

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

**NEPR**

**Received:**

**Feb 27, 2026**

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

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

**SUBJECT:** Request for Information regarding the status of renewable energy projects.

**MOTION IN COMPLIANCE WITH FEBRUARY 20 2026 RESOLUTION AND ORDER, AND  
MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT**

**TO THE HONORABLE ENERGY BUREAU,**

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

**I. Introduction**

1. On February 20, 2026, the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order (the "February 20 Order") addressing PREPA's submissions concerning proposed amendments to the Pattern Barceloneta Solar PPOA, the Pattern Barceloneta ESSA, and the Pattern Santa Isabel ESSA. The Resolution and Order provides a detailed procedural history, evaluates the interconnection and cost-related considerations for the proposed expansions, and applies the statutory criteria under Article 6.32 of Act 57-2014 and the public policy mandates of Act 17-2019.

2. The Energy Bureau approved the proposed amended agreements subject to mandatory modifications, expressly stating that:

“The Energy Bureau APPROVES the Proposed Amended Santa Isabel ESSA, Proposed Amended Barceloneta ESSA and Proposed Amended Barceloneta PPOA, subject to the modifications outlined in Part III(A)(2), Part III(B)(2) and Part III(D) of this Resolution and Order.”

3. The Energy Bureau further ordered PREPA to:

“submit the updated contracts within five (5) business days... PREPA SHALL submit the updated contracts simultaneously to both the Energy Bureau and the FOMB... including clean and redline versions.”

## **II. Compliance with Order**

4. In response to the February 20 Order, PREPA respectfully submits the following:

- i. PREPA incorporated the clarification to Appendix F regarding the CPPPIF calculation, including the requirement that “the MCC shall be deemed not to exceed fifty (50) MW,” consistent with Part III(A)(2).
- ii. PREPA incorporated the same Appendix F clarification and all other modifications required under Part III(B)(2).
- iii. PREPA removed the proposed curtailment compensation provisions that the Energy Bureau determined were inconsistent with the original intent of Section 7.2. The February 20 Order states that the proposed additional compensation “is unwarranted and undermines

the original intent of Section 7.2". PREPA has conformed the PPOA accordingly.

iv. **Exhibit A:** Clean versions of each updated agreement; Redline versions reflecting all modifications required by the Energy Bureau; and Evidence of the submission to the Financial Oversight and Management Board (FOMB).

5. Because of the volume of the zip files, PREPA informs the Energy Bureau that, with this motion, it will submit the zip files by email to the Secretary.

### **III. Request for Confidential Treatment**

6. PREPA respectfully requests confidential treatment of Exhibit A. The exhibit contains ongoing deliberative materials reflecting internal opinions, assessments, and recommendations critical to policy formulation. Disclosure at this stage of Exhibit A would undermine the integrity of the policy-formulation process and is, therefore, protected under the deliberative process privilege until the negotiation process concludes.

7. Although documents held by public corporations such as PREPA are generally presumed to be public, access to such documents is not absolute. The Puerto Rico Supreme Court has recognized that only documents that truly enjoy public status are subject to mandatory disclosure. Bhatia Gautier v. Gobernador, 199 D.P.R. 59, 82 (2017); Ortiz v. Director de la Administración de los Tribunales, 152 D.P.R. 161 (2000).

8. According to Bhatia Gautier v. Gobernador, the government may validly withhold information when (i) a law so authorizes; (ii) the information is protected by evidentiary privileges; (iii) its disclosure may harm third parties' fundamental rights; (iv) it identifies a confidential source; or (v) it qualifies as "official information" under Rule 514 of Evidence. *Id.* at 83.

9. The Puerto Rico Supreme Court has expressly held that "documents that pertain to pre-decisional and deliberative processes may be shielded from public disclosure." *Id.* at 86. This deliberative process privilege protects materials that are (i) pre-decisional—created before the agency's final determination, and (ii) deliberative—reflecting internal opinions, assessments, and recommendations critical to policy formulation.

10. In addition, Article 4(iv) of the Puerto Rico Government Open Data Act, Act 122-2019, codified at 3 L.P.R.A. § 9894, explicitly exempts from disclosure "[i]nformation and official information related to decision-making in public policy-making processes, as recognized by case law," including deliberative materials.

11. Below is a summary of the information for which PREPA seeks confidential treatment:

<b>File</b>	<b>Summary of Legal Basis for Confidential Treatment</b>
<b>Exhibit A</b> - Clean versions of each updated agreement; Redline versions reflecting all modifications required by the Energy Bureau; and	Deliberative material

Evidence of a submission package prepared for the Financial Oversight and Management Board (FOMB).	
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12. PREPA respectfully requests that the Energy Bureau take notice of the abovementioned and approve the request for confidential treatment of the information submitted in Exhibit A with this Motion.

**WHEREFORE**, for the reasons stated above, PREPA respectfully requests that the Energy Bureau: (i) take **NOTICE** of the present Motion; (ii) **DEEM** PREPA in compliance with the February 20, 2026, Resolution and Order; and (iii) **APPROVE** the request for confidential treatment of the information submitted in Exhibit A with this Motion.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 27<sup>th</sup> day of February 2026.

**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 counsels of record at [alexis.rivera@prepa.pr.gov](mailto:alexis.rivera@prepa.pr.gov); [katiuska.bolanos-lugo@us.dlapiper.com](mailto:katiuska.bolanos-lugo@us.dlapiper.com); [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com); [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com); [RegulatoryPREBorders@lumapr.com](mailto:RegulatoryPREBorders@lumapr.com); [jfr@sbgblaw.com](mailto:jfr@sbgblaw.com); [legal@genera-pr.com](mailto:legal@genera-pr.com); [regulatory@genera-pr.com](mailto:regulatory@genera-pr.com).

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