

SECRETARIA  
COMISION DE ENERGIA DE  
PUERTO RICO

**COMMONWEALTH OF PUERTO RICO**  
**PUERTO RICO ENERGY BUREAU**

IN RE: REVIEW OF THE PUERTO  
RICO ELECTRIC POWER  
AUTHORITY INTEGRATED  
RESOURCE PLAN

NO. CEPR-AP-2018-0001

**SUBJECT:** PREPA'S COMBINED  
COMPLIANCE FILING AND  
MEMORANDUM ON  
CONFIDENTIALITY FOR ITEM DUE  
AUGUST 31, 2018

**PREPA'S COMBINED COMPLIANCE FILING  
AND MEMORANDUM ON CONFIDENTIALITY  
FOR ITEM DUE AUGUST 31, 2018**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority ("PREPA") and respectfully submits to the honorable Puerto Rico Energy Bureau (the "Bureau")<sup>1</sup> PREPA's Combined Compliance Filing and Memorandum on Confidentiality for the item Due August 31, 2018, under the Bureau's Resolution and Order of August 17, 2018, Appendix A, Section II, item 1. This Compliance Filing consists of the information provided in Section I of this Filing plus the seven Attachments referenced herein.

PLEASE NOTE that the seven Attachments will be filed by means of PREPA providing the documents to the Bureau through the SharePoint secure document sharing tool, rather than in hard copy or by email, as explained below.

PLEASE ALSO NOTE that PREPA, pursuant to federal and Puerto Rico law, including but not limited to the Bureau's Regulation on Integrated Resource Plan for the Puerto Rico Electric Power Authority (Regulation No. 9021), has designated the seven

<sup>1</sup> References herein to the Bureau include the Puerto Rico Energy Commission when applicable.

Attachments as Critical Energy Infrastructure Information ("CEII")<sup>2</sup> that is protected under federal and Puerto Rico law. CEII is highly sensitive information that needs very careful protection, as has been recognized by the Energy Bureau on many occasions in many past dockets. When PREPA has been required to produce CEII, the material usually has restricted to possession and review by Commissioners and staff only, although sometimes formal intervenors have been allowed very carefully controlled opportunities to review some CEII material in some circumstances. For the sake of efficiency, PREPA has included as Section II of this filing a Memorandum of Law to support its designations.

**I. INFORMATION AND MATERIAL BEING PRODUCED**

1. The information and material being produced includes the discussion in paragraph 3 plus the seven Attachments.

2. The Bureau's August 17<sup>th</sup> order, Appendix A, Section II, contains a single item: item 1. Item 1 states:

Please provide the document describing and explaining the ongoing "coordination" work as described in slide 37 of PREPA's August 14, 2018 Technical Conference presentation. Provide at least a sample of the maps being created as part of that process, preferably for heavier-loaded areas in the north in the San Juan region.

3. PREPA's narrative response to item 1 is as follows. The coordination with Distribution has the following objectives:

- a. Identification of Critical loads / Priority loads by substation and associated feeders. Based on this information we will identify

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<sup>2</sup> To the extent that any of the Critical Infrastructure Information involved in this filing involves the water system rather than the energy system, the same concerns and legal principles apply, although some of the citations in the Memorandum of Law are specific to CEII.

which substations need to remain connected either via underground lines or hardened overhead line to the substations with generation. The hardening of the associated infrastructure (substations and lines) depends on whether the substation has critical loads. If critical loads are present, the load needs to be served throughout the event or shortly thereafter. Otherwise substations with only priority loads need to be reenergized in a maximum of 10 days. The information is presented in the spreadsheets included that are referenced below. The draft map for the Carolina region was included in the previous filing of August 24, 2018. The remaining maps will be delivered when ready. The included files that are being provided through SharePoint are:

1. DRAFT-Confidential Critical Infrastructure of the Distribution System - Arecibo Region with Demands.pdf
2. DRAFT-Confidential Critical Infrastructure of the Distribution System - Bayamón Region with Demands.pdf
3. DRAFT-Confidential Critical Infrastructure of the Distribution System - Caguas Region with Demands.pdf
4. DRAFT-Confidential Critical Infrastructure of the Distribution System - Carolina Region with Demands.pdf
5. DRAFT-Confidential Critical Infrastructure of the Distribution System - Mayagüez Region with Demands.pdf
6. DRAFT-Confidential Critical Infrastructure of the Distribution System - Ponce Region with Demands.pdf
7. DRAFT-Confidential Critical Infrastructure of the Distribution System - San Juan Region with Demands.pdf



- b. Identification of investments at the transmission level (38 kV and above) to interconnect the generation points with the critical loads or priority loads as described above. This is work in progress.
- c. Transmission studies of the minigrid in isolated mode and confirmation of adequacy. This work is pending on the results of the generation expansion plan and the finalization of the tasks above. This study may identify additional transmission level reinforcements.
- d. Review of selected distribution level hardening projects to assess their adequacy and level of investments. This work is being coordinated with PREPA's operational districts.
- e. Coordination of implementation plans to ensure that the transmission priorities align with distribution priorities and both T&D investments are in place in logical manner; transmission to support distribution and distribution to make use of the resilient transmission.

