

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

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IN RE: REVIEW OF LUMA’S INITIAL BUDGETS

CASE NO. NEPR-MI-2021-0004

**SUBJECT:** Memorandum in Support of Confidential Treatment of portions of Appendix C of LUMA’s Annual Budgets

**MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIAL TREATMENT  
OF PORTIONS OF APPENDIX C OF LUMA’S ANNUAL BUDGETS**

**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 1, 2022, LUMA filed before this honorable Puerto Rico Energy Bureau (“Energy Bureau”), its Annual Budgets for fiscal years 2023 through 2025 (“Annual Budgets”). Appendix C to the Annual Budgets is entitled “Improvement Portfolios.” As will be explained below, portions of Appendix C (Improvement Portfolios) of the Annual Budgets, include sensitive commercial information on the resource needs and allocation of funds for future acquisitions that are necessary to implement proposed spending and improvement programs. *See* Section 3.3 (Estimating Methods and Assumptions for Distribution Streetlighting Program, first and fourth bullets at pages 84-85; HR Programs, first bullet at page 338; and Waste Management, third bullet at page 417), Appendix C of the Annual Budgets. Said information should be protected from public

disclosure to secure the orderly conduct of proceedings for competitive acquisition of goods and services.

Secondly, several sections of Appendix C of the Annual Budgets, 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 Energy 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, 2016, as amended on September 21, 2016 (“Energy Bureau’s Policy on Management of Confidential Information”). The CEII that is included in portions of Appendix C, 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.

In compliance with the Energy Bureau’s Policy on Management of Confidential Information, LUMA submits this memorandum of law that identifies and explains the legal basis for the confidential treatment of portions of Appendix C of the Annual Budgets. It is respectfully submitted that the portions of Appendix C of the Annual Budgets that have been identified as confidential, should be protected per Article 6.15 of Law 57-2014, known as the Puerto Rico Energy Transformation and Relief Act and the Energy Bureau’s Policy on Management of Confidential Information.

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 Appendix C of the Annual Budgets 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. As the Energy Bureau may confirm, the main body and appendices of the Annual Budgets have been filed for the public record. Only discrete portions of Appendix C have been designated as confidential and filed as such. LUMA is committed to enrich this proceeding with transparency and to enable the Energy Bureau, interested stakeholders, and customers, to fully evaluate and consider the Annual Budgets.

## **II. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.**

Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Bureau. It provides, in pertinent part, that: “[i]f any person who is required to submit information to the Energy [Bureau] believes that the information to be submitted has any confidentiality privilege, such person may request the Commission to treat such information as such . . . .” 22 LPRA §1054n. If the Energy 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).

In connection with the duties of electric power service companies, Sections 1.10 (i) and (ix) of Act 17-2019 further provide that electric power service companies shall submit information requested by customers, except for: (i) confidential information in accordance with the Rules of Evidence of Puerto Rico; [...]; and (ix) matters of public security involving threats against PREPA, its property or employees.”

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 [Energy Bureau] who needs to know such information under nondisclosure agreements. However, the [Energy Bureau] shall direct that a non-confidential copy be furnished for public review”. *Id.* Section 6.15(c).

The Energy 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 Energy Bureau’s Policy on Confidential Information 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 Energy 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 Energy Bureau’s Policy on Confidential Information also 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, Energy 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 [Energy 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* Energy Bureau Regulation No. 9137 on *Performance Incentive Mechanisms*, Section 1.13 (addressing disclosure before the Energy 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 LPRA §§ 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. (Emphasis added).

Trade secrets 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. As explained in the Statement of Motives of Act 80-2011, protected trade secrets include any information bearing commercial or industrial value that the owner reasonably protects from disclosure. *Id.* *See also* Article 4 of Puerto Rico's Open Data Law, Act 122-2019 (exempting 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 (3) private information of third parties). *See* Act 122-2019, Articles 4 (ix) and (x) and (xi)).

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); *see also Next Step Medical Co. v. MCS Advantage Inc.*, 2016 WL 6520173, KLCE201601116 (P.R. Court of Appeals, September 13, 2016 at page 11 (holding that in Puerto Rico, what constitutes trade secrets is evaluated applying a broad definition). A trade secret includes **any and all information** from which a real or potential value or economic advantage may be derived; that is not common knowledge or accessible through other means; and as to which reasonable security measures have been adopted to keep the information confidential. *Ponce Adv. Medical*, 197 DPR at 906.

