

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

IN RE: REVIEW OF LUMA'S SYSTEM
OPERATION PRINCIPLES

CASE NO. NEPR-MI-2021-0001

SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Portions of Motion in Compliance with Order Submitting Revised System Operation Principles, Phase 1 Draft Procedures and supporting information and documents.

**MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIAL TREATMENT
OF PORTIONS OF LUMA'S SUBMISSION OF REVISED SYSTEM OPERATION
PRINCIPLES, PHASE 1 PROCEDURES AND SUPPORTING INFORMATION AND
DOCUMENTS**

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 April 27, 2021, the honorable Puerto Rico Energy Bureau ("Bureau") issued a Resolution and Order that set a procedural calendar in this proceeding and included a technical conference scheduled for May 10th and 11th, 2021 ("April 27th Order"). The April 27th Order also directed that LUMA would have until May 14, 2021, to file additional information that the Bureau could require during the technical conference.

The technical conference was held on May 10th and 11th, 2021. Throughout the two days of the technical conference, Commissioners and Bureau consultants issued requests for additional information. Similarly, LUMA representatives offered and requested leave to file additional

information or responses with regards to several topics, and/or to provide written clarification on several matters. The 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. LUMA filed those responses on May 14, 2021.

On May 11, 2021, the Bureau issued a Resolution and Order (“May 11th Order”) with several specific requests for information and revisions to the System Operation Principles to be submitted to the Bureau on or before May 14, 2021. On May 13, 2021, LUMA requested additional time to comply with the May 11th Order. In a Resolution and Order dated May 14, 2021, the Bureau granted LUMA until May 19, 2021, to comply with the May 11th Order.

On May 19, 2021, LUMA filed before the Bureau a “Motion in Compliance with Order, Submitting Revised System Operation Principles, Phase 1 Draft Procedures and Supporting Information and Documents” (“Motion in Compliance with May 11th Order”) submitting the pending responses in compliance with the May 11th Order (“May 11th Responses”). The May 11th Responses included two confidential attachments to wit, attachments 1 and 2 to TC-RFI-LUMA-MI-21-0001-210510-PREB-009, which were submitted to the Bureau under seal of confidentiality (together, the “May 11th Confidential Responses”). LUMA used the Bureau’s electronic filing system to file a “public” version of the Responses and attachments, as well as “redacted” versions of the Confidential Responses. A “non-redacted” or “confidential” version of the Confidential Responses was submitted both through the Bureau’s electronic filing and via e-mail message to the Bureau’s clerks’ office.

At page 26 of the Motion in Compliance with May 11th Order, LUMA explained that a separate supporting legal memorandum would be filed forthwith in compliance with the 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”).

In compliance with the Bureau’s Policy on Confidential Information, LUMA hereby submits this supporting Memorandum of Law that further identifies the May 11th Confidential Responses and states the legal basis for the requested confidential treatment. As will be explained in this Memorandum, the May 11th Confidential Responses include Critical Energy Infrastructure Information pursuant to 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674 and sensitive commercial information and trade secrets protected under Act 80-2011.

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 Confidential Responses 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 Bureau.

The bedrock provision on management of confidential information that is filed before this 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 as such” 22 LPRC §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).

Relatedly, in connection with the duties of electric power service companies, Section 1.10 (i) of Act 17-2019 provides that electric power service company shall provide information requested by customers, except for confidential information in accordance with the Rules of Evidence of Puerto Rico.”

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, 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, 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. *See also* Article 4 of Puerto Rico’s Open Data Law, Act 122-2019, exempts the following from public disclosure: (1) commercial or financial information whose disclosure will cause competitive harm; (2) trade secrets protected by a contract, statute or judicial decision. *See* Act 122-2019, Articles 4 (ix) and (x).

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.*

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*, portion of the May 11th Confidential Responses include sensitive commercial information in the form of working drafts of LUMA's operational procedures. The operational procedures are works in progress that have not been disclosed and should therefore be maintained confidentially as confidential work product. As part of its processes and commercial practices, LUMA does not disclose draft documents. Disclosure of the drafts would run counter to public interests, as the public may mistakenly construe that they are final documents to be used in LUMA's operations. The public interests are best served if the Bureau keeps and maintains the draft procedures confidentially.

Additionally, as identified in the table at Section IV *infra*, Appendix F to the Legacy T&G Demarcation Procedure that is included in Attachment 2 to Response Number 9, including Appendices A through G, H-1 and H-2, J-1 and J-2, L through V and X on Demarcation of PREPA Generation Assets from the transmission and distribution system ("T&D System"), contains third party confidential and proprietary information belonging to Sargent & Lundy L.L.C. (S&L). Said information may not be reproduced in whole or in part or released to any third party without the prior consent of S&L. *See* TC-RFI-LUMA-MI-21-0001-210510-PREB-009 Attachment 2. Additionally, this is 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, which includes system information furnished or made available on a confidential basis in connection with the OMA. *See* OMA, Section 13.2

(a)(1). As discussed below, attachment 2 to Response Number 9 also includes CEII that should be kept confidentially to protect the interests of the public.

