The disclosure of this information would place Calibrant at a competitive disadvantage with respect to other market

Document Name	Pages in which Confidential Information is Found	Date Filed	Summary of Legal Basis for Confidentiality Protection	Discussion
				<p>participants and cause it economic harm.</p> <p>Calibrant's information on the projection of the energy demand it intends to meet; information on the charges and rates it charges customers and company efforts to orient clients and promote efficient electric energy consumption; information on its projected capital investments; and information on entities it hires to operate its systems if such is the case if confidential, of sensitive nature, and not available to the public.</p> <p>Further, any information or circumstances regarding Calibrant's total and net generation data, regarding times of operation and capacity factor and regarding outages is also of sensitive nature or immaterial. Were such information be made public, specifically to industry competitors, Calibrant would suffer economic harm, as knowledge of Calibrant's business dealings, the prices it charges its</p>

Document Name	Pages in which Confidential Information is Found	Date Filed	Summary of Legal Basis for Confidentiality Protection	Discussion
				customers, the investments it intends to make, its business projections, the identity of its industry partners, as well as technical and operational data on generation and the like would put Calibrant in a position of disadvantage.
Operational Report Fee Payment (Attachment 2)	All pages for Attachment 3	4/7/25	<ul style="list-style-type: none"> • Act No. 57-2014, § 6.15 • Regulation 8701, § 1.15 • 	This document contains sensitive financial information which is not available to the general public and whose disclosure would cause economic harm.

12. Calibrant respectfully requests that the Energy Bureau only grant access to the information contained in the document attached hereto to internal Energy Bureau personnel, counsel, and consultants subject to the execution of a confidentiality agreement.

WHEREFORE, Calibrant (formerly Enel X Arecibo, LLC) respectfully requests that the Honorable Energy Bureau take notice of Calibrant's submission of its operational report for fiscal year 2024 and the payment of the corresponding submission fee; and afford confidential treatment to this motion and its attachments.

Respectfully submitted, on April 7, 2025.

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ATTACHMENT 1



GOVERNMENT OF PUERTO RICO

Public Service Regulatory Board

Puerto Rico Energy Bureau

FORM

OPERATIONAL REPORT ELECTRIC POWER COMPANIES

☒ New Report: Year 2024 ☐ Report Update: Year _____

Instructions:

- When filling out this Form, examine the provisions of Section 2.02 of Regulation No. 8701 and be sure to provide all the required information.
- Indicate N/A where the information is not applicable.
- Use Complementary Sheet (NEPR-Z01) if additional space is required.
- Include the required documents according to the Regulation No. 8701, enumerated in the Annexes section.
- When submitting this Form, be sure to include the evidence of payment of the corresponding filing fee.

A. Electric Power Company General Information

1. Company Name: Calibrant Arecibo, LLC (formerly Enel X) (NEPR-CT-2023-0006)

2. Type of Electric Service:
- | | |
|--|--|
| <input type="checkbox"/> Fossil fuel or renewable energy generation with aggregated capacity of one hundred (100) MW or less | <input type="checkbox"/> Fossil fuel or renewable energy generation with aggregated capacity of more than one hundred (100) MW |
| <input checked="" type="checkbox"/> Distributed Generators with aggregated capacity of one (1) MW or more | |
| <input type="checkbox"/> Energy Storage | <input type="checkbox"/> Electric Power Billing |
| <input type="checkbox"/> Energy Resale | <input type="checkbox"/> Wheeling |

B. Operational Report General Information

☒ This report **has been referred to** the Energy Public Policy Program of the Department of Economic Development and Commerce for review and comments prior to its filing before the Energy Bureau.

☐ This report **has not been referred to** the Energy Public Policy Program of the Department of Economic Development and Commerce for review and comments prior to its filing before the Energy Bureau. (Explain the reasons why it was not referred to the EPPP.)



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NEPR- B03 (Rev. February 2019) "Operational Report of Electric Power Companies"

Reference: Amendment to Regulation No. 8618, on Certification, Annual Fees, and Operational Plans for Electric Power Companies in Puerto Rico.

