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*These addendums have been omitted, and their content has not been included in this report due to the presence of confidential information or data.

ADDENDUM 1

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**CASE NO.:** NEPR-IN-2024-0002 **SUBJECT:** Initiation of Investigation; Initial Reporting and Incident Report

RESOLUTION AND ORDER

I. Overview

On or about June 2, 2024, a major outage occurred at the Santa Isabel transmission substation ("Incident") that involved a 115kV/38kV power transformer. Customers in the municipalities of Santa Isabel, Coamo, and Aibonito suffered service interruptions. Some of these service interruptions persisted over the week as depicted in Figure 1 below.

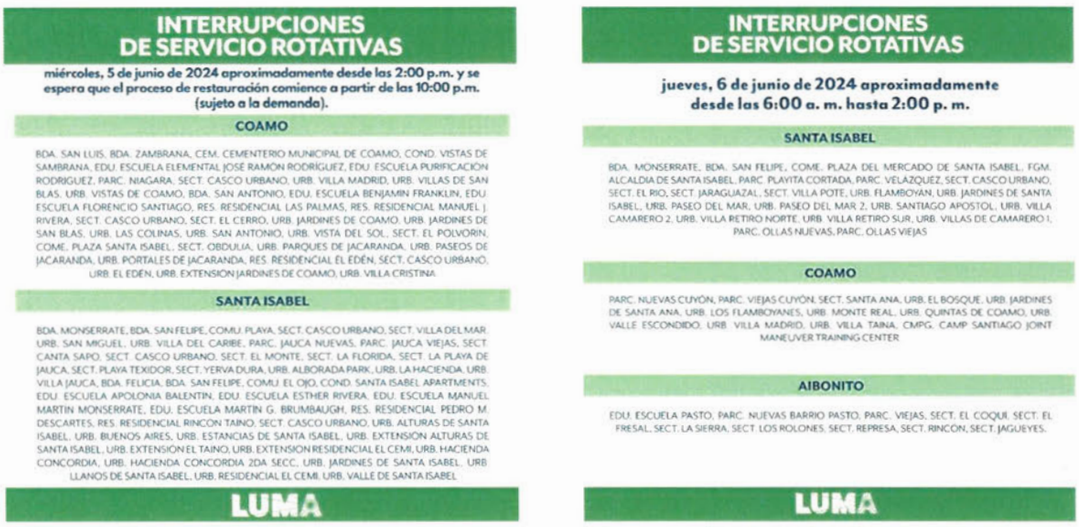

Figure 1 – Areas Potentially Affected during June 5-6, 2024 by Rolling Blackouts due to Santa Isabel TC Major Outage

The Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") is the electric utility regulator charged with overseeing the execution and implementation of the energy public policy in Puerto Rico.[1] According to the stipulations of Act 57-2014, the Energy Bureau is in charge of, among other duties, establishing and implement the necessary regulatory actions to guarantee the capabilities, reliability, security and efficiency of the electric system in Puerto Rico. In addition, the Energy Bureau has jurisdiction and ample authority to investigate any matter related to compliance with the laws that apply to the enforcement of the energy public policy.[2] To that end, the energy public policy establishes that every consumer has the right to a reliable, stable, and excellent electric power service.[3]

The Energy Bureau, in the discharge of its duties and oversight functions, **INITIATES** this investigation pursuant to the provisions of Section 6.3 of Act 57-2014 and Section XV of Regulation 8543.[4] The purpose of this process is to investigate the causes of the Incident and

[1] *See*, Act 57-2014, as amended, known as *Ley de Transformación y ALIVIO Energético de Puerto Rico* and Act 17-2019, known as *Ley de Política Pública Energética de Puerto Rico*.

[2] Section 6.24(e) of Act 57-2014.

[3] Section 1.5 10(a) of Act 17-2019.

[4] *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, 18 de diciembre de 2014 ("Reglamento 8543").

the investigative or corrective actions taken by LUMA in relation to them. The Electric Power Research Institute ("EPRI") is taking the technical lead for the Energy Bureau in this effort.

II. Incident Report

The Energy Bureau **ORDERS** LUMA to submit an Incident Report with the information required in Attachment A of this Resolution and Order **on or before July 1, 2024.**

This investigation is limited to those aspects within the regulatory power of the Energy Bureau. Therefore, in the discharge of its duties and functions, the Energy Bureau does not intend to and will not interfere with any other investigation by the relevant authorities regarding the Incident. Similarly, this investigation should not be interpreted as a substitute for any investigations that may be conducted by the proper entities in accordance with the law.

The Energy Bureau **WARNS** LUMA that

(i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions of up to $25,000 per day;

(ii) any person who intentionally violates Act 57-2014, as amended, by omitting, disregarding, or refusing to obey, observe, and comply with any rule or decision of the Energy Bureau shall be punished by a fine of not less than five hundred dollars ($500) nor over five thousand dollars ($5,000) at the discretion of the Energy Bureau; and

(iii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than ten thousand dollars ($10,000) nor greater than twenty thousand dollars ($20,000), at the discretion of the Energy Bureau.

To ensure accessibility and understanding among Spanish speaking individuals who may be affected by this Incident, the Energy Bureau will publish a translated version of this Resolution and Order. In the event of any conflict or discrepancy between the Spanish and English versions, the English version will take precedence.

Be it notified and published.

Edison Avilés Deliz
Chairman

Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 14, 2024. Associate Commissioner Lillian Mateo Santos did not intervene. I also certify that on June 14, 2024, a copy of this Resolution and Order was notified by electronic mail to mario.hurtado@lumapr.com; legal@lumapr.com; PREBorders@lumapr.com; and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on June 14, 2024.

Sonia Seda Gaztambide
Clerk

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

ATTACHMENT A

Incident Report Requirements

1. Provide a summary of the Incident that includes, but is not limited to, a chronological, SCADA-based, description of the events and their effect, if any, on the (i) generation fleet operated and maintained by Genera PR, LLC ("GENERA"), (ii) other power producers, and (iii) the transmission and distribution system, as well as the investigative, corrective, or any other actions taken by LUMA.

2. Provide any information received, obtained, or collected in the course of investigative, corrective, or any other efforts made by LUMA, their agents, lawyers, or consultants to determine the cause of the Incidents and their effect, if any, on the generation fleet and the transmission and distribution system.

3. Provide any document produced, prepared, or received by LUMA, their agents, engineers, lawyers, or consultants in the course of investigative, corrective, or any other efforts made to determine the causes of the Incident, including, but not limited to, the "root cause analysis report" of the Incident and their effect, if any, on the generation fleet and the transmission and distribution system.

4. Provide repercussions, consequences, or effects that customers and the electrical system will face in the short or long term as a result of the Incident.

5. Provide any information, in digital or tangible format, related to the Incidents in the possession of LUMA and/or GENERA and/or the Puerto Rico Electric Power Authority ("PREPA"), which includes, but is not limited to, data, graphs, maps, videos, audios, photos, reports, or documents related to the Incidents and their effect on the electrical service, the generation fleet, and the transmission and distribution system of Puerto Rico.

6. Describe any temporary facilities deployed to supply customers.

7. Describe any permanent facilities that will need to be repaired and/or replaced at the Santa Isabel transmission substation.

8. Momentary outages caused by vegetation contact are a common occurrence in the electric utility industry.

    a. Describe what technologies is LUMA deploying to clear these momentary outages. Provide an expectation of the reduction in frequency and duration of customer interruptions resulting from the employment of these technologies.

9. In a secure system that adheres to industry reliability standards governing the planning of the bulk electric system, the outage of a single component does not result in customer interruptions.

    a. Describe what efforts are required and/or underway to secure the system so an N-1 or N-1-1 contingency will not result in customer interruptions.
    b. Describe how the federally funded rebuild efforts are increasing bulk electric system security.

The Energy Bureau, at its discretion, may request additional information. The Energy Bureau will determine the actions to be taken, including the need for a technical conference, after receiving the required Initial and Incident Reports through this Resolution and Order.

ADDENDUM 2

Jul 1, 2024

11:31 PM

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: Submission of Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment

MOTION SUBMITTING INITIAL REPORT, REQUEST FOR EXTENSION TO SUBMIT INCIDENT REPORT IN COMPLIANCE WITH RESOLUTION AND ORDER OF JUNE 14, 2024, AND REQUEST FOR CONFIDENTIAL TREATMENT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Introduction

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 (the "Incident") that involved a 115kV/37 kV power transformer and affected customers in the municipalities of Santa Isabel, Coamo and Aibonito.

2. In the June 14th Order, the Energy Bureau indicates that the instant investigation ("Investigation") is being initiated pursuant to Section 6.3 of Act 57-2014 and Regulation No. 8543[1] and that its purpose is to "investigate the causes of the Incident and the investigative or corrective actions taken by LUMA in relation to them". *See id*. The Energy Bureau then orders

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*.

3. The information required in Attachment A of the June 14th Order is the following:

i. Provide a summary of the Incident that includes, but is not limited to, a chronological, SCADA-based, description of the events and their effect, if any, on the (i) generation fleet operated and maintained by Genera PR, LLC ("GENERA"), (ii) other power producers, and (iii) the transmission and distribution system, as well as the investigative, corrective, or any other actions taken by LUMA.

ii. Provide any information received, obtained, or collected in the course of investigative, corrective, or any other efforts made by LUMA, their agents, lawyers, or consultants to determine the cause of the Incidents and their effect, if any, on the generation fleet and the transmission and distribution system.

iii. Provide any document produced, prepared, or received by LUMA, their agents, engineers, lawyers, or consultants in the course of investigative, corrective, or any other efforts made to determine the causes of the Incident, including, but not limited to, the "root cause analysis report" of the Incident and their effect, if any, on the generation fleet and the transmission and distribution system.

iv. Provide repercussions, consequences, or effects that customers and the electrical system will face in the short or long term as a result of the Incident.

v. Provide any information, in digital or tangible format, related to the Incidents in the possession of LUMA and/or GENERA and/or the Puerto Rico Electric Power Authority ("PREPA"), which includes, but is not limited to, data, graphs, maps, videos, audios, photos, reports, or documents related to the Incidents and their effect on the electrical service, the generation fleet, and the transmission and distribution system of Puerto Rico.

vi. Describe any temporary facilities deployed to supply customers.

vii. Describe any permanent facilities that will need to be repaired and/or replaced at the Santa Isabel transmission substation.

viii. Momentary outages caused by vegetation contact are a common occurrence in the electric utility industry.

a. Describe what technologies is LUMA deploying to clear these momentary outages. Provide an expectation of the reduction in

frequency and duration of customer interruptions resulting from the employment of these technologies.

ix. In a secure system that adheres to industry reliability standards governing the planning of the bulk electric system, the outage of a single component does not result in customer interruptions.

a. Describe what efforts are required and/or underway to secure the system so an N-1 or N-1-1 contingency will not result in customer interruptions.
b. Describe how the federally funded rebuild efforts are increasing bulk electric system security.

Id. Attachment A.

4. In Attachment A, the Energy Bureau also indicates that, at its discretion, it may request additional information and that, after receiving the Incident Report, it will determine the actions to be taken, including the need for a technical conference. *See id*.

II. Energy Bureau Authority to Conduct Investigations

5. Act No. 57-2014, known as the *Energy Transformation and Relief Act* ("Act 57-2014"), 22 LPRA §1051, delegates to the Energy Bureau the power to investigate persons and entities under its jurisdiction, including certified electric utility companies that provide services in Puerto Rico. *See* Art. 6.3 (pp) (7), 22 LPRA 22 LPRA § 1054b (2022); Art. 6.4 (b)(1), LPRA § 1054c, *see also* Art. 6.3 (o), 22 LPRA §1054b(o).

6. In its Article XV, Regulation No. 8543 implements the power delegated by law to the Energy Bureau to conduct investigations. Specifically, Section 15.01 of Regulation 8543 provides that investigations shall be carried out to ensure compliance with the public energy policy of Puerto Rico and the laws and regulations administered by the Energy Bureau. The Energy Bureau may also conduct investigations to obtain information regarding matters related to the industry or electric service. *See* Regulation 8523, Section 15.01.

7. Pursuant to Section 15.07 of Regulation No. 8543, once the Energy Bureau conducts an investigation, it shall issue a report with the results. The investigated party has the right to respond to said final report. *See id*. Section 15.08. In the event that the Report identifies a violation of the laws administered by the Energy Bureau or non-compliance with the public energy policy, the Energy Bureau has the discretion to issue a Notice of Non-Compliance to the party to which the non-compliance is imputed or refer a copy of the report to the State Energy Public Policy Office or the Independent Consumer Protection Office so that they may file a complaint or the corresponding appeal before the Energy Bureau. *Id*. Section 15.09.

8. Finally, Section 15.10 of Regulation 8543 provides that the records of ongoing investigations shall remain confidential until the investigation is concluded. Information identified as privileged during the course of the investigation will also be protected. *Id*. Section 15.10.

III. Submittal of Initial Report and Request for Extension

9. LUMA respectfully submits that as soon as the Incident occurred, LUMA commenced an investigation to analyze the events surrounding the outage and potential causes, as well as document corrective actions. This step was taken first, in alignment with what has been the practice in connection with other similar events that have been investigated by this Honorable Energy Bureau, with respect to which LUMA has submitted an initial report first, followed by a more final incident report or root cause report at a later date. *See* Resolution and Order of June 14, 2024 in Case No. NEPR-IN-2024-0003, *In Re: June 12, 2024 Large-Scale Bluesky Customer Interruptions*; Case No. NEPR-IN-2022-0002, *In Re Interrupción de Servicio Eléctrico de 6 de abril de 2022;* Case No. NEPR-IN-2021-0002, *In Re Interrupción de Servicio Eléctrico de 10 de junio de 2021*.

10. LUMA has completed this initial report which addresses the most pertinent and substantive content requirements in Attachment A of the June 24th Order, which LUMA respectfully submits herein as *Exhibit 1*. The initial report includes a summary and timeline of the outage events, preliminary investigative findings, and next steps or action items.

11. LUMA is in the process of reviewing supporting documentation and working with the third-party investigation firm preparing the root-cause evaluation of the incident. Given the voluminous nature of the documents and information that should be reviewed, LUMA requires additional time to develop a more thorough and vetted report and responses to Attachment A of the June 14th Order.

12. Given the nature of the remaining tasks, LUMA reasonably estimates that, to complete these efforts in a thorough manner, it will need until July 22, 2024, to submit the more final report and supporting documents that would comprise the Incident Report and would more thoroughly cover all content items in Attachment A of the June 14th Order.

13. As indicated, the information presented in the attached Initial Report is preliminary and subject to revision as additional details become available. In addition, LUMA reserves the right to present, at the appropriate time and in attention to any pertinent developments in the Investigation, any objections, claims, defenses, or other legal arguments against or with respect to the Investigation or any action taken by the Energy Bureau in connection with the Investigation, all in accordance with the rights afforded LUMA under the law. LUMA also reserves the right to request amendments or supplements to the Initial Report or any other reports submitted in this investigation in the event that in the future new information arises that may need to be addressed.

14. LUMA respectfully submits that *Exhibit 1* contains confidential information that must be protected from disclosure under applicable laws and regulations. Therefore, LUMA is

submitting *Exhibit 1* under seal of confidentiality and respectfully requests that the Energy Bureau keep *Exhibit 1* in confidence even after the Investigation concludes. In compliance with the Energy 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 the Resolution dated September 16, 2016, LUMA will be submitting within the next ten (10) days a Memorandum of Law in support of this request, as well as the redacted non-confidential version of *Exhibit 1* that protects the information that LUMA understands should be kept under seal when the investigation concludes, including graphs, diagrams and information that should be protected as Critical Energy 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 Policy on Management of Confidential Information .

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** the Initial Report in *Exhibit 1*, **grant** LUMA until July 22, 2024, to submit the Incident Report as well as information in response to Attachment A of the June 14th Order, and **treat** *Exhibit 1* **confidentially**.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 1st day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147 / 9145

Fax 939-697-6141 / 6145

/s/ Laura T. Rozas
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Valeria Belvis Aquino
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Exhibit 1

Initial Report

[Submitted under seal of confidentiality]

ADDENDUM 3

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**CASE NO.:** NEPR-IN-2024-0002 **SUBJECT:** Delegation of Procedural Matters.

RESOLUTION AND ORDER

On June 14, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau"), pursuant to Section 6.3 of Act No. 57-2014[1] and Section XV of Regulation 8543[2] the Energy Bureau, issued a Resolution and Order ("June 14 Order") initiating an investigation on the events occurred on June 2, 2024 identified as Incident 1 as described therein.

The Energy Bureau established that the purpose of this proceeding is to investigate the causes of the Incident and the investigative or corrective actions taken by LUMA Energy LLC and Luma Energy ServCo, LLC (jointly referred to as, "LUMA") in relation to them and established that the Electric Power Research Institute ("EPRI") would take the technical lead for the Energy Bureau in this effort.

The Energy Bureau ordered LUMA to submit, on or before July 1, 2024, its Incident Report including its requirements as stated in Attachment A of the June 14 Order.

On July 1, 2024, LUMA filed a document titled *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment* ("July 1 Motion"), in which LUMA filed as Exhibit 1 an **initial report** which includes a summary and timeline of the outage events, preliminary investigative finding, and next steps or action items.[3] LUMA filed Exhibit 1, Initial Report, under seal of confidentiality.

The Energy Bureau **REITERATES** its previous designation of EPRI, as technical lead for the Energy Bureau in this investigation, as stated in the June 14 Order. To complete the investigation of the Incident, EPRI **SHALL** have the faculties to:

1. Issue Requests for Information and/or documents, including but not limited to:

    a. any corrective actions undertaken by LUMA regarding the Incident;
    b. any information obtained, received or gathered during any investigative or corrective efforts or actions undertaken by LUMA and/or Genera, their agents, legal counsel or consultants to determine the cause of the Incidents, including but not limited to the Incident Report;
    c. copies of any document produced, prepared or received by LUMA and/or Genera, their agents, legal counsel or consultants during any investigative or corrective efforts or actions to determine the cause, including but not limited to the Incident Report;
    d. copies of any information, data, video, audio, photos, images or report produced, prepared or received by LUMA and/or Genera, their agents, legal counsel or consultants during any investigative or corrective efforts or actions to determine the cause of the Incident.

---

[1] *See*, Act No. 57-2014, as amended, known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014") and Act 17-2019, known as *Puerto Rico Energy Public Policy Act*.

[2] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings,* December 18, 2014 ("Regulation 8543").

[3] July 1 Motion, p. 5, ¶ 10.

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

e. copies of any information, data, video, audio, photos, images, report or document submitted to local, state and or federal entity regarding the Incident.

2. Request, coordinate meetings, interviews and conferences; and

3. Request, coordinate in visual inspections of any facilities, premises and/or infrastructure related to the Incident.

Pursuant to Section 15.04 of Regulation 8543, the Energy Bureau **ORDERS** LUMA and Genera to fully cooperate with EPRI during the investigation. The faculties delegated above shall remain in effect until the Energy Bureau issues a Resolution to the contrary. The final technical report shall be prepared and completed by EPRI.

Under Section 6.3 of Act 57-2014 and Section XV of Regulation 8543 the Energy Bureau (i) **DESIGNATES** attorney Gerardo A. Flores ("Attorney Flores") to lead any procedural matters. Attorney Flores **SHALL** have the faculties to (1) administer oath and take depositions; (2) issue orders and citations; (3) preside hearings; (4) request, receive and evaluate documents; (5) request, coordinate and participate visual inspections; (6) request, coordinate meetings and conferences; (7) apply any mechanisms allowed under Article XV of Regulation 8543 to complete the investigation of the Incident.

The faculties delegated above shall remain in effect until the Energy Bureau issues a Resolution to the contrary.

Attorney Flores shall prepare and complete a procedural report which shall enclose EPRI's final technical report as an exhibit.

The Energy Bureau shall issue the Final Report of the investigation as stated in Article XV of Regulation 8543.

The Energy Bureau **WARNS** LUMA and Genera that:

(i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions of up to $25,000 per day;

(ii) any person who intentionally violates Act 57-2014, as amended, by omitting, disregarding, or refusing to obey, observe, and comply with any rule or decision of the Energy Bureau shall be punished by a fine of not less than five hundred dollars ($500) nor over five thousand dollars ($5,000) at the discretion of the Energy Bureau; and

(iii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than ten thousand dollars ($10,000) nor greater than twenty thousand dollars ($20,000), at the discretion of the Energy Bureau.

Be it notified and published.

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on July 8, 2024. I also certify that on July 8, 2024, a copy of this Resolution and Order was notified by electronic mail to laura.rozas@us.dlapiper.com; valeria.belvis@us.dlapiper.com; and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on July 8, 2024.

Sonia Seda Gaztambide
Clerk

NEGOCIADO DE ENERGÍA DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

ADDENDUM 4

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO EN LA SUBESTACIÓN SANTA ISABEL AFECTANDO LOS MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**CASO NÚM.:** NEPR-IN-2024-0002 **ASUNTO:** ORDEN URGENTE

ORDEN URGENTE

El 14 de junio de 2024, el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico (Negociado de Energía), conforme a la Sección 6.3 de la Ley Núm. 57-2014 y la Sección XV del Reglamento 8543, emitió una *Resolución y Orden* iniciando una investigación sobre los eventos de interrupción del servicio eléctrico ocurridos el 2 de junio de 2024. Como parte de la investigación, el Negociado de Energía ordenó a LUMA a proporcionar un *Informe de Incidente* el cual, entre otros asuntos, incluyera una descripción de cualquier instalación permanente que necesitara ser reparada y/o reemplazada en la subestación de transmisión de Santa Isabel.

El 8 de julio de 2024, el Negociado de Energía, bajo la Sección 6.3 de la Ley 57-2014 y la Sección XV del Reglamento 8543, designó a este Oficial Examinador para liderar los asuntos procesales de esta investigación. Como parte de la autoridad delegada se me concedió la facultad de: (1) administrar juramentos y tomar declaraciones; (2) emitir órdenes y citaciones; (3) presidir audiencias; (4) solicitar, recibir y evaluar documentos; (5) solicitar, coordinar y participar en inspecciones visuales; (6) solicitar y coordinar reuniones y conferencias; y (7) aplicar cualquier mecanismo permitido bajo el Artículo XV del Reglamento 8543 para completar la investigación del Incidente.

De manera paralela a estos procedimientos investigativos, durante el día de hoy, mediante comunicado de prensa, LUMA ha notificado a los consumidores sobre el estado de la instalación del transformador en el municipio de Santa Isabel. Hemos tomado conocimiento oficial[1] del comunicado en el que se sostiene que LUMA ha implementado "un plan de contingencia en caso de que el transformador de reemplazo inicial fallara pruebas clave de seguridad y confiabilidad". Añade que, "el personal especializado de subestaciones de la empresa le hizo pruebas al transformador de reemplazo antes y después de su transporte, siguiendo los procesos y protocolos estándar en la industria. Luego de energizar exitosamente el transformador, y durante las pruebas posteriores requeridas en el lugar antes de conectarlo a la red, el equipo falló por un problema interno". Se señala además que LUMA continuará con su "plan de contingencia, que incluye la relocalización de un transformador alterno desde Maunabo" y que "el servicio de los clientes de la zona no se verá afectado durante las próximas cuatro a seis semanas mientras se instale y se le hagan pruebas de seguridad y confiabilidad."

El Negociado de Energía, así como tampoco este Oficial Examinador, fueron notificados de este incidente como parte de esta investigación.

En vista de lo informado por LUMA a través de un comunicado de prensa, del cual tomamos conocimiento oficial, se le ordena a LUMA a que, en un término de cuarenta y ocho (48) horas, contadas a partir de la notificación de esta *Orden*, someta al Negociado de Energía lo siguiente:

1. El "plan de contingencia en caso de que el transformador de reemplazo inicial fallara pruebas clave de seguridad y confiabilidad".

[1] *Véase*, secciones 3.1(a)(D) y 3.13(d) de Ley 38-2017, mejor conocida como Ley de Procedimiento Administrativo Uniforme, 3 LPRA §§ 9641(a)(D) y 9653(d). *Véase, además, Agrón Pérez v. F.S.E.*, 142 DPR 573 (1999); *López v. Asociación de Taxis*, 142 DPR 109 (1996); *Guadalupe v. Saldaña*, 133 DPR 452 (1993).

2. La lista de los puestos del "personal especializado de subestaciones de la empresa", que hizo las pruebas al transformador de reemplazo antes y después de su transporte.

3. Los "procesos y protocolos" utilizados por LUMA para realizar las "pruebas al transformador de reemplazo antes y después de su transporte."

4. La prueba disponible que evidencie que el transformador fue energizado exitosamente en un principio.

5. El plan de contingencia para la relocalización de "un transformador alterno desde Maunabo."

6. Indique los motivos por los cuales no se trasladó el transformador desde el municipio de Maunabo, en lugar del transformador desde el municipio de Caguas.

7. El plan a corto y largo plazo garantizar que los consumidores de los municipios de Santa Isabel, Coamo y Aibonito no se vean afectados como resultado del incidente.

8. Notifique el estado de la construcción de las líneas 100, 200 y 4,800, incluyendo las etapas de construcción y el itinerario de construcción y entrega de las mismas.

9. Describa detalladamente las pruebas realizadas, las causas y el resultado de las mismas.

10. Informar el estado del transformador trasladado al municipio de Santa Isabel, a saber, la viabilidad de su uso a corto y largo plazo y su vida útil.

11. ¿Si el transformador trasladado servirá en el futuro o no?

12. Identifique lo que falló en las pruebas realizadas al transformador trasladado y el alcance y consecuencias de las mismas para fines de la vida útil del transformador trasladado.

13. Indique el plan y las acciones que se tomarán en consideración para evitar una situación similar con el traslado del transformador desde el municipio de Maunabo.

14. Indique si el traslado del transformados del municipio de Maunabo al municipio de Santa Isabel representa una solución confiable y permanente para atender el problema de los abonados que se sirven de dicho transformador.

15. Notifique el costo del transformador trasladado al municipio de Santa Isabel, así como todos los costos relacionados a:

    a. Transporte;
    b. Instalación;
    c. Otros costos asociados.

16. Notifique el costo del transformador existente en el municipio de Maunabo, así como todos los costos estimados relacionados a:

    a. Transporte;
    b. Instalación
    c. Otros costos asociados.

17. Cualquier otra información que resulte pertinente a este incidente y que el Negociado de Energía

Finalmente, se le advierte a LUMA que la información solicitada no estará sujeta a las normas de confidencialidad dispuestas en el Artículo 6.15 de la Ley 57-2014, 22 LPRA 1054n. Asimismo, se le apercibe de que el incumplimiento con esta *Orden Urgente* conllevará la

imposición de multas y sanciones administrativas de diez mil dólares ($10,000) por día hasta su cumplimiento.

Hoy, 11 de julio de 2024, en San Juan, Puerto Rico.

Notifíquese y publíquese.

Gerardo A. Flores
Oficial Examinador

CERTIFICACIÓN

Certifico que así lo acordó el Oficial Examinador, Lic. Gerardo A. Flores, hoy 11 de julio de 2024. Certifico además que el 11 de julio de 2024 una copia de esta Orden Urgente fue notificada por correo electrónico a Laura.rozas@us.dlapiper.com; Valeria.belvis@us.dlapiper.com ; y he procedido con el archivo en autos de la Orden Urgente.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 11 de julio de 2024.

Sonia Seda Gaztambide
Secretaria

ADDENDUM 5

Jul 11, 2024

8:43 PM

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 SUBMITTED ON JULY 1 2024

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1] (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 (the "Incident") involving a 115kV/37 kV power transformer and ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*.

2. On July 1, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order*

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

of June 14, 2024 and Request for Confidential Treatment, in which it submitted, in an Exhibit 1, the Initial Report ("July 1st Exhibit 1") and requested that the Energy Bureau treat the July 1st Exhibit 1 as confidential during and after the Investigation is concluded. LUMA also informed that it would be submitting within the next ten (10) days a Memorandum of Law in support of the confidential treatment of the July 1st Exhibit 1 and a redacted version of the July 1st Exhibit 1, in compliance with 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 Confidential Information").

3. In accordance with the above, LUMA is submitting below the Memorandum of Law stating the legal basis for the request to treat the July 1st Exhibit 1 confidentially.

II. Memorandum of Law in Support of Request for Confidential Treatment of July 1st Exhibit 1

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

4. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

5. 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.

6. 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).

7. 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.* paragraph 6.

8. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Critical Energy Infrastructure Information ("CEII"):

> The information designated by the [Energy Bureau] as Validated Confidential Information on the ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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).

9. Relatedly, Energy Bureau Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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* 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).

B. Request for Confidentiality

10. The July 1st Exhibit 1 includes CEII information that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect

critical infrastructure from threats that could undermine the system and have negative repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

11. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.*

12. 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 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.*

13. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[2]

[2] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, provides in pertinent part, that CII:
(A) shall be exempt from disclosure under the Freedom of Information Act;

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. § 671 (3).[3]

14. The July 1st Exhibit 1 includes figures and diagrams containing: single line diagrams of transmission centers and other critical electric system assets; Computer Aided Protection Engineering ("CAPE") program analyses and simulations relating to the 115/38 kV; diagrams and figures related to faults at critical infrastructure assets; transformer differential

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(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—
(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.

[3] CII includes the following types of information:

(A)actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;
(B)the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
(C)any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

protection relay event figures for transformer faults; SCADA alarm data for the 115/38 transformer; and coordinates showing specific location of critical infrastructure assets with identified areas of deficiencies. The July 1st Exhibit 1 also contains detailed narrative descriptions of some of these figures and diagrams. It is respectfully submitted that these diagrams, figures, and attendant narrative descriptions, are confidential CEII, as they contain information on engineering and/or detailed design of existing critical infrastructure, exact location of critical infrastructure assets and/or information that could reveal potential vulnerabilities of critical infrastructure assets. In addition, some of these diagrams, figures or narrative text show the interrelation of different assets and their parts and provide forensic data and/ or forensic analysis on critical infrastructure and other components of the T&D System, all of which may reveal vulnerabilities of the electric system. Therefore, these diagrams, figures, and narrative text constitute 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).

15. The CEII designation of these diagrams, figures and text is a reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

16. In addition, there are certain portions of the July 1st Exhibit 1 that contain the name and/or signature of an individual who works for LUMA. The protection of this information 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 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). In addition, the Puerto Rico Open Government Data Act provides that the following information is excepted from public disclosure: information the disclosure of which could invade the privacy of third parties or affect their fundamental rights, as well as any type of information related to the street address, telephone number, emergency contact information, social security number, credit card number, tax and/or financial information, bank activity, confidential information of private third parties, trade secrets, tax returns, debt, or pin number, which is collected or maintained by a governmental body. *See* Act 122-2019, Articles 4(vi) and (xi).

17. It is respectfully submitted that the protection of all of the confidential information discussed above does not affect the public's or the Energy Bureau's review of the present filing nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect privacy and protect CEII, weighs in favor of protecting the relevant portions of the July 1st Exhibit 1 from disclosure.

III. Identification of Confidential Information.

18. In compliance with the Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, following is a table identifying the confidential information and summarizing the hallmarks of this request for confidential treatment:

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 1st Exhibit 1	Figure 2, Page 8	Line Diagram of Santa Isabel Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which shows details of engineering and/or design information of critical electric system assets.	July 1, 2024
July 1st Exhibit 1	Figure 3, Page 9	Line Diagram of Santa Isabel Sectionalizer.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which shows details of engineering and/or design information of critical electric system assets.	July 1, 2024
July 1st Exhibit 1	Figure 4, Page 9	Line Diagram of Cayey Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which shows details of engineering and/or design information of critical electric system assets.	July 1, 2024
July 1st Exhibit 1	Figure 5, Page 10	Line Diagram of Comsat 38 kV bus and lines to Cidra and Cayey.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show details of engineering and/or design information of critical infrastructure assets.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 1st Exhibit 1	Figure 6, Page 15	Fault at 38 kV CB # 0040 – Santa Isabel 115/38 kV.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical infrastructure asset.	July 1, 2024
July 1st Exhibit 1	Entire paragraph right below Figure 6, pages 15-16	Narrative description of information in Figure 6.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical infrastructure asset.	July 1, 2024
July 1st Exhibit 1	Second and third paragraphs under Section 2.1.1, Page 16	Narrative description of information in Figure 8 which is also confidential (see below).	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design and/or engineering information of a critical electric system asset.	July 1, 2024
July 1st Exhibit 1	Figure 8, Page 17	Computer Aided Protection Engineering ("CAPE") program	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
		simulation of phase-to-phase fault at Santa Isabel 115/38 kV transformer breaker 0400 at the transformer side 38 kV side.	Contains details of design information of a critical electric system asset.	
July 1st Exhibit 1	Figure 9, Page 18	SEL-587 transformer differential protection relay for second fault event.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains design information of critical electric system assets.	July 1, 2024
July 1st Exhibit 1	Second paragraph following Figure 9, Page 18	Narrative description of information in Figure 9.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed design information of critical electric system assets.	July 1, 2024
July 1st Exhibit 1	Second and third paragraphs after Section 2.2.1 on page 19	Narrative description of Figure 11 which is also confidential (see below).	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed design information of a critical electric system asset.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 1st Exhibit 1	Figure 11, Page 20	CAPE program simulation showing phase-to-phase fault at Santa Isabel 115/38 kV transformer 115 kV side.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed design information of a critical electric system asset.	July 1, 2024
July 1st Exhibit 1	Figure 12, Page 21	Line 8500/4800 SCADA alarms data after the 115/38 kV trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information of a critical electric system asset that may reveal potential vulnerabilities.	July 1, 2024
July 1st Exhibit 1	Figure 14, Page 22	Figure with information on Santa Isabel 115/38 kV Transformer fault with information on maximum peak currents, activated functions and a differential protection relay event.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains design and/or engineering information of a critical infrastructure asset.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 1st Exhibit 1	First and Third Paragraph on page 23	Narrative description of information in Figure 14 which is also confidential (see above).	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains design and/or engineering information of a critical electric system asset.	July 1, 2024
July 1st Exhibit 1	Figure 16, Page 24	Line diagram from Cayey to Santa Isabel Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show detailed information on engineering and/or design of critical electric system assets.	July 1, 2024
July 1st Exhibit 1	Figure 17, Page 25	Figure with SCADA data – L8500/4800 Load Before the Fault.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed information of a critical electric system asset that may reveal potential vulnerabilities.	July 1, 2024
July 1st Exhibit 1	First Paragraph on page 26	Narrative relating to Figures 19 and 20 which are also confidential (see below).	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on details of design and/or engineering or that show vulnerabilities of a critical infrastructure asset.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 1st Exhibit 1	Figure 19, Page 26	Figure CB# 4870 SEL 321-1 – Zone 1 Trip, showing the SEL 321 protection relay target as zone 1 trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on details of design and/or engineering or that show vulnerabilities of a critical infrastructure asset.	July 1, 2024
July 1st Exhibit 1	Figure 20, Page 26	Figure CB# 4870 Event SEL-321-2, showing the SEL-321-2 protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on details of design and/or engineering or that show vulnerabilities of a critical infrastructure asset.	July 1, 2024
July 1st Exhibit 1	Coordinates in figure on Page 28	Coordinates of points were deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 1st Exhibit 1	Coordinates and signature in Page 29	Coordinates of points were deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 1, 2024
July 1st Exhibit 1	Coordinates and signature in Page 30	Coordinates of points were deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.. Right to privacy and data protection laws.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 1st Exhibit 1	Coordinates and signature in Page 31	Coordinates of points were deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 1, 2024
July 1st Exhibit 1	Coordinates and signature in Page 32	Coordinates of points were deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 1, 2024
July 1st Exhibit 1	Coordinates and signature in Page 33	Coordinates of points were deficiencies were found in 38 kV	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
		transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
July 1st Exhibit 1	Coordinates and signature in Page 34	Coordinates of points were deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 1, 2024
July 1st Exhibit 1	Coordinates and signature in Page 35	Coordinates of points were deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 1, 2024

Document	Figures, Lines and/or Pages in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
		Aviation and LUMA representative's name and signature.	Right to privacy and data protection laws.	
July 1st Exhibit 1	Appendix 2-SCADA Alarms, on Pages 45-60 of report	Contains table with list of SCADA alarms information from 06-01-2024 to 06-04-2024.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed information of a critical electric system asset that may reveal potential vulnerabilities.	July 1, 2024

19. LUMA submits, as *Exhibit A* herein, a redacted version of the July 1st Exhibit 1, in which the above identified information is redacted. LUMA respectfully requests the Energy Bureau to accept *Exhibit A* herein as the public version of the July 1st Exhibit 1.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** this Memorandum of Law in support of the confidential treatment of the July 1st Exhibit 1, **grant** the request herein to keep confidential the July 1st Exhibit 1, and **accept** the redacted version of the July 1st Exhibit 1, *included as Exhibit A* herein, as the public version of the July 1st Exhibit 1.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 11th day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

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Exhibit A

Redacted Version of July 1st Exhibit 1

ADDENDUM 6

Exhibit A

Redacted Version of July 1st Exhibit 1

LUMAPR.COM

115/38 kV Transformer, 38 kV bus at Santa Isabel T.C. and line 4800/8500 to Cayey T.C. Outage Events

June 1 to June 3, 2024 – 07:07 / 14:11 / 00:43 / 2:07

July 1, 2024

Executive Summary

As part of our commitment to transparency, LUMA is filing this preliminary report with the Puerto Rico Energy Bureau (PREB) related to the June 1, 2024, Santa Isabel Substation outage event which impacted our customers in the communities of Santa Isabel, Coamo and Aibonito. LUMA safely restored power to all customers impacted by the outages on June 9 and is currently installing a new transformer at the Santa Isabel substation that is on schedule to be completed mid-July. All of us at LUMA recognize the deep and real frustration felt when outages occur, especially one lasting days, and we remain fully focused on overcoming the historical challenges of the electric system and continuing to work on Puerto Rico's energy transformation. As part of this effort, LUMA is determined to comprehend the root causes of the Santa Isabel substation outages to better understand why such outages happen and reduce the risks of similar outages happening in the future.

LUMA's Response to Santa Isabel Outage Event

As part of LUMA's response to this outage, the communities of Santa Isabel, Coamo and Aibonito have had consistent power since June 9 while LUMA completes repairs. To date, the scope of LUMA's response to the Santa Isabel Substation outage has included the following actions:

- **Deploying field crews** to conduct repairs and inspections of substations, breakers, and transmission lines.
- **Installing mobile generators** at multiple substations to restore service to the Santa Isabel service area.
- **Repairing and replacing equipment** including upgrading Line 4800 in Aibonito for increased capacity as part of the restoration and improvement effort.
- **Coordinating with emergency partners** including the Puerto Rico Emergency Management Bureau (PREMB), the Traffic Division of the Police Department, and other public safety agencies to transport a replacement substation transformer from San Juan to Santa Isabel by barge, truck and crane.
- **Transporting and installing the replacement transformer** to increase substation resiliency, stability, and reliability.
- **Providing regular updates** to the public and stakeholders as to the status of repairs and transformer replacement and installation.
- **Conducting a Preliminary Investigation** to begin to determine the root cause of the outage and determine next steps and future corrective actions.

Santa Isabel Outage Event Summary

Beginning on June 1, 2024, the electric system in the Santa Isabel area experienced three separate outage events related to the 38 kV system. The first outage occurred on Saturday, June 1, 2024, due to a fault on circuit breaker 0040 on the 38 kV side of the 115/38 kV transformer at the Santa Isabel Substation. This outage affected 9,212 customers and was resolved within hours. The second outage occurred Sunday, June 2, 2024, due to a fault on the 115 kV side of the 115/38 kV transformer at the Santa Isabel Substation. Load shedding was necessary in the area impacting 10,335 customers. As transformer damage was suspected, the transformer was removed from service for testing. With the 115/38 kV transformer at Santa Isabel Substation out of service, loads were transferred to the Cayey 38 kV line 4800 / 8500, which was unable to handle the peak-time load in the Santa Isabel Substation area. Manual load shedding occurred into the June 3, 2024, outage. Further transformer diagnostic testing deemed the transformer as unrepairable on June 3, 2024.

A third outage occurred on Monday, June 3, 2024. A fault occurred on the 4800 / 8500 line from Cayey that resulted in six spans of broken conductor. This event occurred while the system was not fully restored from the transformer outage on June 2. This situation caused service from Cayey to be interrupted which created outages for additional customers. There were approximately 63,975 customers affected by this outage (including customers impacted from the June 2 load shed), and approximately 27,338 of these customers were restored in 11 minutes. The remaining customers were restored at various times afterwards. Following the repair of the broken conductors on June 4, the Santa Isabel area remained in load shed until June 9, 2024.

Investigation Preliminary Findings

LUMA's preliminary investigation includes the following initial findings:

1. 38 kV and 115 kV circuit breakers 0040 and 0050 from Santa Isabel 115/38 kV were found with moisture. A flash-over was found on two bushings in the 38 kV.
2. Broken insulation and six spans of broken conductor at line 4800/8500.
3. 38 kV circuit breaker 8510 at Cayey did not open causing remote back-up operations.
4. Thorough tests that included oil breakdown, winding resistance, TTR, protection relays, CTs, PTs, megger, power factor were performed at the Santa Isabel 115/38 kV. Tests showed internal damage in the transformer.

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1. Introduction

1.1 Event Details

Event Number: OE2406-06
Outage date: June 01, 2024, to June 03, 2024
Outage time: See sequence of events
Clients: Up to 63,974

1.2 Introduction

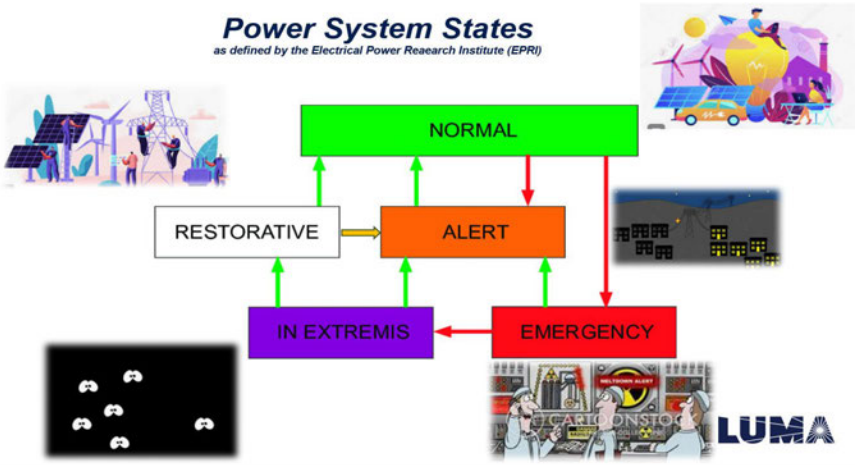
This report and forensic investigation are based on digital fault recorder data analysis, SCADA sequence of events, relay events, equipment tests, information provided by Transmission Lines, Substations, Operations, Planning, PAC, Asset Management, and others. A special team was appointed to restore the elements and minimize possible critical situations in the area.

The investigation and analysis will demonstrate that although the protection acted as intended, Santa Isabel 115/38 kV transformer was damaged. The faults on June 02 and June 03 did not show high short circuit current present in the transformer to indicate a solid fault although they were of different magnitudes and composition. For that reason, multiple and thorough tests were performed at each of the transformer components and the transformer itself to determine the root cause and finally the transformer damage.

During the load shed emergency in the area created by the transformer at Santa Isabel, 38 kV line 4800/8500 from Santa Isabel T.C. to Cayey T.C. failed due to insulation damage and overload. Six spans of damaged conductor were repaired as well as insulation.

The restoration details will not be discussed in this report.

Figure 1: Power System Operational States by EPRI



1.3 System prior to the Events

Before the event, the electrical system was in the Normal operational state as defined by EPRI (Electric Power Research Institute) with certain conditions after the 2017 hurricanes, 2020 earthquakes, and system deterioration. The following conditions affecting the Santa Isabel area were present:

- 38 kV line 4800 from Santa Isabel T.C. to Santa Isabel Sect. is not completed as intended tied to line 0100. This line is the only source to Santa Isabel Sect 38 kV bus. Substations 4401 Santa Isabel and Usera 4601 as well critical installations (hospitals, water pumps) depend on this arrangement.
- The four segments from 38 kV lines 100 and 200 to Santa Isabel Sect. from Ponce T.C. and Horizon Sect. (Jobos T.C.) are out of service since María hurricane devastation.
- Santa Isabel 115/38 kV transformer did not receive maintenance since 2019 as the loads cannot be transferred. This transformer was operating at almost the full capacity of 56 MVA.
- 38 kV 4800/8500 line from Cayey T.C. to Santa Isabel T.C. cannot support all the loads from the Santa Isabel area.

Figure 2: Santa Isabel Transmission Center

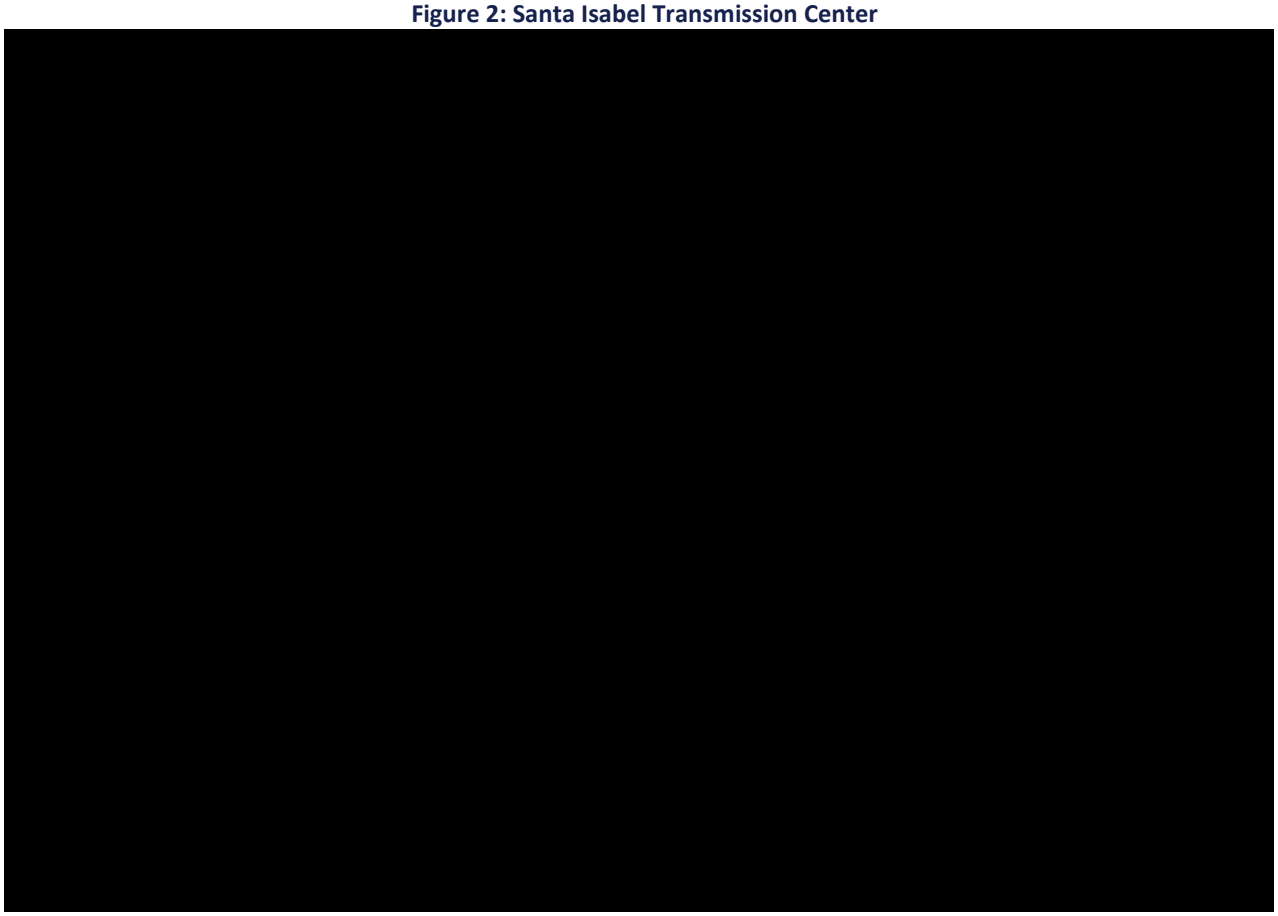
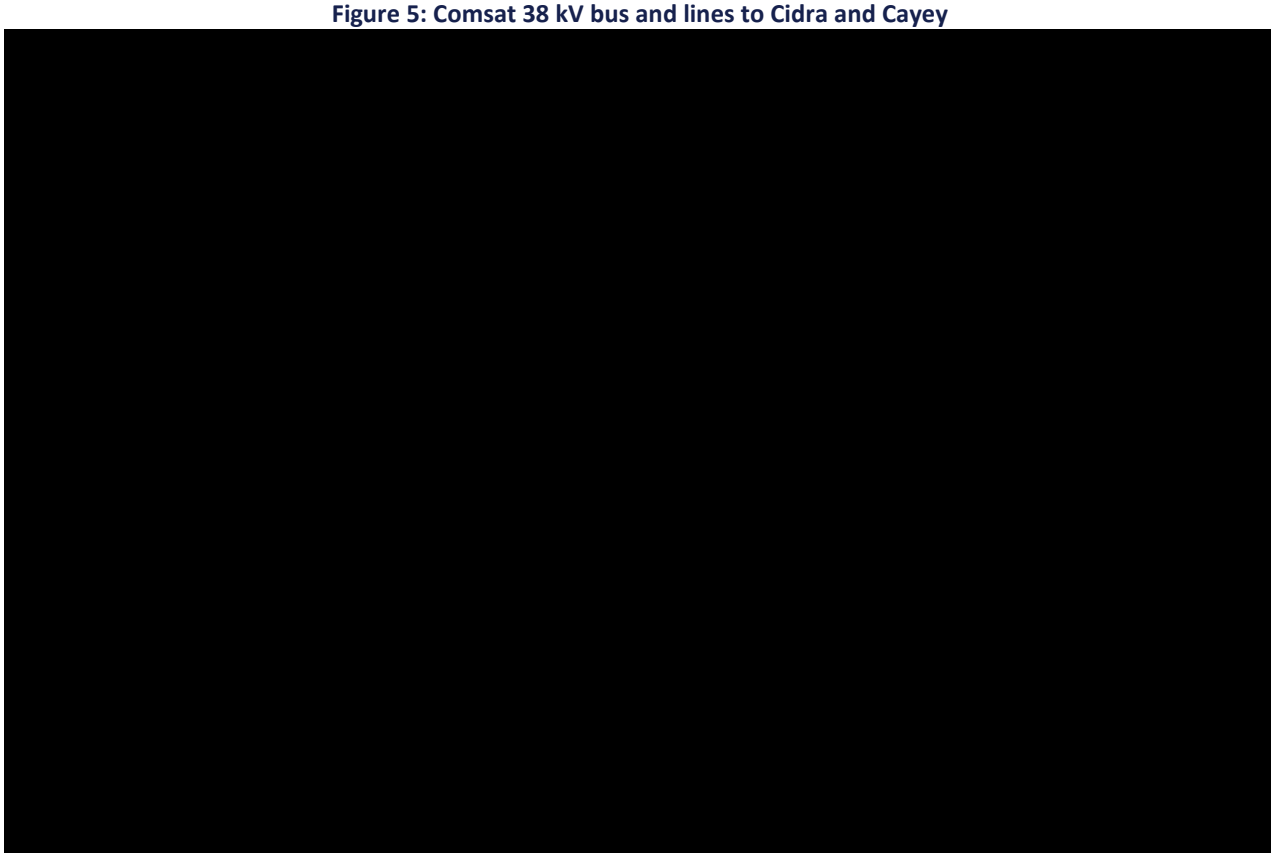


Figure 3: Santa Isabel Sectionalizer

Figure 4: Cayey Transmission Center

Figure 5: Comsat 38 kV bus and lines to Cidra and Cayey



1.4 Timeline of Events

Timeline of events was accomplished using manual synchronization of the following:

- SCADA Open and Close signal time stamp, see appendix 1.
- Aguirre S.P. and Ponce T.C. digital fault recorder data.
- Available protection relay events.

1.4.1 June 01 to June 03, 2024 – Santa Isabel Timeline

Table 1-1 Timeline of Events (HH:MM:SS.000)

Time	T-T0	Event Description
	June 01, 2024	**FAULT CB #0040 (38 kV bus and 115/38 kV trips) Santa Isabel T.C.**
07:07:18.965	**T0**	An initial A-B-G (phase-to-phase-to ground) fault at 38 kV circuit breaker (CB) # 0040 Santa Isabel 115/38 kV low side tripped both 115/38 kV transformer and 38 kV bus differential protections correctly due to faulted bushings.

Time	T-T0	Event Description
07:07:19.032	00:00:00.015	115kV CB# 0050 from Santa Isabel 115/38kV transformer open in 0.067 seconds to clear the fault from the 115 kV instantly.
07:07:19.064	00:00:00.098	38 kV CBs 0040, 4850, 4870 and 4860 from Santa Isabel T.C. 38 kV opened instantly to clear the fault at CB #0040 from the system. A total of 9,212 clients out of service.
10:08:48.213	03:04:29.248	38 kV CB 4850 at Santa Isabel was closed to energize Sub#4601 Usera with 2,626 clients from Cayey line 4800/8500.
15:17:24.213	8:13:05.248	Santa Isabel 115/38 kV transformer in service. Fault at CB #0040 bushings were cleaned and repaired. Preliminary transformer tests were satisfactory. 38 kV CB #0040 with moisture but not in danger.
15:28:12.034	8:23:53.069	All loads from Santa Isabel Sect and Santa Isabel T.C. were restored. Total outage time 8:23:53 hours. All 9,212 clients from Substations 4401 and 4601 were restored.
		Santa Isabel area returned to Normal operational state
	June 02, 2024	**Fault at Santa Isabel 115/38 kV transformer high side (115 kV)**
14:11:10.902	22:42:58.868 energized since 06-01-24	Santa Isabel 115/38 kV transformer was energized with all the clients from Santa Isabel area in service for 22:42:58 hours.
14:11:10.902	**T0**	A second different A-B (phase to phase fault) is present this time at the 115 kV side of the Santa Isabel 115/38 kV transformer almost 23 hours since energization.
14:11:10.982	00:00:00.080	115 kV CB# 0050 from Santa Isabel 115/38kV transformer open in 0.08 seconds to clear the fault from the 115 kV instantly.
14:11:11.011	00:00:00.109	38 kV CB# 0040 from Santa Isabel T.C. 38 kV opened instantly to clear the fault from the system.
14:16:46.000	00:05:35.098	Distribution feeder breaker 4601-01 at Usera (1,478 clients) was opened by the DOC during manual load shed to alleviate the load on the Santa Isabel area.

Time	T-T0	Event Description
14:17:40.816	00:06:29.914	Distribution feeder breaker 3501-03 (1,484 clients) at Aibonito was opened by the DOC during manual load shed to alleviate the load on the Santa Isabel area.
14.18:32.169	00:07:21.267	Distribution feeder breaker 4401-02 (2,923 clients) at Santa Isabel was opened by the DOC during manual load shed to alleviate the load on the Santa Isabel area.
		Santa Isabel area remained in the Alert Operational state as the total clients cannot be restored. Manual load shed rotation was necessary impacting 10,335 clients throughout the day, see details at Appendix 1. Crews continued to test the Santa Isabel 115/38 kV transformer.
	June 03, 2024	
		1. Internal Fault at Santa Isabel 115/38 kV Transformer
00:43:45.216	10:32:34.314	After completing preliminary satisfactory tests, 115 kV breaker 0050 from Santa Isabel 115/38 kV transformer was closed and the transformer energized. 38 kV CB # 0040 was open, and a suspicious PT was isolated. An A-C phase to phase fault was detected by the differential protection.
00:43:45.266	10:32:34.364	115 kV CB# 0050 open to clear the fault at the Santa Isabel 115/38 kV.

Table 1-2: Sequence of Events Fault at line 8500/4800 - June 3, 2024

Time	T-T0	Event Description
		Santa Isabel area remained in the Alert Operational state as the total clients cannot be restored. A total of 1,148 clients from the Santa Isabel area were out of service just before 38 kV line 4800/8500 outage at 02:07. Manual load shed was necessary. Crews continued to test the Santa Isabel 115/38 kV transformer. 11:56:08 hours since the 115/38kV transformer at Santa Isabel T.C. trip.
	June 3, 2024	**2. Outage event at 38 kV line 4800/8500, CB# 8510 at Cayey T.C. did not open – Wide Area Event**
02:07:19.771	**T0**	An insulation fault at 38 kV line 8500/4800 begins. 38 kV breaker 4870 at Santa Isabel trip instantly for unknown reasons as there was no short circuit current infeed from that side.

02:07:19.864	00:00:00.093	38 kV CB# 4870 at Santa Isabel Zone 1 protection trip incorrectly due to wiring issues as there was no short circuit current infeed from that side.
02:07:20.286	00:00:00.515	38 kV CB# 0040 from Coamo Capacitor bank trip due to the voltage unbalance at the line.
02:08:38.728	00:01:18.957	38kV CB# 3820 from Cidra Sectionalizer to Cayey open as remote back-up protection when CB# 8510 at Cayey did not open as there is no local breaker back-up protection in Cayey 38 kV bus.
02:08:39.361	00:01:19:590	As the time passes, the fault at line 8500/4800 evolved to a broken conductor fault. 115/38 kV #2 transformer remote back-up protection at Cayey T.C. trip.
02:08:40.074	00:01:20.303	38kV CB# 0840 at Comsat Sectionalizer trip as remote back-up protection when CB # 8510 at Cayey did not open.
02:08:40.150	00:01:20.379	38 kV CB# 0810 at Cidra trip before CB # 3860 at Comsat due to protection miscoordination adding substations from Comsat and line 800 to the outage.
02:08:42.039	00:01:22.268	115/38 kV #1 transformer remote back-up protection at Cayey T.C. trip to clear the fault at line 4800/8500 from the system as 38 kV CB #8510 did not open and there is no local breaker back-up protection in Cayey 38 kV bus. A total of 63,975 clients without service.
02:08:42.296	00:01:22.525	38 kV CB# 3840 from Cayey trip due to possible loss of voltage restraint.
02:19:13.915	00:11:54.144	Operations by the TOC restored a total of 27,338 clients from the Cayey-Comsat-Cidra substations in 11 minutes.
	June 04, 2024	**Reported 6 spans of broken conductor from 38 kV line 8500/4800 were repaired.**
02:37:02.271	24:29:42.500	After more than 24 hours of hard work, line 8500/4800 was restored.

2. Investigation and Analysis

Investigation and analysis for the event will be discussed with the available information from the digital fault recorders, PI server, SCADA alarms, Santa Isabel differential protection relay events, CAPE simulations, Transmission Lines, Operations and Substations field components analysis and troubleshooting information. Note that Aguirre DFR is ten minutes ahead of time.

2.1 June 1, 2024 - 07:07:19 Fault at 38 kV GCB# 0040 Santa Isabel 115/38 kV Transformer

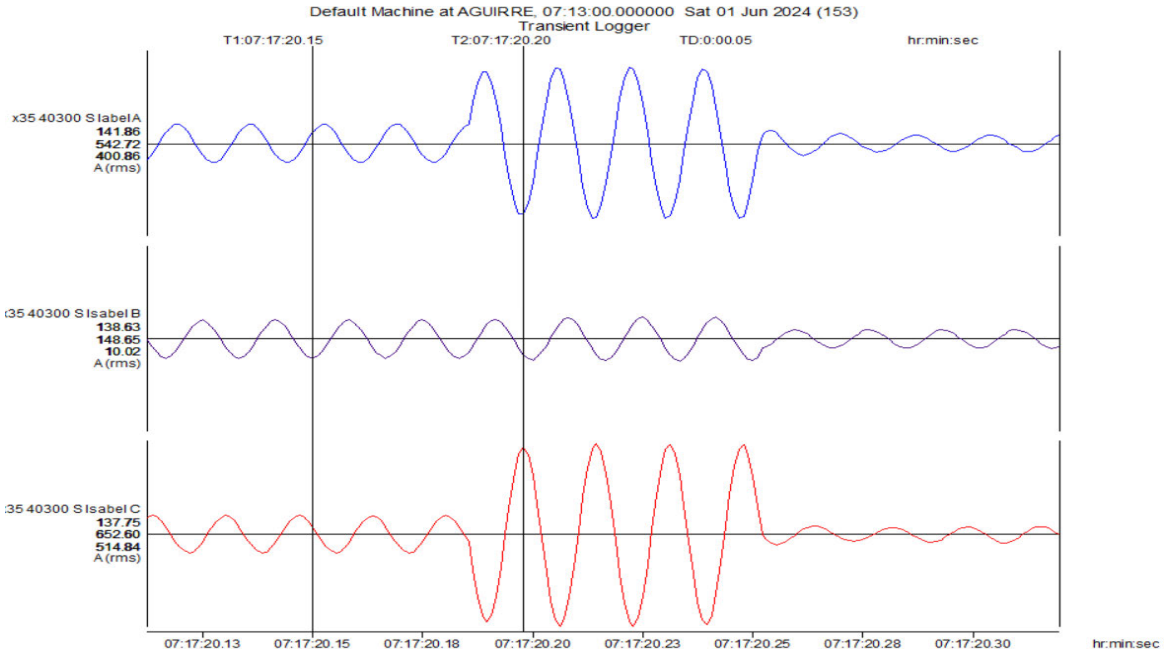
On June 1, 2024, at 07:07, 38 kV bus differential protection, relay MFAC as well as both 115/38 kV transformer differential protection, relays SEL-587 - 1 and 2 trip to an A-B fault at the 38 kV circuit breaker 0040. All differential protection with lockouts acted correctly as CB #0040 faulted bushings are part of all three differential protection zones. Faulted bushings and moisture were found in this breaker.

SEL-587 relays show a phase A to phase B fault in the 38 kV (winding 2) that evolved to a three-phase fault at the end. The 38 kV side fault was reflected as phase A to phase C fault in the 115 kV (winding 1). The restrained transformer differential protection (87R) signal asserted instantly to trio 115 kV CB # 0050 in 0.067 seconds and 38 kV CB # 0040 in 0.091 seconds. Maximum peak short circuit currents at the 38 kV were IAW2 = 2,680 A, IBW2=1,457 A, and ICW2 = 1,289 A. Maximum peak short circuit current at the 115 kV were IAW1= 1,244 A, ICW1= 1,442 A. The transformer back-up protection phase and ground time overcurrent units asserted during this event showed significant short circuit current at both windings consistent with the faulted bushings. See figure 5.

Figure 6 Fault at 38 kV CB # 0040 – Santa Isabel 115/38 kV

[redacted]

Figure 7: Aguirre DFR – First Fault June 1, 2024



Substations repaired and cleaned the faulted bushings at CB# 0040. During breaker tests, moisture was found in this circuit breaker reported as 2,000/1,000,000 parts of H2O which is a deviation from the normal 200/1,000,000 parts of H2O. A more detailed report will be provided by Substations.

2.1.1 CAPE Analysis – Fault at the Santa Isabel 38 kV

Computer Aided Protection Engineering (CAPE) program simulation in figure 7 shows the phase-to-phase fault at Santa Isabel 115/38 kV transformer breaker 0040 at the transformer 38 kV side. The results were not consistent with the real short circuit currents shown in the relay event and the DFRs.

[redacted]

[redacted]

The CAPE short circuit simulation resulted in doubled short circuit current contributions from the 115 kV and none from the 38 kV line 4800/8500 from Cayey to Santa Isabel. For this reason, the CAPE model for the Santa Isabel area shall be reviewed.

Figure 8: CAPE simulation - Fault at Santa Isabel 38 kV

2.2 June 2, 2024 – 14:11:10 Fault at 115/38 kV Transformer 115 kV Side

After the fault in the 38 kV GCB# 0040 bushings was repaired, the Santa Isabel 115/38 kV transformer was normalized and all the clients from the area were restored on June 1, 2024, at 15:28. Almost a day (22:43 hours) after full restoration, another fault was present, this time at the 115 kV side of the Santa Isabel 115/38 kV transformer.

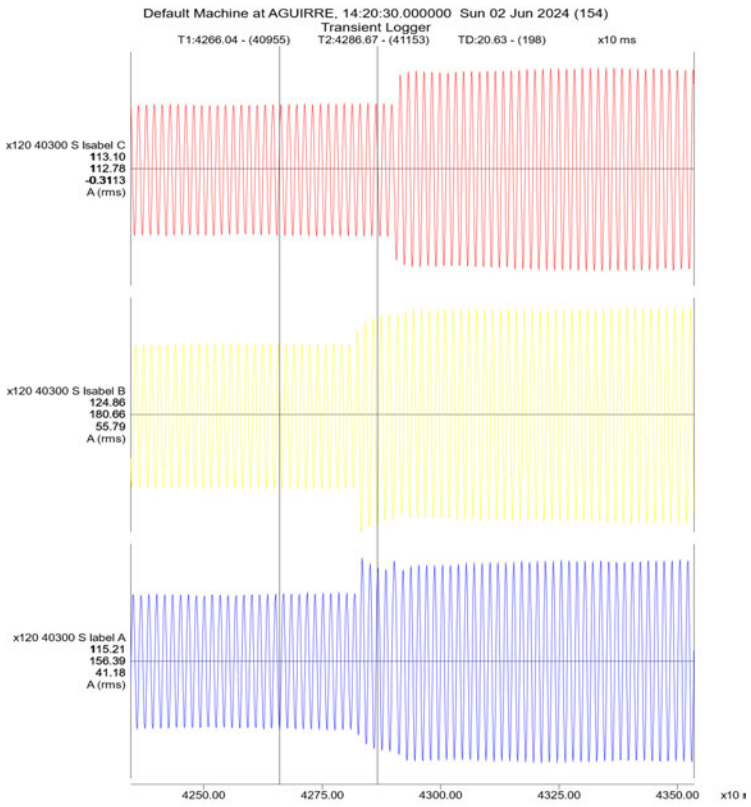
Figure 9: SEL-587 Relay Event - Second Fault

Figure 8 shows the SEL-587 transformer differential protection relay event for this fault. Phase A to phase B fault can be observed in the 115 kV side only. As the 38 kV loads were mostly radial from Cayey T.C., no significant short circuit contribution from the 38 kV side is present during the fault.

A slight offset is observed in the current channels. Positive and negative sequence currents were observed during the fault. Substations reported 115 kV lightning arrester's tests with marginal results and 115 kV GCB# 0050 with 3,000/1,000,000 moisture ratio.

Figure 9 shows the Aguirre DFR graph. 115 kV line 40300 from Aguirre to Santa Isabel shows phase A to phase B fault with low short circuit current contribution. The rms short circuit current contribution to the fault from Aguirre was IA = 170 amperes and IB = 180 amperes. It can be observed that this was not a solid fault at the Santa Isabel 115 kV side (see CAPE analysis section). The short circuit current offset is seen from this angle in phases A and B.

Figure 10 Aguirre DFR – Second fault



2.2.1 CAPE Analysis – Fault at the Santa Isabel 115 kV

Computer Aided Protection Engineering (CAPE) program simulation in figure 10 shows the phase-to-phase fault at Santa Isabel 115/38 kV transformer 115 kV side. The results were not consistent with the real short circuit currents shown in the relay event and the DFRs.

[redacted]

The CAPE short circuit simulation resulted in doubled short circuit current contributions from the 115 kV and none from the 38 kV line 4800/8500 from Cayey to Santa Isabel. For this reason, the CAPE model for the Santa Isabel area shall be reviewed.

Figure 11: CAPE – fault at 115 kV Santa Isabel 115/38 kV Transformer

2.3 June 3, 2024 – 00:43 Faulted Santa Isabel 115/38 kV Transformer

With clients out of service in the Santa Isabel area and no options to restore them all as line 8500/4800 did not meet the capacity, alarms were reporting possible overloading issues at the 38 kV line after the transformer trip (see figure 11) and the tests work at the transformer continued.

Figure 12: Line 8500/4800 Alarms After the 115/38 kV Trip

After completing preliminary testing on the Santa Isabel 115/38 kV transformer, the results were not in emergency values showing satisfactory tests.

The only suspicious cause for the trip was a PT that showed deteriorated insulation found after the fault on the 38 kV breaker area. As this PT was used for synchronism and was not part of the transformer voltage protection, it was disconnected.

The short circuit currents in the 115 kV from the previous fault were not high enough to fear a catastrophic or internal issue in the transformer. No short circuit current or issues were present in the 38 kV side on the second fault and no issues at the 115 kV were present during the first fault.

For those reasons, it was determined to energize the Santa Isabel 115/38 kV transformer via the 115 kV side GCB# 0050 with the PT disconnected and 38 kV GCB # 0040 open to restore the clients.

On June 3, 2024, at 00:43, 115 kV GCB# 0050 was closed by the TOC to energize the transformer and a yet a different fault was detected by the transformer differential protection to activate the lock-out relays.

No mechanical trips were activated for the third time since June 1, 2024, to guarantee an internal transformer issue. See photo on figure 12.

Figure 13: Santa Isabel 115/38 kV Transformer – No Mechanical Trips Were Active

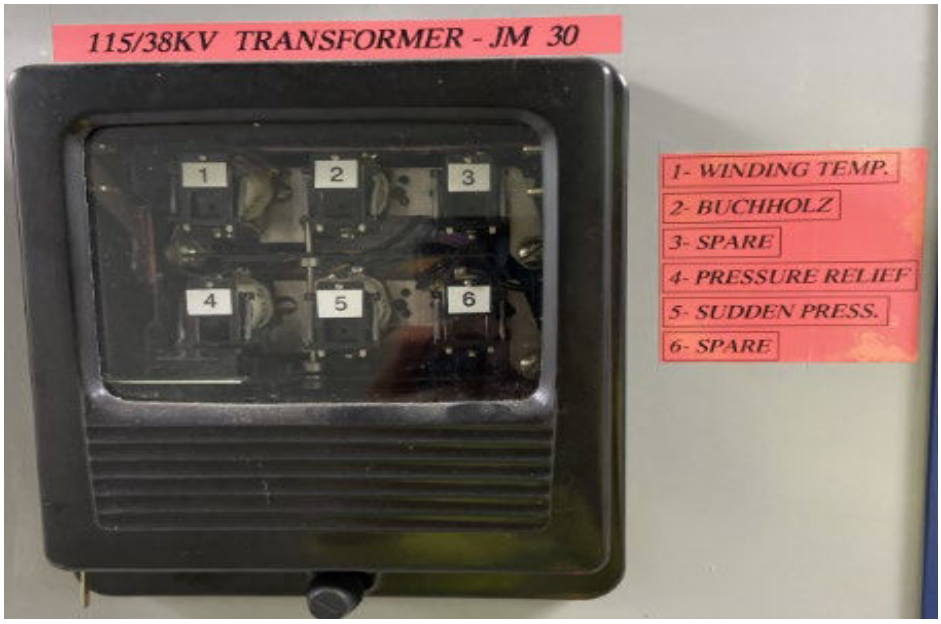
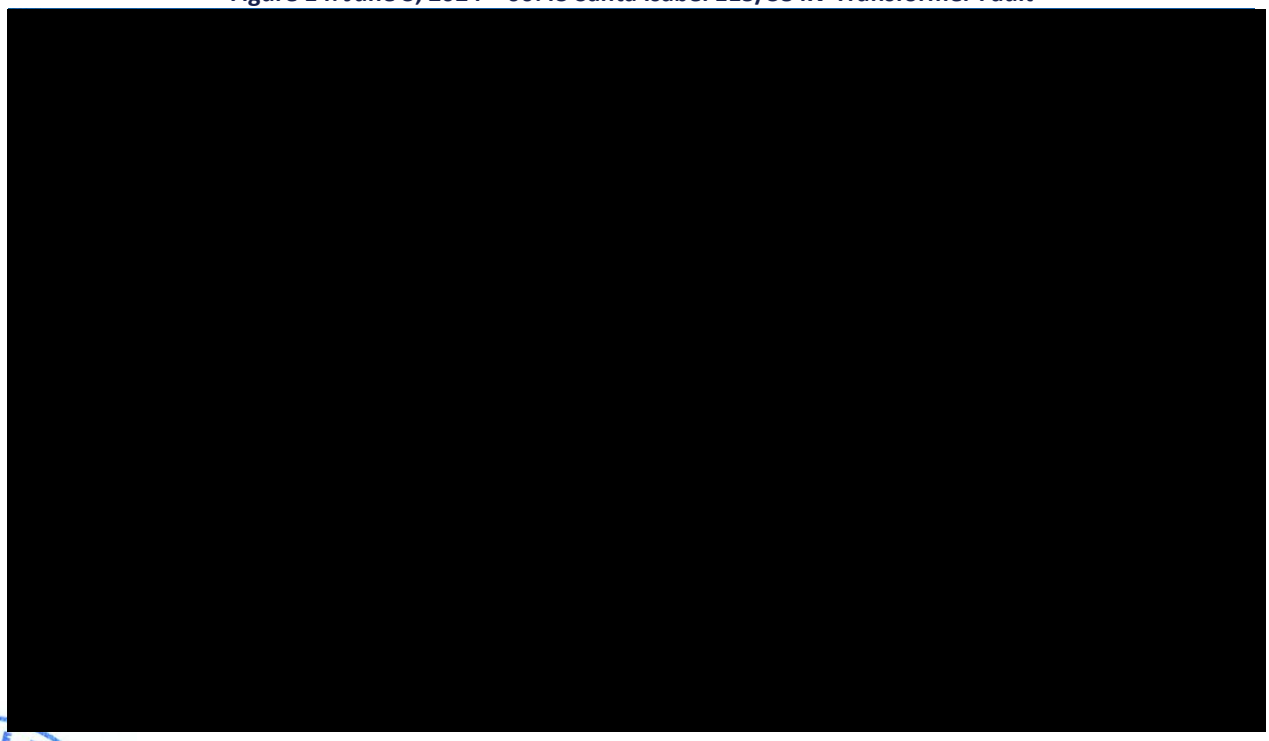


Figure 13 shows the SEL-587 transformer differential protection event for the third fault at the Santa Isabel 115/38 kV transformer differential zone of protection trip. However, again, this fault event shows different characteristics than the first and second relay events from the previous faults.

Figure 14: June 3, 2024 – 00:43 Santa Isabel 115/38 kV Transformer Fault



[redacted]

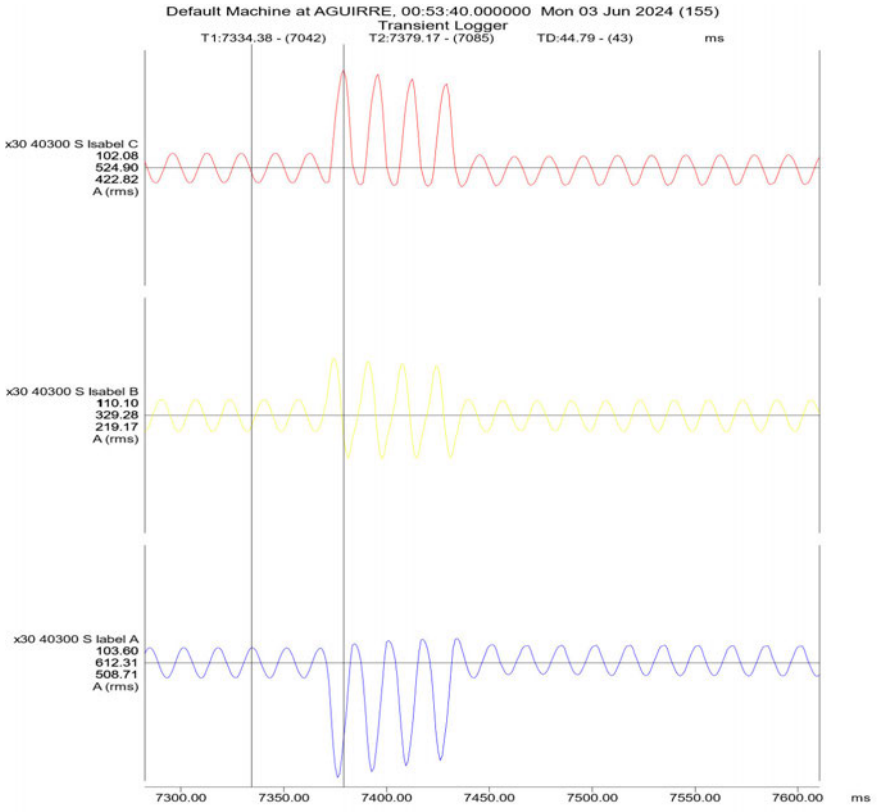
Laboratory transformer tests revealed the transformer suffered internal damage.

[redacted]

Phase A rms short circuit current contribution from Aguirre to the fault had a considerable amount of positive sequence with maximum value of 612 amperes in contrast to phase C with maximum negative sequence short circuit current of 525 amperes. Phase B maintained a rather stable current of 330 amperes.

This waveform resembles a previous trip of the Santa Isabel transformer in April 2023. During that event, the transformer differential protection and mechanical transformer trips did not activate the trip. After inspecting the transformer, no damage was found, and the only target was a 59-voltage trip relay. See Appendix 2.

Figure 15: Aguirre DFR event



2.4 June 3, 2024 – 2:07 Fault at 38 kV line 4800/8500

On June 3, 2024, the Santa Isabel 115/38kV transformer could not be restored and 38 kV line 4800/8500 (L4800/8500) was serving most of the loads from the Santa Isabel area.

Figure 16: Line 8500/4800 from Cayey to Santa Isabel - Fault Between ACBs 4817B and 4853

Before the fault at 38 kV line 8500/4800:

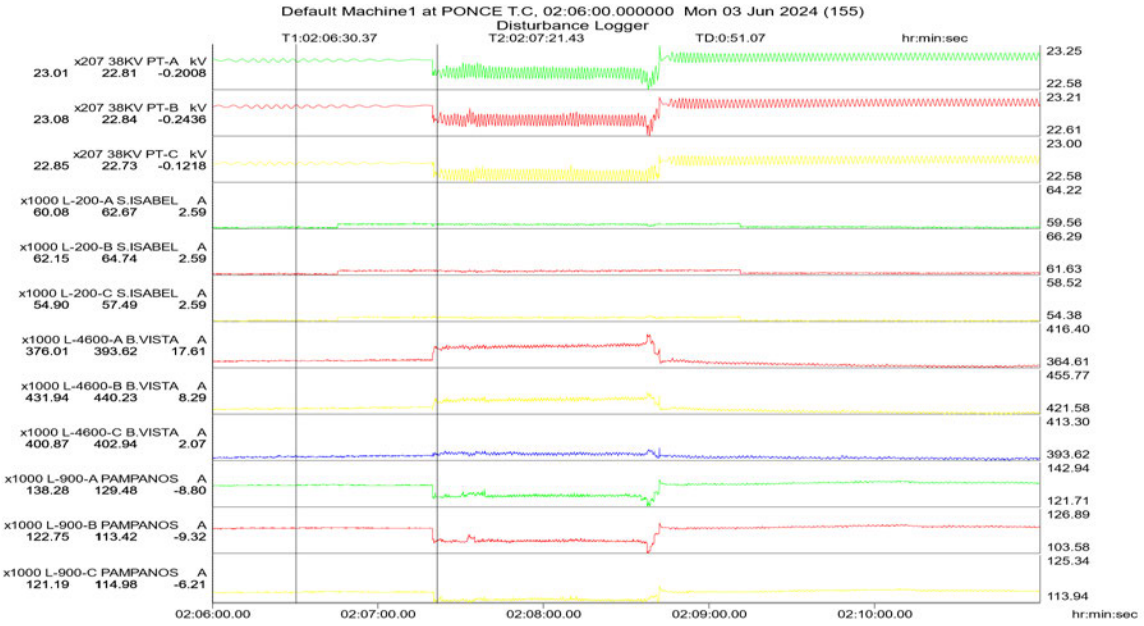
- Santa Isabel 115/38 kV transformer was out of service due to a catastrophic fault.
- As 38 kV lines 0100 and 0200 from Jobos T.C. are in the reconstruction process, 38 kV line 8500/4800 from Cayey was in radial mode as the only source to serve the loads from Santa Isabel Transmission Center and Santa Isabel Sectionalizer 38 kV buses. See figures 2 and 3.
- According to the available information, the 3/0 ACSR conductor size limits the L4800/8500 capacity to 300 amperes in a 10.4-mile line extension of line 4800 from Aibonito to Coamo substations.
- Manual load shed was necessary and load controlling measures were taken by the TOC to avoid overload at the line as follows:
    - Maintain the input from line 8500 Cayey with 556 MCM ACSR conductor size (730 amperes) to supply loads at line 4800, ranging from with 21.3 MVA = 323.6 amperes to 21.6 MVA = 328.2 amperes.
    - Also, a low load current value was maintained at line 8500 due to portable substation # 7 connected to Aibonito PDS substation, the exact load at any moment was difficult to measure.

- Due to the load controlling measures as described, **the downed conductor spans of line 4800 ranging from ACB 4817B to ACB 4853 were not above load current before the faults**. A total of four substations (S# 3501 Aibonito, S#3575 Hospital Menonita, S#3572 Baxter, S# 3574 Escuela Llanos Arriba) are located before the downed conductor area.

Figure 17: SCADA - L8500/4800 Load Before the Fault

At 02:07, an insulation fault was present on L4800/8500. 38 kV circuit breaker 8510 at Cayey did not open. As the fault could not be cleared, short circuit current present affected the conductor and it fell to the ground affecting 6 spans. DFR from Ponce shows the fault present in the system for more than one minute.

Figure 18: Ponce DFR - Fault at line 4800/8500



As CB# 8510 at Cayey did not open, and there is no local breaker failure protection scheme in Cayey, remote back-up protection trips from both Cayey 115/38 kV transformers, CB# 3820 at Cidra (Not CB# 0810) and CB # 0840 at Comsat Sectionalizers were necessary to clear the fault at L4800/8500.

63,975 clients were without service as 38 kV buses at Cayey, Comsat, Santa Isabel T.C. and Santa Isabel Sect. were out of service.

In the event, CB# 4870 at Santa Isabel T.C. open without any known short circuit current infeed to the fault at the line as Santa Isabel 115/38 kV was out of service.

2.4.1 38 kV CB# 4870 at Santa Isabel Trip

Figure 19: CB# 4870 SEL-321-1 - Zone1 Trip

Figure 19 shows the SEL-321-1 protection relay target as zone1 but the MP1 signal was not asserted. Phasor measurements from previous events show the current signal leading the voltage for this relay. Further tests and field corrections are needed to correct this issue when the line is not in radial mode.

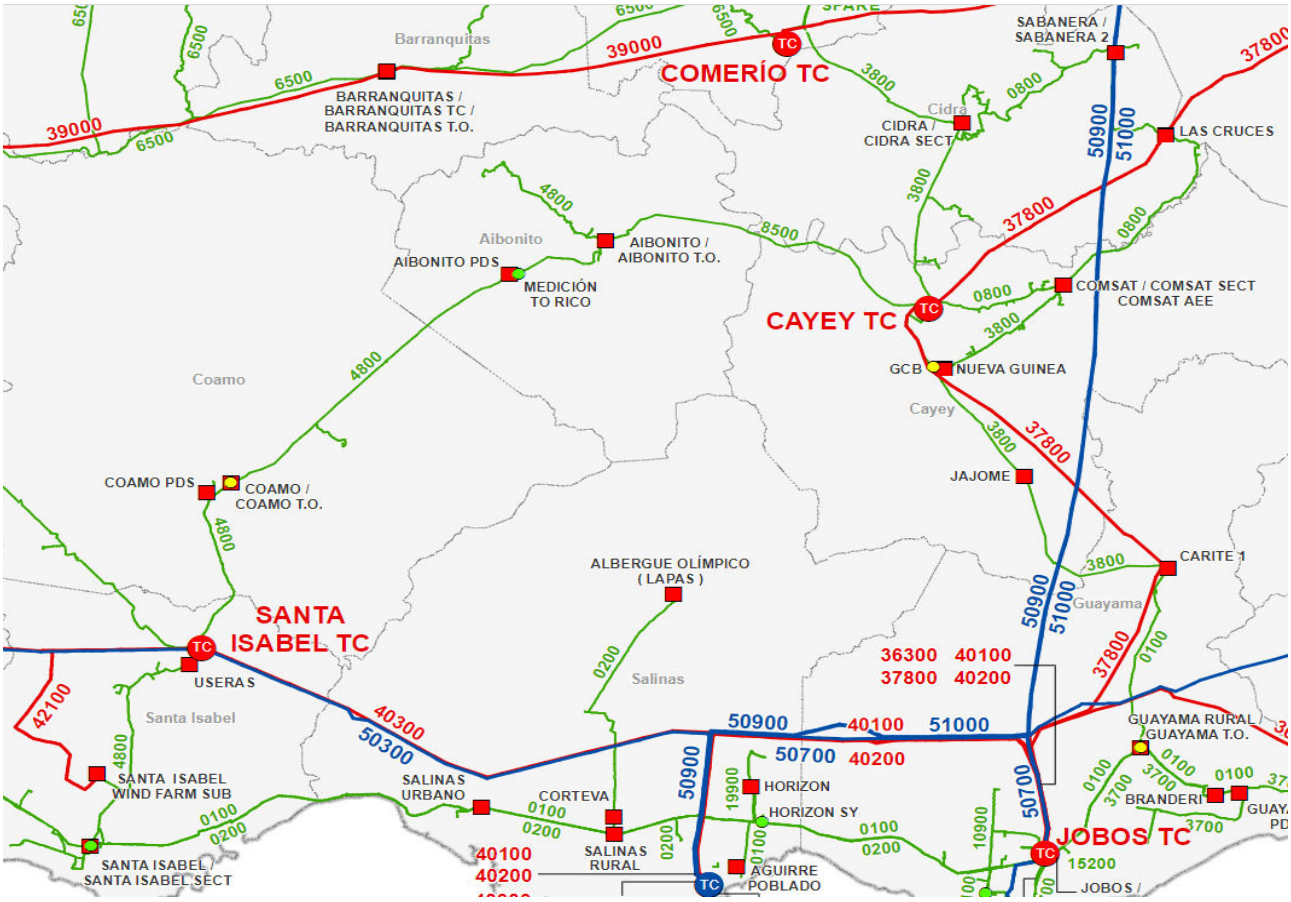
Figure 20 shows the SEL-321-2 protection relay target for the same event as a time trip, not zone 1.

