

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

NEPR Received: Apr 26, 2021 5:07 PM
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IN RE: REVIEW OF PUERTO RICO
ELECTRIC SYSTEM REMEDIATION PLAN

CASE NO. NEPR-MI-2020-0019

SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Portions of Responses to Requests for Information on System Remediation Plan (“SRP”).

**MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL
TREATMENT OF PORTIONS OF LUMA’S RESPONSES TO REQUESTS FOR
INFORMATION ON SRP**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”), (jointly referred to as the “Operator” or “LUMA”), and respectfully state and request the following:

I. Introduction

On February 24, 2021, LUMA filed before this honorable Puerto Rico Energy Bureau (“Energy Bureau”) a Request for Approval of the System Remediation Plan (“SRP Petition”), pursuant to LUMA’s obligations under Section 4.1 (d) of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement dated as of June 22, 2020, executed by and among LUMA, the Puerto Rico Electric Power Authority (“PREPA”) and the Puerto Rico Public-Private Partnerships Authority (“P3 Authority”) (“OMA”). On April 6, 2021, this honorable Energy Bureau issued a Resolution and Order on “Completeness” of LUMA’s System Remediation Plan (“SRP”) (“April 6th SRP Order”) whereby, among others, this honorable Energy Bureau directed LUMA to, within ten days, provide information and responses to the requests for

information that were included in Attachment to the April 6th SRP Order (“Requests for Information”). *Id.*

On April 16, 2021, LUMA filed before this honorable Energy Bureau a “Motion in Compliance with Resolution and Order of April 6, 2021 and Submitting Responses to Requests for Information” (“Motion Submitting Responses to SRP Requests for Information”). Exhibit 1 to the Motion Submitting Responses to SRP Requests for Information included LUMA’s responses to the Requests for Information and several attachments some of which are confidential (“Responses to SRP Requests for Information”). LUMA also submitted for the record using the Bureau’s electronic filing system, a “public” version of the Responses to SRP Requests for Information and attachments, as well as “redacted” versions of several confidential attachments. A “non-Redacted” or “confidential” version of several confidential attachments was sent via e-mail message to the Bureau’s clerks’ office.

At pages 2 through 4, the Motion Submitting Responses to SRP Requests for Information identifies the attachments that were submitted confidentially with this Energy Bureau and that LUMA requests should be accepted and maintained confidentially. In said Motion at page 4, paragraph 5, LUMA also explained that a separate supporting legal memorandum would be filed forthwith in compliance with the Energy Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, and partially amended on September 16, 2016 (“Bureau’s Policy on Confidential Information”).

As will be explained in this Memorandum, several attachments or portions thereof, of the Responses to SRP Requests for Information, include confidential information in the form of critical energy infrastructure information or critical electric infrastructure information (“CEII”), and warrant protection from public disclosures pursuant to federal statutes and regulations, *see e.g.*,

6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020), and the Bureau's Policy on Confidential Information. The CEII involves information on safety systems and assessments of critical infrastructure on distribution, transmission and generation of energy that, if disclosed, would expose Puerto Rico's electric power grid to attacks to the detriment of the public interest.

Secondly, attachment 1 to LUMA's Response to SRP Request for Information number 3 includes sensitive commercial information on resource needs, details on future expenses, supporting work papers and work product with estimations, methods and assumptions on future acquisitions, and detailed information on expenditure categories by year, that may provide unfair advantages to suppliers or proponents and could harm the public interest. This information should be protected from public disclosure to secure the orderly conduct of proceedings for competitive acquisition of goods and services. Also, attachment 2 to LUMA's Response to SRP Request for Information number 12, includes LUMA's trade secrets and sensitive commercial information that should be protected from disclosure.

In compliance with the Bureau's Policy on Confidential Information, LUMA submits this supporting Memorandum of Law that further identifies the confidential attachments to the Responses to SRP Requests for Information and states the legal basis for the requested confidential treatment. As is explained in the table at Section IV *infra*, some attachments are confidential in their entirety and/or due to formatting, they cannot be redacted. Thus, public redacted versions of some attachments (duly identified in the table at Section IV *infra* and in the Motion Submitting Responses to SRP Requests for Information) could not be generated for submission. As stated in the Motion Submitting Responses to SRP Requests for Information, it is respectfully requested that the Bureau accept those attachments in confidential form and exempts LUMA from filing unredacted versions of the same.

