

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

IN RE: REVIEW OF LUMA'S INITIAL BUDGETS

CASE NO. NEPR-MI-2021-0004

SUBJECT: Request for Confidential Treatment of Portions of Responses to Requests for Information on Initial Budgets Filing.

REQUEST TO SUBMIT PORTIONS OF LUMA'S RESPONSES TO REQUESTS FOR INFORMATION CONFIDENTIALLY, AND MEMORANDUM OF LAW IN SUPPORT THEREOF

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 ("Bureau") a Petition for Approval of Initial Budgets and Related Terms of Service ("Initial Budgets Petition"), pursuant to Section 6.22 of Act 57-2014, as amended, the "Puerto Rico Energy Transformation and Relief Act" (Act 57-2014), to the Rate Case proceeding conducted by this Bureau in Case No. CEPR-AP-2015-0001 ("2017 Rate Case"), and per LUMA's obligations under Section 4.2 (e) of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement dated as of June 22, 2020, by and among the ("Puerto Rico Electric Power Authority ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3 Authority") ("OMA").

On April 5, 2021, this honorable Energy Bureau issued a Resolution and Order where, among others, the Bureau directed LUMA to, within five days, provide information and responses to requests included in Attachment A to the April 5th Order (“Requests for Information”). Today, LUMA is filing before this honorable Energy Bureau its responses to the nine requests for information that are included in Attachment A to the April 5th Order (“Responses to Requests for Information”). The Responses to Requests for Information are accompanied by several attachments some of which will be filed for the record using the Bureau’s electronic filing platform, while others will be sent by email as they are being submitted in Excel table format

As will be explained below, several attachments or portions thereof, of the Responses to Requests for Information, include confidential information in the form of critical energy infrastructure information or critical electric infrastructure information (“CEII”) that garners 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 management of confidential information, *see the Energy Bureau’s Policy on Management of Confidential Information,” CEPR-MI-2016-0009*, issued on August 31, 2021. The CEII involves information on safety systems and vulnerabilities of critical system infrastructure that, if disclosed, would expose the electric power grid to attacks to the detriment of the public interest.

Secondly, several attachments or portions thereof, of the Responses to Requests for Information, include sensitive commercial information on the resource needs, details on future expenses, LUMA’s original 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.

Finally, several attachments or portions thereof of the Responses to Requests for Information rely upon and mention information that LUMA received from PREPA confidentially. Pursuant to Section 13.2(a) of the OMA, LUMA respectfully requests that the Bureau accept and keep portions of the Responses to Requests for Information confidentially, unless PREPA waives the right to confidentiality of said information.

In compliance with the Bureau's Policy on Management of Confidential Information, LUMA submits this request and supporting memorandum of law that identifies and explains the legal basis for the confidential treatment of portions of the Responses to Requests for Information that have been submitted today before this Bureau. Also in compliance with the Energy Bureau's Policy on Management of Confidential Information," CEPR-MI-2016-0009, LUMA submitted today for the public record, a "redacted" or "public" version of several responses and confidential attachments to the Responses to Requests for Information of the Initial Budgets. As is explained in the table below at Section IV, 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 below) cannot be generated for submission. It is requested that the Bureau accept those attachments in confidential form. A "non-Redacted" or "confidential" version of several of the attachments will be sent via e-mail message to the Bureau's, as allowed by the Bureau's Policy on Management of Confidential Information.

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 request for confidential designation of portions of the Responses to Requests for Information

is narrowly tailored to specifically protect the information that has been identified as confidential according to applicable law and regulations on CEII and/or sensitive commercial information..

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” 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 Management of Confidential Information,” CEPR-MI-2016-0009, 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 on Management of

Confidential Information requires identification of the confidential information and the simultaneous 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. 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

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

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*, some of the attachments to the Responses to Requests for Information include commercial information on estimated expenditures, program resources requirements, and estimations and assumptions on costs. *See* Table Section IV, *infra*, for specific portions with confidential information duly identified as commercially sensitive information. 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 estimates, original analysis and work product on proposed budgets for the acquisition of these goods and services.²

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.*

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,*

LUMA requests that Attachments identified in Table Section IV, *infra* as commercially sensitive information be maintained confidentially before this Energy Bureau as they have sensitive commercial information whose premature disclosure would also contravene public policy on competitive procurement processes and will impede efficient allocation of PREPA funds that have been earmarked in the Initial Budgets 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.