Figure 20: CB # 4870 EVENT SEL-321-2

2.4.2 Wide Area Event CB# 8510 at Cayey Did Not Open and Miscoordination

Figures 4, 5 and 21 show line 8500/4500 from Cayey to Santa Isabel and the Cayey area lines. From the fact that the entire event lasted a total of one minute and 22 seconds, long enough to cause fallen conductors, it will be demonstrated that the protection coordination in the area needs tuning as the Cayey 38 kV bus do not have breaker failure protection.

Figure 2121: Line 4800/8500 Wide Area Event



Sequence of events in section 1.4 show that when CB# 8510 at Cayey did not open, CB # 3820 from Cidra, 115/38kV# 2 at Cayey, CB# 0840 from Comsat and 115/38 kV #1 at Cayey trip correctly as back-up protection but with a long delay.

CB# 0810 at Cidra trip incorrectly due to miscoordination before the CB# 3860 at Comsat. This situation created a wider outage that could have prevented clients from substations 3402 and 3406 at Comsat, Sabanera 1 and 2 and Las Cruces out of service. See Appendix 1.

The long duration of this outage could have damage conductors and shorten the life cycle of the Cayey transformers.

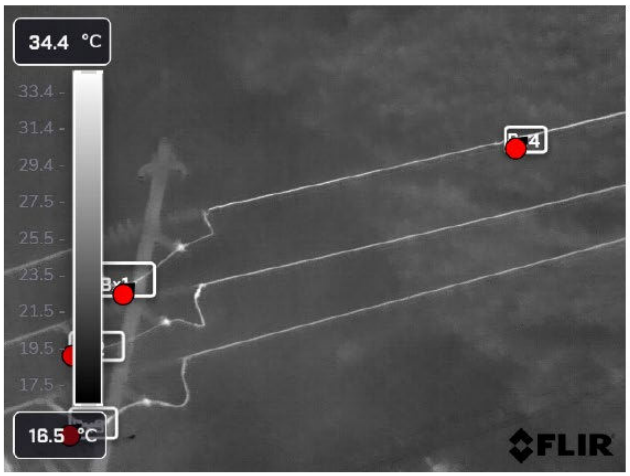
2.4.3 Thermography Reports 38 kV Line 4800

Inspection reports were performed by LUMA Aviation and provided by LUMA Transmission Lines. The reports are self-explanatory indicating deficiencies at the 38 kV transmission line.

Foto: 00278

LUMA AVIATION

Thermography

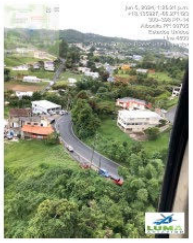


Measurements	
Bx1	
Max	32.6 °C
Bx2	
Max	39.4 °C
Bx3	
Max	47.4 °C
Bx4	
Max	51.3 °C

Created 6-5-2024 1:45 pm

Parameters	
Emissivity	0.83
Distance	200.13 ft
Reflected temp.	30.4°C
Atmospheric temp.	31.6 °C
Relative humidity	73.0%
Ext. optics temp.	20.0 °C
Ext. optics trans.	1.00

Geolocat on	
Coordinates	[redacted]
Compass degrees	

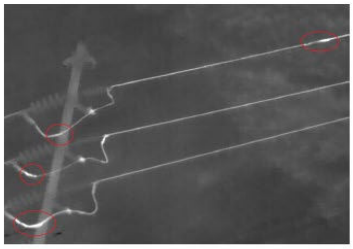


[redacted]

Detalles foto

Línea 4800
Conector en puente, conector en linea, fase de arriba, no sale en foto
Fase las 3

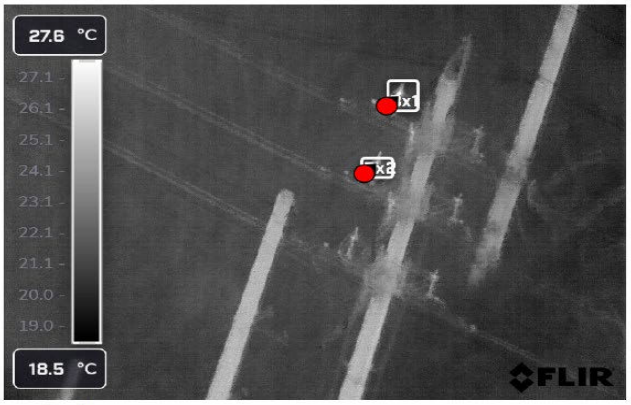
Aibonito



[redacted]

Foto: 00279

Thermography



Geolocat on

Coordinates	[redacted]
Compass degrees	

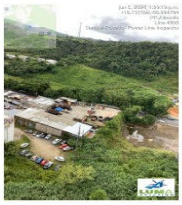
Measurements

Bx1	
Max	31.2 °C
Bx2	
Max	29.0 °C

Created 6-5-2024 1:50 pm

Parameters

Emissivity	0.83
Distance	200.13 t
Reflected temp.	30.4°C
Atmospheric temp.	31.6 °C
Relative humidity	73.0%
Ext. optics temp.	20.0 °C
Ext. optics trans.	1.00

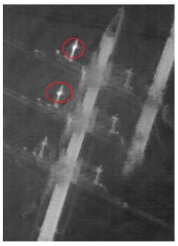


[redacted]

Detalles foto

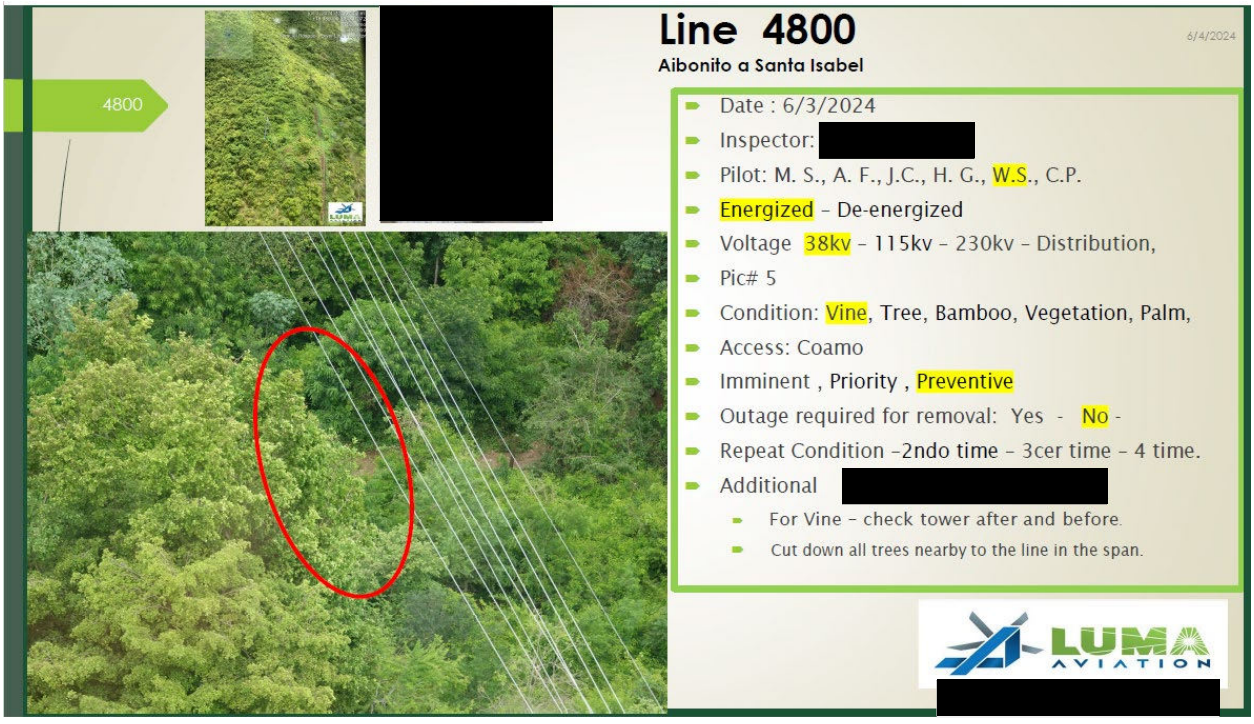
Línea 4800
Muela de machete Goab 4851
Fase arriba y medio

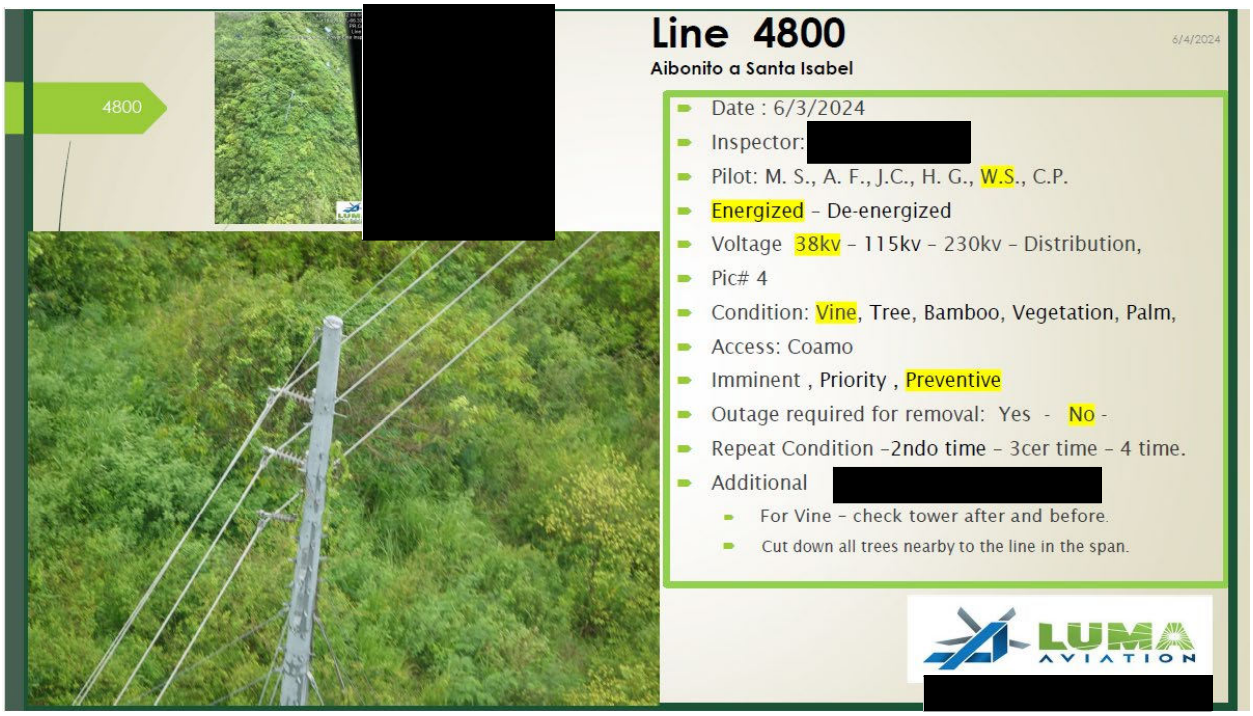
Aibonito

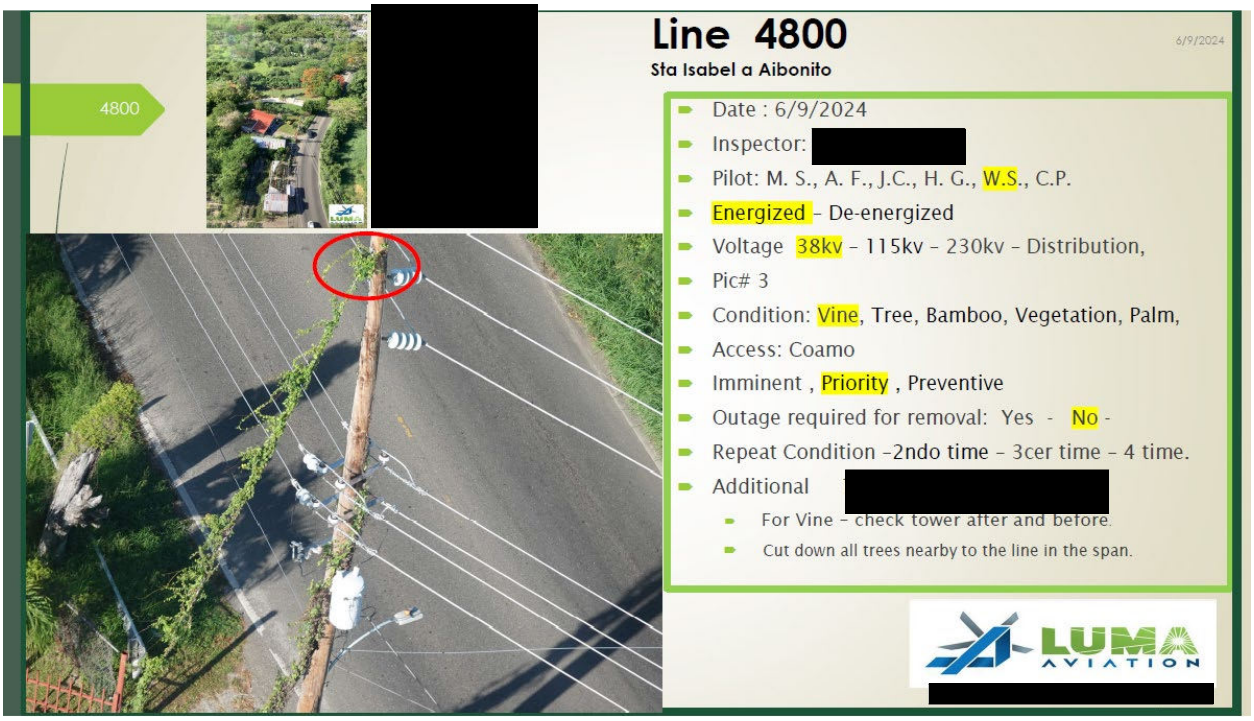


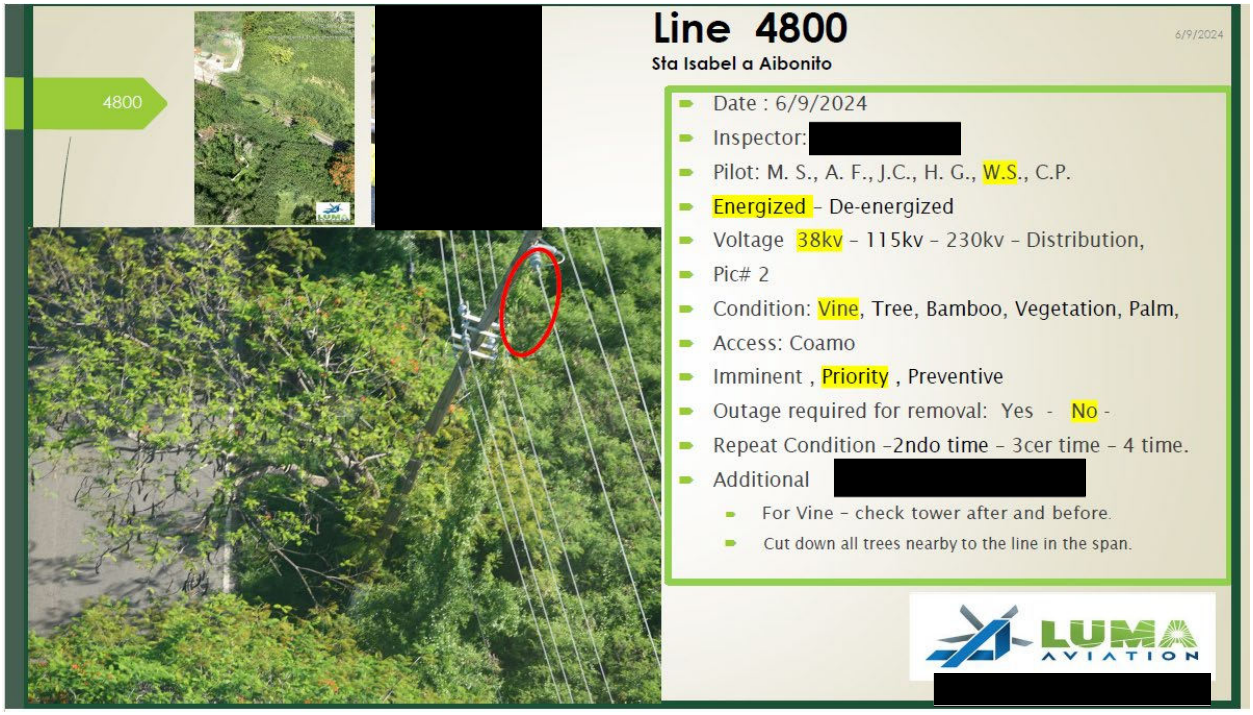
[redacted]

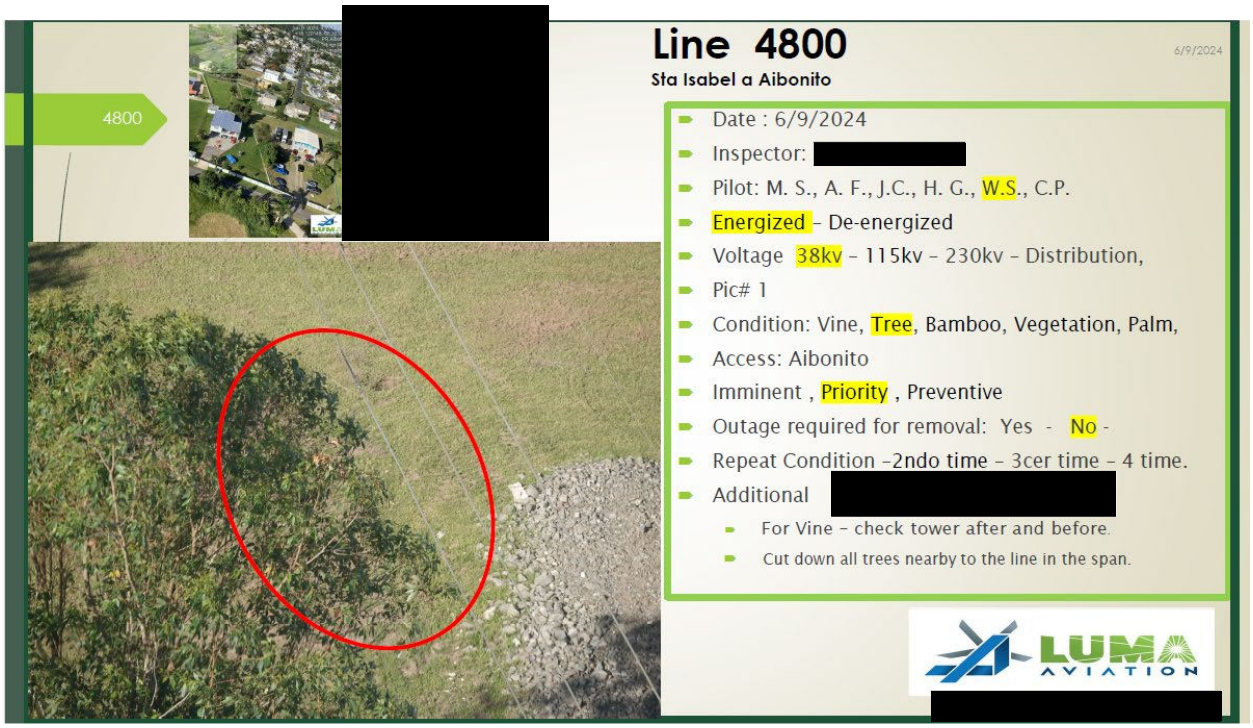
2.4.4 Vegetation Reports 38kV Line 4800

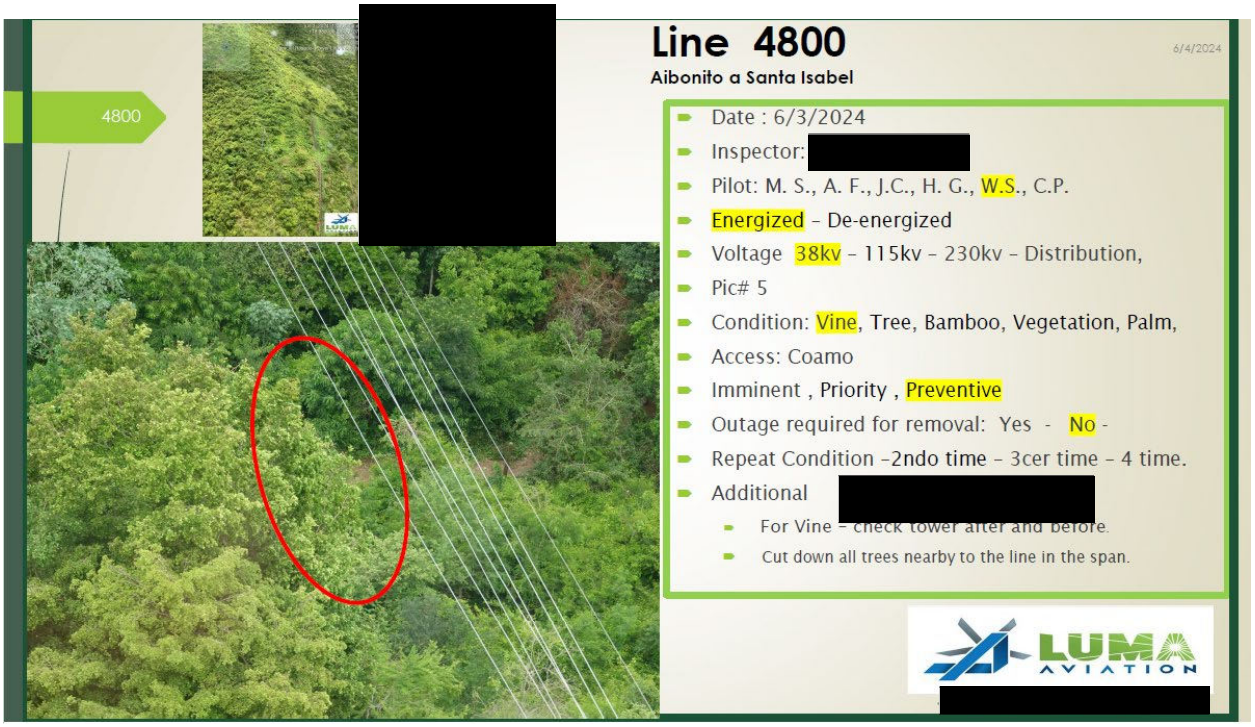


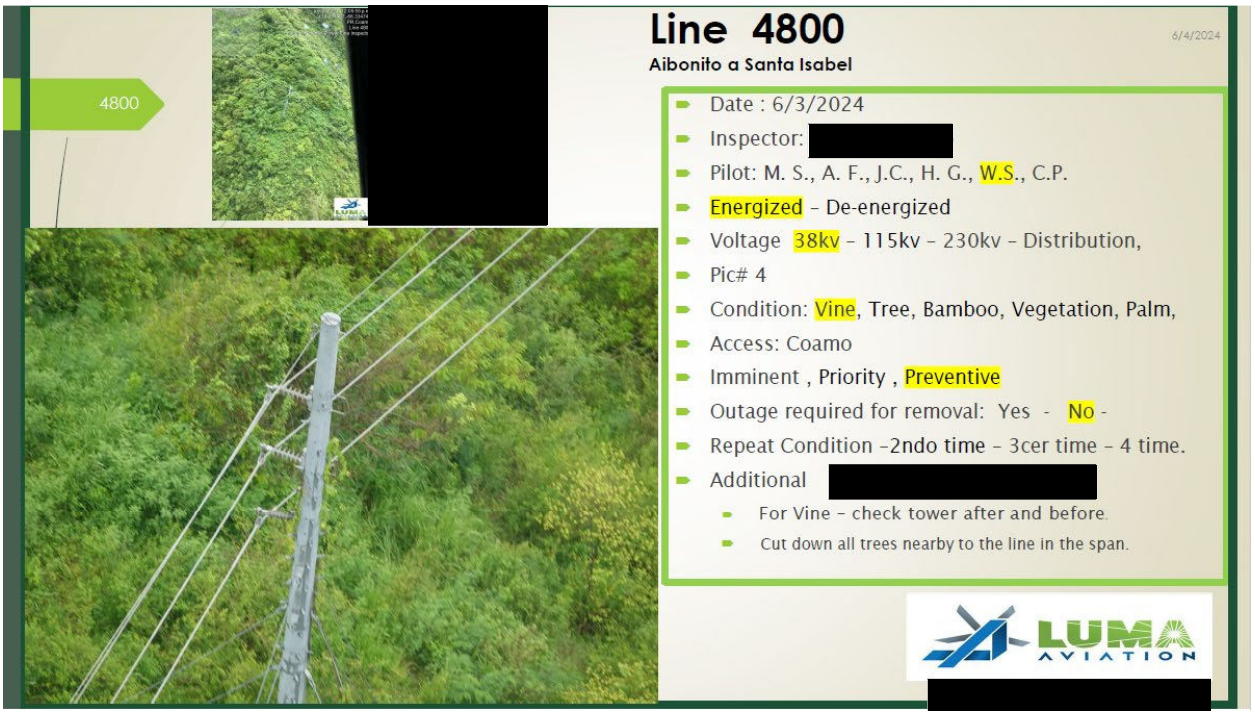


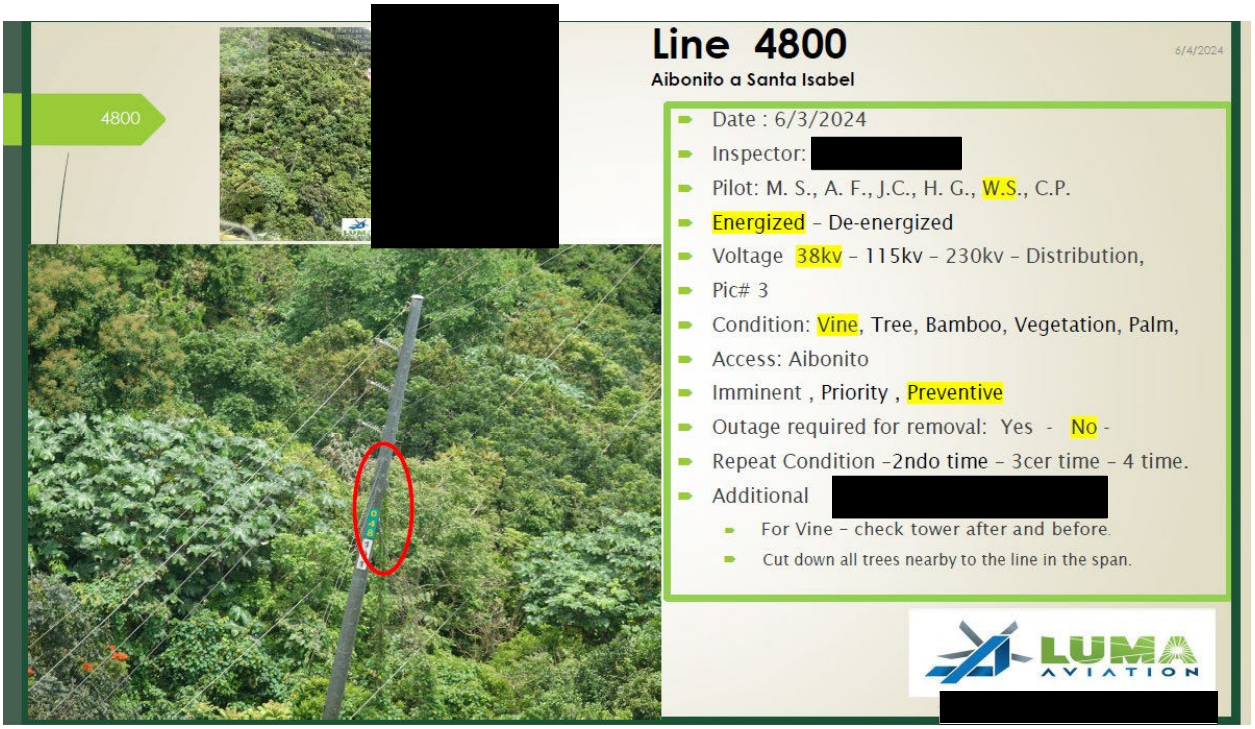


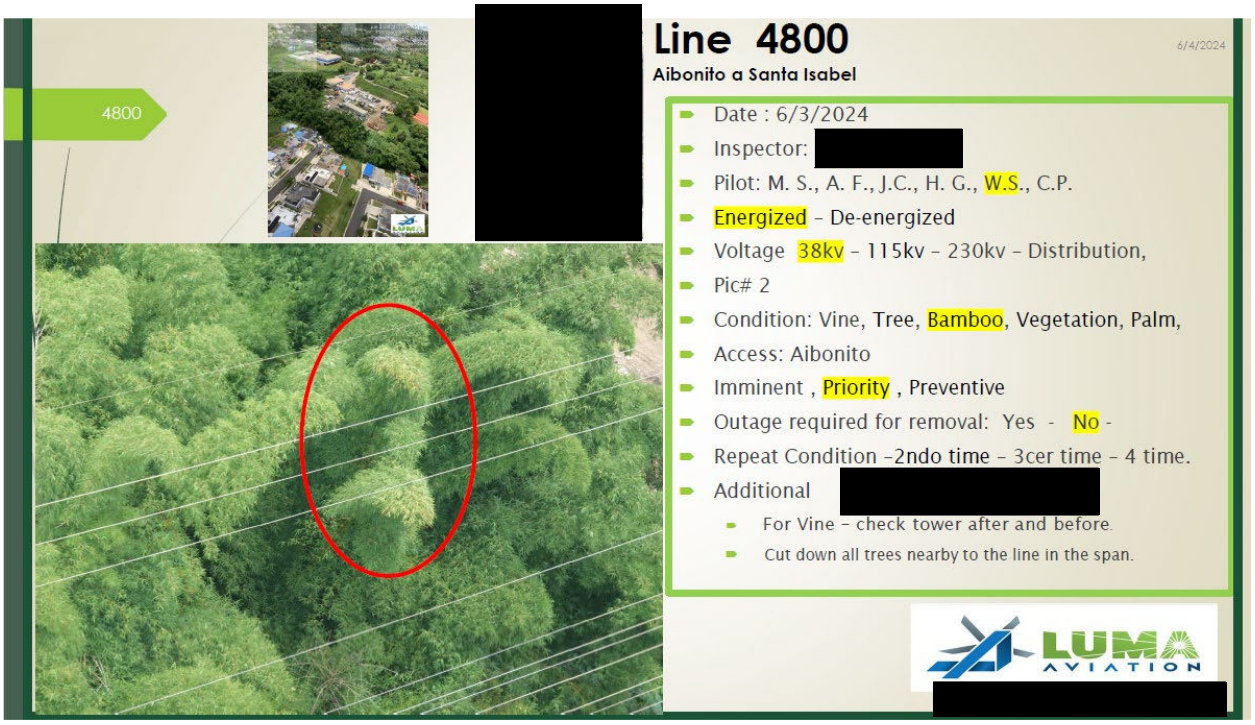


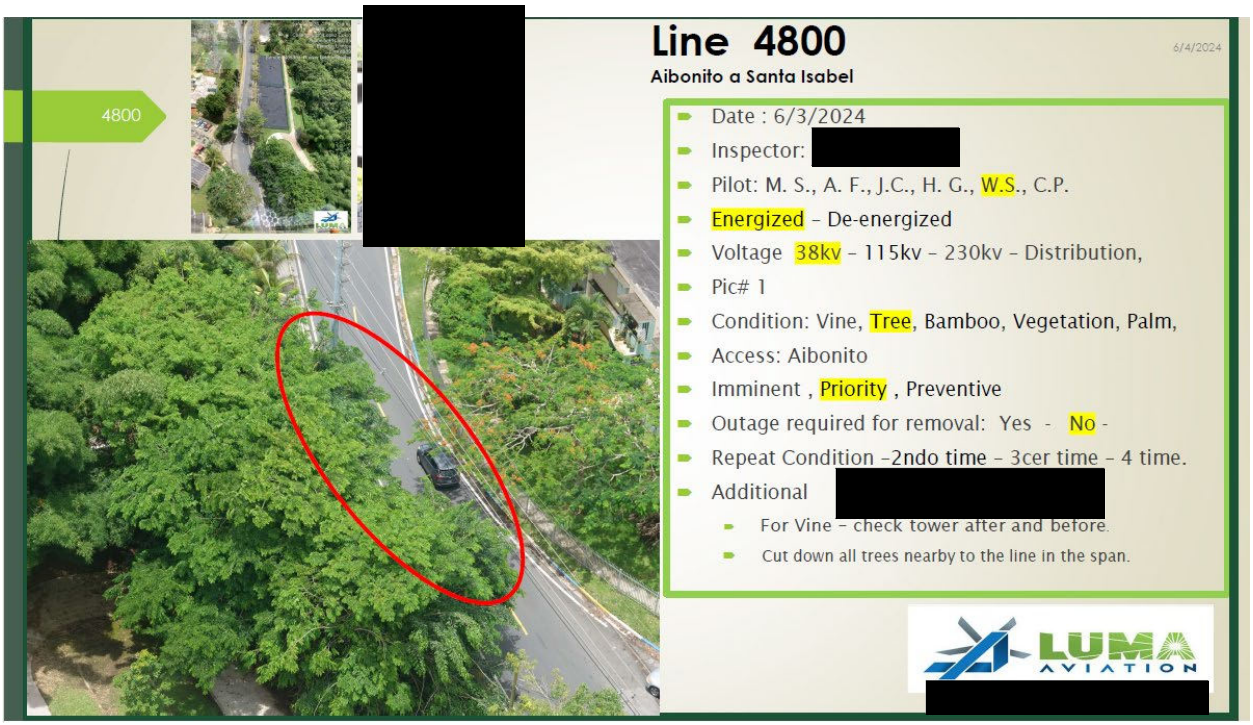












3. Immediate Corrective Actions

After these events, LUMA identified the following immediate and short-term corrective actions:

- Execution of manual load shedding to minimize outage extent and to maintain Line 4800/ 8500 within operating limits
- Performance of protection analysis to evaluate and define the event and contributors to cause of event
- Testing of Santa Isabel 115/38 kV transformer
- Testing and repair of low side breaker CB-0040 after the first outage event on June 1
- Inspection of 38 kV transmission lines as well as vegetation inspection and trimming
- Deployment of mobile generators at several substations to reinforce service to the Santa Isabel 38 kV service area
- Upgrade of downed conductor on Line 4800 as well as remaining 3/0 conductor
- Testing and repair of Cayey CB-8510 for return to service
- Transfer of larger transformer to Santa Isabel as a replacement for the damaged 115/38 kV transformer (In progress)
- LUMA is evaluating the potential to perform temporary repairs to Line 100 from Jobos to Santa Isabel Sectionalizer

Appendix 1: Reliability Statistics June 1 to 9

This section describes the outages during the Santa Isabel 115/38 kV transformer emergency, 38 kV line 4800/8500 outage due to a fault and subsequent reconstruction outages. The affected substations in the Santa Isabel area with a total of 36,637 clients during the period were:

- S# 4401 – Santa Isabel - 6,586 clients
- S# 4601 – Useras - 2,626 clients
- S# 3501 – Aibonito - 5,996 clients
- S# 3502 – Aibonito PDS - 6,130 clients
- S# 4602 – Coamo - 7,546 clients
- S# 4603 – Coamo PDS -7,753 clients

Additional substations affected due to the circuit breaker 8510 not opening during the June 03 outage of line 4800/8500 with 30,402 clients:

- S# 3401 – Cayey - 7,554 clients
- S# 3405 – Cayey Rural - 4,890 clients
- S# 3406 – Comsat - 6,787 clients
- S# 3402 – Comsat 2 - 1,648 clients
- S# 3602 – Las Cruces - 3,089 clients
- S# 3603 – Sabanera - 1,185 clients
- S# 3604 – Sabanera2 - 5,249 clients

This analysis was done using the DOC reviewed interruptions list from June 1 to June 9, 2024 (as of June 25, 2024) which consists of the daily number of outage events and clients out of service. The outage events were divided in four main groups as follows:

Clients	Description
	Outages due to causes not related to the Santa Isabel emergency.
	Automatic underfrequency load shed scheme activated during system disturbances not related to Santa Isabel emergency.
	Out of service due to the conductor enhancing of 38 kV line 4800 due to the Santa Isabel emergency.
	Manual load shed by the DOC to avoid overload of line 4800/8500 during the Santa Isabel emergency.
	Clients from a particular feeder out of service more than once in that day due to manual load shed related to Santa Isabel emergency.

1. **June 01, 2024: 115/38 kV transformer and 38 kV bus outage event**:

   7:07 - Santa Isabel 115/38 kV transformer and 38 kV bus trip due to a fault at low side CB# 0040. A total of 9,212 clients out of service. Affected substations were 4401 and 4601.

   10:08 - DOC restored 2,626 clients from S #4601. S# 4401 clients (6,586) remained out of service.

   15:28 – Santa Isabel 115/38 kV transformer was restored. All 9,212 clients restored.

Figure 22: June 01, 2024 - Santa Isabel Area Outages

Horario	Tiempo	Alim	P/	Clientes	Causas
07:04 - 15:28	8:24	4401-04	S	941	25-DISPARO DE BARRA DE TRANSMISION
07:07 - 15:28	8:21	4401-01	S	2,004	25-DISPARO DE BARRA DE TRANSMISION
07:07 - 10:08	3:01	4601-01	S	1,478	25-DISPARO DE BARRA DE TRANSMISION
07:07 - 10:08	3:01	4601-02	S	578	25-DISPARO DE BARRA DE TRANSMISION
07:07 - 10:08	3:01	4601-04	S	570	25-DISPARO DE BARRA DE TRANSMISION
07:07 - 15:28	8:21	4401-02	S	2,923	25-DISPARO DE BARRA DE TRANSMISION
21:05 - 10:45	13:40	4402-02	P	271	248-CAUSAS EXTERNAS
07:07 - 15:28	8:21	4401-03	S	718	25-DISPARO DE BARRA DE TRANSMISION
15:25 - 15:28	0:03	4601-01	S	1,478	63-DESCONECTIVO DEFECTUOSO
15:25 - 15:28	0:03	4601-02	S	578	63-DESCONECTIVO DEFECTUOSO
15:25 - 15:28	0:03	4601-04	S	570	63-DESCONECTIVO DEFECTUOSO
16:27 - 11:08	18:41	4401-02	P	45	227-TERMINACION SOTERRADA AVERIADA
21:45 - 02:20	4:35	3501-01	P	165	69-OTRAS CAUSAS
			Events	Clients	Description
			3	**481**	Not Related to Santa Isabel
			1	**9,212**	Santa Isabel 115/38 kV Trip Event
			0	**2,626**	Duplicate or out of service more than once

2. June 02, 2024: Bad weather event and Santa Isabel 115/38 kV transformer second fault:

A total of 10,335 clients were manually load shed during the day. Affected substations were 4401, 3501, 3502, 4602, 4603 and 4601 as follows:

14:16 to 17:50 – Manual load shed of 5,885 clients.

17:39 to 12:00 – Manual load shed of 4,450 clients.

Figure 23: June 2, 2024 – Santa Isabel Area Outages

Horario	Tiempo	Alim	P/T/S	Clientes	Causas
12:06 - 16:10	4:04	4602-02	P	100	53-DESGANCHE
12:10 - 12:40	0:30	4602-02	P	1	24-SUBIR/BAJAR TAP
14:16 - 17:41	3:25	4601-01	T	1,478	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
14:17 - 17:50	3:33	3501-03	T	1,484	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
14:18 - 17:43	3:25	4401-02	T	2,923	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
14:27 - 14:33	0:06	4602-04	T	1,643	99-NO SE REPORTO CAUSA
16:11 - 20:59	4:48	3501-01	P	95	53-DESGANCHE
17:39 - 02:07	8:28	4601-04	T	570	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
17:41 - 01:03	7:22	4401-04	T	941	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
17:46 - 01:09	7:23	4401-03	T	718	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
17:51 - 02:07	8:16	4601-02	T	578	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
19:34 - 00:21	4:47	4602-04	T	1,643	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
20:18 - 02:07	5:49	4603-01	P	30	82-CONDUCTOR ROTO O ABIERTO
			Events	Clients	Description
			7	1,869	Not Related to Santa Isabel
			9	10,335	Manual load shed related to Santa Isabel

3. June 03, 2024: Bad weather event, Santa Isabel 115/38 kV transformer failure, 38 kV line 4800/8500 fault and 38 kV circuit breaker 8510 at Cayey did not open:

A total of 63,975 affected clients during the event were restored as follows:

- 17,814 clients were restored after 11 minutes out of service.
- 2,375 clients were restored after 7:44 hours out of service.

- 17,504 clients were restored between 10:31 and 14:05 hours after repairs at line 4800.
- 16,758 clients were restored after more than 24 hours due to fallen conductors' repairs.

Figure 24: June 3, 2024 – Santa Isabel Area Outages

Horario	Tiem	Alim	P/T/S	Client	Causas
02:07 - 02:18	0:11	3402-05	S	1,646	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3402-06	S	2	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3405-01	S	2,256	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3405-02	S	1,684	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3405-03	S	950	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3406-01	S	322	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3406-02	S	3,634	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3406-03	S	2,831	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3602- all	S	3,089	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3603-all	S	1,185	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3604-all	S	5,249	38-LINEA DE TRANSMISION 38KV
02:07 - 02:57	24:50:00	4401-01	S	2,004	38-LINEA DE TRANSMISION 38KV
02:07 - 02:57	24:50:00	4401-02	S	2,923	38-LINEA DE TRANSMISION 38KV
02:07 - 02:57	24:50:00	4401-03	S	718	38-LINEA DE TRANSMISION 38KV
02:07 - 03:23	25:16:00	4601-04	S	570	38-LINEA DE TRANSMISION 38KV
02:07 - 03:48	25:41:00	4401-04	S	941	38-LINEA DE TRANSMISION 38KV
02:07 - 04:11	26:04:00	4601-01	S	1,478	38-LINEA DE TRANSMISION 38KV
02:07 - 04:12	26:05:00	4601-02	S	578	38-LINEA DE TRANSMISION 38KV
02:07 - 04:44	26:37:00	4602-01	S	2,773	38-LINEA DE TRANSMISION 38KV
02:07 - 04:44	26:37:00	4602-02	S	577	38-LINEA DE TRANSMISION 38KV
02:07 - 04:46	26:39:00	4602-04	S	1,643	38-LINEA DE TRANSMISION 38KV
02:07 - 04:47	26:40:00	4602-05	S	30	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3401 - 01	S	4490	38-LINEA DE TRANSMISION 38KV
02:07 - 02:18	0:11	3401 - 03	S	0	38-LINEA DE TRANSMISION 38KV
02:07 - 06:40	4:33	3401-02	T	3,064	342-PUENTE ABIERTO
02:07 - 09:51	7:44	3502-01	T	2,375	38-LINEA DE TRANSMISION 38KV
02:07 - 12:38	10:31	3501-01	S	2,654	38-LINEA DE TRANSMISION 38KV
02:07 - 12:38	10:31	3501-02	S	1,858	38-LINEA DE TRANSMISION 38KV
02:07 - 14:05	11:58	4603-01	T	3,799	38-LINEA DE TRANSMISION 38KV
02:07 - 14:12	12:05	4603-02	T	3,954	38-LINEA DE TRANSMISION 38KV
02:07 - 15:18	13:11	3501-03	S	1,484	38-LINEA DE TRANSMISION 38KV
02:07 - 15:20	61:13:00	4602-03	T	2,523	38-LINEA DE TRANSMISION 38KV
02:07 - 16:12	14:05	3502-02	T	3,755	38-LINEA DE TRANSMISION 38KV
02:18 - 10:09	7:51	3405-01	P	134	53-DESGANCHE
02:18 - 11:55	9:37	3406-02	P	30	84-CONDUCTOR ARRIADO O CRUZADO
02:18 - 18:47	16:29	3405-01	P	30	245-MAL TIEMPO/LLUVIA O VIENTO
06:40 - 15:00	8:20	3401-02	P	1,532	342-PUENTE ABIERTO
07:53 - 20:11	12:18	3402-05	P	20	53-DESGANCHE
09:51 - 13:35	3:44	3502-01	P	1,425	38-LINEA DE TRANSMISION 38KV
13:35 - 16:01	2:26	3502-01	P	950	38-LINEA DE TRANSMISION 38KV
14:05 - 14:27	48:22:00	4603-01	P	30	82-CONDUCTOR ROTO O ABIERTO
14:13 - 16:49	2:36	3405-03	P	49	53-DESGANCHE
14:32 - 18:23	3:51	3501-01	P	25	245-MAL TIEMPO/LLUVIA O VIENTO
16:12 - 16:45	0:33	3502-02	P	1,502	38-LINEA DE TRANSMISION 38KV
16:45 - 17:38	0:53	3502-02	P	375	38-LINEA DE TRANSMISION 38KV
17:09 - 12:47	19:38	3405-03	P	297	53-DESGANCHE
17:13 - 03:10	9:57	3502-01	P	300	53-DESGANCHE
17:21 - 19:52	2:31	3406-03	P	20	53-DESGANCHE
18:36 - 13:55	19:19	3405-02	P	83	84-CONDUCTOR ARRIADO O CRUZADO
18:58 - 20:30	25:32:00	3405-01	P	114	53-DESGANCHE
20:14 - 12:09	15:55	3405-03	P	84	53-DESGANCHE

4. **June 04, 2024: Bad weather event, Santa Isabel 115/38 kV transformer failure and 38 kV line 4800 conductor upgrade:**

   Affected substations were 4401, 3501, 3502, 4602, 4603 and 4601:

Events	Clients	Description
10	3,664	Not Related to Santa Isabel
2	3,647	Duplicate or out of service due to load shed more than once
11	15,690	Manual load shed due to Santa Isabel Event

Figure 25: June 04, 2024 -

Horario	Tiempo	Alim	P/T/S	Cliente	Causas
06:15 - 06:57	0:42	4601-01	T	1,478	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
06:17 - 06:58	0:41	4401-02	T	2,923	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
07:18 - 07:32	0:14	4601-02	T	578	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
07:19 - 12:23	5:04	4401-01	T	2,004	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
07:29 - 14:56	7:27	4602-01	P	235	53-DESGANCHE
07:29 - 20:12	12:43	4401-04	T	941	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
07:54 - 08:24	0:30	4401-03	P	15	245-MAL TIEMPO/LLUVIA O VIENTO
08:50 - 10:31	1:41	3501-01	P	95	66-CAJA PRIMARIA DEFECTUOSA O QUEMADA
08:50 - 13:39	4:49	3501-01	P	95	53-DESGANCHE
09:49 - 22:32	12:43	4401-03	T	718	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
11:33 - 16:38	5:05	4602-01	P	10	53-DESGANCHE
11:59 - 12:11	24:12:00	3502-02	P	9	99-NO SE REPORTO CAUSA
13:39 - 13:40	0:01	3501-01	T	2,654	99-NO SE REPORTO CAUSA
13:40 - 19:30	5:50	3501-01	P	95	53-DESGANCHE
15:29 - 00:56	9:27	4601-04	T	570	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
15:31 - 19:30	3:59	4601-02	T	578	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
15:35 - 22:53	7:18	3501-03	T	1,484	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
16:38 - 01:20	8:42	4602-01	T	2,773	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
17:14 - 17:16	0:02	4602-04	T	1,643	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
18:55 - 18:56	0:01	4402-02	T	443	99-NO SE REPORTO CAUSA
19:21 - 01:23	6:02	4401-01	T	2,004	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
19:25 - 01:21	5:56	4602-04	T	1,643	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
20:08 - 14:10	18:02	3502-01	P	13	245-MAL TIEMPO/LLUVIA O VIENTO

5. **June 05, 2024: Santa Isabel 115/38 kV transformer failure and 38 kV line 4800 conductor upgrade:**

   Affected substations were 4401, 3501, 3502, 4602, 4603 and 4601:

Figure 26: June 5, 2024 - Santa Isabel Area Outages

Horario	Tiempo	Alim	P/T/S	Clientes	Causas
01:20 - 05:39	4:19	4602-01	P	10	53-DESGANCHE
01:29 - 01:43	0:14	4602-05	T	30	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
01:41 - 05:40	3:59	4401-02	T	2,923	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
05:39 - 15:09	9:30	4401-01	T	2,004	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
05:39 - 15:16	9:37	4602-01	T	2,773	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
08:35 - 09:25	0:50	4602-05	T	30	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
10:17 - 15:20	5:03	3501-03	T	1,484	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
12:42 - 15:32	2:50	3502-02	P	30	82-CONDUCTOR ROTO O ABIERTO
13:24 - 00:44	11:20	4401-03	T	718	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
14:06 - 19:15	5:09	3501-01	P	10	53-DESGANCHE
14:13 - 19:00	4:47	3502-02	P	35	53-DESGANCHE
14:27 - 19:30	5:03	4603-01	P	50	82-CONDUCTOR ROTO O ABIERTO
14:58 - 00:57	9:59	4401-04	T	941	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
15:06 - 01:43	10:37	4601-04	T	570	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
15:11 - 23:17	8:06	4401-02	T	2,923	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
15:16 - 16:16	1:00	4602-01	P	10	53-DESGANCHE
15:20 - 18:17	2:57	4602-03	P	757	53-DESGANCHE
15:25 - 01:46	10:21	4602-05	T	30	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
16:59 - 22:55	5:56	4602-02	T	577	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
17:00 - 18:05	1:05	3502-02	P	2	56-AISLADOR ROTO, PARTIDO O SAFADO
17:55 - 19:03	1:08	4401-01	T	2,004	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
18:11 - 18:52	0:41	4401-03	P	15	82-CONDUCTOR ROTO O ABIERTO

Figure 27: June 05, 2024 - Continued

19:15 - 19:29	0:14	3501-01	T	2,654	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
19:29 - 20:15	0:46	3501-02	T	1,858	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
19:30 - 15:41	20:11	4603-01	P	23	82-CONDUCTOR ROTO O ABIERTO
20:12 - 20:15	0:03	4401-01	S	2,004	38-LINEA DE TRANSMISION 38KV
20:12 - 20:15	0:03	4601-01	S	1,478	38-LINEA DE TRANSMISION 38KV
20:12 - 20:15	0:03	4602-01	S	2,773	38-LINEA DE TRANSMISION 38KV
20:12 - 20:15	0:03	4602-03	S	2,523	38-LINEA DE TRANSMISION 38KV
20:12 - 20:15	0:03	4602-04	S	1,643	38-LINEA DE TRANSMISION 38KV
20:13 - 20:16	0:03	3502-02	S	3,755	39-LINEA DE TRANSMISION 115KV
20:15 - 20:17	0:02	3501-01	S	2,654	39-LINEA DE TRANSMISION 115KV
20:15 - 20:17	0:02	3501-02	S	1,858	39-LINEA DE TRANSMISION 115KV
20:15 - 20:17	0:02	3501-03	S	1,484	39-LINEA DE TRANSMISION 115KV
20:15 - 20:17	0:02	3502-01	S	2,375	39-LINEA DE TRANSMISION 115KV
20:17 - 08:00	11:43	3501-02	T	1,858	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
20:34 - 20:36	0:02	3502-01	S	2,375	39-LINEA DE TRANSMISION 115KV
20:34 - 20:36	0:02	3502-02	S	3,755	39-LINEA DE TRANSMISION 115KV
20:34 - 20:36	0:02	4401-01	S	2,004	38-LINEA DE TRANSMISION 38KV
20:34 - 20:36	0:02	4601-01	S	1,478	38-LINEA DE TRANSMISION 38KV
20:34 - 20:36	0:02	4602-01	S	2,773	38-LINEA DE TRANSMISION 38KV
20:34 - 20:36	0:02	4602-03	S	2,523	38-LINEA DE TRANSMISION 38KV
20:34 - 20:36	0:02	4602-04	S	1,643	38-LINEA DE TRANSMISION 38KV
20:34 - 20:37	0:03	3501-01	S	2,654	39-LINEA DE TRANSMISION 115KV
20:34 - 20:37	0:03	3501-03	S	1,484	39-LINEA DE TRANSMISION 115KV
			Events	Clients	Description
			12	**24,979**	Not Related to Santa Isabel
			5	**6,845**	Duplicate or out of service more than once
			6	**7,122**	Santa Isabel Event
			11	**16,532**	Manual load shed due t Santa Isabel

6. June 06, 2024: Santa Isabel 115/38 kV transformer failure and 38 kV line 4800 conductor upgrade:

Affected substations were 4401, 3501, 3502, 4602, 4603 and 4601:

Figure 28: June 6, 2024 – Outages

Horario	Tiempo	Alim	P/T/S	Clientes	Causas
00:06 - 18:02	17:56	4602-02	P	120	59-CABLE SOTERRADO AVERIADO
01:43 - 10:46	9:03	4401-01	T	2,004	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
07:17 - 08:00	0:43	3501-03	P	3	17-SECUNDARIA/DESGANCHE
07:57 - 13:53	5:56	4602-01	T	2,773	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
07:57 - 13:59	6:02	4602-05	T	30	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
08:00 - 14:03	6:03	3501-03	T	1,484	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
08:29 - 14:13	5:44	4401-03	T	718	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
08:30 - 22:17	13:47	4601-04	T	570	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
10:41 - 15:30	4:49	3501-01	P	41	53-DESGANCHE
15:27 - 03:05	11:38	4602-03	T	2,523	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
15:27 - 03:05	11:38	4602-04	T	1,643	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
15:27 - 22:23	6:56	4401-04	T	941	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
17:54 - 22:25	4:31	4401-02	T	2,923	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
19:45 - 05:51	10:06	3502-02	P	1,502	38-LINEA DE TRANSMISION 38KV
19:45 - 08:07	12:22	3501-02	T	1,858	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
22:52 - 23:31	0:39	4601-01	T	1,478	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
			Events	Clients	Description
			3	164	Not Related to Santa Isabel
			1	3,360	Santa Isabel Event - Construction
			11	17,087	Manual load shed related to Santa Isabel

7. June 07, 2024: Santa Isabel 115/38 kV transformer failure and 38 kV line 4800 conductor upgrade:

Affected substations were 4401, 3501, 3502, 4602, 4603 and 4601:

Figure 29: June 7, 2024.

Horario	Tiempo	Alim	P/T/S	Clientes	Causas
02:45 - 12:28	9:43	4603-01	P	45	66-CAJA PRIMARIA DEFECTUOSA O QUEMADA
05:51 - 19:37	13:46	3502-02	T	3,755	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:07 - 19:28	12:21	4602-01	T	2,773	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:08 - 19:28	12:20	4602-02	T	577	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:08 - 19:29	12:21	4602-03	T	2,523	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:08 - 19:29	12:21	4602-04	T	1,643	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:08 - 19:29	12:21	4602-05	T	30	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:10 - 19:29	12:19	4601-01	T	1,478	38-LINEA DE TRANSMISION 38KV
07:10 - 19:30	12:20	4601-04	T	570	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:11 - 19:30	12:19	4401-01	T	2,004	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:11 - 19:30	12:19	4401-02	T	2,923	38-LINEA DE TRANSMISION 38KV
07:11 - 19:30	12:19	4401-03	T	718	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:12 - 19:31	12:19	4401-04	T	941	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:18 - 08:06	0:48	3501-01	T	2,654	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:18 - 08:06	0:48	3501-03	T	1,484	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
08:29 - 08:43	0:14	4603-02	P	8	66-CAJA PRIMARIA DEFECTUOSA O QUEMADA
11:56 - 16:05	4:09	3502-01	P	570	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
13:25 - 15:02	1:37	4603-01	P	30	84-CONDUCTOR ARRIADO O CRUZADO
16:05 - 16:38	0:33	3502-01	P	1,293	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
16:38 - 19:13	2:35	3502-01	P	512	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
18:00 - 18:38	0:38	3501-03	P	109	53-DESGANCHE
18:38 - 19:51	1:13	3501-01	T	2,654	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
18:38 - 21:00	2:22	3501-02	T	1,858	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
18:38 - 21:26	2:48	3501-03	T	1,484	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
19:43 - 23:45	4:02	4602-04	T	1,643	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
20:01 - 21:38	1:37	4601-04	T	570	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
20:59 - 02:28	5:29	4401-01	T	2,004	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
21:11 - 00:50	3:39	4401-04	T	941	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
21:26 - 06:45	9:19	3501-03	P	109	53-DESGANCHE
			Events	Clients	Description
			5	301	Not Related to Santa Isabel
			5	**8,355**	Duplicate or out of service more than Once
			15	25,931	Santa Isabel Event - Construction
			4	3,316	Manual load shed related to Santa Isabel

8. June 08, 2024: Santa Isabel 115/38 kV transformer failure and 38 kV line 4800 conductor upgrade:
Affected substations were 4401, 3501, 3502, 4602, 4603 and 4601:

Figure 30: June 8, 2024

Horario	Tiempo	Alim	P/T/S	Clientes	Causas
06:04 - 21:22	15:18	3502-02	T	3,755	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:34 - 19:08	12:34	4401-01	T	2,004	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:36 - 19:08	12:32	4401-02	T	2,923	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:37 - 19:08	12:31	4401-03	S	718	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:38 - 19:09	12:31	4401-04	T	941	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:41 - 19:04	12:23	4602-01	T	2,773	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:41 - 19:04	12:23	4602-05	T	30	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:45 - 07:04	0:19	3501-01	T	2,654	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:45 - 07:04	0:19	3501-02	T	1,858	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:45 - 07:04	0:19	3501-03	T	1,484	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:45 - 19:05	12:20	4601-01	T	1,478	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:45 - 19:05	12:20	4601-02	T	578	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
06:45 - 19:05	12:20	4601-04	T	570	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
07:04 - 18:26	11:22	3501-03	P	109	53-DESGANCHE
08:50 - 16:14	7:24	4402-02	P	10	53-DESGANCHE
16:06 - 16:30	0:24	4602-02	T	577	91-RELEVO DE CARGA AUTOMATICO
16:06 - 16:30	0:24	4602-03	T	2,523	91-RELEVO DE CARGA AUTOMATICO
16:06 - 16:30	0:24	4602-04	T	1,643	91-RELEVO DE CARGA AUTOMATICO
16:14 - 16:38	0:24	4402-02	P	1	53-DESGANCHE
18:26 - 20:11	1:45	3501-01	T	2,654	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
18:26 - 21:58	3:32	3501-02	T	1,858	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
18:27 - 21:09	2:42	3501-03	T	1,484	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
20:17 - 21:30	1:13	3501-01	T	2,654	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
20:35 - 21:40	1:05	4401-01	P	10	99-NO SE REPORTO CAUSA
21:22 - 00:24	3:02	4602-03	T	2,523	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
21:22 - 00:24	3:02	4602-04	T	1,643	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
21:22 - 21:58	0:36	3502-02	P	1,502	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
21:40 - 01:20	3:40	4401-01	T	2,004	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
22:13 - 23:00	0:47	3501-02	T	1,858	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
22:13 - 23:00	0:47	3502-02	P	1,502	62-RELEVO DE CARGA PROGRAMADO- TRANSMISION

Events	Clients	Description
4	130	Not Related to Santa Isabel
3	6,245	System - Automatic underfrequency Load shed event not related to Santa Isabel
14	23,268	Santa Isabel Event - Construction
6	12,184	Manual load shed related to Santa Isabel
3	**5,996**	Duplicate or out of service more than Once

9. **June 09, 2024: Santa Isabel 115/38 kV transformer failure and 38 kV line 4800 conductor upgrade:** Affected substations were 4401, 3501, 3502, 4602, 4603 and 4601:

Horario	Tiempo	Alim	P/T/S	Clientes	Causas
01:19 - 01:45	0:26	4602-01	T	2,773	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
01:20 - 07:12	5:52	4401-01	P	10	99-NO SE REPORTO CAUSA
01:55 - 02:56	1:01	4401-02	T	2,923	68-RELEVO DE CARGA CONTINGENCIA- TRANSMISION
07:00 - 09:09	2:09	3501-01	P	95	66-CAJA PRIMARIA DEFECTUOSA O QUEMADA
07:10 - 21:44	14:34	4602-01	S	2,773	38-LINEA DE TRANSMISION 38KV
07:10 - 21:44	14:34	4602-02	S	577	38-LINEA DE TRANSMISION 38KV
07:10 - 21:44	14:34	4602-03	S	2,523	38-LINEA DE TRANSMISION 38KV
07:10 - 21:44	14:34	4602-04	S	1,643	38-LINEA DE TRANSMISION 38KV
07:10 - 21:44	14:34	4602-05	S	30	38-LINEA DE TRANSMISION 38KV
07:11 - 22:59	15:48	4401-01	S	2,004	38-LINEA DE TRANSMISION 38KV
07:11 - 23:06	15:55	4401-02	S	2,923	38-LINEA DE TRANSMISION 38KV
07:12 - 21:46	14:34	4601-01	S	1,478	38-LINEA DE TRANSMISION 38KV
07:12 - 21:46	14:34	4601-02	S	578	38-LINEA DE TRANSMISION 38KV
07:12 - 21:46	14:34	4601-04	S	570	38-LINEA DE TRANSMISION 38KV
07:12 - 23:06	15:54	4401-03	S	718	38-LINEA DE TRANSMISION 38KV
07:12 - 23:07	15:55	4401-04	S	941	38-LINEA DE TRANSMISION 38KV
09:55 - 21:36	11:41	3501-02	T	1,858	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
09:55 - 21:36	11:41	3501-03	T	1,484	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
09:55 - 21:37	11:42	3501-01	T	2,654	90-VIA LIBRE PROGRAMADA - DISTRIBUCION
09:55 - 21:37	11:42	3502-02	S	3,755	38-LINEA DE TRANSMISION 38KV

	Events	Clients	Description
	2	**105**	Not Related to Santa Isabel
	14	**20,813**	Santa Isabel Event - Construction
	2	5,696	Manual load shed related to Santa Isabel
	2	**5,696**	Duplicate or affected more than once

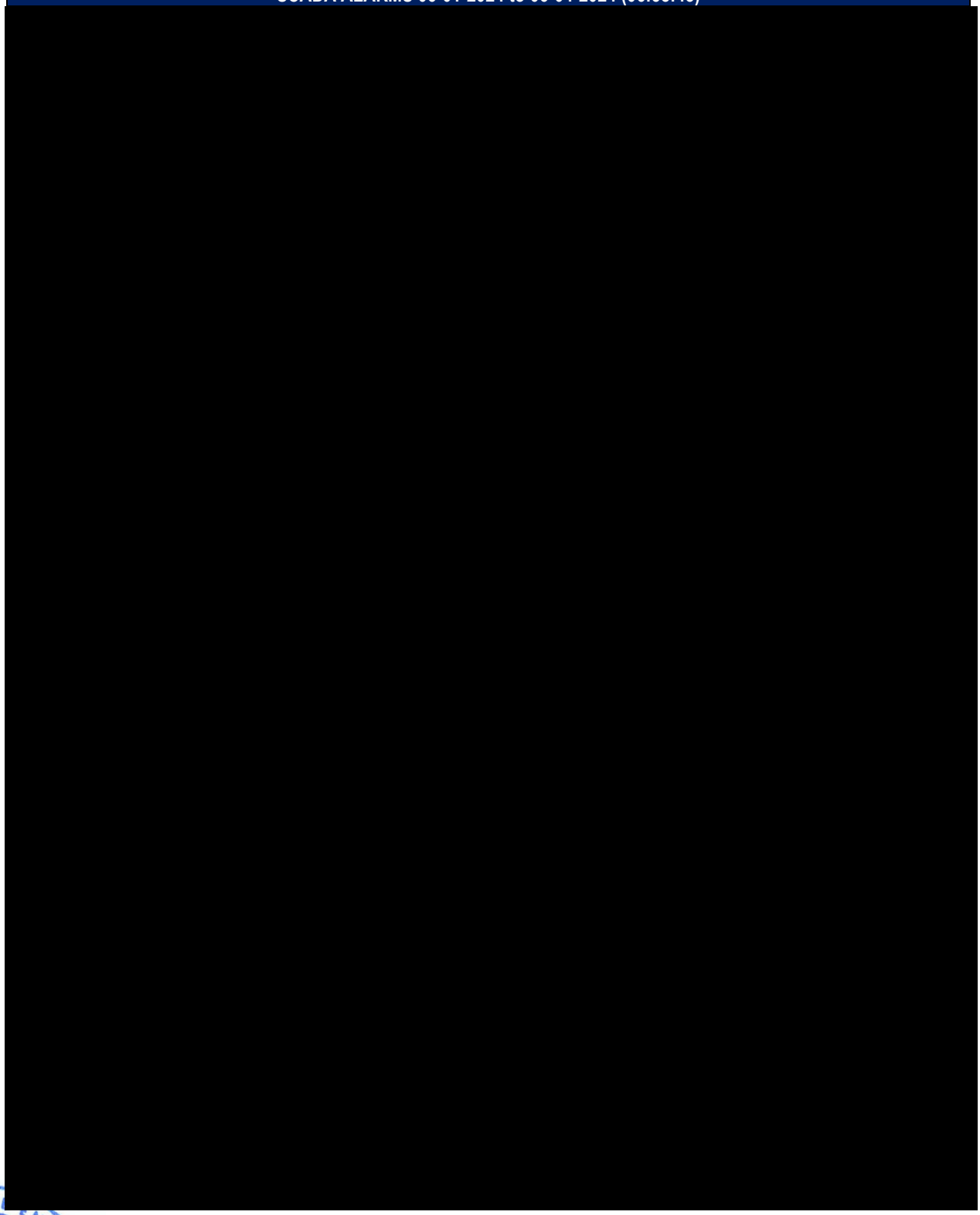
Appendix 2 – SCADA Alarms

SCADA alarms for Santa Isabel T.C. equipment from June 1 to June 3 are shown below. It can be shown that both lock-out relays trip signals at Santa Isabel 115/38 kV transformer were activated during the 3 fault events. None of the transformer mechanical trip signals (Buchholz, sudden pressure) were activated during any of the transformer outages. All transformer trip signals were activated during the transformer tests including the mechanical trips.

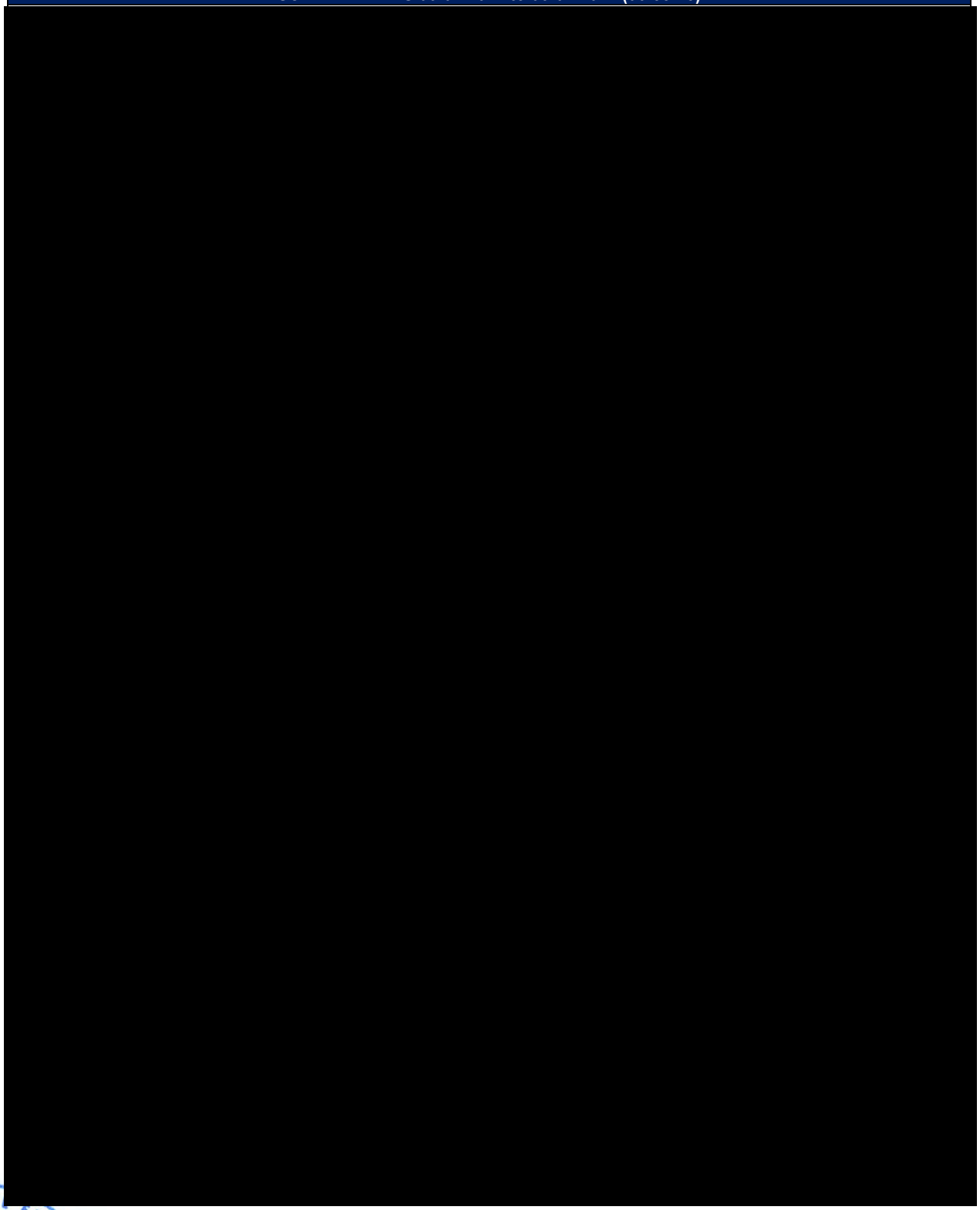
Note: TOC Acknowledgement of the alarms is not shown in this document.

SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)

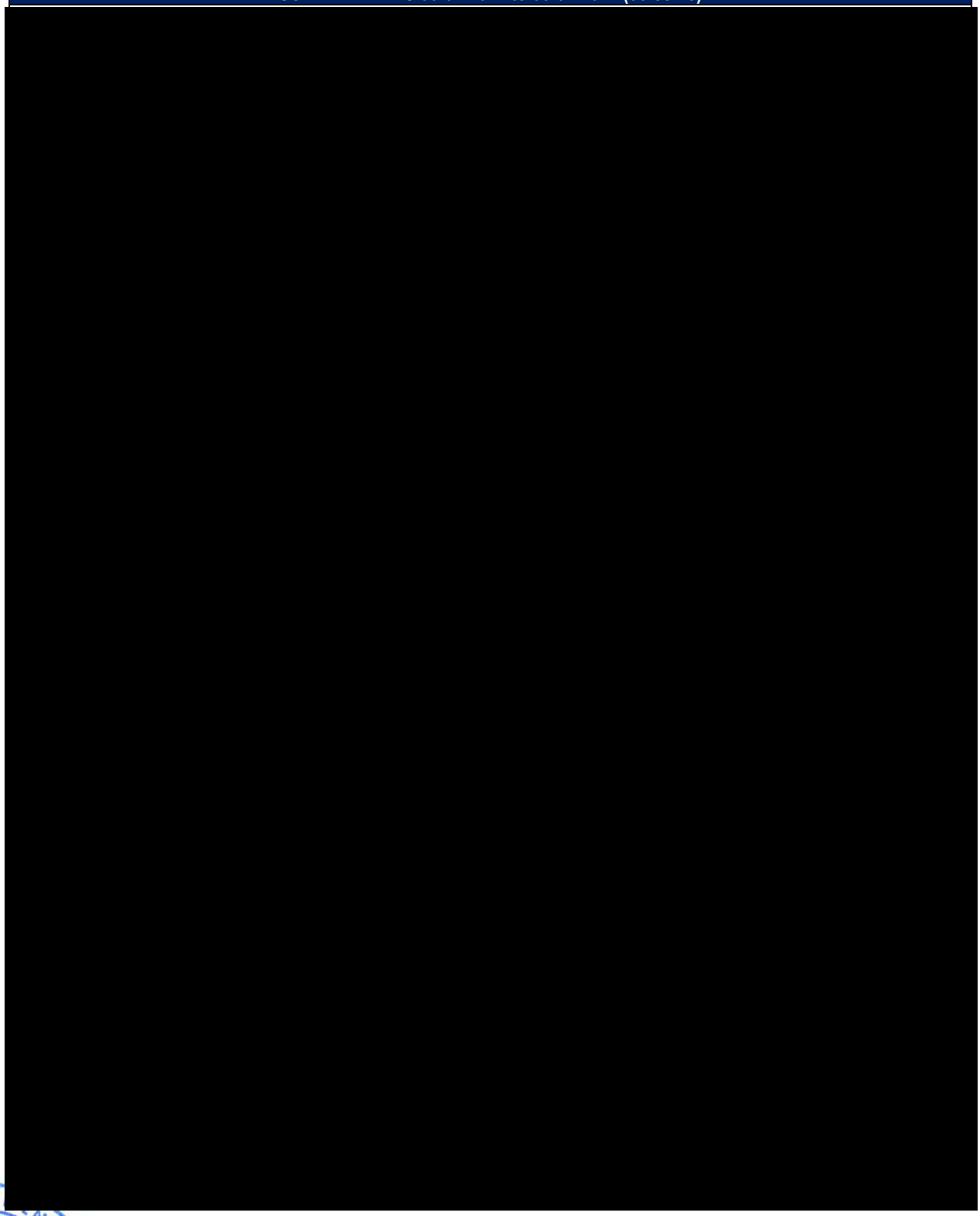
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



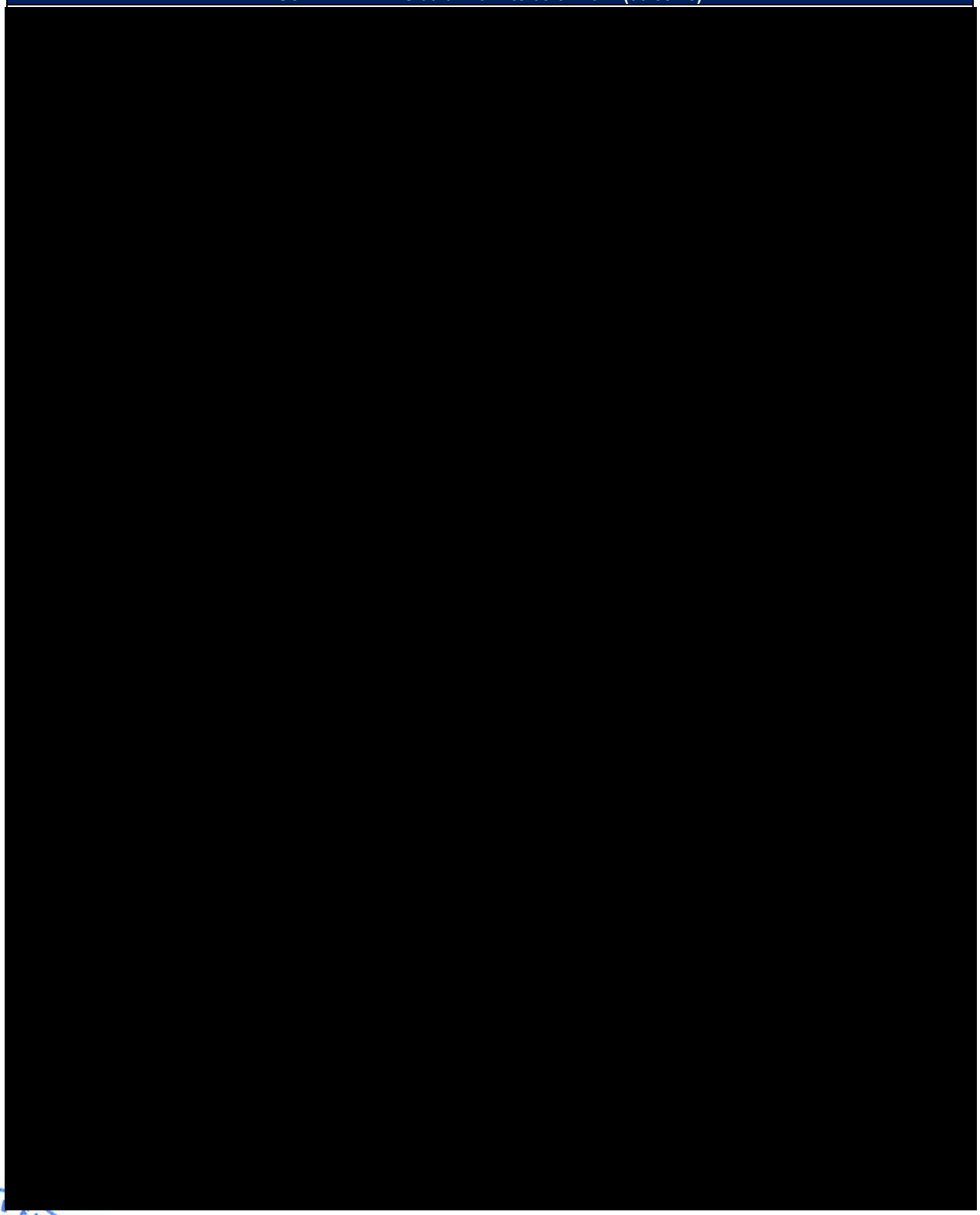
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



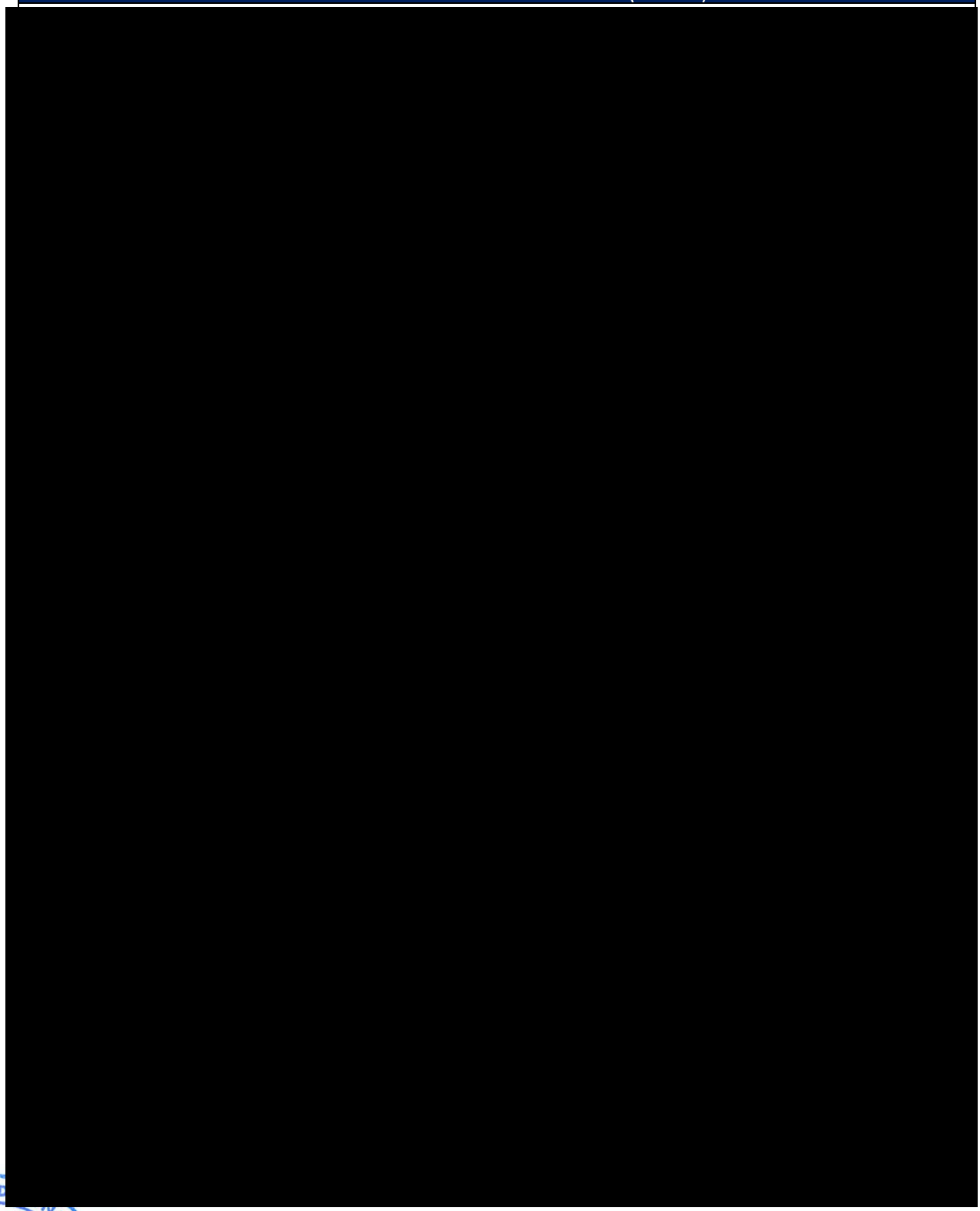
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



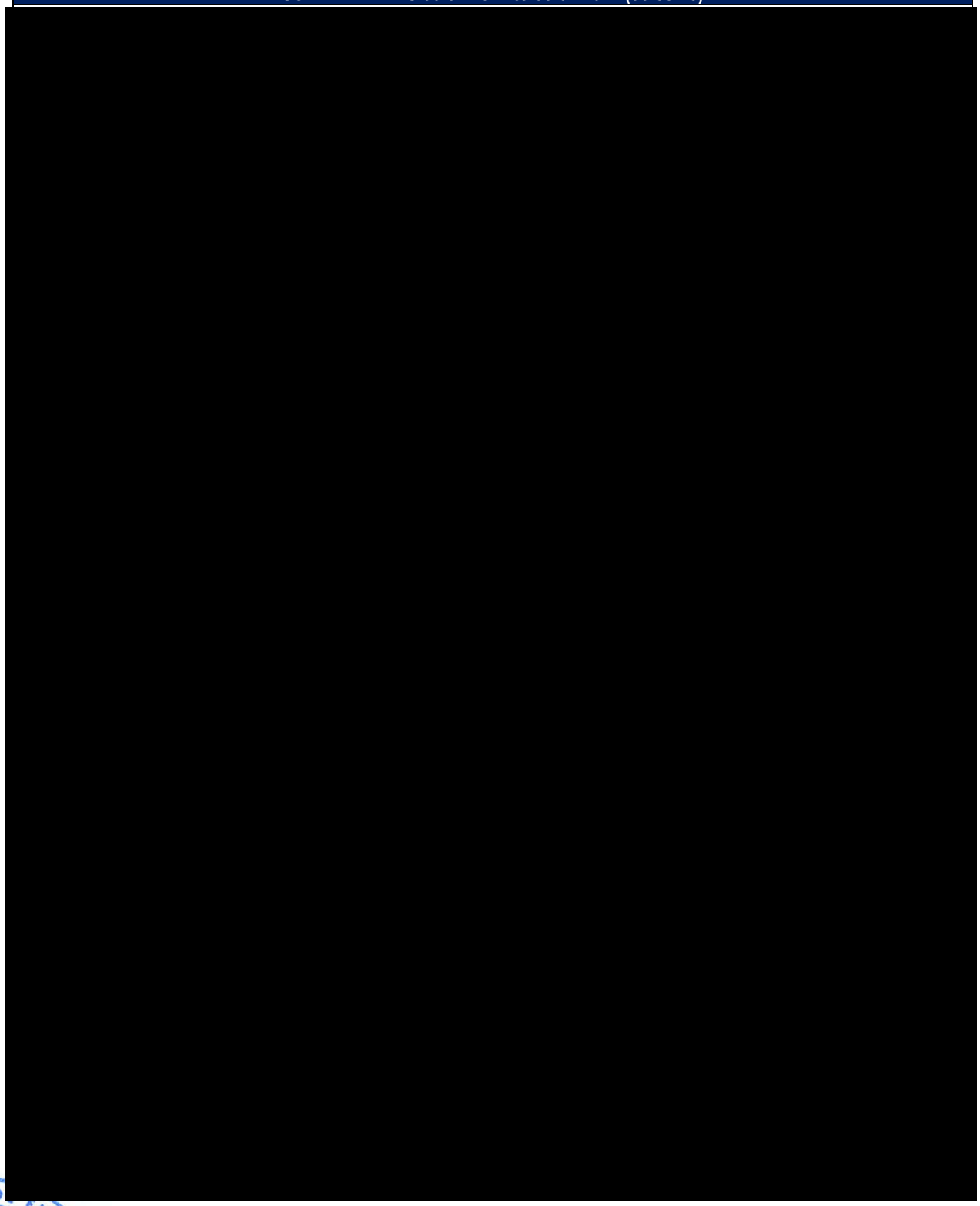
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