It is respectfully submitted that in furtherance of Act 57-2014's mandate that documents submitted before the Bureau should be kept out of public reach only in exceptional circumstances, this honorable request for confidential designation of portions of the attachments to the Responses to SRP Requests for Information is narrowly tailored to specifically protect the information that has been identified as confidential pursuant to applicable law.

II. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

The bedrock provision on management of confidential information that is filed before this Energy Bureau, is Section 6.15 of Act 57-2014, known as the "Puerto Rico Energy Transformation and Relief Act." It provides, in pertinent part, that: "[i]f any person who is required to submit information to the Energy Commission believes that the information to be submitted has any confidentiality privilege, such person may request the Commission to treat such information" 22 LPRA §1054n. If the Bureau determines, after appropriate evaluation, that the information should be protected, "it 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." *Id.*, Section 6.15 (a).

Access to the confidential information shall be provided "only to the lawyers and external consultants involved in the administrative process after the execution of a confidentiality agreement." *Id.* Section 6.15(b). Finally, Act 57-2014 provides that this Energy Bureau "shall keep the documents submitted for its consideration out of public reach only in exceptional cases. In these cases, the information shall be duly safeguarded and delivered exclusively to the personnel of the [Bureau] who needs to know such information under nondisclosure agreements. However, the [Bureau] shall direct that a non-confidential copy be furnished for public review. *Id.* Section 6.15 (c).

The Bureau's Policy on Confidential Information," details the procedures that a party should follow to request that a document or portion thereof, should be afforded confidential treatment. In essence, the referenced Policy requires identification of the confidential information and the . . . filing of a memorandum of law explaining the legal basis and support for a request to file information confidentially. *See* CEPR-MI-2016-0009, Section A, as amended by the Resolution of September 16, 2016, CEPR-MI-2016-0009. The memorandum should also include a table that identifies the confidential information, includes a summary of the legal basis for the confidential designation and a summary of the reasons why each claim or designation conforms to the applicable legal basis of confidentiality. *Id.* paragraph 3. The party who seeks confidential treatment of information filed with the Bureau must also file both "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.* paragraph 6.

The aforementioned Bureau policy on management of confidential information in procedures states the following with regards to access to validated Trade Secret Information and CEII:

1. Trade Secret Information

Any document designated by the [Energy Bureau] as Validated Confidential Information because it is a trade secret under Act 80-2011 may only be accessed by the Producing Party and the [Bureau], unless otherwise set forth by the [Bureau] or any competent court.

2. Critical Energy Infrastructure Information ("CEII")

The information designated by the [Energy Bureau] as Validated Confidential Information on the grounds of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Nondisclosure Agreement.

Those authorized representatives who have signed the Non-Disclosure Agreement may only review the documents validated as CEII at the [Energy Bureau] or the Producing Party's offices. During the review, the authorized representatives may not copy or

disseminate the reviewed information and may bring no recording device to the viewing room.

Id. Section D (on Access to Validated Confidential Information).

Relatedly, Bureau Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, includes a provision for filing confidential information in adjudicatory proceedings before this honorable Bureau. To wit, Section 1.15 provides that, “a person has the duty to disclose information to the [Bureau] considered to be privileged pursuant to the Rules of Evidence, said person shall identify the allegedly privileged information, request the [Bureau] the protection of said information, and provide supportive arguments, in writing, for a claim of information of privileged nature. The [Bureau] shall evaluate the petition and, if it understands [that] the material merits protection, proceed accordingly to . . . Article 6.15 of Act No. 57-2015, as amended.” *See also* Bureau Regulation No. 9137 on *Performance Incentive Mechanisms*, Section 1.13 (addressing disclosure before the Bureau of Confidential Information and directing compliance with Resolution CEPR-MI-2016-0009).

