

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

**IN RE:** REVIEW OF THE PUERTO RICO  
ELECTRIC POWER AUTHORITY'S SYSTEM  
REMEDICATION PLAN

**CASE NO.:** NEPR-MI-2020-0019

**SUBJECT:** Determination on LUMA's  
Request for Confidential Designation and  
Treatment to Portions of Exhibit 1 of the  
February 24, 2021 Filing.

**RESOLUTION AND ORDER**

On February 24, 2021, LUMA ENERGY, LLC as ManagementCo, and LUMA ENERGY SERVCO, LLC as ServCo (collectively, "LUMA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *LUMA's Submittal and Request for Approval of System Remediation Plan* ("February 24 Petition") in compliance with Section 6.22(a)(2) of Act 57-2014.

On February 24, 2021, LUMA also submitted a document titled *Request to Submit Portions of Section 6 of the System Remediation Plan [sic] Confidentially, and Memorandum of Law in Support Thereof* ("Request of Confidential Treatment"). As of the *Request of Confidential Treatment*, LUMA asked confidential designation and treatment for portions of Section 6 of Exhibit 1 of the February 24 Petition. Section 6.0 includes several portfolios of the System Remediation Plan Improvement Programs. LUMA alleged that portions of Section 6 of Exhibit 1 contain information that qualifies as sensitive commercial information and trade secrets under Act 80-2011<sup>1</sup> and Critical Energy Infrastructure Information ("CEII") under federal law,<sup>2</sup> which is also protected under Puerto Rico law.<sup>3</sup> LUMA requested the Energy Bureau to grant confidential designation and treatment to the referred portions of Attachments D.

LUMA supported many of its confidentiality requests with allegations it is sensitive commercial information. Specifically, LUMA alleged that Sections 3.1, 3.2 and 3.3 of Section 6 of Exhibit 1, which contain estimated expenditures, program resources requirements and assumptions on costs, should be kept confidential to secure the orderly conduct of future competitive procurement processes and to avoid granting unfair advantages to suppliers and/or potential proponents of bidders.<sup>4</sup> Table 1 below details the portions of Section 6 of Exhibit 1 for which LUMA requested confidential designation and treatment:

<sup>1</sup> Known as the *Law for the Protection of Commercial and Industrial Secrets of Puerto Rico*, as amended.

<sup>2</sup> See 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.

<sup>3</sup> Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>4</sup> See *Request of Confidential Treatment*, pp. 7-8 and 17-18.



*[Handwritten signatures and initials in blue ink, including 'John', 'AA', and 'S']*

**Table 1: LUMA's Request for Confidential Information Designation and Treatment**

<b>Document</b>	<b>Pages in which Confidential Information is Found</b>	<b>Date of Filing</b>	<b>Summary of Legal Basis for Confidentiality Protection</b>	<b>Summary of Reasons Why Each Claim Conforms to Legal Basis for Confidentiality</b>
SRP Sections 6.1 through 6.7	Sections 3.1, 3.2 and 3.3  Pages: 59, 68, 71, 75, 79, 86-88, 92-93, 98, 107-108, 112-113, 118-119, 123-124, 131-132, 136-137, 140-141, 148-149, 152, 156-157, 164- 165, 168-169, 172- 173, 176, 181, 189, 195-196, 202-203, 208-209, 213-214, 218-219, 226-227, 235, 238, 250-251, 257, 264, 271, 278, 285, 290, 294-295, 299-300, 303-304, 310, 313-314, 317- 318, 321-322.	2/24/21	Sensitive Commercial Information and Trade Secrets under Act 80- 2011	Section III A of this Memorandum discusses and shows that the specified portions of the SRP includes information for future acquisitions of good and services that may provide unfair advantages to suppliers or proponents and could harm the public interest.
SRP, Section 6.5 <b>Critical Energy Management System Upgrades</b>	Sections 2.1 -2.6, pages 166-168	2/24/21	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum provides the legal basis to establish that that the specified sections of the SRP includes confidential information.
SRP, Section 6.5 <b>Critical Energy Management &amp; Load Generation Balancing</b>	Sections 2.1 -2.6, Pages 178-181	2/24/21	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum provides the legal basis to establish that that the specified sections of the SRP includes confidential information.
SRP Section 6.5	Sections 2.1 -2.6, Pages 170-173	2/24/21	Critical Energy Infrastructure Information 18	Section III B of this Memorandum provides the legal basis to

