

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

<b>NEPR</b>
<b>Received:</b>
<b>Dec 15, 2022</b>
<b>12:00 PM</b>

**IN RE:**  
IN RE: PUERTO RICO ELECTRIC POWER  
AUTHORITY PERMANENT RATE

**CASE NO. NEPR-MI-2020-0001**

**SUBJECT: Submission of Reconciliations for  
September, October, and November 2022,  
FCA, PPCA, PPCA, and FOS Calculated  
Factors and Request for Confidential  
Treatment**

**MOTION SUBMITTING RECONCILIATIONS FOR SEPTEMBER, OCTOBER, AND  
NOVEMBER 2022, SUBMISSION OF FCA, PPCA, AND FOS CALCULATED  
FACTORS, 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”), through the undersigned counsel, and respectfully state and request the following:

**I. Introduction**

Pursuant to a Resolution and Order dated January 17, 2020, this honorable Puerto Rico Energy Bureau (“Energy Bureau”) has conducted approval and revisions of the factors associated with several riders, including contributions in lieu of taxes cost adjustment (CILTA), help to human subsidies (SUBA-HH), non-help to human subsidies (SUBA-NHH), Fuel Charge Adjustment (FCA), the Purchased Power Charge Adjustment (PPCA), and the Fuel Oil Subsidy (FOS), and their reconciliations, in this proceeding, NEPR-MI-2020-0001. The reconciliations and FCA, PPCA, and FOS calculated factors are filed quarterly with this honorable Energy Bureau pursuant to the Final Rate Order issued on January 10, 2017, Case CEPR-AP-2015-0001, as amended (“Final Rate Order”).

LUMA does not own or operate generation facilities nor purchase any fuel for generation. LUMA's operations costs are not included in the FCA, PPCA, and FOS riders. The Final Rate Order and the Puerto Rico Electric Power Authority's ("PREPA") tariff book requires the calculation of the FCA, PPCA, and FOS riders to ensure the pass-through of fuel used in generation by PREPA and the power purchased from private generators, without any markup, profit or additional charges that would benefit PREPA. As Operator of the Transmission and Distribution System, and in furtherance of its duties over system regulatory matters under Section 5.6 of the Puerto Rico Transmission and Distribution Operation and Maintenance Agreement ("T&D OMA"), supplemented by the Puerto Rico Transmission and Distribution System Supplemental Terms Agreement, LUMA is tasked with the preparation of the required quarterly reconciliations and factors for the FCA, PPCA and FOS riders.

In a Resolution and Order issued in this proceeding on September 29, 2022, this Energy Bureau set the FCA, PPCA, and FOS factors to be applied from October 1<sup>st</sup>, 2022, until December 31, 2022 ("September 29<sup>th</sup> Order"). In the September 29<sup>th</sup> Order, the Energy Bureau also directed that on or before December 15<sup>th</sup>, 2022, at noon, LUMA shall file the FCA, PPCA, and FOS reconciliations for September, October, and November 2022, as well as the calculated factors to be applied from January 1, 2023, to March 31, 2023.

LUMA has calculated the reconciliations for the FCA and PPCA riders for September, October, and November 2022 and the factors for the FCA, PPCA, and FOS riders to be applied for the period from January 1<sup>st</sup> until March 31<sup>st</sup>, 2023, consistent with the approved and currently existing PREPA Tariff Book and the Final Rate Order. LUMA's submission includes Excel spreadsheets that are being filed publicly via email in a folder entitled *Public Folder* submitted with this Motion. With this Motion, LUMA is also submitting via email confidential Excel

spreadsheets with formulae intact submitted in a folder entitled *Confidential Folder*. As explained in Section IX *infra*, it is hereby respectfully requested that the Bureau accept and maintain the files and spreadsheets submitted in the folder, *Confidential*, under seal of confidentiality.

## **II. Energy Bureau Authority**

This submission of the quarterly reconciliations and proposed FCA, PPCA, and FOS factors involve the Energy Bureau’s authority under Act 57-2104, as amended by Act 17-2019, to “review and approve and, if applicable, modify the rates or fees charged by electric power service companies in Puerto Rico or the contractor of the transmission and distribution system of Puerto Rico in connection with any matter directly or indirectly related to the provision of electric power services.” *See* Act 17-2014, Section 6.3 (n), 22 LPRA §1054(n) (Spanish language) (2021). Also relevant is the Energy Bureau’s authority to “formulate and implement strategies to achieve the objectives of this Act including, but not limited to, attaining the goal of reducing and stabilizing energy costs....” *See Id.*, Section 6.3 (f).

