

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

NEPR Received: Dec 16, 2024 11:32 PM

IN RE: REVIEW OF THE PUERTO RICO
POWER ELECTRIC AUTHORITY'S
PHYSICAL SECURITY PLAN

CASE NO. NEPR-MI-2020-0018

**SUBJECT: Motion Submitting Responses
to November 8th Request of Information
and Request for Confidential Treatment**

**MOTION SUBMITTING RESPONSES TO NOVEMBER 8th REQUEST OF
INFORMATION 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”), and respectfully state and request the following:

1. On December 31, 2020, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order initiating the captioned confidential proceeding to evaluate LUMA’s Physical Security Plan (“December 31st Order”).

2. On May 28, 2021, LUMA filed a *Motion Submitting LUMA’s Physical Security Plan*. Therein, LUMA submitted its Physical Security Plan (“Plan”) developed pursuant to Section 4.2(h) of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (“T&D OMA”).

3. On July 2, 2021, the Energy Bureau entered a Resolution and Order approving the Plan with certain conditions, which included (a) filing a revised Plan with an accelerated padlock replacement or installation timeline during the near-term one (1) year; (b) filing a detailed timeline

on the near-term implementation of the Plan and the generation of the governance documents therein identified; and (c) filing final versions of the pending governance documents (“July 2nd Order”).

4. In compliance with July 2nd Order, on August 13, 2021, LUMA filed a *Motion in Compliance with Order Submitting LUMA’s Revised Physical Security Plan and Timeline of Near-Implementation*. Then, on December 8, 2021, LUMA filed a *Motion in Compliance with Order Submitting Governance Documents and Request for Confidential Treatment*.

5. Thereafter, on November 8, 2024, the Energy Bureau issued a Resolution and Order in which it ordered LUMA to submit, within thirty (30) days, the answers to the Request of Information (“ROI”) included in the Confidential Attachment A (“November 8th Order”), as part of its monitoring of the Plan.

6. On November 20, 2024, LUMA submitted its *Motion in Request for Extension to Comply with the November 8th Request of Information*, whereby it requested a brief extension until December 16, 2024, to submit its responses to the ROIs from the November 8th Order.

7. On November 26, 2024, the Energy Bureau issued a Resolution and Order granting LUMA until December 16, 2024, to file its response (“November 26th Order”).

8. In alignment with the December 31st Order that treats this proceeding confidentially, LUMA respectfully requests that this Energy Bureau keep and maintain the documents being submitted as Exhibits 1-7 — LUMA’s answers to the ROIs issued in the Confidential Attachment A from the November 8th Order — under seal of confidentiality. LUMA states that doing so aids to protect the safety and integrity of the assets of the Transmission and Distribution System (“T&D System”).

9. Further, certain documents Critical Infrastructure Information (“CEII”) in the form of express coordinates to power transmission and distribution facilities of the T&D System, discuss express locations of security cameras and standard security operating procedures that garner 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 Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009 (“Policy on Management of Confidential Information”), issued on August 31, 2016, as amended by Resolution dated September 16, 2016. The information identified as confidential in this paragraph is not common knowledge and is not made publicly available. Therefore, it is in the public interest to keep the information confidential. Confidential designation is a reasonable and necessary measure to protect critical infrastructure from attacks and to enable LUMA to leverage information without external threats.

10. In addition, portions of documents also contain the names, signatures, and/or roles of individuals who are LUMA employees or contractors. LUMA respectfully requests that confidentiality be maintained in the context that these reveal details of their employment duties and that their protection is in the public interest and aligned with Puerto Rico’s legal framework on privacy which protects from the disclosure of personal information. *See e.g.*, Const. ELA, Art. II, Sections 8 and 10, which protect the right to control personal information and distinctive traits, which applies *ex proprio vigore* and against private parties. *See also e.g. Vigoreaux v. Quiznos*, 173 DPR 254, 262 (2008); *Bonilla Medina v. P.N.P.*, 140 DPR 294, 310-11 (1996), *Pueblo v. Torres Albertorio*, 115 DPR 128, 133-34 (1984). *See also* Act 122-2019, Article 4(vi) (which provides, as an exception to the rule on public disclosure, information the disclosure of which

could invade the privacy of third parties or affect their fundamental rights). Therefore, on balance, the public interest in protecting privacy weighs in favor of providing confidential treatment.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** LUMA's Exhibits 1-7; **maintain** Exhibits 1-7 under seal of confidentiality in alignment with the December 31st Order that treats this proceeding as confidential; and **deem** LUMA in compliance with the November 8th Order.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau. We hereby certify that we will send notice of this filing to counsel for the Puerto Electric Power Authority, Lionel Santa, lionel.santa@prepa.pr.gov.

In San Juan, Puerto Rico, this 16th day of December 2024.



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Exhibits 1-7 Submitted Under Seal of Confidentiality