

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

NEPR

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IN RE: ACCELERATED EVALUATION
OF RENEWABLE ENERGY AND
ENERGY STORAGE PROJECT
PROPOSALS TO SECURE FEDERAL
INVESTMENT TAX CREDITS (ITCs)

CASE NO.: NEPR-MI-2025-0005

**SUBMISSION OF THE PUERTO RICO ELECTRIC POWER AUTHORITY
("PREPA") AND YABUCOA ENERGY, LLC PURSUANT TO THE JUNE 11, 2026
RESOLUTION AND ORDER**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW the Puerto Rico Electric Power Authority ("PREPA") and Yabucoa Energy, LLC, by and through their undersigned counsel, and respectfully informs and requests as follows:

1. On June 11, 2026, the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order (the "June 11 Order") directing PREPA and Yabucoa Energy, LLC to continue negotiations and address any remaining matters necessary to determine whether a final agreement could be reached. The June 11 Order further provided that PREPA and Yabucoa Energy, LLC shall complete such negotiations within the timeframe required to comply with the applicable Investment Tax Credit ("ITC") deadlines, which the Energy Bureau indicated should be within seven (7) days from the notification of the Resolution and Order. The June 11 Order also directed that, if the parties reached an agreement, they shall jointly submit the proposed contract to the Energy Bureau within such period for the Energy Bureau's review and determination.

2. On June 11, 2026, PREPA formally initiated the negotiation process with Yabucoa Energy, LLC and transmitted the Tranche 4 RFP Model Contract for its review and consideration. Subsequently, on June 16, 2026, PREPA sent a communication to Yabucoa Energy, LLC requesting confirmation as to whether it accepted the terms and conditions reflected in the Tranche 4 RFP Model Contract and, upon such confirmation, requesting submission of a draft contract duly completed with the project-specific information for Yabucoa Energy, LLC.

3. On June 17, 2026, Yabucoa Energy, LLC confirmed its acceptance of the terms and conditions set forth in the Tranche 4 RFP Model Contract and submitted a draft contract for PREPA's review.

4. Accordingly, PREPA and Yabucoa Energy, LLC hereby submit the negotiated contract to the Energy Bureau for its review, evaluation, and consideration. PREPA and Yabucoa Energy, LLC respectfully requests confidential treatment for the draft contract submitted herewith. This draft agreement constitutes predecisional and deliberative materials generated in the course of ongoing negotiations and reflect internal analyses, assessments, recommendations, and proposed contractual positions that remain subject to review and modification. Public disclosure at this stage would impair the integrity of the deliberative and decision-making process, undermine the parties' ability to negotiate effectively and in good faith, and potentially prejudice the successful completion of the transactions. Accordingly, the draft contract is protected from disclosure under the deliberative process privilege and should remain confidential until the negotiation, approval, and execution processes have been completed.

5. 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).

6. 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.

7. 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.

8. 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.

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

File	Summary of Legal Basis for Confidential Treatment
Draft contract	Deliberative material

10. PREPA respectfully requests that the Energy Bureau take notice of the abovementioned and grant confidential treatment of the information submitted with this Motion.

WHEREFORE, PREPA respectfully requests the Energy Bureau to: (i) take **NOTICE** of the foregoing; (ii) **DEEMS** PREPA in compliance with the June 11 Resolution and Order, and (iii) **GRANT** confidential treatment to the draft contract included.

In San Juan, Puerto Rico, this 18th day of June 2026.

CERTIFICATE OF SERVICE

We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau through its Electronic Filing System at <https://radicacion.energia.pr.gov/login>.

YABUCOA ENERGY, LLC

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