B. Critical Energy/Electric Infrastructure Information (CEII)

Several of the attachments that LUMA is including with its Responses to 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 under seal of confidentiality.³ In at least two proceedings on Data Security,⁴ and Physical

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.

³ 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 Minigrd 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).

⁴ *In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

Security,⁵ 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 Management of Confidential Information," CEPR-MI-2016-0009, 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.

Id. Finally, "[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.*

⁵ *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), which is part of the Homeland Security Act of 2002 provides protection from public disclosure of critical infrastructure information. 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).⁶

As explained and identified in the Table at Section IV *infra*, some of the attachments include CEII. If said information is disclosed to the public, will expose key assets to security vulnerabilities or attacks by persons seeking to cause harm to the systems. They include

⁶ 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.

information and analysis on critical infrastructure and components of PREPA systems whose function is to provide protection and security. The attachments also include information and assessment on critical infrastructure, including the Control and Dispatch Center, Management and Systems Technology, Operations and Physical Security, generation assets, internal and external threats, system vulnerabilities, key components of systems operations, cybersecurity, Information Technology (IT), Operational Technology (OT), crisis management, and key components of enterprise technology. The attachments that have been identified in the table below as containing CEII involve critical elements of systems that are essential for LUMA's operations as well as critical communication components. 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.

C. PREPA Confidential Information

The table at Section IV, *infra*, also identifies attachments to the Responses to the Requests for Information that reference, identify and discuss information that LUMA received confidentially from PREPA pursuant to Section 13.2 (a) of the OMA. Said Section 13.2 of the OMA imposes duties on LUMA as the Operator to protect Owner Confidential Information. Owner Confidential Information includes certain system information furnished or made available on a confidential basis in connection with the OMA. *Id.* LUMA requests that this honorable Energy Bureau protect the relevant attachments and portions thereof that are identified in the table at Section IV *infra*, as Confidential information that LUMA received from PREPA. *See Table infra*, Responses to IB Requests 1 through 4 and 8.

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
IB01 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-0004-210405-PREB-001-Attachment 1	Excel	Tab 2		PREPA Confidential Information	Sections III C of this Memorandum shows that the specified portions of RFI-LUMA-MI-21-0004-210405-PREB-001-Attachment 1 includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
IB02 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-0004-210405-PREB-002-Attachment 1	Excel	Entire Document **		PREPA Confidential Information	Section III C of this Memorandum shows that the specified portions of RFI-LUMA-MI-21-0004-210405-PREB-002-Attachment 1 includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
IB03 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-004-210405-PREB-003-Attachment 1	Excel	Entire Document **		PREPA Confidential Information	Section III C of this Memorandum shows that the specified portions of RFI-LUMA-MI-21-004-210405-PREB-003-

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
					attachment includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
RFI-LUMA-MI-210405-PREB-003-Attachment 2	PDF	One Page		PREPA Confidential Information	Section III C of this Memorandum shows that the specified portions of RFI-LUMA-MI-210405-PREB-003-Attachment 2 includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
RFI-LUMA-MI-21-004-210405-PREB-003-Attachment 3	Excel	Entire Document **		PREPA Confidential Information	Section III C of this Memorandum shows that the specified portions of RFI-LUMA-MI-210405-PREB-003-Attachment 3 includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
RFI-LUMA-MI-21-004-210405-PREB-003-Attachment 4	PDF	1-17		PREPA Confidential Information	Section III C of this Memorandum shows that the specified portions of RFI-LUMA-MI-210405-PREB-003-Attachment 4 includes PREPA proprietary information subject to confidential

