

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

IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10- YEAR
INFRASTRUCTURE PLAN

CASE NO.: NEPR-MI-2021-0002

SUBJECT: February 9, 2023, LUMA's Motion
Submitting Nine FEMA Approvals of Projects,
Request for Confidential Designation and
Treatment and Supporting Memorandum of
Law.

RESOLUTION AND ORDER

On February 9, 2023, LUMA filed before the Energy Bureau a document titled *Motion Submitting Nine FEMA Approvals of Projects, Request for Confidential Designation and Treatment and Supporting Memorandum of Law* ("February 9 Motion"). As Exhibit I to the February 9 Motion, LUMA included copies of approvals by FEMA of several T&D Projects, issued on January 31, 2023, and request confidential designation and treatment.¹ LUMA alleged that FEMA approvals in Exhibit 1 contains portions of 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;² sensitive commercial information and trade secrets under Act 80-2011;³ and the Energy Bureau policy on management of confidential information,⁴ that therefore is also protected under Puerto Rico law.⁵ LUMA states that the confidential designation and treatment is a necessary measure to protect the specific location of the energy facilities listed or discussed in the FEMA approvals in Exhibit 1.

LUMA requests the Energy Bureau to grant confidential designation and treatment to the referred portions of Exhibit 1 as described in Table 1 below:

Table 1: LUMA's Request for Confidential Information Designation and Treatment

Document	Date Filed	Description/Name	Confidential Information	Legal Basis
Exhibit 1	February 9, 2023	681672-FAASt Transmission Priority Pole Replacements-38kV Line 2300	Pages 1, 2, 5 and 10	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674
Exhibit 1	February 9, 2023	682031-FAASt [Distribution Pole and Conductor Repair- San Juan Group 9]	Pages 1, 2, 6 and 11	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674
Exhibit 1	February 9, 2023	682136- FAASt [Distribution Pole and Conductor Repair- Bayamón Group 9]	Pages 1, 2, 6 and 12	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.
Exhibit 1	February 9, 2023	682178- FAASt [Distribution Pole and Conductor Repair- Arecibo Group 7]	Pages 1, 2, 6 and 11	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.

¹ See, Exhibit 1 of LUMA's February 9 Motion.

² 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020).

³ Known as the *Law for the Protection of Commercial and Industrial Secrets of Puerto Rico*, as amended.

⁴ See Resolution, *In re: Policy Management of Confidential Information in Procedures before the [Energy Bureau]*, Case No. CEPR- MI-2016-0009, August 31, 2016.

⁵ Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.



Document	Date Filed	Description/Name	Confidential Information	Legal Basis
Exhibit 1	February 9, 2023	682228- FAASt [Distribution Pole and Conductor Repair- Ponce Group 8]	Pages 1, 2 and 6	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.
Exhibit 1	February 9, 2023	682910- FAASt [Distribution Pole and Conductor Repair-Bayamón Group 7]	Pages 1, 2, 6 and 12	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.
Exhibit 1	February 9, 2023	688096- FAASt [Distribution Pole and Conductor Repair- Caguas Group 15]	Pages 1, 2, 6 and 10	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.
Exhibit 1	February 9, 2023	688627- FAASt [Distribution Pole and Conductor Repair- Arecibo Group 9]	Pages 1, 2 and 5	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.
Exhibit 1	February 9, 2023	688774- FAASt [Distribution Pole and Conductor Repair- Ponce Group 9]	Pages 1, 2, 5 and 11	CII 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.

Act 57-2014⁶ establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.⁷ Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected”.⁸ In such case, the Energy Bureau “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.”⁹

Upon review of LUMA’s arguments and the applicable law, the Energy Bureau **TAKES NOTICE** of the copies of the FEMA approvals included as Exhibit 1 of the February 9 Motion, **GRANTS** confidential designation and treatment to the portions of Exhibit 1 as described in Table 1 above, pursuant to the provisions of Article 6.15 of Act 57-2014, and **TAKE NOTICE** that LUMA has already submitted a revised redacted (*i.e.*, public) version of Exhibit 1 as described in Table 1.

Be it hereby notified and published.



⁶ *Id.*

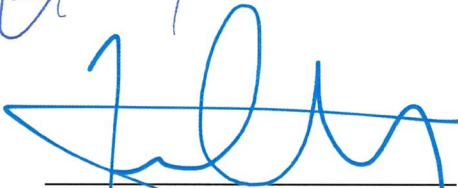
⁷ Section 6.15 of Act 57-2014.

⁸ *Id.*

⁹ *Id.* (Emphasis added).


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on March 20, 2023. I also certify that in March 20, 2023 a copy of this Resolution and Order was notified by electronic mail to the following: Yahaira.delarosa@us.dlapiper.com; laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law; mvazquez@diazvaz.law. I also certify that today, March 20, 2023, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today March 20, 2023.


Sonia Seda Gaztambide
Clerk

