

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

NEPR
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IN RE: INTERRUPCIÓN DE SERVICIO
ELÉCTRICO DE 6 DE ABRIL DE 2022

CASE NO. NEPR-IN-2022-0002

SUBJECT:

**Submission in Compliance with Request
for Information on April 6th Incident and
Request for Confidential Treatment**

**MOTION TO SUBMIT DOCUMENTS IN RESPONSE TO REQUEST FOR
INFORMATION 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 following¹:

1. On April 6th 2022, a failure in the electric system led to a fire at the Costa Sur transmission substation, which resulted in a power outage of the entire electrical system (hereinafter, the “April 6th Incident”).

2. On April 8th 2022, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order whereby it initiated an investigation of the April 6th Incident (“April 8th Order”).

3. On April 12th, 2022, in compliance with the April 8th Order, LUMA submitted the Preliminary Report of the April 6th Incident. The Preliminary Report included the information that

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in LUMA’s *Motion Submitting Updated Report and Request for Confidential Treatment*, filed in this Energy Bureau on April 18th, 2022.

LUMA had gathered thus far, preliminary findings and assessments of the April 6th Incident, and a summary of the corrective actions taken by LUMA.

4. On April 14th, 2022, to aid the Energy Bureau in its investigation and supplement the Preliminary Report, LUMA filed a *Motion to Supplement Preliminary Report on April 6th Incident*. Therein, LUMA submitted two (2) video recordings, including a screen camera from the Costa Sur transmission substation, which shows the moment of the explosion, and an aerial view video recorded the morning after the April 6th Incident.

5. On April 18th, 2022, in compliance with the April 8th Order, LUMA filed a *Motion Submitting Updated Report and Request for Confidential Treatment* (“Updated Report”). Therein, LUMA submitted the Updated Report of the April 6th Incident, which provided an update on the following topics:

- i. Overview of third-party industry expert hired to assist with analysis;
- ii. Outage investigation update and proactive maintenance plan/strategy;
- iii. System analysis update including adding dynamic stability analysis into model; and
- iv. Ongoing restoration activities at Costa Sur.

6. In the Updated Report, LUMA disclosed that, given the highly technical and extensive nature of the investigation and the desire to conduct an exhaustive, comprehensive, and scientific review, it was not possible to establish a fixed date for completion of the root cause investigation and analysis, and the submission of the Final Report. Nevertheless, LUMA agreed to provide an update to the Energy Bureau on the schedule, scope, and status of the investigation on or before May 9th, 2022 (the “Second Updated Report”).

7. On April 22nd, 2022, the Energy Bureau issued a Resolution and Order instructing LUMA and PREPA to submit, on or before May 6th, 2022, at noon, certain documents and information in connection with the April 6th Incident. The Energy Bureau also required LUMA and PREPA to include a sworn statement stating that the documents produced are exact copies of the original documents and that the information provided is true and correct (“April 22nd Order”).

8. On May 7th, 2022, LUMA filed a *Motion for Brief Extension of Time to Submit Documents and Information in Response to Request for Information*. Therein, LUMA requested an extension until May 9, 2022, to submit the documents and information in compliance with the April 22nd Order issued by the Energy Bureau. Considering there is an overlap in the subject matter of both submissions, LUMA stated that it would be more beneficial for this Energy Bureau to receive both the Second Updated Report and the responsive documents and information to the Energy Bureau’s requests at the same time.

9. On May 6th, 2022, the Energy Bureau entered a Resolution and Order granting LUMA until May 9, 2022, to submit the documents and information in compliance with the April 22nd Order and the Second Updated Report.

10. On May 9th, 2022, LUMA submitted all documents and information in its possession, custody, and control, which were responsive to the Energy Bureau’s requests for documents and information. They included a sworn statement signed by Darrell Wilvers, LUMA’s Director of Asset Management, stating that the documents produced were exact copies of the original documents and that the information provided was true and correct. Further, LUMA also submitted a Second Updated Report of the April 6th Incident, which provided an update on the schedule and status of the investigation.

11. In the Second Updated Report of the April 6th Incident, LUMA informed the Energy Bureau that the remaining elements of the investigation schedule included a Root Cause Evaluation of the April 6th Incident that would be submitted on or before September 23, 2022.

12. On September 23, 2022, LUMA submitted the Root Cause Evaluation of the April 6th Incident. Exponent, the third-party expert, contracted to carry out the investigation, prepared this document.

13. On October 19, 2022, the Energy Bureau issued a Resolution and Order requiring LUMA to submit the following documents within the next five days:

- i. *Hitachi Energy, LUMA OCB Circuit Breaker Failure: Field Service Inspection Report, 2022-06-27;*
- ii. *Independent Engineering Report PREPA Transmission and Distribution System prepared by Sargent & Lundy, Report No. SL-O 14468.TD, dated June 2019;*
- iii. *LUMA Transmission Reliability Standards and Critical Infrastructure, dated July 12, 2022;*
- iv. *PREPA Letter Análisis Estadístico y Proyectado de la Conservación de Equipos Eléctricos de la Subdivisión de Conservación Eléctrica; dated October 19, 2016;*
- v. *LUMA Substation Assessment Costa Sur; dated July 26, 2021;*
- vi. *Operating Procedure Number 401 -C.S.5&6, dated September 1, 1977.*

14. In compliance with the October 19th Order, LUMA hereby submits all documents responsive to the Energy Bureau's request for documents with this Motion. The documents are being submitted electronically to the Energy Bureau, given the technical impossibility of uploading them to the electronic docket. Further, LUMA submits the documents under seal of confidentiality and requests that the Energy Bureau receive and maintain the same confidentially.

15. Considering that Section 15.10 of Regulation No. 8543 allows for the release to the public of information after an investigation has concluded, LUMA respectfully submits that the documents responsive to the October 19th Order should be designated as confidential material that should be protected from disclosure after the investigation of the April 6th Incident concludes. The documents responsive to the October 19th Order are protected from disclosure as CEII, *see e.g.*, 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020), and pursuant to the Bureau's Policy on Management of Confidential Information. *See* Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by Resolution dated September 20, 2016.

16. Under separate cover and expediently, within the next ten days, as allowed by Section A.2 of the Energy Bureau's Policy on Management of Confidential Information, LUMA will submit a memorandum of law in support of this request to file the documents responsive to the October 19th Order under seal of confidentiality.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **receive, accept and treat confidentially** the documents submitted concurrently with this Motion being filed in compliance with the October 19th Order.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this Motion to attorneys for PREPA, Katuska Bolaños-Lugo, kbolanos@diazvaz.law, and Joannely Marrero-Cruz, jmarrero@diazvaz.law.

In San Juan, Puerto Rico, this 24th day of October 2022.



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