## **III. Regulatory Formulas for Calculated FCA, PPCA, and FOS Factors**

### **A. FCA**

The FCA is a reconciling tariff mechanism that recovers the costs of fuel consumed in PREPA’s generating units on a quarterly basis. *See* PREPA Book of Tariff on page 49. The FCA applies to all the PREPA tariffs, except to the RHR tariff (RFR by its Spanish acronym, applicable to residents of public complexes owned by the Public Housing Administration). The formula to calculate the FCA factor is:

$$\text{FCA} = \text{Total Cost of Fuel} + \text{Prior Period Reconciliation}$$

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$$\text{Total Applicable Net Retail kWh Sales}$$

*Id.*

The total cost of fuel is the forecasted cost of fuel purchased for all PREPA-generating facilities for the three months in the quarterly time period. *Id.* The prior period reconciliations are the under or over-recovered funds for the first two months of the current quarter and the last month of the prior quarter. *Id.* LUMA, on behalf of PREPA, shall provide the estimates of the reconciling balance with each proposed quarterly filing of the FCA. *Id.* Finally, the applicable net retail kWh sales include the sale of energy to all customer classes, including the net metering clients. *Id.*

The quarterly filing of reconciliations and calculated factors is due the second week of the third month of each quarter, and the calculated factors, approved by this Energy Bureau, go into effect the first month of the following quarter.

**B. PPCA**

The PPCA is a reconciling tariff mechanism that recovers the costs of purchased power consumed in PREPA’s generating units on a quarterly basis. *See* PREPA Book of Tariffs on page 51. The PPCA applies to all the PREPA tariffs, except to the RHR tariff (RFR by its Spanish language acronym) (applicable to residents of public complexes owned by the Public Housing Administration). The formula to calculate the PPCA factor is:

$$\text{PPCA} = \frac{\text{Total Costs Purchased Power} + \text{Prior Period Reconciliation}}{\text{Total Applicable Net Retail kWh Sales}}$$

*Id.*

The total cost of purchased power is the cost of purchased resources of energy and capacity for the three forecasted months in the quarterly time period. *Id.* The prior period reconciliations are the under or over-recovered funds for the first two months of the current quarter and the last month of the prior quarter. *Id.* LUMA shall provide the estimated reconciling balance with each

proposed quarterly filing of the PPCA. *Id.* Finally, the applicable net retail kWh sales include the sale of energy to all customer classes, including the net metering clients. *Id.*

The quarterly filing of reconciliations and calculated factors is due the second week of the third month of each quarter, and the calculated factors will go into effect the first month of the following quarter.

**C. FOS**

The FOS applies to certain general residential services tariffs (GRS by its English-language acronym), including disabled persons, elderly persons, and university students, tariffs for special residential services (LRS by its English-Language acronym), and residential services for public projects (RH3 by its English-Language acronym). *Id.* at page 53. This fuel subsidy applies to monthly consumption that does not exceed 500 kWh. It is calculated quarterly.

For the first \$30 per barrel of fuel, excluding natural gas, customers will receive a credit equivalent to the subsidy factor multiplied by the customer’s monthly consumption of up to 400 kWh. *Id.* Customers that consume between 401 and 425 kWh will receive a credit equivalent to a consumption of 400 kWh. *Id.* Finally, for customers that consume between 426 and 500 kWh, the credit will be progressively reduced to 425 kWh to reach 0 or 500 kWh. *Id.*

**IV. Factors Fixed by PREB for October 1<sup>st</sup> through December 31<sup>st</sup>, 2022**

In the September 29<sup>th</sup> Order, this honorable Energy Bureau set the following factors to apply from October 1<sup>st</sup> through December 31<sup>st</sup>, 2022, respectively:

<b>Adjustment Clause</b>	<b>Factor \$ kWh</b>	<b>Effective Dates</b>
FCA	0.169068	October 1, 2022 – December 31, 2022
PPCA	0.030171	October 1, 2022 – December 31, 2022
FOS	-0.026605	October 1, 2022 – December 31, 2022

**V. Reconciliations for FCA and PPCA Riders**

The quarterly reconciliations for the FCA and PPCA riders submitted in the file entitled “*QUARTERLY FAC-PPAC RECONCILIATION SEP-OCT-NOV 2022.xlsx*” include the calculations for the reconciliations of the FCA and PPCA riders (costs versus revenues) and the amounts to be recovered or returned for each of these riders.

For September 2022, the Fuel Costs and the prior period adjustments were \$256,841,487.20, and revenues totaled \$268,905,867.70. There was an excess revenue of \$12,064,380.50. The Purchased Power Cost and the prior adjustments were \$38,515,992.83. The revenues totaled \$45,107,147.34. There was an excess revenue of \$6,591,154.51.