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
					treatment pursuant to the OMA.
IB04 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-004-210405-PREB-004	PDF	Table at Page One of Response		PREPA Confidential Information	Section III C of this Memorandum shows that the specified portions of RFI-RFI-LUMA-MI-21-004-210405-PREB-004 includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
IB05 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-0004-210405-PREB-005a Attachment 1 (GAP Assessment)	PDF	Pages 33-36; Pages 60-63; Pages 65-80; Pages 127-131; Pages 164-168; Pages 182-187; Pages 383-399; Pages 400-413; Pages 672-673		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 the specified sections of the RFI-LUMA-MI-21-0004-210405-PREB-005a Attachment 1 includes confidential information.
RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 1 (Distribution Line Inspection Checklist)	PDF	Entire Document **		Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674 Sensitive Commercial Information under Act 80-2011	Section III B of this Memorandum provides the legal basis to establish that the specified sections of the RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 1 includes confidential information. These are hand-written notes that also contain confidential, original work product, and

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
					sensitive assessments by LUMA personnel that has not been disclosed to the public.
RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 2	Excel	Entire Document **		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 the specified sections of the RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 2 includes confidential information.
RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 3 (Substation Inspection Checklist)	PDF	Entire Document **		Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674 Sensitive Commercial Information under Act 80-2011	Section III B of this Memorandum provides the legal basis to establish that the specified sections of the RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 3 includes confidential information. These are hand-written notes that also contain confidential, original work product, and sensitive assessments by LUMA personnel that has not been disclosed to the public.
RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 4	Excel	Entire Document **		Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum discusses provides the legal basis to establish that the specified sections of

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
(Transmission Substations)					the RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 4 includes confidential information.
RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 5 (Distribution Substations)	Excel	Entire Document **		Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum discusses provides the legal basis to establish that the specified sections of the RFI-LUMA-MI-21-0004-210405-PREB-005b Attachment 5 includes confidential information.
RFI-LUMA-MI-21-0004-210405-PREB-005d Attachment 3 (Generation Team Plant Assessment)	PDF	Pages 3-30		Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674	Section III B of this Memorandum discusses provides the legal basis to establish that the specified sections of the RFI-LUMA-MI-21-0004-210405-PREB-005d Attachment 3 includes confidential information.
IB07 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-0004-210405-PREB-007 Attachment 1 and Attachment 2	Entire Documents Confidential**			Sensitive Commercial Information Act 80-2011 and pre decisional and deliberative	These documents are confidential as they include information on the scope of two working documents that LUMA has not disclosed to the

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
(Federally Funded Procurement Manual and Non-Federally Funded Procurement Manual)				working documents.	public as they are still under consideration and undergoing revisions. These are confidential drafts and works in progress that have not been disclosed.
IB08 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-0004-210405-PREB-008	PDF	Schedule at Page 5		Sensitive Commercial Information and Trade Secrets under Act 80-2011	Section III C of this Memorandum shows that the specified portions of RFI-RFI-LUMA-MI-21-0004-210405-PREB-008 includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
RFI-LUMA-MI-21-0004-210405-PREB-008 Attachment 1	Excel	Entire Document **		PREPA Confidential Information	Section III C of this Memorandum shows that the specified portions of RFI-RFI-LUMA-MI-21-0004-210405-PREB-008 Attachment 1 includes PREPA proprietary information subject to confidential treatment pursuant to the OMA.
IB09 CONFIDENTIAL INFORMATION					
RFI-LUMA-MI-21-0004-210405-PREB-009 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-21-0004-210405-PREB-009 Attachment 1 includes information for: (i) acquisition of

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
					goods and services, (ii) LUMA original supporting work papers and work product with estimations, methods and assumptions on future acquisitions, and (iii) and expenditure categories by year, that may provide unfair advantages to suppliers or proponents and could harm the public interest.
RFI-LUMA-MI-21-0004-210405-PREB-009 Attachment 2	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-21-0004-210405-PREB-009 Attachment 2 includes information for: (i) acquisition of goods and services, (ii) LUMA original supporting work papers and work product with estimations, methods and assumptions, and (iii) and expenditure categories by year, that may provide unfair advantages to suppliers or proponents and could harm the public interest.

** 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** this request to keep confidentially portions of the Responses to Requests for Information and of the attachments thereof that were filed today, **accept** the submission for the public record of a redacted version of the confidential responses and 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 12th 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 Katiuska Bolaños-Lugo, kbolanos@diazvaz.law.



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