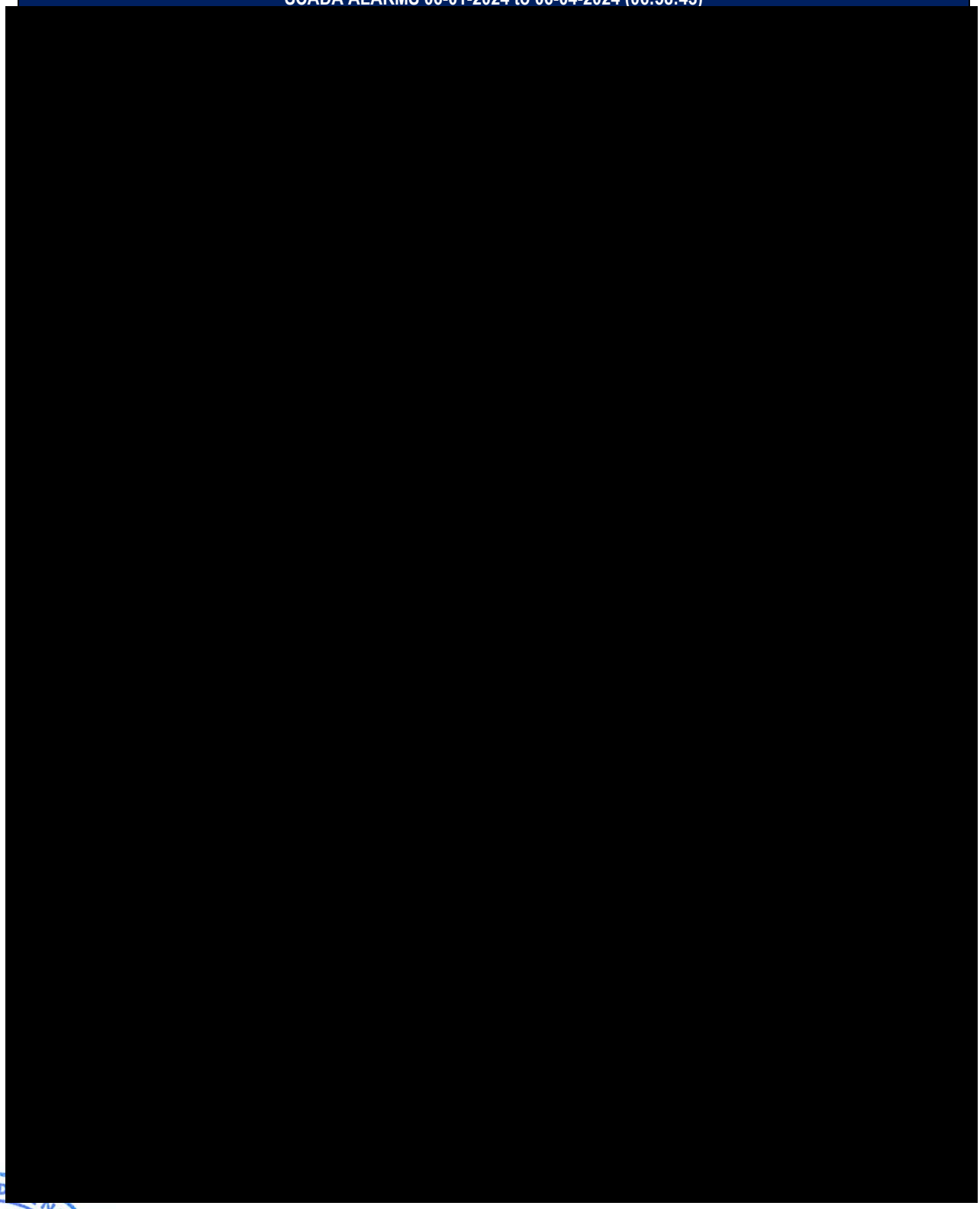
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)

[redacted]

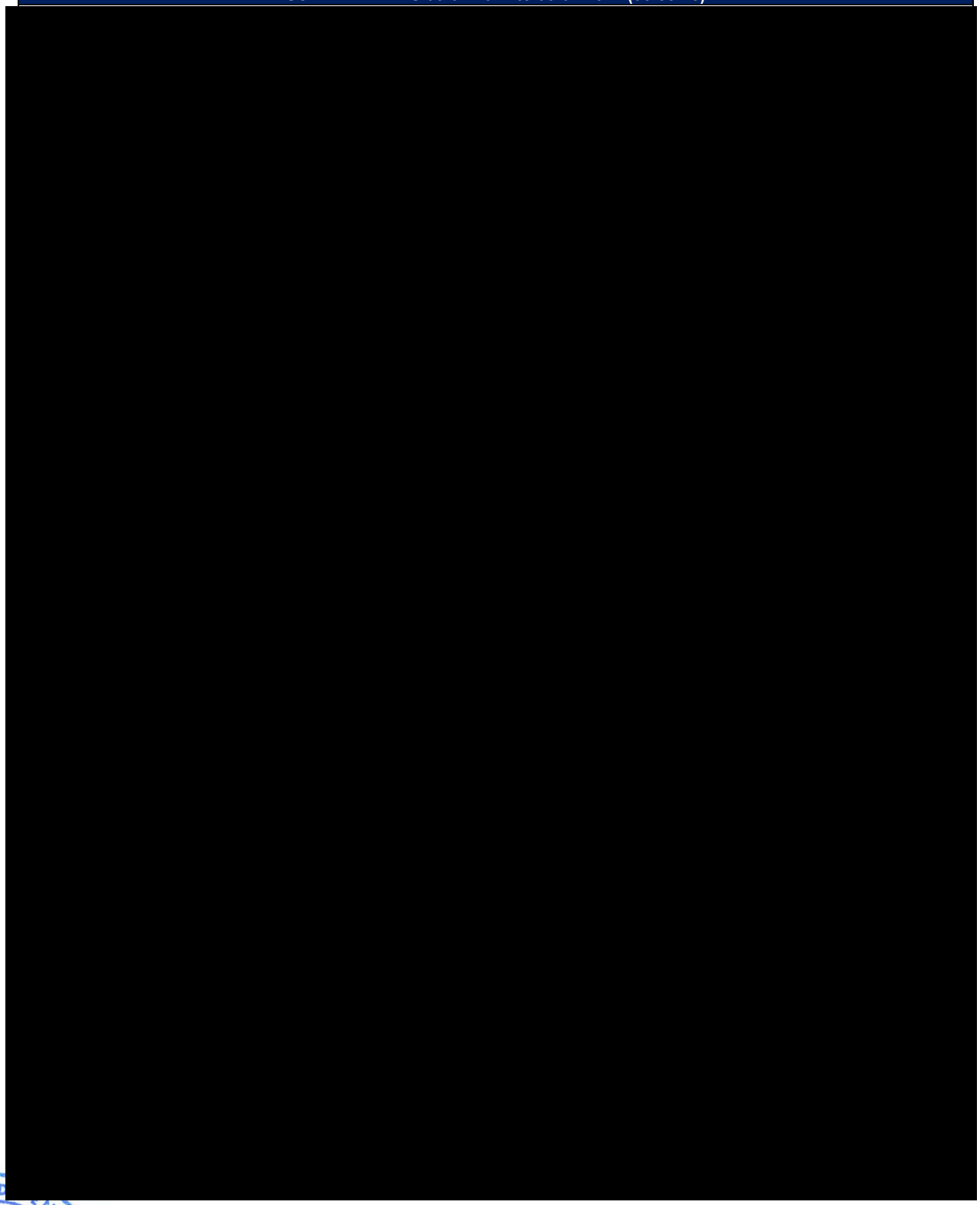
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



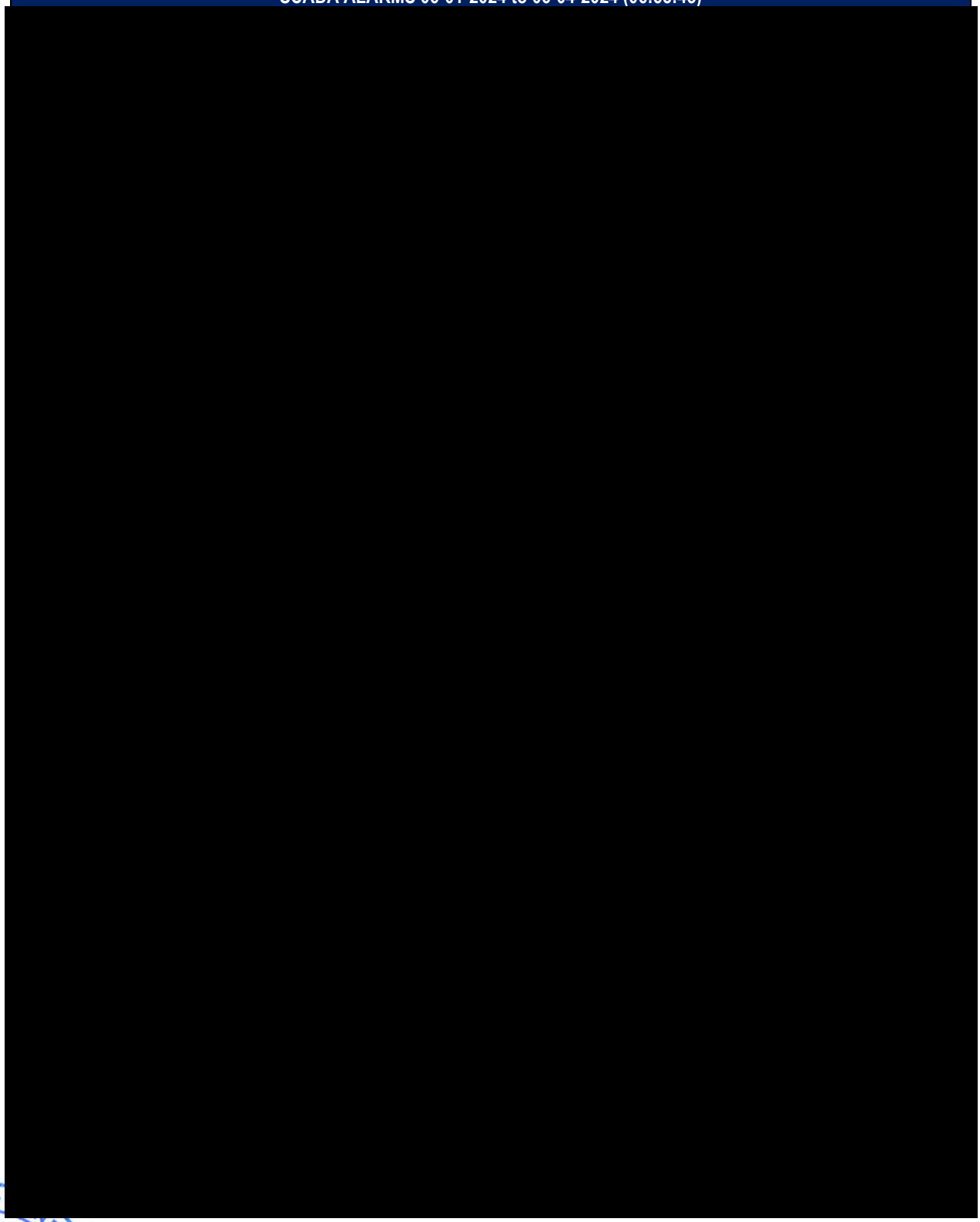
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



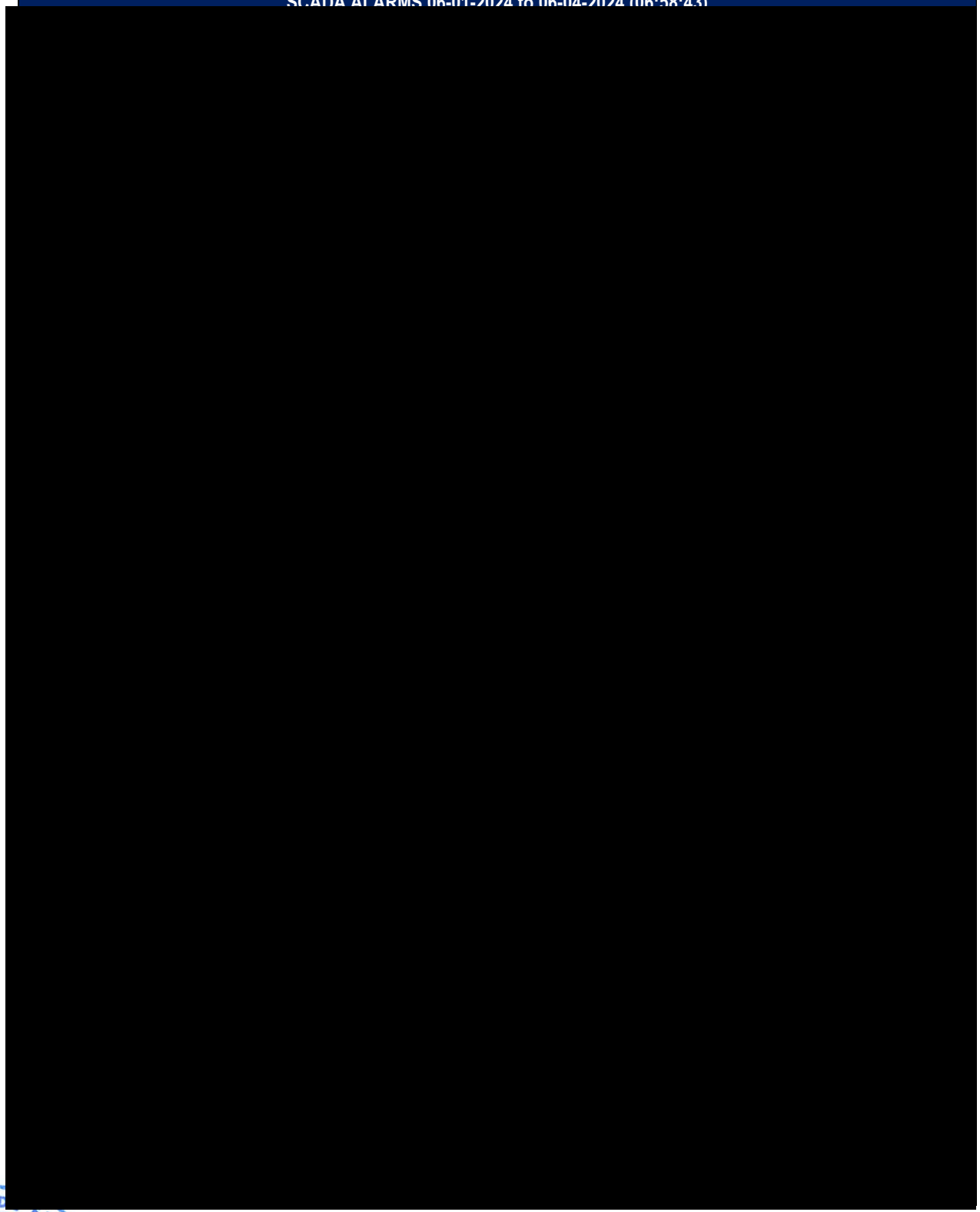
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



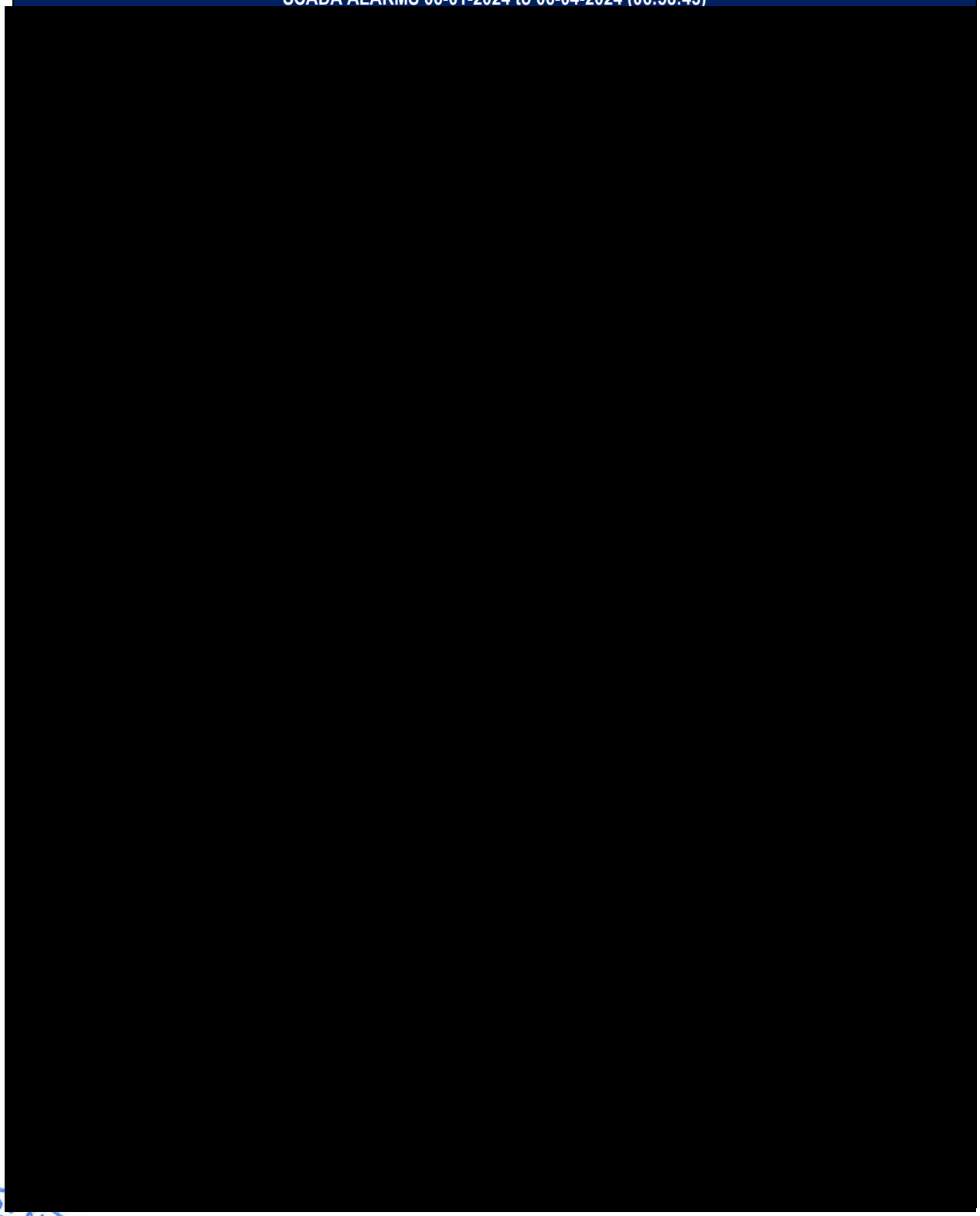
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



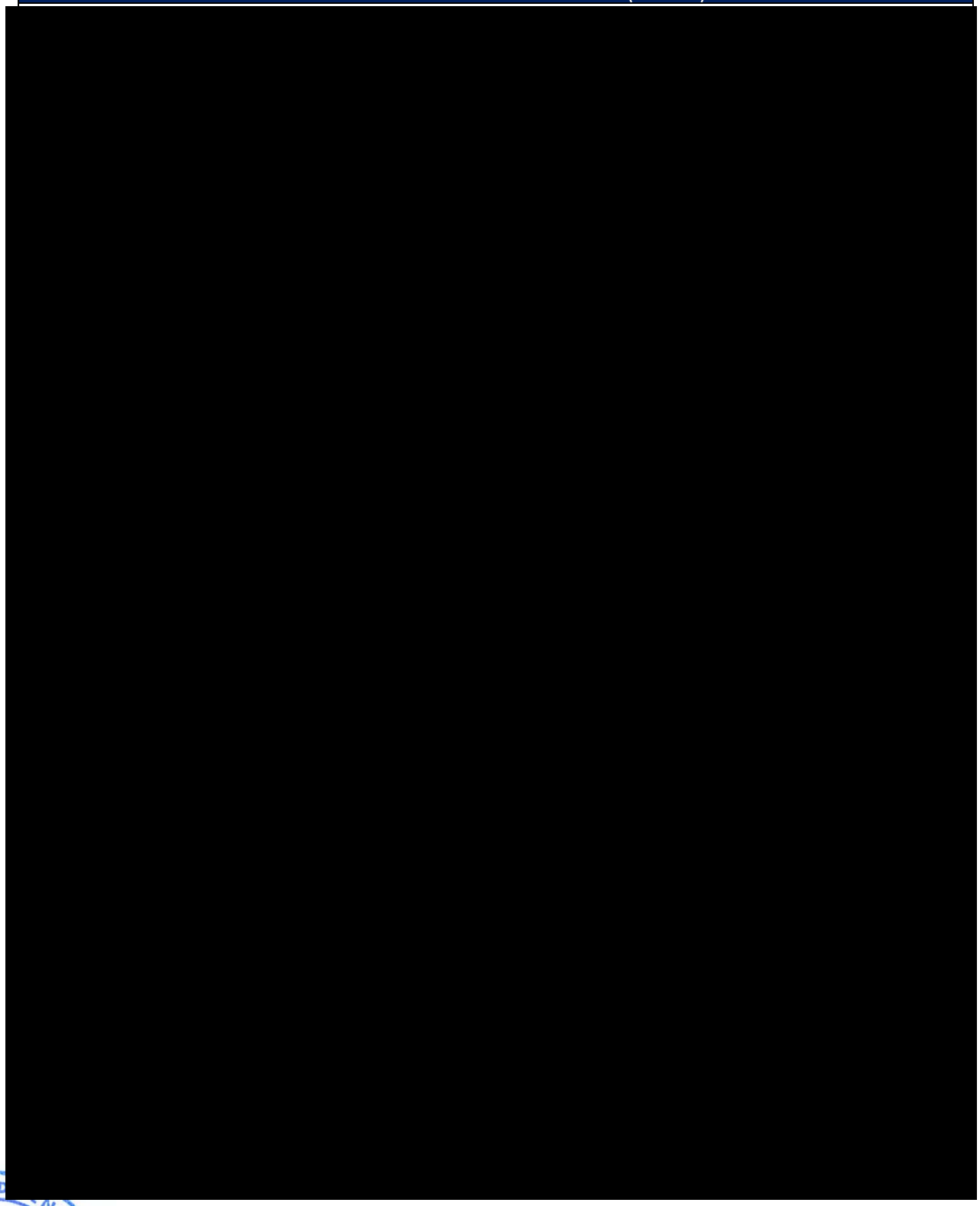
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



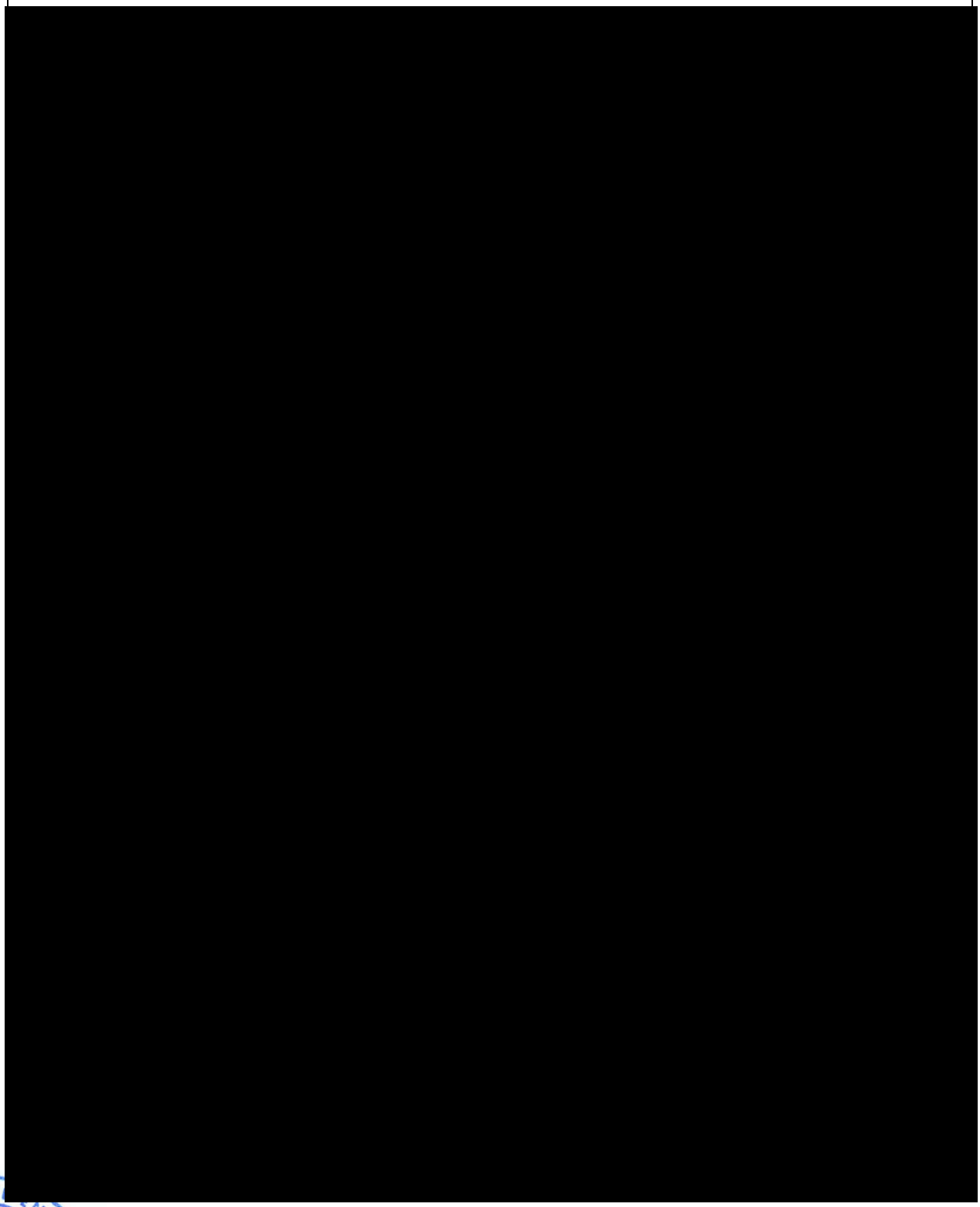
SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



SCADA ALARMS 06-01-2024 to 06-04-2024 (06:58:43)



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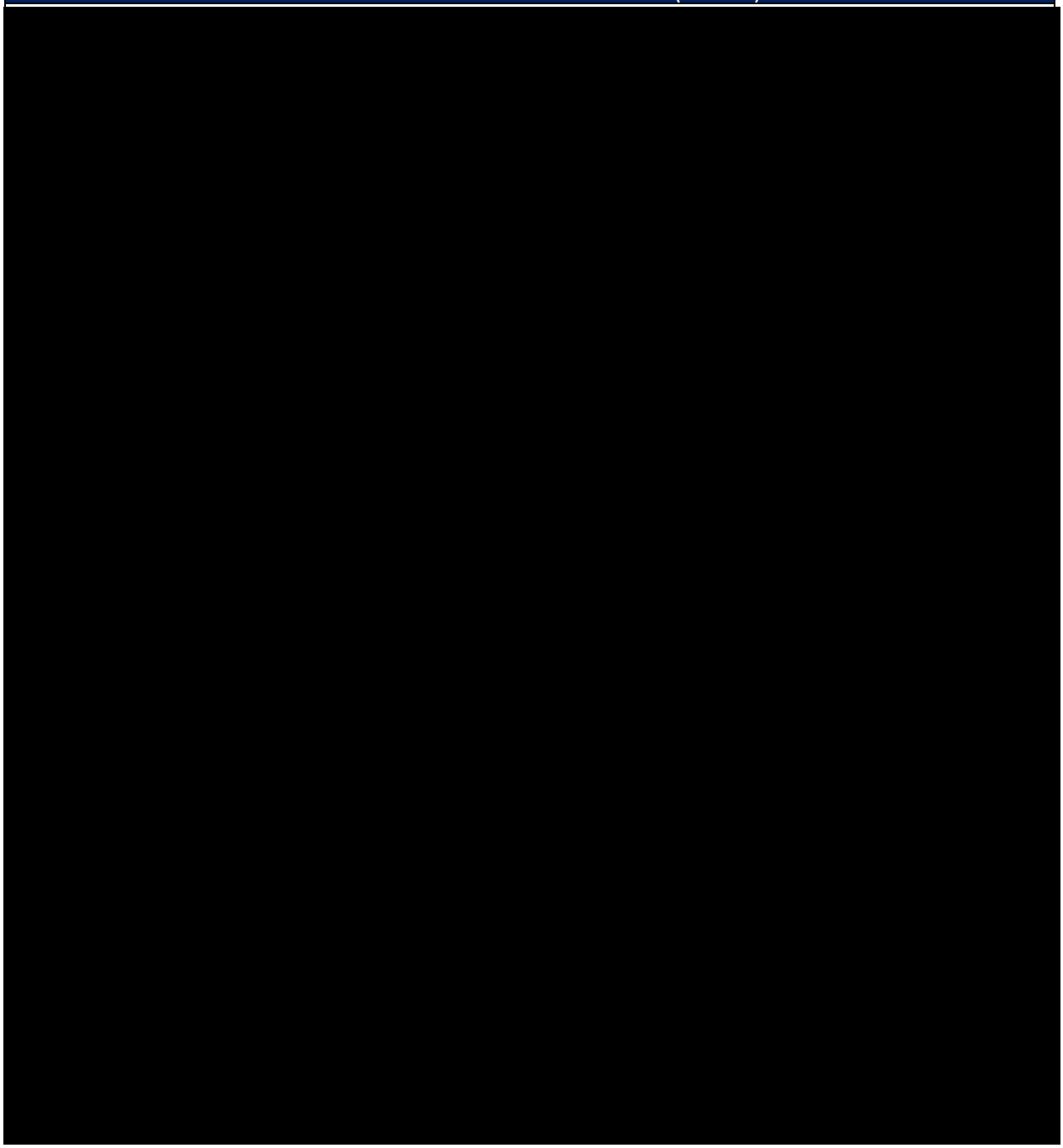

ADDENDUM 7

Jul 12, 2024

3:53 PM

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: Informative Motion Regarding Time Period to Comply Resolution and Order of July 11, 2024

INFORMATIVE MOTION REGARDING TIME PERIOD TO COMPLY WITH RESOLUTION AND ORDER OF JULY 11, 2024

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding, pursuant to Section 6.3 of Act 57-2014 and Regulation No. 8543[1], to investigate a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 (the "Incident") involving a 115kV/37 kV power transformer (the "Investigation"), and ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*. The Energy Bureau also indicated that the Electric Power Research Institute ("EPRI") would be taking the technical lead for the Energy Bureau in the Investigation. *Id*.

2. On July 1, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order*

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

of June 14, 2024 and Request for Confidential Treatment ("July 1st Motion") in which it informed that, as soon as the Incident occurred, LUMA commenced an investigation to analyze the events surrounding the outage and had prepared an initial report to be followed by a more final incident report or root cause report at a later date, as has been the practice in connection with other similar events that have been investigated by this Honorable Energy Bureau in the past. *See* July 1st Motion on page 4[2]. Accordingly, LUMA explained that it had completed an initial report addressing the most pertinent and substantive content requirements in Attachment A of the June 24th Order, which LUMA submitted as *Exhibit 1* to the July 1st Motion (the "Initial Report"), which report included a summary and timeline of the outage events, preliminary investigative findings, and next steps or action items but was subject to revision as more details became available. *See id*. at page 5. LUMA further explained that it was in the process of reviewing supporting documentation and working with the third-party investigation firm preparing the root-cause evaluation of the Incident. *See id*. Given this process and the voluminous nature of the documents and information that should be reviewed, LUMA requested until July 22, 2024, to submit the more final report and supporting documents that would comprise the Incident Report, covering more thoroughly all content items in Attachment A of the June 14th Order. *See id*. at pages 4-5. Finally, LUMA indicated that the Initial Report contained information that was confidential as Critical Energy Infrastructure Information garnering protection from public disclosures pursuant to federal statutes and regulations and requested that the Energy Bureau treat the Initial Report as confidential during and after the Investigation is concluded. *See id*. at pages 5-6. LUMA informed it would be submitting

[2] LUMA made reference to the following cases where this process was followed: Case No. NEPR-IN-2024-0003, *In Re: June 12, 2024 Large-Scale Bluesky Customer Interruptions*; Case No. NEPR-IN-2022-0002, *In Re Interrupción de Servicio Eléctrico de 6 de abril de 2022;* Case No. NEPR-IN-2021-0002, *In Re Interrupción de Servicio Eléctrico de 10 de junio de 2021*.

within the next ten (10) days a Memorandum of Law in support of this request, as well as the redacted non-confidential version of the Initial Report in *Exhibit 1. See id.*

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order ("July 8th Order") designating, pursuant to Section 6.3 of Act 57-2014 and Section XV Regulation No. 8543, the examining officer in charge of the Investigation ("Examining Officer") and reiterating EPRI's role as technical lead.

4. On July 11, 2024, LUMA filed a *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024*, in which it discussed in detail the legal basis for the confidentiality protection requested of portions of the Initial Report, as Critical Energy Infrastructure Information, and submitted a redacted version of the Initial Report.

5. On July 11, 2024, the Examining Officer issued an Urgent Order ("July 11th Order") indicating that the Energy Bureau was taking official notice of a LUMA press release notifying its consumers about the status of the installation of a transformer in the municipality of Santa Isabel, in which LUMA indicates that: it "has implemented a contingency plan in case the initial replacement transformer failed key safety and reliability tests"; that "the company's specialized in substations personnel had conducted tests of the replacement transformer before and after its transportation, following the standard processes and protocols of the industry"; that "[a]fter successfully energizing the transformer, and during the subsequent required on-site tests before connecting it to the grid, the equipment failed due to an internal problem"; that "LUMA will continue with its contingency plan, which includes relocating an alternate transformer from Maunabo"; and that "the service to customers in the area will not be affected during the next four to six weeks while it is installed and safety and reliability tests are conducted." *Id.* (translation ours).

6. In the July 11th Order, the Examining Officer indicates that neither the Energy Bureau nor Examining Officer had been notified of this "incident" as a part of the Investigation and that, in light of this information, LUMA is ordered to submit within **forty-eight (48) hours** from the notification of the July 11th Order, the following information:

1. The "contingency plan in case the initial replacement transformer failed key safety and reliability tests."
2. The list of positions of the "company's specialized substation personnel" who conducted the tests on the replacement transformer before and after its transportation.
3. The "processes and protocols" used by LUMA to conduct the "tests on the replacement transformer before and after its transportation."
4. The available proof that evidences the transformer was successfully energized initially.
5. The contingency plan for the relocation of "an alternate transformer from Maunabo."
6. Indicate the reasons why the transformer was not relocated from the municipality of Maunabo, instead of the transformer from the municipality of Caguas.
7. The short and long-term plan to ensure that consumers in the municipalities of Santa Isabel, Coamo, and Aibonito are not affected as a result of the incident.
8. Notify the status of the construction of lines 100, 200, and 4,800, including the construction stages and the construction and delivery schedule of the same.
9. Describe in detail the tests conducted, the causes, and the results of the same.
10. Report the status of the transformer relocated to the municipality of Santa Isabel, specifically, the feasibility of its use in the short and long term and its useful life.
11. Will the relocated transformer serve in the future or not?
12. Identify what failed in the tests conducted on the relocated transformer and the scope and consequences of the same for the useful life of the relocated transformer.
13. Indicate the plan and actions that will be taken into consideration to avoid a similar situation with the relocation of the transformer from the municipality of Maunabo.
14. Indicate if the relocation of the transformer from the municipality of Maunabo to the municipality of Santa Isabel represents a reliable and permanent solution to address the problem of the customers served by said transformer.
15. Notify the cost of the transformer relocated to the municipality of Santa Isabel, as well as all costs related to:
    a. Transportation;
    b. Installation;

c. Other associated costs.

16. Notify the cost of the existing transformer in the municipality of Maunabo, as well as all estimated costs related to:
    a. Transportation;
    b. Installation;
    c. Other associated costs.
17. Any other information that is pertinent to this incident and that the Energy Bureau [sic]

Id., at pages 1-2. (translation ours).

7. LUMA respectfully informs that it has commenced the efforts to respond to the June 11th Order and that it will be submitting the information in compliance therewith within the established time frame calculated in accordance with the provisions to calculate time periods of Regulation 8543. Specifically, Section 1.09 of Regulation 8543 ("Section 1.09") provides that "In computing any period conceded by this Regulation, or by order of the [Energy Bureau], the period shall begin accruing the day after the act, event or noncompliance that triggers the period takes place. If a period ends on a Saturday, Sunday or a legal holiday, said period shall be extended until the next day that is not a Saturday, Sunday or legal holiday".

8. Based on Section 1.09, the forty-eight (48) hours period granted by this Honorable Examining Officer commenced to run at 12:01 am of June 12, 2024 (which is today- the day after the July 11th Order) and the first 24 hours would end today at midnight. Since the second 24 hours would occur during the weekend, these should continue to be counted on Monday, July 15th, and would therefore end on Monday July 15th on midnight. In compliance with Section 1.09, LUMA respectfully informs that it will be submitting its report on or before Monday July 15th.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 12th day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147 / 9145
Fax 939-697-6141 / 6145

/s/ Laura T. Rozas
Laura T. Rozas
RUA No. 10,398
laura.rozas@us.dlapiper.com

/s/ Valeria Belvis Aquino
Valeria Belvis Aquino
RUA No. 22,584
valeria.belvis@us.dlapiper.com

ADDENDUM 8

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

IN RE:	**CASE NO:** NEPR-IN-2024-0002
SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**SUBJECT: ORDER**

ORDER

On July 12, 2024, LUMA Energy ServCo, LLC and LUMA Energy, LLC, (collectively, "LUMA"), filed an *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024*. LUMA stated, among other things, that pursuant to section 1.09 of the Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings, Regulations No. 8543, if a period to comply to an order of the Puerto Rico Energy Bureau ends on a Saturday, Sunday or legal holiday, said period shall be extended until the next day that is not a Saturday, Sunday or legal holiday. Therefore, LUMA stated that they will be submitting their report on or before Monday, July 15, 2024.

The undersigned takes notice of the above and states that LUMA shall comply with the July 11th Order on or before July 15, 2024. **No extensions will be granted**.

Nothing herein shall prevent additional orders or resolutions from being issued in accordance with applicable laws and regulations.

Today, July 12, 2024, in San Juan, Puerto Rico.

Be it notified.

Gerardo A. Flores
Examining Officer

CERTIFICATION

I certify that this was agreed by the Examining Officer, Gerardo A. Flores, today, July 12, 2024. I further certify that on July 12, 2024, a copy of this Order was served by email to Laura.rozas@us.dlapiper.com; Valeria.belvis@us.dlapiper.com ; and I have proceeded with the filing of the Order.

For the record, I sign this letter in San Juan, Puerto Rico, today, July 12, 2024.

Sonia Seda Gaztambide
Clerk

ADDENDUM 9

Jul 16, 2024

12:05 AM

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: Motion in Compliance with Resolution and Order of July 11, 2024, and Request for Confidentiality

MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER OF JULY 11, 2024 AND REQUEST FOR CONFIDENTIALITY

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Introduction

LUMA is submitting herein the responses to the requests of additional information from the Honorable Examiner Officer of the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") in the Urgent Order issued on July 11, 2024 ("July 11th Order").

LUMA also discusses in this Motion its objection to the Honorable Examining Officer's determination to obviate the confidentiality requirements under Act 57-2017 with respect to the responses submitted with this Motion and respectfully requests that these responses remain confidential during the investigation that is the subject of this proceeding. LUMA also requests that certain information in the report that is protected from disclosure under appliable laws and regulations be kept confidential after the conclusion of the investigation.

II. Relevant Background

1. On June 14, 2024, the Energy Bureau issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding, pursuant to Section 6.3 of Act 57-2014 and Regulation No. 8543[1], to investigate a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 (the "Incident") involving a 115kV/38 kV power transformer (the "Investigation"), and ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. June 14th Order on pages 1-2.

2. The information required in Attachment A of the June 14th Order is the following:

i. Provide a summary of the Incident that includes, but is not limited to, a chronological, SCADA-based, description of the events and their effect, if any, on the (i) generation fleet operated and maintained by Genera PR, LLC ("GENERA"), (ii) other power producers, and (iii) the transmission and distribution system, as well as the investigative, corrective, or any other actions taken by LUMA.

ii. Provide any information received, obtained, or collected in the course of investigative, corrective, or any other efforts made by LUMA, their agents, lawyers, or consultants to determine the cause of the Incidents and their effect, if any, on the generation fleet and the transmission and distribution system.

iii. Provide any document produced, prepared, or received by LUMA, their agents, engineers, lawyers, or consultants in the course of investigative, corrective, or any other efforts made to determine the causes of the Incident, including, but not limited to, the "root cause analysis report" of the Incident and their effect, if any, on the generation fleet and the transmission and distribution system.

iv. Provide repercussions, consequences, or effects that customers and the electrical system will face in the short or long term as a result of the Incident.

v. Provide any information, in digital or tangible format, related to the Incidents in the possession of LUMA and/or GENERA and/or the Puerto Rico Electric Power Authority ("PREPA"), which includes, but is not limited to, data, graphs, maps, videos, audios, photos, reports, or documents related to the

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

Incidents and their effect on the electrical service, the generation fleet, and the transmission and distribution system of Puerto Rico.

vi. Describe any temporary facilities deployed to supply customers.

vii. Describe any permanent facilities that will need to be repaired and/or replaced at the Santa Isabel transmission substation.

viii. Momentary outages caused by vegetation contact are a common occurrence in the electric utility industry.

a. Describe what technologies is LUMA deploying to clear these momentary outages. Provide an expectation of the reduction in frequency and duration of customer interruptions resulting from the employment of these technologies.

ix. In a secure system that adheres to industry reliability standards governing the planning of the bulk electric system, the outage of a single component does not result in customer interruptions.

a. Describe what efforts are required and/or underway to secure the system so an N-1 or N-1-1 contingency will not result in customer interruptions.
b. Describe how the federally funded rebuild efforts are increasing bulk electric system security.

Id. Attachment A. In Attachment A, the Energy Bureau also indicated that, at its discretion, it may request additional information and that, after receiving the Incident Report, it will determine the actions to be taken, including the need for a technical conference. *See id*.

3. The Energy Bureau further indicated in the June 14th Order that the Electric Power Research Institute ("EPRI") would be taking the technical lead for the Energy Bureau in the Investigation. *Id*. at page 2.

4. On July 1, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 1st Motion") in which it informed that, as soon as the Incident occurred, LUMA commenced an investigation to analyze the events

surrounding the outage and had prepared an initial report to be followed by a final incident report or root cause report at a later date, as has been the practice in connection with other similar events that have been investigated by this Honorable Energy Bureau in the past. *See* July 1st Motion on page 4.[2] Accordingly, LUMA explained that it had completed an initial report addressing the most pertinent and substantive content requirements in Attachment A of the June 24th Order, which LUMA submitted as *Exhibit 1* to the July 1st Motion (the "Initial Report"), which report included a summary and timeline of the outage events, preliminary investigative findings, and next steps or action items but was subject to revision as more details became available. *See id*. at page 5. LUMA further explained that it was in the process of reviewing supporting documentation and working with the third-party investigation firm preparing the root-cause evaluation of the Incident. *See id*. Given this process and the voluminous nature of the documents and information that should be reviewed, LUMA requested until July 22, 2024, to submit the more final report and supporting documents that would comprise the Incident Report, covering more thoroughly all content items in Attachment A of the June 14th Order. *See id*. at pages 4-5. Finally, LUMA indicated that the Initial Report contained information that was confidential as Critical Energy Infrastructure Information garnering protection from public disclosures pursuant to federal statutes and regulations and requested that the Energy Bureau treat the Initial Report as confidential during and after the Investigation is concluded. *See id*. at pages 5-6. LUMA informed it would be submitting within the next ten (10) days a Memorandum of Law in support of this request, as well as the redacted non-confidential version of the Initial Report in *Exhibit 1*. *See id.*

[2] LUMA made reference to the following cases where this process was followed: Case No. NEPR-IN-2024-0003, *In Re: June 12, 2024 Large-Scale Bluesky Customer Interruptions*; Case No. NEPR-IN-2022-0002, *In Re Interrupción de Servicio Eléctrico de 6 de abril de 2022;* Case No. NEPR-IN-2021-0002, *In Re Interrupción de Servicio Eléctrico de 10 de junio de 2021*.

5. On July 8, 2024, the Energy Bureau issued a Resolution and Order ("July 8th Order") reiterating EPRI's role as technical lead and designating, pursuant to Section 6.3 of Act 57-2014 and Section XV Regulation No. 8543, an Examining Officer in charge of the Investigation ("Examining Officer") with the faculties to: "1) administer oath and take depositions; (2) issue orders and citations; (3) preside hearings; (4) request, receive and evaluate documents; (5) request, coordinate and participate visual inspections; (6) request, coordinate meetings and conferences; (7) apply any mechanisms allowed under Article XV of Regulation 8543 to complete the investigation of the Incident". *See* July 8th Motion on pages 1-2. The Energy Bureau also delegated to the Examining Officer the responsibility to prepare a procedural report that will enclose EPRI's final technical report. *See* July 8th Order on pages 1-2.

6. On July 11, 2024, LUMA filed a *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024*, in which it discussed in detail the legal basis for the confidentiality protection requested of portions of the Initial Report, as Critical Energy Infrastructure Information, and submitted a redacted version of the Initial Report.

7. On July 11, 2024, the Examining Officer issued an Urgent Order (the July 11th Order) indicating that the Energy Bureau was taking official notice of a LUMA press release notifying its consumers about the status of the installation of a transformer in the municipality of Santa Isabel.

8. In the July 11th Order, the Examining Officer indicates that neither the Energy Bureau nor the Examining Officer "were notified of this incident as a part of [the Investigation]" and that, in light of this information, LUMA was required to submit responses to the information identified therein within **forty-eight (48) hours** from the notification of the July 11th Order.

9. Finally, in the July 11th Order the Examining Officer informed LUMA that the requested information "will not be subject to the confidentiality norms provided in Section 6.15 of Act 57-2014, 22 LPRA 1054n". *See* July 11th Order on page 2.

10. On July 12, 2024, LUMA filed an *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024* ("Informative Motion") informing that, based on Section 1.09 of Regulation 8543, LUMA would be submitting its report in compliance with the July 11th Order on or before Monday, July 15th.

11. On July 12, 2024, the Examining Officer issued an Order taking notice of the Informative Motion, stating the LUMA must comply with the July 11th Order on or before July 15, 2024.[3]

III. Compliance with July 11th Order

12. LUMA hereby submits, as *Exhibit 1*, its responses to the July 11th ROIs, in compliance with the July 11th Order. *Exhibit 1* does not include the information requested in the third RFI of the July 11th Order. Although LUMA diligently worked to obtain, confirm and validate all of the information required under the July 11th RFIs, LUMA needs an additional twenty-four (24) hours to complete and submit its response to RFI #3 to ensure it is fully validated so that this honorable Energy Bureau can have complete and accurate information. LUMA respectfully submits that this extension is the minimum necessary to complete this effort and should not unreasonably delay this proceeding.

13. In attention to the statement in the July 11th Order with regard to LUMA not having "notified" the Energy Bureau or the Examining Officer regarding the contingency plan relating to the Santa Isabel transformer replacement, LUMA respectfully submits that such information, as

[3] The Examining Officer also issued a *Nunc Pro Tunc* Order on June 15, 2024 clarifying one of the requests for information in the July 11th Order.

set forth in the June 11th Order, is not within the scope of the information required by the Energy Bureau in the June 14th Order. The Incident under investigation in the June 14th Order is defined as the outage that occurred at the Santa Isabel transmission substation on June 2, 2024. *See* June 14th Order on page 1. The July 11th Order, in turn, refers to the unsuccessful energization of the preferred replacement transformer to pass the safety and reliability tests as the "incident". *See* July 11th Order on page 1. Hence, the July 11th Order inquires upon information that, while related, is beyond the basic information sought after in the June 14th Order, that is, an assessment of the cause or causes that led to Incident, and an identification of the corrective measures to be undertaken.

14. Specifically, and as pertinent to this Motion, the June 14th Order's required information on "corrective or any actions undertaken by LUMA" in the context of the Incident and a description of any "permanent facilities that will need to be repaired and/or replaced at the Santa Isabel transmission substation". *See* June 14th Order, Attachment A, items 1 and 7. Other broader requests in the June 14th Order pertained to submitting documents and information tied to the Incident or its causes or effects on the electric system. *See id*. items 2, 3 and 5. As can be noted, the information required by the June 14th Order does not include details related to the implementation of the corrective actions identified by LUMA.

15. In its Initial Report, filed on July 1, 2024, LUMA informed of the corrective actions planned to that date with respect to the replacement transformer, among others. *See* Initial Report, Executive Summary (wherein LUMA indicated that "the scope of LUMA's response to the Santa Isabel Substation outage" included, among other actions, "[t]ransporting and installing the replacement transformer to increase substation resiliency, stability, and reliability" and "[p]roviding regular updates to the public and stakeholders as to the status of repairs and transformer replacement and installation") and Section 3 (wherein LUMA indicated that the

"immediate and short-term corrective actions" included, among others, the "[t]ransfer of larger transformer to Santa Isabel as a replacement for the damaged 115/38 kV transformer (in progress)"). LUMA also informed that this Initial Report was a preliminary report to address some of the more substantive requirements in the Attachment A of the June 14th Order and a more final report and supporting documents that would comprise the Incident Report, covering more thoroughly all content items in Attachment A of the June 14th Order would be submitted on July 22, 2024 (as per the extension LUMA respectfully requested). *See* July 1st Motion on pages 4-5.

16. Therefore, given that there was no ongoing obligation to inform beyond the requirements of the June 14th Order and LUMA's commitment to submit the Incident Report by June 22, 2024, LUMA planned to include in such later report the updated information on the implementation of the proposed corrective actions, including the transformer replacement, in accordance with the requirements of the June 14th Order.

17. LUMA reiterates that it has endeavored at all times to comply with the Energy Bureau's orders.

III. Objection to Examining Officer's Waiver of Confidentiality Requirement

18. LUMA respectfully objects to the determination by the Honorable Examining Officer to the effect that the attached Exhibit 1 will not be subject to the "confidentiality norms provided in Section 6.15 of Act 57-2014, 22 LPRA 1054n". For the reasons stated below, LUMA respectfully requests that the Energy Bureau/Examiner Officer vacate such determination and maintain Exhibit 1 herein confidential during and after the Investigation is concluded based on the applicable laws and regulations discussed below. LUMA will provide a redacted version of Exhibit 1 for public disclosure once the Investigation concludes.

A. Applicable Laws and Regulations

19. Section 6.15 of Act No. 57-2014, known as the *Energy Transformation and Relief Act* ("Act 57-2014") regulates the management of confidential information filed before this Energy 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 [Energy Bureau] 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 addition, Act 57-2014 provides 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.

20. Act 57-2014 also 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). Finally, any claim of privilege and confidentiality of information by a person under the jurisdiction of the Energy Bureau must be resolved expeditiously before any of the information allegedly confidential be disclosed. *Id*. Section 6.15(d).

21. Act 17-2019, known as the Puerto Rico Energy Public Policy Act ("Act 17-2019"), also contains a provision protecting confidential information of electric power service companies.

Specifically, Sections 1.10 (i) and (ix) of Act 17-2019 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.

22. Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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."

23. In this regard, the Energy Bureau adopted a Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by the Resolution dated September 16, 2016 ("Policy on Confidential Information"). This 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 this Policy, the Energy Bureau recognizes and defines as valid confidential information documents that contains:

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 ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure Agreement.
>
> Thos authorized representative 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).

24. CEII or critical infrastructure information is protected from public disclosure under federal law and regulations. *See* 6 U.S.C. §§ 671-674 (2020) and18 C.F.R. § 388.113. Trade secrets, in turn, are protected in Puerto Rico under the Industrial and Trade Secret Protection Act of Puerto Rico, Act 80-2011, 10 LPRA §§ 4131-4144. The Puerto Rico Supreme Court has upheld the protection of the trade secrets privilege. *See Ponce Adv. Med. v. Santiago Gonzalez,* 197 DPR 891; *see also Next Step Medical Co. v. MCS Advantage Inc.,* KLCE201601116, 2016 WL 6520173 (P.R. Court of Appeals, September 13, 2016). There are other legal provisions protecting other types of information (not discussed in the Energy Bureau Policy on Confidential Information above) from disclosure such as, for example, information subject to a right to privacy (*see, e.g.*, Const. ELA, Art. II, Sections 8 and 10 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, e.g.*, Articles 4(vi) and (xi) of the Puerto Rico Open Government Data Act, Act 122-2019 (providing that information which could invade the privacy of third parties or affect their fundamental rights, as well as other private information on individuals is excepted from public disclosure).

25. In addition, in connection with investigations undertaken by the Energy Bureau under Article XV of the Regulation 8543, such as the Investigation in this case, Section 15.10 of Regulation 8543 provides that the records of ongoing investigations (conducted pursuant to the Article XV of Regulation 8543) shall remain confidential until the investigation is concluded and that information identified as privileged during the course of the investigation will also be protected. Section 15.10 of Regulation 8543 does not provide an exception to the publication of the information submitted during the investigation, other than at the conclusion of the procedure.

B. Discussion

i. The confidentiality provisions under Section 15.10 of Regulation 8543 cannot be waived by the Energy Bureau or the Examining Officer.

26. The Supreme Court of Puerto Rico has determined that administrative agencies are obliged to comply with their own regulations once they are promulgated. *Ayala Hernandez v. Consejo Titulares*, 190 DPR 537, 568 (2014). *Mun. de Toa Baja v. DRNA*, 185 DPR 684, 700 (2012). Administrative agencies have the power to adopt rules of a legislative nature as delegated by the Legislature. *Buono Correa v. Secretary of Natural Resources*, 177 DPR 415, 449 (2009). Therefore, when an administrative agency promulgates a regulation, it has the force of law because it is binding and determinative as to the rights, duties and obligations of the persons subject to the agency's jurisdiction. *Lopez Leyro v. E.L.A.*, 173 DPR 15, 24-25 (2008); *Torres Arzola v. Policía de P.R.*, 117 DPR 204, 211 (1986).

27. Therefore, once it is approved, the general citizen, including the very agency that adopted it, are bound by it. *Ayala Hernandez*, 190 DPR, at page 558. Accordingly, the Supreme Court of Puerto Rico has expressed that after an agency defines the contours of its action through a regulation, it has the responsibility to zealously enforce it. *Id*. *Lopez Leyro*, 173 DPR, at pages 24-25.

28. The regulation of an agency ordinarily creates a right that protects those who act under its provisions. *P.S.P. v. Comisión Estatal de Elecciones*, 110 D.P.R. 400, 409 (1980). Therefore, administrative agencies "cannot ignore their own regulations and base their actions on superior interpretive authority because of the particular expertise. Thus, agencies' interpretations of their own regulations must be supported by reason and affinity with their enabling statutes". *Lopez Leyro*, 173 DPR, at page 26.

29. Based on the above, the Energy Bureau and its designated Examining Officer are required to comply with the Energy Bureau's regulations, which includes complying with Section 15.10 of Regulation 8543 (which provides that the records of ongoing investigations shall remain confidential until the investigation is concluded). There is no exemption that may permit the Energy Bureau to act otherwise. Hence these requirements have the force of law.

30. Accordingly, Examining Officer's determination of denying confidentiality treatment to the information submitted in the course of this Investigation is contrary to the Energy Bureau's and Examining Officer's duties to comply with the Energy Bureau's regulations and responsibility to zealously enforce them. Additionally, the text of the regulation is precise and not open to interpretation, stating explicitly that the records of ongoing investigations will remain confidential until it is concluded.

31. In addition to being binding on the agencies, regulations also determine the rights, duties and obligations that a person subject to the jurisdiction of the agency has. Consequently, LUMA has a right that all information submitted before this Energy Bureau in the present Investigation be treated as confidential pursuant Section 15.10 of Regulation 8543.

32. In conclusion, *Exhibit 1* hereto and other documents submitted by LUMA in this proceeding should be maintained in confidence throughout the proceeding and until its conclusion pursuant to Section 15.10 of Regulation 8543.

ii. *The Examining Officer does not have the authority to issue a discretional determination regarding confidentiality information based on Act 57-2014 or other laws and regulations.*

33. LUMA respectfully submits that the Examining Officer made its determination of not providing confidentiality of the response submitted herein without first reviewing the information provided by LUMA and without providing LUMA the opportunity to argue, if necessary, the confidentiality of the information submitted. As Section 15.10 of Regulation 8543 establishes, once the investigation has concluded, the information identified as privileged during the course of the investigation shall remain confidential, once the file of the case is published. In this regard, there are separate legal sources, discussed above, supporting the protection of the confidentiality of information submitted in any proceeding which would apply after the conclusion of the Investigation, such as the confidentiality provisions under Section 6.15 of Act 57-2017, Section 1.10 of Act 17-2019, Section 1.5 of Regulation 8543, and the legal provisions protecting CEII, trade secrets information and private information.

34. Substantive due process protection extends to arbitrary and capricious government actions by administrative agencies. *See, e.g.*, Meléndez de León v. Keleher, 200 DPR 740, 759 (2018) ("due process of law also provides protection against administrative arbitrariness"); *Pearson v. City of Grand Blanc*, 961 F.2d 1211, 1217 (6th Cir. 1992) ("The right not to be subject to "arbitrary or capricious" action by a state either by legislative or administrative action is commonly referred to as a "substantive due process right."). Procedural due process, on the other hand, deals with "the minimum procedural guarantees that the State must provide to an individual

when affecting his life, property or liberty." *Rivera Santiago v. Srio. Treasury*, 119 DPR 265, 273 (1987). "The essential guarantee of the due process clause is that it is fair. The procedure must be fundamentally fair to the individual in resolving the facts and rights that serve as the basis for those governmental actions that deprive him of his life, liberty, or property." *Id.*, on page 274 (citations and internal quotation marks omitted).

35. Among the guarantees that make up due process, jurisprudence has recognized that the administrative decision must be informed, with knowledge and understanding of the evidence corresponding to the case. *A.D.C.V. v. Superior Court*, 101 DPR 875, 883 (1974). *See also Rafael Rosario Assoc. v. Dept. Familia*, 157 DPR 306, 330 (2002). In addition, the findings of fact and the reasons for the administrative decision must be stated. *Rivera Santiago*, 119 DPR at p. 274. To ensure due process guarantees, parties must have an opportunity to present and refute evidence and be able to do so effectively. *See Rentas Nieves v. Betancourt Figueroa*, 201 DPR 416, 429 (2018). Those parties to an administrative procedure have the right to participate effectively. *Commission of Citizens to the Rescue of Caimito v. G.P. Real Property S.E.*, 173 DPR 998, 1014 (2008) (by the imperative of due process, parties must be notified of administrative determinations so that they can effectively participate and challenge determinations in court).

33. Thus, making a determination without reviewing the requested information and providing LUMA the opportunity to argue the confidentiality of the information violated LUMA's due process right, resulting in an arbitrary and capricious decision.

34. Through this determination, LUMA has been subject to an arbitrary and capricious action that is not based on an informed decision, with knowledge and understanding of the evidence corresponding to the case. *A.D.C.V.*, 101 DPR, at page 883. LUMA's right to present

evidence and argue the basis for a confidential request are being denied resulting in a violation of LUMA's due process right.

36. In conclusion, the confidentiality provisions in Section 15.10 of Regulation 8543 are a legally mandated component of the Energy Bureau's investigative process. The Energy Bureau is also required to comply with the confidentiality provisions of Section 6.15 of Act 57-2017, 22 LPRA 1054n, Section 1.10 of Act 17-2019, Section 1.5 of Regulation 8543, and the legal provisions protecting CEII, trade secrets information and private information discussed above. Any attempt by an Examining Officer to waive these provisions would not only be against the law but would also undermine the integrity and purpose of the investigative process.

iii. The Examining Officer does not have the authority to issue a discretional determination regarding confidentiality information.

37. Section 6.3 (bb) of Act 57-2014, provides the Energy Bureau with the authority to conduct inspections, investigation and audits to achieve the purposes of the act. 22 LPRA §1054b (bb). The referred section allows the Energy Bureau to delegate this power by issuing a Resolution. *Id*. Specifically, in its Resolution, the Energy Bureau must establish the limits and the duration term of the delegation. *Id*.

38. Under Section 6.11(b) of Act 57-2014, the Energy Bureau has the authority to refer or delegate any adjudicative matter to examining officers. 22 LPRA §1054j. Thus, the Energy Bureau may assign and distribute to the examining officers the task and matters delegated by the Energy Bureau. *Id*. Then, the Examining Officer will have the duty to issue recommendations on the adjudication of the case or procedural incident that is the subject of the assignment delegated. *Id*. Nonetheless, the Energy Bureau has full discretion to accept or reject the recommendations of the Examining Officer. *Id*. In addition, any Examining Officer who is appointed to preside over a

hearing or investigation "**will have the powers expressly delegated to them by the [Energy Bureau] in the order of appointment"**. *Id*. (emphasis provided).[4]

39. The July 8th Order granted the Examining Officer the faculties to: "1) administer oath and take depositions; (2) issue orders and citations; (3) preside hearings; (4) request, receive and evaluate documents; (5) request, coordinate and participate visual inspections; (6) request, coordinate meetings and conferences; (7) apply any mechanisms allowed under Article XV of Regulation 8543 to complete the investigation of the Incident". *See* July 8th Motion on pages 1-2. The Energy Bureau also delegated to the Examining Officer the responsibility to prepare a procedural report that will enclose EPRI's final technical report. *See id.*

40. As evidenced by the express delegation of powers in the July 8th Order, the Examining Officer is not authorized to make a discretionary decision on the confidential treatment of information submitted in this proceeding. Therefore, the determination in the July 11th Order made by this Honorable Examining Officer exceeds the parameters of the powers delegated to him by the Honorable Energy Bureau.

IV. Request for Confidential Treatment

42. Based on all of the above, LUMA respectfully submits and requests that the Honorable Energy Bureau/Examining Officer maintain the *Exhibit 1* herein in confidence during

[4] Section 6.11(b) of Act 57-2014 also provides that the Examining Officials will be designated and will undertake their functions as provided in Act 38-2017, as amended, known as the *Uniform Administrative Procedure Act of the Government of Puerto Rico*. Section 3.3 of Act 38-2017, as amended, in turn, indicates that agencies may designate examining officers to preside in adjudicative proceedings and provides immunity to these officers for their recommendations provided certain conditions are met. *See* 3 LPRA §9643.

the course of the Investigation and until its conclusion pursuant to Section 15.10 of Regulation 8543.

43. In addition, LUMA respectfully submits that *Exhibit 1* contains Critical Energy Infrastructure Information ("CEII") that garners protection from public disclosure pursuant to federal statutes and regulations. (*See e.g.*, 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020), and Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by the Resolution dated September 16, 2016 ("Policy on Management of Confidential Information"). Therefore, LUMA is submitting Exhibit 1 under seal of confidentiality and respectfully requests the Energy Bureau/Examining Officer to keep *Exhibit 1* in confidence during and after the Investigation concludes, in accordance with the requirements of Act 57-2014, Act 17-2019, the Energy Bureau's Regulation 8543 (Sections 1.5 and 15.10) and the Energy Bureau's Policy on Confidential Information. As per the Policy on Confidential Information, LUMA will be submitting within the next ten (10) days a Memorandum of Law in support of this request LUMA will be submitting within the next ten (10) days a Memorandum of Law in support of this request.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** LUMA's response to the July 11th ROIs submitted herein in *Exhibit 1* in compliance with July 11th Order, with the exception of RFI #3 (to be subject to an extension requested herein); **grant** LUMA's request for a twenty-four hour (24) extension to submit RFI #3; **vacate** the determination made in the July 11th Order that LUMA's response to the July 11th ROIs would not be subject to confidentiality rules provided in Section 6.15 of Act 57-2014; **maintain** *Exhibit 1* herein **confidential** during the course of the Investigation in accordance with Section 15.10 of Regulation 8543; and **grant** LUMA's request for confidential treatment of *Exhibit 1*

herein subject to the submittal of a Memorandum of Law in support thereof within the next ten (10) days.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 15th day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
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San Juan, PR 00901-1969
Tel. 787-945-9147 / 9145
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Exhibit 1

Response to July 11th ROIs

Filed under Seal of Confidentiality

ADDENDUM 11

Jul 16, 2024

9:59 PM

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

IN RE:	**CASE NO. NEPR-IN-2024-0002**
SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**SUBJECT: Submittal of Response to Request of Information Number 3 in compliance with Order of July 11, 2024 and Order of July 16, 2024 and Attendant Updated Version of other Requests for Information Submitted on July 15, and Request for Confidentiality**

MOTION TO SUBMIT RESPONSE TO REQUEST OF INFORMATION NUMBER 3 IN COMPLIANCE WITH ORDER OF JULY 11, 2024 AND ORDER OF JULY 16, 2024 AND ATTENDANT UPDATED VERSION OF OTHER REQUESTS FOR INFORMATION SUBMITTED ON JULY 15, 2024, AND REQUEST FOR CONFIDENTIALITY

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Relevant Background

1. On June 14, 2024, the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding, pursuant to Section 6.3 of Act 57-2014 and Regulation No. 8543[1], to investigate a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 (the "Incident") involving a 115kV/38 kV power transformer (the "Investigation"), and ordered

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *See* June 14th Order on pages 1-2.[2]

2. On July 1, 2024, LUMA submitted to the Energy Bureau an initial report on the Incident ("Initial Report"), under request for confidential treatment, and requested until July 22, 2024 to submit the Incident Report addressing all items in Attachment A of the June 14th Order. *See Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* filed on July 1, 2024 ("July 1st Motion").

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order in which, among others, it designated, pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543, an Examining Officer in charge of the Investigation ("Examining Officer").

4. On July 11, 2024, LUMA filed a Memorandum of Law in support of the protection of the confidential information in the Initial Report submitted with the July 1st Motion and submitted a redacted version of the Initial Report. *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024* filed on July 11, 2024.

5. On July 11, 2024, the Examining Officer issued an Urgent Order (the "July 11th Order") indicating that the Energy Bureau was taking official notice of a LUMA press release notifying its costumers about the status of the installation of a transformer in the municipality of Santa Isabel and ordering LUMA to submit responses to the information listed in the July 11th Order (constituting a list of 17 numbered requests) within forty-eight (48) hours from the notification of the July 11th Order ("July 11th ROIs"). *See* July 11th Order on pages 1-2. In the July 11th Order the Examining Officer informed LUMA that the requested information "will not be

[2] The Energy Bureau also indicated that the Electric Power Research Institute would be taking the technical lead for the Energy Bureau in the Investigation. *See id*. on page 2.

subject to the confidentiality norms provided in Section 6.15 of Act 57-2014, 22 LPRA 1054n". *See id.* at page 2.

6. On July 12, 2024, LUMA filed an *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024* ("Informative Motion") informing that, based on Section 1.09 of Regulation 8543, LUMA would be submitting its report in compliance with the July 11th Order on or before Monday, July 15th.

7. On July 12, 2024, the Examining Officer issued an Order taking notice of the Informative Motion and stating the LUMA must comply with the July 11th Order on or before July 15, 2024.[3]

8. By motion dated July 15, 2024, LUMA submitted, as an Exhibit 1 thereto ("July 15th Exhibit 1"), its response to the July 11th ROIs with the exception of the response to the ROI number 3 ("ROI #3") with respect to which LUMA respectfully requested a twenty-four-hour (24) extension to submit, to ensure the validation and accuracy of the information submitted. *See Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality* electronically filed on July 16, 2024[4] ("July 15th Motion") on pages 6 and 18.

9. In the July 15th Motion, LUMA also respectfully requested the Energy Bureau/ Examining Officer to vacate the determination, made in the July 11th Order, that the responses to the July 11th ROIs would not be subject to the confidentiality provisions in Section 6.15 of Act 57-2014. *See id*. LUMA made this request based on legally supported arguments to the effect that: (a) the Energy Bureau/Examining Officer did not have authority to waive the confidentiality

[3] The Examining Officer also issued a *Nunc Pro Tunc* Order on July 15, 2024 clarifying one of the requests for information in the July 11th Order.

[4] LUMA's counsel informed the Energy Bureau's clerk by email that night that it had attempted to submit the July 15th Motion before midnight but received an error message from the Energy Bureau electronic system during several attempts, and that the motion was finally submitted a few minutes after midnight.

requirements under Section 15.10 of Regulation 8543 (which provides that documents will be maintained confidential during investigations conducted under Article XV of that regulation until the investigation is concluded); (b) the determination in the July 11th Order to deny confidentiality of these documents without first evaluating the applicability of other legal bases for confidentiality under applicable laws and regulations was an arbitrary and capricious action and violated LUMA's due process rights; and (c) the Examining Officer did not have a delegated power to make determinations on confidentiality. *See id*. at pages 8-15.

10. In accordance with the above request and legal arguments, in the July 15th Motion, LUMA also requested the Energy Bureau/Examining Officer to maintain the July 15th Exhibit 1 confidential during the course of the Investigation and until it is concluded pursuant to Section 15.10 of Regulation 8543, as well as maintain confidential after the Investigation concludes the portions of the July 15th Exhibit 1 that are confidential pursuant to other applicable laws and regulations. *See id*. at pages 17-18. LUMA informed that it would be filing a Memorandum of Law in support of this latter request within ten (10) days, pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by the Resolution dated September 16, 2016 ("Policy on Management of Confidential Information"), and that it would be providing a redacted version of the July 15th Exhibit 1 that would be the public version after the Investigation is concluded. *See id*. at pages 8 and 16.

11. Today, July 16, 2024, the Examining Officer issued an Order ("July 16th Order") in which, among other determinations, he denied LUMA's request for extension to submit the response to ROI #3 within twenty-four (24) hours, but nevertheless granted LUMA until tomorrow, July 17, 2024 at 11:00 a.m. to submit such response. In addition, the Examining Officer granted LUMA until July, 18, 2024 to submit the Memorandum of Law in support for the

confidential treatment of the July 15th Exhibit 1 as well as the redacted/public version of that Exhibit.

II. Submittal of Response to ROI #3 and Request for Confidentiality

12. In compliance with the July 11th Order and the July 16th Order, and accordance with the July 15th Motion, LUMA hereby submits its response to ROI #3, incorporated into the document containing the responses to all other ROIs submitted with the July 15th Motion. *See Exhibit 1*. LUMA is also re-submitting the responses to all the other ROIs in Exhibit 1 herein because, in light of the response to ROI #3, the responses to ROI's #2, #4, #5, #9, #15, and #16 were updated based on the results of the information gathering and validation exercise performed in connection with the response to ROI #3 and/or to renumber the attachments to some of these responses (so as to reflect their correct sequence in the totality of the document). Additionally, LUMA added a "long-term" initiative to the response of ROI #7 and a minor editorial change was made to ROI's #8 and #12.

13. Based on the request to vacate and supporting legal arguments in the July 15th Motion (summarized above), which requests and arguments LUMA reiterates here and incorporates by reference to this Motion, LUMA respectfully requests that the Honorable Energy Bureau/Examining Officer maintain the *Exhibit 1* herein confidential during the course of the Investigation and until its conclusion pursuant to Section 15.10 of Regulation 8543.

14. In addition, LUMA respectfully submits that *Exhibit 1* contains Critical Energy Infrastructure Information ("CEII") that garners protection from public disclosure 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 Confidential Information. Therefore, LUMA is submitting *Exhibit 1* under seal of confidentiality and respectfully requests the Energy Bureau/Examining Officer to

keep *Exhibit 1* confidential during and after the Investigation concludes. As per the Policy on Confidential Information, LUMA will be submitting by July 18th, 2024, a Memorandum of Law in support of this request for confidentiality and the request for confidentiality in the July 15th Motion, along with the redacted/ public version of the July 15th Exhibit 1 and Exhibit 1 herein apt for disclosure after the Investigation concludes.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** LUMA's response to ROI #3 and the updated version of the July 15th Exhibit 1 included in *Exhibit* 1 herein and **deem** *Exhibit 1* herein as the more final response to the July 15th ROIs; **deem** LUMA in compliance with the requirement to provide responses to the July 15th ROIs; **maintain** *Exhibit 1* herein **confidential** during the course of the Investigation in accordance with Section 15.10 of Regulation 8543; and **grant** LUMA's request for the Energy Bureau to maintain the confidential treatment of *Exhibit 1* herein, during and after the Investigation concludes, to be supported by a Memorandum of Law that will be submitted by LUMA by July 18, 2024.

RESPECTFULLY SUBMITTED.

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

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

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Exhibit 1

Updated Version of July 15th Exhibit 1 including Response to ROI # 3

[Submitted under Seal of Confidentiality]

ADDENDUM 13

Jul 16, 2024
2:27 PM

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO EN LA SUBESTACIÓN SANTA ISABEL AFECTANDO LOS MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**NÚM.: NEPR-IN-2024-0002** **ASUNTO: NOTIFICACIÓN DE INTERVENCIÓN DE LA OFICINA INDEPENDIENTE DE PROTECCIÓN AL CONSUMIDOR (OIPC)**

NOTIFICACIÓN DE INTERVENCIÓN DE LA OFICINA INDEPENDIENTE DE PROTECCIÓN AL CONSUMIDOR (OIPC)

AL HONORABLE NEGOCIADO:

Comparece la peticionaria Oficina Independiente de Protección al Consumidor de la Junta Reglamentadora de Servicio Público (en adelante, "OIPC"), por conducto de los abogados que suscriben, quienes muy respetuosamente **EXPONEN** y **SOLICITAN**:

I. TRASFONDO

1. El 14 de junio de 2024, el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico (en adelante, Negociado) conforme a la Sección 6.3 de la *Ley de Transformación y ALIVIO Energético*, Ley Núm. 57-2014 y la Sección XV del *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, Reglamento Núm. 8543, emitió una *Resolución y Orden* iniciando la presente investigación.

2. El propósito de dicho procedimiento administrativo es investigar las causas del incidente ocurrido el 2 de junio de 2024, en el que se produjo un corte de

servicio eléctrico en la subestación de transmisión, ubicada en el Sector Usera del Municipio de Santa Isabel, que involucró un transformador de 115 kV/38kV. De igual forma, este Foro procura indagar sobre las acciones de investigación y acciones correctivas tomadas por LUMA Energy, LLC y LUMA Energy ServCo, LLC (en conjunto, LUMA) como resultado de este evento.

3. Además, el Negociado le ordenó a LUMA a que, en o antes del 1 de julio de 2024, presentara un Informe de Incidente con la información requerida en el Anejo A de dicha Resolución.

4. Previo a que LUMA sometiera la información requerida por este Foro, trascendió públicamente el traslado de un transformador ubicado en el Municipio de Caguas a la subestación afectada como medida provisional para atender la emergencia.

5. El 1 de julio de 2024, LUMA sometió ante este Negociado un documento intitulado "*Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment*", proveyendo un informe inicial que incluye un resumen y una cronología del evento de interrupción ocurrido, hallazgos preliminares y el curso de acción a seguir.

6. Es menester señalar que, dado a la naturaleza de los procesos investigativos ante este Negociado, el informe inicial provisto por LUMA no se encuentra disponible para el público en general, por lo que desconocemos su contenido.

7. Así las cosas, el pasado 11 de julio de 2024, LUMA publicó un comunicado de prensa informándole a la ciudadanía, en síntesis, que, "[l]uego de energizar exitosamente el transformador, y durante las pruebas posteriores requeridas en el lugar antes de conectarlo a la red, el equipo falló por un problema interno.".

8. Ante la falla de este transformador, también informaron que, como medida alterna, han contemplado el traslado de un segundo transformador ubicado en el Municipio de Maunabo.

9. En idéntica fecha, este Foro emitió una *Orden Urgente* tomando conocimiento de dicho comunicado de prensa y concediéndole a LUMA un término de cuarenta y ocho (48) horas para someter cierta información allí requerida.

II. LEGITIMACIÓN ACTIVA DE LA OIPC

10. La *Ley de Transformación y ALIVIO Energético*, Ley 57-2014, según enmendada, establece:

> "Artículo 6.42- Poderes y Deberes de la OIPC
>
> La Oficina tendrá los siguientes poderes y deberes:
>
> (a) …
>
> (b) Evaluar el impacto que tienen las tarifas, la política pública **y cualquier otro asunto que pueda afectar a los clientes de servicio eléctrico**, telecomunicaciones y transporte en Puerto Rico;
>
> (c) **Ser defensora y portavoz de los intereses de los clientes en todos los asuntos que estén ante el Negociado de Energía**, el Negociado de Telecomunicaciones y el Negociado de Transporte y otros Servicios Públicos, o que estén siendo trabajados por el Programa de Política Pública Energética adscrito al Departamento de Desarrollo Económico, **relacionados con las**

> **tarifas y cargos de servicio eléctrico, calidad del servicio eléctrico, los servicios de las compañías de servicio eléctrico a sus clientes**, planificación de recursos, política pública y cualquier otro asunto de interés del cliente; (Énfasis suplido)
>
> (…)
>
> (e) Participar en el proceso de adopción o modificación de tarifas de los asuntos que afecten a los clientes de servicio eléctrico, telecomunicaciones y transporte;
>
> (f) Efectuar recomendaciones independientes ante los Negociados sobre tarifas, facturas, política pública y cualquier otro asunto que pueda afectar a los clientes de estos servicios en Puerto Rico;
>
> (g) Peticionar y abogar a favor de tarifas justas y razonables para los clientes que representa;
>
> (h) Participar o comparecer como parte interventora en cualquier acción, ante cualquier agencia gubernamental del Gobierno de Puerto Rico o del Gobierno Federal con jurisdicción, relacionada con tarifas, facturas, política pública o a cualquier otro asunto que pueda afectar a los consumidores y/o clientes de servicio eléctrico, de telecomunicaciones y de transporte;
>
> (…)"

11. Además, **el inciso (k) faculta a la OIPC a "[t]ener acceso a los documentos, expedientes e información a la que tenga acceso el Negociado de Energía**, el Negociado de Telecomunicaciones y el Negociado de Transporte y Otros Servicios Públicos, o que están siendo trabajados por el Programa de Política Pública Energética adscrito al Departamento de Desarrollo Económico, con excepción de información, documentos y expedientes privilegiados al amparo de las Reglas de Evidencia". Énfasis suplido.

12. De igual forma, la OIPC está facultada a "[a]sistir, asesorar y cooperar con las agencias estatales y federales para proteger y promover los intereses de los clientes de los servicios eléctricos, telecomunicaciones y transporte", según establecido en el inciso (p) de la propia Ley.

III. DISCUSIÓN

13. Cabe resaltar que, como resultado de este incidente los residentes de los Municipios de Santa Isabel, Coamo y Aibonito han sufrido inestabilidad en el servicio energético y relevos de cargas, en ocasiones, por más de doce (12) horas.

14. Es un hecho ineludible que esta situación ha trastocado la calidad de vida de estos consumidores, así como, provocado efectos económicos adversos en los comerciantes de esa zona, lo que ha impulsado un reclamo colectivo exigiendo soluciones permanentes.

15. Ciertamente, las medidas implementadas por LUMA a la fecha han resultado infructuosas. De igual forma, la dilación en resolver esta situación resulta inaceptable.

16. LUMA, como operador del sistema eléctrico tiene la obligación de solucionar, con carácter de urgencia, las fallas en el sistema eléctrico que provocaron esta situación y garantizarles a estos ciudadanos un servicio eléctrico de calidad.

17. Tomando en consideración la naturaleza de estos eventos, la OIPC, como representante y defensora de los consumidores del servicio eléctrico notifica su intención de intervenir en la presente investigación.

18. Como parte de nuestra intervención, muy respetuosamente solicitamos de este Negociado que, de conformidad con las disposiciones de la Ley 57-2014, *supra*,

nos confiera acceso de forma íntegra a todos los documentos e información a la que este Foro ha tenido acceso como parte del caso, indistintamente del trato confidencial que se le haya otorgado.

19. Cónsono con lo antes esbozado, también le solicitamos al Negociado que, de manera prospectiva, le requiera a LUMA notificarnos sobre cualquier escrito o información que radique en el caso que nos ocupa.

IV. SÚPLICA

POR TODO LO CUAL, se solicita muy respetuosamente de este Negociado, tome conocimiento de este Escrito y en su consecuencia, incluya a la OIPC como parte interventora y se nos conceda acceso a la información sometida por LUMA, incluyendo aquella información clasificada como confidencial.

RESPETUOSAMENTE SOMETIDO, en San Juan de Puerto Rico a 16 de julio de 2024.

CERTIFICO, haber enviado copia fiel y exacta de este escrito a: laura.rozas@us.dlapiper.com y valeria.belvis@us.dlapiper.com.

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ADDENDUM 14

Jul 18, 2024

11:52 AM

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted with Motion Dated July 15, 2024 and Exhibit 1 Submitted with Motion Dated July 16, 2024

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 SUBMITTED WITH MOTION DATED JULY 15, 2024 AND EXHIBIT 1 SUBMITTED WITH MOTION DATED JULY 16, 2024

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1] (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38kV power transformer (the "Incident") and ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*.

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

2. On July 1, 2023, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 1st Motion") in which it submitted, as an Exhibit 1, an Initial Report with summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident, explaining that such report was preliminary and subject to revision, and requested until July 22, 2024 to submit a final report and supporting documentation that would comprise the Incident Report covering all content items in Attachment A of the June 14th Order.

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order in which, among others, it designated, pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543, an Examining Officer in charge of the Investigation ("Examining Officer").

4. On July 11, 2024, LUMA filed a Memorandum of Law in support of the protection of the confidential information in the Initial Report submitted as Exhibit 1 with the July 1st Motion and submitted a redacted version of the Initial Report. *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024* filed on July 11, 2024.

5. On July 11, 2024, the Examining Officer issued an Urgent Order (the "July 11th Order") taking official notice of a LUMA press release notifying its costumers about the status of the installation of a transformer in the municipality of Santa Isabel and ordering LUMA to submit responses to the information listed in the July 11th Order (constituting a list of 17 numbered requests) within forty-eight (48) hours from the notification of the July 11th Order ("July 11th ROIs"). *See* July 11th Order on pages 1-2. In the July 11th Order, the Examining Officer informed LUMA that the requested information "will not be subject to the confidentiality norms provided

in Section 6.15 of Act 57-2014, 22 LPRA 1054n" ("Act 57-2014"). *See* July 11th Order on page 2.

6. On July 12, 2024, LUMA filed an *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024* ("Informative Motion") informing that, based on Section 1.09 of Regulation 8543, LUMA would be submitting its report in compliance with the July 11th Order on or before Monday, July 15th.

7. On July 12, 2024, the Examining Officer issued an Order taking notice of the Informative Motion and stating that LUMA must comply with the July 11th Order on or before July 15, 2024.

8. By motion dated July 15, 2024, LUMA submitted, as an Exhibit 1 thereto ("July 15th Exhibit 1"), its response to the July 11th ROIs with the exception of the response to the ROI number 3 ("ROI #3") with respect to which LUMA requested a twenty-four-hour (24) extension to submit, to ensure the validation and accuracy of the information submitted. *See Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality* electronically filed on July 16, 2024[2] ("July 15th Motion") on pages 6 and 18.

