

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

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

CASE NO. NEPR-MI-2020-0001

SUBJECT: Submission of FCA and PPCA Reconciliations for December 2023 Through February 2024, and Submission of Revised FCA, PPCA, and FOS, Calculated Factors, and Request for Confidential Treatment

MOTION SUBMITTING FCA AND PPCA RECONCILIATIONS FOR DECEMBER 2023 THROUGH FEBRUARY 2024, SUBMISSION OF REVISED 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

In a Resolution and Order issued in this proceeding on December 21, 2023, this Energy Bureau set the FCA, PPCA, and FOS factors to be applied from January 1, 2024, until March 31, 2024 (“December 21st Order”). Furthermore, in the December 21st Order, the Energy Bureau directed that on or before March 15, 2024, at noon, LUMA shall file the FCA, PPCA, and FOS reconciliations for December 2023 through February 2024, as well as the calculated factors to be applied for the quarter beginning on April 1, 2024.

On March 14, 2024, LUMA filed an Urgent Request for Extension of Time to Submit Quarterly Reconciliations and FCA, PPCA, and FOS Calculated Factors, petitioning the Energy Bureau for an extension until March 22, 2024, at noon, to submit the FCA, PPCA, and FOS reconciliations for December 2023 through February 2024, and the calculated factors to be applied

for the next quarter. On March 15, 2024, the Energy Bureau issued a Resolution and Order granting the extension requested.

On March 22, 2024, LUMA filed an *Urgent Brief Additional Request for Extension of Time to Submit Quarterly Reconciliations and FCA, PPCA, and FOS Calculated Factors*, petitioning the Energy Bureau for an extension until March 25, 2024, at noon, to submit the aforementioned reconciliations and proposed factors.

On March 22, 2024, the Energy Bureau issued a Resolution and Order granting the extension requested (“March 22nd Order”). In addition, the Energy Bureau ordered LUMA to include the total interconnection cost estimate for the Tranche 1 projects in the proposed factor analysis. The Energy Bureau directed that the total cost estimate should be broken down into the estimated monthly amounts necessary to meet the costs of the interconnection projects from inception to completion.

Also, in the March 22nd Order, the Energy Bureau instructed LUMA to report the actual costs incurred in Q2 2024 on interconnection projects, the amount recovered for that purpose during the same quarter, and the estimate of the remaining interconnection costs to complete the projects, broken down by month. The Energy Bureau directed that LUMA shall submit this information on June 15, 2024, along with the reconciliation for March, April, and May 2024 and the proposed factors to begin on July 1, 2024 (“March 22nd Order”).

On March 25, 2024, LUMA filed a *Submission of FCA and PPCA Reconciliations for December 2023 Through February 2024, and FCA, PPCA and FOS Calculated Factors, and Request for Confidential Treatment* (“March 25th Submission”). LUMA submitted the quarterly reconciliations for the FCA and PPCA riders for December 2023 through February 2024 and the proposed factors for the FCA, PPCA, and FOS riders to be in effect for the period from April 1

until June 30, 2024. The projections used for the calculated factors consider all generation currently projected to be available from April 1, 2024, through June 30, 2024, including the temporary emergency generation at the Palo Seco and San Juan power plants. Meanwhile, LUMA understands that Genera's Fuel Optimization Plan has not been approved and is not yet final. Thus, the calculated factors do not consider said Plan. As part of the filing, LUMA included Excel spreadsheets filed publicly and confidential Excel spreadsheets with formulae intact.

On March 25, 2024, LUMA filed a *Motion in Compliance with Resolution and Order of March 22, 2024*. Therein, LUMA informed that the actual costs incurred related to Tranche 1 interconnection projects up to February 2024, as well as estimated Tranche 1 interconnection costs for the next quarter, were included in the Excel spreadsheet named "April – June 2024 Proposed Factors.xlsx," specifically, in the tab labeled "Interconnection Costs," exhibit to the March 25th Submission.