III. Request for Confidentiality

A. Sensitive Commercial Information

Under the Industrial and Trade Secret Protection Act of Puerto Rico, Act 80-2011, 10 P.R. Laws Annot. §§ 4131-4144, industrial or trade secrets are deemed to be any information:

- (a) That has a present or a potential independent financial value or that provides a business advantage, insofar as such information is not common knowledge or readily accessible through proper means by persons who could make a monetary profit from the use or disclosure of such information, and
- (b) for which reasonable security measures have been taken, as circumstances dictate, to maintain its confidentiality.

Id. §4131, Section 3 Act. 80-2011.¹ They include, but are not limited to, processes, methods and mechanisms, manufacturing processes, formulas, projects or patterns to develop machinery and lists of specialized clients that may afford an advantage to a competitor. *See* Statement of Motives, Act 80-2011.

The Puerto Rico Supreme Court has explained that the trade secrets privilege protects free enterprise and extends to commercial information that is confidential in nature. *Ponce Adv. Med. v. Santiago Gonzalez*, 197 DPR 891, 901-02 (2017) (citation omitted).

As identified in the table at Section IV *infra*, Attachment 1 to RFI-LUMA-MI-20-0019-21046-PREB-003, which is an excel table, includes commercial information on estimated expenditures, program resources requirements, and estimations and assumptions on costs. The commercially sensitive and confidential information includes: (i) information on acquisition of goods and services, (ii) LUMA original supporting work papers and work product with estimations, methods and assumptions on future acquisitions, and (iii) information on expenditure categories by year. This information may provide unfair advantages to suppliers or proponents and could harm the public interest. The attachments and information should be kept confidentially to secure the orderly conduct of future competitive procurement processes. Disclosure of the information will stifle future competitive processes and the possibility of competitive tension to further reduce costs since participants will have had the benefit of seeing LUMA's assessments per programs and

¹ Relatedly, Rule 513 of the Rules of Evidence of Puerto Rico provides that the owner of a trade secret may invoke the privilege to refuse to disclose, and to prevent another person, from disclosing trade secrets, provided that these actions do not tend to conceal fraudulent actions or lead to an injustice. 32 P.R. Laws Annot. Ap. VI, R. 513. If a court of law mandates disclosure of a trade secret, precautionary measures should be adopted to protect the interests of the owner of the trade secret. *Id.*

individual initiatives, estimates, original analysis and work product on proposed allocation of funds and for the acquisition of these goods and services related to SRP programs and initiatives.²

LUMA requests that attachment 1 to RFI-LUMA-MI-20-0019-21046-PREB-003, identified in Table Section IV, *infra*, as commercially sensitive information be maintained confidentially before this Energy Bureau as it contains information whose premature disclosure would also contravene public policy on competitive procurement processes and will impede efficient allocation of ratepayer funds that have been earmarked to be invested in programs that would be funded over the next three years to deliver value to customers in accordance with policy and contractual requirements and within annual budget constraints. The aforementioned Attachment 1 is also an original document produced by LUMA personnel that has not been disclosed to the public in its native excel format. It would be detrimental to LUMA's commercial interests protected under law, to have this original work-product become part of the public domain. It has been submitted to this honorable Energy Bureau as an aid in considering the SRP filing and in compliance with the April 6th SRP Order that required supporting workpapers on the SRP Prioritization Tool that was used to determine the SRP Program Prioritization and Sequencing Process. On balance, the confidentiality of LUMA's original working papers and assessments should be protected as it includes, as a whole, detailed information on resources that LUMA will need to acquire in the future as it implements the SRP.

² As persuasive authority on the need to protect from early disclosure, information relevant to competitive procurement processes, LUMA requests that this honorable Energy Bureau consider Section 10.1 of the Joint Regulation 8815, *Joint Regulation for the Procurement, Evaluation, Selection, Negotiation and Award of Contracts for the Purchase of Energy and for the Procurement, Evaluation, Selection, Negotiation and Award Process for the Modernization of the Generation Fleet*, which provides for the confidentiality of information presented for procurement processes within PREPA, prior to awarding a contract, and that preserves the confidentiality of trade secrets, proprietary information or privileged and confidential information.