9. In the July 15th Motion, LUMA also requested the Energy Bureau/ Examining Officer to vacate the determination, made in the July 11th Order, that the responses to the July 11th ROIs would not be subject to the confidentiality provisions in Section 6.15 of Act 57-2014. *See id*. LUMA made this request based on legally supported arguments to the effect that: (a) the Energy Bureau/Examining Officer did not have authority to waive the confidentiality requirements under Section 15.10 of Regulation 8543 (which provides that documents will be maintained confidential

[2] LUMA's counsel informed the Energy Bureau's clerk by email that night that it had attempted to submit the July 15th Motion before midnight but received an error message from the Energy Bureau electronic system during several attempts, and that the motion was finally submitted a few minutes after midnight.

during investigations conducted under Article XV of that regulation until the investigation is concluded); (b) the determination in the July 11th Order to deny confidentiality of these documents without first evaluating the applicability of other legal bases for confidentiality under applicable laws and regulations was an arbitrary and capricious action and violated LUMA's due process rights; and (c) the Examining Officer did not have a delegated power to make determinations on confidentiality. *See id*. at pages 8-15.

10. In accordance with the above request and legal arguments, in the July 15th Motion, LUMA also requested the Energy Bureau/Examining Officer to maintain the July 15th Exhibit 1 confidential during the course of the Investigation and until it is concluded pursuant to Section 15.10 of Regulation 8543, as well as maintain confidential after the Investigation concludes the portions of the July 15th Exhibit 1 that are confidential pursuant to other applicable laws and regulations. *See id*. at pages 17-18. LUMA informed that it would be filing a Memorandum of Law in support of this latter request within ten (10) days, pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by the Resolution dated September 16, 2016 ("Policy on Management of Confidential Information"), and that it would be providing a redacted version of the July 15th Exhibit 1 that would be the public version after the Investigation is concluded. *See id*. at pages 8 and 16.

11. LUMA further requested the Energy Bureau/Examining Officer to treat the July 15th Exhibit 1 as confidential during and after the Investigation is concluded and informed that it would be submitting within the next ten (10) days a Memorandum of Law in support of the confidential treatment of the July 15th Exhibit 1 and a redacted version of the July 15th Exhibit 1, in compliance with the Energy Bureau's Policy on Management of Confidential Information. *See id*. at page 18.

12. On July 16, 2024, the Examining Officer issued an Order ("July 16th Order") denying LUMA's request for extension to submit the response to ROI #3 within twenty-four (24) hours, but nevertheless granting LUMA until July 17, 2024 at 11:00 a.m. to submit the response, and ordering LUMA to submit the Memorandum of Law in support for the confidential treatment of the July 15th Exhibit 1 by noon of July 18, 2024, as well as the redacted/public version of that Exhibit. In the July 16th Order, the Examining Officer also informed that he would suggest the Energy Bureau to impose a fine to LUMA for not complying with the filing due date of July 15, 2024. The Examining Officer also ordered the publication of the redacted version of the Initial Report submitted as Exhibit 1 to the July 1st Motion (which redacted version was submitted on July 11, 2024).

13. In compliance with the July 11th Order and the July 16th Order, and accordance with the July 15th Motion, on July 16, 2024, LUMA, submitted as an Exhibit 1 its response to ROI #3, incorporated into the document containing the responses to all other ROIs submitted with the July 15th Motion and also re-submitting the responses to all the other ROIs because, in light of the response to ROI #3, the responses to ROI's #2, #4, #5, #9, #15, and #16 were updated based on the results of the information gathering and validation exercise performed in connection with the response to ROI #3 and/or to renumber the attachments to some of these responses (so as to reflect their correct sequence in the totality of the document) ("July 16th Exhibit 1"). Additionally, LUMA added a "long-term" initiative to the response of ROI #7 and a minor revision was made to ROI's #8 and #12. LUMA also requested the Honorable Energy Bureau/Examining Officer maintain the July 16th Exhibit 1 confidential during the course of the Investigation and until its conclusion pursuant to Section 15.10 of Regulation 8543 as containing Critical Energy Infrastructure Information that garners protection from public disclosure pursuant to federal statutes and

regulations. LUMA informed that in compliance with the July 16th Order it would be submitting the Memorandum of Law in support for the confidential treatment of the July 16th Exhibit 1 by July 18, 2024.

14. In accordance with the above, LUMA is submitting below the Memorandum of Law stating the legal basis for the request to treat the July 15th Exhibit 1 and July 16th Exhibit 1 confidentially. LUMA is submitting this Memorandum of Law before the ten (10) day timeframe provided for in the Energy Bureau's Policy on Confidential Information in compliance with the Energy Bureau's July 16th Order. However, it is emphasized, as per LUMA's position in the July 15th Motion, that Section 6.15 of Act 57-2014, as amended, provides for the Energy Bureau to follow specified procedures for the proper management of documents, pursuant to which the Energy Bureau issued the Energy Bureau's Policy on Confidential Information (and which includes provisions to appropriately safeguard validated confidential information, such as Critical Energy Infrastructure Information), and that Section 15.10 of Regulation 8543 provides for maintaining documents confidential during the course of Energy Bureau investigations. LUMA reasserts its arguments in the July 15th Motion, emphasizing that these requirements cannot be unilaterally waived. By complying with this shortened timeframe LUMA is not waiving any of its arguments in the July 15th Motion and reiterates the applicability of the confidentiality provisions and associated procedures cited therein.

II. Memorandum of Law in Support of Request for Confidential Treatment of July 15th Exhibit 1 and July 16th Exhibit 1

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

15. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

16. 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.

17. 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).

18. 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.* paragraph 6.

19. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Critical Energy Infrastructure Information ("CEII"):

> The information designated by the [Energy Bureau] as Validated Confidential Information on the ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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).

20. Relatedly, Energy Bureau Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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."

B. Request for Confidentiality

21. The July 15th Exhibit 1 and July 16th Exhibit 1 include CEII information that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

22. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.*

23. 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 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.*

24. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[3] 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. § 671 (3).[4]

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[3] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, 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—
(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.

[4] CII includes the following types of information:

(A)actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;
(B)the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
(C)any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

25. The July 15th Exhibit 1 and July 16th Exhibit 1 include figures and diagrams containing: single line diagrams (engineering and SCADA) of the Santa Isabel Transmission Center; DRF data from the 1115 kV line 40300 from Aguirre to Santa Isabel; transient recorder data relating to the Ponce and Aguirre Transmission Centers; transformer differential protection relay event figures for transformer faults; SCADA data with sequencing of events for the Santa Isabel transformer. These diagrams and figures contain details on design and/or engineering information of critical electric system assets. In addition, these Exhibits include the coordinates showing specific location of the Santa Isabel substation, Buen Pastor substation and the Santa Isabel TC. In addition, some of these diagrams and figures provide forensic data and/ or forensic analysis on critical infrastructure and other components of the T&D System. The information in these diagrams, figures and coordinates, if disclosed, may reveal vulnerabilities of the electric system. Therefore, these diagrams figures, and information constitute 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).

26. The CEII designation of these diagrams, figures and coordinates is a reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

27. In addition, there are certain portions of the July 15th Exhibit 1 and July 16th Exhibit 1 that contain the name, signature, email or telephone number of individuals. The protection of this information 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 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). In addition, the Puerto Rico Open Government Data Act provides that the following information is excepted from public disclosure: information the disclosure of which could invade the privacy of third parties or affect their fundamental rights, as well as any type of information related to the street address, telephone number, emergency contact information, social security number, credit card number, tax and/or financial information, bank activity, confidential information of private third parties, trade secrets, tax returns, debt, or pin number, which is collected or maintained by a governmental body. *See* Act 122-2019, Articles 4(vi) and (xi). The July 15th Exhibit 1 and July 16th Exhibit 1 also contain the employer identification number of a private entity and an account number for payment for certain services which LUMA respectfully submits is also protected by the Open Government Data Act.

28. It is respectfully submitted that the protection of all of the confidential information discussed above does not affect the public's or the Energy Bureau's review of the present filing nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect privacy and protect CEII, weighs in favor of protecting the relevant portions of the July 15th Exhibit 1 and July 16th Exhibit 1 from disclosure.

III. Identification of Confidential Information.

29. In compliance with the Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, following is a table identifying the confidential information and summarizing the hallmarks of this request for confidential treatment:

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 15th Exhibit 1	Page 23 Cell in second row and second column in table	Coordinates of location of Santa Isabel Substation	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains exact location (with coordinates) of critical electric system assets.	July 16, 2024
July 15th Exhibit 1	Page 30 Entire diagram	Engineering Single Line Diagram of Santa Isabel Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 16, 2024
July 15th Exhibit 1	Page 31 Entire Diagram	SCADA Single Line Diagram of Santa Isabel Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 16, 2024
July 15th Exhibit 1	Page 35-38 Information in table	Copy of SCADA data with sequence of events for the Santa Isabel transformer 115 circuit breaker 0050 and 38 kV circuit breaker 0400 since it was energized on Friday 07-05-2024	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering (operational) and design information of critical electric system assets.	July 16, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 15th Exhibit 1	Page 39 Figure 0-1 (Entire figure)	DRF data seen from the 115 kV line 40300 from Aguirre to Santa Isabel.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical electric system asset.	July 16, 2024
July 15th Exhibit 1	Page 40 Entire figure	Figure shows the relay events from both Aguirre and Ponce for the transformer fault event.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical electric system asset.	July 16, 2024
July 15th Exhibit 1	Page 41 Figures 01	Figure 01 contains Ponce TC transient recorder data.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design and/or engineering information of a critical electric system asset.	July 16, 2024
July 15th Exhibit 1	Page 41 Figures 02	Figure 02 Aguirre TC transient recorder data	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design and/or engineering information of a critical electric system asset.	July 16, 2024
July 15th Exhibit 1	Page 45 (Page 4 of Services Agreement) Second line in paragraph (c) of Section 3.3	Number of account where charges for the Services will be recorded	Exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 15th Exhibit 1	Page 56 (Page 15 of Services Agreement), Second paragraph, first, fourth and fifth lines and fourth and fifth paragraphs	Names, emails and telephone numbers of individuals	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 15th Exhibit 1	Page 58 (Signature page of Services Agreement) Signatures after each "By", names after each "Name:" and Employee Identification Number after "EIN:"	Names and signatures of individuals and Employee Identification Number of contractor	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 15th Exhibit 1	Page 60 (Exhibit A, page A-2 of Services Agreement) Cells with X_LAT and X_LON data in table under 6.1.	Coordinates of Substations	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed location (in coordinates) of critical electric system assets.	July 16, 2024
July 15th Exhibit 1	Page 104 Under "Please Direct Inquiries to:", the first and second lines; under "Vendor", the first line.	Names of individuals and email address of one individual	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 15th Exhibit 1	Page 105 Fourth line from bottom to top, phone number	Name of Individual and telephone number	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 15th Exhibit 1	Page 106 Information after "Compradora:" and After "Email:"	Name of individual and email	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 15th Exhibit 1	Page 107 Information in box indicating "Authorized signature"	Name of individual and signature	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 16th Exhibit 1	Page 25 Cell in second row and second column in table	Coordinates Santa Isabel transformer	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains specific information on location (in coordinates) of critical electric system asset.	July 16, 2024
July 16th Exhibit 1	Page 32 Entire diagram	Engineering Single Line Diagram of Santa Isabel Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details on design and/or engineering information of a critical infrastructure asset.	July 16, 2024
July 16th Exhibit 1	Page 33 Entire Diagram	SCADA Single Line Diagram of Santa Isabel Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design and/or engineering information of a critical electric system asset.	July 16, 2024
July 16th Exhibit 1	Pages 42 – 45 Entire table.	Copy of SCADA data with sequence of events for the Santa Isabel transformer 115 circuit breaker 0050 and 38 kV circuit breaker 0400 since it was energized on Friday 07-05-2024.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering (operational) and design information of critical electric system assets.	July 16, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 16th Exhibit 1	Page 46 Figure 0-1 (Entire figure)	DRF data seen from the 115 kV line 40300 from Aguirre to Santa Isabel	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on details of design of a critical electric system asset.	July 16, 2024
July 16th Exhibit 1	Page 47 Entire figure	Figure shows the relay events from both Aguirre and Ponce for the transformer fault event.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design and/or engineering information of critical infrastructure assets.	July 16, 2024
July 16th Exhibit 1	Page 48 Figures 01 and 02 (entire figures)	Figure 01 contains Ponce TC transient recorder data. And Figure 02 Aguirre TC transient recorder data	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design and/or engineering information of a critical electric system asset.	July 16, 2024
July 16th Exhibit 1	Page 52 (Page 4 of Services Agreement) Second line in paragraph (c) of Section 3.3	Number of account where charges for the Services will be recorded	Exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 16th Exhibit 1	Page 63 (Page 15 of Services Agreement) (Page 15 of Services Agreement), Second paragraph, first, fourth and fifth lines and fourth and fifth paragraphs	Names, emails and telephone numbers of individuals	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 16th Exhibit 1	Page 65 (Signature page of Services Agreement) Signatures after each "By", names after each "Name:" and Employee Identification Number after "EIN:"	Names and signatures of individuals and Employee Identification Number of contractor	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 16th Exhibit 1	Page 67 (Exhibit A, page A-2 of Services Agreement) Cells with X_LAT and X_LON data in table under 6.1	Coordinates of substations	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains specific locations (with coordinates) of critical electric system assets.	July 16, 2024
July 16th Exhibit 1	Page 111 Under "Please Direct Inquiries to:", the first and second lines; under "Vendor", the first line.	Names of individuals and email address of one individual	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 16th Exhibit 1	Page 112 Fourth line from bottom to top, phone number	Name of Individual and telephone number	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
July 16th Exhibit 1	Page 113 Information after "Compradora:" and After "Email:"	Name of individual and email	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024
July 16th Exhibit 1	Page 114 Information in box indicating "Authorized signature"	Name of individual and signature	Right to privacy (*see, e.g.*, Const. ELA, Art, II, Sections 8 and 10 and exceptions to disclosure under Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi).	July 16, 2024

30. LUMA submits, as *Exhibit A* and *Exhibit B* herein, a redacted version of the July 15th Exhibit 1 and the July 16th Exhibit 1, respectively, in which the above identified confidential information is redacted. LUMA respectfully requests the Energy Bureau to accept *Exhibit A* and *Exhibit B* herein as the public version of the July 15th Exhibit 1 and the July 16th Exhibit 1, respectively.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** this Memorandum of Law in support of the confidential treatment of the July 15th Exhibit 1 and the July 16th Exhibit 1, **grant** the request herein to keep confidential the July 15th Exhibit 1 and the July 16th Exhibit 1, and **accept** the redacted version of the 15th Exhibit 1 and the July 16th Exhibit 1, included as *Exhibit A* and *Exhibit B* herein, respectively, as the public version of the 15th Exhibit 1 and the July 16th Exhibit 1, respectively.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 18th day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147 / 9145
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/s/ Laura T. Rozas
Laura T. Rozas
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/s/ Valeria Belvis Aquino
Valeria Belvis Aquino
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Exhibit A

Redacted Version of July 15th Exhibit 1

Exhibit B

Redacted Version of July 16th Exhibit 1

ADDENDUM 16

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO EN LA SUBESTACIÓN SANTA ISABEL AFECTANDO LOS MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**CASO NÚM.:** NEPR-IN-2024-0002 **ASUNTO:** ORDEN

ORDEN

El 11 de junio de 2024, el Oficial Examinador asignado por el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico ("Negociado de Energía" o "NEPR") para dirigir la *parte procesal* de la investigación del epígrafe, tomó conocimiento oficial de un comunicado de prensa de LUMA Energy ServCo, LLC and LUMA Energy, LLC, (en conjunto, "LUMA") relacionado al traslado del transformador a Santa Isabel y su fallido funcionamiento. Ese mismo día, el suscribiente emitió una *Orden Urgente* y ordenó a LUMA, a que, en un término de cuarenta y ocho (48) horas, contestara ciertas interrogantes relacionadas al comunicado de prensa.

El 16 de julio de 2024, LUMA presentó las respuestas a dieciséis (16) de los diecisiete (17) requerimientos de información incluidos en la *Orden Urgente*. LUMA omitió proveer la contestación al requerimiento número tres (3) y solicitó una extensión de veinticuatro (24) horas. El 16 de julio de 2024, el suscribiente emitió una *Orden* y denegó dicha extensión. Ordenó a LUMA a someter la contestación al requerimiento número tres (3) en o antes del 17 de julio de 2024 a las 11:00 a.m.

El 16 de julio de 2024, LUMA presentó una moción ante el NEPR donde incluyó la respuesta al requerimiento número tres (3) y una versión actualizada de las contestaciones a los demás requerimientos de información sometidas el 15 de julio de 2024. Así las cosas, se da por **cumplida** la orden relacionada a la entrega de la contestación del requerimiento número tres (3).

En relación al resto de las contestaciones presentadas por LUMA, como parte del requerimiento de información del 11 de julio de 2024, las mismas serán evaluadas en conjunto con el Electric Power Research Institute (EPRI), a quien el Negociado de Energía de Puerto Rico ha designado para evaluar los aspectos técnicos relacionados a esta investigación. Como resultado, se apercibe a LUMA que se podrían remitir preguntas, requerimientos de información y documentos adicionales, así como citar testigos.

Por último, se ordena a la Secretaría del Negociado de Energía de Puerto Rico a adelantar al público la versión del informe sometido por LUMA el 18 de julio de 2024, intitulado "Santa Isabel Substation Major Outage Affecting Coamo, Aibonito and Santa Isabel. NEPR-IN-2024-0002. Responses to July 11, 2024 Requests, dated July 16, 2024".

En adelante, el proceso investigativo continuará su curso y oportunamente, con el apoyo técnico del Electric Power Research Institute (EPRI), se emitirá un informe.

Hoy, 18 de julio de 2024, en San Juan, Puerto Rico.

Notifíquese y publíquese.

Gerardo A. Flores
Oficial Examinador

CERTIFICACIÓN

Certifico que así lo acordó el Oficial Examinador, Lic. Gerardo A. Flores, hoy 18 de julio de 2024. Certifico además que el 18 de julio de 2024 una copia de esta Orden fue notificada por correo electrónico a Laura.rozas@us.dlapiper.com; Valeria.belvis@us.dlapiper.com; y he procedido con el archivo en autos de la Orden.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 18 de julio de 2024.

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

Sonia Seda Gaztambide
Secretaria

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

ADDENDUM 17

Jul 19, 2024

10:18 PM

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: Urgent Request to Vacate Orders by the Hearing Examiner that Mandate Disclosure of Confidential Documents in the Course of an Investigation and/or for Reconsideration and to Seal Confidential Documents

URGENT REQUEST TO VACATE ORDERS BY THE HEARING EXAMINER THAT MANDATE DISCLOSURE OF CONFIDENTIAL DOCUMENTS IN THE COURSE OF AN INVESTIGACION AND/OR FOR RECONSIDERATION AND TO SEAL CONFIDENTIAL DOCUMENTS

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Introduction

1. LUMA hereby requests that this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") vacate and/or reconsider orders issued by the Examining Officer on July 11th, July 16th, and July 18th in this proceeding, whereby he ruled that documents filed in the course of the captioned ongoing Investigation, including a preliminary report, responses to requests for information and other filings made by LUMA, are not to be treated confidentially, and directed that they shall be disclosed and published in the public docket of this Energy Bureau, thereby contravening Section 15.10 of Regulation 8543 on confidentiality of the records of ongoing investigations[1].

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

2. Because the Examining Officer unilaterally repealed a valid and binding Energy Bureau regulation, his determination is unlawful, null and void, and must be urgently vacated. Additionally, the Examining Officer clearly exceeded the bounds of the authority that the Energy Bureau may delegate to him which, per Sections 3 (bb) and 6.11(b) of Act 57-2014, is limited to issuing recommendations that the Energy Bureau, acting as whole, may accept or reject. In the Investigation at hand the Energy Bureau only authorized the Examining Officer to "lead . . . procedural matters." *See* Resolution and Order of July 8, 2024, p. 2 ("July 8th Order"). Thus, the Examining Officer **was not designated, and could not have been validly designated,** to issue a final determination on confidentiality as he did when he directed that the records of this ongoing investigation shall be made public and caused the records of the investigation to be publicly available.

3. LUMA hereby urgently requests that the Energy Bureau Commissioners, assembled as a whole, vacate the July 11th, July 16th, and July18th Orders issued by the Examining Officer and urgently seal and remove from the public docket all of the filings by LUMA that are currently publicly available, including the preliminary report filed by LUMA on July 1, 2024[2], the Memorandum of Law in Support of Request for Confidential Treatment filed on July 11, 2024, and the updated version of the *Responses to July 11, 2024 Requests* that was filed on July 18, 2024.

II. Procedural Background

4. On June 14, 2024, this Energy Bureau issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543 (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at

[2] The filing is entitled *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment.*

the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38kV power transformer (the "Incident"). This Energy Bureau ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order.

5. On July 1, 2023, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 1st Preliminary Report") in which it submitted an Initial Report with a summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident. LUMA explained that such report was preliminary and subject to revision, and requested until July 22, 2024 to submit a final report and supporting documentation that would comprise the Incident Report covering all content items in Attachment A of the June 14th Order.

6. On July 8, 2024, the Energy Bureau issued a Resolution and Order in which, among others, it designated an Examining Officer in charge of the Investigation ("Examining Officer"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

7. On July 11, 2024, LUMA filed a Memorandum of Law in support of the protection of the confidential information in the July 1st Preliminary Report and a redacted version of the July 1st Preliminary Report. *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024* filed on July 11, 2024 ("July 11th Memorandum of Law").

8. On July 11, 2024, the Examining Officer issued an Urgent Order (the "July 11th Order") taking notice of a LUMA press release notifying its costumers about the status of the installation of a transformer in the Municipality of Santa Isabel and ordering LUMA to submit

responses to the information listed in the July 11th Order (constituting a list of 17 numbered requests) within forty-eight (48) hours from the notification of the July 11th Order ("July 11th ROIs"). *See* July 11th Order on pages 1-2. **In the July 11th Order, the Examining Officer informed LUMA that the requested information "will not be subject to the confidentiality norms provided in Section 6.15 of Act 57-2014, 22 LPRA 1054n" ("Act 57-2014").** *See* July 11th Order on page 2.

9. On July 12, 2024, LUMA filed an *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024* ("Informative Motion") informing that, based on Section 1.09 of Regulation 8543, LUMA would submit its report in compliance with the July 11th Order on or before Monday, July 15th. On July 12, 2024, the Examining Officer issued an Order taking notice of the Informative Motion and stating that LUMA should comply with the July 11th Order on or before July 15, 2024.

10. By motion dated July 15, 2024, LUMA submitted, as an Exhibit 1 thereto, its response to the July 11th ROIs with the exception of the response to the ROI number 3 ("ROI #3"), with respect to which LUMA requested a twenty-four-hour (24) extension to ensure the validation and accuracy of the information submitted ("July 15th Response to ROIs"). *See Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality,* electronically filed on July 16, 2024[3] ("July 15th Motion"), at pp. 6 and 18.

11. In the July 15th Motion, LUMA also stated its objection to the Examining Officer's determination that LUMA's responses would not be covered by the confidentiality provisions of Act 57-2017. LUMA raised arguments, supported by law, to the effect that: (a) the Energy

[3] LUMA's counsel informed the Energy Bureau's clerk by email that night that it had attempted to submit the July 15th Motion before midnight but received an error message from the Energy Bureau's electronic system during several attempts, and that the motion was finally submitted a few minutes after midnight.

Bureau/Examining Officer do not have authority to waive the confidentiality requirements under Section 15.10 of Regulation 8543 (which provides that documents will be maintained confidential during investigations conducted under Article XV of that Regulation until the investigation is concluded); (b) the determination in the July 11th Order to deny confidentiality without first evaluating the applicability of the legal justifications for confidentiality under applicable laws and regulations was an arbitrary and capricious action and violated LUMA's due process rights; and (c) the Examining Officer did not have authority to make final determinations on confidentiality. *See id*., at pp. 8-15.

12. In accordance with the above request and legal arguments, in the July 15th Motion, LUMA requested the Energy Bureau/Examining Officer to maintain the July 15th Response to ROIs confidential during the course of the investigation. This, pursuant to Section 15.10 of Regulation 8543. LUMA also requested that the Energy Bureau maintain confidentially, after the Investigation concludes, several portions of the July 15th Response to ROI that are confidential pursuant to other applicable laws and regulations. *See id*., at pp. 17-18. LUMA informed that it would file a Memorandum of Law in support of this latter request within ten (10) days, pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by the Resolution dated September 16, 2016 ("Policy on Management of Confidential Information"), and that it would provide a redacted version of the July 15th Response to ROIs that would be the public version after the Investigation is concluded. *See id*., at pp. 8 and 16.

13. On July 16, 2024, the Examining Officer issued an Order ("July 16th Order") denying LUMA's request for extension to submit the response to ROI #3 within twenty-four (24) hours, but nevertheless granting LUMA until July 17, 2024 at 11:00 a.m. to submit the response,

and ordering LUMA to submit the Memorandum of Law in support for the confidential treatment of the July 15th Response to ROIs by noon of July 18, 2024, as well as the redacted/public version of that response. In the July 16th Order, the Examining Officer also informed that he would recommend that the Energy Bureau impose a fine on LUMA for not complying with the filing due date of July 15, 2024. **The Examining Officer also ordered the publication of the redacted version July 1st Preliminary Report (which redacted version was submitted on July 11, 2024). However, the Examining Officer did not address LUMA's arguments under Section 15.10 of Regulation 8543, regarding the confidentiality of the records during the course of an investigation.**

14. In compliance with the July 11th Order and the July 16th Order, and accordance with the July 15th Motion, on July 16, 2024, LUMA, submitted as an Exhibit 1, its response to ROI #3, and an updated version of LUMA's responses to the July 11th ROIs ("July 16th Updated Response to ROIs"). LUMA also requested that the Energy Bureau/Examining Officer maintain the July 16th Updated Responses to ROIs confidential during the course of the Investigation and until its conclusion, pursuant to Section 15.10 of Regulation 8543, and also requested that certain information that garners protection as Critical Energy Infrastructure Information ("CEII"), should be protected from public disclosure pursuant to federal statutes and regulations after the investigation concludes.

15. On July 18, 2024, LUMA filed a Memorandum of Law in Support of Request for Confidential Treatment of the July 15th Response to ROIs and the July 16th Updated Response to ROIs. LUMA stated the legal basis for the request to treat those filings confidentially and requested that portions of the July 15th Response to ROIs and the July 16th Updated Response to ROIs be kept confidential after the investigation concludes as the information is protected from disclosure

as CEII. LUMA also indicated that certain portions of the July 15th Response to ROIs and July 16th Updated Response to ROIs included information that should be protected pursuant to Puerto Rico's framework on privacy which protect from disclosure personal information (s*ee, e.g.*, Const. ELA, Art. II, Sections 8 and 10, which protect the right to control personal information and distinctive traits, which right 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) and/or other information excepted from disclosure under the Puerto Rico Open Government Data Act (*see* Act 122-2019m Articles 4(vi) and (xi)). In compliance with the Energy Bureau's Policy on Confidential Information, LUMA identified the portions of the July 15th Response to ROIs and the July 16th Updated Response to ROIs that garner confidentiality protection. Lastly, LUMA reiterated that under Section 15.10 of Regulation 8543, the records of this Investigation must be maintained confidential during the course of the Investigation.

16. On July 18, 2024, the Examining Officer issued a new Order ("July 18th Order") deeming LUMA in compliance with the July 16th Order and stated that he will evaluate the documents submitted by LUMA together with the Electric Power Research Institute ("EPRI"). He warned that he could interpose additional questions and requests for information and documents, as well as summon witnesses. **Lastly, the Examining Officer ordered the Clerk of the Energy Bureau to publish the redacted/public version of the July 16th Updated Response to ROIs, as filed by LUMA on July 18, 2024.**

17. At the time of this filing, following the orders of the Examining Officer, the Clerk of the Energy Bureau published, in the electronic docket of this proceeding, the July 1st Preliminary

Report, the July 11th Memorandum of Law, and the July 16th Updated Response to ROIs, thereby annulling the confidentiality provisions of Section 15.10 of Regulation 8543.

III. Urgent Request to Vacate Orders by the Examining Officer to Publish Documents

A. The Examining Officer unlawfully repealed valid and binding provisions of Regulation 8543 on confidentiality of the records of ongoing investigations.

18. Administrative agencies have the power to adopt rules of a legislative nature as delegated by the Legislature. *Buono Correa v. Secretary of Natural Resources*, 177 DPR 415, 449 (2009). It is hornbook law that administrative agencies must comply with their own regulations once they are promulgated. *Ayala Hernández v. Consejo Titulares*, 190 DPR 537, 568 (2014). *Mun. de Toa Baja v. DRNA*, 185 DPR 684, 700 (2012).

19. An agency's duty to comply with its own regulations arises from the fact that validly enacted regulations have the force of law and are thus binding and determinative as to the rights, duties and obligations of the persons subject to the agency's jurisdiction. *López Leyro v. E.L.A.*, 173 DPR 15, 26 (2008); *Torres Arzola v. Policía de P.R.*, 117 DPR 204, 211 (1986) ("Once an administrative body has defined the boundaries of its action through duly promulgated regulations, it must zealously apply them."). The regulation of an agency ordinarily creates a right that protects those who act under its provisions. *P.S.P. v. Comisión Estatal de Elecciones*, 110 DPR 400, 409 (1980); *Aparicio v. Peñagarícano*, 84 DPR 401, 410 (1962). Therefore, administrative agencies "cannot ignore their own regulations and base their actions on superior interpretive authority because of the particular expertise." *López Leyro*, 173 DPR 15, at p. 26.

20. The text of the relevant Energy Bureau Regulation is pellucid: "[t]he [Energy Bureau's] record shall remain confidential while the investigation is in process." Section 15.10 of Regulation 8543. Section 15.10 of Regulation 8543 further provides that "[t]he record shall be

available to the general public **once the investigation report is notified to the investigated party or upon conclusion of any investigation** that does not require the Commission to prepare a report, as set forth in Section 15.07 of this Chapter" (emphasis added). That is, documents filed in connection with ongoing investigations are received by this Energy Bureau and kept under seal of confidentiality until the investigation concludes through a report or a final determination by this Energy Bureau.

21. Because Section 15.10 of Regulation 8543 is a valid rule adopted by this Energy Bureau that has not been repealed, the Examining Officer's determination to deny confidential treatment to the information submitted by LUMA in the course of this Investigation is contrary to the legal duty to comply with the Energy Bureau's regulations that have the force of law and to zealously enforce them. Here, the text of the regulation is clear and unambiguous and mandates confidentiality without exceptions. That mandate of confidentiality, in turn, lasts until the Energy Bureau concludes an investigation. To wit, the occurrence that allows disclosure of the records of an investigation is issuance of a final determination that puts an end to an investigation. Since that has not occurred, the Energy Bureau must immediately seal the records of this Investigation.

22. As a party subject to an investigation, LUMA has an expectation that this Energy Bureau will faithfully apply its own regulations. In this instance, that entails the right to expect that the information submitted in the course of an investigation, including the preliminary report, filings, and responses to requests for information, be maintained confidentially pursuant Section 15.10 of Regulation 8543.

23. The rule on confidentiality of the records of ongoing investigations protects the procedural rights of the party subject to the investigation, the authority of this Energy Bureau, and the public interest.

24. First, Section 15.10's mandate of confidentiality protects the investigated party from undue pressure from those who may misconstrue the preliminary information submitted to the Energy Bureau or seek to unduly influence the process before the Energy Bureau is able to review the information to issue a final report or determination. A determination such as the one issued by the Examining Officer in this case to decline to apply Section 15.10, affects the procedural and substantive rights of the party subject to an investigation exposing it to scrutiny before it has an opportunity to complete its own investigation and before it can place the Energy Bureau in a position to issue a fair, correct, and considered determination or report.

25. Confidentiality of the investigative record while an investigation is ongoing is particularly important for the investigated party because of the possible outcomes derived from the investigation. To wit, Section 15.09 of Regulation 8543 provides that once an investigation ends, in the case that the Energy Bureau determine that there is a probable violation or breach of the public energy policy of the Commonwealth of Puerto Rico, Act No. 57-2014, or an Energy Bureau regulation, it may: issue a Notice of Noncompliance to the noncomplying party under Article XII of Regulation 8543 that could lead to imposition of a fine; refer the report to Commonwealth Energy Public Policy Office; or refer the report to the Independent Consumer Protection Office for the filing of a complaint or corresponding action before the Energy Bureau. Given the potential implication of an investigation to the rights of a party, it is more than reasonable that the investigative records be keep confidential before the Energy Bureau reaches a conclusion so as to maintain the impartiality of the process.

26. Second, in directing *via* regulation that the records of ongoing investigations are confidential, the Energy Bureau struck a policy balance between the interest in public disclosure and protecting the integrity of investigations, which must be honored. Section 15.10 of Regulation

8543 protects the investigative processes by allowing the Energy Bureau to receive and request information without undue intervention or influences that could inhibit the investigative process.

27. Third, the interests in transparency and public access to information are not served by premature disclosure of information that is subject to revision and thus, subject to change. Nor is the public interest best served through premature disclosure of information that has not been reviewed or interpreted by the Energy Bureau. Particularly, because Energy Bureau investigations, such as this one, involve technical information regarding the Transmission and Distribution System.

28. In this proceeding, LUMA submitted a preliminary report that by its nature, included information subject to review when the LUMA's final report is filed. Premature disclosure of said preliminary report may lead to confusion. The public interest is best served by protecting the preliminary report until after final determination is made by the Energy Bureau.

29. In conclusion, the clear text of Section 15.10 of Regulation 8543 mandates that the Energy Bureau vacate and annul the orders issued by the Examining Officer in this proceeding, pursuant to which, the records of this Investigation, including the redacted/public version of the July 1st Preliminary Report, the July 11th Memorandum of Law, and the July 16th Updated Response to ROIs, are currently public in clear contravention of Section 15.10 of Regulation 8543.

B. The Examining Officer acted ultra vires.

30. Section 6.3 (bb) of Act 57-2014, provides the Energy Bureau with the authority to conduct inspections, investigations and audits to achieve the purposes of the act. 22 LPRA §1054b (bb) (2024). It also allows the Energy Bureau to delegate said authority through a resolution. *Id*. In said resolution, the Energy Bureau must establish the limits and the duration term of the delegation. *Id.*

31. In turn, Section 6.11(b) of Act 57-2014 grants the Energy Bureau authority to delegate adjudicative matters to examining officers. 22 LPRA §1054j (2024). The hearing or examining officer "shall be responsible for **issuing recommendations** to the Energy [Bureau] regarding the adjudication of the case or a procedural incident subject to said assignment, referral, or delegation by the [Energy Bureau]." *Id.* In issuing its determination in a matter that was delegated to a hearing or examining officer, the Energy Bureau has full discretion to accept or reject the recommendations. *Id*. In addition, a hearing or examining officer who is appointed to preside over a hearing or investigation "shall have the powers expressly delegated to them by the [Energy Bureau] in designation". *Id*.[4]

32. In the July 8th Order, the Energy Bureau delegated authority to the Examining Officer **over procedural matters**. Specifically, the Energy Bureau stated that the Examining Officer had authority to "lead procedural matters." *See* July 8th Order, p. 2. Those procedural matters are the following: "(1) administer oath and take depositions; (2) issue orders and citations; (3) preside hearings; (4) request, receive and evaluate documents; (5) request, coordinate and participate visual inspections; (6) request, coordinate meetings and conferences; (7) apply any mechanisms allowed under Article XV of Regulation 8543 to complete the investigation of the Incident". *See* July 8th Motion, at pp. 1-2. The Energy Bureau also delegated to the Examining Officer the responsibility to prepare a procedural report that will enclose the EPRI's final technical report. *See id.*

[4] Section 6.11(b) of Act 57-2014 also provides that examining of hearing officers shall be designated and will undertake their functions as provided in Act 38-2017, as amended, known as the *Uniform Administrative Procedure Act of the Government of Puerto Rico*. Section 3.3 of Act 38-2017, as amended, in turn, indicates that agencies may designate examining officers to preside in adjudicative proceedings and provides immunity to these officers for their recommendations provided certain conditions are met. *See* 3 LPRA § 9643 (2024).

33. As evidenced by the July 8th Order, the Examining Officer in this proceeding **only has authority to "lead procedural matters."** That means that the Examining Officer does not have authority to issue final determinations on rights conferred under Regulation 8543, to wit, confidentiality of the records of this investigation. Moreover, as a matter of law, this Energy Bureau does not have authority to delegate decision-making authority to a hearing or examining officer, given that Section 6.11(b) of Act 57-2014 clearly provides that hearing or examining officers issue recommendations to the Energy Bureau and the Energy Bureau has full discretion to accept or reject those recommendations. This means that the Examining Officer in this proceeding **is not authorized** by law nor by the July 8th Order to make final determinations on confidentiality, much less a determination that annuls LUMA's rights under Section 15.10 of Regulation 8543 and directs the Clerk of the Energy Bureau to disclose and publish the records of an ongoing investigation.

34. In the July 15th Motion, LUMA stated its objection to a determination to disclose the confidential records of this Investigation and requested that the July 15th Responses to ROIs be kept under seal. The Examining Officer, however, did not address said request and instead directed the Clerk of the Energy Bureau to publish LUMA's filings, thereby issuing an unlawful and unauthorized determination that the records of this Investigation are not to be treated confidentially while the Investigation is ongoing. The Examining Officer acted *ultra vires* and transgressed his authority under applicable law. *See Comisionado de Seguros v. Real Legacy Assurance*, 179 DPR 692, 710-712 (2010) (discussing that an examining officer may produce a recommendation on how to adjudicate a case and that an examining officer's power to decide is limited given that he/she is not the final decision maker); *see also Figueroa v. Departamento de Salud*, KLRA9600395, 1997 PR App. LEXIS 352 (March 24, 1997) (The Puerto Rico Court of Appeals affirmed an Order issued by the Secretary of Health that annulled the interlocutory determinations made by an examining

officer in circumstances in which the examining officer exceeded the powers delegated to him/her, as the interlocutory orders disposed of the case in a final manner before a hearing was held on the merits and intruded in the powers of the Secretary to issue a final determination). This Energy Bureau must vacate the determinations and orders issued by the Examining Officer that currently allow the records of this Investigation to be publicly available.

WHEREFORE, LUMA respectfully requests that this Honorable Energy Bureau **take notice** of the above, **vacate and/or reconsider** the orders issued by the Examining Officer on July 11th, 16th, and 18th directing that the records of this proceeding are not confidential and instructing the Clerk of the Energy Bureau to publish LUMA's filings, **direct** the Clerk of the Energy Bureau to **seal and remove** from the public docket the July 1st Preliminary Report, the July 11th Memorandum of Law, and the July 16th Updated Response to ROIs, and **grant** the request to keep confidential the July 15th Response to ROIs and the July 16th Updated Response to ROIs, as requested by LUMA.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 19th day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

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GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO EN LA SUBESTACIÓN SANTA ISABEL AFECTANDO LOS MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**CASO NÚM.:** NEPR-IN-2024-0002 **ASUNTO:** ORDEN

ORDEN

El 11 de junio de 2024, el Oficial Examinador asignado por el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico ("Negociado de Energía" o "NEPR") para dirigir la *parte procesal* de la investigación de epígrafe, tomó conocimiento oficial de un comunicado de prensa de LUMA Energy ServCo, LLC and LUMA Energy, LLC, (en conjunto, "LUMA") relacionado al transformador de Santa Isabel y su fallido funcionamiento. Ese mismo día, el suscribiente emitió una Orden Urgente y ordenó a LUMA, a que, en un término de cuarenta y ocho (48) horas, contestara ciertas interrogantes relacionadas al comunicado de prensa. Considerando la política de transparencia y rendición de cuentas fomentada por la Ley 57-2014 del Gobierno de Puerto Rico, se determinó que la información solicitada no estaría sujeta a las normas de confidencialidad dispuestas en el Artículo 6.15 de la Ley, 22 LPRA 1054n.

El 16 de julio de 2024, LUMA presentó el Exhibit 1, el cual incluyó las respuestas a dieciséis (16) de los diecisiete (17) requerimientos de información[1] incluidos en la *Orden Urgente* y objetó la determinación de este Oficial Examinador de que la información solicitada no estaría sujeta a las normas de confidencialidad, solicitó que se dejara sin efecto dicha orden y que se designara el Exhibit 1 como confidencial durante y después de que la investigación de epígrafe concluya. LUMA fundó su argumentación en la sección 6.15 de la Ley 57-2019; sección 1.10 (i) y (ix) de la Ley 17-2019[2]; Sección 1.15 del Reglamento 8543[3]; y la Política sobre el Manejo de Información Confidencial en los Procedimientos ante el Negociado de Energía, CEPR-MI- 2016-0009 de 31 de agosto de 2016, enmendada el 20 de septiembre de 2016. Ese mismo día, LUMA sometió una nueva v ersión del Exhibit 1, la cual

[1] LUMA omitió incluir la respuesta al requerimiento de información número tres.
[2] Ley de Política Pública Energética de Puerto Rico, según enmendada.
[3] Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas y Procedimientos de Investigación.

incluyó la contestación al requerimiento de información número tres y actualizaciones a las respuestas #2, 4, 5, 7, 8, 9, 12, 15 y 16.

El 16 de julio de 2024, el Oficial Examinador ordenó a LUMA a someter, en o antes del 18 de julio de 2024, un memorando de Derecho identificando específicamente aquella información que pretende que se considere como confidencial, siguiendo las instrucciones incluidas en la Política del Negociado de Energía, CEPR-MI-2016-0009.

El 18 de julio de 2024, LUMA presentó "Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted with Motion dated July 15, 2024 and Exhibit 1 Submitted with Motion dated July 16, 2024." LUMA alegó que toda la información incluida en el Exhibit 1 de 15 y 16 de julio de 2024 debe ser confidencial durante el curso de la investigación y después de concluida, a tenor con la Sección 15.10 del Reglamento 8543, por contener Información de Infraestructura Crítica ("critical energy infrastructure information") que amerita protección de la divulgación pública por incluir información y activos que representan riesgos a la economía, seguridad pública y salud.[4]

De igual forma, LUMA discutió la sección 6.15 de la Ley 57-2014 la cual establece las normas de confidencialidad al someter información ante el Negociado de Energía. Dicta dicha sección que la persona que entienda que la información goza de algún privilegio de confidencialidad podrá pedirle al NEPR que le dé dicho tratamiento. *Si el Negociado de Energía, luego de una evaluación, entiende que la información debe ser protegida, buscará la manera de conceder esta protección en la forma que menos impacte al público, la transparencia y el derecho de las partes envueltas en el procedimiento administrativo*. 22 L.P.R.A § 1054n. El NEPR podrá dar acceso al documento o a las partes del documento que sean privilegiadas solo a los abogados y consultores externos envueltos en el proceso

[4] En lo pertinente, LUMA incluyó que "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 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), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").3 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. § 671 (3)." Véase, Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted with Motion dated July 15, 2024 and Exhibit 1 Submitted with Motion dated July 16, 2024, ¶¶21-24.

administrative luego de la ejecución de un acuerdo de confidencialidad. *Id.* Dicha sección establece además que el Negociado de Energía mantendrá completamente fuera del escrutinio público documentos presentados *solo en casos excepcionales, que la información será debidamente salvaguardada y entregada exclusivamente al personal del NEPR y que se ordenará que se suministre una versión no confidencial para la revisión del público. Id.*

Asimismo, LUMA destaca que la sección 1.10 (i) y (ix) de la Ley 17-2019 dispone que compañías de servicio eléctrico deben proveer documentos e información solicitada por los clientes excepto por información que sea privilegiada a tenor con las Reglas de Evidencia y asuntos de seguridad pública relacionados con amenazas contra esta, sus bienes o sus empleados. 22 L.P.R.A. § 1141i (i) y (ix).

La Política CEPR-MI-2016-0009 del Negociado de Energía establece el procedimiento para la designación de información confidencial. Dicha Política ordena a la parte que procure la confidencialidad a someter un memorando de derecho estableciendo las bases legales que apoyan el argumento de confidencialidad en un término no más tarde de diez (10) días luego de la presentación de la información confidencial. En dicho memorando, se debe relacionar cada documento con la base legal y los argumentos específicos que apoyan cada reclamo. El Negociado de Energía estableció que, con el propósito de garantizar la flexibilidad necesaria para que sus procedimientos se lleven a cabo enmarcados en principios de máxima transparencia y eficiencia, el término de diez (10) días, cuando el NEPR lo estime necesario, podrá ser modificado. El Negociado de Energía decidirá sobre el reclamo de confidencialidad y clasificará como "Información Confidencial Validada" toda información a la que se le confiera algún tipo de información. Al emitir la decisión, el Negociado de Energía identificará la información confidencial que merece protección y las reglas que se observarán para salvaguardar la información confidencial. Por su parte, LUMA distingue que la sección 1.15 del Reglamento 8543 dispone que si una persona tiene el deber de presentar ante el Negociado de Energía información que a su juicio es privilegiada deberá identificar la información que aduce ser privilegiada, exponer las razones por las que es privilegiada y solicitar la protección de dicha información. Del Negociado de Energía entender que la información amerita protección, procederá de conformidad con lo dispuesto en la sección 6.15 de la Ley 57-2014.

A tenor con lo anterior, LUMA destacó que entre los documentos entregados se encuentran figuras y diagramas que contienen Información de Infraestructura Crítica que incluye información sobre el diseño o ingeniería de los sistemas de infraestructura, coordenadas, data y análisis forenses, que si son divulgadas podrían revelar las debilidades del sistema eléctrico. Asimismo, incluye información personal de individuos como el nombre, correo electrónico, teléfono y firma e información privada de entidades jurídicas como números de cuentas bancarias y número de identificación patronal. LUMA discute que esta información está protegida por el Artículo II, Secciones 8 y 10 de la Constitución del Estado Libre Asociado de Puerto Rico y por la Ley 122-2019, conocida como "Ley de Datos Abiertos de Puerto Rico.

La sección 6.15 de la Ley 57-2014 establece las normas de confidencialidad al someter información ante el Negociado de Energía. Conforme a lo allí establecido, LUMA solicitó que se le diera tratamiento confidencial a la siguiente información:

A. Exhibit 1 de 15 de julio de 2024

1. Coordenadas de la subestación de Santa Isabel incluidas en la tabla, pág. 23.
2. Diagrama que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 30.
3. Diagrama que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 31.
4. Tablas que contienen información de ingeniería y diseño de sistemas eléctricos críticos, págs. 35-38.
5. Figura 0-1 que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 39.
6. Figura que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 40.
7. Figura 01 que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 41.
8. Figura 01 que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 42.
9. Número de cuenta incluido en el Acuerdo de Servicios, pág. 45.

10. Nombres, firmas, números de teléfono y direcciones electrónicas de individuos y número de identificación patronal del contratista, incluido en el Acuerdo de Servicios, págs. 56, 58, 104-107.
11. Coordenadas de subestaciones, Acuerdo de Servicio, pág. 60.

B. Exhibit 1 de 16 de julio de 2024

1. Coordenadas del transformador de Santa Isabel incluidas en la tabla, pág. 25.
2. Diagrama que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 32.
3. Diagrama que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 33.
4. Tabla que contiene información de ingeniería y diseño de sistemas eléctricos críticos, págs. 42-45.
5. Figura 0-1 que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 46.
6. Figura que contiene información de ingeniería y diseño de sistemas eléctricos críticos, pág. 47.
7. Figuras 0-1 y 0-2 que contienen información de ingeniería y diseño de sistemas eléctricos críticos, pág. 48.
8. Número de cuenta incluido en el Acuerdo de Servicios, pág. 52.
9. Nombres, firmas, números de teléfono y direcciones electrónicas de individuos y número de identificación patronal del contratista, incluido en el Acuerdo de Servicios, págs. 63, 65 y 111-114.
10. Coordenadas de subestaciones, Acuerdo de Servicio, pág. 67.

El inciso (c) de la sección 6.15 de la Ley 57-2014 dispone que el Negociado de Energía mantendrá completamente fuera del escrutinio público documentos presentados ante ella **solo en casos excepcionales.** Luego de haber realizado un análisis y evaluación rigurosa donde se sopesó el impacto al interés público, la política pública de transparencia, los derechos de LUMA y la protección a la Información de Infraestructura Crítica, se decreta la confidencialidad de la información antes enumerada. Esta información se mantendrá fuera del escrutinio público y la información será debidamente identificada como **Información Confidencial Validada** por ser información crítica de infraestructura e información

personal de terceros que amerita protección por razones de seguridad y política y a tenor con la legislación federal y estatal aplicable. El catalogar esta información como Información Confidencial Validada no menoscaba el acceso a la información pública y protege la vulnerabilidad de nuestro sistema de infraestructura de ataques, interferencias e interrupciones adicionales.

Conforme a la legislación aplicable, el Negociado de Energía está autorizado a suministrar una versión no confidencial para la revisión del público. 22 L.P.R.A § 1054n(c). La versión del Exhibit 1 de 16 de julio de 2024 que se catalogó como no confidencial conforme a la Ley 57-2014 es la versión preparada e identificada por LUMA como la **versión pública** del documento, la cual tiene tapada ("redacted") la Información Confidencial Validada.

Las clasificaciones absolutas de confidencialidad, aun siendo temporeras, no impiden la divulgación de la información pública incluida en los expedientes. El derecho a la información pública impone al Estado, el deber de hacer pública la información no confidencial incluida en un expediente, así sea extrayendo la información o tachando las partes confidenciales. Lo anterior aún en etapas investigativas, pues es el investigador quien tiene el control de la investigación que realiza y no los investigados, en este caso, los regulados. *Véanse Colón Cabrera v. Caribbean Petroleum Corporation, et al.,* 170 DPR 582, 596-97 (2007); *Kilómetro 0 v. Pesquera López*, 207 DPR 200, 221-222 (2021); *Centro de Periodismo Investigativo v. Cidre Miranda*, *et als*., KLAN 2021-01005 (Sentencia del 31 de mayo de 2022) (Solicitud de *Certiorari* al Tribunal Supremo denegada el 4 de noviembre de 2022); *Centro de Periodismo Investigativo v. Compañía de Turismo*, KLAN 2024- 00016 (Sentencia del 26 de enero de 2024) (Solicitud de *Certiorari* al Tribunal Supremo denegada el 1 de marzo de 2024).

De LUMA entender que información adicional a ser sometida ante este Negociado de Energía es confidencial, deberán exponer las razones para ello conforme a los procedimientos aplicables.

Por tratarse de un proceso investigativo donde no existen partes para fines de un proceso administrativo, en adelante se ordena que sólo se notificará a la persona natural o jurídica objeto de requerimiento o investigación, salvo que el Oficial Examinador determine lo contrario. Esta Orden se mantiene confidencial hasta que culmine la investigación.

Hoy, 22 de julio de 2024, en San Juan, Puerto Rico.

Notifíquese a LUMA.

Gerardo A. Flores
Oficial Examinador

CERTIFICACIÓN

Certifico que así lo acordó el Oficial Examinador, Lic. Gerardo A. Flores, hoy 22 de julio de 2024. Certifico además que el 22 de julio de 2024 una copia de esta Orden fue notificada por correo electrónico a Laura.rozas@us.dlapiper.com; Valeria.belvis@us.dlapiper.com; y he procedido con el archivo en autos de la Orden.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 22 de julio de 2024.

Sonia Seda Gaztambide
Secretaria

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

IN RE:	**CASE NO. NEPR-IN-2024-0002**
SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**SUBJECT: Submission of Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment**

MOTION SUBMITTING INCIDENT REPORT IN COMPLIANCE WITH RESOLUTION AND ORDER OF JUNE 14, 2024 AND REQUEST FOR CONFIDENTIAL TREATMENT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Relevant Background

1. On June 14, 2024, the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1] (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38kV power transformer (the "Incident"). This Energy Bureau ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order.

2. On July 1, 2023, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order*

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

of June 14, 2024 and Request for Confidential Treatment ("July 1st Preliminary Report" or "July 1st Motion") in which it submitted an Initial Report with a summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident. LUMA explained that such report was preliminary and subject to revision, and requested until July 22, 2024 to submit a final report and supporting documentation that would comprise the Incident Report covering all content items in Attachment A of the June 14th Order.

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order ("July 8th Order") in which, among others, it designated an Examining Officer in charge of the Investigation ("Examining Officer"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

4. On July 11, 2024, LUMA filed a Memorandum of Law in support of the protection of the confidential information in the July 1st Preliminary Report and a redacted version of the July 1st Preliminary Report. *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024* filed on July 11, 2024 ("July 11th Memorandum of Law").

5. On July 11, 2024, the Examining Officer issued an Urgent Order (the "July 11th Order") indicating that the Energy Bureau was taking official notice of a LUMA press release notifying its costumers about the status of the installation of a transformer in the municipality of Santa Isabel and ordering LUMA to submit responses to the information listed in the July 11th Order (constituting a list of 17 numbered requests) within forty-eight (48) hours from the notification of the July 11th Order ("July 11th ROIs"). *See* July 11th Order on pages 1-2. In the July 11th Order the Examining Officer informed LUMA that the requested information "will not be subject to the confidentiality norms provided in Section 6.15 of Act 57-2014, 22 LPRA 1054n". *See id.* at page 2.

6. On July 12, 2024, LUMA filed an *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024* ("Informative Motion") informing that, based on Section 1.09 of Regulation 8543, LUMA would submit its report in compliance with the July 11th Order on or before Monday, July 15, 2024. On July 12, 2024, the Examining Officer issued an Order taking notice of the Informative Motion and stating that LUMA should comply with the July 11th Order on or before July 15, 2024.

7. By motion dated July 15, 2024, LUMA submitted, as an Exhibit 1 thereto, its response to the July 11th ROIs with the exception of the response to the ROI number 3 ("ROI #3"), with respect to which LUMA requested a twenty-four-hour (24) extension to ensure the validation and accuracy of the information submitted ("July 15th Response to ROIs"). *See Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality*, electronically filed on July 16, 2024[2] ("July 15th Motion"), at pp. 6 and 18.

8. In the July 15th Motion, LUMA also stated its objection to the Examining Officer's determination that LUMA's responses would not be covered by the confidentiality provisions of Act 57-2017. LUMA raised arguments, supported by law, to the effect that: (a) the Energy Bureau/Examining Officer do not have authority to waive the confidentiality requirements under Section 15.10 of Regulation 8543 (which provides that documents will be maintained confidential during investigations conducted under Article XV of that Regulation until the investigation is concluded); (b) the determination in the July 11th Order to deny confidentiality without first evaluating the applicability of the legal justifications for confidentiality under applicable laws and regulations was an arbitrary and capricious action and violated LUMA's due process rights; and

[2] LUMA's counsel informed the Energy Bureau's clerk by email that night that it had attempted to submit the July 15th Motion before midnight but received an error message from the Energy Bureau's electronic system during several attempts, and that the motion was finally submitted a few minutes after midnight.

(c) the Examining Officer does not have authority to make final determinations on confidentiality. *See id.*, at pp. 8-15.

9. In accordance with the above request and legal arguments, in the July 15th Motion LUMA requested the Energy Bureau/Examining Officer to maintain the July 15th Response to ROIs confidential during the course of the investigation. This, pursuant to Section 15.10 of Regulation 8543. LUMA also requested that the Energy Bureau maintain confidentially, after the Investigation concludes, several portions of the July 15th Response to ROI that are confidential pursuant to other applicable laws and regulations. *See id.*, at pp. 17-18. LUMA informed that it would file a Memorandum of Law in support of this latter request within ten (10) days, pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by the Resolution dated September 16, 2016 ("Policy on Management of Confidential Information"), and that it would provide a redacted version of the July 15th Response to ROIs that would be the public version after the Investigation is concluded. *See id.*, at pp. 8 and 16.

10. On July 16, 2024, the Examining Officer issued an Order ("July 16th Order") denying LUMA's request for extension to submit the response to ROI #3 within twenty-four (24) hours, but nevertheless granting LUMA until July 17, 2024 at 11:00 a.m. to submit the response, and ordering LUMA to submit the Memorandum of Law in support for the confidential treatment of the July 15th Exhibit 1 by noon of July 18, 2024, contrary to the 10-day term provided for in the Policy on Management of Confidential Information, as well as the redacted/public version of that Exhibit. In the July 16th Order, the Examining Officer also informed that he would recommend that the Energy Bureau impose a fine on LUMA for not complying with the filing due date of July 15, 2024. The Examining Officer also ordered the publication of the redacted version July 1st

Preliminary Report (which redacted version was submitted on July 11, 2024). However, the Examining Officer did not address LUMA's arguments under Section 15.10 of Regulation 8543, regarding the confidentiality of the records during the course of an investigation.

11. In compliance with the July 11th Order and the July 16th Order, and accordance with the July 15th Motion, on July 16, 2024, LUMA submitted as Exhibit 1 its response to ROI #3, and an updated version of LUMA's responses to the July 11th ROIs ("July 16th Updated Response to ROIs"). LUMA also requested that the Energy Bureau/Examining Officer maintain the July 16th Updated Responses to ROIs confidential during the course of the Investigation and until its conclusion, pursuant to Section 15.10 of Regulation 8543, and also requested that certain information be protected from public disclosure pursuant to federal statutes and regulations after the investigation concludes.

12. On July 18, 2024, LUMA filed a Memorandum of Law in Support of Request for Confidential Treatment of the July 15th Response to ROIs and the July 16th Updated Response to ROIs. LUMA stated the legal basis for the request to treat those filings confidentially and requested that portions of the July 15th Response to ROIs and the July 16th Updated Response to ROIs be kept confidential after the investigation concludes as the information is protected from disclosure as CEII. LUMA also indicated that certain portions of the July 15th Response to ROIs and July 16th Updated Response to ROIs included information that should be protected pursuant to Puerto Rico's framework on privacy which protect from disclosure personal information (s*ee, e.g.*, Const. ELA, Art. II, Sections 8 and 10, which protect the right to control personal information and distinctive traits, which right 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) and/or other information excepted from

disclosure under the Puerto Rico Open Government Data Act (*see* Act 122-2019m Articles 4(vi) and (xi)). In compliance with the Energy Bureau's Policy on Confidential Information, LUMA identified the portions of the July 15th Response to ROIs and the July 16th Updated Response to ROIs that garner confidentiality protection. Lastly, LUMA reiterated that under Section 15.10 of Regulation 8543, the records of this Investigation must be maintained confidential during the course of the Investigation.

13. On July 18, 2024, the Examining Officer issued a new Order ("July 18th Order") deeming LUMA in compliance with the July 16th Order and stated that he will evaluate the documents submitted by LUMA together with the Electric Power Research Institute ("EPRI"). He warned that he could interpose additional questions and requests for information and documents, as well as summon witnesses. Lastly, the Examining Officer ordered the Clerk of the Energy Bureau to publish the redacted/public version of the July 16th Updated Response to ROIs, as filed by LUMA on July 18, 2024.

14. On July 19, 2024, LUMA submitted an *Urgent Request to Vacate Orders by the Hearing Examiner that Mandate Disclosure of Confidential Documents in the Course of an Investigation and/or for Reconsideration and to Seal Confidential Documents* ("July 19th Urgent Motion"). In this Urgent Motion, LUMA requested the Energy Bureau Commissioners vacate and/or reconsider the orders issued by the Examining Officer on July 11th, July 16th and July 18th in this proceeding, whereby he ruled that documents filed in the course of the captioned ongoing Investigation, including the July 1st Preliminary Report, responses to requests for information and other filings made by LUMA, are not to be treated confidentially, and directed that they shall be disclosed and published in the public docket of this Energy Bureau, thereby contravening Section 15.10 of Regulation 8543 on confidentiality of the records of ongoing investigations. LUMA

argued that the Examining Officer unilaterally repealed a valid and binding Energy Bureau regulation, exceeding the bound of the authority that the Energy Bureau may delegate to him which, per Sections 3 (bb) and 6.11(b) of Act 57-2014, is limited to issuing recommendations that the Energy Bureau, acting as whole, may accept or reject.

15. In a Resolution and Order dated July 22, 2024, the Examining Officer adjudicated LUMA's request for confidential treatment regarding the July 15th Response to ROIs and the July 16th Updated Response to ROIs ("July 22nd Order"). In the July 22nd Order, the Examining Officer stated that henceforth, notices will be issued to LUMA as the party subject to this investigation and that the July 22nd Order will be kept confidential until the investigation concludes.

16. The purpose of this Motion is to submit the Incident Report required by the June 14th Order and as per the July 1st Motion. *See Exhibit 1*. LUMA also renews its requests that the filings in this Investigation, including the Incident Report and enclosures, be kept confidential during the course of this Investigation per Section 15.10 of Regulation 8543. *See* July 15th Motion, July 16th Updated Response to ROIs, and July 19th Urgent Motion.

II. Submittal of Incident Report

17. In compliance with the June 14th Order and as per the July 1st Motion, LUMA hereby submits as *Exhibit 1* of this Motion, a report prepared by Exponent, the third-party consultant who conducted an investigation of the Incident. The report titled "Santa Isabel Outage Events June 1-3, 2024, Root Cause Evaluation" dated July 22, 2024, contains a description of the Incident, a timeline of events, discussion on immediate and interim corrective actions, observations, findings and causal analysis, as well as recommended corrective actions. *See Exhibit 1*.

18. Section 15.10 of Regulation 8543 provides that the records of ongoing investigations shall remain confidential until the investigation concludes, and that information identified as privileged during the course of an investigation will also be protected. LUMA submits the Incident Report and supporting references under seal of confidentiality with the understanding that this filing will be kept confidential and shall not be disclosed nor published in the public docket of this Energy Bureau during the course of this ongoing Investigation, in accordance with Section 15.10 of Regulation 8543.

19. In addition, LUMA respectfully submits that *Exhibit 1* contains confidential information that must be protected from public disclosure at all times under other applicable laws and regulations. Therefore, LUMA is submitting *Exhibit 1* and supporting references under seal of confidentiality and respectfully requests that the Energy Bureau keep *Exhibit 1* and the supporting references, in confidence. LUMA is also submitting a redacted/public version of the Incident Report and the documents identified as references to the Incident Report.

20. In compliance with the Energy Bureau's Policy on Management of Confidential Information, LUMA will be submitting within the next ten (10) days, a Memorandum of Law in support of this request to protects the information that LUMA understands should be kept under seal.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** *Exhibit 1* and supporting references, filed in compliance with the June 14th Order, and **treat** *Exhibit 1* and supporting references, **confidentially**.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 22nd day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
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Exhibit 1

Incident Report

[Report prepared by Exponent titled “Santa Isabel Outage Events June 1-3, 2024, Root Cause Evolution”, dated July 22, 2024” filed under Seal of Confidentiality. Supporting Reference to be filed via ShareFile also under Seal of Confidentiality]

ADDENDUM 22

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

Jul 31, 2024
4:06 PM

IN RE: INTERRUPCIÓN DEL SERVICIO ELÉCTRICO EN LA SUBESTACIÓN SANTA ISABEL AFECTANDO LOS MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**CASO NÚM.: NEPR-IN-2024-0002** **ASUNTO: MOCIÓN EN SOLICITUD DE RECONSIDERACIÓN**

MOCIÓN EN SOLICITUD DE RECONSIDERACIÓN

AL HONORABLE NEGOCIADO:

Comparece la Oficina Independiente de Protección al Consumidor de la Junta Reglamentadora de Servicio Público (en adelante, "OIPC") por conducto de los abogados que suscriben, quienes con el debido respeto **EXPONEN, ALEGAN** y **SOLICITAN**:

I. TRASFONDO

1. El 14 de junio de 2024, el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico (en adelante, Negociado) conforme a la Sección 6.3 de la *Ley de Transformación y ALIVIO Energético*, Ley Núm. 57-2014 y la Sección XV del *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, Reglamento Núm. 8543, emitió una *Resolución y Orden* iniciando la presente investigación.

2. El propósito de dicho procedimiento administrativo es investigar las causas del incidente ocurrido el 2 de junio de 2024, en el que se produjo un corte de servicio eléctrico en la subestación de transmisión, ubicada en el Sector Usera del Municipio de Santa

Isabel, que involucró un transformador de 115 kV/38kV. De igual forma, este Foro procura indagar sobre las acciones de investigación y acciones correctivas tomadas por LUMA Energy, LLC y LUMA Energy ServCo, LLC (en conjunto, LUMA) como resultado de este evento.

3. El 1 de julio de 2024, LUMA sometió ante este Negociado un documento intitulado "*Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment*", proveyendo un informe inicial que incluye un resumen y una cronología del evento de interrupción ocurrido, hallazgos preliminares y el curso de acción a seguir.

4. En igual fecha, este Foro emitió una *Orden Urgente* tomando conocimiento de dicho comunicado de prensa y concediéndole a LUMA un término de cuarenta y ocho (48) horas para someter cierta información allí requerida.

5. Así las cosas, el 12 de julio de 2024, LUMA radicó un documento intitulado *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024*.

6. El 16 de julio de 2024, la OIPC radicó un documento intitulado *Notificación de Intervención de la Oficina Independiente de Protección al Consumidor (OIPC)*.

7. En idéntica fecha, este Foro emitió una *Orden* en la que, entre otras cosas, denegó nuestra intervención bajo el fundamento de que, según la *Ley de Procedimiento Administrativo Uniforme del Gobierno de Puerto Rico*, Ley Núm. 38-2017, según enmendada, no existe derecho a intervención en un proceso investigativo.

8. Por las razones que expondremos a continuación, entendemos que este Honorable Foro erró en su determinación por lo que solicitamos reconsideración.

II. DISCUSIÓN:

9. La Oficina Independiente de Protección al Consumidor fue creada mediante la Ley Núm. 57-2014, conocida como *Ley de Transformación y ALIVIO Energético*, para educar, orientar, asistir y representar a los clientes de los servicios bajo la jurisdicción de la Junta Reglamentadora de Servicio Público de Puerto Rico. Siendo la Ley 57-2014, *supra*, la ley orgánica de la OIPC, en la misma el legislador dispuso todo lo concerniente a su funcionamiento, poderes y facultades. Por tal razón, al momento de este Honorable Negociado evaluar la capacidad de la OIPC para intervenir en la presente Investigación o en cualquier procedimiento ante su consideración, debe acudir en primera instancia al texto claro de dicha ley.

10. La exposición de motivos de dicha Ley reza que, "como aspecto importante para garantizar la participación y fiscalización ciudadana en el sistema energético, se crea por virtud de esta Ley la Oficina Independiente de Protección al Consumidor ("OIPC"), cuya función será representar y defender los intereses de los consumidores de los servicios energéticos, tanto ante la Autoridad como ante la entidad reguladora. La OIPC tendrá el deber, entre otros, de ser defensor y portavoz de los intereses de los clientes en todos los asuntos que estén ante la Comisión de Energía, incluyendo los asuntos relacionados a las disputas sobre facturas con la AEE. Además, tendrá el deber de coordinar la participación ciudadana en el proceso interno de revisión de tarifas de la Autoridad y ante la Comisión

de Energía, según sea el caso, de modo que se garantice una participación activa en este proceso. Con este nuevo ente, se garantiza que el público no se sienta indefenso ante el poder y tamaño de la AEE y otros generadores de energía."

11. Del texto de Ley, surge en su Artículo 6.42, inciso (c) que, como parte de los poderes y deberes de la OIPC, está **"[e]l ser defensor y portavoz de los intereses de los clientes en <u>todos</u> los asuntos que estén ante el Negociado de Energía**, el Negociado de Telecomunicaciones y el Negociado de Transporte y Otros Servicios Públicos, o que están siendo trabajados por el Programa de Política Pública Energética adscrito al Departamento de Desarrollo Económico, relacionados con las tarifas y cargos de servicio eléctrico, **<u>los servicios de las compañías de servicio eléctrico a sus clientes</u>**, planificación de recursos, **<u>política pública y cualquier otro asunto de interés del cliente</u>**". (Énfasis suplido).

12. El inciso (h) dispone que la OIPC tiene el poder y el deber de "**<u>participar o comparecer como parte interventora en cualquier acción, ante cualquier agencia gubernamental del Gobierno de Puerto Rico</u>** o del Gobierno Federal con jurisdicción, relacionada con tarifas, facturas, política pública o a cualquier otro asunto que pueda afectar a los consumidores y/o clientes de servicio eléctrico, de telecomunicaciones y de transporte". (Énfasis suplido).

13. De igual forma, el inciso (i) establece que la OIPC tiene la facultad de "**<u>participar o comparecer como parte interventora en cualquier acción, ante el Tribunal General de Justicia o ante los tribunales de la jurisdicción federal, relacionada con</u>** tarifas, facturas,

política pública o a cualquier otro asunto que pueda afectar a los consumidores y/o clientes de servicio eléctrico, telecomunicaciones y transporte". (Énfasis suplido).

14. Además, el inciso (k) nos confiere la facultad de "tener acceso a los documentos, expedientes e información a la que tenga acceso el Negociado de Energía, el Negociado de Telecomunicaciones de Puerto Rico, el Negociado de Transporte y Otros Servicios Públicos de Puerto Rico, y el Programa de Política Pública Energética adscrito al Departamento de Desarrollo Económico, con excepción de información, documentos y expedientes privilegiados al amparo de las Reglas de Evidencia".

15. De las disposiciones de nuestra Ley Orgánica, surge meridianamente clara la intención legislativa de delegarle a la OIPC, el deber y la facultad de intervenir en todos los asuntos ante la consideración de cualquier agencia gubernamental del Gobierno de Puerto Rico, incluyendo al Negociado de Energía de la Junta Reglamentadora de Servicio Público (en adelante, Negociado) en defensa y como portavoz de los intereses de los consumidores a los que viene obligada a defender.

16. Cabe señalar que, los procesos que se ventilan ante este Foro, por su naturaleza, son altamente técnicos y de gran complejidad. A esto, le sumamos el factor de que la otra parte, ya se trate de la Autoridad de Energía Eléctrica, LUMA o de alguna otra compañía de energía privada, cuentan con gran capacidad económica, lo que les permite tener a su disposición los recursos que estimen necesarios para comparecer ante el Negociado, colocando al consumidor en una posición desventajosa.

17. Es precisamente la defensa y la protección de estos consumidores desventajados el propósito principal de la creación de la OIPC y por tal razón, es que el legislador nos facultó a intervenir en cualquier acción en donde puedan verse afectados los derechos de estos consumidores.

18. Queremos resaltar que, el legislador expresó "**cualquier acción**". Es decir, el legislador no condicionó, limitó o restringió de forma alguna la facultad de la OIPC, según el tipo de acción de la que se trate. Por consiguiente, la facultad de intervenir que posee la OIPC no está supeditada al carácter del proceso administrativo que se celebre ante la agencia. Basta con que el asunto esté relacionado con alguno de los temas allí identificados y cualquier otro asunto de interés del cliente, incluyendo, pero sin limitarse a, los servicios de las compañías de servicio eléctrico a sus clientes.

19. Cuando la ley es clara y libre de toda ambigüedad, su texto no debe menospreciarse bajo el pretexto de cumplir su espíritu.[1] El texto de la Ley 57-2014, *supra*, es claro en cuanto a las funciones de la OIPC y denota la intención legislativa de concedernos poderes y facultades lo suficientemente amplias y robustas que garanticen la representación y defensa de los consumidores del servicio eléctrico en Puerto Rico, entre otros.

20. Durante el proceso legislativo de la creación de la Ley 57-2014, *supra*, la Comisión Especial para una Nueva Política Pública Energética de la Cámara de Representantes

[1] Véase *Nuevo Código Civil*, Artículo 19.

evaluó numerosas ponencias y recomendó enmiendas, que luego fueron acogidas por ambas cámaras legislativas. En cuanto a la OIPC, la Comisión, en su informe presentado el 12 de mayo de 2014, expresó lo siguiente:

> "El proyecto de ley según aprobado en el Senado, crea a la OIPC. Esta sección se mantuvo intacta por considerarse de gran importancia que exista un ente que vele por los intereses de la clientela y **fortalezca la participación de los consumidores como parte indispensable en los asuntos energéticos del país.**"[2] (Énfasis nuestro).

21. Como podemos notar, la Comisión no hace distinción en cuanto a los asuntos en los que la OIPC puede intervenir, sino que recomienda la aprobación del texto de la medida legislativa tal y como existía, con el ánimo de que los consumidores pudieran participar como parte indispensable en todos los asuntos energéticos.

22. Como parte de las enmiendas que recomendó la Comisión, se incluyó la obligación de la Autoridad de Energía Eléctrica de presentar ante el Negociado una nueva factura transparente, un Plan de Alivio Energético y un Plan Integrado de Recursos. Sobre estos asuntos, la medida legislativa establecía que el Negociado, en colaboración con la OIPC y otras entidades, revisará, aprobará y, según fuere aplicable, modificará dichos planes para asegurar el cabal cumplimiento con la política pública energética en la Isla. Esto cobra mayor relevancia porque deja al descubierto la intención del legislador de que la OIPC participe en todo asunto energético que pudiera afectar al consumidor, indistintamente si fuera un asunto adjudicativo o no.

[2] Véase *Informe de la Comisión Especial para una Nueva Política Energética de la Cámara de Representantes de Puerto Rico* (2014). p 55

23. Las enmiendas propuestas por la Comisión fueron aprobadas por la Cámara de Representantes y su cuerpo hermano, el Senado de Puerto Rico, quien concurrió con éstas formando parte de lo que hoy es la Ley 57-2014, *supra.*

24. Por tanto, es un hecho ineludible que la OIPC tiene facultad en ley de intervenir en el proceso que nos ocupa, indistintamente de que no se trate de un proceso adjudicativo. Enfatizamos en que la naturaleza del proceso en nada afecta, incide o transgrede las facultades que por ley ostentamos. Por tal razón, entendemos que el Negociado erró al tomar en consideración la naturaleza del proceso para propósitos de no reconocer nuestra intervención.

25. Aun cuando coincidimos con el Negociado en que la figura del interventor contemplada en la Ley 38-2017, *supra*, ocurre dentro del contexto de un procedimiento adjudicativo, la capacidad de intervenir delegada por el legislador a la OIPC en la Ley 57-2014, *supra*, es ***sui generis***. Por virtud de la Ley 57-2014, el legislador facultó a la OIPC a comparecer como parte interventora **en cualquier acción, ante cualquier agencia gubernamental del Gobierno de Puerto Rico**. Ante el lenguaje claro e inequívoco utilizado por el legislador forzoso sería concluir que dicha facultad delegada trasciende los procesos adjudicativos y se extiende a todo proceso.

26. El legislador no hizo distinción alguna entre el tipo de acciones, casos o procesos y ni tan siquiera entre agencias del Gobierno de Puerto Rico en las cuales la OIPC puede intervenir. Por el contrario, facultó a la OIPC a intervenir en **cualquier acción ante cualquier agencia**. Es por esta razón que, nos reafirmamos en que la facultad delegada

por el legislador a la OIPC para intervenir es única, *sui generis*, distinta a la figura del interventor contemplada en la Ley 38-2017, *supra*.

27. Intentar limitar esta facultad expresamente delegada por ley solamente a procesos adjudicativos, según lo que establece la Ley 38-2017, *supra*, conllevaría darle prelación a estas disposiciones generales sobre la ley especial, entiéndase la Ley 57-2014, *supra*.

28. En cuanto a nuestra intervención, la LPAU funge como una ley de carácter general y sus disposiciones son de aplicación supletoria. Es una máxima de nuestro ordenamiento jurídico la prelación que ostenta una ley especial sobre una ley de carácter general. La misma se encuentra recogida en nuestro Nuevo Código Civil, el cual dispone en su Artículo 27 sobre Aplicación Supletoria que "[l]as disposiciones de éste Código se aplican supletoriamente a las materias regidas por otras leyes, salvo cuando se disponga lo contrario".

29. Por cuanto, muy respetuosamente solicitamos que este Honorable Negociado tome conocimiento de la facultad que nos ha sido delegada por ley y se nos incluya en este proceso como parte interventora. De igual forma, solicitamos que todas las notificaciones, correspondencia, copia de las órdenes y cualesquiera otras comunicaciones relacionadas al proceso, sean dirigidas a los abogados que suscriben.

III. SÚPLICA

POR TODO LO CUAL, se solicita muy respetuosamente de este Honorable Negociado, que tome conocimiento del presente Escrito y en su consecuencia, reconsidere su determinación del 16 de julio de 2024, reconociendo a la OIPC como parte interventora.

RESPETUOSAMENTE SOMETIDO, en San Juan, Puerto Rico a 31 de julio de 2024.

CERTIFICO, haber enviado mediante correo electrónico copia fiel y exacta de la anterior moción a laura.rozas@us.dlapiper.com y a valeria.belvis@us.dlapiper.com.

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

IN RE:	CASE NO. NEPR-IN-2024-0003
SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 and Supporting Documents Submitted on July 22, 2024**

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 AND SUPPORTING DOCUMENTS SUBMITTED ON JULY 22, 2024, AND SUBMITTING REVISED REDACTED VERSIONS OF SEVERAL SUPPORTING DOCUMENTS

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Background

1. On June 14, 2024, the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1] (the "Investigation"), the causes and the corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38kV power transformer (the "Incident"). This Energy Bureau ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order.

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

2. On July 1, 2023, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 1st Motion") in which it submitted an Initial Report with a summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident. LUMA explained that such report was preliminary and subject to revision, and requested until July 22, 2024, to submit a final report and supporting documentation that would comprise the Incident Report covering all content items in Attachment A of the June 14th Order.

3. On July 22, 2024, LUMA submitted a *Motion Submitting Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment*, in which it submitted, in an *Exhibit 1*, the Incident Report in the form of a document titled *Santa Isabel Outage Event June 1-3, 2024, Root Cause Evaluation* ("July 22nd Exhibit 1" and/or "Exponent Report") prepared by Exponent Inc. ("Exponent"). The Exponent Report, in turn, is accompanied by Supporting Documents that are referenced in the Report. In addition, LUMA submitted redacted versions of the Exponent Report and Supporting Documents. LUMA requested that the Energy Bureau treat the July 22nd Exhibit 1 and the Supporting Documents as confidential during the course of the investigation and that certain portion thereof, be kept under seal when the Investigation concludes. LUMA also informed that it would be submitting within the next ten (10) days, a Memorandum of Law in support of the request for confidential treatment of the July 22nd Exhibit 1 and the Supporting Document, in compliance with 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 ("Policy on Confidential Information").

4. LUMA is submitting below the Memorandum of Law stating the legal basis for the request to treat the July 22nd Exhibit 1 and the Supporting Document, as confidential once the investigation concludes. LUMA is also submitting a revised redacted version of several of the Supporting Documents, to wit Ref 07_Email_Files and Emails, Ref 11_Email Santa Isabel Outage Line 4800, Ref 12_Email_Santa Isabel Outage Rebuild, Ref 14_ Email Santa Isabel Outage transformer maint., Ref 16_Email Santa Isabel Outage transf outage, Ref 17_Email Santa Isabel Outage circuit breaker 8510 and Ref 18_LUMA EMAIL Outage and Prior Event Info.

II. Memorandum of Law in Support of Request for Confidential Treatment of July 22nd Exhibit 1 and Supporting Documents

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

5. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

6. In connection with the duties of electric power service companies, Sections 1.10 (i) and (ix) of Act 17-2019 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.

7. 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).

8. 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 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.* paragraph 6.

9. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Critical Energy Infrastructure Information ("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 ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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).

10. Relatedly, Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [Energy Bureau] shall evaluate the petition and, if it understands [that] the material merits protection, proceed accordingly to [. . .] Article 6.15 of Act No. 57-2014, as amended."

B. Request for Confidentiality

1. CEII

11. Portions of the July 22nd Exhibit 1 and of the supporting references, include CEII information that, under relevant federal law and regulations, is protected from public disclosure

and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

12. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.*

13. 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 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.*

14. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[2]

[2] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, 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;

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. § 671 (3).[3]

15. The July 22nd Exhibit 1 includes figures and single line diagrams of the Santa Isabel fault location, Figure 1; the Santa Isabel Transmission Center fault's locations, Figure 5; Santa Isabel Sectionalizer, Figure 6; and Cayey Transmission Center, Figure 7, all with SCADA information. Also, the July 22nd Exhibit 1 includes in Figure 8, a single line diagram of the Santa

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(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—

(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.

[3] CII includes the following types of information:

(A)actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B)the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

(C)any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

Isabel area electric system. It is respectfully submitted that these diagrams and figures are confidential CEII, as they contain information on engineering and detailed design of existing critical infrastructure. In addition, these diagrams and figures show the interrelation of different assets and their parts and provide forensic data and/ or forensic analysis on critical infrastructure and other components of the T&D System, all of which may reveal vulnerabilities of the electric system. Therefore, these diagrams and figures constitute 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).

16. Relatedly, the Supporting Documents contain engineering single line diagrams of the Santa Isabel Transmission Center, the Santa Isabel Sectionalizer, and the Cayey Transmission Center. They also include figures and diagrams containing SCADA data of load currents and SCADA alarms information; Computer Aided Protection Engineering ("CAPE") program analyses and simulations relating to the 115/38 kV; diagrams and figures related to faults at critical infrastructure assets; transformer differential protection relay event figures for transformer faults; SCADA alarm data for the 115/38 transformer; and coordinates showing specific location of critical infrastructure assets with identified areas of deficiencies. The Supporting Documents also contain narrative descriptions of some of these figures and diagrams. *See* Ref 05_Exhibit 1_ Santa Isabel Preliminary Report, pp. 15, 16, 18, 19, 23 and 26.

17. On July 1, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment* ("July 1st Motion), in which it submitted the Santa Isabel Preliminary Report and requested that the Energy Bureau treat it as confidential during and after the Investigation concludes. On July 11, 2024, LUMA filed a *Memorandum of*

Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on July 1, 2024, in which it discussed in detail the legal basis for the confidentiality protection requested of portions of the Santa Isabel Preliminary Report, as CEII, and submitted a redacted version of the Santa Isabel Preliminary Report. The Examining Officer in this Investigation has not yet determined the request for confidentiality request by LUMA in the July 1st Motion. Therefore, LUMA hereby resubmits the legal basis to protect from public disclosure, portions of the Santa Isabel Preliminary Report. *See* Ref 05_Exhibit 1_ Santa Isabel Preliminary Report.

18. The CEII designation of the diagrams and figures that are more fully identified in Section III *infra,* are a reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

2. Owner Confidential Information

19. The Supporting Documents that were submitted with the July 22nd Exhibit 1, include several documents that LUMA received from PREPA regarding the maintenance and inspection process of Santa Isabel Substation. LUMA is required to maintain confidential this information received pursuant to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA"). In particular, the T&D OMA provides that "any and all written, recorded or oral System Information furnished or made available in connection with [the T&D OMA], or that constitutes Work Product, shall be deemed "Owner Confidential Information," *see* OMA at Section 13.2(a)(i)), and that LUMA shall "(A) keep strictly confidential

and take reasonable precautions to protect against the disclosure of all Confidential Information of [PREPA], and (B) use all Confidential Information of [PREPA] solely for the purpose of performing its obligation under the [T&D OMA and other specified agreements contemplated under the OMA]," *see id*., at Section 13.2 (a)(i)). System Information includes any information relating to the T&D System. *See id.* at Section 1.1. The documents that LUMA is contractually required to protect, includes reports of maintenance and inspections of the Santa Isabel Substations received during the years 2013, 2014 and 2019, that LUMA keeps and maintains confidentially as Owner Confidential Information. See Ref 01_GCB 0040_MAINTENANCE_20130519; Ref 02_GCB 0050_MAINTENANCE_20141011; and Ref 06_20191214_BANK 115_MAINTENANCE.

20. Relatedly, Sections 1.10 (i) and (ix) of Act 17-2019 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 (viii) issues that should be maintained confidential in accordance with any confidentiality agreement, provided, that such agreement is contrary to public interest…". 22 LPRA §1141i(i).

21. Given the importance of ensuring LUMA compliance with its obligations and responsibilities under the T&D OMA and to ensure the safe and efficient operation of the T&D System, LUMA respectfully submits that the mentioned documents constitute Owner Confidential Information that should be maintained confidential under Section 13.2(a) of the OMA.

