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Junta Reglamentadora
de Servicio Público

AUG 21 2025

Secretaría
Negociado de Energía

4:37 PM


MEMORANDUM

To : Puerto Rico Energy Bureau
From : Counsels for San Fermín Solar Farm, LLC
Javier Vazquez, Esq. and Amilkar Cruz, Esq.
Date : August 21, 2025
Re : **Protection of Confidential Information – Motion in Compliance with
Resolution and Order, San Fermín Project**

I. Introduction

This memorandum is respectfully submitted on behalf of **San Fermín Solar Farm, LLC** (the “**Company**”) in connection with the **Motion in Compliance** with Resolution and Order – Status of Progress, San Fermín Project (the “**Motion**”) filed on **August 14, 2025** before the **Puerto Rico Energy Bureau (“Bureau”)**. The Motion contains proprietary and confidential business and sensitive information that, if disclosed publicly, could materially harm the Company’s commercial interests. This submission seeks to ensure that the confidential information included in the filing receives full protection under the applicable regulatory, constitutional, and statutory framework.

II. Legal Framework

The protection of confidential business information shared with the Puerto Rico Energy Bureau is supported by both regulatory provisions and broader legal safeguards that recognize the right of interested parties to protect commercially sensitive data including trade secrets from public dissemination and public access.

1. Constitutional Protection - Article II, Section 8 of the Constitution of Puerto Rico

- **Article II, Section 8 of the Constitution of Puerto Rico** establishes the right to privacy. This constitutional safeguard extends to sensitive business information, ensuring that disclosure is not compelled where it would unjustifiably impair proprietary or commercial interests.

2. Act No. 57-2014 and Regulation No. 8543

- **Section 6.15 of Act No. 57-2014, Section 1.15 of Regulation No. 8543,¹ from Puerto Rico Energy Bureau the Puerto Rico Energy Commission's Internal**

¹ Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings of the Puerto Rico Energy Bureau.

Guidelines for the Treatment of Confidential Information, establish procedures for designating and protecting confidential information.

- **PREB's Resolution on Confidentiality Section A (August 31, 2016)** and the **Resolution on Reconsideration Section A.2 (September 20, 2016)** clarify and amend the standards and procedures for requesting confidentiality.
- These provisions authorize parties to file both public and confidential versions of submissions, supported by a confidentiality log, to protect sensitive information from unauthorized disclosure.

3. Act No. 80-2011 -Trade Secrets

- The **Uniform Trade Secrets Act (UTSA)**, adopted in Puerto Rico as **Act No. 80-2011**, provides legal recognition and protection to trade secrets. The statute defines trade secrets broadly to include financial, technical, and commercial information that derives independent economic value from not being generally known and that is subject to reasonable measures to maintain its secrecy.
- Under this framework, unauthorized disclosure of trade secrets—including disclosure through compelled public filings—may result in substantial harm and give rise to legal remedies.

4. General Principles of Protection

Puerto Rico law recognizes that disclosure of proprietary and sensitive business information—such as financial data, technical know-how, and commercial strategies—can cause irreparable harm to a company's competitive standing. Administrative agencies must therefore balance principles of transparency with the duty to protect confidential business interests.

Taken together, these overlapping protections reinforce the Bureau's regulatory framework and underscore the Company's right to shield commercially sensitive information from public disclosure.

III. Confidential Information at Issue

The Motion contains the following categories of confidential information:

- **Engineering and construction schedules** related to the Battery Energy Storage System ("BESS") and repowering activities;
- **Commercial terms with contractors and suppliers;** and
- **Internal project management strategies and milestone assessments.**

Disclosure of this information would unfairly give advantage to competitors and counterparties by revealing strategic, technical, and commercial data, including trade secrets, potentially increasing project costs and undermining negotiations.

IV. Required Procedural Safeguards

To comply with the Bureau's regulations and safeguard the Company's interests, the following measures are requested:

1. Dual Filing

- **Confidential Version:** Unredacted, filed under seal, and clearly marked “CONFIDENTIAL”
- **Public Version:** Redacted to exclude all commercially sensitive information while maintaining sufficient context for the Bureau’s review.

2. Express Invocation of Authority

- Explicit reliance on **Sections 6.15 and 6.16 of Regulation 8543**, the **2016 Bureau Resolutions**, and the **constitutional and statutory protections** outlined above, to establish that the information is entitled to confidential treatment.

V. Application to San Fermín Project Filing

The Company has complied with the above legal framework to protect its confidential information by:

- Clearly identifying sensitive portions of the Motion;
- Preparing both Confidential and Public Versions of the filing; and
- Preparing to submit a Confidentiality Log consistent with Bureau requirements.

This approach ensures compliance with regulatory obligations while minimizing the risk of competitive harm.

VI. Conclusion and Request

In light of the applicable regulatory, constitutional, and statutory framework, San Fermín Solar Farm, LLC respectfully requests that the Puerto Rico Energy Bureau grant full confidentiality treatment to the sensitive information identified in the Motion and accompanying attachments.

The Company has taken all required procedural measures and has demonstrated that disclosure would:

1. Cause competitive harm;
2. Undermine ongoing negotiations; and
3. Provide no corresponding public benefit.

Accordingly, the Bureau is urged to recognize and protect the confidential information under:

- **Article II, Section 8 of the Puerto Rico Constitution**
- **Sections 6.15 and 6.16 of Regulation 8543**,
- **the Bureau’s 2016 Resolutions**, and
- **the Uniform Trade Secrets Act (Act No. 80-2011).**

This concludes our discussion.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

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