LUMA is conducting verification processes of the actual costs related to Tranche 1 interconnection projects. LUMA will submit that information on actual costs on or before June 15, 2024, in compliance with the March 22nd Order. LUMA hereby submits a revised factor for the PPCA rider to be applied for the period from April through June 30, 2024, consistent with the approved and currently existing PREPA Tariff Book and the Final Rate Order. As such, LUMA removed from this calculation the actual costs of the Tranche 1 Interconnection costs, which information, as stated, will be submitted to this Energy Bureau on June 15th as requested in the March 22nd Order.

The quarterly reconciliations for the FCA and PPCA riders for December 2023 through February 2024 and the proposed factors for the FCA and FOS riders to be in effect for the period

from April 1 until June 30, 2024, as presented to the Energy Bureau in the March 25th Submission remain unchanged.

LUMA's submission includes Excel spreadsheets filed publicly via email in a file entitled *Values* submitted with this Motion. With this Motion, LUMA is also submitting via email confidential Excel spreadsheets with formulae intact submitted in a file entitled *Confidential*. As explained in Section VIII *infra*, it is hereby respectfully requested that the Energy Bureau accept and maintain the files and spreadsheets submitted in the file, *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 LPRR §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

1. 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 Tariff Book 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:

$$\text{FCA} = \frac{\text{Total Cost of Fuel} + \text{Prior Period Reconciliation}}{\text{Total Applicable Net Retail kWh Sales}}$$

Id.

The total cost of fuel is the cost of fuel purchased for all of PREPA's generation facilities 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, 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.

The quarterly reconciliations also include, when applicable and as ordered by the Energy Bureau, any unreconciled amounts from the previous quarter if the factors were not adjusted during that period.

2. PPCA

The PPCA is a reconciling tariff mechanism that recovers the costs of purchased power from private generators. *See* PREPA Tariff Book 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 energy resources and capacity purchased from private generators 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.*

3. 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, clients will receive a credit equivalent to the subsidy factor multiplied by the customer's monthly consumption of up to 400 kWh. *Id.* Customers who consume between 401 kWh and 425 kWh will receive a credit equivalent to a consumption of 400 kWh. *Id.* Finally, for customers that consume between 426 kWh and 500 kWh, the credit will be progressively reduced to 425 kWh to reach 0 kWh or 500 kWh. *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. The quarterly reconciliations also include, when applicable and as ordered by the Energy Bureau, any unreconciled amounts from the previous quarter if the factors were not adjusted during that period.

IV. Factors Fixed by the Energy Bureau for January through March 2024

In the December 21st Order, this Honorable Energy Bureau set the following factors to apply from January 1 2024, through March 31, 2024:

Adjustment Clause	Factor \$ kWh	Effective Dates
FCA	\$0.110912	January 1, 2024 –March 31, 2024
PPCA	\$0.039406	January 1, 2024 –March 31, 2024
FOS	\$0.014897	January 1, 2024 –March 31, 2024
EE	\$0.000000	October 1, 2023 –June 30, 2024 ¹

V. Reconciliations

1. FCA and PPCA Riders

The reconciliations for the FCA and PPCA riders submitted with this Motion in the files entitled “FAC-PPAC Reconciliation Dec23-Jan-Feb24_Values.xlsx” and “April – June 2024 Proposed Factors_Values.xlsx” include 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 December 2023, the fuel costs and prior period adjustments (FCA) were \$156,356,535.31, and revenues totaled \$173,559,902.03. There was an excess revenue of \$17,203,366.72.

¹ In a Resolution and Order dated September 29, 2023, the Energy Bureau also determined that LUMA shall include the Energy Efficiency Rider (“EE Rider”) in customer bills using a zero dollar value until June 30, 2024.

For January 2024, the fuel costs and prior period adjustments (FCA) were \$133,340,080.26, and revenues totaled \$134,979,304.51. There was a credit pertaining to seller shortfalls from Naturgy of \$4,327,732.43, resulting in an excess revenue of \$5,966,956.68.

For February 2024, the fuel costs and prior period adjustments (FCA) were \$132,973,160.18, and revenues totaled \$134,875,469.84. There was an excess revenue of \$1,902,309.66.