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<b>Document</b>	<b>Pages in which Confidential Information is Found</b>	<b>Date of Filing</b>	<b>Summary of Legal Basis for Confidentiality Protection</b>	<b>Summary of Reasons Why Each Claim Conforms to Legal Basis for Confidentiality</b>
<b>Control Center Construction &amp; Refurbishment</b>			C.F.R. § 388.113; 6 U.S.C. §§ 671-674	establish that that the specified sections of the SRP includes confidential information.
<b>SRP Section 6.3 IT OT Telecom Systems &amp; Networks</b>	Sections 2.1 -2.6, Pages 102-108	2/24/21	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum provides the legal basis to establish that that the specified sections of the SRP includes confidential information.
<b>SRP Section 6.7 IT OT Cybersecurity Program</b>	Sections 2.1 -2.6, Pages 259-264	2/24/21	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum provides the legal basis to establish that that the specified sections of the SRP includes confidential information.
<b>SRP Section 6.4 Physical Security for Distribution Facilities</b>	Sections 2.1 -2.6, Pages 150-152	2/24/21	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum provides the legal basis to establish that that the specified sections of the SRP includes confidential information.
<b>SRP Section 6.4 Transmission Substation Security</b>	Sections 2.1 -2.6, pages 138-141	2/24/21	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum provides the legal basis to establish that that the specified sections of the SRP includes confidential information.
<b>Appendix F to the SRP</b>	Pages 349-356	2/24/21	Critical Energy Infrastructure Information 18 C.F.R. §	Section III B of this Memorandum provides the legal basis to establish that that the

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 JMD  
 JAA  
 SPON  
 A



Document	Pages in which Confidential Information is Found	Date of Filing	Summary of Legal Basis for Confidentiality Protection	Summary of Reasons Why Each Claim Conforms to Legal Basis for Confidentiality
			388.113; 6 U.S.C. §§ 671-674	specified sections of the SRP includes confidential information.
Appendix D to the SRP	Pages 333-334 "Conceptual Transmission and Distribution 10-Year Capital Investment Plan, by Sargent & Lundy;  Build Back Better Report by Navigant Consulting	2/24/21	Article 4 of Act 122- 2019, 3 LPRA §9894 And Section 13.2(a) of the OMA	Section III C of this Memorandum provides the legal basis to establish that that the specified sections of the SRP includes confidential information

Act 57-2014<sup>5</sup> establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.<sup>6</sup> Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".<sup>7</sup> In such case, the Energy Bureau "shall grant such protection **in a manner that least affects the public interest, transparency,** and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted."<sup>8</sup>

Upon review of LUMA's arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to the portions of Exhibit 1 as described in Table 2 below, under Article 6.15 of Act 57-2014.

<sup>5</sup> *Id.*

<sup>6</sup> Section 6.15 of Act 57-2014.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* (Emphasis added).



**Table 2: Designated Confidential Information**

<b>Document</b>	<b>Sections Granted Confidentiality</b>	<b>Basis for Protection</b>
SRP Section 6.3 <b>IT OT Telecom Systems &amp; Networks</b>	Sections 2.1 -2.6 Pages 102-108	Critical Energy Infrastructure Information
SRP Section 6.4 <b>Transmission Substation Security</b>	Sections 2.1 -2.6 pages 138-141	Critical Energy Infrastructure Information
SRP Section 6.4 <b>Physical Security for Distribution Facilities</b>	Sections 2.1 -2.6 Pages 150-152	Critical Energy Infrastructure Information
SRP, Section 6.5 <b>Critical Energy Management System Upgrades</b>	Sections 2.1 -2.6 Pages 166-168	Critical Energy Infrastructure Information
SRP Section 6.5 <b>Control Center Construction &amp; Refurbishment</b>	Sections 2.1 -2.6 Pages 170-173	Critical Energy Infrastructure Information
SRP, Section 6.5 <b>Critical Energy Management &amp; Load Generation Balancing</b>	Sections 2.1 -2.6 Pages 178-181	Critical Energy Infrastructure Information
SRP Section 6.7 <b>IT OT Cybersecurity Program</b>	Sections 2.1 -2.6 Pages 259-264	Critical Energy Infrastructure Information
Appendix F to the SRP	Pages 353-356	Critical Energy Infrastructure Information

The Energy Bureau **DETERMINES** that the portions of Section 6 of Exhibit 1, as described in Table 3 below, will not be treated as confidential information.

*[Handwritten signatures and initials in blue ink, including 'Jm', 'JAB', 'SPK', and 'M']*





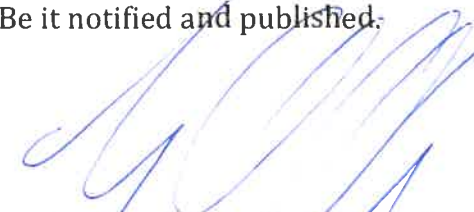
**Table 3: Designated Public Information**

Document	Sections
SRP Sections 6.1 through 6.7	Sections 3.1, 3.2 and 3.3  Pages: 59, 68, 71, 75, 79, 86-88, 92-93, 98, 107-108, 112-113, 118-119, 123-124, 131-132, 136-137, 140-141, 148-149, 152, 156-157, 164- 165, 168-169, 172- 173, 176, 181, 189, 195-196, 202-203, 208-209, 213-214, 218-219, 226-227, 235, 238, 250-251, 257, 264, 271, 278, 285, 290, 294-295, 299-300, 303-304, 310, 313-314, 317-318, 321-322.
Appendix F to the SRP	Pages 349-352
Appendix D to the SRP	Pages 333-334 "Conceptual Transmission and Distribution 10-Year Capital Investment Plan", by Sargent & Lundy;  Build Back Better Report by Navigant Consulting

The Energy Bureau **ORDERS** LUMA to submit, within **two (2) days** from the notification date of this Resolution and Order, a revised redacted (*i.e.*, public) version of Exhibit 1, in accordance with this Resolution and Order.