3. Privacy

22. Portions of the Supporting Documents contain the name, signature, email or telephone number of individuals. *See* Ref 01_GCB 0040_MAINTENANCE_20130519; Ref 02_GCB 0050_MAINTENANCE_20141011; Ref 05_Exhibit 1_ Santa Isabel Preliminary Report;

Ref 06_20191214_BANK 115_MAINTENANCE; Ref 07_Email_Files and Emails; Ref 09_6-3-2024 Job 6-3-2024 - Report (954.4.9175) Revision 1; Ref 10_Santa Isabel TC Internal Inspection Report; Ref 11_Email Santa Isabel Outage Line 4800; Ref 12_Email_Santa Isabel Outage Rebuild; Ref 13_LUMA Email Isabel circuit breakers; Ref 14_ Email Santa Isabel Outage transformer maint.; Ref 16_Email Santa Isabel Outage transf outage; Ref 17_Email Santa Isabel Outage circuit breaker 8510 and Ref 18_LUMA EMAIL Outage and Prior Event Info.

The protection of this information 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 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); Puerto Rico Open Government Data Act, Act 122-2019, Articles 4(vi) and (xi) (providing that the following information is excepted from public disclosure: information the disclosure of which could invade the privacy of third parties or affect their fundamental rights, as well as any type of information related to the street address, telephone number, emergency contact information, social security number, credit card number, tax and/or financial information, bank activity, confidential information of private third parties, trade secrets, tax returns, debt, or pin number, which is collected or maintained by a governmental body.).

4. Commercially Sensitive Confidential Information.

23. Finally, the Supporting Documents include confidential and proprietary information about how LUMA manages its inner business dealings, management and other commercially sensitive information.

24. The Puerto Rico legal system recognizes and protects the confidentiality of certain information considered to be privileged. In part, privileged materials are exclusively referred to as the privileges codified in the Rules of Evidence. *E.L.A v. Casta*, 162 DPR 1, 10 (2004). One of these recognized privileges are a company's Trade Secrets:

> The owner of a trade secret has a privilege, which may be claimed by such person or by his or her agent or employee, to refuse to disclose and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice. If disclosure is directed, the court shall take such protective measures as the interest of the owner of a trade secret and of the parties and the interests of justice require.

See R. Evid. 513, 32 LPRA Ap. IV, R. 513 (2024).

25. In essence, this privilege "protects confidential commercial information" and is "based on public policy considerations aimed at promoting innovation, commercial production and business operation improvement, which in turn contributes to economic and technological development". (translation provided). *Colón Rivera v. Triple-S Salud, Inc.*, 2020 WL 8458051, page. *7 (Puerto Rico Court of Appeals, December 22, 2020).

26. The Puerto Rico Trade and Industrial Secrets Protection Act - Act. No. 80 of June 3, 2011, as amended, 10 LPRA § 4131 (2024) ("Act 80-2011") considers a trade secret any information that:

> (a) From which an independent economic value, whether current value or potential value, or a commercial advantage is derived because such information is not commonly known or accessible by appropriate means to those persons who may derive pecuniary benefit from the use or disclosure of such information, and
>
> (b) which has been subject to reasonable security measures, under the circumstances, to maintain its confidentiality.
>
> 10 LPRA § 4132 (translation provided).

27. Act 80-2011 considers reasonable security measures as those taken by the owner to limit access to information under particular circumstances. 10 LPRA§ 4133. The following are considered reasonable measures, among others:

> (a) Not disclose the information to individuals or entities not authorized to have access to it;
> (b) limit the number of people authorized to access the information;
> (c) require employees of the company authorized to access the information to sign confidentiality agreements;
> (d) store the information in a separate place from any other information;
> (e) label the information as confidential;
> (f) take measures to prevent indiscriminate reproduction of the information;
> (g) establish control measures for the use or access of the information by employees, or
> (h) implement available technological measures when publishing or transmitting the information through the Internet, including the use of email, webpages, discussion forums and any other equivalent means.
> *Id.* (translation provided).

28. Article 11(c) of Act 80-2011 establishes that, before ordering any production of a commercial trade secret, it should be determined whether there is a substantial need for the information. (Our translation). 10 LPRA § 4139(c). Puerto Rico Courts in adversarial cases have interpreted a "substantial need" when the following four (4) conditions are present:

> (1) The allegations raised for the purpose of establishing the existence or absence of liability have been specifically raised;
> (2) the information sought to be discovered is directly relevant to the allegations specifically raised;
> (3) the information sought to be discovered is such that the party seeking discovery would be substantially prejudiced if not permitted access to it; and
> (4) there is a good faith belief that testimony or evidence derived from the information that is part of the trade secret will be admissible at trial.
> *Ponce Adv. Med. v. Santiago González*, 197 DPR 891, 905 (2017) (translation provided).

i. Confidential Communications

29. LUMA respectfully submits that certain Supporting Documents contain information that should be classified as commercially sensitive information protected under Puerto Rico's trade secret statute and the Energy Bureau's Policy on Management of Confidential Information. Among the Supporting Documents there is email correspondence that with internal deliberations, considerations and analysis by LUMA in the course of internal investigative processes, and day to day business dealings. The documents include confidential communications between employees that LUMA has not disclosed to the public, where LUMA employees discussing internal operational processes and matters. LUMA has a substantial need not to be disclosed to third parties to protect its operations. *See* Ref 07_Email_Files and Emails; Ref 11_Email Santa Isabel Outage Line 4800; Ref 12_Email_Santa Isabel Outage Rebuild; Ref 13_LUMA Email Isabel circuit breakers; Ref 14_ Email Santa Isabel Outage transformermaint; Ref 16_Email Santa Isabel Outage transf outage; Ref 17_Email Santa Isabel Outage circuit breaker 8510; and Ref 18_LUMA EMAIL Outage and Prior Event Info.

30. The documents with internal communication, were shared confidentially with the third-party investigator for the purpose of preparing the Incident Report. They were shared with the third-party investigator with the expectation that the documents will be maintained confidential.

31. The information included in the previously mentioned communications is categorized and managed by LUMA as "privileged and confidential". In other words, since their drafting, LUMA has sought to protect this information as confidential.

32. It is respectfully submitted that because the Exponent Report references relevant facts or information obtained from the confidential communications and relies on the communications to reach conclusions as a third-party investigator, the public interest in

transparency and access to information regarding the Incident is served with disclosure, after the Investigation concludes, of the public portions of the Exponent Report. On balance, the interest to protect confidential commercial communications in native form, will not affect the public interest, as the relevant information will be found in the public version of the Exponent Report.

ii. Reports and internal working documents.

33. Finally, some of the Supporting Documents consist of internal documents and reports prepared in the course of LUMA's internal investigation and analyses of the Incident. LUMA maintains those documents confidentiality and has not made them public. Disclosure of information about the inner dealings and commercial procedures of LUMA would constitute a material detriment to its business. *See* Ref 08_Santa Isabel TC timeline - v1; Ref 09_6-3-2024 Job 6-3-2024 - Report (954.4.9175) Revision 1 and Ref 10_Santa Isabel TC Internal Inspection Report.

34. The Supporting Documents include a periodical report that is kept confidential and were only disclosed with Exponent in the course of developing the Incident Report. *See* Ref 15_Santa_Isabel_TC_Results_SDmyers.

35. If disclosed, these reports and internal documents would reveal details of the ordinary course of LUMA's operations and incident investigations. Maintaining confidentiality of these documents does not affect the public interest as the Exponent Report references relevant data and information obtained from the Supporting Documents.[4] Thus, protection of the confidential Supporting Documents that LUMA considers, protects and manages as confidential, will not hinder the public from gaining access to relevant information once the Investigation concludes.

36. It is respectfully submitted that these requests to treat confidentially discrete portions of the Exponent Report and Supporting Documents, should not affect the Energy Bureau's

[4] *See e.g.* Santa Isabel Outage Events June 1-3, 2024, Root Cause Evaluation, p. 1, footnote 2, 3 and 4, p. 9, footnote 10 and p. 18, footnote 18

review of Exponent's Report and is narrowly tailored to provide information to the public on the Incident once the Investigation concludes. On balance, the public interest to protect CEII, privacy, and sensitive commercial information, weighs in favor of protecting the relevant portions of the July 22nd Exhibit 1 and the Supporting Documents from disclosure.

III. Identification of Confidential Information.

37. In compliance with the Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, following is a table summarizing the hallmarks of this request for confidential treatment:

July 22nd Exhibit 1 – Santa Isabel Outage Events June 1-3, 2024, Root Cause Evaluation	Figure 1 (Page 11)	Line Diagram of Santa Isabel Outage Fault Locations	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 22, 2024
July 22nd Exhibit 1	Figure 5, Figure 6 and Figure 7 (Page 21)	Line Diagrams of Santa Isabel Transmission Center, Sectionalizer and Cayey	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6	July 22, 2024

		Transmission Center	U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	
July 22nd Exhibit 1	Figure 8 and Footnote 11 (Page 22)	Diagram of Santa Isabel Area Electric System	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 22, 2024

Ref 01_GCB 0040_MAINTENANCE_20130519	Entire Document	Substation Maintenance and Inspection Report from PREPA dated May 19, 2013	Owner Confidential Information under the T&D OMA, Section 13.2(a).	July 22, 2024
Ref 01_GCB 0040_MAINTENANCE_20130519	PREPA representative's names and signature.	Substation Maintenance and Inspection Report from PREPA dated May 19, 2013	Right to privacy and data protection laws.	July 22, 2024
Ref 02_GCB 0050_MAINTENANCE_20141011	Entire Document	Substation Maintenance and Inspection Report from PREPA dated October 11, 2014	Owner Confidential Information under the T&D OMA, Section 13.2(a).	July 22, 2024
Ref 02_GCB 0050_MAINTENANCE_20141011	PREPA representative's names and signature.	Substation Maintenance and Inspection Report from PREPA dated October 11, 2014	Right to privacy and data protection laws.	July 22, 2024
Ref 03_GCB 0040_MECHANISM MAINTENANCE_20230719	Entire Document	Substation Maintenance from LUMA dated July 19, 2023. Document provides internal management information of the company maintenance process to a transmission center.	Sensitive Commercial Information and Trade Secrets under Act 80-2011.	July 22, 2024

Ref 04_GCB 0050_MECHANISM MAINTENANCE_20230719	Entire Document	Substation Maintenance from LUMA dated July 19, 2023. Document provides internal management information of the company maintenance process to a transmission center.	Sensitive Commercial Information and Trade Secrets under Act 80-2011.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 2, Page 8	Line Diagram of Santa Isabel Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which shows details of engineering and/or design information of critical electric system assets.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 3, Page 9	Line Diagram of Santa Isabel Sectionalizer.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams	July 22, 2024

			which shows details of engineering and/or design information of critical electric system assets.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 4, Page 9	Line Diagram of Cayey Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which shows details of engineering and/or design information of critical electric system assets.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 5, Page 10	Line Diagram of Comsat 38 kV bus and lines to Cidra and Cayey.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show details of engineering and/or design information of critical infrastructure assets.	July 22, 2024

Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 6, Page 15	Fault at 38 kV CB # 0040 – Santa Isabel 115/38 kV.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical infrastructure asset.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Entire paragraph right below Figure 6, pages 15-16	Narrative description of information in Figure 6.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical infrastructure asset.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Second and third paragraphs under Section 2.1.1, Page 16	Narrative description of information in Figure 8 which is also confidential (see below).	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6	July 22, 2024

			U.S.C. §§ 671-674. Contains details of design and/or engineering information of a critical electric system asset.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 8, Page 17	Computer Aided Protection Engineering ("CAPE") program simulation of phase-to-phase fault at Santa Isabel 115/38 kV transformer breaker 0400 at the transformer side 38 kV side.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical electric system asset.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 9, Page 18	SEL-587 transformer differential protection relay for second fault event.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains design information of critical electric system assets.	July 22, 2024

Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Second paragraph following Figure 9, Page 18	Narrative description of information in Figure 9.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed design information of critical electric system assets.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Second and third paragraphs after Section 2.2.1 on page 19	Narrative description of Figure 11 which is also confidential (see below).	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed design information of a critical electric system asset.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 11, Page 20	CAPE program simulation showing phase-to-phase fault at Santa Isabel 115/38 kV transformer 115 kV side.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed design information of	July 22, 2024

			a critical electric system asset.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 12, Page 21	Line 8500/4800 SCADA alarms data after the 115/38 kV trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information of a critical electric system asset that may reveal potential vulnerabilities.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 14, Page 22	Figure with information on Santa Isabel 115/38 kV Transformer fault with information on maximum peak currents, activated functions and a differential protection relay event.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains design and/or engineering information of a critical infrastructure asset.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	First and Third Paragraph on page 23	Narrative description of information in Figure 14 which is also	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6	July 22, 2024

		confidential (see above).	U.S.C. §§ 671-674. Contains design and/or engineering information of a critical electric system asset.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 16, Page 24	Line diagram from Cayey to Santa Isabel Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show detailed information on engineering and/or design of critical electric system assets.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 17, Page 25	Figure with SCADA data – L8500/4800 Load Before the Fault.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed information of a critical electric system asset that may reveal	July 22, 2024

			potential vulnerabilities.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	First Paragraph on page 26	Narrative relating to Figures 19 and 20 which are also confidential (see below).	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on details of design and/or engineering or that show vulnerabilities of a critical infrastructure asset.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 19, Page 26	Figure CB# 4870 SEL 321-1 – Zone 1 Trip, showing the SEL 321 protection relay target as zone 1 trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on details of design and/or engineering or that show vulnerabilities of a critical infrastructure asset.	July 22, 2024

Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Figure 20, Page 26	Figure CB# 4870 Event SEL-321-2, showing the SEL-321-2 protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on details of design and/or engineering or that show vulnerabilities of a critical infrastructure asset.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates in figure on Page 28	Coordinates of points where deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates and signature in Page 29	Coordinates of points where deficiencies were found in 38 kV transmission	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6	July 22, 2024

		line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates and signature in Page 30	Coordinates of points where deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 22, 2024

Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates and signature in Page 31	Coordinates of points where deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates and signature in Page 32	Coordinates of points where deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal	July 22, 2024

			potential vulnerabilities. Right to privacy and data protection laws.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates and signature in Page 33	Coordinates of points where deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates and signature in Page 34	Coordinates of points where deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in	July 22, 2024

		representative's name and signature.	a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Coordinates and signature in Page 35	Coordinates of points where deficiencies were found in 38 kV transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 22, 2024
Ref 05_Exhibit 1_ Santa Isabel Preliminary Report	Appendix 2-SCADA Alarms, on Pages 45-60 of report	Contains table with list of SCADA alarms information from 06-01-2024 to 06-04-2024.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6	July 22, 2024

			U.S.C. §§ 671-674. Contains detailed information of a critical electric system asset that may reveal potential vulnerabilities.	
Ref 06_20191214_BANK 115_MAINTENANCE	Entire Document	Substation Maintenance and Inspection Report from PREPA dated December 14, 2019	Owner Confidential Information under the T&D OMA, Section 13.2(a).	July 22, 2024
Ref 06_20191214_BANK 115_MAINTENANCE	PREPA representative's names.	Substation Maintenance and Inspection Report from PREPA dated December 14, 2019	Right to privacy and data protection laws.	July 22, 2024
Ref 07_Email_Files and Emails	Entire document	Working draft document of internal analysis and preliminary responses of LUMA representatives in preparation of Incident Report. The document provides internal notes and questions of the preliminary	Trade Secrets under Act 80-2011	July 22, 2024

		analysis of the event.		
Ref 07_Email_Files and Emails	LUMA representative's names	Working draft document of internal analysis and preliminary responses of LUMA representatives in preparation of Incident Report. The document provides internal notes and questions of the preliminary analysis of the event.	Right to privacy and data protection laws.	July 22, 2024
Ref 08_Santa Isabel TC timeline - v1	Entire Document	Document provides internal management information of the company responses to the event.	Sensitive Commercial Information and Trade Secrets under Act 80-2011.	July 22, 2024
Ref 09_6-3-2024 Job 6-3-2024 - Report (954.4.9175) Revision 1	Entire document	Inspection report from LUMA that was only shared with Exponent for the purpose of drafting the Incident Report.	Sensitive Commercial Information and Trade Secrets under Act 80-2011	July 22, 2024

Ref 09_6-3-2024 Job 6-3-2024 - Report (954.4.9175) Revision 1	Phasor Engineering representative's names.	Inspection report from LUMA that was only shared with Exponent for the purpose of drafting the Incident Report.	Right to privacy and data protection laws.	July 22, 2024
Ref 10_Santa Isabel TC Internal Inspection Report	Entire document	Internal document from LUMA that was only shared with Exponent for the purpose of drafting the Incident Report.	Sensitive Commercial Information and Trade Secrets under Act 80-2011	July 22, 2024
Ref 10_Santa Isabel TC Internal Inspection Report	LUMA representative's names.	Internal document from LUMA that was only shared with Exponent for the purpose of drafting the Incident Report.	Right to privacy and data protection laws.	July 22, 2024
Ref 11_Email Santa Isabel Outage Line 4800	Entire document.	This document provides the internal management and thought process of the company to develop preliminary information in response to the event.	Trade Secrets under Act 80-2011	July 22, 2024

Ref 11_Email Santa Isabel Outage Line 4800	Line transmission map on Page 1	This document provides the internal management and thought process of the company to develop preliminary information in response to the event.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and design information of critical electric system assets.	July 22, 2024
Ref 11_Email Santa Isabel Outage Line 4800	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 22, 2024
Ref 12_Email_Santa Isabel Outage Rebuild	Entire document	Communication with third-party expert pursuant the drafting of the Incident Report.	Trade Secrets under Act 80-2011	July 22, 2024
Ref 12_Email_Santa Isabel Outage Rebuild	Line transmission map on Page 1	Communication with third-party expert pursuant the drafting of the Incident Report.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and design information of critical electric system assets.	July 22, 2024

Ref 12_Email_Santa Isabel Outage Rebuild	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 22, 2024
Ref 13_LUMA Email Isabel circuit breakers	Entire document	Communication with third-party expert pursuant the drafting of the Incident Report.	Trade Secrets under Act 80-2011	July 22, 2024
Ref 13_LUMA Email Isabel circuit breakers	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 22, 2024
Ref 14_ Email Santa Isabel Outage transformermaint	Entire document	Communication with third-party expert pursuant the drafting of the Incident Report.	Trade Secrets under Act 80-2011	July 22, 2024
Ref 14_ Email Santa Isabel Outage transformermaint	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 22, 2024

Ref 15_Santa_Isabel_TC_Results_SDmyers	Entire document	Transformer inspection report by SD Myers that was only shared with Exponent for the purpose of drafting the Incident Report.	Trade Secrets under Act 80-2011	July 22, 2024
Ref 16_Email Santa Isabel Outage transf outage	Entire document	Communication with third-party expert pursuant the drafting of the Incident Report.	Trade Secrets under Act 80-2011	July 22, 2024
Ref 16_Email Santa Isabel Outage transf outage	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 22, 2024
Ref 17_Email Santa Isabel Outage circuit breaker 8510	Entire document	Communication with third-party expert pursuant the drafting of the Incident Report.	Trade Secrets under Act 80-2011	July 22, 2024
Ref 17_Email Santa Isabel Outage circuit breaker 8510	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 22, 2024

Ref 18_LUMA EMAIL Outage and Prior Event Info	Entire document	Communication with third-party expert pursuant the drafting of the Incident Report.	Trade Secrets under Act 80-2011	July 22, 2024
Ref 18_LUMA EMAIL Outage and Prior Event Info	Figure 1 and Figure 2, Page 4	Fault at 38 kV CB # 0040 – Santa Isabel 115/38 kV and Aguirre DFR.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of design information of a critical infrastructure asset.	July 22, 2024
Ref 18_LUMA EMAIL Outage and Prior Event Info	Figure 3, Page 5	Line Diagrams of Santa Isabel Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal	July 22, 2024

			potential vulnerabilities.	
Ref 18_LUMA EMAIL Outage and Prior Event Info	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 22, 2024

38. LUMA submits, as *Exhibit A* herein, a redacted version of the emails that were submitted as part of the Supporting Documents, in which the above identified information is redacted. LUMA respectfully requests the Energy Bureau to accept *Exhibit A* herein as the public version of the emails submitted as part the Supporting Documents and replace the versions submitted on July 22, 2024, with the ones here submitted.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** this Memorandum of Law in support of the confidential treatment of the July 22nd Exhibit 1 and the Supporting Documents, **grant** the request stated herein and in the July 22nd Motion to keep confidential portions of the July 22nd Exhibit 1 and portions of the Supporting Documents, and **accept** the redacted version of the emails that are part of the Supporting Documents, *included as Exhibit A* to this Motion, as the public redacted version of said documents, and replace the versions submitted on July 22, 2024, with the ones submitted in *Exhibit A*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 1st day of August 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9122 / 9145
Fax 939-697-6095 / 6145

/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
RUA No. 16,266
Margarita.mercado@us.dlapiper.com

/s/ Valeria Belvis Aquino
Valeria Belvis Aquino
RUA No. 22,584
valeria.belvis@us.dlapiper.com

Exhibit A

Redacted Version of the emails that are part of the Supporting Documents

ADDENDUM 24

Aug 2, 2024

8:41 PM

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: LUMA's Notice of Intent to Reply to Motion for Reconsideration filed by ICPO

LUMA'S NOTICE OF INTENT TO REPLY TO THE INDEPENDENT CONSUMER PROTECTION OFFICE'S MOTION FOR RECONSIDERATION

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

1. On June 14, 2024, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Energy Bureau Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings, December 18, 2014 ("Regulation 8543"), the causes of a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38kV power transformer (the "Incident") and the investigative and corrective actions taken by LUMA in relation to the Incident.

2. On July 16, 2024, the Independent Consumer Protection Office ("ICPO") filed a motion requesting leave to intervene as a party in the captioned Investigation. *See Notificación de Intervención de la Oficina Independiente de Protección al Consumidor*.

3. On the same day, the Examining Officer in charge of the Investigation issued an Order ("July 16th Order") denying the ICPO's request to intervene in the Investigation pursuant Section 3.5 and 3.6 of the *Uniform Administrative Procedure Act of the Government of Puerto*

Rico, Act No. 38-2017, because there are no "parties" in a non-adjudicative process, and therefore, there is no right to intervene. The Examining Officer also granted the ICPO ten (10) days to notify any relevant information or comments that might contribute to the Investigation. However, the ICPO did not submit any comments or information.

4. On July 31, 2024, the ICPO filed a motion for reconsideration ("ICPO's Motion for Reconsideration") arguing that it has legal authority to intervene in the matter before the Energy Bureau, regardless of its nature, pursuant Act No. 57-2014.

5. LUMA respectfully informs that it intends to file a response to the ICPO's Motion for Reconsideration to intervene in this Investigation. In said response, LUMA would state its position and concern that this confidential investigation may be hampered by the intervention of a third party. Among LUMA's concerns is the fact that this investigation is considered confidential until its conclusion and the ICPO has not established how it might contribute to this Investigation, particularly because it did not comply with the order granting it an opportunity to submit information.

6. LUMA requests that the Energy Bureau grant it leave to file a response to the ICPO's Motion for Reconsideration, within ten (10) days, on or before August 12, 2024. This petition is not intended to cause unnecessary delay and should not cause any inconvenience to the parties.

WHEREFORE, LUMA respectfully requests that the Energy Bureau grant LUMA leave to file a response to the ICPO's Motion for Reconsideration, on or before August 12, 2024.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 2nd day of August 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9122 / 9145
Fax 939-697-6095 / 6145

/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
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Margarita.mercado@us.dlapiper.com

/s/ Valeria Belvis Aquino
Valeria Belvis Aquino
RUA No. 22,584
valeria.belvis@us.dlapiper.com

ADDENDUM 25

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚ
NEGOCIADO DE ENERGÍA DE PUERTO RICO

Aug 2, 2024

10:17 AM

IN RE: INTERRUPCIÓN DEL SERVICIO ELÉCTRICO EN LA SUBESTACIÓN SANTA ISABEL AFECTANDO LOS MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**NÚM.: NEPR-IN-2024-0002** **ASUNTO: MOCIÓN INFORMATIVA**

MOCIÓN INFORMATIVA

AL HONORABLE NEGOCIADO:

Comparece la Oficina Independiente de Protección al Consumidor de la Junta Reglamentadora de Servicio Público (en adelante, "OIPC"), por conducto de los abogados que suscriben, quienes con el debido respeto **EXPONEN, ALEGAN** y **SOLICITAN**:

1. El 14 de junio de 2024, el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico (en adelante, Negociado) conforme a la Sección 6.3 de la *Ley de Transformación y ALIVIO Energético*, Ley Núm. 57-2014 y la Sección XV del *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, Reglamento Núm. 8543, emitió una *Resolución y Orden* iniciando la presente investigación.

2. El propósito de dicho procedimiento administrativo es investigar las causas del incidente ocurrido el 2 de junio de 2024, en el que se produjo un corte de servicio eléctrico en la subestación de transmisión, ubicada en el Sector Usera del Municipio de Santa Isabel, que involucró un transformador de 115 kV/38kV. De igual forma,

este Foro procura indagar sobre las acciones de investigación y acciones correctivas tomadas por LUMA Energy, LLC y LUMA Energy ServCo, LLC (en conjunto, LUMA) como resultado de este evento.

3. El 1 de julio de 2024, LUMA sometió ante este Negociado un documento intitulado "*Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment*", proveyendo un informe inicial que incluye un resumen y una cronología del evento de interrupción ocurrido, hallazgos preliminares y el curso de acción a seguir.

4. En igual fecha, este Foro emitió una *Orden Urgente* tomando conocimiento de dicho comunicado de prensa y concediéndole a LUMA un término de cuarenta y ocho (48) horas para someter cierta información allí requerida.

5. Así las cosas, el 12 de julio de 2024, LUMA radicó un documento intitulado *Informative Motion Regarding Time Period to Comply with Resolution and Order of July 11, 2024*.

6. El 16 de julio de 2024, la OIPC radicó un documento intitulado *Notificación de Intervención de la Oficina Independiente de Protección al Consumidor (OIPC)*.

7. En idéntica fecha, este Foro emitió una *Orden* en la que, entre otras cosas, denegó nuestra intervención bajo el fundamento de que, según la *Ley de Procedimiento Administrativo Uniforme del Gobierno de Puerto Rico*, Ley Núm. 38-2017, según enmendada, no existe derecho a intervención en un proceso investigativo.

8. No obstante, se nos concedió un término de diez (10) días laborables, contados a partir de la fecha de notificación de dicha Orden, para someter cualquier comentario por escrito que se estime necesario o que abone a los propósitos de esta investigación.

9. El 31 de julio de 2024, la OIPC radicó una *Moción en Solicitud de Reconsideración*, por entender que el Foro había errado en su determinación sobre nuestra notificación de intervención.

10. Cabe señalar que, la determinación que este Foro tome en relación con dicha Moción incide directamente en el acceso que la OIPC tendría sobre los documentos e información sometida por la parte investigada.

11. La falta de acceso menoscaba e imposibilita que podamos cumplir con la Orden emitida por este Foro con fecha del 16 de julio de 2024. No sería responsable de nuestra parte emitir una opinión y/o comentarios sin haber evaluado la totalidad de la evidencia que obra en el expediente.

12. Siendo justos con la parte investigada, desconocemos si la información sometida por ésta atiende nuestras interrogantes o cuestionamientos sobre el evento que propicia la presente investigación.

13. Por las razones antes expuestas, muy respetuosamente, solicitamos de este Foro que mantenga en suspenso la Orden del 16 de julio de 2024, hasta tanto y en cuanto se nos permita tener acceso íntegro al expediente del caso que nos ocupa.

RESPETUOSAMENTE SOMETIDO, en San Juan de Puerto Rico a 2 de agosto de 2024.

OIPC
✉ 500 Ave. Roberto H. Todd
San Juan, P.R. 00907-3941
☎ (787)523-6962

f/ Hannia B. Rivera Díaz
Lcda. Hannia B. Rivera Díaz
Directora Ejecutiva
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f/ Pedro E. Vázquez Meléndez
Lcdo. Pedro E. Vázquez Meléndez
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ADDENDUM 26

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTDORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO EN LA SUBESTACIÓN SANTA ISABEL AFECTANDO LOS MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**CASO NUM:** NEPR-IN-2024-0002 **ASUNTO: ORDEN**

ORDEN

El 16 de julio de 2024, la Oficina Independiente de Protección al Consumidor de la Junta Reglamentadora del Servicio Público ("OIPC") presentó ante el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico ("Negociado de Energía" o "NEPR"), una moción titulada "Notificación de Intervención de la Oficina Independiente de Protección al Consumidor (OIPC)" donde solicitó ser incluida como parte interventora en el caso de epígrafe y tener acceso a toda información sometida por Energy ServCo, LLC and LUMA Energy, LLC, (en conjunto, "LUMA"). Ese mismo día, el Oficial Examinador denegó la petición de intervención de la OIPC debido a que, en un proceso investigativo, no adjudicativo, no hay partes ni derecho a intervenir. *Véanse* Secciones 3.5 y 3.6 de la Ley 38-2017.[1]

El 31 de julio de 2024, la OIPC presentó "Moción en Solicitud de Reconsideración" donde alegó, entre otras cosas, que la Ley 57-2014[2] provee para que sea parte interventora en cualquier acción ante cualquier agencia gubernamental en Puerto Rico y solicitó que el suscribiente reconsidere la determinación de 16 de julio de 2024 y reconozca a la OIPC como parte interventora.

El 2 de agosto de 2024, LUMA presentó moción en la que indicó tener interés en replicar la solicitud de reconsideración de la OIPC y solicitó hasta el 12 de agosto de 2024 para así hacerlo.

Se concede el término solicitado por LUMA. Se advierte que no se otorgarán extensiones para replicar a la solicitud de reconsideración de la OIPC. Si LUMA no presenta su réplica el 12 de agosto del presente se resolverá la reconsideración de la OIPC sin su participación.

Hoy, 6 de agosto de 2024, en San Juan, Puerto Rico.

Notifíquese a OIPC y LUMA.

Gerardo A. Flores
Oficial Examinador

[1] Ley de Procedimiento Administrativo Uniforme del Gobierno de Puerto Rico, según enmendada.
[2] Ley de Transformación y ALIVIO Energético, según enmendada.

CERTIFICACIÓN

Certifico que así lo acordó el Oficial Examinador, Lic. Gerardo A. Flores, hoy 6 de agosto de 2024. Certifico además que el 6 de agosto de 2024 una copia de esta Orden fue notificada por correo electrónico a Laura.rozas@us.dlapiper.com; Valeria.belvis@us.dlapiper.com; hrivera@jrsp.pr.gov y contratistas@jrsp.pr.gov y he procedido con el archivo en autos de la Orden.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 6 de agosto de 2024.

Sonia Seda Gaztambide
Secretaria

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

IN RE:

SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL

CASE NO. NEPR-IN-2024-0002

SUBJECT: LUMA's Response to ICPO's Motion for Reconsideration of Order Denying Request to Intervene in this Investigation

LUMA'S RESPONSE TO THE INDEPENDENT CONSUMER PROTECTION OFFICE'S MOTION FOR RECONSIDERATION OF ORDER DENYING REQUEST TO INTERVENE IN THIS INVESTIGATION

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Introduction

1. On July 16, 2024, the Independent Consumer Protection Office ("ICPO") filed a request to be included as an intervenor in the present investigation and be granted complete access to all the information filed by LUMA. On the same day, the Examining Officer issued a resolution denying ICPO's petition to intervene on the basis that there is no right to intervention in this proceeding because it is non-adjudicative, but nonetheless granting ICPO ten (10) working days to submit comments in writing ("July 16th Order").

2. On July 31, 2024, ICPO filed a motion for reconsideration arguing it possesses the statutory authority to intervene in this matter in representation of the electric energy consumers of Puerto Rico. LUMA hereby states its position on ICPO's request and respectfully opposes the petition to recognize a right to intervene in this proceeding.

3. LUMA agrees that because this is not an adjudicative proceeding, there is no right to intervene pursuant to the *Uniform Administrative Procedure Act of the Government of Puerto Rico*, Act No. 38-2017 (as amended, "Act 38-2017") and the Energy Bureau's *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings*, Regulation No. 8543 ("Regulation 8543").

4. Contrary to the arguments stated by ICPO in its Motion for Reconsideration, there is no absolute right to intervene in the present investigation. ICPO's intervention in this matter would affect LUMA's rights and, thus, we request that Regulation 8543 be strictly observed and applied.

5. Moreover, as will be discussed, ICPO has not established how nor to what extent its intervention will further the proceedings on this investigation. The investigation that the Energy Bureau is conducting in this proceeding concerns the causes and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024, involving a 115kV/38kV power transformer ("the Investigation"). During the course of the Investigation, LUMA has submitted a technical incident report, a third-party root cause analysis, technical information relating to the repair of the substation, and supporting technical documents. However, ICPO has not yet been able to establish for the record the basis of knowledge or expertise that it would bring to bear on the subject matter of this Investigation, nor has it established that it is in a position to submit expert evidence or otherwise that would assist the Energy Bureau in this Investigation.

6. Likewise, ICPO has not established that its right to defend and represent consumers of the electric system would be infringed if the Energy Bureau maintains the determination to deny its request for intervention. This, particularly because the Examining Officer granted ICPO a ten

(10)-day term to provide any comments that may be relevant to the Investigation, thus preserving ICPO's statutory authority to participate on behalf of customers. In addition, Regulation 8543 outlines a process whereby ICPO may participate once this Energy Bureau issues a final report.

7. It bears noting that pursuant to Regulation 8543 the record of this ongoing Investigation must remain confidential until its completion. Also, as the confidential record shows, this Investigation contains various reports which provide very technical and specific information regarding critical energy infrastructure of the Puerto Rico Transmission and Distribution system and information subject to rights to privacy, as well as confidential trade secrets and sensitive commercial information. These documents must continue to be protected and treated confidentially. As the entity subject to an investigation, LUMA has an expectation that this Energy Bureau will faithfully apply its own regulation and protect the confidentiality of an ongoing investigation.

8. In conclusion, ICPO's insistence that it be recognized a right to intervene in this Investigation, is not supported by applicable law. No law or regulation states what ICPO suggests: that it has an unbridled right to intervene in any and all proceedings before this Energy Bureau. ICPO simply cannot claim stature above settled principles of administrative law, Act 38-2017 and Regulation 8543, which state that there is no right to intervention in non-adjudicative processes.

II. Relevant Background

9. On June 14, 2024, this Energy Bureau issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, known as the Act for the Energy Transformation and RELIEF, as amended ("Act 57-2014"), and Regulation 8543 (that is, the Investigation), the causes and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation

on June 2, 2024 involving a 115kV/38kV power transformer (the "Incident") and ordered LUMA to submit an Incident Report with the information required in Attachment A of the June 14th Order. June 14th Order on pages 1-2. The Energy Bureau further indicated in the June 14th Order that the Electric Power Research Institute ("EPRI") would be taking the technical lead for the Energy Bureau in the Investigation. *Id*. at page 2.

10. On July 8, 2024, the Energy Bureau issued a Resolution and Order ("July 8th Order") reiterating EPRI's role as technical lead in the Investigation and designating, pursuant to Section 6.3 of Act 57-2014 and Section XV Regulation No. 8543, the Examining Officer in charge of the Investigation. *See* July 8th Order on pages 1-2. With respect to EPRI's role, the Energy Bureau indicated that EPRI would have the faculties of issuing requests for information and/or documents; request or coordinate meetings, interviews and conferences; and request or coordinate visual inspections of any facilities, premises and/or infrastructure. *See id*. In addition, the Energy Bureau established that the "final technical report shall be prepared and completed by EPRI". *See id*. at page 2.

11. On July 16, 2024, ICPO filed a motion requesting to be included as an intervening party in the Investigation and be granted complete access to all the information filed by LUMA. *See Notificación de Intervención de la Oficina Independiente de Protección al Consumidor*. ICPO argued that it has the right to intervene in the Investigation pursuant to certain powers and duties under Article 6.42 of Act 57-2014 to defend and represent the interests of electric service customers in all matters before the Energy Bureau related to electric company services, and to appear or participate as intervening party in any action before any governmental agency in connection with matters that may affect electric service customers. *See* ICPO July 16th Motion on page 4. ICPO also argued that pursuant to Section 6.42(k) they have the power to access all

documents, files and information to which the Energy Bureau has access, except for privileged information, documents or files as per the Rules of Evidence, and to assist, advise and cooperate with agencies to protect and promote the interests of electric service clients, among others. *See id*.

12. On the same day, the Examining Officer issued the July 16th Order, in which it denied ICPO's request to intervene in this Investigation on the basis that this is a non-adjudicative proceeding with no parties and no right to intervene, in light of Sections 3.5 and 3.6 of Act 38-2017. The Examining Officer also granted ICPO a ten (10)-day term to notify "any comment in writing that they deem necessary or that contributes to the purposes of [the Investigation]". *See* July 16th Order on page 5 (translation ours).

13. On July 31, 2024, ICPO filed a motion for reconsideration ("ICPO's Motion for Reconsideration") arguing that it has legal authority to intervene in the matter before the Energy Bureau, regardless of its nature, pursuant Act No. 57-2014. ICPO did not submit any comments or information relating to the purposes of the Investigation.

14. On August 2, 2024, LUMA requested the Energy Bureau ten (10) days, on or before August 12, 2024, to file a response to ICPO's Motion for Reconsideration to intervene in this Investigation.

15. On August 2, 2024, ICPO filed an *Informative Motion* ("ICPO's Informative Motion") stating that their lack of access to the documents submitted by LUMA hindered their ability to comply with the July 16th Order with respect to the submittal of their comments. *See ICPO's Informative Motion* on page 3. ICPO also argued that they did "not know if the information submitted [by LUMA] addresse[d] their questions or issues about the event that triggered [the Investigation]". *See id*. (translation ours). ICPO then requested the Energy Bureau to stay their July 6th Order until they are allowed complete access to the files in this case. *See id*.

16. On August 6, 2024, the Examining Officer issued an Order granting LUMA the requested term to reply to ICPO's Motion for Reconsideration.

III. Applicable Laws and Regulations

17. Act No. 57-2014, which creates the Energy Bureau, establishes among the powers and authorities of the Energy Bureau, the power to investigate persons and entities under its jurisdiction, including certified electric utility companies that provide services in Puerto Rico. *See* Act 57-2014, Art. 6.3 (bb) and (pp) (7), 22 LPRA §1054b(bb) and (pp)(7); Art. 6.4 (b)(1), LPRA §1054c(b)(1), and Art. 6.24, 22 LPRA §1054w; *see also* Art. 6.3 (o), 22 LPRA §1054b(o).

18. Under Act 57-2017, which also creates ICPO, ICPO is granted certain powers and duties to "defend and advocate for the interests of customers in all matters before […] [the Energy Bureau] […] with regard to electric power rates and charges, [. . .], the quality of electric power service, services provided by electric power service companies to their customers, resource planning, public policy, and any other matter of interest for customers"; to "**participate or mediate** in any action brought before any governmental agency […] with jurisdiction, in connection with rates, electricity bills, public policy on energy, and any other issue that may affect electric power service consumers[…]"; and "have access to documents, records and information to which the [Energy Bureau] has access **except for privileged documents, records and information,** as provided in the Rules of Evidence". *See* Act 57-2017, Section 6.42 (c), (h) and (k), 22 LPRA §1054(qq)(c), (h) and (k) (emphasis added).

19. Act 57-2014, as amended by Act 211-2018, provides that "[a]ny process for which this Act does not specifically provide, shall be governed by [Act 38-2017]" and that "[b]y virtue thereof, [Act 38-2017] shall govern all procedures for the adoption of regulations, adjudicative procedures, judicial review, as well as the procedures to grant franchises, certifications, complaints

of subscribers and between electric power companies, and the procedures to conduct inspections." Act 57-2014, Art. 6.20, 22 LPRA §1054s.

20. Act 38-2017, in turn, provides that it "shall apply to all administrative procedures conducted before all the agencies not expressly excepted hereunder" and provides certain exceptions. *See* Act 38-2017, Section 1.4; 3 LPRA §9604. **No express exception is made with respect to the Energy Bureau or ICPO**. *See id*.

21. Act 38-2017 contains provisions governing distinct types of administrative proceedings- namely, rulemaking proceedings in its Chapter II, adjudicative proceedings in its Chapter III, judicial review in its Chapter IV, proceedings for licenses, franchises and permits in its Chapter V, and oversight and inspections in its Chapter VI. The provisions governing the right to intervention are set forth only with respect to adjudicative proceedings under Chapter III. *See id*. Section 3.5, 22 LPRA §9645.

22. The Energy Bureau adopted Regulation 8543 "to establish the standards that shall govern adjudicative proceedings before the [Energy Bureau] […] which shall complement the provisions of [Act No. 170 of August 12, 1988 as amended ("Act 170"), known as the Uniform Administrative Procedure Act] and its interpretive case law" and "establish[…] the bylaws that shall govern in conjunction with the Uniform Administrative Procedure Act and its interpretive case law, as we as the [Energy Bureau's] proceedings regarding notices of noncompliance and investigation". *See* Regulation 8543, Section 1.03. It must be noted that Act 170 is the precursor of Act 38-2017 with respect to administrative procedures of government agencies in Puerto Rico, which was repealed and substituted by Act 38-2017.

23. Accordingly, Regulation 8543 contains provisions governing adjudicative proceedings, under its Articles II to XI and, separately, under Article XV, provisions relating to

investigations. Also, Articles XII to XIV set forth processes for noncompliance with orders issued by the Energy Bureau.

24. Specifically, Article XV implements the powers delegated by law to the Energy Bureau to conduct investigations. Section 15.01 of Regulation 8543 provides that investigations shall be conducted to ensure compliance with the public energy policy of Puerto Rico and the laws and regulations administered by the Energy Bureau. The Energy Bureau may also conduct investigations to obtain information regarding matters related to the industry or electric service. *See* Regulation 8523, Section 15.01.

25. Pursuant to Section 15.07 of Regulation 8543, once the Energy Bureau conducts an investigation, it "shall prepare a detailed report on the investigation" and "inform the investigated person of [the person's] right to answer or object to the report". *See also id*. Section 15.08. In the event that the "result of the investigation reveals a violation or breach of the public energy policy […], Act 57-2014, as amended, of any rule of the [Energy Bureau] or any other law whose interpretation or implementation falls under the jurisdiction of the [Energy Bureau]", the Energy Bureau has the discretion to "issue a Notice of Noncompliance to the noncomplying party or refer a copy of the report to the [State Energy Public Policy Office, now Public Energy Policy Program ("PEPP")] or [ICPO] for the filing of a complaint or corresponding action before the [Energy Bureau]". *Id*. Section 15.09.

26. Finally, Section 15.10 of Regulation 8543 provides that the records of ongoing investigations shall remain confidential until the investigation is concluded. "However, any information classified as privileged during the course of the investigation, or any information that may violate the fundamental rights of third parties or the right to privacy of the person investigated, shall be duly protected". *Id*. Section 15.10.

27. Regarding intervention, Regulation 8543 contains provisions relating to intervention among the articles governing adjudicative proceedings before the Energy Bureau, establishing that the Energy Bureau shall "evaluate and attend" these petitions according to the criteria in Act 170 (which, as mentioned, is now Act 38-2017). *See id*. Section 5.05. Regulation 8543 also provides, among the provisions relating to adjudicative proceedings, that ICPO can make appearances as *Amicus Curiae* in cases pending before the Energy Bureau by presenting a brief in which it must explain, among others, "its arguments on the controversy(s) pending adjudication". *See id*. Section 7.03.

IV. Discussion

a. Under applicable laws and regulations, ICPO has no right to intervene in a non-adjudicative proceeding as it is this Investigation

28. As indicated above, under Act 57-2014, the processes before the Energy Bureau are governed by Act 38-2017. *See* Act 57-2014, Art. 6.20, 22 LPRA §1054s. **Act 38-2017 provides for its applicability to all administrative proceedings before agencies and does not contain any exceptions with respect to the Energy Bureau or ICPO**. *See* Act 38-2017, Section 1.4; 3 LPRA §9604. In fact, Regulation 8543 expressly provides for the application of Act 170, precursor of Act 38-2017, to complement and govern in the proceedings before the Energy Bureau covered by that regulation. *See* Regulation 8543, Section 1.03.

29. Regarding the right to intervene, Section 3.5 of Act 38-2017 specifies that "any person having a legitimate interest in an adjudicative proceeding before an agency may file a written, duly supported petition for intervention" in the proceeding. 3 LPRA §9645 (2024). The agency must consider several factors before granting or denying the petition for intervention, including:

> (a) Whether the petitioner has an interest that may be adversely affected by the adjudicative proceeding.
> (b) Whether the petitioner's interests can be adequately protected by other legal means.
> (c) Whether the petitioner's interests are already adequately represented by existing parties to the proceeding.
> (d) Whether the petitioner's participation may reasonably be expected to assist in developing a sound record of the proceeding.
> (e) Whether the petitioner's participation may excessively broaden the issues or delay the proceedings.
> (f) Whether the petitioner represents or is the spokesperson for other community groups or entities.
> (g) Whether the petitioner may contribute information, expertise, specialized knowledge, or technical advice that otherwise would not be available in the proceeding.
> The agency shall apply the above criteria liberally and may require the presentation of additional evidence in order to rule on the petition for intervention.

Id.

30. We recognize that Act 38-2017 was enacted after the original version of Act 57-2014 and Regulation 8543. Prior to 2017, Act 57-2014 made reference to Act 170. However, Act 170, which was repealed and substituted by Act 38-2017, contained similar provisions to Act 38-2017 with respect to limiting the right to intervene arising to adjudicative proceedings and the need to satisfy certain requirements (almost identical to those under Act 38-2017) to be able to intervene.[1] In addition, Act 57-2014 was amended in 2018 to update the reference to Act 170 to substitute it with Act 38-2017. *See* Act 211-2018, Section 63.

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[1] Specifically, Act 170, as amended by Act No. 210-2016, in its Section 3.5 provided as follows:

> **In an adjudicative procedure**, only the petitioner, the respondent, and the intervenor whose presence and participation as a party has been duly requested and granted by the administrative agency shall constitute parties. No other person may be classified as a party nor have the right to be notified of any document generated during the procedure. However, copies of all writings must be sent to the agencies whose decision is being challenged in a judicial review before the Court of Appeals or certiorari before the Supreme Court. Any person who has a legitimate interest in an adjudicative procedure before an agency may submit a written and duly substantiated request to be allowed to intervene in said procedure. The parties may oppose such a request within ten (10) days from its notification. The agency may grant or deny the request at its discretion, taking into consideration, among others, the following factors:
> (a) That the petitioner's interest may be adversely affected by the adjudicative procedure.

31. In alignment with Act 38-2917, Section 5.05 of Regulation 8543 provides that "[a]ny person with a legitimate interest in a case before the [Energy Bureau] may present a duly grounded petition to intervene" and the Energy Bureau "shall evaluate and attend to the petition according to the criteria established in [Act 170, now Act 38-2017], and its interpretive case law".

32. The Supreme Court has stated that the right to intervene only exists within an adjudicative procedure. *Claro TV y Junta Regl. Tel. v. One Link*, 179 DPR 177, 209 (2010).

33. As mentioned, under Act 38-2017, the provisions on proceedings for agency oversight and inspections are separate from those governing adjudicative proceedings. Similarly,

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> (b) That there are no other legal means for the petitioner to adequately protect their interest.
> (c) That the petitioner's interest are already adequately represented by the parties in the procedure.
> (d) That the petitioner's participation may reasonably help to prepare a more complete record of the procedure.
> (e) That the petitioner's participation may extend or delay the procedure excessively.
> (f) That the petitioner represents or is a spokesperson for other groups or entities in the community.
> (g) That the petitioner can provide information, expertise, specialized knowledge, or technical advice that would not otherwise be available in the procedure.
> (h) That the petitioner was the one who originally filed the complaint or grievance that initiated the adjudicative procedure.

3 LPRA §2155 (2016) (repealed) (emphasis added).

Previously to the amendment to Section 3.5 in 2016, said Section provided that:

> Any person having a legitimate interest **in an adjudicatory procedure** before an agency may file a written, duly-grounded application in order to be allowed to intervene or participate in said procedure. The agency may grant or deny the petition, at its discretion, taking the following factors into consideration, among others:
>
> (a) That the petitioner's interests may be adversely affected by the adjudicatory procedure.
> (b) That there are no other legal means for the petitioner to adequately protect his interests.
> (c) That the petitioner's interests are already adequately represented by the parties to the procedure.
> (d) That the petitioner's participation may help, within reason, to prepare a more complete record of the procedure.
> (e) That the petitioner's participation may extend or delay the procedure excessively
> (f) That the petitioner represents or is the spokesperson of other groups or entities in the community.
> (g) That the petitioner can contribute information, expertise, specialized knowledge or technical advice which is otherwise not available in the procedure.
>
> The agency shall apply the above criteria liberally, and may require that additional evidence be submitted to it in order to issue the corresponding determination with regard to the application to intervene.

3 LPRA §2155 (2009) (repealed) (emphasis added).

under Regulation 8543, investigations are dealt with in separate provisions from those governing adjudicative proceedings. Investigations under Regulation 8543 are not adjudications; rather Investigations might culminate with the issuance of a report by the Energy Bureau. The report could be followed by a Notice of Noncompliance or a referral to PEPP or ICPO for the corresponding action, which, if any, would have to be processed under a separate proceeding (whichever its nature). As such, an investigation under Article XV of Regulation 8543 is not an adjudicative proceeding.

34. **Moreover, as can be concluded from the examination of Article XV of Regulation 8543, investigation proceedings before the Energy Bureau are designed to provide the investigated person a confidential proceeding without the intervention of a third-party to disclose relevant information in the pursuit of an appropriate determination of the matter at issue**. Investigations are not designed to be an adversarial process.

35. Taking the aforementioned in consideration, the Investigation is not an adjudicative proceeding and ICPO has no right to intervene in it, as has already been determined by the Examining Officer in the July 16th Order.

36. Even if, for the purposes of argument the Energy Bureau considers that the right to intervene exists in this proceeding -which LUMA rejects as stated above-, said right would not be absolute, but rather subject to ICPO demonstrating that it meets the criteria for intervention under Act 38-2017. ICPO, however, has not explained or justified how its intervention in the Investigation would be beneficial for the proceedings nor what specific expertise or technical knowledge it can provide. ICPO has not established which interests may be affected if they are not able to intervene in the process. Additionally, ICPO has not been able to demonstrate how waiting until the Investigation ends, would prevent it from furthering its mission or duties.

37. It is respectfully submitted that no harm accrues to ICPO if the decision of the Examining Officer to deny intervention is maintained. This, because ICPO has been granted the opportunity to submit comments or relevant information that may be beneficial for the purposes of the Investigation for the Energy Bureau to assess the causes and corrective actions relating to the Incident. However, ICPO chose not to present any comments. Instead, it argued that it first needs access to the confidential documents of the Investigation before providing comments because it does "not know if the information submitted [by LUMA] addresse[d] their questions or issues about the event that triggered [the Investigation]". *See id*. (translation ours). *See* ICPO's Informative Motion on page 3, ¶¶10-12. This statement loses sight of the fact that the ICPO does not have the role of conducting the investigation or evaluating the information provided by LUMA; rather, this role is solely the Energy Bureau's.

38. During the course of this Investigation, LUMA has submitted a preliminary technical incident report, a third-party root cause analysis, technical information relating to the repair of the substation, and supporting technical documents, all of which are highly specialized and technical in nature. ICPO has not established the technical advice or resources available to them that would qualify them to provide to the Honorable Energy Bureau technical and specialized comments regarding this matter. In addition, the Energy Bureau has appointed EPRI as the technical lead to evaluate the information provided from a technical perspective. ICPO has not demonstrated that they could provide technical expertise beyond what EPRI is already providing.

39. In sum, ICPO has failed to provide reasonable arguments on why this Energy Bureau should not apply the provisions of Act 38-2017 to them regarding requests for intervention which does not allow any right to intervene in non-adjudicative proceedings. In addition, ICPO

has failed to justify why its intervention on the case is beneficial for the proceeding or what kind of knowledge or technical advice they can provide.

40. Finally, we must note that, during its years performing its responsibilities and duties as the Operator of the transmission and distribution system of Puerto Rico's electrical system, LUMA has participated in dozens of investigations initiated *motu proprio* by the Energy Bureau. In none of these investigations has an entity been granted the right of intervention.

b. LUMA's rights would be infringed if a right to intervene is recognized.

41. Administrative agencies have the power to adopt rules of a legislative nature as delegated by the Legislature. *Buono Correa v. Secretary of Natural Resources*, 177 DPR 415, 449 (2009). Administrative agencies must comply with their own regulations once they are promulgated. *Ayala Hernández v. Consejo Titulares*, 190 DPR 537, 568 (2014).

42. As stated above, Section 15.10 of Regulation 8543 provides that "[t]he [Energy Bureau's] record shall remain confidential while the investigation is in process." Regulation 8543, Section 15.10. Said regulation further provides that "[t]he record shall be available to the general public **once the investigation report is notified to the investigated party or upon conclusion of any investigation** that does not require the [Energy Bureau] to prepare a report, as set forth in Section 15.07 of this Chapter". *See id*. (emphasis added). That is, documents filed in connection with ongoing investigations are received by this Energy Bureau and kept under seal of confidentiality until the investigation concludes through a report by this Energy Bureau. In addition, Regulation 8543 also provides that "any information classified as privileged during the course of the investigation, or any information that may violate the fundamental rights of third parties or the right to privacy of the person investigated, shall be duly protected". *Id*. The foregoing protects the information so classified even after the conclusion of the investigation.

43. Maintaining the documents confidential is therefore a key aspect of the investigative proceedings which is necessary to protect the integrity of the investigation. This Investigation contains various reports which provides very technical and specific information regarding critical energy infrastructure of the Puerto Rico transmission and distribution system and information subject to the constitutional right to privacy, trade secret, among others. These documents must continue to be protected and treated confidentially. Giving ICPO access to confidential information defeats the purposes of Article XV of Regulation 8543 and LUMA's right to a confidential investigative process.

44. In addition, even though Act 57-2014 provides for ICPO to have access to information in certain proceedings, this right is not absolute but rather subject to applicable confidentiality privileges. LUMA respectfully sustains that the confidentiality protections granted under Section 1510 are among these and must be protected in this Investigation.

c. Denial of the request to intervene does not harm ICPO's duty to represent the interests of customers of electric power services.

45. In its Motion for Reconsideration, ICPO contends that it has a legal basis to intervene in the Investigation as an advocate for electric power service customers. However, denying ICPO's intervention does not impair those duties, as Regulation 8543 outlines a process whereby ICPO may participate once this Energy Bureau issues a final report. To wit, Section 15.09 provides that if the investigation's results reveal a violation or breach of applicable laws or regulations under the Energy Bureau's jurisdiction, the matter may be referred to ICPO for the filing of a complaint or corresponding action before the Energy Bureau.

46. Thus, applicable law dictates when ICPO may be tasked by this Energy Bureau to exert authority in connection with investigations. However, that is the case if and when this Energy Bureau determines to open a subsequent proceeding or when it refers the matter to ICPO **after an**

investigation concludes. If the proceeding is commenced by the Energy Bureau, Section 5.05 of Regulation 8543 provides for a right to request intervention in those subsequent adjudicative proceedings. In addition, Section 7.03 of Regulation 8543 also provides ICPO can make appearances as *Amicus Curiae* in cases pending before the Energy Bureau. *See id*. Section 7.03.

V. Conclusion

47. In sum, since the Investigation is a non-adjudicative proceeding, there is no right for a third party to intervene as per Act 38-2017. Regulation 8543 is valid and binding and ICPO cannot request to be exempted from application of said Regulation to claim an absolute right to intervene in contrary to the valid and binding provisions of Regulation, *see Ayala Hernandez*, 190 DPR 547 at 568 (stating that when an administrative agency promulgates a regulation, it has the force of law because it is binding and determining as to the rights, duties and obligations of persons subject to the agency's jurisdiction.).

48. In addition, as explained, ICPO did not demonstrate why its intervention is beneficial for the proceeding, what kind of knowledge or technical advice it can provide, or how it meets other criteria that would allow intervention under the intervention provisions of Act 38-2017, were such provisions be applicable- which LUMA reasserts are not. Moreover, ICPO will not be adversely affected by the denial of its request for intervention in this proceeding because it has been granted the opportunity to participate by providing comments. Instead, granting ICPO the right to intervene in this process will infringe upon LUMA's rights to a confidential, non-adjudicative investigation. Finally, ICPO's request to access the documents submitted by LUMA in this proceeding is contrary to the confidentiality protections established under Regulation 8543.

49. For these reasons, as expanded upon above, LUMA respectfully submits that ICPO's request for reconsideration and for complete access to the documents in the Investigation should be denied.

WHEREFORE, LUMA respectfully requests that the Energy Bureau take notice of the aforementioned and deny ICPO's Motion for Reconsideration to intervene in this Investigation, including the denial of ICPO's request for complete access to the documents in this Investigation.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 12th day of August 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

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ADDENDUM 28

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO AND SANTA ISABEL	**CASE NO.:** NEPR-IN-2024-0002 **SUBJECT:** Requirement of Information ("ROI")

Hearing Examiner's Order on Requiring Additional Information

I. Background

The electric system in Santa Isabel area has been operating without many sources since hurricane Maria. Per design, Ponce TC via 38 kV lines 100 & 200, Horizon via 38 kV lines 100 & 200, and Santa Isabel TC via 38 kV line 4800 serves Santa Isabel Sect 38 kV bus. But lines 100 & 200 from Ponce and Horizon are out of service since hurricane Maria. The 38 kV line 4800 between Santa Isabel TC and Toro Negro is operating radially instead of a networked configuration. Prior to June 2024 events, load in Santa Isabel area was served by two sources: 115/38 kV transformer at the Santa Isabel substation and 38 kV line 4800/8500 from Cayey. The 38 kV line 4800/8500 from Cayey was not rated to serve peak load in the Santa Isabel Substation area.

II. Requirement of Information

Additional information is required to conduct a comprehensive review of the substation major outage under investigation.

LUMA[1] is **ORDERED** to respond, on or before December 23, 2024, to the Requirements of Information ("ROI") set forth in **Attachment A** to this Hearing Examiner's order.

Be it notified and published.

Gerardo Flores
Hearing Examiner

CERTIFICATION

I certify that the Hearing Examiner, Gerardo Flores, has so established on December 4, 2024. I also certify that on December 4, 2024 a copy of this Resolution and Order was notified by electronic mail to margarita.mercado@us.dlapiper.com; Laura.rozas@us.dlapiper.com. I also certify that on December 4, 2024, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on December 4, 2024.

Sonia Seda Gaztambide
Clerk

[1] LUMA Energy LLC and LUMA Energy ServCo LLC (jointly referred as, "LUMA").

ATTACHMENT A
Requirement of Information

Refer to:

1. LUMA's report on 115/38 kV Transformer, 38 kV bus at Santa Isabel TC and line 4800/8500 to Cayey TC Outage Events – June 1 to June 3, 2024 – 07:07 / 14:11 / 00:43 / 2:07 dated July 1, 2024.
2. LUMA's responses to July 11, 2024, Requests for Santa Isabel Substation Major Outage Affecting Coamo, Aibonito, and Santa Isabel dated July 16, 2024.

System Status

1) Please provide single line diagrams showing line section ratings and measured or estimated power flow MW or amps for feeders 4800 and 8500 on June 3rd.

2) Please provide a high-resolution SLD of Santa Isabel substation showing which CTs and PTs connect to each protection element (differential, overcurrent, voltage, synchronising).

3) What is the status of 38 kV line 4800 between Santa Isabel TC and Toro Negro? Is this operating radially since hurricane Maria? When will this line be repaired to allow networked operation?

Given that replacement transformer is still not in place at Santa Isabel TC, the load in Santa Isabel area is served by 38 kV line 4800/8500 from Cayey only. Even with replacement transformer in-service, the loss of 38 kV bus at Santa Isabel may result in difficulty serving load in the Santa Isabel area.

4) Is there a plan in place to quickly restore load in case of a loss of 38 kV bus at Santa Isabel TC?

5) Are mobile generators deployed capable to serve load in case of a loss of 38 kV bus at Santa Isabel TC?

38 kV CB0040 fault and subsequent 115 kV CB0050 fault

6) In the sequence of events, it is stated that 115 kV CB0050 was opened at 07:11, but there is no reference to when it was closed. Was CB0050 closed at any time between 07:11 and the fault occurred at 13:14?

7) What is the moisture limit of serviceability parameter value for Santa Isabel CB0040 and CB0050 according to the CB manufacturer or ANSI/NETA? Values of around 200 ppm are commonly used as limits, rather than a normal operating range.

8) If measured values of 2000 ppm for the 38 kV CB and 3000 ppm for the 115 kV CB were deemed an acceptable risk allowing the CBs returned to service, what ppm value would definitively trigger a decision to prevent the CB from being returned to service?

9) What risk assessments or preventative measures were taken at system operations, protection, and substation level after re-energizing the 115/38kV transformer given that circuit breakers CB0040 and CB0050 were known to have moisture levels above their limit of serviceability and thus at elevated risk of failure?

10) Was fault location determined with any certainty for 115 kV fault that occurred on June 2, 2024? It is understood that fault was within transformer zone of protection, but the 115 kV bus differential did not operate. A high-resolution single line diagram

clearly showing relay and CT connections may help in understanding application of protection scheme within the station.

11) When were the Santa Isabel 115/38 kV transformer Buchholz and sudden pressure protection relays last maintained and tested?

12) Was the integrity of the transformer Buchholz and sudden pressure protection trip circuits verified end-to-end and it verified that a trip command from the relays would result in the circuit breaker tripping open? Some utilities have experienced issues with the undocumented disconnection of Buchholz and sudden pressure protection due to past nuisance tripping.

<u>Fault on 38kV line 4800/8500 on June 3, 2024 and slow (delayed) clearing</u>

13) Results from thermalography scans were included in the LUMA report. Have thermalography scans been performed on the entirety of feeders 4800 and 8500?

14) Were any further thermalography scans performed on the conductors of lines 4800 and 8500 during heavy loading after June 3rd in order to identify if hot spots were getting worse or new hot spots were developing?

15) Given that the line was known to be heavily loaded, were conductor sag checks performed to verify there was no loss of strength/elasticity?

16) What weather conditions are assumed for the 3/0 ACSR conductor rating of 300A and the 556 MCM ACSR conductor rating of 730 A? Were those weather conditions – specifically the ambient air temperature, wind speed, and solar irradiation - exceeded during the periods when the line was heavily loaded?

17) What other actions were taken after June 3rd to monitor the line and actively work to reduce the risk of tripping or failure?

18) For the SEL-321 relay on CB4870, it was noted that previous events showed the current signal leading the voltage. Please confirm the nature of the wiring error (incorrect phasing etc).

19) Why did breaker 8510 at Cayey TC did not open in response to the 38 kV fault and subsequent broken conductor?

20) Are the protection settings on the relay associated with CB8510 in compliance with current settings practices and deemed fit for service? Have they been modified since the event?

21) Is broken conductor detection function enabled on the relay associated with CB8510?

22) Why did Cidra 38 kV breaker 0810 misoperated?

23) Are the protection settings on the Coamo capacitor bank protection approved by LUMA to be in compliance with their current settings practices and deemed fit for service? Have modifications to these settings been applied since the event or is a settings review planned for a future date?

115/38 kV transformers #1 and #2 were exposed to a very long duration fault due to absence of 38 kV breaker failure protection at Cayey TC.

24) Is it a standard practice to not implement breaker failure on 38 kV breakers?

25) Is impact of exposing Cayey 115/38 kV transformers to a long duration fault evaluated?

Short-Circuit Model

26) Modeling issues were identified when attempting to replicate the fault at Santa Isabel 38 kV in CAPE. What were these modeling issues and do they apply to other substations?

Transformer Transportation

The outage event under investigation required the transportation of a transformer from the Buen Pastor Substation, Guaynabo, to the Santa Isabel Substation. In response to this event, LUMA Energy, LLC ("LUMA") entered into a contract with Montimber International, LLC for $3,995,388.63 to transport the transformer.[2]

I. Contract Pricing and Cost Breakdown

27) Detailed Itemization of Contract Amount:

The total contract amount of $3,995,388.63 requires a comprehensive breakdown to understand the allocation of costs and to assess the reasonableness of each component. Provide:

a. A line-item breakdown of the total contract amount, categorizing costs into major components such as labor, equipment, materials, transportation, permits, insurance, and any other relevant categories.
b. For each line item, provide a detailed description of what is included and how the cost was determined.
c. Identify any contingency amounts included in the contract and explain the rationale for their inclusion and calculation method.
d. If any subcontractors are involved, provide a breakdown of costs allocated to each subcontractor and the services they are providing.

28) Justification for Major Cost Components:

For each major cost component identified in the breakdown:

a. Provide a detailed justification for the cost, including any market comparisons, cost-benefit analyses, or industry benchmarks used to determine reasonableness.
b. Explain how the emergency nature of the project influenced the pricing of each major component.
c. Describe any negotiations that took place to optimize costs and any alternatives that were considered but rejected, along with the reasons for rejection.
d. If any costs appear to be significantly higher than what might be expected under normal circumstances, provide a thorough explanation for the deviation.

29) Explanation of Phased Payment Structure:

The contract outlines a 10-phase payment structure, which requires clarification to ensure it aligns with project milestones and protects the interests of ratepayers. Provide:

[2] LUMA Energy, LLC, Contract for Transformer Transportation, June 14, 2024.

a. A detailed explanation of each phase of the payment structure, including the specific deliverables or milestones associated with each payment.
b. The rationale behind the chosen payment structure, including how it manages risk for both LUMA and the contractor.
c. An explanation of how this payment structure compares to standard practices in similar contracts, both under emergency and normal conditions.
d. Details of any performance guarantees, holdbacks, or other financial mechanisms included to ensure satisfactory completion of each phase.

30) Clarification on the $2,391,850.61 Payment Tied to DTOP Permit Issuance:

The payment associated with the Department of Transportation and Public Works (DTOP) permit issuance requires particular attention, especially in light of the DTOP press release stating no charges were made for the permit. Provide:

a. A comprehensive explanation of what this payment covers.
b. A detailed breakdown of any costs included in this payment that are not directly related to the DTOP permit.
c. An explanation of how this payment amount was determined and negotiated with the contractor.

31) Cost Control and Efficiency Measures:

Provide:

a. A detailed description of any cost control measures implemented during the contracting and execution phases of this project.
b. An explanation of how LUMA ensured that the pricing and costs in this contract represent the best value for ratepayers, particularly under emergency conditions.
c. Details of any value engineering or cost optimization efforts undertaken before or during the project.
d. An assessment of potential areas where costs could have been reduced and why these reductions were not pursued.

II. Contractor and Subcontractor Information

32) Full Disclosure of All Parties Involved in the Project:

Provide:

a. A complete list of all contractors and subcontractors involved in this project, including:
    i. Full legal names of all entities
    ii. Their roles and responsibilities in the project
    iii. The scope of work assigned to each
    iv. The contractual relationship (i.e., direct contractor to LUMA or subcontractor to Montimber International, LLC)
b. Corporate information for each entity, including:
    i. Ownership structure
    ii. Years in operation
    iii. Relevant experience in similar projects
    iv. Any past work history with LUMA or PREPA

c. Explanation of how each contractor or subcontractor was identified and selected for this project.
d. For any subcontractors whose services were cancelled or terminated during the process:

    i. Provide the date and reason for cancellation
    ii. Explain any impact this had on the project timeline or costs
    iii. Describe how their responsibilities were reallocated

e. Disclosure of any potential conflicts of interest, including any relationships between these entities and LUMA, PREPA, or their employees.
f. Detail the vetting process for all subcontractors, including any emergency modifications to standard procedures due to the urgent nature of the project.

33) Clarification on FORTEZA's Role:

A press release issued by DTOP mentioned FORTEZA, which was not previously disclosed in the contract documentation. Please provide:

a. A detailed explanation of FORTEZA's role in this project, if any.
b. If FORTEZA is involved:

    i. The nature of their involvement
    ii. Their contractual relationship (e.g., subcontractor to Montimber International, LLC)
    iii. The scope of work assigned to them
    iv. The value of their contract or subcontract

c. If FORTEZA is not involved, provide an explanation for their mention in the DTOP press release.
d. Any documentation related to FORTEZA's involvement or the clarification of their non-involvement in the project.

34) Subcontractor Approval Process and Documentation:

Provide:

a. A detailed description of LUMA's process for approving subcontractors on this project, including:

    i. Criteria used for evaluation
    ii. Required documentation
    iii. Approval authorities

b. For each approved subcontractor:

    i. The date of approval
    ii. The justification for their approval
    iii. Documentation of the approval process

c. Explanation of how the emergency nature of the project affected the subcontractor approval process, if at all.
d. Any instances where proposed subcontractors were not approved, and the reasons for non-approval.

35) Breakdown of Costs Allocated to Each Contractor/Subcontractor:

Provide:

a. A detailed breakdown of costs allocated to each contractor and subcontractor, including:

i. Direct costs (labor, materials, equipment)
ii. Indirect costs (overhead, profit margins)
iii. Any specific emergency-related charges

b. Explanation of how these costs were determined and negotiated.
c. Comparison of these costs to industry standards or similar projects.
d. Details of any cost-sharing or risk-sharing arrangements between contractors and subcontractors.

36) Contractor and Subcontractor Performance Evaluation:

Provide:

a. The criteria used to evaluate the performance of contractors and subcontractors on this project.
b. Results of any performance evaluations conducted to date.
c. Description of any performance issues encountered and how they were addressed.
d. Explanation of any financial incentives or penalties tied to contractor or subcontractor performance.

ADDENDUM 29

Dec 23, 2024

11:56 PM

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**CASE NO. NEPR-IN-2024-0002** **SUBJECT: Motion in Compliance with the Hearing Examiner's Order of December 4, 2024, Request for Partial Extension, and Request for Confidentiality**

MOTION IN COMPLIANCE WITH THE HEARING EXAMINER'S ORDER OF DECEMBER 4, 2024, REQUEST FOR PARTIAL EXTENSION AND REQUEST FOR CONFIDENTIALITY

TO THE HONORABLE PUERTO RICO ENERGY BUREAU/HEARING EXAMINER GERARDO FLORES:

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543 (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38kV power transformer (the "Incident"). This Energy Bureau ordered LUMA to submit, on or before July 1, 2024, "an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order.

2. On July 1, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order*

of June 14, 2024 and Request for Confidential Treatment ("July 1st Motion") in which it submitted an Initial Report with a summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident and requesting until July 22, 2024 to submit a final report and supporting documentation that would comprise the Incident Report covering all content items in Attachment A of the June 14th Order.

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order in which, among others, it designated this Hearing Officer to be charge of the Investigation ("Hearing Examiner"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

4. On July 11, 2024, the Hearing Examiner issued an Urgent Order (the "July 11th Order") ordering LUMA to submit responses to the information listed in the July 11th Order relating to the installation of a transformer in the Municipality of Santa Isabel within forty-eight (48) hours from the notification of the July 11th Order ("July 11th ROIs"). *See* July 11th Order, at pp. 1-2.

5. By motion dated July 15, 2024, LUMA submitted, as an Exhibit 1 thereto, its response to the July 11th ROIs with the exception of the response to the ROI #3 with respect to which LUMA requested a twenty-four-hour (24) extension to ensure the validation and accuracy of the information submitted. *See Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality* electronically filed on July 16, 2024 ("July 15th Motion"), at pp. 6 and 18.

6. On July 16, 2024, the Hearing Examiner issued an Order ("July 16th Order") in which, among others, the Hearing Examiner denied LUMA's request for extension to submit the

response to ROI #3 within twenty-four (24) hours, but nevertheless granted LUMA until July 17, 2024 at 11:00 a.m. to submit the response.

7. On July 16, 2024, LUMA, submitted as Exhibit 1 its response to ROI #3, and an updated version of LUMA's responses to the July 11th ROIs.

8. On July 18, 2024, the Hearing Examiner issued an Order ("July 18th Order") in which, among others, the Hearing Examiner deemed LUMA in compliance with the July 16th Order and stated that he would be evaluating the documents submitted by LUMA together with the Electric Power Research Institute ("EPRI"). The Hearing Examiner advised that he could interpose additional questions, additional requests for information and documents, as well as summon witnesses.

9. On July 22, 2024, LUMA filed a *Motion Submitting the Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 22nd Submittal"), in which in accordance with its July 1st Motion, LUMA submitted the Incident Report required by the June 14th Order.

10. After other procedural events, on December 4, 2024, LUMA received notice of the *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), in which the Hearing Examiner stated that "[a]dditional information is required to conduct a comprehensive review of the substation major outage under investigation" and ordered LUMA to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs").

II. Compliance with December 4th Order and Request for Partial Extension of Time

11. In compliance with the December 4th Order, LUMA hereby submits as *Exhibit 1* to this Motion its responses to the December 4th ROIs posed by this Hearing Examiner through Attachment A of the December 4th Order.

12. LUMA respectfully informs the honorable Energy Bureau/Hearing Examiner that despite its best efforts, LUMA was unable to complete the responses to ROIs # 29 (subsections b, c, and d), 31, 32, 34, and 36 of the December 4th Order. Although LUMA diligently worked to obtain, confirm and validate all the information required under the referenced ROIs, additional is time is needed to ensure that the responses to be provided are complete, accurate and fully validated. Given the interceding holidays and the limited availability of its personnel, LUMA anticipates that it will need until January 13, 2024, to complete this effort and submit the full and final responses to these ROIs, thereby ensuring that the necessary information is fully validated so that this honorable Energy Bureau/Hearing Examiner is presented complete and accurate data. LUMA respectfully submits that this extension is the minimum necessary to complete this effort and should not unreasonably delay this proceeding.

III. Request for Confidential Treatment

13. LUMA respectfully requests that the honorable Energy Bureau/Hearing Examiner maintain *Exhibit 1* herein confidential during the course of the Investigation and until its conclusion pursuant to Section 15.10 of the Energy Bureau's *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures,* Regulation No. 8543 (which provides that documents will be maintained confidential during investigations conducted under Article XV of said regulation until the investigation is concluded).[1]

[1] Section 15.10 of Regulation No. 8543, titled *Confidentiality of Ongoing Investigation Records*, provides as follows:

> The [Energy Bureau]'s record shall remain confidential while the investigation is in process.

14. In addition, LUMA respectfully submits that *Exhibit 1* contains confidential information, including Critical Energy Infrastructure Information ("CEII") that garners protection from public disclosure 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, CEPR-MI-2016-0009, issued on August 31, 2016, as amended on September 21, 2016. Therefore, LUMA is submitting *Exhibit 1* under seal of confidentiality and respectfully requests the Energy Bureau/Hearing Examiner to keep *Exhibit 1* confidential during and after the Investigation concludes. LUMA is also including a redacted version of Exhibit 1 protecting the information deemed to be confidential. As per the Energy Bureau's Policy on Management of Confidential Information, LUMA will be submitting in the next ten (10) days a Memorandum of Law in support of this request for confidentiality, along with an updated redacted/public version of *Exhibit 1* herein apt for disclosure after the Investigation concludes.

WHEREFORE, LUMA respectfully requests that the Energy Bureau/Hearing Examiner **take notice** of the above; **accept** LUMA's responses to the December 4th ROIs included in *Exhibit 1* herein in compliance with the December 4th Order; **grant** LUMA's request for an extension until January 13, 2025, to submit its response to ROIs # 29 (subsections b, c, and d), 31, 32, 34, and 36; **maintain** *Exhibit 1* herein confidential during the course of the Investigation in accordance with Section 15.10 of Regulation No. 8543; and **grant** LUMA's request to maintain the confidential treatment of *Exhibit 1* herein, during and after the Investigation concludes, to be supported by a Memorandum of Law that will be submitted by LUMA in the next ten (10) days.

The record shall be available to the general public once the investigation report is notified to the investigated party or upon conclusion of any investigation that does not require the [Energy Bureau] to prepare a report, as set for in Section 15.07 of this Chapter. However, any information classified as privileged during the course of the investigation, or any information that may violate the fundamental rights of third parties or the right to privacy of the person investigated, shall be duly protected.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23rd day of December, 2024.

We hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
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Exhibit 1

LUMA's Responses to the December 4th ROIs

[Submitted under Seal of Confidentiality]

ADDENDUM 31

Jan 2, 2025

3:59 PM

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**CASE NO. NEPR-IN-2024-0002** **SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on December 23, 2024**

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 SUBMITTED ON DECEMBER 23, 2024

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543 (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38 kV power transformer (the "Incident") and ordered LUMA to submit, on or before July 1, 2024, an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order.

2. On July 1, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 1st Motion") in which it submitted

an Initial Report with a summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident and requesting until July 22, 2024 to submit a final report and supporting documentation that would comprise the Incident Report.

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order in which, among others, it designated Gerardo A. Flores as Hearing Examiner in charge of the Investigation ("Hearing Examiner"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

4. On July 11, 2024, the Hearing Examiner issued an Urgent Order (the "July 11th Order") ordering LUMA to submit responses to the information listed in the July 11th Order ("July 11th ROIs"). *See* July 11th Order, at pp. 1-2.

5. By way of a motion dated July 15, 2024, LUMA submitted, as an Exhibit 1 thereto, its response to the July 11th ROIs with the exception of the response to the ROI #3 with respect to which LUMA requested a twenty-four-hour (24) extension. *See Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality* electronically filed on July 16, 2024 ("July 15th Motion"), at pp. 6 and 18.

6. On July 16, 2024, the Hearing Examiner issued an Order ("July 16th Order") in which, among others, the Hearing Examiner granted LUMA until July 17, 2024 at 11:00 a.m. to submit the response to ROI #3.

7. On July 16, 2024, LUMA, submitted as Exhibit 1 its response to ROI #3, and an updated version of LUMA's responses to the July 11th ROIs.

8. On July 18, 2024, the Hearing Examiner issued an Order ("July 18th Order") in which, among others, the Hearing Examiner deemed LUMA in compliance with the July 16th

Order and stated that he would be evaluating the documents submitted by LUMA together with the Electric Power Research Institute ("EPRI").

9. On July 22, 2024, LUMA filed a *Motion Submitting the Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 22nd Submittal").

10. On December 4, 2024, the Hearing Examiner issued an Order, entitled *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), by which LUMA was required to provide additional information as part of the investigation of the Incident. The Hearing Examiner ordered LUMA to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs").

11. In compliance with the December 4th Order, on December 23, 2024, LUMA filed a *Motion in Compliance with the Hearing Examiner's Order of December 4, 2024, Request for Partial Extension, and Request for Confidentiality* ("December 23rd Motion"). Therein, LUMA submitted as *Exhibit 1* its responses to the December 4th ROIs posed by the Hearing Examiner through Attachment A of the December 4th Order. Moreover, LUMA informed that, although it diligently worked to obtain, confirm and validate all the necessary information, it was unable to complete the responses to ROIs # 29 (subsections b, c, and d), 31, 32, 34, and 36 of the December 4th Order. Accordingly, LUMA submitted a request for partial extension of time – up and until January 13, 2024 – to submit its full and final responses to the outstanding ROIs, thereby ensuring that the responses to be provided are complete, accurate and fully validated.

12. Lastly, LUMA also requested the Honorable Energy Bureau to keep *Exhibit 1* of the December 23rd Motion confidential during the course of the Investigation and until its conclusion,

pursuant to Section 15.10 of the Energy Bureau's *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures*, Regulation No. 8543, as it contained Critical Energy Infrastructure Information that garners protection from public disclosure in accordance with applicable federal statutes and regulations. In keeping with 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, LUMA filed both an "unredacted" / "confidential" version as well as a "redacted" / "public version" of *Exhibit 1* protecting the information deemed to be confidential. LUMA informed this Energy Bureau that it would be submitting the corresponding Memorandum of Law in support of the confidential treatment of *Exhibit 1* of the December 23rd Motion within the next ten (10) days, in compliance with the Energy Bureau's Policy on Management of Confidential Information.

13. In accordance with the above, LUMA is submitting below the corresponding Memorandum of Law stating the legal basis for the request to treat *Exhibit 1* of the December 23rd Motion confidentially.

II. Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 of the December 23rd Motion

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

14. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

15. 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.

16. 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).

17. 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.*, paragraph 6.

18. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Critical Energy Infrastructure Information ("CEII"):

> The information designated by the [Energy Bureau] as Validated Confidential Information on the ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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).

19. Relatedly, Energy Bureau Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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."

B. Request for Confidentiality

20. *Exhibit 1* of the December 23rd Motion includes CEII information that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

21. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.

22. 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 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.***

23. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[1] 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. § 671 (3).[2]

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[1] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, 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—
>
> (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] CII includes the following types of information:

> (A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;
> (B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
> (C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

24. *Exhibit 1* of the December 23rd Motion include figures and diagrams containing: a power flow diagram for lines 8500 and 4800 between the Santa Isabel and Cayey Transmission Centers, included in ROI-LUMA-MI-2024-0005-20241205-PREB-001; and two AC three-line diagrams that show all the details of the Santa Isabel Substation protection system including protection connections for the differential, overcurrent, voltage and synchronizing elements, included as Attachment 1 (ROI-LUMA-MI-2024-0005-20241205-PREB-002_Attachment1) and Attachment 2 of *Exhibit 1* (ROI-LUMA-MI-2024-0005-20241205-PREB-002_Attachment2). These diagrams and figures contain details on design and/or engineering information of critical electric system assets. The information in these diagrams, and figures, if disclosed, may reveal vulnerabilities of the electric system. Therefore, these diagrams, figures, and information constitute 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).

25. The CEII designation of these diagrams and figures is a reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that this information constitutes CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

26. In addition, there are certain portions of *Exhibit 1* of the December 23rd Motion that contain the name of individuals. The protection of this information 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 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).

27. It is respectfully submitted that the protection of all of the confidential information discussed above does not affect the public's or the Energy Bureau's review of the present filing nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect privacy and protect CEII, weighs in favor of protecting the relevant portions of *Exhibit 1* of the December 23rd Motion from disclosure.

III. Identification of Confidential Information

28. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, below is a table identifying the confidential information and summarizing the hallmarks of this request for confidential treatment:

Document	**Pages, Figures in which Confidential Information is**	**Description**	**Reasons and Summary of Legal Basis for Confidentiality Protection**	**Date Filed**
Exhibit 1 of the December 23rd Motion	Page 1 - ROI-LUMA-MI-2024-0005-20241205-PREB-001	Power Flow Diagram for Lines 8500 and 4800 on June 3rd.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show details of engineering and/or design information of a critical electric system asset.	December 23, 2024

Document	Pages, Figures in which Confidential Information is	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 2 - ROI-LUMA-MI-2024-0005-20241205-PREB-002_Attachment 1	AC three-line diagram that shows all the details of the Santa Isabel substation protection system including protection connections for the differential, overcurrent, voltage and synchronizing elements. Contains names of individuals.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show details of engineering and/or design information of a critical electric system asset. Right to privacy.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 2 - ROI-LUMA-MI-2024-0005-20241205-PREB-002_Attachment2	AC three-line diagram that shows all the details of the Santa Isabel substation protection system including protection connections for the differential, overcurrent, voltage and synchronizing elements. Contains names of individuals.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show details of engineering and/or design information of a critical electric system asset. Right to privacy.	December 23, 2024

29. As previously mentioned, the redacted version of *Exhibit 1* of the December 23rd Motion was included with the December 23rd Motion.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** this Memorandum of Law in support of the confidential treatment of *Exhibit 1* of the December 23rd Motion; and **grant** the request herein to keep confidential *Exhibit 1* of the December 23rd Motion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of January, 2025.

We hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
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ADDENDUM 32

Jan 13, 2025

10:57 PM

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**CASE NO. NEPR-IN-2024-0002** **SUBJECT: Motion to Submit Responses to Outstanding Requirements of Information issued on December 4, 2024, and Request for Confidentiality**

MOTION TO SUBMIT RESPONSES TO OUTSTANDING REQUIREMENTS OF INFORMATION ISSUED ON DECEMBER 4, 2024, AND REQUEST FOR CONFIDENTIALITY

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1] (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38 kV power transformer (the "Incident") and ordered LUMA to submit, on or before July 1, 2024, an Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order.

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

2. On July 1, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 1st Motion") in which it submitted an Initial Report with a summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident and requesting until July 22, 2024 to submit a final report and supporting documentation that would comprise the Incident Report.

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order in which, among others, it designated Gerardo A. Flores as Hearing Examiner in charge of the Investigation ("Hearing Examiner"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

4. On July 11, 2024, the Hearing Examiner issued an Urgent Order (the "July 11th Order") ordering LUMA to submit responses to the information listed in the July 11th Order ("July 11th ROIs").

5. By way of a motion dated July 15, 2024, LUMA submitted, as an Exhibit 1 thereto, its response to the July 11th ROIs with the exception of the response to the ROI #3 with respect to which LUMA requested a twenty-four-hour (24) extension. *See Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality* electronically filed on July 16, 2024.

6. On July 16, 2024, the Hearing Examiner issued an Order ("July 16th Order") in which, among others, the Hearing Examiner granted LUMA until July 17, 2024 at 11:00 a.m. to submit the response to ROI #3.