For October 2022, the Fuel Costs and prior period adjustments were \$274,935,762.53, and revenues totaled \$199,678,070.79. Furthermore, PREPA incurred a \$9,667,911.75 net penalty, which included an offset credit PREPA obtained pertaining to September 2022. Including PREPA’s net penalty, the total a revenue insufficiency for October 2022 was \$84,925,603.48. The Purchased Power Costs and prior period adjustment were \$40,754,216.16, and revenues totaled \$35,560,404.96. There was a revenue insufficiency of \$5,193,811.20.

Lastly, for November 2022, the Fuel Costs and prior period adjustments were \$223,753,034.89, and revenues totaled \$213,703,874.01. Furthermore, PREPA received a \$13,460,470.21 credit due to seller shortfalls in providing natural gas and a force majeure credit, partially offset by PREPA’s excess gas nominations. Including PREPA’s net credit, the total excess revenue was \$3,411,309.33. The Purchased Power Costs and the prior period adjustments were \$39,783,119.74, and revenues totaled \$38,118,039.60. There was a revenue insufficiency of \$1,665,080.14.

The Fuel Costs, and prior period adjustments, for September 2022, October 2022, and November 2022 were \$755,530,284.62, and revenues totaled \$682,287,812.50 and a total of \$3,792,558.46 in excess nominations. There was a revenue insufficiency of \$69,449,913.65.<sup>1</sup>

The Purchased Power Costs, and the prior period adjustments, for September 2022, October 2022, and November 2022 were \$119,053,328.73, and revenues totaled \$118,785,591.90. There was a revenue insufficiency of \$267,736.83.

**VI. Calculated Factors**

The Excel spreadsheet entitled “*January-March 2023 Factors.xlsx*” includes the calculations for the subject period for the FCA, PPCA, and FOS factors. FCA and FOS are presented in Attachment 1, and the PPCA factors are shown in Attachment 2.

LUMA respectfully requests that the Energy Bureau review the following calculated factors applicable for the next quarter from January 1<sup>st</sup>, 2023, until March 31<sup>st</sup>, 2023:

Adjustment Clause	Factor \$ kWh
FCA	0.164228
PPCA	0.035703
FOS	0.026302

See “*January-March 2023 Factors.xlsx*”, Attachments 1 and 2.

**VII. List of Documents Filed in Support of Reconciliations and Proposed FCA, PPCA, and FOS Factors.**

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<sup>1</sup> In the September 29<sup>th</sup> Order, the Energy Bureau instructed that if PREPA was not successful in the appeal filed with FEMA in connection with reimbursements of fuel costs incurred during the emergency of the 2020 earthquakes, the sum of \$5,759,476 should be included in the reconciliation for the months of September through November of 2022. Said sum corresponds to excess deferred fuel costs; that is, the fuel costs that PREPA will not recover from FEMA if it is not successful in its appeal of FEMA’s determination to deny reimbursement for a portion of the fuel costs incurred in connection with the 2020 earthquakes. Because PREPA’s Claims Report of December 13, 2022, states that the appeal before FEMA is pending, this proposed reconciliation does not include the excess deferred costs of \$5,759,476. See PREPA “Moción para Presentar Informe de Reclamaciones Correspondiente al Período del 10 de noviembre al 9 de diciembre de 2022”, Annex A-1- at pages 2-3.

**A. Confidential Folder**

January-March 2023 Factors.xlsx
QUARTERLY FAC-PPAC RECONCILIATION SEP-OCT-NOV 2022.xlsx
<p>Inventory (Fuel) - November 30, 2022</p> <ul style="list-style-type: none"> <li>▪ PRECIO PONDERADO DIRECTORADO DE GENERACION DIARIO COMBUSTIBLES NOVIEMBRE 30 2022.xlsx</li> <li>▪ Precio Ponderado Análisis _ 2022.11.30.xlsx</li> </ul>
<p>Inventory (Fuel) - August 31, 2022</p> <ul style="list-style-type: none"> <li>▪ PRECIO PONDERADO DIRECTORADO DE GENERACION DIARIO COMBUSTIBLES agosto 31 2022 (1).xlsx</li> <li>▪ Precio Ponderado Análisis _ 2022.08.31.xlsx</li> </ul>