B. Critical Energy/Electric Infrastructure Information

The May 11th Confidential Responses, as detailed in the table in Section IV *infra*, reference CEII that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico. In several proceedings, this Energy Bureau has considered and/or granted requests by PREPA to submit CEII under seal of confidentiality.² In at least two proceedings on Data Security,³ and Physical Security,⁴ this Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure. More importantly, in this proceeding, this honorable Energy Bureau has granted requests by LUMA to protect CEII in connection with LUMA's System Operation Principles. *See* Resolution and Order of May 3, 2021, table 2 at page 4, granting protection to CEII included in LUMA's Responses to Requests for Information. Similarly, in the proceedings on LUMA's proposed Initial Budgets and System Remediation Plan, this honorable Energy Bureau granted confidential designation to several portions of LUMA's Initial Budgets and Responses to Requests for Information, recognizing that they included CEII, *see* Resolution and Order of April

² *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).

³ *In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

⁴ *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

22, 2021 on Initial Budgets, table 2 at pages 3-4 and Resolution and Order of April 22, 2021 on Responses to Requests for Information, table 2 at pages 8-10, Case No. NEPR-MI-2021-0004; Resolution and Order of April 23, 2021 on Confidential Designation of Portions of LUMA's System Remediation Plan, table 2 at page 5 and Resolution and Order of May 6, 2021 on Confidential Designation of Portions of LUMA's Responses to Requests for Information on System Remediation Plan, table 2 at pages 7-9, Case No. NEPR-MI-2020-0019.

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.

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.*

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”).⁵ 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.

⁵ 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.

⁶ CII includes the following types of information:

- (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

As identified in the Table at Section IV *infra*, portions of the May 11th Confidential Responses contain CEII and/or CII including, but not limited to, details on restoration capabilities, generation units, demarcation between the assets of the transmission and distribution system and generation assets, and black-start capabilities. In connection with LUMA's Initial Budgets and System Remediation Plan, this honorable Bureau has designated similar information as CEII. *See* Resolution and Order of April 22, 2021 on Initial Budgets, table 2 at pages 3-4 and Resolution and Order of April 22, 2021 on Responses to Requests for Information, table 2 at pages 8-10, Case No. NEPR-MI-2021-0004; Resolution and Order of April 23, 2021 on Confidential Designation of Portions of LUMA's System Remediation Plan, table 2 at page 5 and Resolution and Order of May 6, 2021 on Confidential Designation of Portions of LUMA's Responses to Requests for Information on System Remediation Plan, table 2 at pages 7-9, Case No. NEPR-MI-2020-0019.

Attachment 1 to Response 9, includes "As-Is Documentation" on LUMA's assessments of current processes conducted by PREPA on systems operations, gaps in processes and consequences of those gaps which show vulnerabilities of systems operations. *See* of TC-RFI-LUMA-MI-21-0001-210510-PREB-009 Attachment 1. Said attachment 1 to Response 9, includes CEII on the T&D System, specifically regarding systems operations, management of the bulk power system, demarcation between the generation and transmission systems, emergency response, black start assessments, capabilities and processes, responses to system contingencies and operational limits, the control center, management of reserves and forced outages response. It

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.

is respectfully submitted that this As-Is Documentation should be designated as confidential CEII as it includes details on LUMA's assessments of key processes and management of critical infrastructure for the transmission and distribution of energy. It is in the public interest to keep the information confidential. Respectfully, confidential designation is a reasonable and necessary measure to protect critical infrastructure from attacks and to enable LUMA to leverage the information without external threats, to improve processes and system operations.

Attachment 2 to Response 9, *see* TC-RFI-LUMA-MI-21-0001-210510-PREB-009 Attachment 2, includes fourteen draft operational procedures for the future operation and management of the T&D System. The draft procedures involve the following topics that include CEII: (i) New Generation Interconnection; (ii) Resource Adequacy Assessments; (iii) Legacy T&G Demarcation; (iv) Generator Capabilities; (v) Black-Start; (vi) Public Reporting; (vii) Policy on Reserves; (viii) Critical Load Procedures; (ix) Contingency and System Operating Limits Response; (x) Energy Dispatch Scheduling and Merit Order; (xi) Plant Level Agreements; (xii) Balancing Frequency and Voltage; (xiii) Forced Outage; and (xiv) Emergency Response Execution. These procedures involve critical aspects of the operations of the T&D System and how LUMA will operate critical components of the T&D System. The procedures warrant protection as they relate details about the generation, transportation and transmission of electric power and provide assessments of critical infrastructures whose disclosure will imperil the safe and reliable operations of the T&D System.

