

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

NEPR

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IN RE:

IMPLEMENTATION OF THE PUERTO
RICO ELECTRIC POWER AUTHORITY
INTEGRATED RESOURCE PLAN AND
MODIFIED ACTION PLAN

CASE NO. NEPR-MI-2020-0012

**SUBJECT: Motion Submitting Complete Responses to
Questions 6 and 7 in Energy Bureau's Resolution and
Order of April 11, 2022, and Requesting Confidential
Treatment**

**MOTION SUBMITTING COMPLETE RESPONSES TO QUESTIONS 6 AND 7 IN
ENERGY BUREAU'S RESOLUTION AND ORDER OF APRIL 11, 2022, AND
REQUESTING CONFIDENTIAL TREATMENT**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy ServCo, LLC and LUMA Energy, LLC (collectively "LUMA"), through the undersigned legal counsel, and respectfully submit the following:

1. On April 11, 2022, this honorable Puerto Rico Energy Bureau of the Public Service Regulatory Board (the "Energy Bureau"), issued a Resolution and Order (the "April 11th Order") in connection with the Tranche 1 renewable energy and battery storage procurement ("Tranche 1 Procurement") conducted by the Puerto Rico Electric Power Authority ("PREPA").

2. In the April 11th Order, the Energy Bureau ordered PREPA and LUMA to, on or before April 19, 2022, answer specified questions included in a list of questions set forth in the April 11th Order, numbered 1 through 7, relating to certain aspects of the Tranche 1 Procurement submittals from respondents and PREPA's evaluation of those submittals¹.

¹ These are subjects that, according to the April 11th Order, were discussed between the Energy Bureau and PREPA in a meeting they had on February 3, 2022, and with respect to which PREPA indicated its willingness to provide additional information. *See* April 11th Order at p. 1.

3. Specifically, from among the questions set forth in the April 11th Order, the Energy Bureau ordered PREPA to respond to those numbered 1 through 5, including subparts, and LUMA, as operator of the Transmission and Distribution System, to answer those numbered 6 and 7, including subparts (“Question 6” and “Question 7”, respectively). *See id.*

4. Question 6 is made in reference to “information received [by PREPA] from prospective battery storage respondents about technical details of minimum technical requirements (MTR) about the ancillary service capabilities and response times for certain energy battery resources” (*see id.* at p. 3), which information is included in an Informative Motion filed by PREPA with the Energy Bureau on February 10, 2022 (*see id.* at footnote 8)² (“February 10th Informative Motion”). Subpart (a) of Question 7 is made in reference to certain LUMA concerns regarding interconnection agreements (*see id.* at p. 3) as expressed by PREPA in an Informative Motion filed by PREPA with the Energy Bureau on March 1, 2022 (*see id.* at footnote 9)³ (“March 1 Informative Motion”). Both the February 10th and March 1 Informative Motions (collectively, the “Informative Motions”) were submitted by PREPA to the Energy Bureau under request for confidential treatment, which request is pending determination from the Energy Bureau. *See id.* at footnotes 8 and 6; and, with respect to the February 10th Informative Motion, the *Memorandum of Law in Support of Request for Confidential Treatment of Attachment A* filed by PREPA with the Energy

² Footnote 8 makes reference to an Informative Motion Regarding Status of BESS Proposal Evaluations, VPP Proposal Negotiations and Interconnection Study Timeline, Including Exhibits A-I, A-II, and A-III, *In re: Implementation of the Puerto Rico Electric Power Authority Integrated Resource Plan and Modified Action Plan*, Case No. NEPR-MI-2020-0012, February 10, 2022.

³ Footnote 9 makes reference to an Informative Motion Regarding Status of Contract Negotiations and Delays in Finalizing Form of Interconnection Agreement, *In re: Implementation of the Puerto Rico Electric Power Authority Integrated Resource Plan and Modified Action Plan*, Case No. NEPR-MI-2020-0012, March 1, 2022. *See id.* at footnotes 9 and 6.