In total, the fuel costs and prior period adjustments (FCA) for the quarter were \$422,669,775.76, and revenues totaled \$443,414,676.38. There was a total excess revenue of \$25,072,633.05.

For December 2023, the purchased power costs, and the prior adjustments (PPCA) were \$26,792,952.43, and revenues totaled \$33,605,084.05. There was an excess revenue of \$6,812,131.62.

For January 2024, the purchased power costs, and the prior adjustments (PPCA) were \$31,002,209.72, and revenues totaled \$47,938,793.81. There was an excess revenue of \$16,936,584.09.

For February 2024, the purchased power costs, and the prior adjustments (PPCA) were \$28,741,217.55, and revenues totaled \$47,953,123.18. There was an excess revenue of \$19,211,905.63.

For the quarter, the purchased power costs, and the prior adjustments (PPCA) were \$86,536,379.70, and revenues totaled \$129,497,001.04. There was a total excess revenue of \$42,960,621.34.

2. CBES Program

On July 31, 2023, this Energy Bureau issued a Resolution and Order whereby, among others, it approved the FCA and PPCA reconciliations for May and June 2023, set the FCA, PPCA, and set the FOS factors to be implemented from August 1, 2023, through September 30, 2023 (“July 31st Order”). In the July 31st Order, the Energy Bureau also directed LUMA to recover through the PPCA and include in the calculated PPCA factor, the costs of the Emergency Battery DR Program, also known as the Customer Battery Energy Sharing Program (“CBES Program”).²

As previously informed to the Energy Bureau in the *Motion Submitting FCA and PPCA Reconciliations for September, October, and November 2023, Submission of FCA and PPCA, and FOS Calculated Factors, and Request for Confidential*, filed on December 15, 2023, the PPCA Factor calculation reflected the actual costs for the second quarter of the CBES Program up until December 8, 2023. In this reconciliation, LUMA includes the difference between the actual program costs for the second quarter **as of December 8th** and the actual **final** costs for the second quarter. As of December 8, 2023, the total program costs for the second quarter were \$190,403.83,

² The CBES is a part of LUMA’s Energy Efficiency and DR Transition Period Plan approved by this Energy Bureau in Case *In re Energy Efficiency and DR Transition Period Plan*, No. NEPR-MI-2022-0001 (“TPP Case”).

On August 11, 2023, the Energy Bureau issued a Resolution and Order (“August 11th Order”) in the TPP Case, referring to its determination in the July 31st Resolution and Order that DR program costs will be recovered through the PPCA. It then ordered LUMA to submit the costs related to the compensation to be offered to the DR Aggregators or ratepayers that participate in the DR program to be recovered through the PPCA. In the August 11th Order, the Energy Bureau indicates that “[t]he July 31 Order represents a key milestone by establishing secure funding for demand response programs”.

In compliance with the August 11th Order, LUMA submitted to the Energy Bureau in the TPP Case the compensation to be offered to the DR aggregators participating in the DR Program and the proposed estimated costs associated with the emergency DR Program, to be recovered through the PPCA. On August 29, 2023, the Energy Bureau issued a Resolution and Order (“August 29th Order”) in the TPP Case approving the compensation level proposed by LUMA in the August 23rd Motion and determining that the DR programs budget proposed by LUMA “is aligned with the budget for the equivalent program as approved in the [TPP].” It determined that such an estimated budget was reasonable for launching the program. The Energy Bureau also determined that administrative costs for DR Programs will be recovered through the PPCA. Thus, this Energy Bureau accepted the entire Fiscal Year 2024 budget for the TPP to be recovered through the PPCA.

while the **final** program costs for the second quarter were \$260,876.91. These costs are already reflected in the calculations for the PPCA Factor.

Furthermore, the program costs for the first quarter of Fiscal Year 2024, totaling \$195,247.63, have not yet been recovered, but given that the Energy Bureau approved them in the TPP Case through the August 29th Order, LUMA requests the Energy Bureau also recuperate them in this quarter. *See* April – June 2024 Proposed Factors_Values.xlsx, tab entitled “CBES Program Costs & Estimates.”