Sections 3.0 of each of the Programs that are included in Appendix C of the Annual Budgets (Program Funding and Timeline), include three subsections with information on estimated expenditures (Section 3.1); program resource requirements (Section 3.2), and cost estimating methods and assumptions (Section 3.3). Several of the Sections 3.3, particularly, those involving the Distribution Streetlighting Program, first and fourth bullets at pages 84-85; HR Program, first bullet at page 338; and the Waste Management Program, third bullet at page 417, include sensitive commercial information involving future acquisitions that may be conducted through public procurements. Said information should be protected from disclosure to secure the orderly conduct of future competitive procurement processes and to avoid granting unfair advantages to suppliers and/or potential proponents of bidders.

On page 5 of a Resolution and Order dated April 29, 2021 with the subject *Request for Partial Reconsideration of Determinations on LUMA's Request for Confidential Treatment and Designations of Portions of Appendix D and of documents and attachments of Responses to Requests for Information to Initial Budget*, this Energy Bureau granted confidential designation to the same information that is included in portions of Section 3.0 of Appendix C of the Annual Budgets (Distribution Streetlighting Program, first and fourth bullets at pages 84-85; HR Programs, first bullet at page 338; and Waste Management, third bullet at page 417). LUMA is hereby requesting that the Energy Bureau apply said prior ruling on confidentiality to the same sensitive commercial information that was submitted in connection with LUMA's Initial Budgets and that the Energy Bureau find that the same information that was submitted with Appendix C of the Annual Budgets, constitutes sensitive commercial information protected from disclosure under applicable law.

It is respectfully submitted that the aforementioned portions of Section 3.3 of Appendix C of the Annual Budgets, reveal processes and estimations that are key to LUMA's operations and success under the OMA. They provide details on specific resources that LUMA proposes to acquire for several of the Improvement Programs, including assumption on costs, specifications of materials and goods, and explanations on the needs.

Premature disclosure of this information would contravene public policy on competitive procurement processes and will impede efficient allocation of PREPA funds that have been earmarked in the Annual 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)**

Appendix C of the Annual Budgets, entitled "Improvement Portfolios," includes improvements programs that cover all of the functional areas of PREPA as a utility. Nine of the programs included in Appendix C of the Annual Budgets reference critical energy infrastructure information that, under relevant Federal Law and Regulations, is protected from public disclosure and receives confidential treatment. As mentioned above, the Energy Bureau's Policy on Management of 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 [(“CI”)] 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), 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).<sup>1</sup>

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<sup>1</sup> 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

The following programs include CEII, that, if disclosed to the public, will expose key assets to security vulnerabilities or attacks by persons seeking to cause harm to the systems. In a Resolution and Order of April 21, 2021 entitled *Determination on LUMA's Request for Confidential Designation and Treatment of Portions of Attachment D of the Initial Budget* ("April 21<sup>st</sup> Order"), this Energy Bureau granted confidential treatment to the these program briefs, finding that the relevant portions included CEII that should be protected from disclosure. See April 21<sup>st</sup> Order, table 2 at pages 3-4.<sup>2</sup> LUMA asks that the Energy Bureau follow its prior ruling and accept the following programs and discrete portions of Appendix C of the Annual Budgets confidentially:

**1. Critical Energy Management System Upgrades, Appendix C, at pages 201-203**

This program involves replacement of the Energy Management System (EMS) and related technology to operate the electric system safely and reliably. The EMS is a computer-based system that is used by operators to monitor, control and optimize the performance on the generation,

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(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.

<sup>2</sup> The Annual Budgets combine the Physical Security for Distribution Facilities and Transmission Substation Security program briefs into the Substation Security Program Brief. In the April 21<sup>st</sup> Order, this Energy Bureau granted confidential treatment to both the Physical Security for Distribution Facilities and the Transmission Substation Security program briefs.

transmission and distribution system. Appendix C of the Annual Budgets, includes a description of the current state of the EMS, including its vulnerabilities. *See* Section 2.1 at page 201. Additionally, Sections 2.2, 2.3, and 2.4 provide content on the program for remediation, including the activities to be conducted. *Id.* at pages 201-203. Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks involved in case of failure of the EMS. *Id.* at pages 202-203. All of this information should be kept confidentially, as it involves critical infrastructure and provides LUMA's assessment of its vulnerabilities and how and why to address them.

## **2. Critical Energy Management & Load Generation Balancing, Appendix D, pages 218 through 221**

This program involves the development of capabilities related to energy management and load/generation balancing. *See* Appendix C pages 218 through 221. Pages 218 through 219 of Appendix C, include a description of the current state of technology to support a generation control system, including automatic generation control (AGC), which is an automation system that instantly reacts to unbalance in the system and adjusts generation outputs to keep the system balanced including its vulnerabilities. Sections 2.2, 2.3, and 2.4 provide content on the program for remediation, including the activities to be conducted. *Id.* at page 219. Additionally, Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks involved in delaying the program. *Id.* at pages 220-221. All of this information should be kept confidentially, as it involves critical infrastructure and provides LUMA's assessment of its vulnerabilities and how and why to address them.