Bureau on February 10, 2022 (“February 10th MOL”); and with respect to the March 1 Informative Motion, the *Memorandum of Law in Support for Request for Confidential Treatment of Attachment A* filed by PREPA with the Energy Bureau on March 1, 2022 (“March 1st MOL”).

5. On April 19, 2022, LUMA submitted to this Energy Bureau a *Motion Submitting Partial Response and Requesting Brief Extension to Submit LUMA’s Full Answers to Questions 6 and 7 in Energy Bureau’s Resolution and Order of April 11, 2022* (“April 19th Motion”) requesting this honorable Energy Bureau to provide LUMA an extension until April 29, 2022 to submit complete responses to Questions 6 and 7, given that LUMA had not been able to access the Informative Motions until April 18, 2022 when PREPA provided LUMA a copy. *See* April 19th Motion at p. 3. In addition, without waiving this request, LUMA provided partial responses to these questions, including a full response to subpart (b) of Question 7, which were included in Exhibit 1 to the April 19th Motion (the “Partial Response”). *See id.* LUMA also reserved the right to further expand upon or revise the Partial Response based on its review of the Informative Motions. *See id.*

6. On the same date, PREPA filed a *Motion for Extension of Time until April 25, 2022, to Comply with Responses Required by the April 11, 2022 Resolution and Order* whereby it requested an extension, until April 25, 2022 to submit the information requested by the PREB through its questions.

7. On April 22, 2022, the Energy Bureau issued a Resolution and Order extending the deadline for LUMA and PREPA to submit their responses to their respective questions in the April 11th Order until April 28, 2022.

8. LUMA herein submits its complete responses to Questions 6 and 7 in the attached Exhibit A. LUMA respectfully requests that the attached responses be considered in substitution of the Partial Response submitted with the April 19th Motion.

9. The responses in Exhibit A herein were prepared based on LUMA's review of the PREPA Informative Motions, and parts of these responses refer, directly or indirectly, to some of the information contained in the Informative Motions which, as mentioned, were submitted by PREPA to this Energy Bureau under request for confidential treatment. Accordingly, when PREPA provided copy of the Informative Motions to LUMA, it did so under condition that the information in the Informative Motions be maintained confidential by LUMA. In addition, LUMA is required to maintain the Informative Motions confidential pursuant to the provisions of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement of June 20, 2020 ("T&D OMA").⁴

10. Based on the above, LUMA hereby requests the Energy Bureau to receive and maintain Exhibit A under seal of confidentiality pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, and partially amended on September 16, 2016.

⁴ In particular, the T&D OMA provides that "any and all written, recorded or oral System Information furnished or made available in connection with [the OMA], or that constitutes Work Product, shall be deemed "Owner Confidential Information" (*see* OMA at Section 13.2(a)(i)), and that LUMA shall "A) keep strictly confidential and take reasonable precautions to protect against the disclosure of all Confidential Information of [PREPA], and (B) use all Confidential Information of [PREPA] solely for the purposes of performing its obligations under the [OMA and other specified agreements contemplated under the OMA]" (*see id.* at Section 13.2(a)(ii)). System Information includes any information relating to the T&D System. *See id.* at Section 1.1.

11. Within the next ten days, LUMA will submit a memorandum of law in support of this request for confidential treatment of Exhibit A, along with a redacted version of Exhibit A concealing the confidential information for which protection is sought.

WHEREFORE, LUMA respectfully requests the Energy Bureau to **take notice** of the aforementioned, and **accept, under seal of confidentiality**, the attached complete responses to Questions 6 and 7 contained in **Exhibit A** of this Motion in compliance with the Energy Bureau's Resolutions and Orders of April 11, 2022 and April 22, 2022, and in substitution of LUMA's Partial Response submitted on April 19, 2022.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28th day of April 2022.

We hereby certify that we filed this motion using the electronic filing system of this Puerto Rico Energy Bureau and that copy of this motion was notified to PREPA counsel mvazquez@diazvaz.law and kbolanos@diazvaz.law.



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Exhibit A

Complete Responses to Questions 6 and 7 in April 11th Order

Submitted under Request for Confidentiality