7. On July 16, 2024, LUMA, submitted as Exhibit 1 its response to ROI #3, and an updated version of LUMA's responses to the July 11th ROIs.

8. On July 18, 2024, the Hearing Examiner issued an Order ("July 18th Order") in which, among others, the Hearing Examiner deemed LUMA in compliance with the July 16th Order and stated that he would be evaluating the documents submitted by LUMA together with the Electric Power Research Institute ("EPRI").

9. On July 22, 2024, LUMA filed a *Motion Submitting the Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("July 22nd Submittal").

10. On December 4, 2024, the Hearing Examiner issued an Order, entitled *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), by which LUMA was required to provide additional information as part of the investigation of the Incident. The Hearing Examiner ordered LUMA to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs").

11. In compliance with the December 4th Order, on December 23, 2024, LUMA filed a *Motion in Compliance with the Hearing Examiner's Order of December 4, 2024, Request for Partial Extension, and Request for Confidentiality* ("December 23rd Motion"). Therein, LUMA submitted as *Exhibit 1* its responses to the December 4th ROIs posed by the Hearing Examiner through Attachment A of the December 4th Order.

12. Moreover, and in what is pertinent to the present Motion, LUMA informed that, although it diligently worked to obtain, confirm and validate all the necessary information, it was unable to complete the responses to ROIs # 29 (subsections b, c, and d), 31, 32, 34, and 36 of the December 4th Order, explaining that although the responses then provided included a response to ROI #34, this response was partial and would be supplemented within the requested time

extension. Accordingly, LUMA submitted a request for partial extension of time – up and until January 13, 2025 – to submit its full and final responses to the outstanding ROIs, thereby ensuring that the responses to be provided are complete, accurate and fully validated.[2]

II. Compliance with Outstanding Requests for Information issued through the December 4th Order

13. In accordance with the above and in further compliance with the December 4th Order, LUMA hereby submits as *Exhibit 1* to this Motion its responses to the December 4th ROIs that remained outstanding following LUMA's request for a partial extension of time contained in its December 23rd Motion. To wit, LUMA is hereby filing its responses to ROIs # 29 (subsections b, c, and d), 31, 32, 34 and 36, posed by the Hearing Examiner through Attachment A of the December 4th Order. The response to ROI #34 is an updated and supplemented response to that submitted with the December 23rd Motion, and LUMA respectfully requests that the Energy Bureau deem the response provided to this ROI in *Exhibit 1* of this Motion as the final answer to ROI #34 in substitution of the previous response.

III. Request for Confidential Treatment

14. LUMA respectfully requests that the Energy Bureau maintain *Exhibit 1* herein, including its Attachment 1, confidential during the course of the Investigation and until its conclusion pursuant to Section 15.10 of Regulation No. 8543 (which provides that documents will

[2] As part of its December 23rd Motion, LUMA also requested the Honorable Energy Bureau to keep *Exhibit 1* of the December 23rd Motion confidential during the course of the Investigation and until its conclusion, pursuant to Section 15.10 of Regulation No. 8543, as it contained Critical Energy Infrastructure Information that garners protection from public disclosure in accordance with applicable federal statutes and regulations. In keeping with 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 ("Policy on Management of Confidential Information"), LUMA filed both an "unredacted" / "confidential" version as well as a "redacted" / "public version" of *Exhibit 1* protecting the information deemed to be confidential.

Accordingly, and in compliance with the Energy Bureau's Policy on Management of Confidential Information, on January 2nd, 2025, LUMA filed its *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on December 23, 2024*, whereby it stated the legal basis for the request to treat Exhibit 1 of the December 23rd Motion confidentially.

be maintained confidential during investigations conducted under Article XV of said regulation until the investigation is concluded).[3]

15. In addition, LUMA respectfully submits that *Exhibit 1* to the present Motion contains confidential information that garners protection from public disclosure pursuant to applicable law and the Energy Bureau's Policy on Management of Confidential Information. Therefore, LUMA is submitting *Exhibit 1* under seal of confidentiality and respectfully requests the Energy Bureau to keep *Exhibit 1* confidential during and after the Investigation concludes. LUMA is also including a redacted/public version of *Exhibit 1* and its Attachment 1 protecting the information deemed to be confidential, apt for disclosure after the Investigation concludes. As per the Energy Bureau's Policy on Management of Confidential Information, LUMA will be submitting in the next ten (10) days a Memorandum of Law in support of this request for confidentiality.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** LUMA's responses to ROIs # 29 (subsections b, c, and d), 31, 32, 34, and 36 included as *Exhibit 1* herein, in further compliance with the December 4th Order; **maintain** *Exhibit 1* herein confidential during the course of the Investigation in accordance with Section 15.10 of Regulation No. 8543; and **grant** LUMA's request to maintain the confidential treatment

[3] Section 15.10 of Regulation No. 8543, titled Confidentiality of Ongoing Investigation Records, provides as follows:

> The [Energy Bureau]'s record shall remain confidential while the investigation is in process.
>
> The record shall be available to the general public once the investigation report is notified to the investigated party or upon conclusion of any investigation that does not require the [Energy Bureau] to prepare a report, as set for in Section 15.07 of this Chapter. However, any information classified as privileged during the course of the investigation, or any information that may violate the fundamental rights of third parties or the right to privacy of the person investigated, shall be duly protected.

of *Exhibit 1* herein including its Attachment 1, during and after the Investigation concludes, to be supported by a Memorandum of Law that will be submitted by LUMA in the next ten (10) days.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of January, 2025.

We hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
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Exhibit 1

LUMA's Responses to ROIs # 29 (b, c and d), #31, #32, #34 and #36 of the December 4th Order and Attachment 1 (to be submitted via email)

[Submitted under Seal of Confidentiality]

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**CASE NO. NEPR-IN-2024-0002** **SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on January 13, 2025**

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 SUBMITTED ON JANUARY 13, 2025

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1] (the "Investigation"), the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38 kV power transformer (the "Incident").

2. After other procedural events involving the submittal by LUMA of an Initial Report, an Incident Report and other information requested by the Energy Bureau or the Hearing

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

Examiner designated by the Energy Bureau in this proceeding[2], on December 4, 2024, the Hearing Examiner issued an Order, entitled *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), by which LUMA was required to provide additional information as part of the investigation of the Incident. The Hearing Examiner ordered LUMA to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs").

3. In compliance with the December 4th Order, on December 23, 2024, LUMA filed a *Motion in Compliance with the Hearing Examiner's Order of December 4, 2024, Request for Partial Extension, and Request for Confidentiality* ("December 23rd Motion"), submitting as Exhibit 1 its responses to most of the December 4th ROIs. LUMA also informed that, although it diligently worked to obtain, confirm and validate all the necessary information, it was unable to complete the responses to ROIs # 29 (subsections b, c, and d), 31, 32, 34, and 36 of the December 4th Order. Accordingly, LUMA submitted a request for partial extension of time – up and until January 13, 2025 – to submit its full and final responses to the outstanding ROIs, thereby ensuring that the responses to be provided were complete, accurate and fully validated.[3]

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[2] See *Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* filed on July 1, 2024*; Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality* filed on July 16, 2024; and *Motion Submitting the Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* filed on July 22, 2024. The Hearing Examiner was designated by Resolution and Order of July 8, 2024, per Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

[3] As part of its December 23rd Motion, LUMA also requested the Honorable Energy Bureau to keep *Exhibit 1* of the December 23rd Motion confidential during the course of the Investigation and until its conclusion, pursuant to Section 15.10 of Regulation No. 8543, as it contained Critical Energy Infrastructure Information that garners protection from public disclosure in accordance with applicable federal statutes and regulations. In keeping with 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 ("Policy on Management of Confidential Information"), LUMA filed both an "unredacted" / "confidential" version as well as a "redacted" / "public version" of *Exhibit 1* protecting the information deemed to be confidential.

4. On January 13, 2025, LUMA filed a *Motion to Submit Responses to Outstanding Requirements of Information issued on December 4, 2024, and Request for Confidentiality* ("January 13th Motion"). Therein, LUMA submitted, as *Exhibit 1*, including an Attachment 1 to that Exhibit (together, "January 13th Exhibit 1"), its responses to the December 4th ROIs that remained outstanding following LUMA's request for a partial extension of time contained in its December 23rd Motion.[4]

5. LUMA also requested the Honorable Energy Bureau to keep the January 13th Exhibit 1 confidential during the course of the Investigation and until its conclusion, pursuant to Section 15.10 of the Energy Bureau's *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures,* Regulation No. 8543, as it contains confidential information that garners protection from public disclosure pursuant to applicable law and the Energy Bureau's Policy on Management of Confidential Information. In keeping with said Policy on Management of Confidential Information, LUMA filed both an "unredacted" / "confidential" version as well as a "redacted" / "public version" of the January 13th Exhibit 1 protecting the information deemed to be confidential, and informed this Energy Bureau that it would be submitting the corresponding Memorandum of Law in support of the confidential treatment of the January 13th Exhibit 1 within the next ten (10) days.

Accordingly, and in compliance with the Energy Bureau's Policy on Management of Confidential Information, on January 2nd, 2025, LUMA filed its *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on December 23, 2024*, whereby it stated the legal basis for the request to treat Exhibit 1 of the December 23rd Motion confidentially.

[4] To wit, LUMA filed its responses to ROIs # 29 (subsections b, c, and d), 31, 32, and 36, posed by the Hearing Examiner through Attachment A of the December 4th Order. Moreover, LUMA provided an updated and supplemented response to ROI #34 to that submitted with the December 23rd Motion and requested that the Energy Bureau deem said response as the final answer to ROI #34 in substitution of the previous response.

6. In accordance with the above, LUMA is submitting below the corresponding Memorandum of Law stating the legal basis for the request to treat the January 13th Exhibit 1 confidentially.

II. Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 of the January 13th Motion

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

7. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

8. In connection with the duties of electric power service companies, Section 1.10 (i) of Act 17-2019 further provides that electric power service companies shall submit information requested by customers, except for confidential information in accordance with the Rules of Evidence of Puerto Rico. 22 LPRA § 1141i.

9. 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).

10. 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.*, paragraph 6.

11. The Energy Bureau's Policy on Confidential Information also states the following with regards 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).

12. Relatedly, the Energy Bureau Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit,

Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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."

B. Request for Confidentiality

13. 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 of Act 80-2011. (Emphasis added).

14. 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* Section 4 of the Puerto Rico Open Government Data Act, Act 122-2019 (exempting the following from public disclosure: (1) commercial or financial information whose disclosure will cause competitive harm and (2) trade secrets protected by a contract, statute or judicial decision). *See* Act 122-2019, Sections 4 (ix) and (x), 3 LPRA § 9894.

15. 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); *see also Next Step Medical Co. v. MCS Advantage Inc.*, KLCE201601116, 2016 WL 6520173 (P.R. Court of Appeals, September 13, 2016) (holding that in Puerto Rico, what constitutes trade secrets is evaluated applying a broad definition). A trade secret includes ***any and all information*** (i) from which a real or potential value or economic advantage may be derived; (ii) that is not common knowledge or accessible through other means; and (iii) as to which reasonable security measures have been adopted to keep the information confidential. *Ponce Adv. Medical*, 197 DPR at p. 906.

16. The January 13th Exhibit 1, including its Attachment 1 ROI-LUMA-MI-2024-0005-20241205-PREB-032.xlsx, includes sensitive commercial information related to a procurement process, which LUMA treats confidentially and does not disclose to unauthorized third parties. Specifically, *Exhibit 1* discusses information about proposals from subcontractors, subcontractor price comparisons and performance, including the circumstances surrounding the termination of one of the subcontractors, and the cost estimate information LUMA used to evaluate the contractor proposals. This information should be kept confidential to secure the orderly conduct of future competitive procurement processes. Disclosure of the information could stifle future competitive processes and potentially result in increased proposal prices for similar services in the future, affecting LUMA's ability to procure other contractors in a competitive manner.

17. It is respectfully submitted that the on balance, the public interest in protecting the mentioned information to maintain the utility's competitiveness and control costs (which ultimately also protects ratepayers) weighs in favor of protecting the relevant portions of *Exhibit 1* of the January 13th Motion and *Attachment 1 ROI-LUMA-MI-2024-0005-20241205-PREB-*

032.xlsx from disclosure.

III. Identification of Confidential Information

18. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, below is a table identifying the confidential information and summarizing the hallmarks of this request for confidential treatment:

Document	Pages where confidential information is found	Description	Reasons and summary of legal basis for confidentiality	Date filed
Exhibit 1 of the January 13th Motion	Page 3 - ROI-LUMA-MI-2024-0005-20241205-PREB-031 Paragraph (a) under "Response", Lines 1-8	Contains information comparing subcontractor costs, with identifying information.	Sensitive Commercial Information and Trade Secrets under Act 80-2011	January 13, 2025

Document	Pages where confidential information is found	Description	Reasons and summary of legal basis for confidentiality	Date filed
Exhibit 1 of the January 13th Motion	Page 6 - ROI-LUMA-MI-2024-0005-20241205-PREB-032 Paragraph (d) under "Response": (i) Date and Reason for Cancellation (Whole response) (ii) Impact on Timeline or Costs (Lines 1-2) (iii) Reallocation of Responsibilities (First part of Line 1)	Contains information relating to subcontractor performance with identifying information, including cancellation/termination of subcontractor services (date and reason for cancellation; impact on timeline or costs; and reallocation of responsibilities)	Sensitive Commercial Information and Trade Secrets under Act 80-2011	January 13, 2025
Exhibit 1 of the January 13th Motion - Attachment 1 ROI-LUMA-MI-2024-0005-20241205-PREB-032.xlsx	Attachment 1 ROI-LUMA-MI-2024-0005-20241205-PREB-032.xlsx Column C ("*Total Cost*") of worksheets titled "*ICE*" & "*ICE Phase Assignmen*t"	Contains a list of estimated costs per tasks for the type of services discussed, which is used to evaluate proposals for similar types of services.	Sensitive Commercial Information and Trade Secrets under Act 80-2011	January 13, 2025

19. As previously mentioned, the redacted version of the January 13th Exhibit 1 was included with the January 13th Motion.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** this Memorandum of Law in support of the confidential treatment of the January 1rth *Exhibit 1*; and **grant** the request herein to keep confidential the January 13th Exhibit 1, to remain confidential at all times during and following the conclusion of the Investigation.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23rd day of January, 2025.

We hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau.

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ADDENDUM 35

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO EN SUBESTACIÓN SANTA ISABEL AFECTANDO MUNICIPIOS DE SANTA ISABEL, COAMO Y AIBONITO	**CASO NÚM.:** NEPR-IN-2024-0002 **ASUNTO:** Informe de Investigación

RESOLUCIÓN Y ORDEN

El 14 de junio de 2024, comenzó la investigación de epígrafe relacionada a una interrupción de servicio eléctrico en la subestación de Santa Isabel, la cual afectó a los municipios de Santa Isabel, Coamo y Aibonito, ocurrida en o alrededor del 2 de junio de 2024.

El Negociado de Energía designó al Instituto de Investigación de Energía Eléctrica ("EPRI", por sus siglas en inglés) y al Lcdo. Gerardo Flores para que realizaran una investigación abarcadora sobre la interrupción de servicio en cuestión.

El 14 de febrero de 2025, EPRI rindió su Informe, en el cual esbozó los hallazgos, conclusiones y recomendaciones de rigor.

De acuerdo con las disposiciones de la Sección 15.08 del Reglamento 8543,[1] toda persona investigada podrá presentar, por escrito, cualquier planteamiento, objeción o comentario debidamente fundamentados con relación al presente Informe. Tales objeciones, planteamientos o comentarios deberán ser presentados dentro de **veinte (20) días**, contados a partir de la fecha de notificación del presente Informe.

De conformidad con la Sección 15.10 del Reglamento 8543, el expediente del caso será de naturaleza confidencial hasta tanto concluya la investigación, momento a partir del cual estará disponible al público general. Únicamente se protegerá aquella información que haya sido clasificada como privilegiada y confidencial durante el transcurso de la investigación, por lo que dicha información no estará disponible al público en general una vez concluida la investigación.

El Negociado de Energía **ORDENA** a la Secretaria que **NOTIFIQUE** a LUMA el Informe junto con esta Resolución y Orden, a los fines de que pueda someter sus comentarios respecto al mismo. Una vez concluida esta investigación, el expediente se pondrá a disposición del público, con excepción de cualquier información clasificada como privilegiada durante el transcurso de la investigación.

Notifíquese y publíquese.

Edison Avilés Deliz
Presidente

Ferdinand A. Ramos Soegaard
Comisionado Asociado

Sylvia B. Ugarte Araujo
Comisionada Asociada

Antonio Torres Miranda
Comisionado Asociado

[1] *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, Reglamento 8543, Negociado de Energía, 18 de diciembre de 2014.

CERTIFICACIÓN:

Certifico que así lo acordó la mayoría de los miembros del Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico el 14 de febrero de 2025. La Comisionada Asociada Lillian Mateo Santos no intervino. Certifico, además, que el 14 de febrero de 2025 he procedido con el archivo en autos de esta Resolución y Orden; y que la misma fue notificada mediante correo electrónico a Laura.rozas@us.dlapiper.com; jan.albinolopez@us.dlapiper.com.

Para que así conste, firmo la presente, en San Juan, Puerto Rico, hoy, 14 de febrero de 2025.

Sonia Seda Gaztambide
Secretaria

ADDENDUM 36

Technical Advisory
Investigation of June 2024 Outage Events

Introduction

About this Document

The Electric Power Research Institute (EPRI) is a nonprofit corporation organized under the laws of the District of Columbia Nonprofit Corporation Act and recognized as a tax-exempt organization under Section 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended. EPRI was established in 1972 and has principal offices and laboratories located in Palo Alto, California; Charlotte, North Carolina; Knoxville, Tennessee; and Lenox, Massachusetts.

EPRI conducts research and development relating to the generation, delivery, and use of electricity for the benefit of the public. An independent, nonprofit organization, EPRI brings together its scientists and engineers as well as experts from academia and industry to help address challenges in electricity, including reliability, efficiency, health, safety, and the environment. EPRI's members represent approximately 90 percent of the electricity generated and delivered in the United States, and international participation extends to more than 30 countries.

As part of the professional service contract, EPRI has performed an analysis of the following major outage events with the objective of providing an independent, unbiased, expert opinion on the findings, and making recommendations for further measures to reduce the risk of such events in future:

- June 1 – 3, 2024, affecting customers in the Santa Isabel area
- June 12, 2024, affecting customers in the San Juan urban area

To perform the analysis of Santa Isabel area, EPRI reviewed the following reports provided by Luma:

- Luma's report on 115/38 kV Transformer, 38 kV bus at Santa Isabel TC and line 4800/8500 to Cayey TC Outage Events – June 1 to June 3, 2024 – 07:07 / 14:11 / 00:43 / 2:07 dated July 1, 2024.
- Luma's responses to July 11, 2024, Requests for Santa Isabel Substation Major Outage Affecting Coamo, Aibonito, and Santa Isabel dated July 16, 2024.

The analysis of June 12, 2024, events was based on the review of many event reports provided by Luma, Genera, Exponent, and FTI consulting. A list of a few of those references is included below:

- LUMA's preliminary report on June 12 incidents – June 20, 2024.

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- Genera's initial reporting and incident report – June 2024.
- Exponent's root cause evaluation of San Juan area outage event – July 18, 2024.
- FTI consulting's report on June 2024 outages – October 2024.

EPRI also engaged with Luma and Genera staff to understand the operating conditions and sequence of events leading to an outage on June 12, 2024. EPRI submitted numerous questions to Luma and Genera to seek additional details and clarification regarding engineering practices, system operating conditions, and the sequence of events leading to an outage, the response to which was received in January 2025.

This advisory presents an overview of EPRI's independent, unbiased, expert opinion on the findings and makes recommendations for possible measures to reduce the risk of such events in the future.

A brief discussion regarding the sequence of events, including key observations and recommendations for each event, follows.

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Santa Isabel Outage Events

System topology prior to the event

The electric system in the Santa Isabel area has been operating without many sources since Hurricane Maria. Per design, Ponce TC via 38 kV lines 100 & 200, Horizon via 38 kV lines 100 & 200, and Santa Isabel TC via 38 kV line 4800 provide a source of electricity to Santa Isabel Sect 38 kV bus. However, 38 kV lines 100 & 200 from Ponce and Horizon, highlighted in yellow in Figure 1, have been out of service since Hurricane Maria. The 38 kV line 4800 between Santa Isabel TC and Toro Negro, also highlighted in yellow in Figure 1, has been operating radially instead of in a networked configuration since hurricane Maria, due to damaged poles, structures, and conductor sections. The repair of these sections of line 4800 is not planned currently.

Prior to June 2024 events, the load in Santa Isabel area was served by two sources only:

- 115/38 kV transformer at the Santa Isabel substation, and
- 38 kV line 4800/8500 from Cayey TC (highlighted in blue in Figure 1).

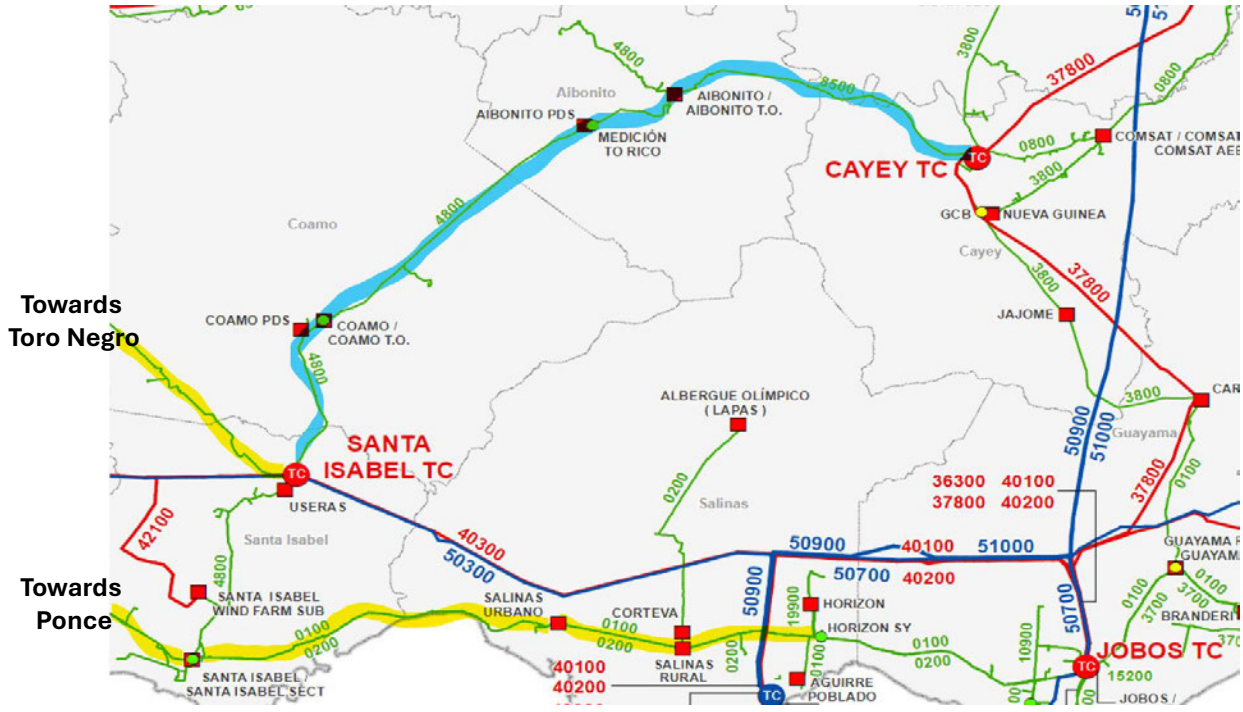

Figure 1 – Topology of system in Santa Isabel area

The electrical single line diagram of the Santa Isabel TC is shown in Figure 2.

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Figure 2 – Santa Isabel TC single line diagram

Prior to June 2024, the 38 kV line 4800/8500 from Cayey TC was not rated to serve all loads in the Santa Isabel area. Other loads are also tapped on the line at Coamo and Aibonito. Hence, with a loss of the Santa Isabel 115/38 kV transformer, a load shed in the Santa Isabel area was necessary to avoid overloading the 38 kV line 4800/8500 from Cayey TC.

Observations and Recommendations:

- The system should be restored to its original designed state as soon as practical. Prioritize repairs to 38 kV lines 100/200 from Horizon and Ponce. These lines add additional sources to the Santa Isabel area and are necessary for long term reliability.
- Identify locations where a single point of failure would result in loss of load or require load shedding. For example, a large number of customers served by a single transformer or transmission line are served by two sources, but neither source is rated to serve load on its own. In cases where a loss of an asset requires load shedding, operating procedures (e.g., installation of mobile generators, mobile transformer, etc.) to restore the affected load as quickly as possible should be developed. The long-term goal should be to strengthen the system to avoid such situations.

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- Identify equipment that may be out of regular maintenance and whose outage could impact many customers (e.g., >10,000). Make plans to prioritize maintenance of equipment out of regular maintenance cycle.

June 1st Event

At approximately 7:07, the 38 kV bus and 115/38 kV transformer at Santa Isabel TC tripped due to fault inside 38 kV breaker 0040. The Santa Isabel TC 38 kV bus is the only source for the 38 kV line 4800 serving load in the area. The 38 kV breaker 0040 was repaired and placed in-service at approximately 15:28, at which point all load was restored. During the repair work, moisture level of 2,000/1,000,000 parts was found in the breaker. Typically, the normal limit is 200/1,000,000.

Observations and Recommendations:

- Develop clear criteria to distinguish when an asset should not be returned to service or when an asset should be permitted to return to service with caution (e.g., specific moisture level above which an asset is not considered fit for service).
- In case where returning an asset to service is deemed necessary even with limits above the manufacturer's recommendation, an adequate risk assessment should be performed considering the risk of asset failure and the impact on system operation, nearby assets, and safety.

June 2nd Event

At approximately 14:10, a line-to-line fault occurred on 115 kV side at the Santa Isabel TC resulting in tripping of 115/38 kV transformer. This is suspected to be a high impedance fault given the low recorded fault current. EPRI was unable to determine the fault location with the information provided. Luma stated that the fault could have been external to the transformer, as the 115 kV lightning arrestor tests were marginal, and the moisture level in 115 kV breaker 0050 was 3,000/1,000,000, significantly more than the manufacturer recommended limit. Luma also stated that simulated fault current using the short-circuit model in CAPE did not match the recorded fault current. With the 115/38 kV transformer out-of-service, the load was served by 38 kV line 8500/4800 from Cayey TC, but it was not rated to serve all load. As a result, control center operators manually shed load to reduce loading on the 38 kV line 8500/4800 from Cayey TC. The rotating brownout continued while the Santa Isabel 115/38 kV transformer remained out of service.

Observations and Recommendations:

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- The short-circuit model should be thoroughly evaluated to align with equipment/assets in-service, network topology, and operating conditions as present in the field. Procedures should be developed to validate the short-circuit model against the recorded fault events. An up to date short-circuit model is necessary for relay setting calculations.

June 3rd Event

After some on-site testing of the 115/38 kV transformer and other equipment in the Santa Isabel TC, the 115/38 kV transformer was energized by closing 115 kV breaker 0050 at approximately 00:43. The transformer differential protection tripped the transformer right away. Upon further testing, the transformer was declared as failed. The age and internal design of the transformer inform its capability to withstand short-circuit forces. EPRI doesn't have information on this transformer family nor regarding the operational performance of sister units. Post-mortem forensic investigations may offer more information on the actual cause of the internal transformer failure. The capability of transformers to withstand internal forces due to nearby external faults will reduce over time, especially if exposed to multiple nearby faults that result in high short-circuit currents flowing through the transformer. It is also unclear whether the transformer mechanical protection (Buchholz relay) was operational or not. In case of internal failure of the transformer, the Buchholz relay is expected to operate. If this relay was inoperable, this could've prevented any incipient internal fault from being detected and consequently the possibility to avoid the catastrophic failure of the transformer. Luma noted that last maintenance activity on this transformer was done in 2019, consistent with normal cycle based maintenance program.

With the unavailability of the 230/115 kV transformer at Santa Isabel TC, rotating load shed in the Santa Isabel area continued because the 38 kV line 4800/8500 from Cayey TC was not rated to serve all the load in the Santa Isabel area. Per Luma, load (or current) on the 38 kV line 4800/8500 from Cayey TC was maintained below its thermal rating, considering various tapped load serving stations and 3/0 ACSR conductor between Aibonito and Coamo substations. EPRI is unable to confirm this information. On June 3, 2024, a fault occurred on this line at approximately 02:07, due to a broken insulator string. This fault lasted for over a minute because the 38 kV breaker 8510 at Cayey TC failed to open. Currently, there is no local breaker failure protection scheme for 38 kV breakers at Cayey TC. The backup protection, locally by tripping Cayey TC 115/38 kV transformers and remotely by tripping breaker 3820 at Cidra and breaker 0840 at Comsat sectionalized, cleared the fault on 38 kV line 4800/8500. There was also a misoperation of 38 kV breaker 4870 at Santa Isabel TC on Cayey TC line.

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Observations and Recommendations:

- Luma stated that when Cayey TC was designed, applying breaker failure protection on 38 kV breakers was not a standard practice. However, Luma's current practice requires installing local breaker failure protection for 38 kV breakers. Luma should also evaluate the need for transfer trip for breaker failure to clear faults from remote stations quickly, as applicable, considering equipment life and system stability.

Luma stated that a long-duration fault resulted in the collapse of six spans of the 38 kV line 4800/8500 with a 3/0 ACSR conductor. Based on the information available, EPRI is unable to conclude if the collapse of six spans of 38 kV line 4800/8500 is due to a long duration fault or line operating above its thermal rating.

Observations and Recommendations:

- Develop a plan to align thermal ratings of equipment/assets in-service used by system operators. Also, develop manual load shedding procedures providing clear guidance to system operators to act quickly when necessary to manage loading on transformers, transmission lines, and network components.

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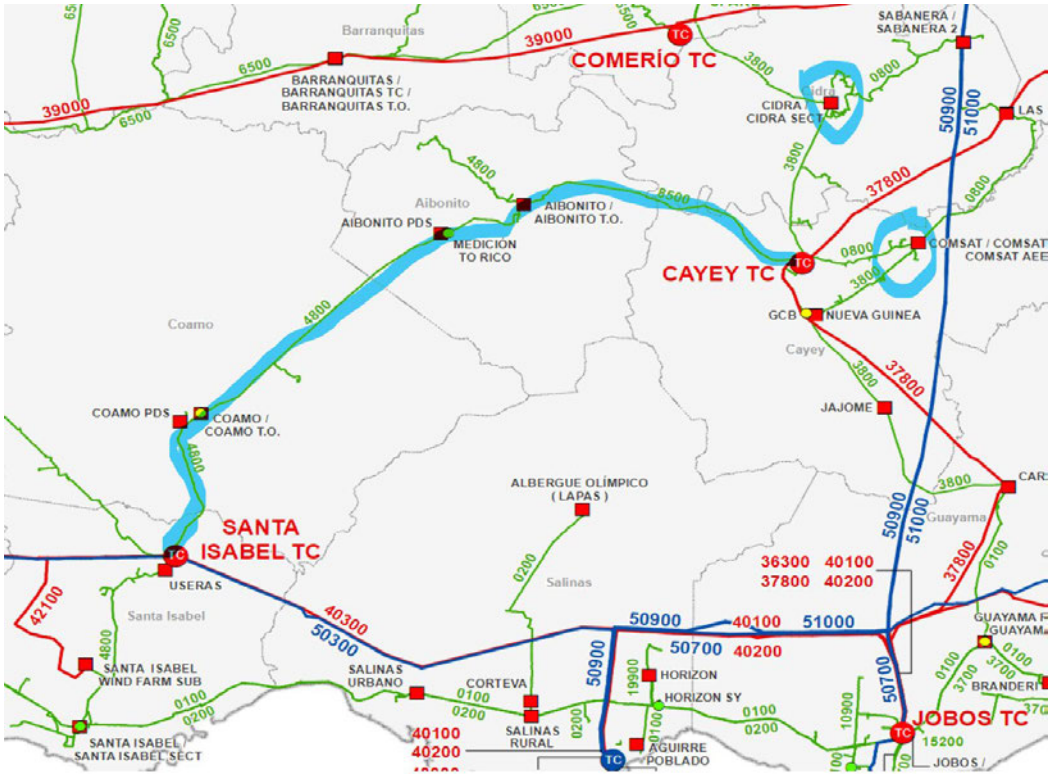

Figure 3 – Topology of system – Cayey TC, Cidra Sect, and Comsat

During this event, 115/38 kV transformers at Cayey TC were exposed to a long-duration fault, which may impact their life. Operation of remote backup protection to clear a fault also resulted in a wider outage.

Observations and Recommendations:

- The 115/38 kV transformers at Cayey TC should be thoroughly tested and should be adequately monitored.

After the above event, Luma rebuilt the collapsed section of 38 kV line 4800/8500 and replaced 3/0 ACSR conductor to increase the thermal rating. This allowed 38 kV line 4800/8500 to serve all loads along the line and in the Santa Isabel area. At that point, rotating load shed in the Santa Isabel area ended.

The 38 kV breaker 0040 and 115 kV breaker 0050 were found to have moisture levels above manufacturer-recommended limits. The 38 kV breaker 8510 failed to open for a fault on 38 kV line 4800/8500. Luma stated that maintenance activities were not performed on the 115/38 kV transformer at the Santa Isabel TC because of difficulty in scheduling outages due to limited availability of assets. It cannot be concluded with confidence that if adequate maintenance was performed on assets, then the events of June 2024 in

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the Santa Isabel area would have been avoided. However, periodic maintenance may help with extending the life of aging equipment.

Observations and Recommendations:

- Develop and implement an equipment maintenance program. Additionally, prioritize replacement of aging equipment, especially where loss of equipment, could result in outage for a significant number of customers (e.g., > 10,000 customers).

Testing of Replacement Transformer

EPRI cannot comment on the adequacy of the testing conducted on the replacement transformer before transport and upon arrival at the Santa Isabel TC. The information provided is limited to the type of tests planned to be performed rather than detailed results of the actual testing.

Provided that the testing has been performed by adequately trained and certified personnel using suitable testing equipment and following methodology that aligns with industry standards, the analysis of the testing results will provide sufficient information to determine the health status of the replacement transformer before the transport. Similarly, by comparing SFRA before transport and at arrival site (Santa Isabel TC), it can be determined whether the mechanical integrity of the replacement transformer was preserved during transport or if any internal movement of concern occurred during the transportation.

Major Contributors to the June 1-3, 2024 Events

- The unavailability of transmission assets since hurricane Maria resulted in limited number of sources of electricity supply to Santa Isabel area. Additionally, lacking the capacity to deploy additional temporary or permanent assets to improve the redundancy required to achieve capability to survive a single circuit contingency is also a contributing factor.
    - Exposing the 115/38 kV transformer at Santa Isabel TC to repeated close-up faults, operating with heavy loading, and lack of maintenance activities could have resulted in the failure of this transformer. Additionally, breakers associated with this transformer were found with moisture level in excess of manufacturer recommended limits.
- Absence of a remedial action plan that can be promptly enacted following the credible single contingency – the loss of the 115/38 kV transformer.
- Asset issues, such as stuck 38 kV breaker at Cayey TC, resulted in a wider outage for some duration.
- Although it is not possible to conclude why the 38 kV line 4800/8500 from Cayey TC collapsed, it became an additional contributing factor to Santa Isabel area outage events.

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Concluding Remarks

- Restore the transmission network in the Santa Isabel area to its original designed state as soon as practical. Adding another source in the area is necessary for long term reliability.
- Identify locations where a single point of failure would result in loss of load or require load shedding impacting a significant number of customers. Develop operating procedures to restore service to customers in case a contingency occurs. The long-term goal should be to strengthen the system to avoid such situations.
- Develop a plan to prioritize maintenance on equipment that may be out of regular maintenance cycle.
- Develop criteria to help assess equipment health. Also, develop procedures to perform risk assessment when necessary to place equipment that does not meet equipment health criteria back in-service.
- Develop a plan to update the short-circuit model that reflects the system topology and equipment/asset in-service.
- Update thermal ratings of equipment/assets in-service and develop manual load shedding procedures providing clear guidance to system operators.
- Identify equipment that is out of regular maintenance cycle and prioritize applicable maintenance activities on assets that serve a lot of customers.

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San Juan Area Events on June 12, 2024

System topology prior to the event

EPRI notes unavailability of following transmission assets before the various events that occurred on June 12, 2024.

- Bayamon 230/115 kV transformer - out of service since failure on June 29, 2023.
- Sabana Llana 230/115 kV transformer #2 - out of service before LUMA commenced operations.
- 115 kV Circuit breaker 38440 at San Juan out of service along with modified 115kV system configuration because of above, which may have caused additional constraints on the 38 kV system in San Juan area.
- Various 38 kV lines:
  - Line 40700 between Bayamon and Palo Seco
  - Line 41600 between San Juan and Palo Seco
  - Line 39300 between Hato Rey and Martin Pena
  - Line 40600 between Monacillos and Baymon
- Due to unavailability of Bayamon TC 230/115 kV transformer and to manage flow through 115 kV line 37400 between Bayamon TC and Manati TC, 115 kV breaker 37420 at Dorado TC is being operated in a normally open state. As a result, Vega Baja, Vega Alta, Dorado stations are fed radially from Manati TC. Also, 115 kV breaker 36160 at Pinas Sect operates is being operated in a normally open state on 115 kV line 36100 from Bayamon TC to Dos Bocas HP, resulting in Ciales, Morovis, and Corozal stations being fed radially from Dos Bocas HP. From Bayamon TC, 115 kV line 37400 feeds the Crea, Hato Tejas, and Arenas stations, and 115 kV line 36100 feeds the Cana and Pinas stations.

The unavailability of critical transmission lines and transformers has an impact on the security and reliability of the power system and its capability to withstand contingencies.

On June 12, due to limited generation in the San Juan area as a consequence of earlier events, there was a heavy transfer of power from the south of the island to the San Juan area over limited transmission lines, as the assets noted above were out of service. Fewer alternative transmission paths to transfer power from large power stations to load centers lead to:

---Smaller stability margin for generators

- Overloading of critical transmission lines and transformers

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Observations and Recommendations:

- Although the system topology prior to events on June 12, 2024 is not the sole reason for the events that occurred, the unavailable assets certainly put a strain on the system reliability. The priority stabilization plan should focus on identifying key assets and prioritize restoration of those assets as quickly as practical.

1507 Hour event

The 115 kV line 38300 from Monacillos to San Juan Generating Plant tripped at 1409 Hour due to downed conductor caused by broken insulator, resulting in loss of 115 kV source into San Juan area. The 115 kV line 38200 from Monacillos to Palo Seco tripped at 1411 Hour due to unknow reason. This resulted in loss of another source into San Juan area as Palo Seco connects to San Juan Generating Plant TC. Both lines remained out of service, even prior to 2100 Hour event.

The Palo Seco Steam Plant MP3 and Toa Baja Land Field Gas units 1 and 2 tripped at 1411 Hour and 1413 Hour respectively. The tripping of these generators appears to coincide with tripping of 115 kV lines 38300 and 38200. EPRI was unable to conclude reasons for which these units tripped. These are small units compared to generating units 5 and 6 at the San Juan Generating Plant.

At 1507 Hour event, a fault occurred in 115/38 kV transformer's zone of protection due to a broken wedge connector on 38 kV side at the San Juan Generating Plant, as shown in Figure 4 and Figure 5. The initial fault was line to-line and evolved into a three-phase fault. This fault was cleared by two associated 38kV breakers promptly. One of the 115 kV breakers opened promptly, however, 115 kV breaker 0094 was slow in opening, resulting in a breaker failure operation. The 115/38 kV transformer at San Juan was exposed to a fault for 0.53 seconds due to slow breaker 0094. The fault from 115 kV source was eventually cleared by remote terminal but apparently there is no transfer trip for breaker failure in place. This exposed the 115/38 kV transformer at San Juan to a three-phase fault for 0.53 seconds.

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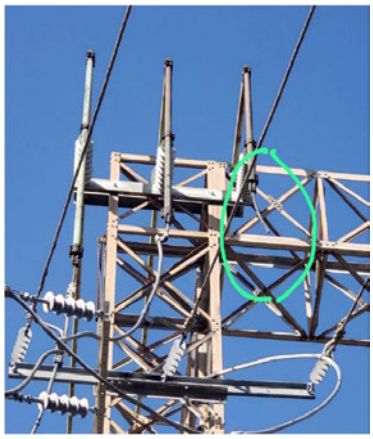

Figure 4 – Broken wedge connector on 38 kV side at San Juan generating plant

Figure 5 – San Juan generating plant 115 kV and 38 kV system diagram

After the loss of the 115/38 kV transformer, the 38 kV lines terminated at the San Juan Generating Plant tripped sequentially, resulting in the loss of all 38 kV sources into the San Juan Generating Plant. For

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example, source via 38 kV lines 6400 and 8200 tripped due to open phase condition. Another 38 kV source tripped due to overload.

Observations and Recommendations:

- The San Juan 115/38 kV transformer was exposed to a long duration fault due to lack of transfer trip for breaker failure. Luma stated that transfer trip for breaker failure is installed when communication is available. The priority stabilization plan should identify locations where transfer trip for breaker failure would benefit equipment (e.g., transformers) and system stability by clearing faults quickly during events involving breaker failure and make plans to implement it.
- Note that the following outages occurred due to equipment issues: broken insulator resulting in outage of 115kV line 38300, broken wedge connector at San Juan Generating Plant TC resulting in outage of 115/38 kV transformer, slow 115 kV circuit breaker 0094 exposing 115/38 kV transformer to a long duration fault, open phase on 38 kV line 6400/8200 resulting in tripping due to unbalance, etc. An equipment maintenance plan should be in place to identify equipment issues beforehand and prioritize the replacement of aging equipment, considering the impact on grid reliability.
- Limited generator ride-through capability might have been a reason for tripping of generating units at Palo Seco Steam Plant and Toa Baja Land Field. It is essential that generators' ride-through voltage and frequency disturbances to the extent possible to maintain reliability of the system. Generator protection settings should be coordinated to allow it to ride-through system disturbances.

On June 12, 2024, Luma's generator availability report (Figure 1) showed a projected shortfall of operational reserves. However, the peak in Puerto Rico occurs around 8 – 9 pm local time, when shortfall in operational reserves was expected. Per SCADA data, approximately 412 MW of spinning reserve was available just before the event. The spinning reserve should be greater than the loss of generation resulting from a tripping of the largest generating unit(s). Although, individual units at the San Juan generating plant were producing less than spinning reserve prior to the event, the loss of supply to 38 kV bus resulted in loss of generation significantly more than available spinning reserve.

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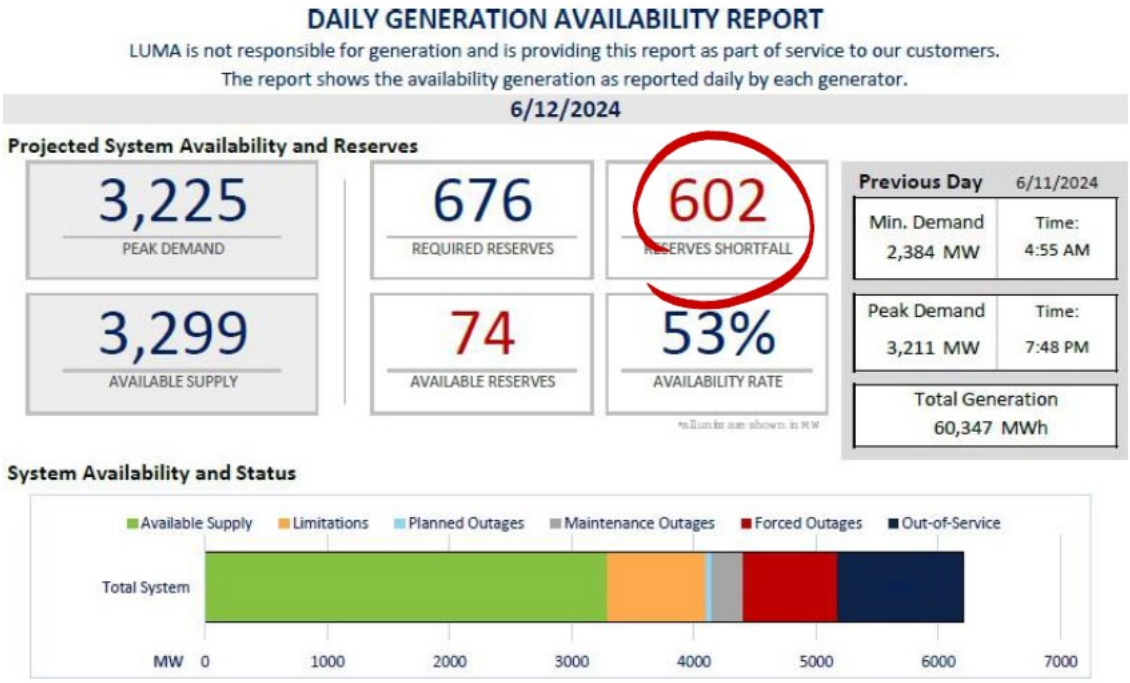

Figure 6 – Generation availability report for June 12, 2024

Following a loss of 700 MW generation at the San Juan Generating Plant, the 38 kV system in the San Juan area overloaded. The system frequency also declined to 58.49 Hz (see Figure 7). Both resulted in automatic as well as manual load shedding. It is not clear how much of load was shed automatically and manually. Approximately, 280,000 customers were impacted due to load shedding. The point to note here is that a fault on single element caused a loss of 700 MW of generation, more than spinning reserve available at the time. This is considered a most important factor, which eventually led to automatic and manual load shedding to avoid a complete collapse of the power system. A loss of generation of this amount due to a single contingency should have been avoided by having awareness of the system topology and proper communication between various stakeholders.

On June 12, 2024, the auxiliary load for San Juan generating units was fed by emergency station service transformers (ESSTs) connected to the 38kV bus. During the 1507 Hour event, generating units 5 and 6 were online. The loss of 38 kV bus (or loss of sources connected to 38 kV bus) resulted in loss of approximately 700 MWs. Note that there are normal station service transformers (NSSTs), as detailed below:

- NSST5:
  - High-voltage side (13.8 kV) connected to the CTG5 generator output

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- Low-voltage side (4.16 kV) connected to the 4.16 kV normal bus through breaker 52-50.

➢ NSST6:

- High-voltage side (13.8 kV) connected to the CTG6 generator output
- Low-voltage side (4.16 kV) connected to the 4.16 kV normal bus through breaker 52-60.

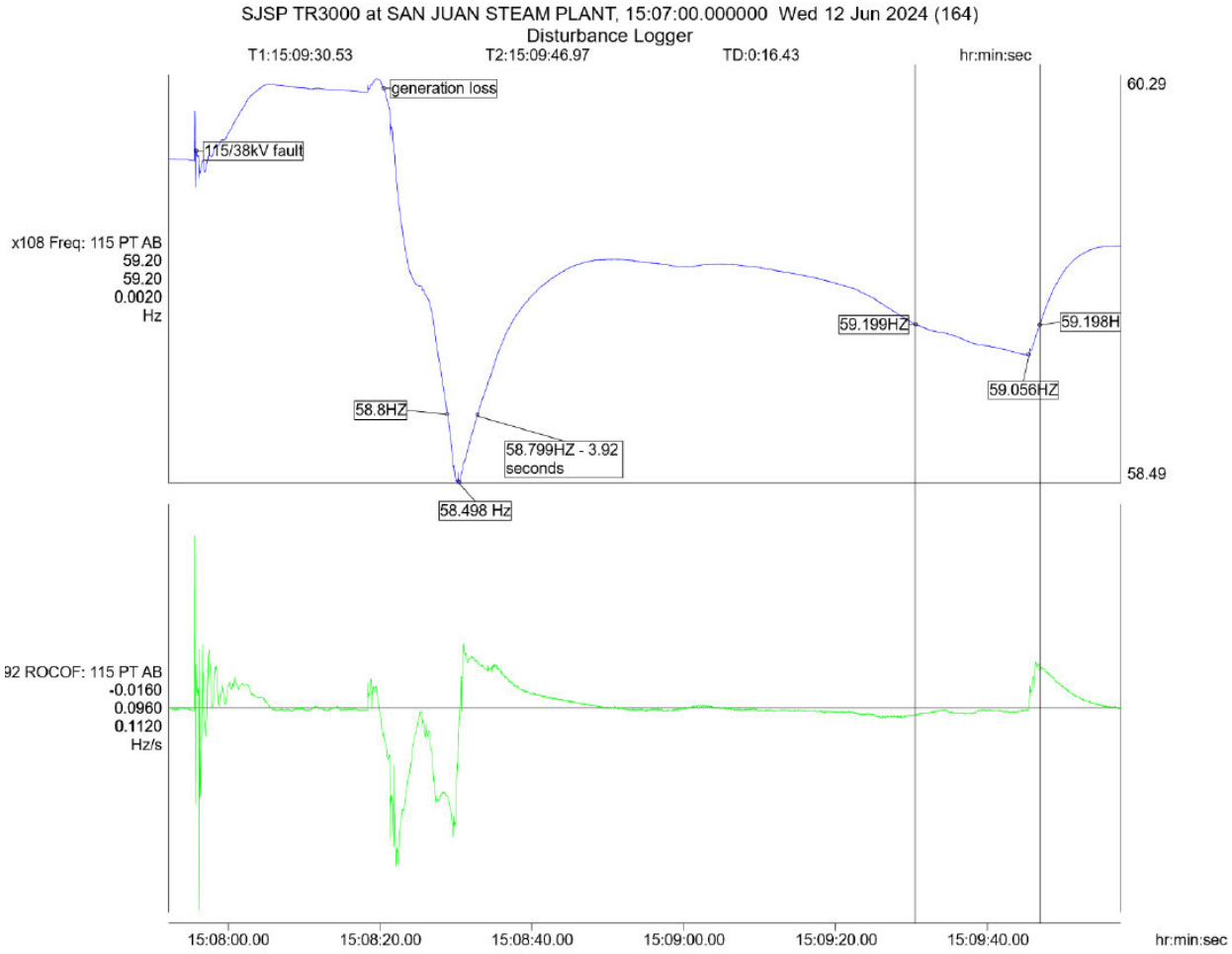

Figure 7 - System frequency during the 1507 Hour event on June 12, 2024

During the start-up or when units are out-of-service, the auxiliary loads of units SJ5 and SJ6 are supplied from ESSTs, via breakers 52-E5 and 52-E6 for each unit. However, once the respective combustion turbine is synchronized to the grid and reaches 10 MW output, the operator manually transfers the auxiliary load from ESST to NSST by following switching action:

➢ Close breakers 52-50 (for NSST5) and 52-60 for NSST 6.

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- Open breakers 52-E5 and 52-E6 to transition auxiliary loads from ESST5 and ESST6 to NSST5 and NSST 6, respectively.

On June 12, 2024, the auxiliary loads for units SJ5 and SJ6 were not transferred to NSSTs because breakers associated with NSSTs failed to close due to alarms in the distribution control system (DCS). The breakers 52-50 and 52-60 were unable to close remotely from the DCS, which is the standard procedure in such conditions. Genera noted that no attempt was made to close these breakers locally due to the presence of the alarms and to ensure personnel safety. The switching of auxiliary loads from NSST to ESST can be manual or automatic, triggered by the DCS in the event of a unit trip. Genera also noted that operators of the generating units were aware that the units were operating at a single circuit risk to the extent that in the event of an interruption in the power supply from ESST 5-6, both unit 5 and unit 6 would trip and disconnect from the grid. Figure 8, Figure 9, Figure 10, and Figure 11 show the layout of auxiliary system of units 5 and 6 at the San Juan generating plant.

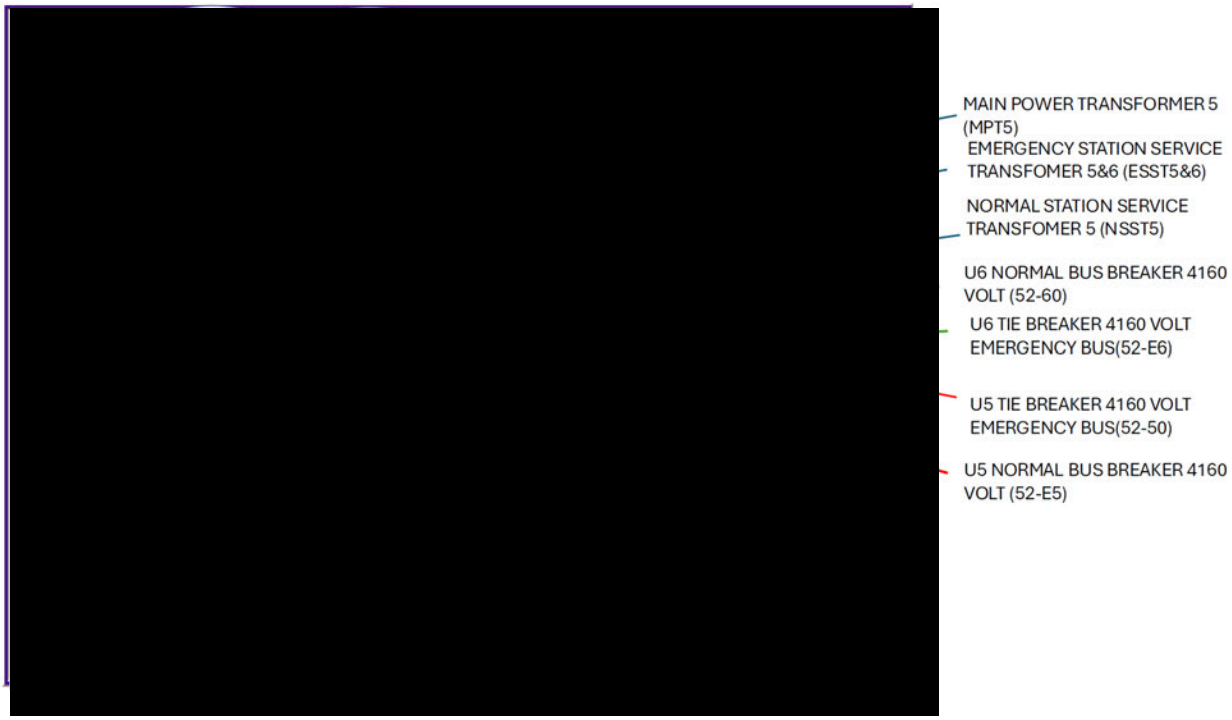

Figure 8 – San Juan generating units 5 and 6 auxiliary system

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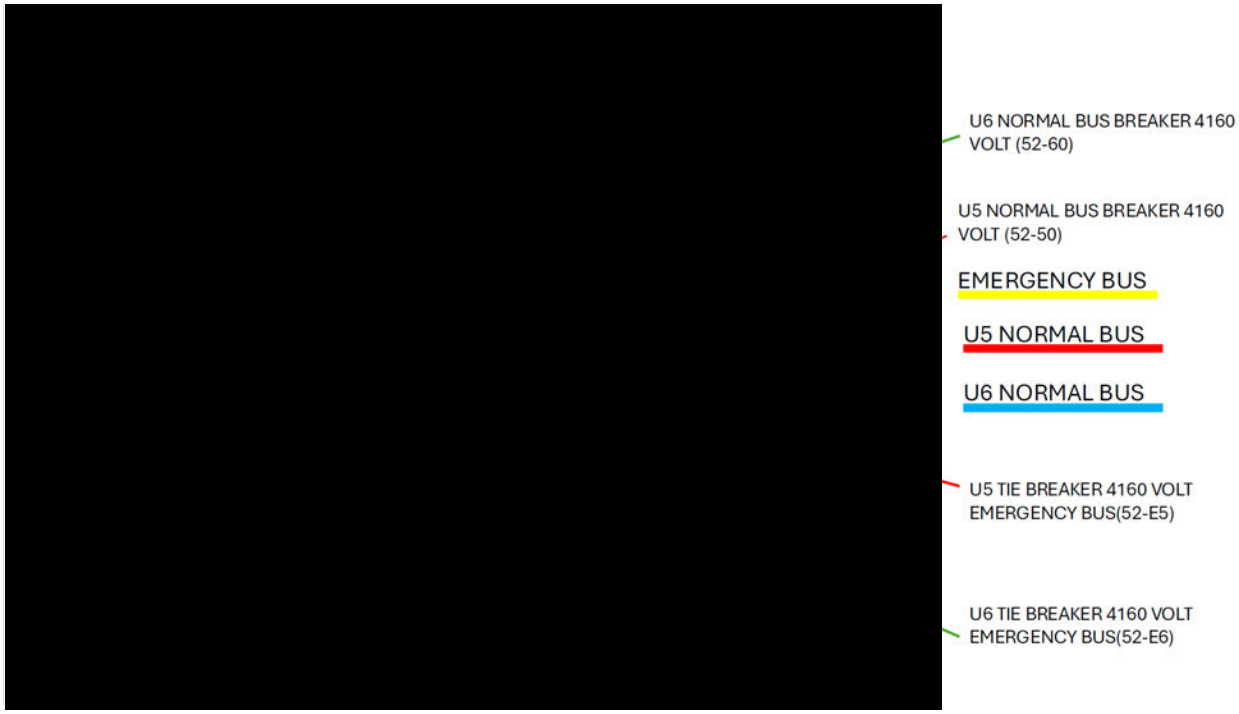

Figure 9 – San Juan generating units 5 and 6 auxiliary load normal and emergency supply

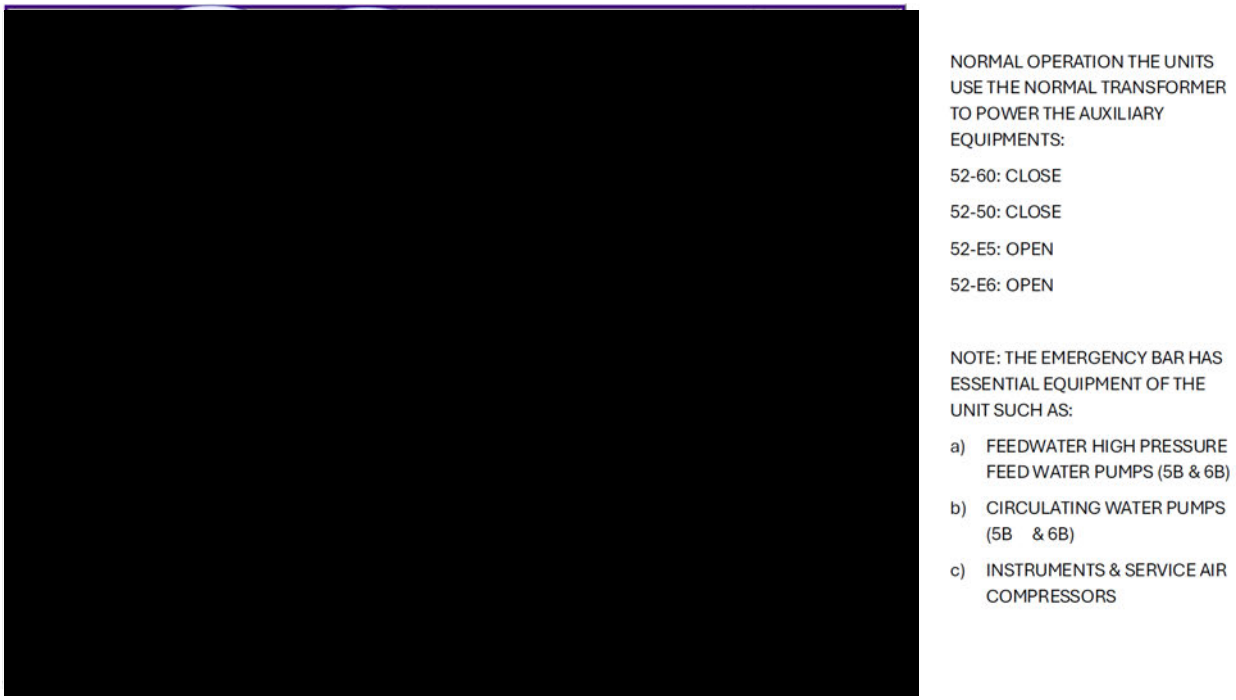

Figure 10 – San Juan generating units 5 and 6 auxiliary load normal operation

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Figure 11 – San Juan generating units 5 and 6 auxiliary load – Operation on June 12, 2024

A contributing factor to the loss of 700 MW generation due to a single contingency could be the lack of situational awareness and operational liaison between Luma and Genera. It is unclear if Luma was aware of this risk but if known that both units 5 and 6 could be lost due to single contingency, control and mitigation action could have been determined and implemented, and potentially the loss of load could have been avoided.

It is understood that Luma doesn't have visibility of the 4.16 kV auxiliary busbars at the San Juan generating plant for units 5 and 6. The operators could arguably infer this by observing the increased loading on the ESST 5-6 at San Juan 38 kV. If no specific rule is built in the SCADA EMS to notify the operator, it would be unreasonable to expect control room operators to actively check loading on each circuit.

Alternatively, Genera operators, knowing that units 5 and 6 operate at single circuit risk and that the loss of supply from San Juan 38 kV via ESST 5-6 would lead to the tripping of both units, could have informed Luma control room about this abnormal configuration that can potentially impact overall grid operation.

It is generally a good industry practice to have operational liaison agreements between all stakeholders to inform each other when non-standard configurations occur to assess the implications. These requirements inform specific site documents, which include a list of circuits or configurations for which

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the operators must inform each other. During abnormal configurations, the total output of the generating units can be reduced to limit the impact on the overall operation of the grid or changes on the grid side can be implemented to improve the connectivity and reduce the likelihood of losing the entire generation output.

The San Juan power plant operational liaison agreement (see Figure 12) between Luma and Genera makes reference to the responsibilities of each party when it comes to degraded operation that may impact either the power system or the power plant.

9.2 **Scope of Procedure:**

(a) This AOP Procedure encompasses the following:

(1) LG Facility noticed Generation Emergency Event;

(2) T&D System noticed T&D Emergency Event;

"At Risk Situation" means any situation or occurrence at the LG Facility that is communicated as soon as possible to the TOC as having the potential to adversely affect LG Facility Declared Capability.

(e) At Risk Situations

(1) As soon as possible, LG Facility Operator shall notify the T&D Supervisor of any Generation Emergency Events at the LG Facility site that may have a direct impact upon the Dispatch level or Available Capacity of the LG Facility. LG Facility Operator shall use all reasonable efforts to minimize the impact on the Dispatch level or Available Capacity of the LG Facility caused by the Generation Emergency Event.

(2) LG Facility Operator shall coordinate with the TOC personnel, including the designated senior shift engineer and/or T&D Supervisors, before commencing any work in the Switchyard that could reasonably be expected to cause a Non-Scheduled Outage, a Forced Outage, or a capacity limitation.

Figure 12 – Excerpt from "agreed operating procedures between PREPA GENCO, LLC and LUMA Energy ServCo, LLC with respect to San Juan Power Plant" dated June 19, 2023

To ensure this procedure is being followed, regular training must be conducted. Updating the procedure with clear examples of "At Risk" Situations may also assist and improve adherence to rules in the procedure. From the information provided by Luma in Figure 13, generation capacity was available to allow reduction in output of San Juan generation to manage the risk of out-of-range consequences for an ordinary contingency. If the procedure outlined in the liaison agreement was followed, then alternate

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generation could have been brought online to mitigate loss of both units 5 and 6 at the San Juan generating plant.

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Figure 13 – Available generation capacity on June 12, 2024 prior to 15:07 event

Observations and Recommendations:

- Due to the unavailability of NSSTs, the auxiliary load for SJ5 and SJ6 was supplied from 38 kV bus. Under this arrangement, a loss of 38 kV bus for any reason would have resulted in tripping of generation at San Juan Generating Plant. This should have been communicated to Luma so that operational measures are taken to mitigate any consequences arising from the loss of 38 kV bus and generation at San Juan Generating Plant. The communication between Luma and Genera should be improved to jointly identify risks and develop mitigating solutions.

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For each STG associated with SJ5 and SJ6, one DC motor driven pump is in place to provide lube oil service to both the journal and thrust bearings of the STG machine in the event of loss of AC power. When the STGs trip offline, it takes approximately 30 minutes for the rotating electrical generator to run down from synchronous speed of 3600 rpm to zero. In the event of loss of AC power, one DC motor driven pump is in place to provide lube oil service to both the journal and thrust bearings of the STG machine during the rundown period and afterwards during the cooldown period. The DC powered pumps serve as backup to AC powered pumps. On June 12, 2024, the DC-powered pumps failed to operate because the DC batteries that provide power to DC pumps were unavailable for duty. Genera notes that DC pumps are checked on a weekly basis. However, this is done with a battery charger in service and therefore does not verify the charge of the battery system. The source of AC charger also comes from San Juan 38 kV bus. Due to failure of DC pumps in supplying lube service to bearings, all bearings associated with STGs required inspection before returning to service. The combustion turbines associated with SJ5 and SG6 returned to service later in the day and before the 2100 Hour event, however, the associated steam turbines remained out of service.

Observations and Recommendations:

- The periodic testing of DC batteries should be done with the charger disconnected. Review testing procedures at all generating plants and update as necessary to apply lessons learned from this event.
- Align maintenance, testing, and monitoring of DC supply (including charger and batteries) with industry recommended practices.

Events leading up to 2100 Hour event

As noted earlier, the steam turbines associated with SJ5 and SJ6 at the San Juan Generating Plant remained out of service. The associated combustion turbines were back online before the 2100 Hour event. A few notable events that occurred prior to 2100 hour event are as follows:

- The 115 kV line 38300 between Rio Blanco and Humacao tripped due to momentary fault but successfully reclosed at 1538 Hour. Vegetation may have been a reason for this tripping. However, this had no impact on 2100 Hour event occurring later in the day.
- The 115 kV line 36200 between Villa Betina and Quebrada Negrito tripped at 1547 Hour due to broken conductor. This line remained out of service and removed another source towards San Juan area.
- The 115 kV line 39000 between Aguas Buenas and Hacienda San Jose tripped at 2048 Hour due to vegetation issues. The reclose attempts (automatic and manual) were unsuccessful. This line is

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equipped with line current differential protection scheme, but the fiber used for communication channel has been out of service since hurricane Maria. The fault was cleared by back up elements and fault clearing time is approximately 1.5 second. This is considered extremely long. Also, unknown is any grid dynamics that might have resulted from slow clearing of a fault.

- The 115 kV line 39000 between Aguas Buenas and Monacillos tripped due to vegetation contact at 2100 Hours, likely due to sagging into vegetation due to overloading.

Per Luma's investigation report, it appears that some of these lines were not loaded above 100% of their rating. It is not clear why alarms were blinking. Given that, it appears that vegetation growth along the right of way might be the reason why these lines tripped when operating below full rating. With key transmission assets already out of service, the vegetation growth on the right-of-way of key transmission lines resulted in the loss of these transmission lines on June 12, 2024, and put the power system under further stress condition. Since the issue of overgrown vegetation in the right of way of the lines was known, a prudent approach would have been to operate the affected lines with de-rated capacity. This requires the control room operators to manage the power flows to the new temporarily reduced rating by adjusting the line ratings in the SCADA EMS. Luma stated that helicopter surveys are performed to gauge the extent of vegetation growth on right-of-ways. However, these surveys do not provide data necessary to determine the reduction in line rating necessary due to vegetation growth.

Observations and Recommendations:

- Overgrown vegetation under the line or on the right-of-way prevents full utilization of the nominal rating of the circuits or their overload capabilities. Luma performs aerial survey of right-of-ways to identify any vegetation issues and assigns any identified issues as "imminent", "priority", and "preventive". The above set of events clearly shows need to prioritize vegetation management on all 115 kV lines as well. An effective vegetation clearing/management plan should be developed and implemented.
- Luma states that helicopter surveys of right of way does not provide granular data to determine line clearance, conductor type and size, etc. which can be used to adapt line ratings. There is an opportunity to develop a plan to gather necessary data from helicopter surveys and use it for updating line ratings in parallel with clearing vegetation from right of ways.

Prior to an outage at ~2100 Hour, the system was operating at peak condition for the day. The total generation was approximately 3000 MW with most of it was being served from southern part of the island. The generation at Costa Sur, Aguirre, AES, and EcoElectrica was 648 MW, 759 MW, 244 MW, and 572 MW respectively. Note that steam turbines associated with SJ5 and SJ6 at the San Juan Generating Plant

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remained out of service due to earlier event. With many direct paths between southern and northern parts of the island out of service, the Sabana Llana 230/115 kV transformer and 115 kV line 36800 from Jacobs to Cayey-Caguas remained as direct paths connecting the load center in San Juan with generation on opposite side of the island. This along with generation deficiency in the San Juan area and peak operating condition overloaded the Sabana Llana 230/115 kV transformer and it tripped approximately 7 minutes after tripping of 115 kV line 39000 between Aguas Buenas and Monacillos.

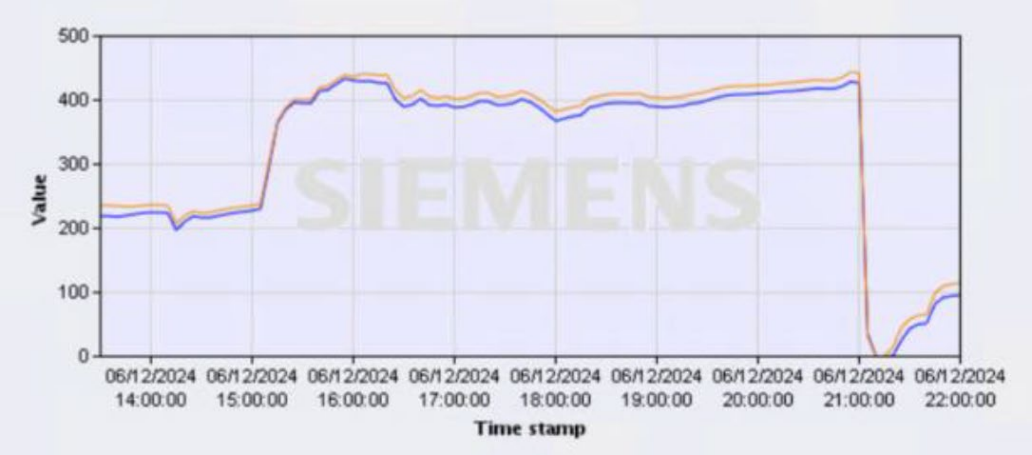

Figure 14 – Sabana Llana 230/115kV transformer loading on June 12, 2024

The rating of Sabana Llana 230/115 kV transformer is 270 MVA with maximum capacity of 346.4 MVA. The flow through this transformer increased immediately after the 1507 Hour event and stayed close to 400 MVA since then. The flow through transformer increased after tripping of 115 kV lines 39000 around 2100 Hour and it eventually tripped on overload. It is not clear if control center took any steps to reduce overload on this transformer throughout the day.

The state estimator and real-time contingency analysis in a control room should have identified that tripping of remaining key 115 kV lines could overload the Sabana Llana 230/115 kV transformer. However, Luma confirmed that the state estimator in the EMS does not work well. The results are often dubious, mainly due to the underlying network model and bad measurements. There is also the absence of a real-contingency analysis tool in the current EMS. Luma is in the process of replacing the EMS, with a cut-over to the new EMS scheduled in December 2025.

The contingency analysis capability in real-time operations is fundamental for secure operations, as it alerts real-time system operators of situations that can have high consequences on system operations and reliability of the system. Given the importance of the 38 kV grid in terms of serving load and supplying

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auxiliary power to the main generating stations, the contingency analysis module should include an accurate representation of the 38 kV grid, too, not only 115 kV and 230 kV transmission backbone.

Observations and Recommendations:

- The state estimator and real-time contingency analysis are key functions in the control room and help reliably operate the electric system. With the addition of new EMS, efforts should be made to improve the underlying system network and remove bad measurements.
- The real-time contingency analysis should be used to help the system operator reliably operate the system.

Following a loss of the Sabana Llana 230/115 kV transformer, several 115 kV and 38 kV lines appeared to have tripped on overload, resulting in the San Juan area separating from the rest of the system. With generation deficiency in the San Juan area, automatic underfrequency load shed scheme was activated. The frequency of remaining system on the island increased to 61 Hz before stabilizing. During the events of June 12, 2024, Luma learned that some of the underfrequency load shedding (UFLS) relays in field were either damaged or disabled. As an example, during the 15:07 hour event, total number of customers shed automatically was approximately 209,541 with a total load in MVA of approximately 236.76 MVA. However, service to approximately 315,740 customers should have been automatically interrupted with a total load of approximately 381.64 MVA. An excerpt from Luma's investigation report is included in Figure 15 showing that some of the underfrequency load shedding relays are not working.

During conversations with Luma, EPRI also learned that 58.8 Hz and 58.7 Hz blocks of the under frequency load-shedding scheme have trip delays of 15 seconds and 10 seconds, respectively. The delay for 59.2 Hz block is also 15 seconds, while blocks at 58.6 Hz and 58.5 Hz are instantaneous. The time delays associated with some of the UFLS blocks seem very long. For the UFLS program to be effective, the time delays for various UFLS blocks should be coordinated with the frequency protection applied to generators. Typically, the time delays for UFLS blocks are in range of tens of cycles. It is very important to shed load quickly to arrest the frequency above a reasonable threshold.

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Location	Breaker	REAL		INTENDED		Trip	Comments
		CLIENTS	MVA	CLIENTS	MVA		
Humacao T.C.	5350	0	0.00	3,102	19.20	NO	No operation, verify under frequency relay for breaker 5350.
Humacao T.C.	10450	0	0.00	7,453	21.50	NO	No operation, verify under frequency relay for breaker 10450.
Jobos T.C.	0152	0	0.00	8,739	10.60	NO	No operation, verify under frequency relay for breaker 0152.
Jobos T.C.	0250	0	0.00	0	0.00	YES	Correct operation.
Jobos T.C.	3750	20,841	15.67	20,841	15.67	YES	Correct operation.
Ponce T.C.	0210	0	0.00	2,706	2.70	NO	No operation, verify under frequency relay for breaker 0210.
Santa Isabel Sec.	0120	0	0.00	0	0.00	NO	No operation, breaker is out of service.
Santa Isabel Sec.	0160	0	0.00	0	0.00	YES	Correct operation.
Santa Isabel Sec.	4840	0	0.00	0	0.00	NO	No operation, breaker is out of service.
Santa Isabel T.C.	4850	0	0.00	7,503	12.50	NO	Line is out of service.
Santa Isabel T.C.	4860	0	0.00	0	0.00	NO	Line is out of service.
Santa Isabel T.C.	4870	0	0.00	0	0.00	NO	No operation, breaker is out of service
Toro Negro I	0330	0	0.00	0	0.00	YES	Correct operation.
Toro Negro I	4830	0	0.00	2,324	1.70	NO	No operation, verify under frequency relay for breaker 4830.
Toro Negro I	6530	0	0.00	0	0.00	NO	No operation, verify under frequency relay for breaker 6530.
Toro Negro I	7930	0	0.00	0	0.00	YES	Correct operation.
Coamo PDS	4603(1-2)	0	0.00	7,753	2.86	NO	Relay was replaced without the underfrequency setting enabled.
Humacao T.C.	2602(2-3)	0	0.00	5,248	0.89	NO	No operation, verify under frequency relay for substation 2602.
Río Grande	2302(1-2-3)	4,459	5.53	6,880	8.30	Yes, Incomplete	Incomplete operation, verify under frequency relay for breaker 2302-2.

Figure 15 – Excerpt from Luma's investigation report showing operation of UFLS

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Observations and Recommendations:

- The underfrequency load shedding provides a safety net to rescue the system during events resulting in lack of generation. The UFLS relays found either disabled or damaged should be placed in service as quickly as practical. The relay maintenance program should include UFLS relays.
- The time delays on some of the UFLS blocks seem unreasonably high. Usually, time delays associated with UFLS blocks are in order of tens of cycles. A thorough review and design of the UFLS program should be done considering the current and future state of the system. Then UFLS program should be reviewed every 5 years to ensure effectiveness for the changing grid.

With future addition of battery energy storage system to the electric grid in Puerto Rico, as noted in the priority stabilization plan, it should be configured to provide fast frequency support and be coordinated with frequency protection of synchronous machines and UFLS scheme. The NERC Reliability Standard PRC-006 serves as a great reference to help design an effective UFLS scheme.

Major Contributors to the June 12-13, 2024 Events

- The initial system configuration, with multiple critical assets unavailable, reduced Puerto Rico's power system's capability to withstand the various contingencies it encountered during the events on June 12th.
- There was a combined loss of generation in the San Juan area before the evening demand peak. This led to an increase in power transfer on the south-to-north transmission corridors. The combination of the increase in power flow and suboptimal vegetation management on these important transmission lines triggered their automatic disconnection, which eventually led to the widespread system outage.
- The operational strategy, situational awareness and plant reliability
    - The chosen configuration for the San Juan 38 kV substation, an arrangement that was conducive to loss of 700 MW generation output
    - Lack of maintenance and testing
        - Situations like the initiating event (parts of the connection between 115/38 kV transformer and 38 kV busbars coming off) can be prevented by rigorous and regular maintenance regimes

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        - Latent inadequacies of protection functions have also been uncovered during the event which could have been fixed by testing performed during planned maintenance outage
    - The control room operator action that allowed unacceptable overloads without taking prompt remedial actions to preserve the integrity of the backbone of the power systems, even if this required to disconnect load. Expediting and prioritizing the return to service of critical elements that tripped during the event.
    - The system defense plans remain inadequate, the UFLS scheme and its deliberately implemented long time delays must be reviewed and adapted to the dynamics of the power system that have been observed during recent events.

Concluding Remarks

- System Topology and Condition:
    - The electric system in Puerto Rico operates with some of the assets out of service and some of the in-service assets needing maintenance or replacement. Based on the information available, it is difficult to establish if the system, in its depleted state, would have been able to withstand the events that occurred on June 12, 2024. EPRI did not perform any load flow or dynamic studies to validate some of the data included in various reports. The priority stabilization plan should focus on identifying key assets and prioritize restoration of those assets as quickly as practical. The priority stabilization plan should also prioritize replacement of aging equipment based on its impact on overall grid reliability.
    - Although generator availability rate may not have been a factor on June 12, 2024, it continues to remain low. The priority stabilization plan should prioritize and make necessary upgrades at generating plants to improve generator availability rate.
    - The electrical configuration at all generating stations, including supply to on-site auxiliary load, should be reviewed to identify scenarios where a single contingency would result in a loss of multiple units. If such scenarios exist, a plan should be developed to implement remedies as soon as practical.
- System operations:
    - On June 12, 2024, loss of source to 38 kV bus resulted in loss of 700 MW of generation. In a day-to-day operation of the system, it is essential to be aware of contingencies

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resulting in loss of largest generating unit/plant to allow developing for operational security.

- It is not clearly known if Luma was aware that the loss of a 38 kV bus at the San Juan Steam Plant TC would result in the loss of units SJ5 and SJ6. The communication between Luma and Genera should be improved to jointly identify risks and develop mitigating solutions.
- The state estimator in-service does not provide good results due to issues with underlying network model and bad measurements. The real-time contingency analysis is also offline. Both provide critical information to system operators regarding the state of the system and potential risks due to contingencies. Effort should be made to upgrade those as quickly as practical. The system operators should be trained to use results from state estimator and real-time contingency analysis tool aiding in reliable operation of the system.

- System maintenance:
  - On June 12, 2024, few lines tripped due to broken insulator, open conductor, etc. The San Juan 115/38 kV transformer tripped due to broken wedge connector and at least one breaker was slowing in opening. The fiber used for protection of one of the 115kV lines has been out of service for some time now. Outage of some of these assets could have been avoided if they were maintained well. Equipment maintenance plan should be in place to identify equipment issues beforehand and prioritize replacement of aging equipment considering impact on grid reliability.
  - On June 12, 2024, few 115 kV transmission lines tripped to sagging into vegetation growth on the right-of-way. The thermal rating of these lines was severely impacted by vegetation growth on the right-of-way. A vegetation clearing/management plan should be developed and implemented.
- Protection:
  - The underfrequency load shedding scheme serves as a safety net and helps mitigate large scale system disturbances, when it is activated in a timely manner. The frequency trigger and respective time delays should be determined based on system studies that allow the UFLS to serve the purpose. Usually, time delays associated with UFLS are in order of tens of cycles to few seconds. A thorough review and design of UFLS program should be done considering current and future state of the system and should be reviewed periodically.
  - On June 12, 2024, the fault clearing time was very long in two different instances, if not more, exposing equipment to abnormal conditions. In some cases, long-duration faults could also lead to system instability. The grid stabilization plan should identify protection

EPRI
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systems, including the need for a transfer trip for breaker failure, of various assets that should be upgraded to achieve faster fault clearing times.

- In some cases, like in the case of the previous Costa Sur event, video recording from the electrical substation compound may also provide useful information regarding where the incipient fault was located and how the sequence of events unfolded. However, EPRI did not receive any video recordings for review this time around.

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ADDENDUM 37

Mar 6, 2025

10:05 PM

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

IN RE: SANTA ISABEL SUBSTATION MAJOR OUTAGE AFFECTING COAMO, AIBONITO, AND SANTA ISABEL	**CASE NO. NEPR-IN-2024-0002** **SUBJECT: Motion Submitting LUMA's Comments on Report Issued by EPRI on February 14, 2025**

MOTION SUBMITTING LUMA'S COMMENTS ON REPORT ISSUED BY EPRI ON FEBRUARY 14, 2025

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby, pursuant to Section 6.3 of Act 57-2014, as amended, and *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures* ("Regulation 8543"), it initiated the captioned proceeding to investigate the causes and investigative and corrective actions taken by LUMA in relation to a major outage that occurred at the Santa Isabel transmission substation on June 2, 2024 involving a 115kV/38 kV power transformer (the "Investigation"). Relatedly, the Energy Bureau ordered LUMA to submit, on or before July 1, 2024, an Incident Report with the information required in Attachment A of the June 14th Order ("Incident Report"). The Energy Bureau also indicated that the Electric Power Research Institute ("EPRI") would be taking the lead for the Energy Bureau in the Investigation.

2. On July 1, 2024, LUMA filed with the Energy Bureau, under seal of confidentiality[1], an Initial Report with a summary and timeline of outage events, preliminary investigative findings, and next steps or action items relating to the Incident and requesting until July 22, 2024 to submit a final report and supporting documentation that would comprise the Incident Report. *See Motion Submitting Initial Report, Request for Extension to Submit Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment*.

3. On July 8, 2024, the Energy Bureau issued a Resolution and Order in which, among others, it designated Gerardo A. Flores as Hearing Examiner in charge of the Investigation ("Hearing Examiner"), pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

4. On July 11, 2024, the Hearing Examiner issued an Urgent Order directing LUMA to submit responses to the information listed in the July 11th Order ("July 11th ROIs"). By way of motions dated July 15 and July 16, 2024, LUMA submitted, under seal of confidentiality[2], its response to the July 11th ROIs.[3]

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[1] Accordingly, and in compliance with the Energy Bureau's Policy on Management of Confidential Information, on July 11, 2024, LUMA filed its *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted July 1*.

[2] *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted with Motion Dated July 15, 2024 and Exhibit 1 Submitted with Motion Dated July 16, 2024*, filed by LUMA on July 18, 2024, in compliance with the Energy Bureau's Policy on Management of Confidential Information.

[3] *See* i) *Motion in Compliance with Resolution and Order of July 11, 2024 and Request for Confidentiality* electronically filed on July 16, 2024 and ii) *Motion to Submit Response to Request of Information Number 3 in Compliance with Order of July 11, 2024 and Order of July 16, 2024 and Attendant Update Version of Other Requests for Information Submitted on July 15, 2024, and Request for Confidentiality*.

5. On July 18, 2024, the Hearing Examiner issued an Order in which, among others, the Hearing Examiner deemed LUMA in compliance with the July 16th Order and stated that he would be evaluating the documents submitted by LUMA together with the EPRI.

6. On July 22, 2024, LUMA filed, under seal of confidentiality[4], the final Incident Report. *See Motion Submitting the Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment*.

7. On December 4, 2024, the Hearing Examiner issued an Order, entitled *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), by which LUMA was ordered to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in the December 4th Order ("December 4th ROIs").

8. In compliance with the December 4th Order, on December 23, 2024, LUMA filed, under seal of confidentiality[5], its responses to the December 4th ROIs and informed that although it diligently pursued it was unable to complete the responses to a few of the December 4th ROIs and requested a partial extension of time – up and until January 13, 2024 – to submit its full and final responses to the outstanding ROIs. *See Motion in Compliance with the Hearing Examiner's Order of December 4, 2024, Request for Partial Extension, and Request for Confidentiality* ("December 23rd Motion").

