

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

**IN RE:** REVIEW OF LUMA'S INITIAL  
BUDGETS

**CASE NO.:** NEPR-MI-2021-0004

**SUBJECT:** Request for Confidential  
Treatment

**RESOLUTION**

On May 16, 2023, LUMA Energy ServCo, LLC and LUMA Energy, LLC (collectively, "LUMA"), filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Submission of Consolidated Annual Budgets for Fiscal Year 2024 and Proposed Annual T&D Projections Through Fiscal Year 2026* ("May 16 Motion"), in which, LUMA submits to the Energy Bureau the proposed T&D Budgets developed by LUMA, the proposed GenCo Budgets developed by Genera PR, LLC ("GENERA"), and the proposed HydroCo and HoldCo Budgets developed by the Puerto Rico Electric Power Authority ("PREPA"). LUMA also included a Revised Budget Allocation Determination as notified by the P3A<sup>1</sup>. On the same date, LUMA filed a document titled, *Motion Identifying Confidential parts of Appendix A to LUMA's Proposed Annual Transmission and Distribution Budgets* ("May 16 Confidential Request"). Through the May 16 Confidential Request LUMA asked for Confidential designation and Treatment of Appendix A to LUMA's Proposed Annual Budgets. On the same date, LUMA filed a public redacted version of the documents.

On May 25, 2023, LUMA filed a document titled *Memorandum of Law in Support of Confidential Treatment of Portions of Appendix A of LUMA's Proposed Annual transmission and Distribution Budgets ("Proposed Annual Budgets")* ("May 25 Memorandum"). Through the May 25 Memorandum, LUMA states that the Energy Bureau should protect Appendix A from public disclosure as it has LUMA's sensitive commercial or trade secrets information and Critical Energy Infrastructure Information (CEII) that under federal law and regulations are protected from public disclosure. LUMA stresses that CEII included within Appendix A, warrants confidential treatment to protect critical infrastructure from threats that could undermine the system and negatively affect electric power services.

On May 26, 2023, LUMA filed a document titled *Motion in Compliance with Resolution and Order of May 23, 2023, and Submitting Supporting Workpapers* ("Motion in Compliance"), which included two attachments submitted under seal of confidentiality (the workpaper RFI-LUMA-MI-2021-0004-20230523-PREB-000 Attachment 1\_Operating Expenditures.xlsx and one tab found in the workpaper RFI-LUMA-MI-2021-0004-20230523-PREB-000 Attachment 2\_Capital Expenditures.xlsx) ("May 26 Confidential Documents"). LUMA states that the attachments include sensitive commercial information and trade secrets. On the same date, LUMA filed a public redacted version of the documents.

On June 6, 2023, LUMA filed a document titled *Submission in Compliance with Resolution and Order dated May 23, 2023* ("June 6 Motion"), which included two Excel spreadsheets, submitted under seal of confidentiality identified as RFI-LUMA-MI-2021-0004-20230523-PREB-033 Attachment 1\_ Load forecast modifiers\_values and RFI-LUMA-MI-2021-0004-20230523-PREB-033 Attachment 2\_ Load forecast modifiers values ("June 6 Confidential Documents"), which include sensitive commercial information and trade secrets. LUMA also submitted public redacted versions of those spreadsheets.

On June 8, 2023, LUMA filed a document titled *Memorandum of Law in Support of Confidential Treatment for Excel Files Submitted on June 6, 2023, in Compliance of Resolution and Order dated May 23, 2023* ("June 8 Memorandum of Law"). Through the June 8 Memorandum of Law, LUMA states that Excel spreadsheets submitted in native format as part of LUMA's responses to the Second RFI include formulae and original calculations made by LUMA personnel that reveal confidential procedures and encompass sensitive commercial

<sup>1</sup> Public-Private Partnership Authority ("P3A").

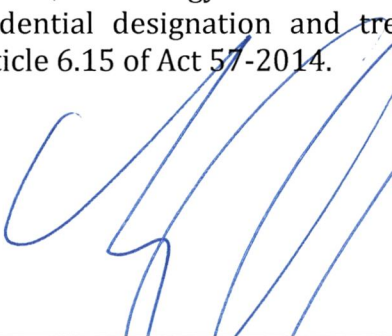


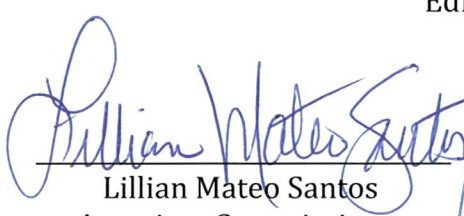
information of a third party and include projections and modifiers that LUMA protects as confidential sensitive information.

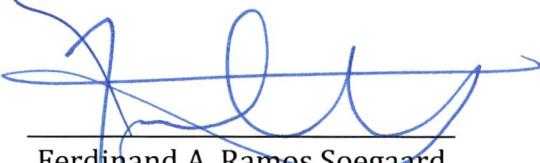
Act 57-2014<sup>2</sup> establishes that any person having the obligation to submit information to the Energy Bureau can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.<sup>3</sup> Specifically, Act 57-2014 requires the Energy Bureau to confidentially treat the submitted information provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected.”<sup>4</sup> 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.”<sup>5</sup>

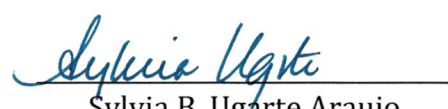
Upon review of LUMA’s arguments, the Energy Bureau **TAKES NOTICE** of the information contained and **GRANTS** confidential designation and treatment to the documents as petitioned by LUMA<sup>6</sup>, under Article 6.15 of Act 57-2014.

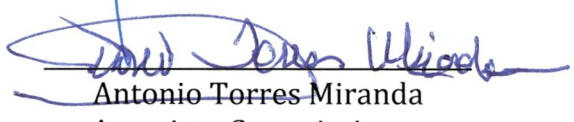
Be notified and published.

  
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Edison Avilés Deliz  
Chairman

  
\_\_\_\_\_  
Lillian Mateo Santos  
Associate Commissioner

  
\_\_\_\_\_  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
\_\_\_\_\_  
Sylvia B. Ugarte Araujo  
Associate Commissioner

  
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Antonio Torres Miranda  
Associate Commissioner



<sup>2</sup> Known as the *Puerto Rico Transformation and Energy RELIEF Act*, as amended (“Act 57-2014”).

<sup>3</sup> Section 6.15 of Act 57-2014, as amended.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> (1) Appendix A of the May 16 Motion, (2) Appendix A of the Proposed Annual Budget, Attachment 1 and 2 of the Motion in Compliance, and (3) Attachment 1 and 2 of the June 6 Motion.



**CERTIFICATION**

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 27, 2023. I also certify that on June 30, 2023, a copy of this Resolution was notified by electronic mail to pre@promesa.gov; margarita.mercado@us.dlapiper.com; ana.rodriguezrivera@us.dlapiper.com; mvazquez@diazvaz.law; jmarrero@diazvaz.law; brannen@genera-services.com; kbolanos@genera-pr.com; regulatory@genera-pr.com; jfr@sbgblaw.com; alopez@sbgblaw.com; and I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on June 30, 2023.

  
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Sonia Seda Gaztambide  
Clerk

