

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

NEPR

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**IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY'S PERMANENT
RATE**

Case No.: NEPR-MI-2020-0001

Subject: Memorandum of Law in Support of Confidentiality of Anejo B to Motion in Compliance with Resolution and Order of October 9, 2026, and Supplementing Responses to Requests for Information

**MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIALITY OF ANEJO B TO
MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER OF OCTOBER 9,
2026, AND SUPPLEMENTING RESPONSES TO REQUESTS FOR INFORMATION**

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR LLC (“Genera”), through its undersigned counsel and, very respectfully, states and prays as follows:

I. INTRODUCTION

1. On October 13, 2026, Genera filed a *Motion in Compliance with Resolution and Order of October 9, 2026, and Supplementing Responses to Requests for Information* (“October 13 Motion”). The filing responded to the Puerto Rico Energy Bureau’s (“PREB” or “Energy Bureau”) Resolution and Order of October 9, 2026 and supplemented Genera’s prior October 8, 2026 response.

2. As part of the *October 13 Motion*, Genera submitted, as Anejo B, the invoices and supporting documentation responsive to Requirement of Information (b). Anejo B compiles supplier invoices, purchase orders and receiving records, detailed gas delivery support, invoices, completed wire transfer records, and other payment documentation associated with the natural gas supply arrangements requested by the PREB.

3. Genera requested that Anejo B be maintained confidential pursuant to PREB’s Policy on Management of Confidential Information, CEPR-MI-2016-0009, as amended. The *October 13*

Motion expressly advised that Genera would submit a separate memorandum of law supporting the confidentiality designation and corresponding redacted materials for public filing.

4. Genera respectfully submits this Memorandum of Law in support of confidential treatment of Anejo B.

II. IDENTIFICATION OF CONFIDENTIAL INFORMATION

Document Name and File Date	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidential Designation, if applicable	Summary of why each claim or designation conforms to the applicable legal basis for confidentiality
Anejo B – Facturas y documentación de apoyo, filed October 13, 2026.	Whole document	Section 6.15 of Act No. 57-2014, 22 L.P.R.A. § 1054n. PREB Policy on Management of Confidential Information, CEPR-MI-2016-0009. Article 1, Section 1.1 and Article 13 of the OMA. Section 1.10(i) of Act No. 17-2019, 22 L.P.R.A. § 1141i(i). Act No. 80-2011, 10 L.P.R.A. §§ 4131-4133, and Rule 513, Puerto Rico Rules of Evidence.	Anejo B contains non-public commercial, financial, banking, and transactional information concerning fuel supply invoices and payments. It includes supplier specific quantities and delivery data; negotiated unit prices and gas cost elements; invoice amounts; credits and adjustments; payment dates and amounts; bank routing and beneficiary account information; wire confirmation and reference numbers; and internal payment entry, transmission, and approval history. Public disclosure would reveal contract economics, payment practices, and sensitive banking and payment control information.

III. MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIALITY

A. Applicable Law

1. Act No. 57-2014 and the PREB's Policy on Management of Confidential Information

Section 6.15 of Act No. 57 of May 27, 2014, as amended, the Puerto Rico Energy Transformation and RELIEF Act, authorizes a person required to submit information to PREB to request confidential treatment when the information carries a confidentiality privilege. 22 L.P.R.A. § 1054n. If the PREB determines that protection is warranted, it must safeguard the information from public disclosure in a manner that minimally affects the public interest, transparency, and the rights of the parties. The PREB's Policy on Management of Confidential Information, CEPR-MI-2016-0009, implements that statutory authority by requiring the requesting party to identify the information for which protection is sought, the legal basis for the designation, and the reasons supporting confidential treatment.

2. Article 1, Section 1.1 and Article 13 of the OMA

Article 1, Section 1.1 of the OMA defines "Confidential Information" broadly to include data or information disclosed by one Party to another that is protectable as a trade secret or is otherwise confidential. Its non-exclusive examples include non-public financial information, market intelligence, internal cost data, vendor information, and terms of contracts with third parties. The definition therefore encompasses non-public commercial and financial information generated, received, or maintained in connection with the contractual relationship, provided that the information has not otherwise entered the public domain.