Annexes: (Mark the documents that are included with the Operational Report Form)

- Distributed Generators with aggregated capacity of one (1) MW or more, and fossil fuel or renewable energy generation with aggregated capacity of one hundred (100) MW or less:
 - ☒ Projection of the percent of the total demand that it intends to meet in Puerto Rico (Section 2.02 (A)(1)(a)).
 - ☒ Information regarding charges and rates, and the company efforts to orient clients and promote efficient electric energy consumption (Section 2.02 (A)(1)(b)).
 - ☒ Projection of capital investments for the next year after the submission of the Report (Section 2.02 (A)(1)(c)).
 - ☒ Contact information and credentials of the entity to be hired in case that the system operation is contracted (Section 2.02 (A)(1)(d)).
- Report on generation of energy:
 - ☒ Total Generation, in MWh, produced by the generation system during the period prior to the submission of the Operational Report.
 - ☒ Net Generation (Total Generation – Consumption), in MWh, produced by the generation system during the period prior to the submission of the Operational Report.
- Report on the availability of the power generation system:
 - ☒ Schedule of operation during the period prior to the submission of the Operational Report.
 - ☒ Capacity Factor the period prior to the submission of the Operational Report.
- Report on outages of the power generation system:
 - ☒ Scheduled Outages: should specify the date, hour, duration and purpose of the outages that have occurred on the company's electric equipment, during the period prior to the submission of the Operational Report.
 - ☒ Non-scheduled Outages: should specify the date, hour, duration and purpose of the outages that have occurred on the company's electric equipment, during the period prior to the submission of the Operational Report.
- Fossil fuel or renewable energy generation with aggregated capacity of more than one hundred (100) MW:
 - ☐ Information required in Section 2.02 (A)(2)(a).
 - ☐ Operational budget for the current fiscal year (Section 2.02 (A)(2)(b)).
 - ☐ Reports of the changes the company foresees, plans for, or envisages in its operational budget for the following three (3) years (Section 2.02 (A)(2)(c)).
 - ☐ Studies regarding the cost of electric services the company provides (Section 2.02 (A)(2)(d)).
 - ☐ Studies and reports about the average frequency (hertz) of the electric power system during the three (3) fiscal years prior to the submission of the Report (Section 2.02 (A)(2)(e)).
 - ☐ Reports regarding operation and maintenance during the three (3) fiscal years prior to the submission of the Report (Section 2.02 (A)(2)(f)).
 - ☐ Reports about the electric power outages, scheduled and non-scheduled that have occurred during the three (3) fiscal years prior to the submission of the Report (Section 2.02 (A)(2)(g)).
 - ☐ Reports regarding requests for wheeling (Section 2.02 (A)(2)(h)).
 - ☐ Contact information and credentials of the entity to be hired in case that the system operation is contracted (Section 2.02 (A)(2)(i)).
- Report on generation of energy:
 - ☐ Total Generation, in MWh, produced by the generation system during the period prior to the submission of the Operational Report.
 - ☐ Net Generation (Total Generation – Consumption), in MWh, produced by the generation system during the period prior to the submission of the Operational Report.
- Report on the availability of the power generation system:
 - ☐ Schedule of operation during the period prior to the submission of the Operational Report.
 - ☐ Capacity Factor the period prior to the submission of the Operational Report.

- **Energy Storage:**
 - ☐ Projection of capital investments for the next three (3) years after the submission of the Report (Section 2.02 (A)(3)(a)).
 - ☐ Reports regarding improvements on the electric power system behavior (Section 2.02 (A)(3)(b)).
- **Electric Power Billing or Resale:**
 - ☐ Description of the service and an estimate of the quantity of clients to which the service will be provided (Section 2.02 (A)(4)(a)).
 - ☐ Information regarding charges and rates of the company (Section 2.02 (A)(4)(b)).
 - ☐ Contact information and credentials of the entity to be hired in case that the system operation is contracted (Section 2.02 (A)(4)(c)).
- **Wheeling:**
 - ☐ Projection of the percent of the total demand that it intends to meet in Puerto Rico (Section 2.02 (A)(5)(a)).
 - ☐ Projection of capital investments for the next three (3) years after the submission of the Report (Section 2.02 (A)(5)(b)).
 - ☐ Reports regarding requests for energy transmission or wheeling (Section 2.02 (A)(5)(c)).
 - ☐ Complementary Sheet (NEPR-Z01).
 - ☐ Other: _____

I certify that the presented information on this form is correct and complete.

<div style="background-color: black; width: 100px; height: 20px; margin: 0 auto;"></div>	General Counsel	<div style="background-color: black; width: 100px; height: 20px; margin: 0 auto;"></div>	Mar 31, 2025
Name of Designated Contact	Position	Signature	Date

ATTACHMENT 2