**B. Public Files in Public Folder**

January-March 2023 Factors_ Values.xlsx
QUARTERLY FAC-PPAC RECONCILIATION SEP-OCT-NOV 2022_ Values.xls
<p>Inventory (Fuel) - November 30, 2022</p> <ul style="list-style-type: none"> <li>▪ PRECIO PONDERADO DIRECTORADO DE GENERACION DIARIO COMBUSTIBLES NOVIEMBRE 30 2022_ Values.xlsx</li> <li>▪ Precio Ponderado Análisis _ 2022.11.30_ Values.xlsx</li> <li>▪ GA022818 PREPA VEGA BAJA TANK INVENTORY (Nov 30, 2022) .pdf</li> <li>▪ GA022817 PREPA COSTA SUR TANK INVENTORY (Nov 30, 2022) .pdf</li> <li>▪ GA022816 PREPA MAYAGUEZ TANK INVENTORY (Nov 30, 2022) .pdf</li> <li>▪ GA022815 PREPA CAMBALACHE TANK INVENTORY (Nov 30, 2022) .pdf</li> <li>▪ Full Report 1310100016875 - PUERTO RICO ELECTRIC (BR) POWER AUTHORITY, M. Rios.pdf</li> <li>▪ Full Report 1310100016874 - PUERTO RICO ELECTRIC (BR) POWER AUTHORITY, M. Rios.pdf</li> <li>▪ Full Report 1310100016873 - PUERTO RICO ELECTRIC (BR) POWER AUTHORITY, M. Rios.pdf</li> <li>▪ 22-00287 END OF MONTH INVENTORY 30 NOVEMBER 2022 NO. 2 FUEL OIL @ PREPA YABUCOA, P.R. - REF. YB-TANKINVENTORY-11-22.pdf</li> </ul>



- 22-00286 END OF MONTH INVENTORY  
30NOVEMBER2022 MULTIGRADE @ PREPA AGUIRRE,  
P.R. - REF. AG-TANKINVENTORY-11-22.pdf
- 22-00285 END OF MONTH INVENTORY  
30NOVEMBER2022 MULTIGRADE @ CENTRAL SJ SAN  
JUAN, P.R. - REF. SJ-TANKINVENTORY-11-22.pdf

Inventory (Fuel) - August 31, 2022

- PRECIO PONDERADO DIRECTORADO DE  
GENERACION DIARIO COMBUSTIBLES agosto 31 2022  
(1) \_Values.xlsx
- Precio Ponderado Análisis \_ 2022.08.31\_Values.xlsx
- GA022620 PREPA AGUIRRE TANK INVENTORY  
(8.31.22) .pdf
- GA022615 PREPA YB TANK INVENTORY (Aug. 31, 2022)  
.pdf
- GA022612 PREPA CENTRAL SAN JUAN TANK  
INVENTORY (8.31.22) .pdf
- Full Report 1310100016758 - PUERTO RICO ELECTRIC  
(BR) POWER AUTHORITY, M. Rios.pdf
- Full Report 1310100016757 - PUERTO RICO ELECTRIC  
(BR) POWER AUTHORITY, M. Rios.pdf
- Full Report 1310100016756 - PUERTO RICO ELECTRIC  
(BR) POWER AUTHORITY, M. Rios.pdf
- CERTIFICADO DE CANTIDAD - INVENTARIO DO @  
PREPA DAGUAO CEIBA, P.R. .pdf
- CERTIFICADO DE CANTIDAD - INVENTARIO DO @  
PREPA JOBOS GUAYAMA, P.R. .pdf
- 22-00188 END OF MONTH INVENTORY 31AUGUST2022  
NO. 2 FUEL OIL @ PREPA CAMBALACHE ARECIBO,  
P.R. - REF. CAM-TANKINVENTORY-8-22.pdf
- 22-00187 END OF MONTH INVENTORY 31AUGUST2022  
NO. 2 FUEL OIL @ PREPA DAGUAO CEIBA, P.R. - REF.  
DG-TANKINVENTORY-8-22.pdf
- 22-00186 END OF MONTH INVENTORY 31AUGUST2022  
NO. 2 FUEL OIL @ PREPA JOBOS GUAYAMA, P.R. -  
REF. JB-TANKINVENTORY-8-22.pdf
- 22-00185 FINAL REPORT END OF MONTH INVENTORY  
31AUGUST2022 NO. 6 FUEL OIL @ PREPA PALO SECO  
SAN JUAN, P.R. - REF. PS-TANKINVENTORY-8-22.pdf
- 22-00185 FINAL REPORT END OF MONTH INVENTORY  
31AUGUST2022 NO. 2 FUEL OIL @ PREPA PALO SECO  
SAN JUAN, P.R. - REF. PS-TANKINVENTORY-8-22.pdf

### **VIII. Request for Confidential Treatment of Excel Files and Supporting Memorandum of Law.**

The confidential Excel files mentioned in Section VIIA of this Motion *supra*, submitted with this Motion, include Excel spreadsheets submitted in native format (.xls) and with formulae intact. They include formulae and original calculations made by LUMA personnel that reveal confidential procedures and include sensitive commercial information belonging to LUMA and/or PREPA that are thus protected by law from disclosure, and that should not be disclosed in native form.