## **3. Control Center Construction & Refurbishment, Appendix C, pages 211 through 214**

Control centers are critical facilities that play a vital role in the safe, reliable and economic performance of the entire electric grid. This program, explained at pages 211 through 214 of Appendix C of the Annual Budgets, is targeted at construction or refurbishment of buildings to house the main and back-up control centers and all ancillary support services. The Control Center, undeniably, involves infrastructure that is critical to operating the generation and transmission systems. It is in the public interest to designate as CEII and CI, this program that involves remediation of an essential component of systems operations.

Sections 2.1, 2.2, 2.3, and 2.4 of the Control Center Construction & Refurbishment program, provide content on the program for remediation, including the activities to be conducted. *Id.* at pages 211-212. Additionally, Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks involved in delaying the program. *Id.* at pages 212-213. All of this information should be kept confidentially, as it involves the critical infrastructure and provides LUMA's assessment of its vulnerabilities and how and why to address them.

#### **4. IT OT Telecom Systems & Networks, Appendix C. pages 159 through 165**

This program includes Information Technology (IT) and Operational Technology ("OT") telecom investments to improve and revamp PREPA's mobile radio system, phone exchange and telephone systems and fiber optic and microwave data radio systems. These systems are used to carry out all of PREPA's IT and OT data. They are, therefore, part of the critical infrastructure to operate the electrical grid safely and responsibly.

Section 2.1 includes a description of the technology currently available on network connectivity and Telecom protection. Appendix C at page 159. Sections 2.2, 2.3, and 2.4 of the IT OT Telecom Systems & Networks program provide content on the program for remediation,

including the activities to be conducted which in this program involves three steps. *Id.* at pages 160-162. Additionally, Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks of delaying the program because it is a key component of protecting people, property and equipment. *Id.* at pages 162-165. The aforementioned sections also reference cybersecurity vulnerabilities. All of this information should be kept confidentially, as it involves critical infrastructure and provides LUMA's assessment of its vulnerabilities and how and why to address them with regards to the IT and OT Systems and Networks.

#### **5. IT OT Cybersecurity Program, Appendix C, pages 359 through 365**

This program centers on enabling the business and protecting key organizational assets, including people, resources and technology to ensure that cyber risk, internal and external threats, vulnerabilities, and natural disasters are identified and mitigated based on risk and readiness factors. Pages 359 through 364 of Appendix C of the Annual Budgets, include descriptions of the program that identifies cyber risks that could severely impact T&D operations.

Sections 2.1, 2.2, 2.3, and 2.4 of the IT OT Cybersecurity program provide content on the program for remediation, including the activities to be conducted and the types of security measures to be implemented. *Id.* at pages 359-362. Additionally, Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks of failing to implement adequate cybersecurity controls. *Id.* at pages 362-364. The aforementioned sections that describe the plan, also reference cybersecurity vulnerabilities. All of this information should be kept confidentially, as it involves critical infrastructure and provides LUMA's assessment of its vulnerabilities and how and why to address them with regards to the IT and OT Systems and Networks. It bears noting that this Energy Bureau has kept pending

proceedings on data security matters, confidentially. *See In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

**6. Substation Security, Appendix C, pages 187 through 190**

This program combines the Physical Security for Distribution Facilities and Transmission Substation Security programs that were approved by this Energy Bureau on June 22, 2021. In the April 21<sup>st</sup> Order, this Energy Bureau granted confidential treatment to several portions of these two programs.

The Substation Security Program focuses on a variety of security concerns at transmission and distribution substations which are critical to operate the system and provide safe and reliable services. It will replace and add new security technology and hardware to deter, detect and delay security incidents.

Sections 2.1, 2.2, 2.3, and 2.4 of the Substation Security Program provide content on the program for remediation, including the activities to be conducted and the types of measures to be implemented to protect assets, employees and the public. *Id.* at pages 187-188. Additionally, Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks of failing to implement adequate security measures. *Id.* at pages 188-190. This information should be kept confidentially, as it involves critical infrastructure and provides LUMA's assessment on vulnerabilities and how to address them to provide security in distribution facilities. It bears noting that this Energy Bureau has kept proceedings on physical security plan, confidentially. *See In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

## **7. Regional & Technical Facilities Security, Appendix C, pages 196 through 197**

This program will replace and add new security technology and hardware to deter, detect and delay security incidents (e.g., intrusion, theft, damage, etc.) at regional and technical facilities.