Also relevant is PREPA's Regulation on Public Auctions, Regulation No. 8518 with gives PREPA discretion to designate confidential materials that are part the record of an auction for acquisition of goods and services.

Finally, Attachment 2 to RFI-LUMA-MI-20-0019-21046-PREB-012 (Excel table), includes LUMA's assessments on System Performance that have not be divulged to the public and that are LUMA's original analysis and estimations on systems interruptions. It is a document prepared by LUMA on system interruption indices and metrics which involve processes and calculations by LUMA's subject-matter experts. Its disclosure will inure commercial harm to LUMA if competitors gain access to how LUMA compiles and analyzes information on systems interruptions to reach its calculations. A review of Attachment 2 to Response 12 shows that the excel table includes detailed calculations that go beyond merely stating a conclusion or reproducing raw data.

Respectfully, LUMA has not identified a public policy interest or mandate that would counsel in favor of disclosing to the public LUMA's original calculations on systems interruptions. It is respectfully submitted that the information that LUMA has provided for the public docket, including the comments and submissions filed in cases NEPR-MI-2019-0017 and NEPR-AP-2020-0025, are comprehensive and duly inform the public and interested stakeholders on LUMA's assessment of PREPA's system performance and on systems interruptions.³

B. Critical Energy/Electric Infrastructure Information (CEII)

Several of the attachments that LUMA included with its Responses to SRP Requests for Information, reference critical energy infrastructure information that, under relevant Federal Law and Regulations, is protected from public disclosure and receives confidential treatment. In several proceedings, this Energy Bureau has considered and/or granted requests by PREPA to submit CEII

³ This honorable Energy Bureau has not requested this level of detail in setting PREPA's performance baselines in case NEPR-MI-2019-0007 nor required that the same be published to issue its determination in said case (Resolution and Order of April 8, 2021).

under seal of confidentiality.⁴ In at least two proceedings on Data Security,⁵ and Physical Security,⁶ this Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure. As mentioned above, the Bureau's Policy on Confidential Information provides for management of CEII, and directs that information validated as CEII shall be accessed by the parties' authorized representatives only after they have executed and delivered a Nondisclosure Agreement.

Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information the disclosure of which poses public security, economic, health and safety risks. Federal Regulations on CEII, particularly, 18 C.F.R. § 388.113, states that:

Critical energy infrastructure information means specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

- (i) Relates details about the production, generation, transportation, transmission, or distribution of energy;
- (ii) Could be useful to a person in planning an attack on critical infrastructure;
- (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
- (iv) Does not simply give the general location of the critical infrastructure.

Id.

Additionally, “[c]ritical electric infrastructure means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

⁴ See *In re Implementation of Puerto Rico Electric Power Authority Integrated Resource Plan and Modified Action Plan*, NEPR MI 2020-0012 (Resolution of January 7, 2021, granting partial confidential designation of information submitted by PREPA as CEII); *In re Optimization Proceeding of Minigrad Transmission and Distribution Investments*, NEPR MI 2020-0016 (where PREPA filed documents under seal of confidentiality invoking, among others, that a filing included confidential information and CEII); *In re Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, CEPR-AP-2018-0001 (Resolution and Order of July 3, 2019 granting confidential designated and request made by PREPA that included trade secrets and CEII) *but see* Resolution and Order of February 12, 2021 reversing in part, grant of confidential designation).

⁵ *In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

⁶ *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

Id. vFinally, “[c]ritical infrastructure means existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.” *Id.*

The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), a part of the Homeland Security Act of 2002 provides protection from disclosure of critical infrastructure information (“CII”).⁷ CII is defined as “information not customarily in the public domain and related to the security of critical infrastructure or protected systems...” 6 U.S.C. § 671 (3)⁸.