#### **A. Applicable Laws and Regulations to submit information confidentially before the Bureau.**

The bedrock provision on the management of confidential information filed before this Bureau, is Section 6.15 of Act 57-2014, known as the “Puerto Rico Energy Transformation and Relief Act.” It provides, in pertinent part, that: “if 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).

Relatedly, in connection with the duties of electric power service companies, Section 1.10 (i) of Act 17-2019 provides that electric power service company shall provide information requested by customers, except for confidential information in accordance with the Rules of Evidence of Puerto Rico.”

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 [Bureau] who needs to know such information under nondisclosure agreements. However, the [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 a party should follow to request that a document or portion thereof be afforded confidential treatment. In essence, the referenced Policy requires the 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 the reasons why each claim or designation conforms to the applicable legal basis of confidentiality. *Id.* paragraphs 3. The party who seeks confidential treatment of information filed with the 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 aforementioned Energy Bureau policy on the management of confidential information in procedures states the following with regard to access to validated Trade Secret Information:

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.

*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 information, request the [Bureau] the protection of said information, and provide supportive arguments, in writing, for a claim of information of privileged nature. The [Energy 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* Bureau Regulation No. 9137 on *Performance Incentive Mechanism*, Section 1.13 (addressing disclosure before the Bureau of Confidential Information and directing compliance with Resolution CEPR-MI-2016-0009).

### **B. Grounds for Confidentiality**

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.<sup>2</sup> Trade secrets include, but are not limited to, processes, methods, 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).

The Excel spreadsheets submitted today in native form and with formulae intact in the file entitled *Confidential* are protected as trade secrets. They have commercial value to LUMA and PREPA as they reveal confidential processes and analysis to produce calculations in support of the public filings of the proposed FCA, PPCA, and FOS factors. LUMA and PREPA keep and maintain these native files confidentially and do not disclose them to the public or unauthorized third parties.

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<sup>2</sup> Relatedly, Rule 513 of the Rules of Evidence of Puerto Rico provides that the owner of a trade secret may invoke the privilege to refuse to disclose, and to prevent another person, from disclosing trade secrets, provide that these actions do not tend to conceal fraudulent actions or lead to an injustice. 32 P.R. Laws Annot. Ap. VI, R 513. If a court of law mandates disclosure of a trade secret, precautionary measures should be adopted to protect the interests of the owner of the trade secret. *Id.*

LUMA appreciates the importance of placing the Energy Bureau in the position of reviewing the reconciliations and fixing the annual factors. However, to avoid future competitive harms that could ensue if original format spreadsheets with formulae and calculations are publicly disclosed, LUMA respectfully requests that the Excel files submitted today in the file entitled *Confidential*, be received, kept, and maintained confidentially by this Energy Bureau.

The confidential spreadsheets included in the file entitled *Confidential* are: (1) documents with commercial and financial value, and (2) involve data that **is not common knowledge or readily accessible** by third parties who may seek to profit from the data or gain commercial advantages. The spreadsheets are business documents showing processes, methods, and mechanisms that garner protection under Act 80-2011. They are original documents that have not been disclosed to third parties and whose disclosure would reveal sensitive and private commercial processes employed by LUMA and PREPA. The disclosure of this sensitive commercial information would place LUMA and PREPA in vulnerable and disadvantageous commercial positions that could affect LUMA customers and impact rates. Reasonable measures have been taken to protect the files from disclosure and avoid unauthorized access by third parties that could seek to gain commercial advantages. It is respectfully submitted that the spreadsheets included in the file entitled *Confidential* are trade secrets protected from public disclosure by Act 80-2011.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** the filing of the FCA and PPCA reconciliations for the months of September, October, and November 2022, and the calculated factors for the quarter starting on January 2023; and **grant** the request to keep confidentially the spreadsheets that have been filed in Excel format and with formulae in the file entitled *Confidential* that is submitted with this Motion.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 15<sup>th</sup> day of December 2022.

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 counsel for PREPA Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law) and to the Independent Consumer Protection Office, through Director Hannia Rivera, [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov).



**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)

/s/ Yahaira De la Rosa Algarín  
Yahaira De la Rosa Algarín  
RUA NÚM. 18,061  
[yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com)