## II. MEMORANDUM OF LAW

### A. Legal Principles

4. In brief, the public disclosure of CEII may pose a security threat to Puerto Rico in that the information could be useful to a person or group in planning an attack on critical infrastructure. See, e.g., 18 C.F.R. § 388.113, as amended by Federal Energy Regulatory Commission ("FERC") Order No. 683, "Critical Energy Infrastructure Information" (issued September 21, 2006); "USA Patriot Act of 2001", § 1016, creating

the "Critical Infrastructures Protection Act of 2001", including 42 U.S.C. § 5195c(e) (defining "Critical infrastructure").

5. Under the Critical Infrastructures Protection Act of 2001, the term "critical infrastructure" means "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health, safety, or any combination of those matters." 42 U.S.C. § 5195c(e).

6. In 2006, FERC Order No. 683 amended the regulations for gaining access to CEII and simplified procedures for obtaining access to CEII without increasing vulnerability of the energy infrastructure and ensuring that access to CEII does not facilitate acts of terrorism.

7. A utility is not required to obtain FERC or other federal government approval in order to designate information as CEII. For example, information required by FERC's Annual Transmission Planning and Evaluation Report, Form No. 715, ("FERC No. 715"), is *de facto* considered CEII and is automatically afforded the heightened protections thereto. FERC No. 715 requires that any transmitting utility that operates integrated (non-radial) transmission facilities at or above 100 kV must annually submit information included but not limited to: Power Flow Base Cases, Transmitting Utility Maps and Diagrams, Transmission Planning Reliability Criteria, Transmission Planning Assessment Practices, and Evaluation of Transmission System Performance. Any utility that submits the required transmission information pursuant to FERC No. 715 does so under the knowledge that FERC "considers the information collected by this

report to be Critical Energy Infrastructure Information (CEII) and will treat it as such." 18 C.F.R. § 141.300(d).


8. PREPA further states that its advisors from Siemens and its outside regulatory counsel have informed it that, in their experience, when involved in investigations or discovery before mainland utility regulatory commissions, the regulator has not required a utility that designated material as CEII to follow any process before the federal government in order to make or support such a designation before the commission, and, further, that the regulator at its informed discretion can establish limits on how information that it consider CEII can be accessed.

9. As noted earlier, the Energy Bureau, on many occasions in many prior dockets, has accepted PREPA's designations of material as CEII, recognizing that both federal law and Puerto Rico law support such designations when applicable.

10. In addition, the Bureau's IRP regulation contains multiple provisions that recognizes CEII and other grounds for confidentiality designations. See, e.g., Regulation No. 9021, § 1.15.

11. PREPA has made the confidentiality designations in this filing based on its careful assessment of the contents of the materials.

12. Accordingly, PREPA respectfully requests that the Bureau accept the confidentiality designations and treat all of the designated material as possession and review restricted to Commissioners and their staff only.

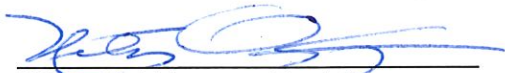


WHEREFORE, the Puerto Rico Electric Power Authority respectfully requests that the Honorable Puerto Rico Energy Bureau accept this Compliance Filing, including the Confidentiality designations.

RESPECTFULLY SUBMITTED,

IN SAN JUAN, PUERTO RICO, THIS 31st DAY OF AUGUST, 2018

PUERTO RICO ELECTRIC POWER AUTHORITY

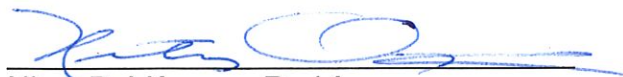


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### CERTIFICATION OF FILING AND SERVICE

I hereby certify that on August 31, 2018, I have sent the above Filing to the Puerto Rico Energy Bureau through its Clerk via email to [secretaria@energia.pr.gov](mailto:secretaria@energia.pr.gov) and [mcintron@energia.pr.gov](mailto:mcintron@energia.pr.gov); and to the office of the Bureau's internal legal counsel via email to [legal@energia.pr.gov](mailto:legal@energia.pr.gov) and [sugarte@energia.pr.gov](mailto:sugarte@energia.pr.gov); provided that the Attachments are being provided not in hard copy or by email but rather through SharePoint as noted in the Filing.



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