The following portions of the aforementioned procedures identify or mention CEII with particularity. Their disclosure would be seriously harmful to the integrity and safe functioning of the T& D System and detrimental to public interests.

First, Appendix F to the Legacy T&G Demarcation Procedure, including its Appendices A through G, H-1 and H-2, J-1 and J-2, L through V and X, at pages 110-650, detail the Demarcation of PREPA Generation Assets from the T&D System. Particularly, they identify the connection points between the grid and the generation facilities. These appendices include detailed information on demarcation of various plants including Aguirre, Costa Sur and San Juan. They contain detailed descriptions of critical infrastructures, schematics that identify and map the assets, and pictures of the assets. Importantly, the aforementioned appendices identify critical infrastructures with particularity and go above and beyond the general location of the assets. Protection of this information will assist LUMA in ensuring that citizens of Puerto Rico receive safe, reliable and efficient electric power services.

Secondly, Appendix B to the Generator Capabilities Procedure, at pages 662-64, provides details on the Legacy Generation Assets and units at Aguirre, Mayaguez, Palo Seco, San Juan, Costa Sur, Cambalache and Vega Baja. Although LUMA appreciates that in several proceedings this Bureau has allowed disclosure of generation capabilities, LUMA respectfully submits that the information included in Appendix B to the Generator Capabilities Procedure, involves critical infrastructure and is sufficiently detailed in its assessment as to warrant protection as CEII.

Third, Appendix C to Critical Loads Procedure includes a graphic with details on load shedding for critical loads and Appendix D provides LUMA's assessment and recommendations for hardening of critical loads. In conjunction, both appendices provide detailed information that goes beyond identification of critical loads to include identifying information of the assets and infrastructures. Given the importance of critical loads in the safe and efficient operation of the generation, transmission and distribution systems, LUMA respectfully submits that these

appendices constitute CEII that should be maintained confidentially to safeguard their integrity and protect from them from external threats.

Fourth, Appendix D to Policy on Reserves Procedure mentions generation facilities that are critical infrastructures. Also, Appendix H to Energy Dispatch, Scheduling and Merit Procedure is the room layout of the energy center control. As the resolutions and orders of this Energy Bureau have recognized in connection with LUMA's filings on Initial Budgets, Case No. NEPR-MI-2021-004 and System Remediation Plan, NEPR-MI-2020-0019, the control centers are critical infrastructures of the T&D System.

The May 11th Confidential Responses 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 as key components of system operations and performance. If the information falls in the hands of people who may want to harm the system, it will provide sufficient details to expose the system to risks and harms and would interfere with the orderly and safe functioning of several critical components of systems operations.

IV. Identification of Confidential Information.

In compliance with the 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.

#	Response	Subject	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection, if applicable
1	TC-RFI-LUMA-MI-21-0001-210510-PREB-009 Attachment 1	As Is Documentation	Full text of the "As-Is Process Documentation"	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Sensitive Commercial Information and Trade Secrets protected under Act 80-2011
9.2	TC-RFI-LUMA-MI-21-0001-210510-PREB-009 Attachment 2	SOP Procedures	Full text of the 14 draft operational procedures	<p>Sensitive Commercial Information and Trade Secrets under Act 80-2011 and commercial trade secrets of third parties.</p> <p>These documents are confidential because they are working documents that LUMA has not disclosed to the public as they are still under consideration and undergoing revisions. These are confidential drafts and works in progress that have not been disclosed.</p>

#	Response	Subject	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection, if applicable
			<p>Appendix F to Legacy T&G Demarcation Procedure, including Appendices A through G, H-1 and H-2, J-1 and J-2, L through V and X)(Demarcation of PREPA Generation Assets from the T&D System, pages 110 through 650</p>	<p>Confidential Information and proprietary and trade secrets of third parties protected under Act 80-2011 and Act 122-2019.</p>
			<p>Full text of the 14 draft operational procedures</p> <p>Appendix F to Legacy T&G Demarcation Procedure, including Appendices A through G, H-1 and H-2, J-1 and J-2, L through V and X)(Demarcation of PREPA Generation Assets from the T&D System); pages 110 through 650</p>	<p>Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.</p>

#	Response	Subject	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection, if applicable
			<p>Appendix B to Generator Capabilities Procedure, pages 662-664;</p> <p>Appendix D to Policy on Reserves Procedure page 719;</p> <p>Appendix H to Energy Dispatch, Scheduling and Merit Order Procedure page 768; and</p> <p>Appendices C and D to Critical Loads Procedure, pages 735-736.</p>	

WHEREFORE, LUMA respectfully requests that the Energy Bureau **grant** this request to keep confidentially portions of the aforementioned documents that were filed on May 19, 2021 in compliance with the May 11th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of June 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.



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9107
Fax 939-697-6147

/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
RUA NÚM. 16,266