Sections 2.1, 2.2, 2.3, and 2.4 of the Regional & Technical Facilities Security program provide content on the program for remediation, including the activities to be conducted and the types of measures to be implemented to protect assets, employees and the public. *Id.* at page 196. Additionally, Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks of failing to carry out this program. *Id.* at page 197. This information should be kept confidentially, as it involves security at regional and technical facilities and provides LUMA's assessment on vulnerabilities and how to address said vulnerabilities. It bears noting that this Energy Bureau has kept proceedings on physical security plan, confidentially. *See In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

## **8. Warehouse Security, Appendix C, pages 215 through 217**

This program will focus on providing Closed-Circuit Television (CCTV), card access and fencing at various warehouse locations. This program will replace and add new security technology and hardware to deter, detect and delay security incidents at warehouses.

Sections 2.1, 2.2, 2.3, and 2.4 of the Warehouse Security program provide content on the current status of security measures at warehouses, describe the program for remediation, including the activities to be conducted and the types of measures to be adopted to implement physical security controls. *Id.* at page 215. Additionally, Section 2.5 describes the benefits of the program with reference to the primary goals, objectives and impact, and Section 2.6 identifies the risks associated with not proceeding with this security program. *Id.* at pages 216-217. This information

should be kept confidentially, as it involves security at warehouses and provides LUMA's assessment on vulnerabilities and how to address them. It bears noting that this Energy Bureau has kept proceedings on physical security plan, confidentially. *See In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

In conclusion, the aforementioned Sections of Appendix C of the Annual Budgets include information and programs for investments and remediation on critical infrastructure and components of PREPA systems whose function is to provide protection and security. They also involve critical elements of systems that are essential for LUMA's operations and 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. It is important to stress that information on security systems, per the aforementioned laws and regulations, should be shielded from public disclosure indefinitely to ensure the systems' integrity and functioning.

#### **IV. Identification of Confidential Information.**

In compliance with the Energy Bureau's Policy on Management of Confidential Information," a table summarizing the hallmarks of this request to submit portions of Appendix C of the Annual Budgets is hereby included. The portions of Appendix that are identified below, will be submitted for the public record in redacted form to obscure the confidential information.



<b>Document</b>	<b>Pages in which Confidential Information Is Found</b>	<b>Date of Filing</b>	<b>Summary of Legal Basis for Confidentiality Protection</b>	<b>Summary of Reasons Why Each Claim Conforms to Legal Basis for Confidentiality</b>
Appendix C Annual Budgets <b>Distribution Streetlighting, HR Programs, and Waste Management</b>	Distribution Streetlighting, Section 3.3; First and Fourth Bullet at pages 84-85  HR Programs, Section 3.3; First bullet at page 338  Waste Management, Section, 3.3; Third bullet at page 417	April 1, 2021	Sensitive Commercial Information and Trade Secrets under Act 80-2011	Section III A of this Memorandum discusses and shows that the specified portions of Appendix C includes information for future acquisitions of good and services that may provide unfair advantages to suppliers or proponents and could harm the public interest.
Appendix C Annual Budgets <b>Critical Energy Management System Upgrades</b>	Sections 2.1 -2.6, pages 201-203	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.
Appendix C Annual Budgets <b>Critical Energy Management &amp; Load Generation Balancing</b>	Sections 2.1 -2.6, Pages 218-221	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.
Appendix C Annual Budgets <b>Control Center Construction &amp; Refurbishment</b>	Sections 2.1 -2.6, Pages 211-214	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.

Appendix C Annual Budgets <b>IT OT Telecom Systems &amp; Networks</b>	Sections 2.1 -2.6,  Pages 159-165	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.
Appendix C Annual Budgets <b>IT OT Cybersecurity Program</b>	Sections 2.1 -2.6,  Pages 359-364	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.
Appendix C Annual Budgets <b>Substation Security</b>	Sections 2.1 -2.6,  Pages 187-190	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.
Appendix C Annual Budgets <b>Regional Technical Facilities Security</b>	Sections 2.1 -2.6,  Pages 196-197	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.
Appendix C Annual Budgets <b>Warehouse Security</b>	Sections 2.1 -2.6,  Pages 215-217	April 1, 2021	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 that the specified sections of Appendix C to the Annual Budgets includes confidential information.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **grant** its request to keep confidentially, the aforementioned portions of Appendix C of the Annual Budgets that were filed on April 1, 2022.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 11<sup>th</sup> day of April 2022.

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](mailto:jmarrero@diazvaz.law); and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto: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  
[margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com)