

**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 June 1, 2021, Request for Confidential Designation and Treatment to the Responses of the Request for Information**

**RESOLUTION AND ORDER**

**I. Introduction**

On May 11, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("May 11 Resolution") through which, among other things, determined that further clarification is necessary for the Energy Bureau to be in position to adequately evaluate the System Operation Principles<sup>1,2</sup>The Energy Bureau also ordered LUMA to submit certain information on or before May 14, 2021.<sup>3</sup>

On May 13, 2021, LUMA filed a document titled *Informative Motion and Urgent Request for Extension of Time to File Response to Resolution and Orden of May 11, 2021* ("May 13 Request"), through which LUMA requested an extension of the May 14, 2021, deadline. LUMA requested an extension until May 21, 2021.

On May 14, 2021, the Energy Bureau issued Resolution and Order ("May 14 Resolution") granting LUMA an extension until May 19, 2021, to file its complete responses to the Energy Bureau's requests for information including those required in the May 11 Resolution.

<sup>1</sup> See In Re: Review of T&D Operator's System Operation Principles, Case. No. NEPR-MI-2021-0001, Resolution and Order, May 11, 2021, p. 3.

<sup>2</sup> On February 25, 2021, LUMA ENERGY, LLC as ManagementCo, and LUMA ENERGY SERVC0, LLC as ServCo (collectively, "LUMA") filed a document titled *LUMA's Submittal and Request for Approval of System Operation Principles* ("February 25 Request") for Energy Bureau's review and approval. The February 25 Request included a document titled *System Operations Principles* ("SOPs") that was identified as Exhibit 1. In the February 25 Request, LUMA requests the Energy Bureau to accept the SOPs and approve them in their entirety.

<sup>3</sup> See Resolution and Order, In re: Review of T&D Operator's System Operation Principles, Case No. NEPR-MI-2021-0001, May 11, 2021, p. 3.



On May 19, 2021, LUMA filed before the Energy Bureau a document titled *Motion in Compliance with Order Submitting Revised System Operation Principles, Phase 1 Draft Procedures and Additional Information* (“May 19 Motion in Compliance”), through which LUMA submitted pending responses to the May 11<sup>th</sup> Order, including a revised version of the System Operation Principles. LUMA also filed under seal of confidentiality attachments 1 and 2 to the response identified as TC-RFI-LUMA-MI-21-0001-210510-PREB-0009. Also, Luma informed that within the next ten days, they will be submitting a separate memorandum of law in support of their request to file some of the attachments under seal of confidentiality.

On June 1, 2021, LUMA submitted a document titled *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*, (“Request of Confidential Treatment”). Through the Request of Confidential Treatment, LUMA requested confidential designation and treatment of the following documents: Attachment 1 and Attachment 2 to response identified as TC-RFI-LUMA-MI-21-0001-210510-PREB-009.

In the Request for Confidential Treatment, LUMA alleged that the referred attachments 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;<sup>4</sup> sensitive commercial information and trade secrets under Act 80-2011<sup>5</sup>. LUMA states that Attachment 1 to TC-RFI-LUMA-MI-21-0001-210510-PREB-009, includes “As-Is Documentation” on LUMA’s assessments of the current process conducted by the Puerto Rico Electric Power Authority (“PREPA”) on system operations, gaps in process and consequences of those gaps which show vulnerabilities of system operations and includes CEII on the Transmission and Distribution System (“T&D System”).<sup>6</sup> Also, LUMA states that Attachment 2 to TC-RFI-LUMA-MI-21-0001-21-510-PREB-0009, includes fourteen (14) draft operational procedures for the future operation and management of the T&D System that include CEII and involve critical aspects of the operations of the T&D System and how LUMA will operate critical components of the T&D System.<sup>7</sup> LUMA states that the procedures warrant protection as they contain details about the generation, transportation and transmission of electric power assessments of critical infrastructure that such disclosure will imperil the safe and reliable operations of the T&D System.<sup>8</sup>

<sup>4</sup> 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020).

<sup>5</sup> Known as the *Law for the Protection of Commercial and Industrial Secrets of Puerto Rico*, as amended.

<sup>6</sup> See Request for Confidential Treatment, p. 11.


<sup>7</sup> *Id.*, p. 12.

<sup>8</sup> *Id.*, p. 12.



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**

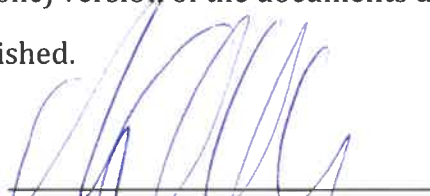
Response	Subject	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection if applicable
TC-RFI-LUMA-MI-21-0001-210510-PREB-009 Attachment 1	As is Documentation	Full text of the "As-Is Process Documentation"	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671- 674.  Sensitive Commercial Information and Trade Secrets protected under Act 80-2011
 TC-RFI-LUMA-MI-21-0001-2105010-PREB-0009 Attachment 2	SOP Procedures	Full text of the 14 draft operational procedures  Appendix F to Legacy T&G Demarcation Procedure, including Appendices A through G, H-1[H] and H-2, J-1[I] and J-2[I-2], L through V and X) (Demarcation of PREPA Generation Assets from the T&D System); <b>pages 110 through 650</b>  Appendix B to Generator Capabilities Procedure, <b>pages 662-664.</b>  Appendix D to Policy on Reserves Procedure <b>page 719.</b>  Appendix H to Energy Dispatch, Scheduling and Merit Order Procedure <b>page 768;</b> and  Appendices C and D to Critical Loads Procedure, <b>pages 735-736.</b>	Sensitive Commercial Information and Trade Secrets under Act 80-2011 and commercial trade secrets of third parties.  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 not disclosed.  Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671- 674.



Act 57-2014<sup>9</sup> establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.<sup>10</sup> Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected”.<sup>11</sup> In such case, the Energy Bureau “shall grant such protection **in a manner that least affects the public interest, transparency,** and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.”<sup>12</sup>

Upon review of LUMA’s arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to the portions of the documents Attachment 1 and 2 to the response identified as TC-RFI-LUMA-MI-21-0001-2105010-PREB-0009 as described in Table 1 above. The Energy Bureau **TAKES NOTICE** that LUMA has submitted a redacted (i.e., public) version of the documents described in Table 1.

Be it notified and published.



Edison Avilés Deliz  
Chairman



Ángel R. Rivera de la Cruz  
Associate Commissioner



Lillian Mateo Santos  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner



Sylvia B. Ugarte Araujo  
Associate Commissioner

<sup>9</sup> Known as *Puerto Rico Energy Transformation RELIEF Act*, as amended.

<sup>10</sup> Section 6.15 of Act 57-2014.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* (Emphasis added).



**CERTIFICATION**

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 3, 2021. I also certify that on August 6, 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. I also certify that today, August 6, 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 August 6, 2021.

  
\_\_\_\_\_  
Sonia Seda Gaztambide  
Clerk