VI. Amended Calculated Factors

The Excel spreadsheet “April – June 2024 Proposed Factors_Values.xlsx” includes the proposed FCA, PPCA, and FOS factors. The proposed factors in “Attachment 3” include all the forecasted fuel costs of the 14 generators located at San Juan and Palo Seco that were transferred from the Federal Emergency Management Agency (“FEMA”) to PREPA. These costs were forecasted similarly to other PREPA generation units based on fuel purchase costs, unit efficiency, expected dispatch, and other determinations. Moreover, the PPCA Factor calculation reflects the projected costs of the CBES Program. *See id.*, tab entitled “CBES Program Cost Estimates.”

LUMA respectfully requests that the Energy Bureau review the calculated factors referenced in the table below to apply for the next quarter from April 1, 2024, to June 30, 2024.

Adjustment Clause	Factor (\$/kWh)
FCA	\$0.114585
PPCA	\$0.033469

FOS	\$0.014424
EE	\$0.000000

VII. List of Documents Filed in Support of Reconciliations and Calculated FCA, PPCA, FOS, and EE Rider Factors.

1. Confidential Folder

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| <ol style="list-style-type: none"> 1. Precio Ponderado Análisis _ 2024.02.29 REG.xlsx 2. April – June 2024 Proposed Factors.xlsx 3. FAC-PPAC Reconciliation Dec23-Jan-Feb24.xlsx 4. Load Forecast 2024 Update.xlsx |
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2. Public Files in the Values Folder

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| <ol style="list-style-type: none"> 1. Inventory (Fuel) – February 29, 2024: <ol style="list-style-type: none"> a. GPR_Fuel Inventory and Weighted Average Price Report_PREPA SYSTEM_2024Feb29.pdf b. Precio Ponderado Análisis _ 2024.02.29 REG_Values.xlsx <ul style="list-style-type: none"> • 24-00068 EOM INVENTORY 29-FEBRUARY-24 ULSD @ JOBOS.pdf • 24-00069 EOM INVENTORY 29-FEBRUARY-24 ULSD @ DAGUAO.pdf • 24-00070 EOM INVENTORY 29-FEBRUARY-24 FUEL OIL - ULSD @ PS.pdf • 24-00071 EOM INVENTORY 29-FEBRUARY-24 ULSD @ CAM.pdf • Full Report 1310100017443_20240229_CS.pdf • Full Report 1310100017444_20240229_MAY.pdf • Full Report 1310100017445_20240229_VB.pdf • GA024097 PREPA CENTRAL SAN JUAN TANK INVENTORY (Feb 29, 2024).pdf |
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| <ul style="list-style-type: none">• GA024099 PREPA YB TANK INVENTORY (2.29.24).pdf• GA024100 PREPA AGUIRRE TANK INVENTORY (2.29.24)_revised.pdf <ol style="list-style-type: none">2. April – June 2024 Proposed Factors_Values.xlsx3. FAC-PPAC Reconciliation Dec23-Jan-Feb24_Values.xlsx4. Load Forecast 2024 Update_Values.xlsx |
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VIII. Request for Confidential Treatment of Excel Files and Supporting Memorandum of Law.

The confidential Excel files mentioned in Section VIIIA 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 by LUMA personnel that reveal confidential procedures. They also 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 LPRR §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 a “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. 80-2011.³ 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, FOS, and EE Rider factors. LUMA and PREPA keep and maintain these native files confidentially and do not disclose them to the public or unauthorized third parties.

³ 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 December 2023 through February 2024, and the calculated FCA, PPCA, FOS and EE rider amended factors to apply to start on April 1, 2024; 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 26th day of March 2024.

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 counsel for PREPA Lionel Santa lionel.santa@prepa.com, counsels for Genera, alopez@sbgblaw.com and jfr@sbgblaw.com and to the Independent Consumer Protection Office, through Director Hannia Rivera, hrivera@jrsp.pr.gov.



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Supporting files to be submitted via email