⁷ Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, provides in pertinent part, that CII:

- (A) shall be exempt from disclosure under the Freedom of Information Act;
- (B) shall not be subject to any agency rules or judicial doctrine regarding *ex parte* communications with a decision making official;
- (C) shall not, without the written consent of the person or entity submitting such information, be used directly by such agency, any other Federal, State, or local authority, or any third party, in any civil action arising under Federal or State law if such information is submitted in good faith;
- (D) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this part, except—
 - (i) in furtherance of an investigation or the prosecution of a criminal act; or
 - (ii) when disclosure of the information would be--
 - (I) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or
 - (II) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Government Accountability Office
- (E) shall not, be provided to a State or local government or government agency; of information or records;
 - (i) be made available pursuant to any State or local law requiring disclosure of information or records;
 - (ii) otherwise be disclosed or distributed to any party by said State or local government or government agency without the written consent of the person or entity submitting such information; or
 - (iii) be used other than for the purpose of protecting critical Infrastructure or protected systems, or in furtherance of an investigation or the prosecution of a criminal act.
- (F) does not constitute a waiver of any applicable privilege or protection provided under law, such as trade secret protection.

⁸ CII includes the following types of information:

As identified in the Table at Section IV *infra*, some of the attachments to the Responses to the SRP Requests for Information, include CEII and/or CII and LUMA’s assessments of key components of the Transmission and Distribution System (“T&D System”), including details on service dispatch, distribution system controls, functioning of the distribution control center, switching procedures, communications between control and dispatch, identification of circuits performance, security considerations at the Control Center, cybersecurity and cyber resources, crisis management, generation assets, and LUMA’s assessment on how to address identified gaps and concerns on the aforementioned components of the T&D System. *See* RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 1 (portions of the GAP Assessment identified in the table at Section IV *infra*); RFI-LUMA-MI-20-0019-21046-PREB-002 Attachments 1 and 2 (portions of LUMA’s Component Business Model and its mapping dealing with cybersecurity, information technology, supply and demand management, energy dispatch, the EMS and energy emergency management). If said information is disclosed to the public, it will expose key assets of the Transmission and Distribution System (“T&D System”), including the Energy Management System (“EMS”) and key components of physical and cybersecurity (IT/OT) to vulnerabilities or attacks by persons seeking to cause harm to the systems. *Id.* The attachments also include information and assessment on critical infrastructure, including the Control and Dispatch Center,

(A)actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B)the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

(C)any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

Management and Systems Technology, Operations and Physical Security, key components of systems operations, cybersecurity, Information Technology (IT), Operational Technology (OT), crisis management, and key components of enterprise technology. *Id.*

Attachments 2 and 4 to RFI-LUMA-MI-20-0019-21046-PREB-001, are handwritten notes that contain confidential, original work product, and sensitive assessments by LUMA personnel on inspections to distribution lines and substations. Similarly, attachments 3, 5 and 6 to RFI-LUMA-MI-20-0019-21046-PREB-001, include data on inspections of distribution lines and substations. These documents should be protected as a whole given that they include analysis of the conditions of key infrastructure of the T&D System and is information, including assessments, that have not been disclosed to the public.

Finally, Attachment 2 to RFI-LUMA-MI-20-0019-21046-PREB-012 (Excel table), includes LUMA's assessments on System Performance and system interruptions that have not be divulged to the public. It is a document prepared by LUMA on system interruption indices and metrics that goes beyond a mere summary of data or index of resulting calculations. Its level of details reveals information on critical components of system performance that should be kept confidential to avoid exposing the system to harms, attacks and additional vulnerabilities.

The attachments that have been identified in the table below as containing CEII and/or CII involve critical elements of systems that are essential for LUMA's operations, important components of system operations and performance, as well as critical communication and cybersecurity components of the T&D System. If the information falls in the hands of people who may want to harm the system, it will certainly provide sufficient details to expose the system to risks and harms and would interfere with the orderly and safe functioning of several key components of systems operations.

IV. Identification of Confidential Information.

In compliance with the Energy Bureau’s Policy on Management of Confidential Information,” CEPR-MI-2016-0009, a table summarizing the hallmarks of this request to submit several Attachments to the Responses to Requests for Information, confidentially.