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[4] *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 and Supporting Documents Submitted on July 22, 2024, and Submitting Revised Redacted Versions of Several Reporting Documents*, filed by LUMA on August 1, 2024 pursuant to the Energy Bureau's Policy on Management of Confidential Information.

[5] In accordance with the Energy Bureau's Policy on Management of Confidential Information, LUMA filed its *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on December 23, 2024*, on January 2, 2025.

9. On January 13, 2025, LUMA filed, under seal of confidentiality[6], its remaining responses to the December 4th ROIs. *See Motion to Submit Responses to Outstanding Requirements of Information issued on December 4, 2024, and Request for Confidentiality*.

10. On February 14, 2025, the Energy Bureau issued a Resolution and Order whereby it notified LUMA that EPRI had issued its report with findings, conclusions and recommendations and provided copy of the report titled *Technical Advisory Investigation of June 2024 Outage Events* ("February 14th Report"). In addition, the Energy Bureau advised LUMA of its right under Section 15.08 of its Regulation 8543 to submit, in writing, duly substantiated arguments, objections, or comments on the February 14th Report, within a period of twenty (20) days following notification thereof.

II. Submittal of Comments

11. In accordance with Section 15.08 of Regulation 8543, LUMA hereby submits as *Exhibit 1* to this Motion its comments on EPRI's February 14th Report.

12. In sum, LUMA concurs with and supports the recommendations and observations presented in EPRI's February 14th Report. As demonstrated, LUMA's existing initiatives and projects actively address these recommendations, and reflect LUMA's commitment to advancing the shared objective of improving the Transmission and Distribution System ("T&D System"). LUMA remains dedicated to collaborating with stakeholders and providing any further information needed, in an effort to continuously strive towards stabilizing the T&D System.

13. Lastly, although LUMA notes that the February 14th Report does not make any findings or conclusions of non-compliance by LUMA with any legal requirements or public policy,

[6] *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on January 13, 2025*, filed by LUMA on January 23, 2025 in compliance with the Energy Bureau's Policy on Management of Confidential Information

LUMA reserves the right to present, at the appropriate time and in attention to any pertinent developments in this Investigation, any objections, claims, defenses, or other legal arguments against or with respect to the Investigation or any action taken by the Energy Bureau in connection with the Investigation, all in accordance with the rights afforded LUMA under the law.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the above; **accept** LUMA's comments on EPRI's February 14th Report; **determine** that the Investigation has not revealed any violation of the public energy policy of Puerto Rico or any other applicable rule or law; and **proceed** with closure of the captioned proceeding.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of March, 2025.

We hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147 / 9103
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Exhibit 1

LUMA's Comments on EPRI's February 14th Report

LUMA's Comments on the EPRI Technical Advisory Report Regarding the Santa Isabel Outage Events

March 6, 2025

Contents

1.0 Introduction

The Electric Power Research Institute ("EPRI") *Technical Advisory Investigation of June 2024 Outage Events* report, released on February 14, 2025, a report that provides an analysis of the sequence of events that led to the major outages that occurred in June 2024, culminating in valuable recommendations and observations. In its report, EPRI recognizes the constraints of Puerto Rico's current electric grid, the fragile state of the system and the need for further investment to support the remediation of the grid. LUMA supports the observations and recommendations made by EPRI and is committed to advancing the shared objectives of improving the grid, as highlighted by LUMA's stabilization, vegetation clearing, and maintenance initiatives. In accordance with the provisions of Section 15.08 of Regulation 8543, LUMA is submitting its comments in response to EPRI's technical advisory. Here LUMA will detail our alignment with EPRI's recommendations and observations and present the ongoing initiatives that contribute to their successful realization.

2.0 Santa Isabel Outage Events

On June 14, 2024, the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order (R&O) initiating an investigation into the events that took place on or around June 2, 2024, related to an interruption of electrical service at the Santa Isabel substation, which affected the municipalities of Santa Isabel, Coamo, and Aibonito. During this investigation, LUMA provided multiple reports, including a Root Cause Evaluation ("RCE"), along with all relevant supporting information. Additionally, LUMA responded to multiple requests for information ("RFIs") and engaged with EPRI during the investigation process.

Since taking over operations in June 2021, LUMA has continued to prioritize rebuilding the electric system following the years of widespread operational, financial and management failures of the Puerto Rico Electric Power Authority ("PREPA"). Intrinsic to this effort has been a clear, company-wide commitment to transparency and being clear to our customers, and our regulator, about the measurable progress LUMA has made in improving reliability, strengthening the resiliency of the grid, improving safety and training standards, ensuring more effective storm and hurricane response, improving customer service, as well as being forthright on the ongoing challenges or issues that have arisen in the operation of the electric system.

As part of this commitment to transparency, and a company-wide commitment to continuous improvement, LUMA would like to provide its comments on EPRI's recommendations and observations and provide a concise description of the initiatives and projects that are already in place to address these recommendations and observations in the table below.

2.1 LUMA's Comment on EPRI's Recommendations and Observations

Recommendation/ Observation	LUMA Comment
The system should be restored to its original designed state as soon as practical. Prioritize repairs to 38 kV lines	LUMA concurs with the recommendation and has included facilities in this region in the System Improvement Plan. The Santa Isabel transformer has been returned to

NEPR-IN-2024-0002

Recommendation/ Observation	LUMA Comment
100/200 from Horizon and Ponce. These lines add additional sources to the Santa Isabel area and are necessary for long term reliability.	service. Additionally, one section of the TL100 east of Santa Isabel was returned to service after been severely damaged during hurricane Maria and remaining out of service since then. The remaining sections of the TL100 and TL200 are included in the stabilization initiative as part of the improvement plan to return to service.
Identify locations where a single point of failure would result in loss of load or require load shedding. For example, a large number of customers served by a single transformer or transmission line are served by two sources, but neither source is rated to serve load on its own. In cases where a loss of an asset requires load shedding, operating procedures (e.g., installation of mobile generators, mobile transformer, etc.) to restore the affected load as quickly as possible should be developed. The long-term goal should be to strengthen the system to avoid such situations.	LUMA concurs with the recommendation and has already identified current out-of-service equipment that causes, or exacerbates, potential overloads and loss-of-load if additional contingency elements experience forced outage, as well as emerging areas where loss of a transformer would result in loss-of-load with difficulty to switch or restore. Operating plans were developed for all scenarios where partial or total load restoration is possible. The elements where partial or total restoration is not possible are all included in LUMA's System Improvement Plan and prioritized for equipment replacement with the first available compatible equipment deliveries (substation transformers) and transmission lines proposed for repair and restoration.
Identify equipment that may be out of regular maintenance and whose outage could impact many customers (e.g., >10,000). Make plans to prioritize maintenance of equipment out of regular maintenance cycle.	LUMA monitors and tracks equipment maintenance history relative to their regular maintenance cycles, utilizing this information as one of the criteria to prioritize maintenance activities, giving those that are out of cycle a higher priority. This information combined with LUMA's analyses of system criticality and loss-of-load contingency scenarios, is used to prioritize the maintenance activities.
Develop clear criteria to distinguish when an asset should not be returned to service or when an asset should be permitted to return to service with caution (e.g., specific moisture level above which an asset is not considered fit for service).	LUMA follows manufacturers and industry standard recommended thresholds to guide decisions on returning assets to service. This information is used alongside internal equipment expertise, real time and forecasted management of system conditions, and service of customer load in order to make final risk-based decisions on asset service restoration.
In case where returning an asset to service is deemed necessary even with limits above the manufacturer's recommendation, an adequate risk assessment should be performed	LUMA follows manufacturers and industry standard recommended thresholds to guide decisions on returning assets to service. This information is used alongside internal equipment expertise, real time and forecasted management of system conditions and service of

Recommendation/ Observation	LUMA Comment
considering the risk of asset failure and the impact on system operation, nearby assets, and safety.	customer load in order to make final risk-based decisions on asset service restoration.
The short-circuit model should be thoroughly evaluated to align with equipment/assets in- service, network topology, and operating conditions as present in the field. Procedures should be developed to validate the short-circuit model against the recorded fault events. An up to date short-circuit model is necessary for relay setting calculations.	Over the past two years, LUMA has put extensive effort into validating the line impedances and transformer impedances towards a short-circuit system modeling. As of the end of 2024, LUMA has completed the system model validation, and the new system model has been used for short circuit studies and protection coordination.
LUMA stated that when Cayey TC was designed, applying breaker failure protection on 38 kV breakers was not a standard practice. However, LUMA's current practice requires installing local breaker failure protection for 38 kV breakers. LUMA should also evaluate the need for transfer trip for breaker failure to clear faults from remote stations quickly, as applicable, considering equipment life and system stability.	LUMA concurs with the recommendation. It is accurate that LUMA's current practice is to install local breaker failure protection for new or upgraded protection. Presently, transfer trip for breaker fail trips is also a LUMA standard practice for new installations whenever communication is available.
Develop a plan to align thermal ratings of equipment/assets in-service used by system operators. Also, develop manual load shedding procedures providing clear guidance to system operators to act quickly when necessary to manage loading on transformers, transmission lines, and network components.	LUMA concurs with the recommendations. In accordance, LUMA is currently implementing a process to manage line thermal ratings and ensuring that updated information is propagated across all systems and models in a timely basis. This approach aims to provide proper situational awareness and empower operators to make the decision with the right information. This process will ensure alarm levels in Energy Management System ("EMS") reflect known thermal ratings. Further, LUMA has already implemented load shed procedures as part of its System Operation Principles ("SOPs").
The 115/38 kV transformers at Cayey TC should be thoroughly tested and should be adequately monitored.	The Cayey 115/38 kV transformers were last tested and maintained in May 2024 ("Bank 1") and October 2022 ("Bank 2"). The last Dissolved Gas Analyses ("DGA's") were taken in November 2024. These units are on a

Recommendation/ Observation	LUMA Comment
	normal Preventive Maintenance (“PM”) and diagnostic schedules based on LUMA guidelines.
Develop and implement an equipment maintenance program. Additionally, prioritize replacement of aging equipment, especially where loss of equipment, could result in outage for a significant number of customers (e.g., > 10,000 customers).	LUMA has an equipment maintenance program and executes prioritized activities considering various criteria including equipment age, equipment condition, maintenance history, as well as the criticality, needs, configuration, and availability of the system. These maintenance considerations are also weighed against LUMA's capital replacements and improvements programs to create a balanced approach to equipment maintenance versus its replacement. Additionally, LUMA's analyses of system criticality and loss-of-load contingency scenarios have identified higher priority equipment replacement needs, where several of these are already being planned and executed as part of LUMA's System Improvement Plan.

3.0 Conclusion

In conclusion, LUMA reiterates it concurs with the recommendations and observations presented in EPRI’s technical advisory report. As demonstrated, our existing initiatives and projects actively address these recommendations, reflecting our commitment to improve the Transmission and Distribution System (“T&D System”). We remain dedicated to collaborating with stakeholders and providing any further information or updates as needed. We believe these ongoing efforts will contribute significantly to stabilize and improve the T&D System.

ADDENDUM 38

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO A GRAN ESCALA OCURRIDA EL 12 DE JUNIO DE 2024	**CASO NÚM.:** NEPR-IN-2024-0003 **ASUNTO: Traducción de Resolución Comienzo de Investigación** Informe Inicial e Informe de Incidente

RESOLUCIÓN Y ORDEN

I. Introducción

El 14 de junio de 2024, el Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico ("Negociado de Energía") publicó una Resolución y Orden en el caso de epígrafe mediante la cual comenzó la investigación con relación a la Interrupción de Servicio Eléctrico a gran escala ocurrida el 12 de junio de 2024.

Para garantizar la accesibilidad y la comprensión entre las personas que hablan español que puedan verse afectadas por este Incidente, el Negociado de Energía publica la versión traducida de la Resolución y Orden mediante la cual dio comienzo a la investigación.

II. Conclusión

El Negociado de Energía **APRUEBA** la traducción al español de la Resolución y Orden fechada 14 de junio de 2024 mediante la cual comienza la investigación de la interrupción de servicio eléctrico ocurrida el 12 de junio de 2024. Se **APERCIBE** que en caso de cualquier conflicto o discrepancia entre las versiones en español e inglés, la versión en inglés tendrá prioridad.

Notifíquese y publíquese.

Edison Avilés Deliz
Presidente

Ferdinand A. Ramos Soegaard
Comisionado Asociado

Sylvia B. Ugarte Araujo
Comisionada Asociada

Antonio Torres Miranda
Comisionado Asociado

NEGOCIADO DE ENERGÍA DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEPR

CERTIFICACIÓN

Certifico que así lo acordó la mayoría de los miembros del Negociado de Energía de Puerto Rico el 14 de junio de 2024. La Comisionada Asociada Lillian Mateo no intervino. Certifico además que el 14 de junio de 2024 una copia de esta Resolución y Orden fue notificada por correo electrónico a Lionel.santa@prepa.pr.gov; kbolanos@genera-pr.com; brannen@genera-services.com; legal@genera-pr.com; regulatory@genera-pr.com; Mario.hurtado@lumapr.com; PREBorders@lumapr.com; legal@lumapr.com; y he procedido con el archivo en autos de la Resolución y Orden emitida por el Negociado de Energía de Puerto Rico.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 14 de junio de 2024.

Sonia Seda Gaztambide
Secretaria

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO A GRAN ESCALA OCURRIDA EL 12 DE JUNIO DE 2024	**CASO NÚM..:** NEPR-IN-2024-0003 **ASUNTO: Comienzo de Investigación** Informe Inicial e Informe de Incidente

RESOLUCIÓN Y ORDEN

I. Introducción

El 12 de junio de 2024, aproximadamente a las 3:00 p.m., el sistema eléctrico de Puerto Rico sufrió una falla que afectó las Unidades 5, 6 y 9 de la Central Eléctrica de San Juan y las unidades temporales de emergencia TM2500 que se encuentran en la Central Eléctrica de San Juan las cuales son mantenidas y operadas por Genera PR, LLC ("Genera"), ("**Incidente 1**"). Se informa que este evento afectó a más de 100,000 clientes.

El 12 de junio de 2024, alrededor de las 9:00 p.m., el sistema eléctrico sufrió otro evento que afectó a cerca de 350,000 clientes principalmente en las regiones de Bayamón, San Juan y Carolina ("**Incidente 2**").

La secuencia del Incidente 1 y del Incidente 2 se muestra en la Figura 1 a continuación.

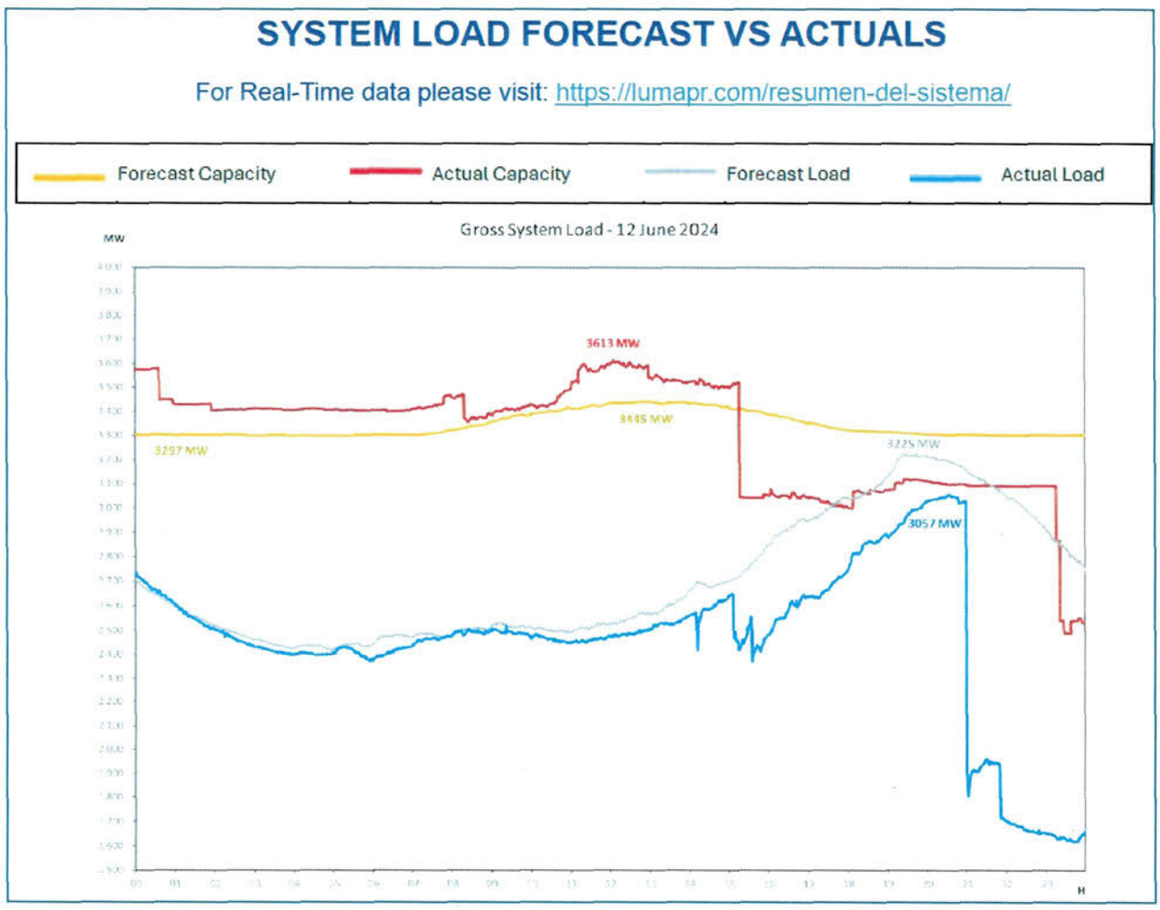
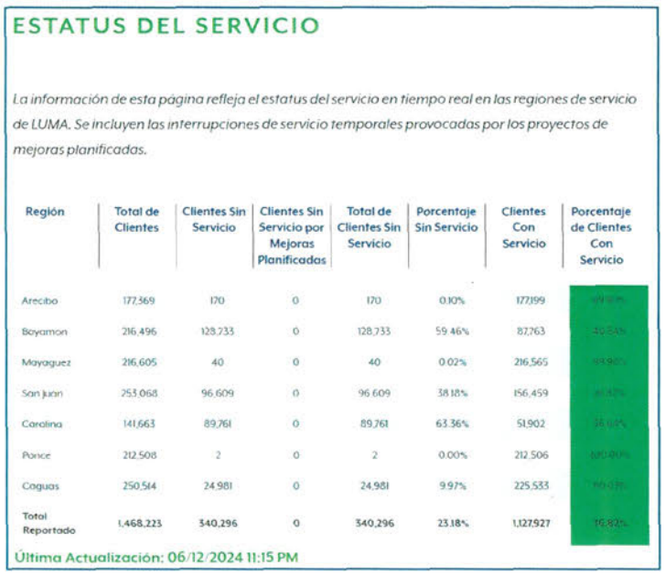


Figura 1 – Resumen del sistema LUMA – Perfil de capacidad/carga 12 de junio de 2024

Luego ocurren las Interrupciones de clientes a las 11:15p.m. el 12 de junio de 2024.



ESTATUS DEL SERVICIO

La información de esta página refleja el estatus del servicio en tiempo real en las regiones de servicio de LUMA. Se incluyen las interrupciones de servicio temporales provocadas por los proyectos de mejoras planificadas.

Región	Total de Clientes	Clientes Sin Servicio	Clientes Sin Servicio por Mejoras Planificadas	Total de Clientes Sin Servicio	Porcentaje Sin Servicio	Clientes Con Servicio	Porcentaje de Clientes Con Servicio
Arecibo	177,369	170	0	170	0.10%	177,199	[illegible]
Bayamon	216,496	128,733	0	128,733	59.46%	87,763	[illegible]
Mayaguez	216,605	40	0	40	0.02%	216,565	[illegible]
San Juan	253,068	96,609	0	96,609	38.18%	156,459	[illegible]
Carolina	141,663	89,761	0	89,761	63.36%	51,902	[illegible]
Ponce	212,508	2	0	2	0.00%	212,506	[illegible]
Caguas	250,514	24,981	0	24,981	9.97%	225,533	[illegible]
Total Reportado	1,468,223	340,296	0	340,296	23.18%	1,127,927	[illegible]

Última Actualización: 06/12/2024 11:15 PM

Figura 2: Estado del servicio eléctrico 12 de junio de 2024 23:15 HRS

El operador del sistema de transmisión y distribución, LUMA[1], mantuvo informada a la ciudadanía, a través de sus redes sociales, sobre el estado de ambos Incidentes[2]. Durante la tarde del 12 de junio de 2024, LUMA activó su estructura de Comando de Incidentes y movilizó equipos adicionales para ayudar a inspeccionar las líneas en busca de daños y acelerar la restauración del servicio eléctrico.

El Negociado de Energía de la Junta Reguladora de Servicio Público de Puerto Rico ("Negociado de Energía") es el regulador de servicios eléctricos encargado de supervisar la ejecución e implementación de la política pública energética en Puerto Rico[3]. De acuerdo con la Ley 57-2014, el Negociado de Energía tiene a su cargo, entre otras funciones, establecer e implementar las acciones regulatorias necesarias para garantizar las capacidad, confiabilidad, seguridad y eficiencia del sistema eléctrico en Puerto Rico. El Negociado de Energía tiene jurisdicción y autoridad para investigar cualquier asunto relacionado con el cumplimiento de las leyes aplicables al cumplimiento con la política pública energética.[4] La política pública energética establece que todo consumidor tiene derecho a un servicio de energía eléctrica confiable, estable y de excelencia.[5]

El Negociado de Energía, en el ejercicio de sus obligaciones y funciones de supervisión, **INICIA** esta investigación de conformidad con el Artículo 6.3 de la Ley 57-2014 y el Artículo XV del Reglamento 8543[6]. El propósito de este procedimiento es investigar las causas de los Incidentes y la investigación o acciones correctivas tomadas por LUMA en relación a los mismos. El Instituto de Investigación de Energía Eléctrica ("EPRI", por sus siglas en inglés) está tomando la iniciativa técnica del Negociado de Energía en este esfuerzo.

II. Informe Inicial e Informe de Incidente

El Negociado de Energía **ORDENA** a LUMA, **en o antes del 20 de junio de 2024**, presentar un Informe Inicial sobre las causas de los Incidentes y las acciones tomadas hasta el momento para abordar y evitar que los Incidentes vuelvan a ocurrir. Además, el Negociado

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[1] LUMA Energy LLC and Luma Energy ServCo, LLC (en conjunto, "LUMA").

[2] Disponible en https://www.facebook.com/lumapuertorico (última visita, 13 de junio de 2024).

[3] *Véase*, Ley Núm. 57-2014, según enmendada conocida como la *Ley de Transformación y ALIVIO Energético de Puerto Rico* ("Ley 57-2014") y la Ley Núm. 17-2019, conocida como la *Ley de Política Pública Energética de Puerto Rico* ("Ley 17-2019").

[4] Ley 57-2014, sección 6.24(e).

[5] Ley 17-2019, sección 1.5 10(a).

[6] *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, 18 de diciembre de 2014 ("Reglamento 8543").

de Energía **ORDENA** a LUMA, **en o antes del 8 de julio de 2024**, presentar un Informe de Incidente con la información requerida en el **Anejo A** de esta Resolución y Orden.

El Negociado de Energía **ORDENA** a Genera PR, LLC ("GENERA"), **en o antes del 20 de junio de 2024**, responder al Requerimiento de Información ("ROI") incluido como **Anejo B** de esta Resolución y Orden.

El Negociado de Energía limita esta investigación a aquellos aspectos de los Incidentes y acciones dentro de su competencia regulatoria. Por lo tanto, en el desempeño de sus deberes y funciones, el Negociado de Energía no tiene la intención ni interferirá con ninguna otra investigación realizada por las autoridades pertinentes con respecto a los Incidentes. De igual forma, esta investigación no debe interpretarse como un sustituto de las investigaciones que puedan ser realizadas por las entidades correspondientes de conformidad con la ley.

El Negociado de Energía **ADVIERTE** a LUMA y a GENERA que:

(i) el incumplimiento de esta Resolución y Orden, reglamentos y/o leyes aplicables podrá conllevar la imposición de multas y sanciones administrativas de hasta $25,000 por día;

(ii) cualquier persona que intencionalmente viole la Ley 57-2014, según enmendada, al omitir, desatender o negarse a obedecer, observar y cumplir cualquier norma o decisión del Negociado de Energía, será sancionada con multa no menor de cinco cien dólares ($500) ni más de cinco mil dólares ($5,000) a criterio del Negociado de Energía; y

(iii) por cualquier reincidencia en incumplimiento o violación, la pena establecida se incrementará a una multa no menor de diez mil dólares ($10,000) ni mayor de veinte mil dólares ($20,000), a discreción del Negociado de Energía.

Notifíquese y publíquese.

(Firmado)
Edison Avilés Deliz
Presidente

(Firmado)
Ferdinand A. Ramos Soegaard
Comisionado Asociado

(Firmado)
Sylvia B. Ugarte Araujo
Comisionada Asociada

(Firmado)
Antonio Torres Miranda
Comisionado Asociado

CERTIFICACIÓN

Certifico que así lo acordó la mayoría de los miembros del Negociado de Energía de Puerto Rico el 14 de junio de 2024. La Comisionada Asociada Lillian Mateo no intervino. Certifico además que el 14 de junio de 2024 una copia de esta Resolución y Orden fue notificada por correo electrónico a Lionel.santa@prepa.pr.gov; kbolanos@genera-pr.com; brannen@genera-services.com; legal@genera-pr.com; regulatory@genera-pr.com; Mario.hurtado@lumapr.com; PREBorders@lumapr.com; legal@lumapr.com; y he procedido con el archivo en autos de la Resolución y Orden emitida por el Negociado de Energía de Puerto Rico.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 14 de junio de 2024.

(Firmado)
Sonia Seda Gaztambide
Secretaria

NEGOCIADO DE ENERGÍA DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

ANEJO A

Requisitos del Informe de Incidente

Para cada incidente, Incidente 1 e Incidente 2, proporcione:

1. Un resumen de los Incidentes que incluye, entre otros, una descripción cronológica, basada en SCADA, de los eventos y su efecto, si alguno, sobre: (i) la flota de generación operada y mantenida por GENERA, (ii) otros productores de energía, y (iii) el sistema de transmisión y distribución, así como las acciones investigativas, correctivas o de cualquier otra índole tomadas por LUMA.

2. Cualquier información recibida, obtenida o recopilada en el curso de esfuerzos de investigación, correctivos o de cualquier otro tipo realizados por LUMA, sus agentes, abogados o consultores para determinar la causa de los Incidentes y su efecto, si alguno, en la flota de generación y el sistema de transmisión y distribución.

3. Cualquier documento producido, preparado o recibido por LUMA, sus agentes, ingenieros, abogados o consultores en el curso de esfuerzos de investigación, correctivos o cualquier otro esfuerzo realizado para determinar las causas de los Incidentes, incluidos, entre otros, el "informe de análisis de causa raíz" de los Incidentes y su efecto, si alguno, en la flota de generación y el sistema de transmisión y distribución;

4. Repercusiones, consecuencias o efectos que enfrentarán los clientes y el sistema eléctrico en el corto o largo plazo como consecuencia de los Incidentes; y

5. Cualquier información, en formato digital o tangible, relacionada con los Incidentes en posesión de LUMA y/o GENERA y/o la Autoridad de Energía Eléctrica de Puerto Rico ("AEE"), que incluye, pero no se limita a, datos, gráficos, mapas, videos, audios, fotografías, informes o documentos relacionados con los Incidentes y su efecto en el servicio eléctrico, la flota de generación y el sistema de transmisión y distribución de Puerto Rico.

El Negociado de Energía, a su discreción, podrá solicitar información adicional. El Negociado de Energía determinará las acciones a tomar, incluyendo la necesidad de una conferencia técnica, luego de recibir los Informes Inicial y de Incidentes requeridos a través de esta Resolución y Orden.

Notifíquese y publíquese.

NEGOCIADO DE ENERGÍA DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

ANEJO B

Requisitos de Información

Con relación al Incidente 1 provea:

1. Un resumen del Incidente que incluya, entre otros, una descripción cronológica de los eventos y su efecto, si alguno, en la flota de generación operada y mantenida por GENERA, otros productores de energía y en el sistema de transmisión y distribución, así como las acciones investigativas, correctivas o de cualquier otra índole adoptadas por GENERA.

2. Una descripción de cualquier falla de la unidad de generación debido a la pérdida de carga experimentada.

3. Una descripción de los sistemas de protección establecidos para evitar daños al sistema generador en caso de pérdida de carga, subfrecuencia o fallas a tierra.
   a. Especifique qué pruebas y mantenimiento periódicos se realizan para garantizar que los sistemas de protección funcionen correctamente.

4. Una descripción de los sistemas de protección contra sobre velocidad utilizados para proteger las turbinas de vapor en la Central San Juan.
   a. Especifique qué pruebas y mantenimiento periódicos se realizan para garantizar que los sistemas de protección funcionen correctamente.
   b. Especificar cómo se prueban y mantienen las válvulas antirretorno de extracción de vapor.

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

IN RE:	**CASE NO. NEPR-IN-2024-0003**
JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**SUBJECT: Submission of Initial Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment**

MOTION SUBMITTING INITIAL REPORT IN COMPLIANCE WITH RESOLUTION AND ORDER OF JUNE 14, 2024 AND REQUEST FOR CONFIDENTIAL TREATMENT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Introduction

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate two events affecting the Puerto Rico electric system which occurred on June 12, 2023. The Energy Bureau referred to these events separately as "Incident 1" and "Incident 2" and, collectively, as the "Incidents".

2. Incident 1 is described in the June 14th Order as occurring at approximately 3:00 p.m., when the "Puerto Rico electric system suffered a switchyard failure that affected the Units 5, 6, and 9 of the San Juan Power Plant and the TM2500 temporary emergency units that sit at the San Juan Site and are maintained and operated by Genera PR, LLC" and "affect[ing]over 100,000 customers". *See* June 14th Order on p. 1.

3. Incident 2 is described in the June 14th Order as "another event" occurring about 9:00 p.m. "affect[ing] about 350,000 customers mainly in the regions of Bayamón, San Juan and Carolina". *See id.*

4. In the June 14th Order, the Energy Bureau indicates that the instant investigation ("Investigation") is being initiated pursuant to Section 6.3 of Act 57-2014 and Regulation No. 8543[1] and that its purpose is to "investigate the causes of the Incidents and the investigative or corrective actions taken by LUMA in relation to them". *See id*. The Energy Bureau then orders LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address and prevent the Incidents from reoccurring" ("Initial Report") and to submit, on or before July 8, 2024, an "Incident Report with the information required in Attachment A" of the June 14th Order. *Id*.

5. The purpose of this motion is to submit the Initial Report required by the June 14th Order.

II. Energy Bureau Authority to Conduct Investigations

6. Act No. 57-2014, known as the *Energy Transformation and Relief Act* ("Act 57-2014"), 22 LPRA §1051, delegates to the Energy Bureau the power to investigate persons and entities under its jurisdiction, including certified electric utility companies that provide services in Puerto Rico. *See* Art. 6.3 (pp) (7), 22 LPRA 22 LPRA § 1054b (2022); Art. 6.4 (b)(1), LPRA § 1054c, *see also* Art. 6.3 (o), 22 LPRA §1054b(o).

7. In its Article XV, Regulation No. 8543 implements the power delegated by law to the Energy Bureau to conduct investigations. Specifically, Section 15.01 of Regulation 8543 provides that investigations shall be carried out to ensure compliance with the public energy policy

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

of Puerto Rico and the laws and regulations administered by the Energy Bureau. The Energy Bureau may also conduct investigations to obtain information regarding matters related to the industry or electric service. *See* Regulation 8523, Section 15.01.

8. Pursuant to Section 15.07 of Regulation No. 8543, once the Energy Bureau conducts an investigation, it shall issue a report with the results. The investigated party has the right to respond to said final report. *See id*. Section 15.08. In the event that the Report identifies a violation of the laws administered by the Energy Bureau or non-compliance with the public energy policy, the Energy Bureau has the discretion to issue a Notice of Non-Compliance to the party to which the non-compliance is imputed or refer a copy of the report to the State Energy Public Policy Office or the Independent Consumer Protection Office ("ICPO") so that they may file a complaint or the corresponding appeal before the Energy Bureau. *Id*. Section 15.09.

9. Finally, Section 15.10 of Regulation 8543 provides that the records of ongoing investigations shall remain confidential until the investigation is concluded. Information identified as privileged during the course of the investigation will also be protected. *Id*. Section 15.10.

III. Submittal of Initial Report

10. In compliance with the June 14th Order, LUMA hereby submits the Initial Report in the form of a document titled *Initial Facts on Power Outages from June 12, 2024*, which is attached as *Exhibit 1*. This Initial Report is a preliminary report that provides the information that LUMA has gathered thus far regarding the Incidents, including preliminary findings, summary of customers affected and restored, a timeline of events, damaged equipment and completed actions and next steps. As LUMA explains in the Initial Report, this is only the initial phase of a multiphase approach, and LUMA is still in the process of collecting various pieces of data from multiple internal and external sources that require verification. The information presented in the Initial

Report is preliminary and subject to revision as additional details become available. LUMA is committed to being fully transparent about findings as the investigation is completed.

11. LUMA reserves the right to present, at the appropriate time and in attention to any pertinent developments in the Investigation, any objections, claims, defenses, or other legal arguments against or with respect to the Investigation or any action taken by the Energy Bureau in connection with the Investigation, all in accordance with the rights afforded LUMA under the law. LUMA also reserves the right to request amendments or supplements to the Initial Report or any other reports submitted in this investigation in the event that in the future new allegations or information arise regarding LUMA that need to be addressed.

12. LUMA respectfully submits that *Exhibit 1* contains confidential information that must be protected from disclosure under applicable laws and regulations. Therefore, LUMA is submitting *Exhibit 1* under seal of confidentiality and respectfully requests that the Energy Bureau keep Exhibit 1 in confidence even after the Investigation concludes. In compliance with 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, LUMA will be submitting within the next ten (10) days a Memorandum of Law in support of this request, as well as the redacted non-confidential version of Exhibit 1.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** the report titled *Initial Facts on Power Outages from June 12, 2024* in *Exhibit 1* in compliance with the June 14th Order with respect to the filing of an Initial Report, and **treat** Exhibit 1 **confidentially**.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 20th day of June 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147 / 9145
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/s/ Laura T. Rozas
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/s/ Valeria Belvis Aquino
Valeria Belvis Aquino
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Exhibit 1
Initial Report

[Filed under Seal of Confidentiality]

GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY BO
PUERTO RICO ENERGY BUREAU

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUMPTIONS	Case No.: NEPR-IN-2024-0003

URGENT MOTION FOR EXTENSION OF TIME TO FILE PRELIMINARY REPORT

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR LLC ("Genera"), through its undersigned counsel and, very respectfully, states and prays as follows:

1. On June 14, 2024, the Puerto Rico Energy Bureau ("PREB") issued a *Resolution and Order* through which it initiated an investigation relating to the malfunctions in the electric system that occurred on June 12, 2024. The PREB ordered Genera to respond to the *Request for Information* contained in Attachment B to the *Resolution and Order*, which required Genera to provide the following information:

For Incident 1 provide:

1. A summary of the Incident that includes, but is not limited to, a chronological description of the events and their effect, if any, on the generation fleet operated and maintained by GENERA, other power producers, and on the transmission and distribution system, as well as the investigative, corrective, or any other actions taken by GENERA.
2. A description of any generation unit failure due to the experienced loss of load.
3. A description of the protection systems in place to prevent generator system damage in the event of a loss of load, under frequency, or ground faults.
    a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.
4. A description of the overspeed protection systems used to protect the steam turbines at the San Juan Power Plant.
    a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.
    b. Specify how are the steam extraction non-return valves tested and maintained.

2. Genera was ordered to provide this information by June 20, 2024. Genera has been diligently working on responding to this request for information during the past week. Among other things, Genera has retained the services of a consultant to assist it in this task and has assigned the relevant personnel to gather and analyze the pertinent data. However, responding to the questions posed by the PREB has required the collection of highly technical information, interviews with the relevant personnel, and the analysis of such information by our consultants and staff. Although great progress has been made, Genera needs more time to responsibly complete the responses to PREB's *Request for Information*.

3. Accordingly, Genera hereby requests a short extension of time, until Monday June 24th, 2024, to finalize and present its responses to the matters presented in Attachment B to the *Resolution and Order* of June 14, 2024.

4. Genera certifies that this request is made in good faith, in order to properly and responsibly respond to the *Request for Information* issued by the PREB, and does not intend to improperly delay the proceedings in this investigation.

WHEREFORE, Genera respectfully requests a brief extension of time, until June 24, 2024, to present its responses to the *Request for Information* contained in Attachment B to the *Resolution and Order* of June 14, 2024,

In San Juan, Puerto Rico, this June 20th, 2024.

It is hereby certified that this motion was filed using the electronic filing system of this Energy Bureau, and that electronic copies of this Motion will be notified to the following attorneys who have filed a notice of appearance in this case: Laura T. Rozas, Esq., laura.rozas@us.dlapiper.com; Valeria Belvis Aquino, Esq., valeria.belvis@us.dlapiper.com.

ROMAN NEGRÓN LAW, PSC
Attorneys for Genera PR, LLC.
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s/Luis R. Román Negrón
Luis R. Román Negrón
RUA 14,265
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GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY BO
PUERTO RICO ENERGY BUREAU

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	Case No.: NEPR-IN-2024-0003 Subject: Motion Submitting Initial Reporting and Incident Report

MOTION SUBMITTING DOCUMENT TITLED "INITIATION OF INVESTIGATION-INITIAL REPORTING AND INCIDENT REPORT"

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR LLC ("Genera"), through its undersigned counsel and, very respectfully, states and prays as follows:

1. On June 14, 2024, the Puerto Rico Energy Bureau ("PREB") issued a *Resolution and Order* through which it initiated an investigation relating to the malfunctions in the electric system that occurred on June 12, 2024. The PREB ordered Genera to respond to the *Request for Information* contained in Attachment B to the *Resolution and Order*, which required Genera to provide the following information:

For Incident 1 provide:

1. A summary of the Incident that includes, but is not limited to, a chronological description of the events and their effect, if any, on the generation fleet operated and maintained by GENERA, other power producers, and on the transmission and distribution system, as well as the investigative, corrective, or any other actions taken by GENERA.
2. A description of any generation unit failure due to the experienced loss of load.
3. A description of the protection systems in place to prevent generator system damage in the event of a loss of load, under frequency, or ground faults.
    a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.
4. A description of the overspeed protection systems used to protect the steam turbines at the San Juan Power Plant.
    a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.
    b. Specify how are the steam extraction non-return valves tested and maintained.

2. On June 20, 2024, Genera filed an *Urgent Motion for Extension of Time to Present Preliminary Report*. Genera explained that work on the preliminary report was in progress but that a brief extension of time, until today, June 24, 2024, was needed to responsibly complete the responses to PREB's *Request for Information*.

3. Attached herein as Exhibit 1, Genera includes a document titled "Initiation of Investigation-Initial Reporting and Incident Report" ("Initial Report"). This Initial Report contains Genera's responses to the *Request for Information* served by the PREB, which are the result of a thorough investigation conducted by Genera, with the assistance of a consultant. The investigation encompassed the collection of highly technical information, interviews with the relevant personnel, and the analysis of such information by our consultants and staff.

4. Genera redacted a part of Exhibit 1 and respectfully requests that such portion be kept confidential in accordance with the PREB's Policy on Management of Confidential Information, CEPR-MI-2016-0009, as amended on September 21, 2016. Through a separate filing, within the next ten days, as set forth in Section A.2 of the PREB's Policy on Management of Confidential Information, Genera will present a memorandum of law in support of its request to treat as confidential, and to protect as such, the aforesaid portion of Exhibit 1.

WHEREFORE, Genera respectfully requests that the PREB take notice of the foregoing and deem that Genera complied with the *Resolution and Order* of June 14, 2024.

In San Juan, Puerto Rico, this June 24th, 2024.

It is hereby certified that this motion was filed using the electronic filing system of this Energy Bureau, and that electronic copies of this Motion will be notified to the following attorneys who have filed a notice of appearance in this case: Laura T. Rozas, Esq., laura.rozas@us.dlapiper.com; Valeria Belvis Aquino, Esq., valeria.belvis@us.dlapiper.com.

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s/Luis R. Román Negrón
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Exhibit 1

Initial Reporting and Incident Report

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

IN RE:	**CASE NO. NEPR-IN-2024-0003**
JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on June 20, 2024**

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 SUBMITTED ON JUNE 24, 2024

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate two events affecting the Puerto Rico electric system which occurred on June 12, 2023. Among other things, in the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address and prevent the Incidents from reoccurring" ("Initial Report"). *Id.*

2. On June 20, 2024, LUMA filed with the Energy Bureau a *Motion Submitting Initial Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment*, in which it submitted, in an Exhibit 1, the Initial Report in the form of a document titled *Initial Facts on Power Outages from June 12, 2024* ("June 20th Exhibit 1") and requested that the Energy Bureau treat the June 20th Exhibit 1 as confidential. LUMA also informed that it would be submitting within the next ten (10) days a Memorandum of Law in support of the

confidential treatment of the June 20th Exhibit 1 and a redacted version of the June 20th Exhibit 1, in compliance with 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 Confidential Information").

3. In accordance with the above, LUMA is submitting below the Memorandum of Law stating the legal basis for the request to treat the June 20th Exhibit 1 confidentially.

II. Memorandum of Law in Support of Request for Confidential Treatment of June 20th Exhibit 1

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

4. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

5. 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.

6. 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).

7. 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.* paragraph 6.

8. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Critical Energy Infrastructure Information ("CEII"):

> The information designated by the [Energy Bureau] as Validated Confidential Information on the ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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).

9. Relatedly, Energy Bureau Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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* 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).

B. Request for Confidentiality

10. The June 20th Exhibit 1 includes CEII information that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative

repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

11. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.*

12. 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 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.*

13. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[1]

[1] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, 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;

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. § 671 (3).[2]

14. The June 20th Exhibit 1 includes figures containing single line diagrams at the San Juan Steam Plant for the 115kV and 38 KV lines (*see id*. Figures 3-2 and 3-3); and a figure showing the 39000 Transmission Line, Monacillos TC, Aguas Buenas GIS and Caguas TC and the areas where the disturbance occurred (*see id*. Figure 3-4). It is respectfully submitted that these diagrams and figures are confidential CEII, as they contain information on engineering and detailed design

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(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—

(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] CII includes the following types of information:

(A)actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B)the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

(C)any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

of existing critical infrastructure. In addition, these diagrams and figure show the interrelation of different assets and their parts and provide forensic data and/ or forensic analysis on critical infrastructure and other components of the T&D System, all of which may reveal vulnerabilities of the electric system. Therefore, these diagrams and figures constitute 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).

15. The CEII designation of these diagrams and figures is a reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

III. Identification of Confidential Information.

16. In compliance with the Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, following is a table summarizing the hallmarks of this request for confidential treatment:

Document	**Pages in which Confidential Information is Found, if applicable**	**Reasons and Summary of Legal Basis for Confidentiality Protection**	**Date Filed**
June 20th Exhibit 1	Figure 3-2 (Page 13)	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	June 20, 2024

Document	Pages in which Confidential Information is Found, if applicable	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
June 20th Exhibit 1	Figure 3-3 (Page 14)	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	June 20, 2024
June 20th Exhibit 1	Figure 3-4 (Page 15)	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains depiction of 39000 Transmission Line, Monacillos TC, Aguas Buenas GIS and Caguas TC and the areas where the disturbance occurred which may also reveal potential vulnerabilities of the electric system.	June 20, 2024

17. LUMA submits, as *Exhibit A* herein, a redacted version of the June 20th Exhibit 1, in which the above identified information is redacted. LUMA respectfully requests the Energy Bureau to accept *Exhibit A* herein as the public version of the June 20th Exhibit 1.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** this Memorandum of Law in support of the confidential treatment of the June 20th Exhibit 1, **grant** the request herein and in the June 20th Motion to keep confidential the June 20th Exhibit 1, and **accept** the redacted version of the June 20th Exhibit 1, included as *Exhibit A* to this motion, as the public version of the June 20th Exhibit 1.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 1st day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147 / 9145
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/s/ Laura T. Rozas
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Valeria Belvis Aquino
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Exhibit A

Redacted Version of June 20th Exhibit 1

ADDENDUM 45

Jul 2, 2024

6:17 PM

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

IN RE:

JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS

CASE NO. NEPR-IN-2024-0003

SUBJECT: Request For Extension of Time to Submit Incident Report Required by the Resolution and Order of June 14, 2024

REQUEST FOR EXTENSION OF TIME TO SUBMIT THE INCIDENT REPORT REQUIRED BY THE RESOLUTION AND ORDER OF JUNE 14, 2024

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate two events affecting the Puerto Rico electric system which occurred on June 12, 2023.

2. In the June 14th Order, the Energy Bureau indicates that the instant investigation ("Investigation") is being initiated pursuant to Section 6.3 of Act 57-2014 and Regulation No. 8543[1] and that its purpose is to "investigate the causes of the Incidents and the investigative or corrective actions taken by LUMA in relation to them". *See id*.

3. Among other things, in the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address and prevent the Incidents from reoccurring" ("Initial Report") and to submit,

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

on or before July 8, 2024, an "Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*.

4. In compliance with the June 14th Order, LUMA submitted on June 20, 2024, its Initial Report with preliminary information of the investigation conducted regarding the Incidents. See *Motion Submitting Initial Report in Compliance with Resolution and Order from June 14, 2024 and Request for Confidential Treatment.*

5. LUMA hereby informs that it is in the process of reviewing supporting documentation and working with the third-party investigation firm preparing the root-cause evaluation of the Incidents. Given the voluminous nature of the documents and information that should be reviewed, LUMA requires additional time to develop a more thorough and vetted report and responses to Attachment A of the June 14th Order. In view of the nature of the remaining tasks, LUMA reasonably estimates that, to complete these efforts in a thorough manner, it will need until July 18, 2024, to submit the more final report and supporting documents that would comprise the Incident Report and would more thoroughly cover all content items in Attachment A of the June 14th Order.

6. Based on the above, LUMA respectfully requests a brief extension to submit LUMA's Incident Report until July 18, 2024. LUMA respectfully submits that this brief additional time will allow LUMA to achieve a more thorough, clear and verified Incident Report that will more effectively address the requirements of the June 14th Order.

7. LUMA makes this request in good faith and to ensure the quality of the Incident Report and believes that this brief extension of time will not unduly delay proceedings in this case.

WHEREFORE, LUMA respectfully requests the Energy Bureau to take notice of the aforementioned and grant LUMA until July 18, 2024, to submit its Incident Report in compliance with the June 14th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 2nd day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
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/s/ Laura T. Rozas
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/s/ Valeria Belvis Aquino
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ADDENDUM 46

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

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**CASE NO.:** NEPR-IN-2024-0003 **SUBJECT:** Delegation of Procedural Matters.

RESOLUTION AND ORDER

I. Introduction

On June 14, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau"), pursuant to Section 6.3 of Act 57-2014[1] and Section XV of Regulation 8543[2] the Energy Bureau, issued a Resolution and Order ("June 14 Order") initiating an investigation on the events occurred on June 12, 2024 identified as Incident 1 and Incident 2 (jointly referred as, Incidents") as described therein.

The Energy Bureau established that the purpose of this proceeding is to investigate the causes of the Incidents and the investigative or corrective actions taken by LUMA Energy LLC and Luma Energy ServCo, LLC (jointly referred to as, "LUMA") in relation to them and established that the Electric Power Research Institute ("EPRI") would take the technical lead for the Energy Bureau in this effort.

The Energy Bureau ordered LUMA to submit, on or before June 20, 2024, its Initial Report on the causes of the Incidents and the actions taken so far to address and prevent the Incidents from reoccurring. The Energy Bureau also ordered Genera PR, LLC ("Genera") to, on or before June 20, 2024, respond to the Requirement of Information ("ROI") included as Attachment B to the June 14 Order.

On June 20, 2024, LUMA filed the Initial Report. On June 20, 2024, Genera filed a document titled *Urgent Motion for Extension of Time to File Preliminary Report.* On July 1, 2024, LUMA filed a request for confidential designation and treatment of the Initial Report under Section 6.15 of Act 57. On June 24, 2024, Genera filed a document titled *Motion Submitting Document titled "Initiation of Investigation-Initial Reporting and Incident Report"* in which Genera informed that it would be filing a memorandum of law in support of its request for confidential designation and treatment of its Initial Report.

The Energy Bureau **REITERATES** its previous designation of EPRI, as technical lead for the Energy Bureau in this investigation. In order to complete the investigation of the Incidents, EPRI **SHALL** have the faculties to:

1. Issue Requests for Information and/or documents, including but not limited to:

    a. any corrective actions undertaken by LUMA and/or Genera regarding the Incidents;
    b. any information obtained, received or gathered during any investigative or corrective efforts or actions undertaken by LUMA and/or Genera, their agents, legal counsel or consultants to determine the cause of the Incidents, including but not limited to the Initial Report;
    c. copies of any document produced, prepared or received by LUMA and/or Genera, their agents, legal counsel or consultants during any

[1] *See*, Act 57-2014, as amended, known as *Ley de Transformación y ALIVIO Energético de Puerto Rico* and Act 17-2019, known as *Ley de Política Pública Energética de Puerto Rico.*

[2] *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, 18 de diciembre de 2014 ("Reglamento 8543").

investigative or corrective efforts or actions to determine the cause, including but not limited to the Initial Report;

d. copies of any information, data, video, audio, photos, images or report produced, prepared or received by LUMA and/or Genera, their agents, legal counsel or consultants during any investigative or corrective efforts or actions to determine the cause of the Incidents.

e. copies of any information, data, video, audio, photos, images, report or document submitted to local, state and or federal entity regarding the Incidents.

2. Request, coordinate meetings, interviews and conferences; and

3. Request, coordinate in visual inspections of any facilities, premises and/or infrastructure related to the Incidents.

Pursuant to Section 15.04 of Regulation 8543, the Energy Bureau **ORDERS** LUMA and Genera to fully cooperate with EPRI during the investigation. The faculties delegated above shall remain in effect until the Energy Bureau issues a Resolution to the contrary. The final technical report shall be prepared and completed by EPRI.

Pursuant to Section 6.3 of Act 57-2014[3] and Section XV of Regulation 8543[4] the Energy Bureau (i) **DESIGNATES** attorney Gerardo A. Flores ("Attorney Flores") to lead any procedural matters. Attorney Flores **SHALL** have the faculties to (1) administer oath and take depositions; (2) issue orders and citations; (3) preside hearings; (4) request, receive and evaluate documents; (5) request, coordinate and participate visual inspections; (6) request, coordinate meetings and conferences; (7) apply any and all mechanisms authorized under Article XV of Regulation 8543 in order to complete the investigations of the Incidents.

The faculties delegated above shall remain in effect until the Energy Bureau issues a Resolution to the contrary.

Attorney Flores shall prepare and complete a procedural report which shall enclose EPRI's final technical report as an exhibit.

The Energy Bureau shall issue the Final Report of the investigation as stated in Article XV of Regulation 8543.

The Energy Bureau **WARNS** LUMA and Genera that:

(i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions of up to $25,000 per day;

(ii) any person who intentionally violates Act 57-2014, as amended, by omitting, disregarding, or refusing to obey, observe, and comply with any rule or decision of the Energy Bureau shall be punished by a fine of not less than five hundred dollars ($500) nor over five thousand dollars ($5,000) at the discretion of the Energy Bureau; and

(iii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than ten thousand dollars ($10,000) nor greater than twenty thousand dollars ($20,000), at the discretion of the Energy Bureau.

Be it notified and published.

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[3] *See*, Act 57-2014, as amended, known as *Ley de Transformación y ALIVIO Energético de Puerto Rico* and Act 17-2019, known as *Ley de Política Pública Energética de Puerto Rico*.

[4] *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, 18 de diciembre de 2014 ("Reglamento 8543").

Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on July 3, 2024. Associate Commissioner Sylvia B. Ugarte Araujo did not intervene. I also certify that on July 3, 2024, a copy of this Resolution and Order was notified by electronic mail to laura.rozas@us.dlapiper.com; valeria.belvis@us.dlapiper.com; lrn@roman-negron.com; legal@genera-pr.com; regulatory@genera-pr.com; and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on July 3, 2024.

Sonia Seda Gaztambide
Clerk

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY BO
PUERTO RICO ENERGY BUREAU

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	Case No.: NEPR-IN-2024-0003 Subject: Memorandum of Law in Support of Confidentiality of Portions of Genera's Initial Reporting and Incident Report

MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIALITY OF PORTIONS OF GENERA'S INITIAL REPORTING AND INCIDENT REPORT

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR LLC ("Genera"), through its undersigned counsel and, very respectfully, states and prays as follows:

I. INTRODUCTION

1. On June 14, 2024, the Puerto Rico Energy Bureau ("PREB") issued a *Resolution and Order* through which it initiated an investigation relating to the malfunctions in the electric system that occurred on June 12, 2024. The PREB ordered Genera to respond to the *Request for Information* contained in Attachment B to the *Resolution and Order*, which required Genera to provide the following information:

> For Incident 1 provide:
>
> 1. A summary of the Incident that includes, but is not limited to, a chronological description of the events and their effect, if any, on the generation fleet operated and maintained by GENERA, other power producers, and on the transmission and distribution system, as well as the investigative, corrective, or any other actions taken by GENERA.
> 2. A description of any generation unit failure due to the experienced loss of load.
> 3. A description of the protection systems in place to prevent generator system damage in the event of a loss of load, under frequency, or ground faults.
>
> a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.

4. A description of the overspeed protection systems used to protect the steam turbines at the San Juan Power Plant.

a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.

b. Specify how are the steam extraction non-return valves tested and maintained.

2. On June 24, 2024, after a brief extension of time, Genera presented a document titled "Initiation of Investigation-Initial Reporting and Incident Report" ("Initial Report"). The Initial Report contained Genera's responses to the *Request for Information* served by the PREB, which were the result of a thorough investigation that included the collection of highly technical information, interviews with the relevant personnel, and the analysis of such information by our consultants and staff.

3. Genera redacted a part of the Initial Report and requested that such portion be kept confidential in accordance with the PREB's Policy on Management of Confidential Information, CEPR-MI-2016-0009, as amended on September 21, 2016.

4. Genera respectfully submits this Memorandum of Law in support of its request for maintaining the confidentiality of the schematics contained in the Initial Report presented on June 24, 2024. This request is made pursuant to two authorities: (1) the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2019-0009, published on August 31, 2016, and amended on September 16, 2016; and (2) the *Federal Power Act*'s, 16 USC § 791a et seq., prohibition on the disclosure of Critical Electric Infrastructure Information.

II. IDENTIFICATION OF CONFIDENTIAL INFORMATION

Document Name and File Date	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidential Designation, if applicable	Summary of why each claim or designation conforms to the applicable legal basis for confidentiality

Exhibit 1 – Initial Reporting and Incident Report, filed on June 24th, 2024.	Page 3	*Federal Power Act*, 16 USC § 824 o-1, and subsequent Regulations by Federal Energy Regulatory Commission in 18 CFR § 388.113.	*Federal Power Act* preempts disclosure by any Federal, State or Tribal authority of Critical Energy Infrastructure Information

III. MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIALITY

A. Applicable Law

1. *Puerto Rico Energy Transformation and RELIEF Act*, 22 LPRA § 1051 et seq.

The governing statute for the management of classified information submitted to the Energy Bureau is Section 6.15 of Act. No. 57 of May 27, 2014, as amended, also known as the *Puerto Rico Energy Transformation and RELIEF Act*, 22 LPRA § 1051 et seq ("Act No. 57-2014"). This section provides that "[i]f any person who is required to submit information to the Energy [Bureau] believes that the information to be submitted carries a confidentiality privilege, such person may request the [Bureau] to treat such information as confidential…" 22 LPRA § 1054n. If, after conducting appropriate evaluations, the Energy Bureau determines that the information warrants protection, it is required to "grant such protection in a manner that minimally 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*., at sec. 6.15(a). Consequently, such information must be withheld from the public domain by the Energy Bureau and "must be duly safeguarded and provided exclusively to the personnel of the Energy [Bureau] who need to know such information under nondisclosure agreements." *Id.* at sec. 6.15(c). Therefore, "[t]he Energy [Bureau] must swiftly act on any privilege and confidentiality claim made by a person under its

jurisdiction through a resolution for such purposes before any potentially confidential information is disclosed." *Id.* at Section 6.15(d).

2. *The Puerto Rico Energy Bureau's Resolution on Policy on Management of Confidential Information, CEPR-MI-2016-0009*

The Energy Bureau's *Policy on Management of Confidential Information* details the procedures a party should follow to request confidentiality for a document or a portion of it. The Energy Bureau's *Policy on Management of Confidential Information* requires 1) identifying confidential information and 2) filing a Memorandum of Law explaining the legal basis for the confidential designation. *Id.* The party seeking confidential treatment of information filed with the Energy Bureau must also file both a "redacted" (or "public") version and an "unredacted" (or "confidential") version of the document that contains the confidential information.

3. *Federal Power Act, 16 USC § 824o-1 and the Federal Energy Regulatory Commission's Regulations at 18 CFR §388.113.*

The United States Congress has recognized the transcendental importance of the electrical infrastructure for the progress of the Nation. Pursuant to said recognition, Congress enacted the *Federal Power Act*, 16 USC § 791a, on June 10th, 1920. Through various amendments, Congress also expanded the protections around the data pertaining to the functionality, design and organization of the electric power infrastructure. This information was classified as "Critical Electric Infrastructure Information". Specifically, the *Federal Power Act* defines said term as follows:

> SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.
> (a) DEFINITIONS. —For purposes of this section:
> (1) …
>
> (2) CRITICAL ELECTRIC INFRASTRUCTURE. —The term ''critical 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.**

(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION. — The term ''critical electric infrastructure information'' means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission or the Secretary pursuant to subsection (d). Such term includes information that qualifies as critical energy infrastructure information under the Commission's regulations. 16 USC § 824o-1. (Emphasis added).

The Federal Energy Regulatory Commission ("FERC") further specified the scope of the definition of "Critical Electric Infrastructure Information":

(c) Definitions. For the purposes of this section:

(1) …

(2) 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 USC 552; and

(iv) **Does not simply give the general location of the critical infrastructure**.

(3) Critical 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.

(4) Critical infrastructure 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. 18 CFR § 388.113. (Emphasis added).

Congress then moved to preempt any disclosure of Critical Electric Infrastructure Information:

SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION. —

(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE IN FORMATION. —

Critical electric infrastructure information—

(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(B) **shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision or tribal law requiring public disclosure of information or records.** 16 USC § 824*o*-1 (d)(1)(B) (Emphasis added).

IV. GROUNDS FOR CONFIDENTIALITY

This Memorandum of Law supports the claim for confidentiality of the schematics of the San Juan area's electrical power system, which includes information about trailer mount generation units ("TMU"), auxiliary load sources and the intricacies of the distribution of the generated electric power by plants managed by Genera.

The confidential data describes in detail the source of electric power used in the greater Metropolitan Area of San Juan and other locations throughout the Island. Under Congress's and the FERC's definitions, the schematic provided by Genera includes a system or asset of the bulk-power system, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters. It also shows specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that relates details about the production, generation, transportation, transmission, or distribution of energy; and it does not simply give the general location of the critical infrastructure for the generation of electricity. As such, this information is protected from disclosure pursuant to federal law and regulations.

In sum, Genera's Initial Report presents a detailed view of Critical Energy Infrastructure that, if disclosed, would negatively impact territorial security, economic security, public health or safety, or any combination of such matters. Accordingly, Genera's request for confidentiality for the schematics on page 3 of the June 24, 2024 Initial Report is proper and should be granted by the PREB.

WHEREFORE, Genera respectfully requests that the PREB take notice of the foregoing and grant this request for confidential treatment of the schematic on page 3 of the Initial Report filed on June 24, 2024.

In San Juan, Puerto Rico, this July 5, 2024.

It is hereby certified that this motion was filed using the electronic filing system of this Energy Bureau, and that electronic copies of this Motion will be notified to the following attorneys who have filed a notice of appearance in this case: Laura T. Rozas, Esq., laura.rozas@us.dlapiper.com; Valeria Belvis Aquino, Esq., valeria.belvis@us.dlapiper.com.

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

IN RE:	**CASE NO. NEPR-IN-2024-0003**
JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**SUBJECT: Submission of Incident Report in Compliance with Resolution and Order from June 14, 2024 and Request for Confidential Treatment**

MOTION SUBMITTING INCIDENT REPORT IN COMPLIANCE WITH RESOLUTION AND ORDER FROM JUNE 14, 2024 AND REQUEST FOR CONFIDENTIAL TREATMENT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Introduction

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1], the causes of and the investigative or corrective actions taken by LUMA in relation to two events affecting the Puerto Rico electric system which occurred on June 12, 2023 (the "Incidents"). *See* June 14th Order on pages 1-2. The Energy Bureau also indicated that the Electric Power Research Institute ("EPRI") was taking the technical lead for the Energy Bureau in this investigation (the "Investigation"). *See id*. at page 2.

2. In the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

and prevent the Incidents from reoccurring" ("Initial Report") and to submit, on or before July 8, 2024, an "Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*.

3. On June 20, 2024, LUMA filed a *Motion Submitting Initial Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment* ("June 20th Motion") in which it submitted, as an Exhibit 1, the Initial Report and requested confidential treatment of the Initial Report indicating that it would be submitting a Memorandum of Law in support of such request within ten (10) days, in accordance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009 issued on August 31, 2016, as amended by the Resolution dated September 16, 2016, LUMA ("Policy on Management of Confidential Information").

4. On July 1, 2024, LUMA submitted a Memorandum of Law in support of the confidential treatment of the Incident Report submitted with the June 20th Motion and a redacted/public version of the Incident Report. *See Memorandum of Law in support of Request for Confidential Treatment of Exhibit 1 Submitted on June 24, 2024* filed on July 1, 2024.

5. On July 2, 2024, LUMA submitted a *Request for Extension of Time to Submit Incident Report Required by the Resolution and Order of June 14, 2024* ("July 2nd Motion") requesting a brief extension, until July 18, 2024, to file the Incident Report.

6. On July 3, 2024, the Energy Bureau issued a Resolution and Order reiterating its designation of EPRI as technical lead in the Investigation and specifying EPRI's faculties, as well as designating an Examining Officer for the Investigation and specifying the Examining Officer's faculties.

7. The purpose of this Motion is to submit the Incident Report required by the June 14th Order and as per the July 2nd Motion.

II. Submittal of Incident Report

8. In compliance with the June 14th Order and as per the July 2nd Motion, LUMA hereby submits in *Exhibit 1* herein a report prepared by Exponent, the third party consultant who conducted an independent investigation of the Incidents, titled "San Juan Area Outage Event, June 12, 2024, Root Cause Evaluation", dated July 18, 2024 which contains a description of the Incidents and their consequences or effects and the investigative, corrective and other actions taken or proposed by LUMA, and other pertinent documents and information responsive to the requirements of Attachment A of the July 14th Order, all of which comprise the Incident Report.

9. Section 15.10 of Regulation 8543 provides that the records of ongoing investigations shall remain confidential until the investigation is concluded, and that information identified as privileged during the course of an investigation will also be protected. Accordingly, LUMA understands that this filing and the attached *Exhibit 1* will be maintained confidential until the Investigation is concluded.

10. In addition, LUMA respectfully submits that *Exhibit 1* contains confidential information that must be protected from public disclosure at all times under other applicable laws and regulations. Therefore, LUMA is submitting *Exhibit 1* under seal of confidentiality and respectfully requesting that the Energy Bureau keep *Exhibit 1* in confidence during and after the Investigation concludes.

11. In compliance with the Energy Bureau's Policy on Management of Confidential Information, LUMA will be submitting within the next ten (10) days a Memorandum of Law in support of this request, as well as the redacted non-confidential version of *Exhibit 1* that protects

the information that LUMA understands should be kept under seal, including graphs, diagrams and information that should be protected as Critical Energy 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 Policy on Management of Confidential Information.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** *Exhibit 1* herein in compliance with the June 14th Order with respect to the filing of an Incident Report, and **treat** *Exhibit 1* **confidentially**.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 18th day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
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Exhibit 1
Incident Report

[Report prepared by Exponent titled "San Juan Area Outage Event, June 12, 2024, Root Cause Evaluation", dated July 18, 2024" filed under Seal of Confidentiality and other documents comprising the Incident Report filed via Sharefile also under Seal of Confidentiality]

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

IN RE:	CASE NO. NEPR-IN-2024-0003
JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 and Supporting Documents Submitted on July 18, 2024**

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 AND SUPPORTING DOCUMENTS SUBMITTED ON JULY 18, 2024

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** and **LUMA Energy ServCo, LLC** (jointly referred to as "LUMA"), and respectfully state and request the following:

I. Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the referenced proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543,[1] the causes of the events and corrective actions taken by LUMA in relation to two events affecting the Puerto Rico electric system which occurred on June 12, 2023 (the "Incidents"). *See* June 14th Order on pages 1-2. The Energy Bureau also indicated that the Electric Power Research Institute ("EPRI") was taking the technical lead for the Energy Bureau in this investigation (the "Investigation"). *See id*. at page 2.

2. In the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

and prevent the Incidents from reoccurring" ("Initial Report") and to submit, on or before July 8, 2024, an "Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*.

3. On July 2, 2024, LUMA submitted a *Request for Extension of Time to Submit Incident Report Required by the Resolution and Order of June 14, 2024* ("July 2nd Motion") requesting a brief extension, until July 18, 2024, to file the Incident Report.

4. On July 18, 2024, LUMA a *Motion Submitting Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment*, in which it submitted, in an *Exhibit 1*, the Incident Report in the form of a document titled *San Juan Area Outage Event, June 12, 2024, Root Cause Evaluation* ("July 18th Exhibit 1"), accompanied of Supporting Documents and requested that the Energy Bureau treated the July 18th Exhibit 1 and the Supporting Documents as confidential. LUMA also informed that it would be submitting within the next ten (10) days a Memorandum of Law in support of the confidential treatment of the July 18th Exhibit 1 and the Supporting Document, as a redacted version of the July 18th Exhibit 1 and the Supporting Documents, in compliance with 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 ("Policy on Confidential Information").

5. In accordance with the above, LUMA is submitting below the Memorandum of Law stating the legal basis for the request to treat portions of the July 18th Exhibit 1 and the Supporting Documents as confidential until the investigation concludes.

II. Memorandum of Law in Support of Request for Confidential Treatment of Portions of the July 18th Exhibit 1 and Supporting Documents

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

6. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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 (2024). 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).

7. 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.

8. 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).

9. 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 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.*, paragraph 6.

10. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Trade Secret Information, Critical Energy Infrastructure Information and Attorney-Client Privilege:

> 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 ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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.
>
> 3. Attorney-Client Privilege
>
> A designation of "attorney-client privilege" or attorney work-product will be evaluated by an Administrative Law Judge ("ALJ") appointed by the [Energy Bureau], and who will have the role of evaluating these types of claims. The [Energy Bureau] will delegate in this ALJ the authority to evaluate and determine the validity of claims of such nature.
>
> The ALJ will notify its final determination to all parties in a proceeding before the [Energy Bureau]. Said decision will be final and will be subject to reconsideration and/or judicial review pursuant to the Uniform Administrative Procedure Act. In case the ALJ determines that the confidentiality claims are not warranted, that information related to the ALJ's determination will be disclosed in thirty (30) days from the notification of the determination, unless the Producing Party obtains another remedy or seeks reconsideration and/or judicial review.
>
> In cases when, in evaluating a document, the ALJ accepts certain confidentiality claims but rejects other, the ALJ may propose to disclose a redacted version of the document in which Validated Confidential Information is redacted, while information rejected confidentiality treatment is disclosed. In those cases, the ALJ, in notifying its determination, will provide a copy of the document as redacted by the ALJ so that the Producing Party has the opportunity to revise it and accept or object the ALJ's determination.
>
> Any document that the ALJ validates as Confidential Information because it is protected under the attorney-client privilege or because it is attorney work-product will not be available to any party, to the [Energy Bureau], or to the general public.
>
> *Id.* Section D (on Access to Validated Confidential Information).

11. Additionally, the Energy Bureau issued a Resolution on September 21, 2016, in case CEPR-MI-2016-0009 addressing the Puerto Rico Electric Power Authority ("PREPA") request for reconsideration where they argued that the determination of the Energy Bureau to

assigned a ALJ to review every claim based on the attorney-client privilege or attorney's work product was an unusual procedure that was inconsistent with the protections granted to attorney-client information based on local and federal case law. The Energy Bureau agreed with PREPA's analysis and amended the first paragraph of Section D.3 of the Energy Bureau's Policy on Confidential Information to read as follows:

> In those cases in which the [Energy Bureau] determines that there is sufficient basis to determine that the information for which confidentiality treatment is sought pursuant to the attorney-client or attorney work-product privilege fall within one of the exceptions to this privilege, such information will be reviewed by an external Administrative Law Judge who shall be responsible for reviewing such claims.

12. Relatedly, Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [Energy Bureau] shall evaluate the petition and, if it understands [that] the material merits protection, proceed accordingly to [. . .] Article 6.15 of Act No. 57-2014, as amended."

B. Request for Confidentiality

1. CEII

13. The July 18th Exhibit 1 includes information that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative

repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

14. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.*

15. 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 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.*

16. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[2]

[2] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, 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;

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. § 671 (3).[3]

17. The July 18th Exhibit 1 includes figures containing single line diagrams and figures of the San Juan Steam Plant for the 115kV and 38 KV lines; configuration diagram of the San Juan Steam Plant Substation; and fault location diagram of the San Juan Steam Plant. It is respectfully submitted that these diagrams and figures are confidential CEII, as they contain information on

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(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—
(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.

[3] CII includes the following types of information:

(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;
(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

engineering and detailed design of existing critical infrastructure. In addition, these diagrams and figure show the interrelation of different assets and their parts and provide forensic data and/ or forensic analysis on critical infrastructure and other components of the T&D System, all of which may reveal vulnerabilities of the electric system. Therefore, these diagrams and figures constitute 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).

18. The Supporting Documents contain engineering single line diagrams of the San Juan 115kV and 38kv Transmission Center, the Palo Seco TC, the Caparra 38kV bus, and the San Fernando Sectionalizer. It also includes figures and diagrams containing SCADA data of load currents and SCADA alarms information; transformer differential protection relay event figures for transformer faults; figures and diagrams of the Bayamón TC DFR, the Aguas Buenas DFR and the Aguirre DFR; diagrams of the internal faults at the San Juan Steam Plant; coordinates of points where deficiencies were found in the transmission lines, and others. It is respectfully submitted that these diagrams and figures are confidential CEII, as they contain information on engineering and detailed design of existing critical infrastructure. These diagrams and figures constitute 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). *See* Ref 1_Confidential OE2406-140 San Juan 06-12-2024 V3 07-05-24, Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages 06-12-24 -07-05-2024, Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW, Ref 11_Line 115KV All Operations by Date Report 2021-2024, Ref 15_168226 ISOW-0001 Rev 0 - San Juan SP TC 2023.02.22, and Ref 17_TOSOW-San Juan SP TC-EPC-10175 Rev. 0.2- signed.

19. The CEII designation of the diagrams and figures that are more fully identified in Section III *infra,* are a reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

2. Privacy

20. In addition, there are certain portions of the Supporting Documents that contain the name, signature, email or telephone number of individuals. *See* Ref 1_Confidential OE2406-140 San Juan 06-12-2024 V3 07-05-24, Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages 06-12-24 -07-05-2024, Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW, Ref 11_Line 115KV All Operations by Date Report 2021-2024, Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1), Ref 17_TOSOW-San Juan SP TC-EPC-10175 Rev. 0.2- signed and Ref 19_FEMA ISOW-DR4339PR-Island-Wide Vegetation Clearing iSOW_Signed (1).

21. The protection of this information 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 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).

22. In addition, the Puerto Rico Open Government Data Act provides that the following information is excepted from public disclosure: information the disclosure of which could invade the privacy of third parties or affect their fundamental rights, as well as any type of information related to the street address, telephone number, emergency contact information, social security number, credit card number, tax and/or financial information, bank activity, confidential information of private third parties, trade secrets, tax returns, debt, or pin number, which is collected or maintained by a governmental body. *See* Act 122-2019, Articles 4(vi) and (xi).

3. Attorney-Client Privilege

23. Furthermore, one of the Supplemental Documents consist of communications *via* email protected by the attorney-client privilege. *See* Ref 20 Email Privileged and Confidential. The attorney-client privilege is the oldest of the privileges emanating from common law. *Autopistas P.R. v. A.C.T.*, 167 DPR 361 (2006); see also *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981) (The purpose of the attorney-client privilege "is to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice."). Currently, our evidentiary legal system embodies the attorney-client privilege in Rule 503 of Evidence, 32 LPRA Ap. VI, R. 503.[4] This Rule provides in its subsections (a) and (b) the following:

> (a) As used in this Rule, the following terms shall have the following meanings:
>
> > (1) Attorney: A person authorized, or reasonably believed by the client to be authorized, to practice law in Puerto Rico or in any other jurisdiction. This includes such person and his or her partners, aides, and office employees.

[4] Section 2.01 of Regulation 8543 states that the Rules of Evidence "may apply . . . in any [adjudicative] proceeding before the [Energy Bureau] when, in exercise of its discretion to handle cases before it, the [Energy Bureau] determines it by way of an order". Therefore, it is LUMA's understanding that the Energy Bureau's Policy on Confidential Information may adopt by reference the Rule 503 of Evidence and/or the attorney-client privilege.

> (2) Client: A natural or artificial person who, directly or through an authorized representative, consults an attorney for the purpose of retaining the attorney or securing legal service or advice from the attorney in his or her professional capacity. This includes an incompetent who personally consults the attorney or whose guardian or conservator so consults the attorney in behalf of the incompetent.
>
> (3) Authorized representative: A person having authority to obtain professional legal services, or to act on legal advice rendered pursuant thereto, on behalf of the client or a person who, for the purpose of effectuating legal representation for the client, makes or receives a confidential communication while acting within the scope of employment for the client.
>
> (4) Confidential communication: Information transmitted between a client and his or her attorney in the course of that relationship, based on an understanding that such information will not be disclosed to third persons other than those to whom disclosure is necessary to accomplish the purpose for which it is transmitted.
>
> (b) Subject to the provisions of this Rule, the client, whether or not a party to the action, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between client and attorney. The privilege may be claimed not only by the holder of the privilege—who is the client—but also by a person who is authorized to do so in behalf of the client or by the attorney who received the confidential communication if the privilege is claimed in the interest and behalf of the client.

24. The purpose of the privilege is to ensure the reliability of consultations with an attorney to provide effective and loyal assistance. *Casasnovas v. UBS Financial*, 198 DPR 1040, 1055 (2017). The applicability of the privilege can only be defeated if one of the following conditions is met: (1) the holder of the privilege waived it, or (2) one of the exceptions that limit the scope of a probative privilege applies. *Pagán v. First Hospital*, 189 DPR 509, 523 (2013); *see also Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2032, 207 L. Ed. 2d 951 (2020) (holding that individuals under investigation who have received requests for the production of documents from Congress retain constitutional and common law privileges with respect to certain materials, such

as attorney-client communications protected by the attorney-client privilege). *See* Ref 20 Email Privileged and Confidential.

4. Commercially-Sensitive Confidential Information

25. Finally, the Supporting Documents include information protected by the company's trade secrets privilege since it is confidential and proprietary information about how LUMA handles its inner business dealings, management and other commercially sensitive information.

26. The Puerto Rico legal system recognizes and protects the confidentiality of certain information considered to be privileged. In part, privileged materials are exclusively referred to as the privileges codified in the Rules of Evidence. *E.L.A v. Casta*, 162 DPR 1, 10 (2004). One of these recognized privileges are a company's Trade Secrets:

> The owner of a trade secret has a privilege, which may be claimed by such person or by his or her agent or employee, to refuse to disclose and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice. If disclosure is directed, the court shall take such protective measures as the interest of the owner of a trade secret and of the parties and the interests of justice require.
>
> *See* R. Evid. 513, 32 LPRA Ap. IV, R. 513 (2010).

27. In essence, this privilege "protects confidential commercial information" and is "based on public policy considerations aimed at promoting innovation, commercial production and business operation improvement, which in turn contributes to economic and technological development". (translation provided). *Colón Rivera v. Triple-S Salud, Inc.*, 2020 WL 8458051, pag. *7 (Puerto Rico Court of Appeals, December 22, 2020).

28. The Puerto Rico Trade and Industrial Secrets Protection Act - Act. No. 80 of June 3, 2011, as amended, 10 LPRA § 4131 (2024) ("Act 80-2011") considers a trade secret any information that:

(a) From which an independent economic value, whether current value or potential value, or a commercial advantage is derived because such information is not commonly known or accessible by appropriate means to those persons who may derive pecuniary benefit from the use or disclosure of such information, and

(b) which has been subject to reasonable security measures, under the circumstances, to maintain its confidentiality.

10 LPRA § 4132 (translation provided).

29. Act 80-2011 considers reasonable security measures as those taken by the owner to limit access to information under particular circumstances. 10 LPRA§ 4133. The following are considered reasonable measures, among others:

(a) Not disclose the information to individuals or entities not authorized to have access to it;
(b) limit the number of people authorized to access the information;
(c) require employees of the company authorized to access the information to sign confidentiality agreements;
(d) store the information in a separate place from any other information;
(e) label the information as confidential;
(f) take measures to prevent indiscriminate reproduction of the information;
(g) establish control measures for the use or access of the information by employees, or
(h) implement available technological measures when publishing or transmitting the information through the Internet, including the use of email, webpages, discussion forums and any other equivalent means.

Id. (translation provided).

30. Article 11(c) of Act 80-2011 establishes that, before ordering any production of a commercial trade secret, it should be determined whether there is a substantial need for the information. (Our translation). 10 LPRA § 4139(c). Puerto Rico Courts in adversarial cases have interpreted a "substantial need" when the following four (4) conditions are present:

(1) The allegations raised for the purpose of establishing the existence or absence of liability have been specifically raised;

> (2) the information sought to be discovered is directly relevant to the allegations specifically raised;
> (3) the information sought to be discovered is such that the party seeking discovery would be substantially prejudiced if not permitted access to it; and
> (4) there is a good faith belief that testimony or evidence derived from the information that is part of the trade secret will be admissible at trial.
>
> *Ponce Adv. Med. v. Santiago González*, 197 DPR 891, 905 (2017) (translation provided).

31. LUMA respectfully submits that certain Supporting Documents contains information that should be classified as commercially-sensitive information protected under Puerto Rico's trade secret statute and the Energy Bureau's Policy on Management of Confidential Information. The manner – including inner communications – through which LUMA analyzes risks, prices, acquisitions, commercial opportunities, among others, is an integral part of its operations through which it generates a commercial advantage and, thus, an economic value. In light of this, the indiscriminate disclosure of information about the inner dealings and commercial procedures of LUMA would constitute a material detriment to its business.

32. Among the supporting documents there are internal work memorandums, field reports, and communications prior to the incidents that give rise to this Investigation regarding LUMA's day to day business dealings. *See* Ref 5_39000 outage event questions 1 wjg (working copy); Ref 6_10.06.23 Bayamon Transformer Emergency Replacement Memo; Ref 7_23.10.19_Letter to P3A – Bayamon Transformer Purchase; Ref 9_EMAIL_LUMA_Bayamon Transformer; Ref 10_LUMA email 06122024 system status; and Ref 13_SAN JUAN STEAM PLANT, ACB0072 B phase jaw side bolted connection, PRA, April 10, 2023 (2).

33. Information included in the previously mentioned references is categorized and managed by LUMA as "privileged and confidential". In other words, since their drafting – which

predates the Incidents that are involved in this Investigation – LUMA has sought to protect this information as confidential being as it involves sensitive company and commercial opportunities information and acquisitions. Additionally, the communications between employees discussing the information included in these references and reports are specific internal operational procedures which LUMA has a substantial need not to be disclosed to third parties for commercial reasons.

34. It is respectfully submitted that the protection of all of the confidential information discussed above does not affect the public's or the Energy Bureau's review of the present filing nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect CEII, privacy, the attorney-client privilege, and sensitive commercial information, weighs in favor of protecting the relevant portions of the July 18th Exhibit 1 and the supporting documents from disclosure.

