

**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 A of LUMA’s Proposed Annual T&D Budgets

MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIAL TREATMENT OF PORTIONS OF APPENDIX A OF LUMA’S PROPOSED ANNUAL TRANSMISSION AND DISTRIBUTION BUDGETS (“PROPOSED ANNUAL T&D 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 May 16, 2023, LUMA filed before this honorable Puerto Rico Energy Bureau (“Energy Bureau”), its Proposed Annual T&D Budgets. As will be explained below, portions of Appendix A (Improvement Portfolios) of the Proposed Annual T&D Budgets (“Appendix A”), 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, from first to fourth bullets at page 62; and Waste Management, third bullet at page 366), Appendix A.

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 A, identified in this Memorandum, 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 A, 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 A. It is respectfully submitted that the portions of Appendix A 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 Energy Bureau should be kept out of public reach only in exceptional circumstances, this request for confidential designation of portions of Appendix A 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 Proposed Annual T&D Budgets have been filed for the public record. Only discrete portions of Appendix A 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 Proposed Annual T&D 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. 22 LPRA §1141i

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), 22 LPRA §1054n. 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 21, 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. §4132, 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)), 3 LPRA §9894.

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); *see also Next Step Medical Co. v. MCS Advantage Inc.*, KLCE201601116, 2016 WL 6520173, (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 A (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, from first to fourth bullets at page 62; and the Waste Management Program, third bullet at page 366, 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* ("April 2021 Confidentiality Order"), this Energy Bureau granted confidential designation to the same information that is included in portions of Section 3.0 of Appendix A of the Annual Budgets (Distribution Streetlighting Program, from first to fourth bullets at pages 62, and Waste Management, third bullet at page 366). On April 11, 2022, LUMA submitted a *Memorandum of Law in Support of Confidential Treatment of Portions of Appendix C of LUMA's Annual Budget* requesting the Energy Bureau to grant confidential treatment to similar information contained in this year Annual Budgets in Appendix A. The Energy Bureau has treated the information as confidential. 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 A, constitutes sensitive commercial information protected from disclosure under applicable law.

It is respectfully submitted that the aforementioned portions of Section 3.3 of Appendix A, reveal processes and estimations that are key to LUMA's operations and success under the OMA. They provide details on specific resources that LUMA foresees 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 Proposed Annual T&D 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 A includes improvements programs that cover all of the functional areas of PREPA as a utility. Several of the programs included in Appendix A 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. § 650 (4).¹

¹ Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673(a)(1), 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—

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 the April 2021 Confidentiality Order, this Energy Bureau granted confidential treatment to these program briefs, finding that the relevant portions included CEII that should be protected from disclosure. See April 2021 Confidentiality Order, table 2 at pages 3-4.² LUMA asks that the Energy Bureau follow its prior ruling and accept the following programs and discrete portions of Appendix A confidentially:

1. Critical Energy Management System Upgrades, Appendix A, at pages 192-196

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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- (i) in furtherance of an investigation or the prosecution of a criminal act; or
 - (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.

² The Proposed T&D Annual Budgets combine the Physical Security for Distribution Facilities and Transmission Substation Security program briefs into the Substation Security Program Brief. In the April 2021 Confidentiality 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 A includes a description of the current state of the EMS, including its vulnerabilities. *See* Section 2.1 at page 192. 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 193-194. 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 194-196. 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. Control Center Construction & Refurbishment, Appendix A, pages 197-200

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 197 through 200 of Appendix A, 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 197-198. 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 197-200. 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.

3. IT OT Telecom Systems & Networks, Appendix A, pages 141-147

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 A at page 141. 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 142-144. 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 144-147. 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.

4. IT OT Cybersecurity Program, Appendix A, pages 342-347

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 342 through 347 of Appendix A, 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 342-345. 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 346-347. 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 A, pages 176-179

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 21st Confidentiality 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 176-177. 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 177-179. 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 A, pages 181-183

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 pages 181-182. 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 pages 182-183. 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 A, pages 201-203

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 pages 201-202. 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 202-203. 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 A 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 A under seal of confidentiality, is hereby included. The portions of Appendix A that are identified

below, were submitted for the public record in redacted form to obscure the confidential information.

Document	Pages in which Confidential Information Is Found	Date of Filing	Summary of Legal Basis for Confidentiality Protection	Summary of Reasons Why Each Claim Conforms to Legal Basis for Confidentiality
Appendix A Distribution Streetlighting, and Waste Management	Distribution Streetlighting, Section 3.3; From First to Fourth Bullet at pages 62 Waste Management, Section, 3.3; Third bullet at page 366	May 16, 2023	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 A 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 A Critical Energy Management System Upgrades	Sections 2.1 -2.6, pages 192-196	May 16, 2023	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 A to the Annual Budgets includes confidential information.
Appendix A Control Center Construction & Refurbishment	Sections 2.1 -2.6, Pages 197-200	May 16, 2023	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 A to the Annual Budgets includes confidential information.

Appendix A IT OT Telecom Systems & Networks	Sections 2.1 -2.6, Pages 141-147	May 16, 2023	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 A to the Annual Budgets includes confidential information.
Appendix A IT OT Cybersecurity Program	Sections 2.1 -2.6, Pages 342-347	May 16, 2023	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 A to the Annual Budgets includes confidential information.
Appendix A Substation Security	Sections 2.1 -2.6, Pages 176-179	May 16, 2023	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 A to the Annual Budgets includes confidential information.
Appendix A Regional Technical Facilities Security	Sections 2.1 -2.6, Pages 181-183	May 16, 2023	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 A to the Annual Budgets includes confidential information.
Appendix A Warehouse Security	Sections 2.1 -2.6, Pages 201-203	May 16, 2023	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 A 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 A that were filed on May 16, 2023.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th day of May 2023.

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 attorney for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law.



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