The Energy Bureau **WARNS** LUMA that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014<sup>13</sup> and applicable Energy Bureau's regulations and any other appropriate administrative sanctions, as deemed appropriate by the Energy Bureau.

Be it notified and published:

  
 \_\_\_\_\_  
 Edison Avilés Deliz  
 Chair

  
 \_\_\_\_\_  
 Lillian Mateo Santos  
 Associate Commissioner

  
 \_\_\_\_\_  
 Ferdinand A. Ramos Soegaard  
 Associate Commissioner

  
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 Sylvia B. Ugarte Araujo  
 Associate Commissioner



## CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on April 23, 2021. Associate Commissioner Ángel R. Rivera de la Cruz did not intervene. I also certify that on April 23, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: kbolanos@diazvaz.law, jmarrero@diazvaz.law, margarita.mercado@us.dlapiper.com, astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, legal@lumamc.com, wayne.stensby@lumamc.com, mario.hurtado@lumamc.com, Ashley.engbloom@lumamc.com, jgob@aeepr.com. A copy was also sent to: elias.sostre@aes.com; jesus.bolinaga@aes.com; cfl@mcvpr.com; ivc@mcvpr.com; notices@sonnedix.com; leslie@sonnedix.com; victorluisgonzalez@yahoo.com; tax@sunnova.com; jcmendez@reichardescalera.com; r.martinez@fonroche.fr; gonzalo.rodriguez@gestampren.com; kevin.devlin@patternenergy.com; fortiz@reichardescalera.com; jeff.lewis@terraform.com; mperez@prrenewables.com; coterro@landfillpr.com; geoff.biddick@radiangen.com; hjcruz@urielrenewables.com; carlos.reyes@ecoelectrica.com; brent.miller@longroadenergy.com; tracy.deguise@everstreamcapital.com; agraitfe@agraitlawpr.com; h.bobea@fonrochepr.com; ramonluisnieves@rlnlegal.com; hrivera@oipc.pr.gov; info@sesapr.org; yan.oquendo@ddec.pr.gov; acarbo@edf.org; pjcleanenergy@gmail.com; Jmadej@veic.org; nicolas@dexgrid.io; javrua@gmail.com; JavRua@sesapr.org; lmartinez@nrdc.org; thomas.quasius@aptim.com; rtorbert@rmi.org; tjtorres@amscm.com; lionel.orama@upr.edu; noloseus@gmail.com; aconer.pr@gmail.com; dortiz@elpuente.us; wilma.lopez@ddec.pr.gov; gary.holtzer@weil.com; ingridmvila@gmail.com; rstgo2@gmail.com; agc@agcpr.com; presidente@ciapr.org; cpsmith@unidosporutuado.org; jmenen6666@gmail.com; cpares@maximosolar.com; CESA@cleanegroup.org; acasepr@gmail.com; secretario@ddec.pr.gov; julia.mignuccisanchez@gmail.com; professoraviles@gmail.com; gmch24@gmail.com; ausubopr88@gmail.com; carlos.rodriguez@valairlines.com; amaneser2020@gmail.com; acasellas@amgprlaw.com; presidente@camarapr.net; jmarvel@marvelarchitects.com; amassol@gmail.com; jmartin@arcainc.com; melitza.lopez@aep.pr.gov; eduardo.rivera@afi.pr.gov; leonardo.torres@afi.pr.gov; carsantini@gmail.com; directoralcaldes@gmail.com; imolina@fedalcaldes.com; LCSchwartz@lbl.gov; thomas@fundacionborincana.org; cathykunkel@gmail.com; joseph.paladino@hq.doe.gov; adam.hasz@ee.doe.gov; Sergio.Gonsales@patternenergy.com; energiaverdepr@gmail.com; Arnaldo.serrano@aes.com; gustavo.giraldo@aes.com; accounting@everstreamcapital.com; mgrpcorp@gmail.com; jczayas@landfillpr.com; auriarte@newenergypr.com; Jeanna.steele@sunrun.com; mildred@liga.coop; rodrigomasses@gmail.com; presidencia-secretarias@seguros multiples.com.

I also certify that today, April 23, 2021, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.



I sign this in San Juan, Puerto Rico, today April 23, 2021.



Sonia Seda Gaztambide  
Clerk

