

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

NEPR

Received:

Dec 8, 2021

9:25 PM

IN RE: REVIEW OF THE PUERTO RICO
POWER ELECTRIC AUTHORITY'S
PHYSICAL SECURITY PLAN

CASE NO. NEPR-MI-2020-0018

**SUBJECT: Submission of Governance
Documents and Request for Confidential
Treatment**

**MOTION IN COMPLIANCE WITH ORDER SUBMITTING GOVERNANCE
DOCUMENTS AND REQUEST FOR CONFIDENTIAL TREATMENT**

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:

1. On December 31, 2020, this honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order that initiated the captioned confidential proceeding to evaluate LUMA’s Physical Security Plan (“December 31st Resolution and Order”).

2. On May 28, 2021, LUMA submitted before this Energy Bureau the Physical Security Plan that was developed pursuant to Section 4.2 (h) of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (“OMA”).

2. On July 2, 2021, this Energy Bureau approved the Physical Security Plan with certain conditions. See Resolution and Order of July 2, 2021, at page 4 (“July 2nd Resolution and Order”).

3. Attachment A to the July 2nd Resolution and Order which was issued under seal of confidentiality, included three orders to: (a) file a revised Physical Security Plan with an accelerated padlock replacement or installation timeline during the near-term (1 year); (b) file on or before July 30, 2021, a detailed timeline on the near-term implementation of the [Physical Security] Plan and the generation of the governance documents that are identified in the Physical Security Plan; and (c) file by December 1st 2021, final versions of the pending governance documents. *See* Attachment A at page 12.

4. In compliance with the July 2nd Resolution and Order, on August 13, 2021, LUMA submitted the revised Physical Security Plan, as well as the detailed timeline on the near-term implementation of the Physical Security Plan and the generation of the governance documents identified in Section 3.0 of the Plan.

5. On September 15, 2021 and November 15, 2021 Progress Reports with updated timelines of the tasks for near term implementation of the Physical Security Plan.

6. On November 29, 2021, LUMA requested additional time until December 8, 2021, to submit the governance documents. In a Resolution and Order issued on December 6, 2021, this Energy Bureau granted the extension requested by LUMA. Thus, the governance documents are to be submitted by December 8, 2021.

7. As directed by this Energy Bureau in the July 2nd Resolution and Order, LUMA hereby submits under seal of confidentiality, the following Governance Documents that are mentioned in Section 3.0 of the Physical Security Plan:

- i. LUMA-422-100 Physical Security Manual
- ii. LUMA-422-101 Physical Security Access Management

- iii. LUMA-422-102 Check-In Check-Out Substations Procedure
- iv. LUMA-422-103 Physical Security Monitoring Process
- v. LUMA-422-104 Physical Security Incident Response Procedure
- vi. LUMA-422-105 Physical Security Log Management Procedure
- vii. LUMA-422-106 Visitor Control Program and Appendix A' 'Visitor Control Registro de vehículos y visitantes'' LUMA 422-F-002 (This Spreadsheet is part of the following document: LUMA-422-106)
- viii. LUMA-422-107 Maintenance & Testing Program
- ix. LUMA-422-108 Security Awareness
- x. LUMA-422-109 Physical Security Risk Vulnerability Assessment Methodology
- xi. LUMA-422-110 Asset Scoring Checklist and Appendix A: Assessment Report Template

8. In alignment with the December 31st Resolution and Order that treats this proceeding confidentially, LUMA respectfully requests that this Energy Bureau keep and maintain the governance documents under seal of confidentiality. The governance documents implement LUMA's Confidential Physical Security Plan and have not been disclosed to third parties or the public. This, to protect the safety and integrity of the assets of the Transmission and Distribution System ("T&D System"), as a necessary component of LUMA's ability to safely operate the T&D System, and to protect LUMA employees, contractors and the public. The governance documents contain Critical Energy Infrastructure Information ("CEII") in the form of identification of critical assets of the T&D System, *see for example*, LUMA-422-110 Asset Scoring Checklist, Section 2.2.1, 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* Energy Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009 (“Policy on Management of Confidential Information”), issued on August 31, 2016, as amended by the Resolution dated September 16, 2016. Also, the governance documents should be designated as confidential CEII as they include LUMA’s assessments of key security processes and threats to critical assets, as well as analysis and procedures to protect critical infrastructure for the transmission and distribution of energy. It is in the public interest to keep the information confidential. 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.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **consider and accept** the governance documents submitted today under seal of confidentiality; **maintain** the Governance documents that implement the confidential Physical Security Plan under seal of confidentiality in alignment with the December 31st Resolution and Order that treats this proceeding as confidential; and **deem** that LUMA complied with the requirement of this Energy Bureau’s July 2nd Resolution and Order to file the governance documents.

RESPECTFULLY SUBMITTED.

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau. I hereby certify that I will send notice of this motion to counsel for the Puerto Electric Power Authority, Katuska Bolaños, kbolanos@diazvaz.law; and Joannely Marrero-Cruz, jmarrero@diazvaz.law.

In San Juan, Puerto Rico, this 8th day of December 2021.



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Exhibit 1
Governance Documents

[Submitted under seal of confidentiality and attachments in excel format, submitted via email confidentially]