

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

**IN RE: REVIEW OF T&D OPERATOR'S
SYSTEM OPERATION PRINCIPLES**

CASE NO.: NEPR-MI-2021-0001

SUBJECT: Determination on LUMA's Request for Confidential Treatment of Portions of May 14 Submission of Additional Information Requested in Technical Conference, Supplemental Responses to Questions and Clarifications.

RESOLUTION AND ORDER

I. Introduction

On February 25, 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 Operation Principles* ("SOP Petition") in compliance with Section 6.22 of Act 57-2014¹.

On April 27, 2021, the Energy Bureau of the Puerto Rico Service Regulatory Board ("Energy Bureau") issued a Resolution and Order through which it established the procedural calendar for the instant case ("April 27 Resolution"). The Energy Bureau scheduled a Technical Conference held remotely on May 10-11, 2021 from 9:00 a.m. to 5:30 p.m. and ordered that LUMA would have until May 14, 2021, to file additional information that the Bureau could require during the Technical Conference.

During the Technical Conference, the Energy Bureau issued bench orders granting LUMA leave to provide additional information or supplemental written responses to certain questions and/or to submit clarifications on or before May 14, 2021.

On May 14, 2021, LUMA filed before the Energy Bureau a document titled *Motion for Submission of Additional Information Requested in Technical Conference, Supplemental Responses to Questions and Clarifications* ("May 14 Motion Submitting Additional Information"). Also, LUMA informed that within the next ten (10) days, they will be submitting a separate memorandum of law supporting their request to file some attachments under seal of confidentiality.

¹ Known as *The Puerto Rico Energy Transformation and RELIEF Act*, as amended.



On May 24, 2021, LUMA submitted a document titled *Memorandum of Law in Support of Request to Submit Portions of LUMA's May 14 Submission of Additional Information Related to the System Operation Principles Confidentially* ("May 24 Request of Confidential Treatment"). LUMA asked for confidential designation and treatment of some documents and an attachment submitted with the May 14 Motion Submitting Additional Information.

In the May 24 Request for Confidential Treatment, LUMA alleged that some responses an attachment submitted include: confidential information in the form of critical energy infrastructure information or critical electric infrastructure information ("CEII") that garners protection from public disclosures under federal statutes and regulations;² contains sensitive commercial information and trade secrets under Act 80-2011;³ and submits such documentation in compliance with the Energy Bureau's policy on management of confidential information,⁴ and that therefore is also protected under Act 57-2017. LUMA requests the Energy Bureau to grant confidential designation and treatment to the below described responses and Excel file. Table 1 below details the attachment or portions of the Responses to Requests for Information which LUMA requested confidential designation and treatment:

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

Response	Subject	Pages in which Confidential Information is Found, if applicable	Date of Filing	Summary of Legal Basis for Confidentiality Protection, if applicable
TC-RFI- LUMA-MI-21-0001- 210510-PREB-004	System Redundancy	Pages 1-2	May 14, 2021	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671- 674
TC-RFI- LUMA-MI-21-0001- 210510-PREB-005	System Restoration Capabilities	Pages 1-5	May 14, 2021	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671- 674
TC-RFI- LUMA-MI-21-0001- 210510-PREB-005 Attachment 1	System Restoration Capabilities	All Tabs	May 14, 2021	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671- 674

² 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020).

³ Known as the *Law for the Protection of Commercial and Industrial Secrets of Puerto Rico*, as amended.

⁴ See Resolution in case No. CEPR- MI-2016-0009, issued on August 31, 20216.

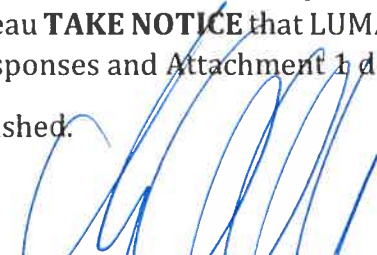


Response	Subject	Pages in which Confidential Information is Found, if applicable	Date of Filing	Summary of Legal Basis for Confidentiality Protection, if applicable
TC-RFI- LUMA-MI-21-0001- 210510- PREB-006	Interoperability	Page 1	May 14, 2021	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671- 674 and Sensitive Commercial Information and Trade Secrets under Act 80-2011 and Act 122-2019


Act 57-2014 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.⁵ 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”.⁶ 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.”⁷

Upon review of LUMA’s arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to the responses and Attachment 1 as described in Table 1 above, for the reasons stated by LUMA and pursuant to Article 6.15 of Act 57-2014. The Energy Bureau **TAKE NOTICE** that LUMA has submitted a revised redacted (*i.e.*, public) version of the Responses and Attachment 1 described in Table 1.

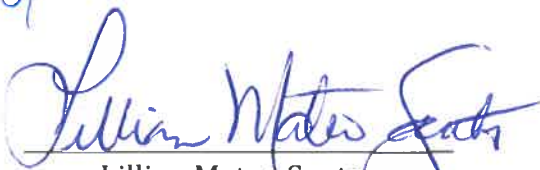
Be it notified and published.



 Edison Aviles Deliz
 Chairman



 Ángel R. Rivera de la Cruz
 Associate Commissioner



 Lillian Mateo Santos
 Associate Commissioner

⁵ Section 6.15 of Act 57-2014.

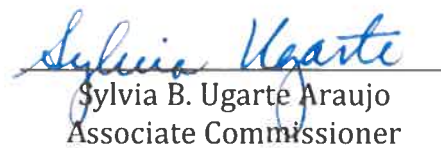
⁶ *Id.*

⁷ *Id.* (Emphasis added).





Ferdinand A. Ramos Soegaard
Associate Commissioner



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 May 27, 2021. I also certify that on May 27, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: kbolanos@diazvaz.law, jmarrero@diazvaz.law and margarita.mercado@us.dlapiper.com. I also certify that today, May 27, 2021, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today May 27, 2021.



Sonia Seda Gaztambide
Clerk