Document	Document Type	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
SRP001 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 1 ⁹	PDF	Pages 33-36; Pages 60-80; Pages 127-131; Pages 164-168; Pages 182-187; Pages 383-413; Pages 672-673		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 1 includes confidential information.
RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 2 ¹⁰	PDF	Entire Document**		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 2 includes confidential information. These are handwritten notes that also contain

⁹In a Resolution issued on April 21, 2021 in Case No. NEPR-MI-2021-0004, this Energy Bureau granted LUMA’s request for Confidential Treatment of this attachment, *see* Table 2 at page 8.

¹⁰ *Id.* at pages 9-10. On April 23, 2021, in compliance with the April 21st Order by this Bureau in Case No. NEPR-MI-2021-004, LUMA filed redacted copies of this attachment for the public record.

Document	Document Type	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
					confidential, original work product, and sensitive assessments by LUMA personnel that has not been disclosed to the public.
RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 3 ¹¹	Excel	Entire Document**		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 3 includes confidential information.
RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 4 ¹²	PDF	Entire Document**		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 4 include confidential information. These are handwritten notes with confidential, original work product, and sensitive assessments by LUMA that has not been disclosed to the public.

¹¹ In the Resolution issued on April 21, 2021 in Case No. NEPR-MI-2021-0004, this Energy Bureau denied confidential treatment of this Attachment. On April 23, 2021, LUMA requested reconsideration of said determination.

¹²See note 9 *supra*.

Document	Document Type	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
RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 5 ¹³	Excel	Entire Document**		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 5 includes confidential information.
RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 6 ¹⁴	Excel	Entire Document**		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-001 Attachment 6 includes confidential information.
SRP002 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-20-0019-21046-PREB-002 Attachment 1	PDF	Page 10; Page 15; Page 19; Page 32; Page 34; Page 38		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-002 Attachment 1 includes confidential information

¹³ *Id.*

¹⁴ *Id.*

Document	Document Type	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
RFI-LUMA-MI-20-0019-21046-PREB-002 Attachment 2	PDF	Page 4; Page 13		Critical Energy Infrastructure Information and/or CII 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 the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-002 Attachment 2 includes confidential information.
SRP003 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-20-0019-21046-PREB-003 Attachment 1	Excel	Entire Document **		Sensitive Commercial Information and Trade Secrets under Act 80-2011	Section III A of this Memorandum shows that the specified portions of RFI-LUMA-MI-20-0019-21046-PREB-003 Attachment 1 includes information for: (i) acquisition of goods and services, (ii) LUMA original supporting work papers and work product with estimations, methods and assumptions, including future acquisitions, and (iii) and expenditure categories by year, that may provide unfair advantages to suppliers or proponents and could harm the public interest.

Document	Document Type	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
SRP12 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-20-0019-21046-PREB-012 Attachment 2	Excel	Entire Document*		<p>Critical Energy Infrastructure Information and/or CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674</p> <p>Sensitive Commercial Information and Trade Secrets under Act 80-2011</p>	<p>Section III B of this Memorandum provides the legal basis to establish that the specified sections of the RFI-LUMA-MI-20-0019-21046-PREB-012 Attachment 2 includes confidential information.</p> <p>Section III A of this Memorandum shows that the specified portions of RFI-LUMA-MI-20-0019-21046-PREB-012 Attachment 1 includes LUMA's original and confidential assessments and calculations on system performance whose disclosure would harm LUMA's interests protected by law.</p>

** It is impractical or not feasible to redact these documents due to their formatting and/or because their entire contents are confidential. It is requested that the Bureau accept the confidential unredacted version of these documents and that the same are kept confidentially.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **grant** LUMA's request to keep confidentially portions of the aforementioned attachments to the Responses to SRP Requests for Information that were filed on April 16, 2021, **accept** the submission for the public

record of a redacted version of the confidential attachments, and **accept** the confidential filings of the excel tables and attachments whose entire contents are confidential and/or that cannot be filed in redacted form due to their formatting.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 26th day of April 2021.

I hereby certify that I filed this motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katuska Bolaños-Lugo, kbolanos@diazvaz.law.



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