

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

NEPR Received: Jul 2, 2026 8:51 PM

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

SUBJECT: Resolution and Order pertaining Yabucoa Energy, LLC

MOTION IN COMPLIANCE WITH THE JUNE 24, 2026 RESOLUTION AND ORDER

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority ("PREPA"), through its counsel, and respectfully informs and requests as follows:

1. On June 24, 2026, the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order (the "June 24 Order") directing PREPA to submit a complete version of the Agreement, including all missing information necessary to complete the document and enable the Energy Bureau to conduct its review. The June 24 Order requires PREPA to file the completed Agreement within ten (10) days of the notification of the Resolution and Order. To facilitate PREPA's compliance, the Energy Bureau included, as Attachment A to the June 24 Order, a list of the sections and appendices identified during its review as incomplete or requiring additional information.
2. On June 25, 2026, PREPA requested that Yabucoa Energy, LLC provide the information identified by the Energy Bureau and incorporate it into the draft contract, duly completed with the project-specific information for Yabucoa Energy, LLC.

On July 2, 2026, Yabucoa Energy, LLC submitted the revised contract containing the requested information.

3. Accordingly, PREPA hereby submit the negotiated contract to the Energy Bureau for its review, evaluation, and consideration. PREPA respectfully requests confidential treatment for the draft contract submitted herewith. This draft agreement constitute 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.
4. 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).
5. 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.

6. 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.
7. 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.
8. 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

9. PREPA respectfully requests that the Energy Bureau take notice of the abovementioned and approve the request for 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 24

Resolution and Order, and (iii) **GRANT** confidential treatment to the draft contract included.

In San Juan, Puerto Rico, this 2nd day of July 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>.

Counsel for PREPA

s/ Alexis G. Rivera Medina
RUA No. 18747
Legal Affairs Director
Puerto Rico Electric Power Authority
alexis.rivera@prepa.pr.gov
P.O. Box 363928
San Juan, PR 00936
Tel. (787) 521-4643