

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

**IN RE:** LUMA'S ACCELERATED STORAGE  
ADDITION PROGRAM

**CASE NO.:** NEPR-MI-2024-0002

**SUBJECT:** Resolution regarding  
*Memorandum of Law in Support in Support  
of Request for Confidential Treatment of  
Exhibits 1 and 2 Submitted on October 18,  
2024, filed by LUMA Energy, LLC and LUMA  
Energy ServCo, LLC.*

**RESOLUTION**

On October 18, 2024, LUMA Energy, LLC and LUMA Energy ServCo, LLC (referred to jointly as "LUMA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion in Compliance with Resolution and Order of October 11, 2024, and Request for Confidential Treatment* ("October 18 Motion"), whereby LUMA submitted the *Accelerated Storage Addition Program* ("ASAP") Standard Offer Agreements ("SO Agreements") for the Energy Bureau's review and approval. LUMA further requested that the Energy Bureau maintain Exhibits 1 and 2 (2a, 2b, 2c, and 2d) of the October 18 Motion confidential and indicated that it would submit a Memorandum of Law in support of its request for confidential treatment, within ten (10) days.

On October 30, 2024, LUMA filed a document titled *of Request for Confidential Treatment of Exhibits 1 and 2 Submitted on October 18, 2024* ("October 30 Motion") stating the legal basis for the request to treat Exhibits 1 and 2 of the October 18 Motion as confidential. LUMA specified that Exhibit 1 to the October 18 Motion contains a discussion of the ASAP, including benefits and participant eligibility for Phase 1 and 2, the proposed steps for Phase 2, and the provisions of the final draft SO Agreement, and a comprehensive list of the current ASAP participants (both Phase 1 and anticipated Phase 2 participants); details on estimated costs and pricing; insights about the program and risks of extending the same SO Agreement to Phase 2; a proposal for Phase 2 program management; potential negotiation issues going forward; matters discussed with qualified generators relating to the terms of the SO Agreement; specific commercial considerations that may impact the terms and conditions of the SO Agreement; terms that LUMA is considering incorporating in a Phase 2 SO Agreement; and strategies relating to the SO Agreements.<sup>1</sup> LUMA argued that some of this information reflects internal deliberative processes and commercial information that should remain confidential as sensitive commercial information in order to protect the utility's competitive edge in the negotiations of the SO Agreements so as to ensure the most favorable pricing and terms.<sup>2</sup>

Pertaining to Exhibit 2 of the October 18 Motion, which contains the final draft SO Phase 1 Agreement in four versions including the information of four IPPs,<sup>3</sup> which is under the Energy Bureau's review and subject to changes, LUMA reasoned it constitutes a document containing deliberative and commercial information that, if disclosed prior to final approval, could adversely affect the negotiation of the final approved version.<sup>4</sup> LUMA also highlighted that, once the ASAP Phase 1 process is completed and the SO Agreements executed, the SO Agreements will be made publicly available.<sup>5</sup>

<sup>1</sup> October 30 Motion, p. 7, ¶ 17.

<sup>2</sup> *Id.*, pp. 7 – 8, ¶ 17.

<sup>3</sup> Independent Power Producers.

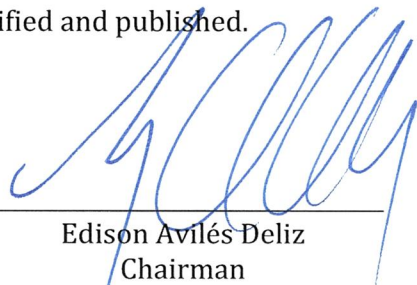
<sup>4</sup> October 30 Motion, p. 8 ¶ 18.

<sup>5</sup> *Id.*, pp. 8 – 9, ¶ 20.



The Energy Bureau **GRANTS** confidentiality to Exhibit 1 and 2 (2a, 2b, 2c, and 2d) of the October 18 Motion on the grounds of containing trade secrets, as argued by LUMA, and **TAKES NOTICE** that LUMA submitted a redacted version of Exhibit 1 to the October 18 Motion, included as Exhibit 1 to the October 30 Motion, in compliance with the Energy Bureau’s Policy in Management of Confidential Information.

Be it notified and published.

  
Edison Avilés Deliz  
Chairman

  
Lillian Mateo Santos  
Associate Commissioner

  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
Antonio Torres Miranda  
Associate Commissioner

**CERTIFICATION**

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on November 1<sup>st</sup>, 2024. Associate Commissioner Sylvia B. Ugarte Araujo did not intervene. Also certify that on November 1<sup>st</sup>, 2024, I have proceeded with the filing of this Resolution and Order and was notified by email to agraitfe@agraitlawpr.com; oramos@pmalaw.com; margarita.mercado@us.dlapiper.com; laura.rozas@us.dlapiper.com.

I sign this in San Juan, Puerto Rico, today November 1<sup>st</sup>, 2024.



  
Sonia Seda Gaztambide  
Clerk