Article 13 establishes the OMA's confidentiality regime. Section 13.2(a) requires protected information to be kept strictly confidential, reasonable precautions to be taken against unauthorized disclosure, and the information to be used only for authorized purposes. The OMA also contemplates disclosure to governmental bodies without equating regulatory production with public dissemination and preserves the Operator's ability to identify information as confidential and assert a legal basis for non-disclosure. These protections are directly implicated by Anejo B, which consists of non-public financial and vendor transaction records generated or received in the course of Genera's management of fuels and Fuel Contracts.

3. Section 1.10(i) of Act No. 17-2019, 22 L.P.R.A. § 1141i(i)

Section 1.10(i) of Act No. 17-2019 recognizes, as a matter of Puerto Rico energy public policy, that disclosure obligations do not extend to information that is privileged under the Puerto Rico Rules of Evidence, third-party trade secrets, or information that must remain confidential under a valid confidentiality agreement that is not contrary to the public interest. 22 L.P.R.A. § 1141i(i). This statutory policy reinforces protection of supplier specific commercial and financial information when public disclosure would unnecessarily expose confidential contractual or proprietary interests.

4. Industrial and Trade Secret Protection Act of Puerto Rico, 10 L.P.R.A. §§ 4131-4133, and Rule 513 of the Puerto Rico Rules of Evidence

Puerto Rico law also protects non-public commercial information that has actual or potential independent economic value or provides a business advantage because it is not generally known or readily accessible, when reasonable measures are taken to preserve its confidentiality. Act No. 80-2011 expressly encompasses compilations, methods, techniques, processes, and other business information within its protection. Rule 513 separately recognizes the privilege of the owner of a trade or business secret to prevent unauthorized disclosure, subject to the Rule's terms and appropriate protective measures.

IV. GROUNDS FOR CONFIDENTIALITY

Genera requests confidential treatment of Anejo B to the *October 13 Motion*. Anejo B is an extensive compilation of invoices and payment materials produced in response to PREB's request for invoices and supporting documentation relating to the natural gas supply contracts identified in the October 7 and October 9 Resolutions. The documents reflect actual supplier transactions and payment activity over the requested periods, rather than generalized or publicly available financial summaries.

The invoices and related support disclose commercial information, including quantities of natural gas supplied or made available, site and discharge point allocations, daily delivery data, negotiated unit prices and fuel cost components, total invoice amounts, invoice and due dates, and

credits or adjustments. In the aggregate, this information provides a detailed picture of the economics and administration of the applicable Fuel Contracts and of PREPA's and Genera's actual fuel purchasing requirements and costs.

Anejo B also contains completed wire transfer records and other payment documentation that reveal sensitive banking information. These records identify the account from which payments are initiated, beneficiary bank and routing information, beneficiary account information, payment amounts and effective dates, wire confirmation and reference numbers, and internal entry, transmission, and approval history, including user identifiers and timestamps.

The information falls squarely within the OMA's protection of non-public financial information, internal cost data, vendor related information, and Operator policies and strategies. The protections of Act No. 80-2011 and Rule 513 provide additional support. Anejo B is not a collection of isolated public facts, but a compiled record of pricing, quantities, credits, adjustments, payment data, banking information, and internal transaction information. The commercial value of that compilation derives in substantial part from the fact that it is not generally available to market participants, and Genera has treated the materials as confidential by limiting their disclosure and filing them with PREB under a confidentiality designation.

Whole-document protection is warranted because confidential information is pervasive throughout Anejo B. The invoice pages repeatedly combine non-public quantities, prices, credits, amounts, delivery data, and bank-payment instructions, while the wire records themselves are principally composed of banking, transaction, and internal approval information. Attempting to segregate only isolated numbers would leave the remaining documents capable of revealing the same commercial and financial information through context and would not adequately mitigate the payment security concerns.

The request is also narrowly tailored, as the PREB will retain full access to the unredacted materials for its regulatory review, while the public filing can identify the nature of the documents without exposing the sensitive details. For these reasons, confidential treatment of Anejo B in its

entirety is narrowly tailored and appropriate under Section 6.15 of Act No. 57-2014, PREB's Confidentiality Policy, the OMA, Act No. 17-2019, Act No. 80-2011, and Rule 513.

WHEREFORE, Genera respectfully requests that PREB take notice of the foregoing and grant confidential treatment to Anejo B of the *Motion in Compliance with Resolution and Order of October 9, 2026, and Supplementing Responses to Requests for Information*, filed on October 13, 2026.

In San Juan, Puerto Rico, this October 23, 2026.

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