III. Identification of Confidential Information.

35. In compliance with the Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, following is a table summarizing the hallmarks of this request for confidential treatment:

July 18th Exhibit 1	Figure 1 (Page 8)	System Faults in Puerto Rico for June 12, 2024	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal	July 18, 2024

			potential vulnerabilities.	
July 18th Exhibit 1	Figure 3 (Page 15)	San Juan Steam Plant Substation Configuration Diagram	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
July 18th Exhibit 1	Figure 4 (Page 17)	Configuration Prior the Initial Event at 1409 hours	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
July 18th Exhibit 1	Figure 5 (Page 19)	Figure of the 230kV and 115kV System Status after 1409- and 1411-hour events	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may	July 18, 2024

			reveal potential vulnerabilities.	
July 18th Exhibit 1	Figure 6 (Page 22)	Fault Location Diagram at San Juan Steam Plant	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
July 18th Exhibit 1	Figure 8 (Page 24)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
July 18th Exhibit 1	Figure 9 (Page 25)	Engineering Single Line Diagram of San Juan Substation Configuration (115kV Bus)	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or	July 18, 2024

			design information of critical electric system assets.	
July 18th Exhibit 1	Figure 10 (Page 26)	Engineering Single Line Diagram of San Juan Substation Configuration (38kV Bus)	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024
July 18th Exhibit 1	Figure 11 (Page 27)	Figure of 230kV and 115kV System Status after 1507-hour event	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
July 18th Exhibit 1	Figure 12 (Page 28)	Figure of 230kV and 115kV System Status after 1547-hour event	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024

July 18th Exhibit 1	Last sentence at the end of Page 28.	Narrative description of information in Figure 13	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
July 18th Exhibit 1	Figure 13 (Page 30)	Figure of 230kV and 115kV System Status after 2100-hour event (Prior to system collapse	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Name and email on Page 1	LUMA representative's name and email.	Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Names on Page 2	LUMA representative's name.	Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 1-2 (Pages 8-9)	Engineering Single Line Diagram of San Juan 115kV	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or	July 18, 2024

			design information of critical electric system assets.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 1-3 and Figure 1-4 (Page 10)	Engineering Single Line Diagram of San Juan 38kV And Engineering Single Line Diagram of Palo Seco – Bay View – Amelia – San Juan	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 1-5 and Figure 1-6 (Page 11)	Engineering Single Line Diagram of Bayamón T.C. to Juan Domingo to Caparra 38kV L4300 And Engineering Single Line Diagram of Caparra 38 kV bus	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 1-7 and Figure 1-8 (Page 12)	Engineering Single Line Diagram of San Fernando Sectionalizer And Engineering Single Line Diagram of 38 kV lines 5900, 4400,	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024

		7500, 6800 Details		
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-3 (Page 18)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-5 (Page 19)	SCADA 38kV Line 6400 Load Currents	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering (operational) and design information of critical electric system assets.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-6 (Page 20)	Diagram of Palo Seco DFR – 38kV Lines Event	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of	July 18, 2024

			electric system assets and may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-7 (Page 20)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-8 (Page 21)	SCADA 38kV Line 4300 Load Currents	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering (operational) and design information of critical electric system assets.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-5 (Page 22)	Diagram of Bayamón T.C. DFR	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of	July 18, 2024

			electric system assets and may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-7 (Page 28)	Diagram of Manual Load Shed Required at the San Juan Steam Plant	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 2-8 (Page 29)	Diagram of Internal Fault at San Juan Steam Unit 5 and 6	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Appendix 1: SCADA Alarms (Pages 32-39)	Contains table with list of SCADA alarms information from 6/12/24	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed information of a	July 18, 2024

			critical electric system asset that may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-1 (Page 98)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-2 and Figure 0-3 (Page 99)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-4 (Page 100)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-5 and names (Page 101)	Engineering Single Line Diagram of 115kV line 38300 San Juan S.P. to Monacillos T.C. LUMA representative's name.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-6 (Page 102)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which	July 18, 2024

			may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-7 and Figure 0-8 (Page 103)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-9 and Figure 0-10 (Page 104)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-11 and Figure 0-12 (Page 105)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-13 and Figure 0-14 (Page 106)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-15 and Figure 0-16 (Page 107)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-17 and Figure 0-18 (Page 108)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-19 and Figure 0-20 (Page 109)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-21 and Figure 0-22 (Page 110)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-23 and Figure 0-24 (Page 111)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-25 (Page 112)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Outage Avoidance – Jobos Transmission Center (Page 112)	Engineering Single Line Diagram of Jobos Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-26 (Page 113)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-27 and Figure 0-28 (Page 114)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of	July 18, 2024

		LUMA Aviation and LUMA representative's name and signature.	deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-29 and Figure 0-30 (Page 115)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-31 (Page 116)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 4.4.2.1 - 115kV Line 36200 Monacillos T.C. To Juncos T.C. and names (Page 116)	Engineering Single Line Diagram of 115kV line 36200 Monacillos T.C. to Juncos T.C. LUMA representative's name.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 4.4.2.2 - 115kV Line 36200 Monacillos to Villa Betina and names (Page 117)	Engineering Single Line Diagram of 115kV line 36200 Monacillos T.C. to Villa Betina. LUMA representative's name.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 4.4.2.3 - 115kV Line 36200 Wide Area Event June 18, 2024 (Page 117)	Engineering Single Line Diagram of 115kV line 36200 wide area event June 18, 2024.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-32 (Page 118)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-33 and Figure 0-34 (Page 119)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-35 and Figure 0-36 (Page 120)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-37 and Figure 0-38 (Page 121)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-39 and Figure 0-40 (Page 122)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-41 and Figure 0-42 (Page 123)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 0-43 (Page 124)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 125	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

			is a critical electric system asset which may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 126	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 127	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 128	Coordinates of points where deficiencies were found in 115kv transmission line from the	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 18, 2024

		inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 129	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 130	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 131	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 132	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 133	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which	July 18, 2024

			may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 134	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 135	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 136	Coordinates of points where deficiencies were found in 115kv transmission line from the	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 18, 2024

		inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 137	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 138	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 139	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 140	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates in figure on Page 141	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which	July 18, 2024

			may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Coordinates and signature in Page 142	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 5-1 (Page 143)	Figure with SCADA data – 230/115 kV Bayamón T.C. Transformer	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed information of critical electric system asset that may reveal potential vulnerabilities.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 5-2 (Page 144)	Line diagram from Bayamón T.C. to San Juan Plant	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed	July 18, 2024

			design information and interrelation of electric system assets and may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 5-4 (Page 145)	Figure Relay Event 115kV Breaker 38630-0090 protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design and/or engineering or that show vulnerabilities of critical infrastructure assets.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 5-5 (Page 145)	SCADA Load Currents from	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering (operational) and design information of critical electric system assets.	July 18, 2024
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 5-6 (Page 146)	Diagram of digital fault recorder at the Bayamón T.C.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of	July 18, 2024

			electric system assets and may reveal potential vulnerabilities.	
Ref 1_ Confidential OE2406-140 San Juan 06-12-2024	Figure 5-7 (Page 147)	Diagram of digital fault recorder at the Bayamón T.C.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Name and email on Page 1	LUMA representative's name and email.	Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Names on Page 2	LUMA representative's name.	Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 1-2 (Page 11)	Figure of system prior to the fault at line 39000	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may	July 18, 2024

			reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 1-3 (Page 12)	Figure of line 390000 conductor data	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 1-4 (Page 13)	Figure of metro area lines	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-1 (Page 18)	Engineering Single Line Diagram of Aguas Buenas T.C 115kV	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-2 (Page 19)	Figure of Aguas Buenas DFR – L 39000 First Fault	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-3 (Page 19)	Figure of line 39000 to Hacienda San José at 68% load	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-4 (Page 20)	Hacienda San José CB# 39052 SEL-321 protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design and/or engineering or that show vulnerabilities of critical infrastructure assets.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-5 (Page 21)	Hacienda San José SEL-311L protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design and/or engineering or that show vulnerabilities of critical infrastructure assets.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-6 (Page 21)	Figure of Monacillos DFR – L 39000 fault event	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-7 (Page 22)	Figure of Aguas Buenas DFR – L 39000 Second Fault	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-8 (Page 23)	Figure of Aguas Buenas DFR – L 39000 Third Fault	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-9 (Page 24)	Figure of Aguas Buenas DFR – L 39000 Fourth Fault	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-10 and Figure 2-11 (Page 25)	Figure of transmission system load with L39000 from Aguas Buenas to San José Open	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or	July 18, 2024

			configuration of the system that may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-12 (Page 26)	Figure of Aguas Buenas DFR and Monacillos fault	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-13 (Page 27)	Aguas Buenas CB to Monacillos protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design and/or engineering or that show vulnerabilities of critical infrastructure assets.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-14 (Page 28)	Monacillos CB# 39030 SEL-311L protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed	July 18, 2024

			design information and interrelation of electric system assets and may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-17 and Figure 2-18 (Page 30)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-19 and Figure 2-20 (Page 31)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-21 and Figure 2-22 (Page 32)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-23 and Figure 2-24 (Page 33)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-25 and Figure 2-26 (Page 34)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-27 and Figure 2-28 (Page 35)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-29 and Figure 2-30 (Page 36)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-31 and Figure 2-32 (Page 37)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-33 and Figure 2-34 (Page 38)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-35 and Figure 2-36 (Page 39)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-37 (Page 40)	Figure of system with faulted lines 39000 AB-MO & AB-SJ	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-38 (Page 41)	Figure of lines capacity in the Aguas Buenas area.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and/or configuration of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-39 (Page 42)	Figure of Sabana Llana DFR disturbance record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets	July 18, 2024

			and may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-40 (Page 43)	Figure of Sabana Llana transient record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-41 (Page 44)	Diagram of the Transmission Lines in the Aguas Buenas – Comerío Area	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-42 (Page 45)	Figure of Fajardo DFR record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show	July 18, 2024

			engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-43 (Page 46)	Figure of Río Blanco record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-44 (Page 47)	Figure of Cayey Trip and Metro Area collapse record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-45 and Figure 2-46 (Page 48)	Coordinates of points where deficiencies were found in 115kv transmission line from the	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 18, 2024

		inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-47 and Figure 2-48 (Page 49)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-49 and Figure 2-50 (Page 50)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024

			Right to privacy and data protection laws.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-51 and Figure 2-52 (Page 51)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-53 and Figure 2-54 (Page 52)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature in Page 53	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-55 (Page 54)	Load current at CB# 37810 at Monacillos protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-56 (Page 55)	Monacillos to Caguas protection relay target for the same event as a time trip.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets	July 18, 2024

			and may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-57 (Page 56)	Figure of Ponce DFR record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-58 (Page 57)	Figure of Aguirre DFR record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-59 (Page 58)	Figure of Mayaguez Plant DFR record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show	July 18, 2024

			engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	2.13 Aguirre #2 Generation Trip (Page 59)	Figure of Aguirre #2 generation trip record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 2-60 (Page 60)	Figure of total generation trends record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Appendix 1 - SCADA Alarms (Pages 65-86)	Contains table with list of SCADA alarms information from 6/12/24	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 18, 2024

			Contains detailed information of a critical electric system asset that may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-1 (Page 87)	Figure of Aguas Buenas DFR transient record for the first fault	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-2 and Figure 6-3 (Page 88)	Figure of Monacillos DFR transient record And Figure of Ponce DFR transient record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-4 and Figure 6-5 (Page 89)	Figure of Aguas Buenas DFR fault record And	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 18, 2024

		Figure of Aguas Buenas DFR disturbance record	Contains line diagrams which show engineering, detailed design information and interrelation of electric system assets and may reveal potential vulnerabilities.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	SCADA Alarms for 06-05-24 (Pages 90-92)	Contains table with list of SCADA alarms information from 6/5/24	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains detailed information of a critical electric system asset that may reveal potential vulnerabilities.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-6 (Page 93)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-7 and Figure 6-8 (Page 94)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-9 and Figure 6-10 (Page 95)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-11 and Figure 6-12 (Page 96)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-13 and Figure 6-14 (Page 97)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-15 and Figure 6-16 (Page 98)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Figure 6-17 (Page 99)	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 100	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 101	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 102	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 103	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 104	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 105	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 106	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that	July 18, 2024

		representative's name and signature.	is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 107	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024
Ref 2_Confidential OE2406-145 Line 39000 and Cascading Outages	Coordinates and signature on Page 108	Coordinates of points where deficiencies were found in 115kv transmission line from the inspection reports performed by LUMA Aviation and LUMA representative's name and signature.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities. Right to privacy and data protection laws.	July 18, 2024

Ref 5_39000 outage event questions 1 wjg (working copy)	Entire document. Specifically, the LUMA representative's names and Coordinates in Photo 1 in Page 2.	Working draft document of internal analysis and preliminary responses of LUMA representatives in preparation of Incident Report. The document provides internal notes and questions of the preliminary analysis of the event.	Trade Secrets under Act 80-2011	July 18, 2024
Ref 5_39000 outage event questions 1 wjg (working copy)	LUMA representative's names	Working draft document of internal analysis and preliminary responses of LUMA representatives in preparation of Incident Report. The document provides internal notes and questions of the preliminary analysis of the event.	Right to privacy and data protection laws.	July 18, 2024
Ref 5_39000 outage event questions 1 wjg (working copy)	Coordinates in Photo 1 in Page 2.	Working draft document of internal analysis and preliminary responses of LUMA representatives in preparation of Incident Report. The document provides internal notes and	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which	July 18, 2024

		questions of the preliminary analysis of the event.	may reveal potential vulnerabilities.	
Ref 6_10.06.23 Bayamon Transformer Emergency Replacement Memo	Entire document.	Internal confidential document from LUMA regarding the conditions of the Bayamón Transmission Center and the need for a transformer replacement on October 6, 2023. This document resumes the internal management and thought process of the company to develop preliminary information of the maintenance and replacement needed in the transmission center.	Sensitive Commercial Information and Trade Secrets under Act 80-2011	July 18, 2024
Ref 6_10.06.23 Bayamon Transformer Emergency Replacement Memo	LUMA representative's names on Page 1	Internal confidential document from LUMA regarding the conditions of the Bayamón Transmission Center and the need for a transformer replacement on October 6, 2023.	Right to privacy and data protection laws.	July 18, 2024

Ref 7_23.10.19_Letter to P3A - Bayamon Transformer Purchase	Entire document.	Confidential communication with the Puerto Rico Public-Private Partnership Authority regarding the conditions of the Bayamón Transmission Center and the need for a transformer replacement on October 19, 2023. Document includes information regarding price analysis and acquisition procedures of LUMA's day to day business.	Sensitive Commercial Information and Trade Secrets under Act 80-2011.	July 18, 2024
Ref 7_23.10.19_Letter to P3A - Bayamon Transformer Purchase	LUMA representative's names and signatures on Page 4.	Confidential communication with the Puerto Rico Public-Private Partnership Authority regarding the conditions of the Bayamón Transmission Center and the need for a transformer replacement on October 19, 2023.	Right to privacy and data protection laws.	July 18, 2024

Ref 7_23.10.19_Letter to P3A - Bayamon Transformer Purchase	LUMA representative's names and emails on Page 5.	Confidential communication with the Puerto Rico Public-Private Partnership Authority regarding the conditions of the Bayamón Transmission Center and the need for a transformer replacement on October 19, 2023.	Right to privacy and data protection laws.	July 18, 2024
Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	LUMA representative's names and signatures Page 1	LUMA representative's name and signature	Right to privacy and data protection laws.	July 18, 2024
Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	Coordinates on Page 4	Coordinates of the Bayamón Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	Table 1, Columns 2 and 3 (Page 8)	Table contains Rated Current and Interruption Current which provides details of design configuration.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 18, 2024

			Contains details design information and fault information of the system that may reveal potential vulnerabilities.	
Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	Table 3 and 4 (Page 15)	Tables provided information regarding the Short Circuit Current Level at 230kV Bus and 115kV Bus in the Bayamón Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design information and fault information of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	Table 6 (Page 16)	Tables provided information regarding the Short Circuit Current Level at 13.2 kV distribution bus in the Bayamón Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design information and fault information of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	Appendix A-1 on Pages 17-18	Engineering Single Line Diagram of Bayamón TC	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024

Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	A-4-1 Preliminary Panel Layouts (Pages 20-21)	Panels preliminary design for the 230kV, 115kV, 38kV and 13kV	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design protection information of the substation that may reveal potential vulnerabilities.	July 18, 2024
Ref 8_Bayamón TC - LUMA Energy Functional Specification Document v2 NPR_DW (1)	A-4-2 Typical SAS Architecture (Page 23)	Figure that contains system design and configuration of the Bayamón Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design information and fault information of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 9_EMAIL_LUMA_Bayamon Transformer	Entire document LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report. This document provides the internal management and thought process of the company to develop preliminary information in the preparation of the Incident Report.	Trade Secrets under Act 80-2011. Right to privacy and data protection laws.	July 18, 2024

Ref 9_EMAIL_LUMA_Bayamon Transformer	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report. This document provides the internal management and thought process of the company to develop preliminary information in the preparation of the Incident Report.	Right to privacy and data protection laws.	July 18, 2024
Ref 10_LUMA email 06122024 system status	Entire document.	Communication with third-party expert pursuant the drafting of the Incident Report.	Trade Secrets under Act 80-2011	July 18, 2024
Ref 10_LUMA email 06122024 system status	LUMA representative's names and emails.	Communication with third-party expert pursuant the drafting of the Incident Report.	Right to privacy and data protection laws.	July 18, 2024
Ref 10_LUMA email 06122024 system status	Lines Transmissions Maps on Pages 2, 4 and 5-6.	Communication with third-party expert pursuant the drafting of the Incident Report.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and design information of critical electric system assets.	July 18, 2024

Ref 10_LUMA email 06122024 system status	Diagram of digital fault recorder at the Aguas Buenas T.C. on Page 3.	Communication with third-party expert pursuant the drafting of the Incident Report.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and design information of critical electric system assets.	July 18, 2024
Ref 11_Line 115KV All Operations by Date Report 2021-2024	Entire Document	Internal spreadsheet created by LUMA with the only intent to share this data with Exponent for the purpose of drafting the Incident Report. The information contained in this spreadsheet is not available to the public.	Sensitive Commercial Information and Trade Secrets under Act 80-2011.	July 18, 2024
Ref 13_SAN JUAN STEAM PLANT, ACB0072 B phase jaw side bolted connection, PRA, APRIL 10, 2023 (2)	Entire document	Internal document from LUMA that was only shared with Exponent for the purpose of drafting the Incident Report.	Sensitive Commercial Information and Trade Secrets under Act 80-2011	July 18, 2024
Ref 15_168226 ISOW-0001 Rev 0 - San Juan SP TC 2023.02.22	Signatures on Page 1	LUMA representative's name and signature	Right to privacy and data protection laws.	July 18, 2024

Ref 15_168226 ISOW-0001 Rev 0 - San Juan SP TC 2023.02.22	Coordinates on Page 5	Coordinates of the San Juan SP transmission center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Signatures on Page 1	LUMA representative's name and signature	Right to privacy and data protection laws.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Coordinates on Page 5	Coordinates of the San Juan SP transmission center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains coordinates of locations of deficiencies in a transmission line that is a critical electric system asset which may reveal potential vulnerabilities.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Table 1 (Pages 6-7)	Table contains loading information of the San Juan transmission center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and	July 18, 2024

			design information of critical electric system assets.	
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Table 2 (Pages 7-8)	Table contains loading information of the San Juan transmission center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and design information of critical electric system assets.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Table 3 (Pages 8-9)	Table contains loading information of the San Juan transmission center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and design information of critical electric system assets.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Table 4 (Pages 9-10	Table contains loading information of the San Juan transmission center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Shows details of engineering and design information of critical electric system assets.	July 18, 2024

Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Table 1, Columns 2 and 3 (Page 12)	Table contains Rated Current and Interruption Current which provides details of design configuration.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design information and fault information of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Table 5 and Table 6 (Page 19)	Tables provided information regarding the Short Circuit Current Level at 115 kV distribution bus in the San Juan Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design information and fault information of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Table 7 and Table 8 (Page 20)	Tables provided information regarding the Short Circuit Current Level at 38 kV distribution bus in the San Juan Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design information and fault information of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	Appendix A-1 on Pages 21-22	Engineering Single Line Diagram of San Juan SP Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	July 18, 2024

			Contains details of engineering and/or design information of critical electric system assets.	
Ref 16_Attachment C - Functional Spec - San Juan SP TC rev 07.15.2022 (1)	A-4-2 Typical SAS Architecture (Page 25)	Figure that contains system design and configuration of the San Juan Transmission Center.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details design information and fault information of the system that may reveal potential vulnerabilities.	July 18, 2024
Ref 17_TOSOW-San Juan SP TC-EPC-10175 Rev. 0.2-signed	Signatures on Pages 1-2	LUMA representative's name and signature	Right to privacy and data protection laws.	July 18, 2024
Ref 17_TOSOW-San Juan SP TC-EPC-10175 Rev. 0.2-signed	Figure 1.2	Engineering Single Line Diagram of San Juan SP Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024
Ref 17_TOSOW-San Juan SP TC-EPC-10175 Rev. 0.2-signed	Figure 1.3	Identifies location of transformers in the San Juan TC	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains locations transmission line that is a critical electric	July 18, 2024

			system asset which may reveal potential vulnerabilities.	
Ref 17_TOSOW-San Juan SP TC-EPC-10175 Rev. 0.2-signed	Figure 2.1	Engineering Single Line Diagram of San Juan SP Transmission Center	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of critical electric system assets.	July 18, 2024
Ref 17_TOSOW-San Juan SP TC-EPC-10175 Rev. 0.2-signed	Names, signatures and emails in Page 12	LUMA representative's name, signature and emails.	Right to privacy and data protection laws.	July 18, 2024
Ref 19_FEMA ISOW-DR4339PR-Island-Wide Vegetation Clearing iSOW_Signed (1)	Signatures on Page 1	LUMA representative's name and signature	Right to privacy and data protection laws.	July 18, 2024
Ref 20 Email Privileged and Confidential	Entire document	Communication with third-party expert throughout LUMA's external legal representatives.	Attorney Work Product	July 18, 2024

36. LUMA submits, as *Exhibit A* herein, a redacted version of the July 18th Exhibit 1 and the Supporting Documents, in which the above identified information is redacted. LUMA

respectfully requests the Energy Bureau to accept *Exhibit A* herein as the public version of the July 18th Exhibit 1 and the Supporting Documents.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** this Memorandum of Law in support of the confidential treatment of the July 18th Exhibit 1 and the Supporting Documents, **grant** the request herein and in the July 18th Motion to keep confidential the July 18th Exhibit 1 and the Supporting Documents, and **accept** the redacted version of the July 18th Exhibit 1, *included as Exhibit A* to this motion, as the public version of the July 18th Exhibit 1 and the Supporting Documents.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 29th day of July 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

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Exhibit A

Redacted Version of July 18th Exhibit 1 and the Supporting Documents via ShareFile which includes PDF and Excel documents

ADDENDUM 51

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

IN RE: JUNE 12, 2024, LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**CASO NÚM.:** NEPR-IN-2024-0003 **ASUNTO:** Informe de Investigación

ORDEN

El 12 de junio de 2024 se registraron una serie de incidentes a través de toda la Isla relacionados a la interrupción del servicio de electricidad a gran escala. Como resultado, el 14 de junio de 2024, el Negociado de Energía de Puerto Rico de la Junta Reglamentadora de Servicio Público ("Negociado de Energía") emitió una Resolución y Orden mediante la cual inició la investigación de epígrafe dirigida a indagar sobre el referido suceso. El 3 de julio de 2024, el Negociado de Energía aprobó otra resolución mediante la cual designó al suscribiente como oficial examinador del caso para fines procesales y al Electric Power Research Institute (EPRI) a cargo de la investigación técnica.

Por otro lado, el 13 de junio de 2024, el Hon. Pedro Pierluisi Urrutia, Gobernador de Puerto Rico, ordenó una investigación interna, fuera del proceso regulatorio, sobre el mismo incidente.

En ánimo de permitir que EPRI en su proceso investigativo cuente con toda la información necesaria y emitir un informe lo más completo posible, se le solicita al Director Ejecutivo de la Autoridad para las Alianzas Público Privada a someter en un término de tres (3) días, contados a partir de la notificación de esta Orden, todos los informes parciales o finales relacionado a la investigación ordenada por el Gobernador de Puerto Rico, así como todas aquellas otras investigaciones relacionadas. La información provista tendrá carácter confidencial de conformidad con la sección 6.15 de la Ley 57-2019; sección 1.10 (i) y (ix) de la Ley 17-2019[1]; Sección 1.15 del Reglamento 8543[2]; y la Política sobre el Manejo de Información Confidencial en los Procedimientos ante el Negociado de Energía, CEPR-MI-2016-0009 de 31 de agosto de 2016, enmendada el 20 de septiembre de 2016.

Notifíquese exclusivamente al Director Ejecutivo de la Autoridad para las Alianzas Público Privada.

Gerardo A. Flores
Oficial Examinador

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

[1] Ley de Política Pública Energética de Puerto Rico, según enmendada.
[2] Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas y Procedimientos de Investigación.

CERTIFICACIÓN

Certifico que así lo acordó el Oficial Examinador, Lic. Gerardo A. Flores, hoy 2 de octubre de 2024. Certifico además que el 2 de octubre de 2024 una copia de esta Orden fue notificada por correo electrónico a fermin.fontanes@p3.pr.gov; y he procedido con el archivo en autos de la Orden.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 2 de octubre de 2024.

Wanda I. Cordero Morales
Secretaria Interina

Special Investigation June 2024 Outages

LUMA's and Genera's Response

The information contained herein has been prepared by FTI Consulting, Inc. ("FTI") based upon financial, technical and other data provided by third parties to the Puerto Rico Public-Private Partnerships Authority (the "Authority") or from other public sources FTI deemed to be reliable. Certain assumptions were required to be made to provide the observations contained in this report (the "Report") due to the manner in which the data was provided. Accordingly, FTI cannot express an opinion or any other form of assurance on, and assumes no responsibility for, the accuracy or completeness of the information and associated observations included in the Report.

As much of the information in this report came from LUMA and their consultant, portions of this do may contain information that is protected from disclosure as Critical energy Infrastructure Info ("CEII"), in accordance with 6 U.S.C. §§671-674; 18 C.F.R. §388.113 (2020), and pursuant to the Rico Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, is August 31, 2016, as amended by the Resolution dated September 16, 2016.

ADDENDUM 52

FTI CONSULTING™

October 2024

INTRODUCTION

On Saturday, June 1st, 2024, a series of outages began in Puerto Rico. These outages were followed by two additional large outages that lasted from Wednesday June 12, 2024, through the next day, Thursday June 13, 2024. In response to these major outages the Governor of Puerto Rico, Hon. Pedro Pierluisi Urrutia immediately ordered LUMA and Genera to implement corrective measures to restore stability to the electric grid and prevent further incidents. Additionally, the Governor tasked the Puerto Rico Public-Private Authority ("P3A") in coordination with the Puerto Rico Electric Power Authority ("PREPA"), to conduct a thorough investigation into the root causes of these outages ("Investigation").

Scope

The investigation team conducted a review of the events leading up to the outages that resulted in more than 500,000 customers losing power on June 12, 2024, but which began earlier in June with other unrelated outages.

The following topics were analyzed:

- June 1 – June 3, 2024, ("First Set of Outages") and June 12-13, 2024 ("Second Set of Outages", together with First Set of Outages, the "Outage Events") Sequence of Events leading to the outages.
- Increased frequency of outages.
- Review of the system condition and resource adequacy leading up to the Outage Events.
- Evaluation of the technical root cause and contributing factors analysis of the Second Set of Outages events.
- Review, analysis and evaluation of LUMA and Genera outage records.
- Review of prior event analyses and evaluation whether lessons learned have been accounted for.

Investigation Process

- Developed Requests for Information ("RFIs") with respect to the outages.
- Analyzed LUMA and Genera communications and actions.
- Review of Operator compliance with System Operation Principles ("SOPs"), Operating Procedures and Plant-Level Agreements ("PLAs")
- FTI has received operator training records and control room logs from LUMA as of the June 12-13, 2024, dates of the outages. LUMA has confirmed that they do not maintain any voice tapes recordings for the control rooms. Also, after a review of control room logs provided, these are incomplete in terms of information included in the logs.
- No interviews were conducted by FTI due to logistics and time constraints. Exponent* did conduct LUMA interviews and these are referenced in their reports.
- FTI has not reviewed nor seen drafts of the PREB EPRI report.

* Exponent is an engineering consulting firm that was engaged by LUMA to prepare a root cause analysis of the June 1 – June 4, 2024, outage event.

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Executive Summary

EXECUTIVE SUMMARY

On Saturday, June 1st, 2024, a series of outages began in Puerto Rico. These outages included three (3) separate outages related to the Santa Isabel 38 kV system and were followed by two additional large outages that lasted from Wednesday June 12, 2024, through the next day, Thursday June 13, 2024

LUMA has stated that they believed the T&D System, in at least the first set of outages at Santa Isabel, to have been in a "NORMAL" condition at the time of these events. FTI believes that this is an **erroneous** assessment of the system, and that this belief may have led to a lack of situational awareness and contingency planning. In the Major Outage Events on June 12*, a lack of load-at-risk analysis was also evident as the events that occurred typically do not trigger such a large outage.

Overview of Events

The electric grid in Puerto Rico experienced a series of outages from June 1 through June 9 and then again on June 12. Both of the June 12 outages are considered "Major Outage Events"** under the T&D OMA. The June 12 outages also triggered generation outages at five (5) power plants.

June 1 through June 9:

These events occurred due to a series of faults on the 38kV side of the 115/38kV transformer at the Santa Isabel substation and on the 4800/8500 line from Cayey to the Santa Isabel substation. During the third outage it was discovered that the 115/38kV transformer was damaged and requires replacement. LUMA also discovered six (6) spans of conductor that were found broken. These were replaced with a large sized conductor because the as installed conductor was too small for the load it carries.

- The outages started at 7:07 on June 1st and ended at 2:37 on June 4. However, load shedding to undergo repairs continued through June 9 and impacted up to 12,275 customers resulting in significant customer frustrations.
- Up to 63,975 customers were impacted at the peak – many customers multiple times over subsequent days.

June 12 – June 13:

Although there were a total of five (5) events, two resulted in customer outages and were Major Outage Events. The first event was due to a fault at the 38 kV transmission center in the San Juan Steam Plant and which caused multiple area outages and the loss of generation from the San Juan Steam Plant. The initial outages impacted ~280,000 customers. The first outage was caused by a hardware failure at the San Juan transmission center. The second outage began shortly after the first outage was restored at 20:48 when a transmission line faulted. This second event impacted ~515,000 customers and one of the suspected causes is vegetation contact with a 115 kV line.

- The first outage started at 15:07 on June 12 and ended at 19:50 on June 12.
- The second outage started at 20:50 on June 12 and ended on at 02:30 on June 13.
- As both outages impacted many customers these garnered the attention of press.

- As a result of these events, the PREB initiated a separate investigation which is being conducted by EPRI and which is still underway.

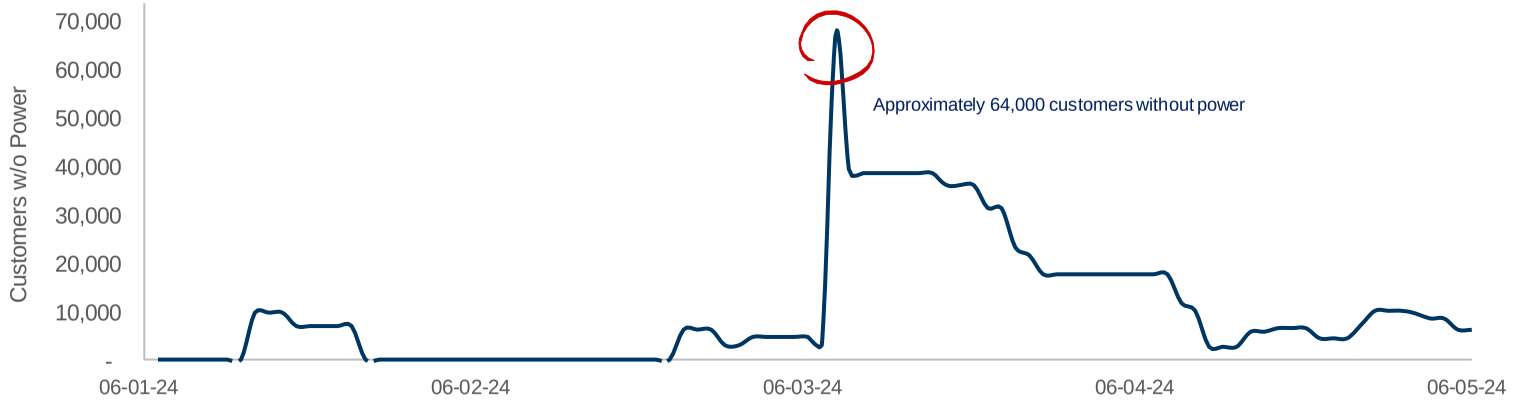
* All referenced dates are in 2024.

** Under the LUMA OMA dated June 22, 2020, a Major Outage Event means an event as a result of which at least two hundred and five thousand (205,000) T&D Customers are interrupted.

EXECUTIVE SUMMARY | JUNE 1 – 9, 2024

At the time of the outages, the 38kV line 4800 from Santa Isabel T.C. to Santa Isabel was not in *an as-designed* configuration. This line is the only source to Santa Isabel Sect 38kV bus. Substations 4401 Santa Isabel and Usera 4601 as well as critical installations (hospitals, water pumps) depend on this arrangement.

The four segments from 38 kV lines 100 and 200 to Santa Isabel Sect from Ponce T.C. and Horizon Sect (Jobos T.C.) have been out of service since Hurricane María. Santa Isabel 115/38 kV transformer had not received maintenance since 2019 because the loads cannot be transferred and hence, maintenance would require outages. This transformer was operating at almost the full capacity at 56 MVA. Additionally, the 38kV 4800/8500 line from Cayey T.C. to Santa Isabel T.C. cannot support all the load from the Santa Isabel area. LUMA considered these existing conditions as NORMAL (as defined by EPRI – which FTI believes incorrect).



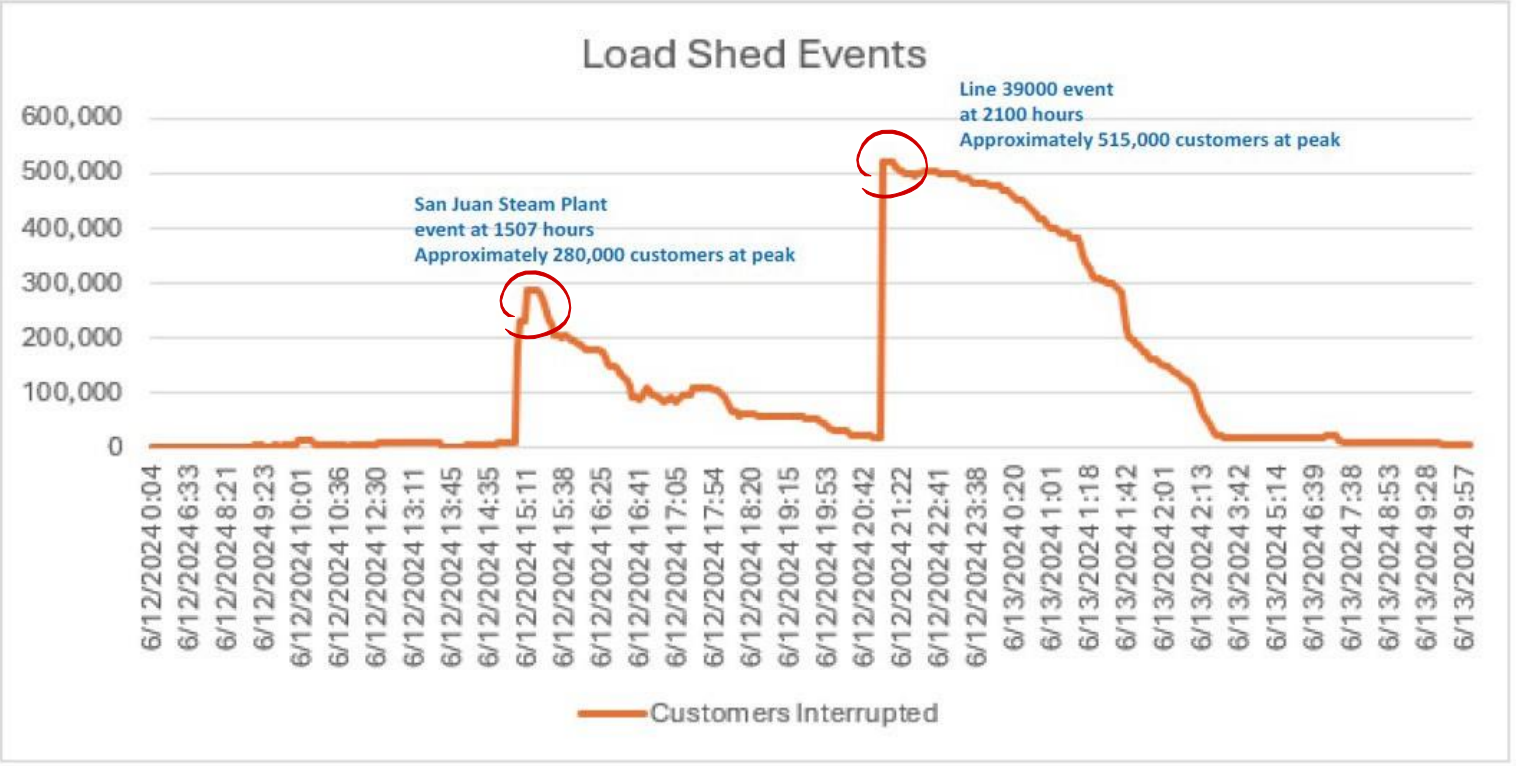
Day	Manual Load Shed	Planned Outages related to Santa Isabel Event	Total
June 5th	16,532	7,122	23,654
June 6th	17,087	3,360	20,447
June 7th	3,316	25,932	29,248
June 8th	12,184	23,268	35,452
June 9th	5,696	20,813	26,509

Source: Exhibit 1_ Santa Isabel Preliminary Report.pdf (LUMA).

EXECUTIVE SUMMARY | JUNE 12-13, 2024

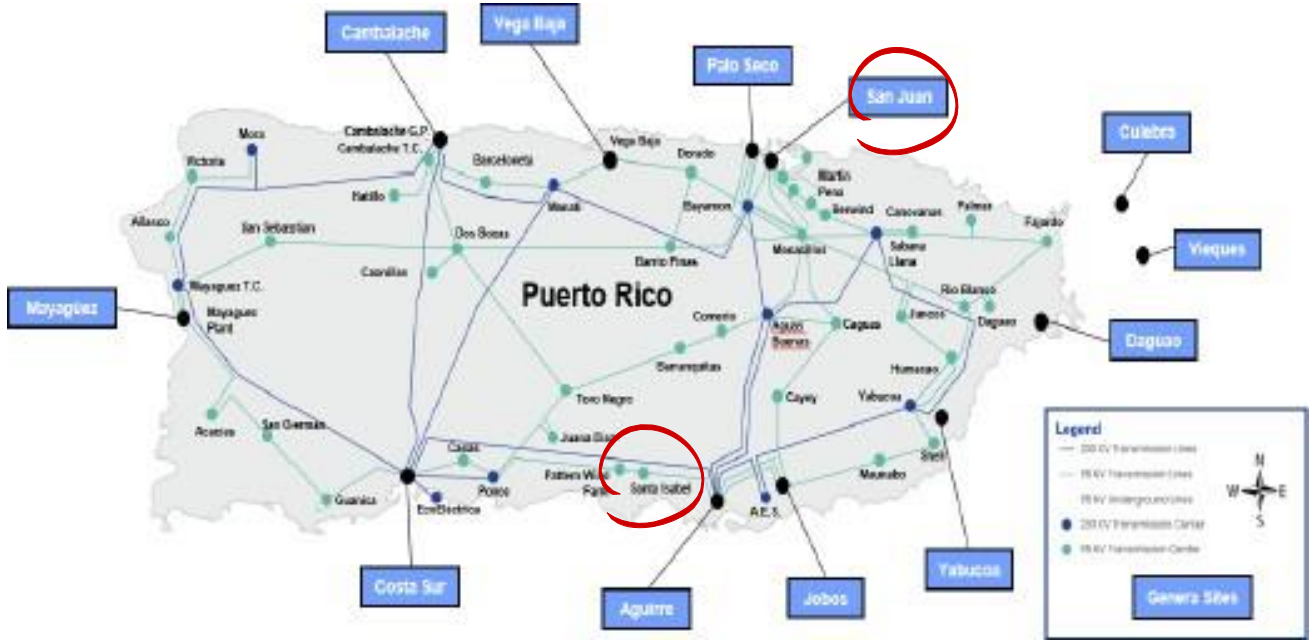
At the time of the June 12 and 13 outages, there were *a considerable number of constraints* on the T&D system. These included: the Bayamon 230/115kV transformer being out of service since 2023, the Sabana Llana 230/115kV transformer #2 being out of service (for many years), a 115kV circuit breaker at the San Juan bus was out of services, and additional 38kV constraints in San Juan including several lines being in a radial configuration.

This level and number of constraints, combined with vegetation and hardware-caused faults, resulted many generators tripping off-line and resulting in wide-area outages. Prior to the initiating first event, the San Juan power was operating with no abnormal conditions.



Source: Exhibit 1_San Juan Outage Event RCE.pdf.

EXECUTIVE SUMMARY | SYSTEM OVERVIEW



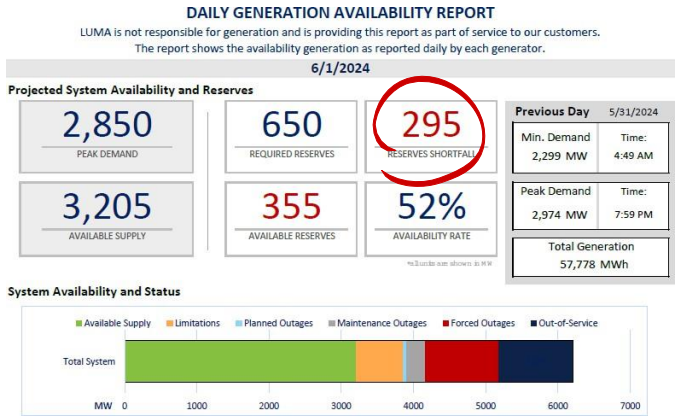
- The transmission system includes 178 transmission centers (“T.C.”) and operates at 38kV, 115kV and 230kV.
- The Transmission Centers connect over 1,100 miles of transmission lines (115/230kV) and over 1,500 miles of sub-transmission lines (38kV).
- Of these lines, approximately 96% are overhead (“OH”) and the remaining 4% are underground The overhead lines are exposed to vegetation that is the cause of many outages.
- The 115kV system includes 53 lines (702 circuit miles) for interconnecting the 230kV network, also supplying substations at 38kV and below.

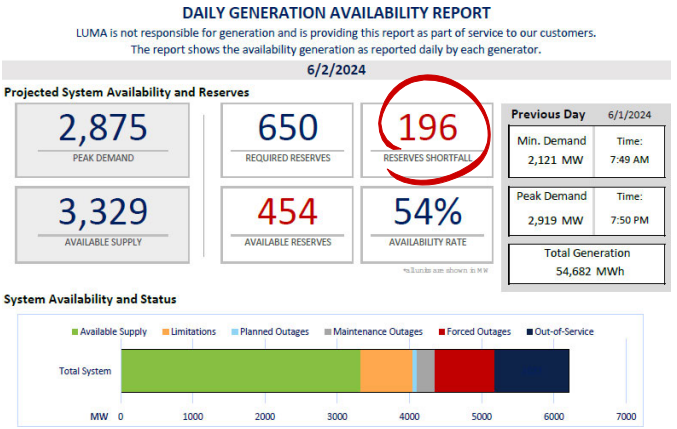
Source: Genera Electric System Stabilization Plan, July 8, 2024 Version.

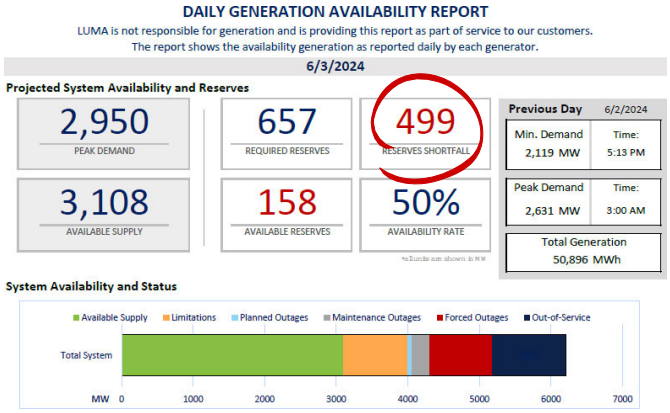
EXECUTIVE SUMMARY | JUNE 1-4, 2024

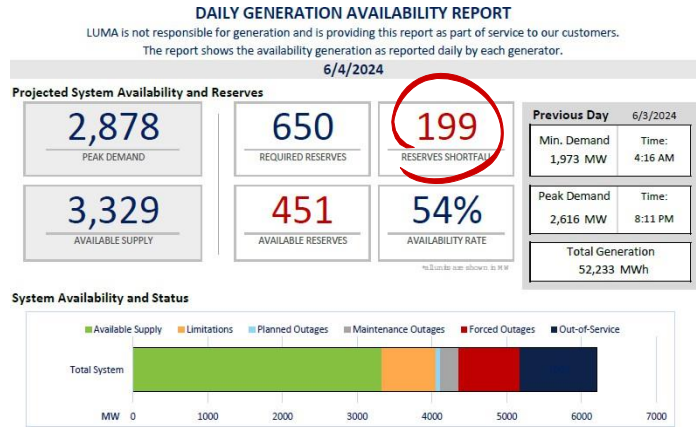
At the time of the June 1, outages, the LUMA Projected Load Forecast and Generation Availability Report showed an estimated reserve shortfall of ~295 MW; by June 3, the estimated reserve shortfall was 499 MW. Such a large shortfall over this many days would typically require contingency planning and actions including asking for voluntary load reductions and even load shedding, in the event voluntary load reduction was not possible.

Under system conditions such as these, System Operators issues levels of alerts to members of the public and stakeholders as to the load that is at risk. In these events (and generally), LUMA does not utilize a process like this.





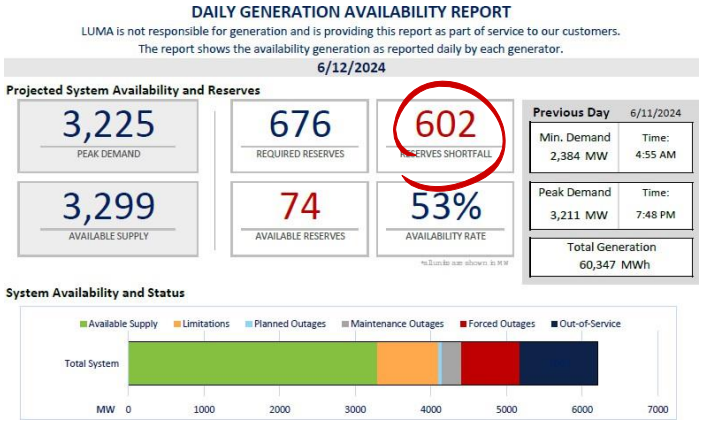


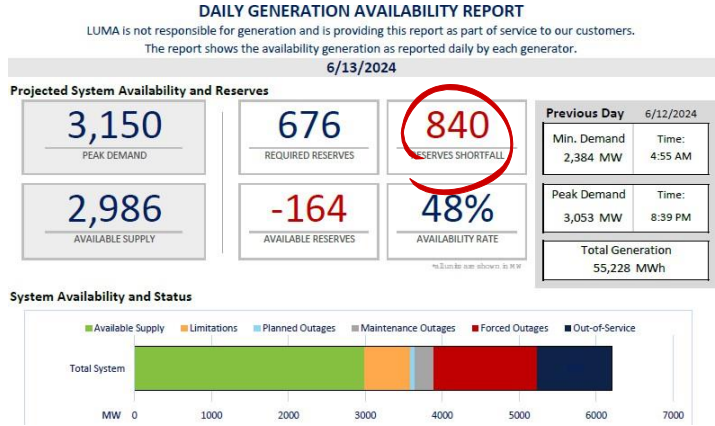


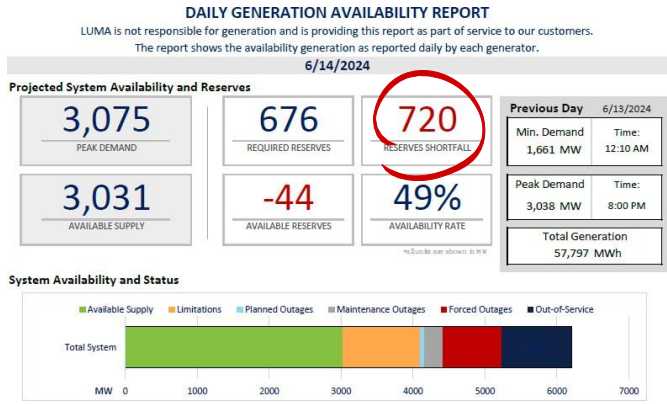
Source: LUMA Daily Generation Availability Reports

EXECUTIVE SUMMARY | JUNE 12 AND 13, 2024

Just before the outage external to the San Juan power station – the plant was operating in a normal condition. The LUMA Projected Load Forecast and Generation Availability Report showed an estimated reserve shortfall of ~600+MW by June 12th. This forecast combined with the large number of system constraints should have resulted in contingency planning led by LUMA and inclusive of the generators. The June 13 and 14 reports are reflective of the generators that were tripped off-line beginning at the first outage event and which were coming back online over time.







Source: LUMA Daily Generation Availability Reports

EXECUTIVE SUMMARY | SAN JUAN POWER STATION

Pre-Existing Conditions at San Juan Steam Plant ("SJPS")

- According to Genera, prior to the first event, the SJSP was operating with no abnormalities. Generation at SJSP was impacted by an event external to the plant at the 38kV substation which provides power to the auxiliary services at the San Juan plant as well as the LNG terminal that provides fuel to the plant. Although the 38kV switchyard has multiple sources of power to it – the entire switchyard lost power. The SJSP 38kV and 115kV switching station is in *very poor condition*. Prior to LUMA's taking over of the transmission system, PREPA had initiated a renovation project for the expansion of the 115kV yard and the replacement of the 38kV yard – this project was never finalized and only temporary improvements were done. The facilities have been operated like this for over 15 years.
  - LUMA has initiated a project for upgrade of the SJSP substation but this is still in early phases of engineering. This project *should be expedited* due to the criticality with respect to system reliability.
- The event on June 12, 2024, at ~ 1507 hours was initiated by a fault on the low side of the SJSP wedge connector.
  - Based on this fault, several circuit breakers on both the 115kV side and the 38kV side opened due to an instantaneous trip that resulted in de-energization of the 38kV bus and loss of power to the plant.
  - The plant generators tripped resulting in a loss of ~ 700MW of generation.
  - An overload event also occurred on the 38kV system and an automatic area wide load shed was required, and with the system in extreme conditions. Manual load shed was also performed to prevent a complete system collapse in the San Juan area.
  - The SJSP DC backup did not function properly and thus no backup power was available for the generators during the trip.
  - SJ Combined cycle units 5 and 6 each consist of a gas turbine and generator and a steam turbine and generator. Soon after the plant trip, the staff checked on the DC emergency lube oil system and pumps which are required for safe shut down. The DC system is power by batteries which are normally fully charged. While the battery systems for the gas turbine and generators operated as designed, the steam turbine and generator failed to provide DC power to the emergency lube oil system.
  - This resulted in damage to the steam turbines and their generators. The gas turbines units 5 & 6 were able to operate in simple cycle mode.

Figure 7: Location of Failed Wedge Connector on the 38kV Bus from 115/38kV Transform

EXECUTIVE SUMMARY | POWER STATION ISSUES

Summary of the San Juan Power Station Units

Unit	MW's at time of Incident #1	Impact	Operational After Events
San Juan CC unit 5	GTG – 151 MW STG – 53 MW	GTG tripped on loss of aux. power. GTG safely coasted down on DC power; STG's did not and were damaged.	GTG- Yes STG –No
San Juan CC Unit 6	GTG – 148 MW STG – 50 MW	GTG tripped on loss of aux. power, loss of fuel gas supply, GTG costed down safely, STG's did not and were damaged	GTG –Yes STG - No
San Juan Unit 7	STG – 0 MW	Was on a forced outage.	STG - No
San Juan Unit 9	STG – 80 MW	STG tripped on loss of aux power. Safely coasted down.	STG - Yes
San Juan Temporary Units	TM 1- 23.3 MW TM 2- 24.4 MW TM 3- 0 MW TM 5- 24. 2 MW TM 6 – 24.5 MW TM 7 – 23.7 MW TM 8- 23.9 MW TM 9- 23.3 MW TM 10 – 23.0 MW	All were operating but unit 3 until the generator breakers opened. All units safely coasted down.	TM 1- Yes TM 2- Yes TM 3- No TM 5- Yes TM 6 – Yes TM 7 – Yes TM 8- Yes TM 9- Yes TM 10 – Yes

- During the second T&D Outage the lack of system stability caused the tripping of five (5) Genera operated generators including Aguirre Unit 1, Cambalache Units 2 and 3, Mayaguez Unit 1, the Palo Seco temporary units and San Juan unit 5.
  - It was noted that the Cambalache units experienced a rapid change in grid frequency which caused an Increase in speed that should have resulted in an overspeed trip. This trip did not happen and will be further investigated.
- It took LUMA 15 minutes to instruct Genera to open breakers to isolate service in the 38kV switchyard.
- Following this incident SJ units GTG 5 and 6 and Temporary Generation Units 1-10 were restored (except unit 3).
  - **It took approximately 7 hours for LUMA to restore power for 90% of the customers affected**.

EXECUTIVE SUMMARY | LUMA OBSERVATIONS

FTI's review of LUMA's internal and third-party root cause analysis and Genera's initial findings for the June Outages have some common themes.

FTI recommends that LUMA consider reviewing the adequacy of the System Operation Principles ("SOP") in light of these events.

1.There appears to be a lack of formal load-at-risk contingency analysis and planning consistent with typical System Operator practices, as well as lack of strict observance of NERC reliability standards requirements.

- LUMA believed the Santa Isabel system was in a "NORMAL" condition ahead of the June outages and as a result it appears that there was no detailed contingency planning for load-at-risk done.
- In the San Juan investigation it became clear that vegetation management priorities and maintenance outages were established without considering load-at-risk.
- When asked for operator voice tapes for the period of the outages, LUMA stated that they do not record or maintain such tapes. This is in direct conflict with the NERC TOP-001-4 standard that states "Each Balancing Authority shall keep evidence for Requirement R24 and measure M24 for the most recent twelve calendar months, with the exception of operator logs and voice recordings which shall be retained for a minimum of 90 calendar days."

2. Protective relaying in both events did not provide the required primary and back-up protection.

- In both sets of events there were relay issues including wrong settings, and a lack of back-up protection.
- It is not clear that operators were aware of these issues.

3. Vegetation issues were mis-classified or not prioritized consistent with the potential impacts.

- Exponent noted that in at least 2 instances vegetation inspections noted issues but did not prioritize these locations as urgent.
- The 115kV system is only now starting a right of way clearing program as the priority has been the 230kV system.

4. External communications appeared to not follow a common and disciplined process.

- It is typical for a System Operator to lead in external communications in an emergency situation. This would include a formal declaration of the level of emergency and coordination with all stakeholders including generators. This did not seem to occur.
- Informing customers of load-at-risk and manual load shedding should be a formal outreach process including reverse 911 calls or similar. Critical care facilities and customers should be visited by customer service representatives as well. FTI will review this further.
- LUMA still does not have an Outage Management System that is up to industry standards; leading to customer information frustrations.

EXECUTIVE SUMMARY | LUMA OBSERVATIONS

5. Large Power Transformers and 115kV breakers that are out of service need to be replaced on an expedited basis.

- Large power transformers can easily take 2-3 years to procure and 115kV breakers can take over 1 year.
- LUMA has secured two (2) transformers which are being installed now.
- Other critical transformer and breaker purchases should be expedited.

6. FTI's review of LUMA's control room logs has shown that there is no standardized method of recording events in the level of detail that one would expect from a System Operator and consistent with Prudent Utility Practices.

- LUMA confirmed that they **do not record any voice tapes of their control rooms**. As a result, FTI could not confirm whether the SOPs were followed as required. This is in direct conflict with the NERC TOP-001-4 standard that requires all balancing authorities to record and maintain voice tapes and logs for a minimum of 90 days. FTI recommends that LUMA starts to record and maintain such voice tapes.
- LUMA did provide a physical log (xls format) that covered the 24-hour period from approximately 8:00 AM on June 12 through 8:00 AM on June 13.
  - Information for certain key fields, such as the end time for an event, was not consistently filled out by the operators.
  - A key data field stating the number of customers impacted seems to have been updated incorrectly.
    - The total number of customers impacted is completely different from what was reported on the Exponent Report.
    - Certain cells in this field included a time stamp with no explanation for its inclusion, making it unclear whether it related to the start or end of an outage.
  - The log seems to indicate that there was an existing forced outage at the San Juans Steam Turbine #6 on the morning of June 12. However, it is unclear whether that outage was still continuing when the transmission outage started that afternoon. FTI has asked Genera to confirm the status of the same.
  - LUMA provided the requested operator training logs for 7 personnel.

EXECUTIVE SUMMARY | GENERA OBSERVATIONS

FTI's review of Genera's internal root cause analysis and initial findings for June Outages has the following themes.

1. There appears to be a lack of verification of the operability of battery systems and Uninterruptible Power Supplies ("UPS") which are critical in emergency situations.

- Genera stated that the DC pumps that are powered by batteries are checked on a weekly basis, this is done with the battery chargers in service which does not all for verification of the battery system.
- While the battery systems for the Combustion Turbines functioned as intended, the battery systems for the Steam Turbine Generators for units 5 & 6 failed to provide power to the respective DC motor driven lube oil pump supply for safe rundown of the STGs. This resulted in damage to the steam turbine generators.

2. Overspeed protection did not work as required at Cambalache. Protective relay calibrations done under shared service between LUMA and Genera still need to be verified.

- The Cambalache units experienced overspeed in the second event by did not trip on overspeed; this should be further investigated.
- The San Juan relaying is calibrated by LUMA as a shared service to Genera. Genera has requested these documents to review but have yet to receive.

3. Loss of power to the auxiliary equipment and loss of fuel caused unit shutdowns.

- San Juan CC Units 5 & 6 and unit 9 and all the temporary Units, except for TM Unit 3 (that was already offline) tripped as power supply to the auxiliary equipment and natural gas fuel was lost, leading to cascading alarms and trips and loss of generation.

4. Genera communication with LUMA and other stakeholders.

- FTI is aware that several calls were held between LUMA and Genera during the emergency. At least one of these seemed to be very informal.
- It is typical that during emergencies, the System Operator and Generator Operators conduct formal calls (which should be recorded).
- It appears from the daily Load Forecast and Generation Availability Report that LUMA was aware of which units were available and what the resource constraints were at the time.
- It is unclear that both LUMA and Genera discuss contingencies for load-at-risk due to a lack of available generation.

EXECUTIVE SUMMARY | NEXT STEPS

LUMA, Exponent, Genera and PREPA have all identified specific actions to take as a result of both the June 1-3 and June 12th outages. It is expected that PREB, via their investigation led by EPRI, will have recommendations as well. The following are FTI's recommendations based on reviews. In addition, on June 13th PREB ordered LUMA, Genera and PREPA to each develop and submit an "aggressive preliminary plan of improvements to the electric system." These plans are to be accomplished within 2 years. Overall, it is clear that close coordination between LUMA and Genera is essential if system improvements for customers are to be realized.

1. Monitor LUMA and Genera System Stabilization Plans and PREB Dockets (Two-Year Improvement Plans).
2. Monitor improvement observations made in this report.
    - Review 6 LUMA observations and follow-up actions as documented on pages 13-14 and 42-43.
    - Review 4 Genera observations and follow-up actions as documented on pages 15 and 44.
3. Review and analyze the PREB EPRI Root Cause Analysis when available.
4. Monitor outages and load sheds.
5. Monitor the Vegetation management Program and linkages to reliability improvements.

First Set of Outages

JUNE 1 TO JUNE 3, 2024

FIRST SET OF OUTAGES | SUMMARY

The following is a summary of the outages and observations. Although each has specific issues, the fact that this led to a large transformer failure calls in question the transformer testing and inspection program – particularly where there is significant load-at-risk. This situation led to rotating manual load sheds through June 9th and an emergency replacement of this transformer (in process).

Day	Event Description	# of Customers Impacted	Length of Time	RCA Identified	FTI Observation
June 1, 2024 0707 hours	Outage Occurred due to fault on circuit breaker 0040 on the 38kV side of the 115/38kV transformer at the Santa Isabel Substation.	9,212	8 hrs 21 mins	38kV and 115kV circuit breakers on the 115/38kV at Santa Isabel were found with contamination and flashed over (faulted).	LUMA thought the system was in a NORMAL Condition. LUMA did not understand the full impact of the contamination.
June 2, 2024 1411 hours	Outage Occurred due to fault on the 115kV side of the 115/38kV transformer at the Santa Isabel Substation; loads transferred to Cayey 38kV line 4800/8500 – line could not handle load – led to manual load shed.	10,335	Exact time unknown as it carried over into June 03, 2024 and into the next event	38kV circuit breaker 8510 did not open at Cayey causing remote back-up operations.	The was a breaker mis-operation – the breaker and the back up protection need to be reviewed in detail.
June 3, 2024 0207 hours	Fault occurred at 38kV line 4800/8500, Cayey that resulted in six spans of broken conductors.	63,975	27,338 customers were out for - 11 mins, some over several hours, some > 24 hours	Broken insulation and six spans of broken conductors at line 4800 / 8500. Conductors were found to be overloaded and undersized. **Transformer was found unrepairable.**	All 3/0 conductors that are in service should be identified and prioritized for replacement with larger conductors.

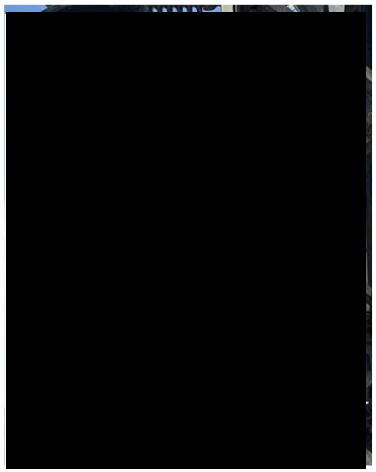
Source: 115/38 kV Transformer, 38 kV bus at Santa Isabel T.C. and line 4800/8500 to Cayey T.C. Outage Events ("Exhibit 1_Santa Isabel Preliminary Report.pdf")

FIRST SET OF OUTAGES | SYSTEM CONDITIONS

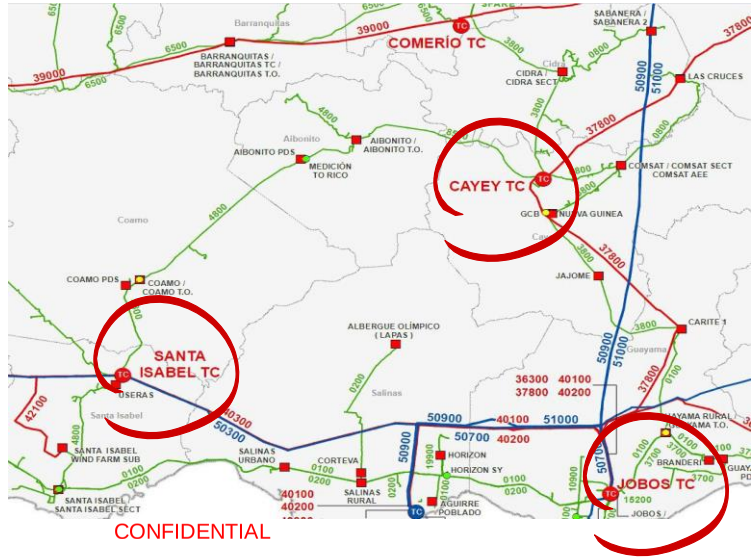
Before the event, LUMA assessed that the electrical system was in the "NORMAL" operational state as defined by EPRI (Electric Power Research Institute) with certain conditions after the 2017 hurricanes, 2020 earthquakes, and system deterioration. FTI disagrees with their assessment and believes that this may have led to complacency with respect to load-at-risk.

System Prior to the Outage Events

- The following conditions affecting the Santa Isabel area were present:
  - 38kV line 4800 from Santa Isabel T.C. to Santa Isabel Sect. is not completed as intended tied to line 0100. This line is the only source to Santa Isabel Sect 38kV bus. Substations 4401 Santa Isabel and Usera 4601 as well as critical installations (hospitals, water pumps) depend on this arrangement.
  - The four segments from 38kV lines 100 and 200 to Santa Isabel Sect. from Ponce T.C. and Horizon Sect. (Jobos T.C.) were out of service since Hurricane María devastation.
  - Santa Isabel 115/38kV transformer did not receive maintenance since 2019 as the loads cannot be transferred. This transformer was **operating at almost the full capacity of 56 MVA**.
  - 38kV 4800/8500 line from Cayey T.C. to Santa Isabel T.C. cannot support all the loads from the Santa Isabel area.



Circuit Breaker Damaged by Contamination



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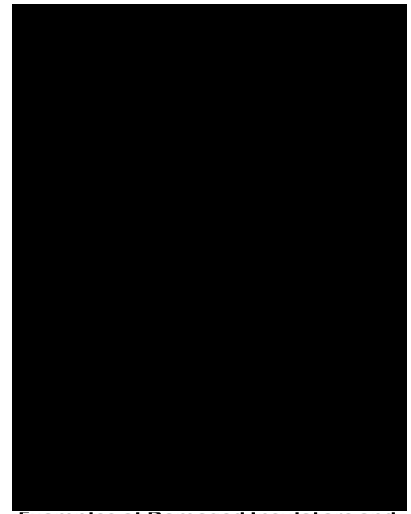


Examples of Damaged Insulators and Downed Conductor – Line 4800

Source: 115/38 kV Transformer, 38 kV bus at Santa Isabel T.C. and line 4800/8500 to Cayey T.C. Outage Events ("Exhibit 1_Santa Isabel Preliminary Report.pdf")

FIRST SET OF OUTAGES | SEQUENCE OF EVENTS

A timeline of events was put together by LUMA using their Supervisory Control and Data Acquisition System data capture, the Ponce transmission center digital fault recorder data; and available protection relay events as well as Genera's power plant data acquisition systems.

- The June 1, 2024, outage impacted ~9,200 customers.

Time	Date	T-T0	Event Description
First Event: Fault at Circuit Breaker #0040 (38 kV bus and 115/38 kV trips) Santa Isabel Transmission Center			
7:07:18.965	6/1/24	**T0**	An initial phase-to-phase-to ground fault at 38 kV circuit breaker # 0040 Santa Isabel 115/38 Kv low side tripped both 115/38 kV transformer and 38 kV bus differential protections correctly due to faulted bushings.
7:07:19.032	6/1/24	0:00:00.015	115kV CB# 0050 from Santa Isabel 115/38kV transformer opens correctly in 0.067 seconds to clear the fault from the 115 kV instantly.
7:07:19.064	6/1/24	0:00:00.098	38 kV CBs 0040, 4850, 4870 and 4860 from Santa Isabel T.C. 38 kV opened instantly to clear the fault at CB #0040 from the system. A total of 9,212 clients out of service.
10:08:48.213	6/1/24	3:04:29.248	38 kV CB 4850 at Santa Isabel was closed to energize Sub#4601 Usera with 2,626 clients returned to service from Cayey line 4800/8500.
15:17:24.213	6/1/24	8:13:05.248	Santa Isabel 115/38 kV transformer in service. Fault at CB #0040 bushings- bushings showed signs of contamination and a flash-over and were cleaned and repaired. Preliminary transformer tests were satisfactory. 38 kV CB #0040 with moisture **but not in danger.**
15:28:12.034	6/1/24	8:23:53.069	All loads from Santa Isabel Sect and Santa Isabel T.C. were restored. Total outage time 8:23:53 hours. All 9,212 clients from Substations 4401 and 4601 were restored. Santa Isabel area returned to Normal operational state

Source: 115/38 kV Transformer, 38 kV bus at Santa Isabel T.C. and line 4800/8500 to Cayey T.C. Outage Events ("Exhibit 1_Santa Isabel Preliminary Report.pdf")

FIRST SET OF OUTAGES | SEQUENCE OF EVENTS

A timeline of events was put together by LUMA using their Supervisory Control and Data Acquisition System data capture, the Ponce transmission center digital fault recorder data; and available protection relay events as well as Genera's power plant data acquisition systems.

- The failure of the Santa Isabel transformer should be investigated separately.
- The June 2 outage impacted ~10,300 customers.

Time	Date	T-T0	Event Description
Second Event: Fault at Santa Isabel 115/38 kV Transformer High Side (115 kV)			
14:11:10.902	6/2/24	22:42:58.868 energized since 6.1.24	Santa Isabel 115/38 kV transformer was energized with all the clients from Santa Isabel area in service for 22:42:58 hours.
14:11:10.902	6/2/24	**T0**	A second different A-B (phase to phase fault) is present this time at the 115 kV side of the Santa Isabel 115/38 kV transformer almost 23 hours since energization.
14:11:10.982	6/2/24	0:00:00.080	115 kV CB# 0050 from Santa Isabel 115/38kV transformer open in 0.08 seconds to clear the fault from the 115 kV instantly.
14:11:11.011	6/2/24	0:00:00.109	38 kV CB# 0040 from Santa Isabel T.C. 38 kV opened instantly to clear the fault from the system.
14:16:46.000	6/2/24	0:05:35.098	Distribution feeder breaker 4601-01 at Usera (1,478 clients) was opened by the DOC during manual load shed to alleviate the load on the Santa Isabel area.
14:17:40.816	6/2/24	0:06:29.914	Distribution feeder breaker 3501-03 (1,484 clients) at Aibonito was opened by the DOC during manual load shed to alleviate the load on the Santa Isabel area.
14.18:32.169	6/2/24	0:07:21.267	Distribution feeder breaker 4401-02 (2,923 clients) at Santa Isabel was opened by the DOC during manual load shed to alleviate the load on the Santa Isabel area.
Santa Isabel area remained in the Alert Operational state as the total clients cannot be restored. Manual load shed rotation was necessary impacting 10,335 clients throughout the day. Crews continued to test the Santa Isabel 115/38 kV transformer.			
Internal Fault at Santa Isabel 115/38 kV Transformer			
0:43:45.216	6/3/24	10:32:34.314	After completing preliminary satisfactory tests, 115 kV breaker 0050 from Santa Isabel 115/38 kV transformer was closed and the transformer energized. 38 kV CB # 0040 was open, and a suspicious PT was isolated. An A-C phase to phase fault was detected by the differential protection.
0:43:45.266	6/3/24	10:32:34.364	115 kV CB# 0050 open to clear the fault at the Santa Isabel 115/38 kV.
Santa Isabel area remained in the Alert Operational state as the total clients cannot be restored. A total of 1,148 clients from the Santa Isabel area were out of service just before 38 kV line 4800/8500 outage at 02:07. Manual load shed was necessary. Crews continued to test the Santa Isabel 115/38 kV transformer. 11:56:08 hours since the 115/38kV transformer at Santa Isabel T.C. trip.			

Source: 115/38 kV Transformer, 38 kV bus at Santa Isabel T.C. and line 4800/8500 to Cayey T.C. Outage Events ("Exhibit 1_Santa Isabel Preliminary Report.pdf")

FIRST SET OF OUTAGES | SEQUENCE OF EVENTS

A timeline of events was put together by LUMA using their Supervisory Control and Data Acquisition System data capture, the Ponce transmission center digital fault recorder data; and available protection relay events as well as Genera's power plant data acquisition systems.

- The June 3, 2024, outage impacted ~64,000 customers.

Time	Date	T-T0	Event Description
Third Event: Outage event at 38 kV line 4800/8500, CB# 8510 at Cayey T.C. did not open – Wide Area Event			
2:07:19.771	6/3/24	**T0**	An insulation fault at 38 kV line 8500/4800 begins. 38 kV breaker 4870 at Santa Isabel trips instantly for **unknown reasons** as there was no short circuit current infeed from that side.
2:07:19.864	6/3/24	0:00:00.093	38 kV CB# 4870 at Santa Isabel **Zone 1 protection trips incorrectly due to wiring issues** as there was no short circuit current infeed from that side.
2:07:20.286	6/3/24	0:00:00.515	38 kV CB# 0040 from Coamo Capacitor bank trips due to the voltage unbalance at the line.
2:08:38.728	6/3/24	0:01:18.957	38kV CB# 3820 from Cidra Sectionalizer to Cayey opens as remote back-up protection when CB# 8510 at Cayey **did not open as there is no local breaker back-up protection** in Cayey 38 kV bus.
2:08:39.361	6/3/24	00:01:19:590	As the time passes, the fault at line 8500/4800 evolved to a **broken conductor fault**. 115/38 kV #2 transformer remote back-up protection at Cayey T.C. trip.
2:08:40.074	6/3/24	0:01:20.303	38kV CB# 0840 at Comsat Sectionalizer trip as remote back-up protection when CB # 8510 at Cayey did not open.
2:08:40.150	6/3/24	0:01:20.379	38 kV CB# 0810 at Cidra trip before CB # 3860 at Comsat due to **protection miscoordination adding substations** from Comsat and line 800 to the outage.
2:08:42.039	6/3/24	0:01:22.268	115/38 kV #1 transformer remote back-up protection at Cayey T.C. trips to clear the fault at line 4800/8500 from the system as 38 kV CB #8510 did not open and there is **no local breaker back-up** protection in Cayey 38 kV bus. A total of 63,975 clients without service.
2:08:42.296	6/3/24	0:01:22.525	38 kV CB# 3840 from Cayey trip due to possible **loss of voltage restraint**.
2:19:13.915	6/3/24	0:11:54.144	Operations by the TOC restored a total of 27,338 clients from the Cayey-Comsat-Cidra substations in 11 minutes.
2:37:02.271	6/4/24	24:29:42.500	After more than 24 hours - line 8500/4800 was restored.

Source: 115/38 kV Transformer, 38 kV bus at Santa Isabel T.C. and line 4800/8500 to Cayey T.C. Outage Events ("Exhibit 1_Santa Isabel Preliminary Report.pdf")

FIRST SET OF OUTAGES | LUMA'S RESPONSE

As part of LUMA's response to this outage, the communities of Santa Isabel, Coamo and Aibonito had consistent power from 6/9/24 (until the 6/12/24 outage) while LUMA completed repairs. The scope of LUMA's response to the Santa Isabel Substation outage has included several actions, outlined below.

- **Deploying field crews** to conduct repairs and inspections of substations, breakers, and transmission lines. Installing mobile generators at multiple substations to restore service to the Santa Isabel service area.
- **Repairing and replacing equipment** including upgrading Line 4800 in Aibonito for increased capacity as part of the restoration and improvement effort.
- **Coordinating with emergency partners** including the Puerto Rico Emergency Management Bureau ("PREMB"), the Traffic Division of the Police Department, and other public safety agencies to transport a replacement substation transformer from San Juan to Santa Isabel by barge, truck and crane.
- **Transporting and installing the replacement transformer** to increase substation resiliency, stability, and reliability.
- **Providing regular updates to the public and stakeholders** as to the status of repairs and transformer replacement and installation.
- **Conducting a Preliminary Investigation** to begin to determine the root cause of the outage and determine next steps and future corrective actions.

Source: Santa Isabel Outage Events June 1-3, 2024 Root Cause Evaluation ("CONFIDENTIAL Exhibit_1.pdf").

FIRST SET OF OUTAGES | REVIEW SUMMARY

Root Cause Analysis

- LUMA engaged Exponent to prepare a root cause analysis of the 6/1/24-6/4/24 outage event. Exponent determined the cause of the event was a combination of equipment failures, a lack of situational awareness of operational constraints and contingency planning.
  - **Root Cause #1:** There is a known and accepted risk of reliability issues in the Santa Isabel area. The Santa Isabel 115/38kV transformer is performing near capacity with limited backup service making off-line repairs and maintenance difficult. In addition, there are several 38kV lines that are not in service since Hurricane Maria in 2017 and load constraints on line 4800 from Cayey.
  - **Root Cause #2**: Potential equipment issues were not identified at the substation and on Line 4800 in advance of the failures. After maintenance on the transformer in 2019, where no major issues were identified, an outage occurred in 2023 wherein radiator leaks were repaired, the transformer was tested and returned to service. While small outages have been taken since to make repairs, no complete maintenance has been possible. Additionally, potential contamination and corrosion issues were not identified in the line or substation that resulted in faults, nor is there any record of maintenance on the Cayey circuit breaker 8510 since 2007.

Consequence of Events

- During the First Set of Outages, there were 63,975 customers without power at its peak, occurring at 2 a.m. on June 3.
  - 27,338 customers affected at the peak had their power restored within 11 minutes, however, 16,758 customers were without power for more than 24 hours while 2,523 customers did not have their power restored for more than 60 hours.

Second Set of Outages

JUNE 12 AND JUNE 13, 2024

SECOND SET OF OUTAGES | SUMMARY

These outages were caused by a series of what should have been minor events but which cascaded and evolved into two very large emergency situations that resulted in a loss of generators and which also resulted in damage to the San Juan combined cycle generator #5. This situation indicates that a more formal load-at-risk process needs to be implemented and incorporated into decisions regarding vegetation clearing and other maintenance outages.

Day	Event Description	# of Customers Impacted	Length of Time	RCA Identified	FTI Observation
June 12 1507 hours	Fault at substation at San Juan SP	280,000	4 hrs 43 mins (for the majority)	Caused due to a 115/38kV transformer conductor connector failure while specific equipment related conditions were not identified during maintenance and inspection.	LUMA was in a load-at-risk generation shortfall before the outages began.
June 12 2048 hours	Transmission line fault	515,000	5 hrs 42 mins (for the majority)	Vegetation contact with a 115kV line; the vegetation management group does not have the 115kV lines on a normal cycle to date but have mainly been doing hotspot work when observed in aerial inspections.	The vegetation issue has been identified but priority was mis- prioritized and did not include a load-at-risk review. Up until recently – there has not been a focus on the 115kV system for vegetation management.

Source: 115/38 kV Transformer, 38 kV bus at Santa Isabel T.C. and line 4800/8500 to Cayey T.C. Outage Events ("Exhibit 1_Santa Isabel Preliminary Report.pdf")

SECOND SET OF OUTAGES | SYSTEM CONDITIONS

Prior to the event, many 38kV lines from San Juan SP were operating in radial mode meaning that they had no contingencies for switching the load in the event of a fault. In addition, Bayamon TC which is normally a source to the San Juan SP bus, had the 230/115kV and one of the 115/38kV transformers out of service, and the 115kV line from Hato Tejas TC to Bayamon TC was open.

System Prior to the Outage Events

- Due to the **out-of-normal configuration** state of the system, an **overload event** occurred in the 38kV system (shown in green in the figure).
  - The overload caused the 38kV lines to trip with the consequent de-energization of the 38kV bus at San Juan SP.
  - The auxiliary equipment of the San Juan generators 5 & 6 is connected to this 38kV bus.
  - With the loss of these station service transformers, the generators were forced to trip with almost 700MW of generation lost instantaneously.
  - The Station Service Transformers affected are labelled ESST 5&6, and ESST 9&10 in the figure.

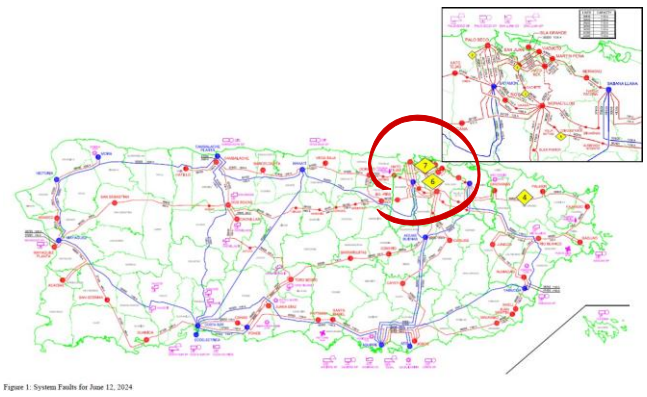
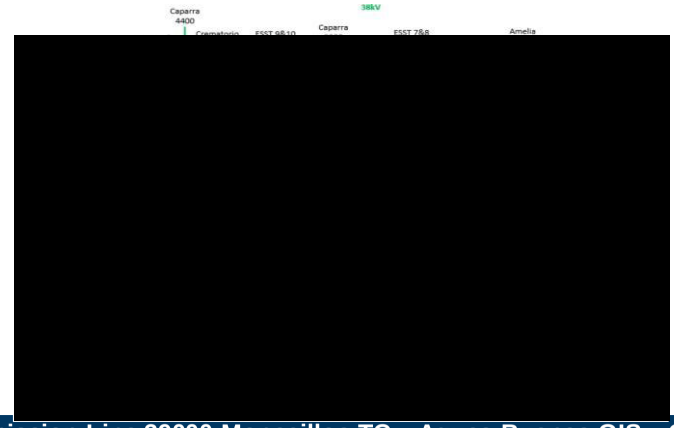


Figure 1: System Faults for June 12, 2024

San Juan SP Single Line Diagram 115 kV and 38 kV

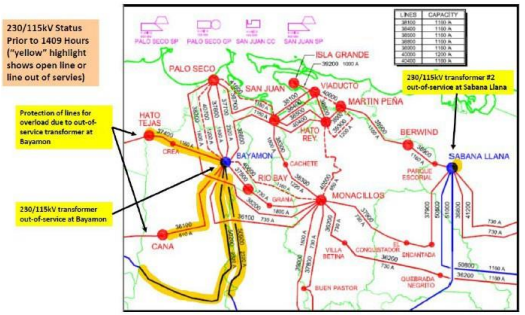


115 kV Transmission Line 39000 Monacillos TC – Aguas Buenas GIS – Caguas TC

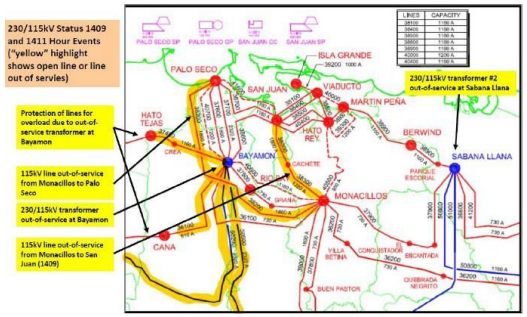
Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf").

SECOND SET OF OUTAGES | SYSTEM CONDITIONS

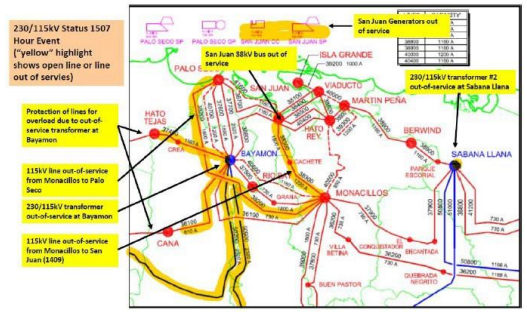
The sequence of how the system was affected during the June 12-13 outages is shown below in a series of diagrams with the affected lines being highlighted. This shows how the outages evolved over time.



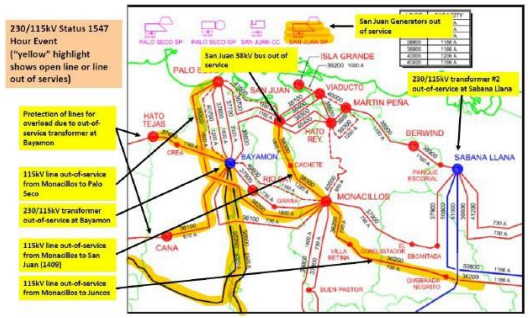
Configuration Prior to Initial Event at 1409 Hours



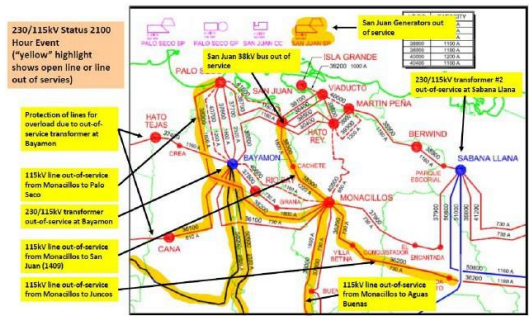
System Status after 1409 Hours and 1411 Hour Events



System Status after 1507 Hour Event



System Status after 1547 Hour Event



System Status after 2100 Hour Event (Prior to system collapse)

Source: Exhibit 1_San Juan Outage Event RCE.pdf

SECOND SET OF OUTAGES | SEQUENCE OF EVENTS

LUMA and Genera separately constructed a timeline of events during the outages. FTI has compiled the data into a single timeline.

Time	Date	T-T0	T-T1	Event Description	Source/Site
FAULT CB #0040 (38 kV bus and 115/38 kV trips) Santa Isabel Transmission Center					
14:09:08.983	June 12	00:54:50	06:39:04.437	115 kV line 38300 from Monacillos T.C. to San Juan S.P. trip due to fallen conductor.	LUMA
14:11:19.258	June 12	00:55:40	06:36:54.162	115 kV line 38300 from Monacillos T.C. to Palo Seco S.P. trip.	LUMA
	June 12			Fault at San Juan 115/38 kV Event	LUMA
15:06:59.000	June 12	**T0**	05:41:14.420	115/38 kV transformer at San Juan SP trips due to a broken conductor causing an overload event at the 38 kV area. San Juan S.P. generation trip with approximately 700 MW causing a system unbalance. Automatic load shed protection scheme activated to effectively avoid a system black-out.	LUMA
15:07:21.000	June 12	00:00:22.744		After the San Juan 115/38 kV transformer trip, an overload event is seen at the area 38 kV lines from the Directional Fault Recorders at San Juan S.P., Palo Seco S.P., Bayamón T.C., Hato Rey T.C., Monacillos T.C. and Sabana Llana T.C.	LUMA
15:07:23.788	June 12	00:00:24.788		38 kV CB# 6450 from Bay View Sect. to Amelia Sect. opened due to overload. This line was the source from Palo Seco generation to Amelia Sect. – San Juan S.P.	LUMA
	June 12			38 kV CBs# 4340-0020 at Bayamón T.C. opened due to overload. Line 4300 from Bayamon to Juan Donmingo Sect. was the source serving Caparra Sect. connected to San Juan S.P. via 38 kV lines 3900 and 4400. 38kV CB# 3510 at Monacillos T.C. (second source to Caparra Sect.) was open for maintenance.	LUMA
	June 12			All 38 kV bus at San Juan SP out of service – **All sources from LUMA trip.**	LUMA
	June 12			As the secondary equipment of San Juan S.P. is in the 38 kV, a cascading event of generation loss along with the overloading is observed as the emergency equipment failed to transfer.	LUMA
	June 12			San Juan generators CT5, CT6, and TM trip. The system frequency decreased to 58.48 Hz and In Extremis state required load shedding to avoid a black-out.	LUMA
15:07:35.078	June 12	00:00:36.078		Load Shed Event – 59.2 Hz, 58.6 Hz and 58.5 Hz load block trips.	LUMA
15:07:35.525	June 12	00:00:36.525		Load Shed Event - 59.2 Hz and 58.6 Hz load blocks trip.	LUMA
	June 12			Load Shed Event - 58.5 Hz load block trip.	LUMA

Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf");
"Response to Request for Information as Part of the Investigation of Incidents of June 14, 2024, Ordered by Governor of Puerto Rico" ("Response to P3.docx" - Genera);

SECOND SET OF OUTAGES | SEQUENCE OF EVENTS

LUMA and Genera separately constructed a timeline of events during the outages. FTI has compiled the data into a single timeline.

Time	Date	T-T0	Event Description	Source/Site
15:09:00.000	June 12	00:02:01.000	The buses of the 38 kV substation providing electrical services to the San Juan Plant and all connected users, including the San Juan port area (which includes the liquefied natural gas (LNG) area that provides fuel to U5, U6 and the TM units), all lost power. The step-down transformers tied into the 38 kV Bus 1 and 2 lost their primary power feed and thus were no longer able to supply auxiliary power to the plant loads required to run U5 and U6. The plant is designed to disconnect in the case of loss of grid power, and not to run in island mode. As a result, U5 Gas Turbine Generator (GTG), U5 Steam Turbine Generator (STG), U6 GTG and U6 STG were tripped offline.	San Juan (Genera)
15:09:00.000	June 12	00:02:01.000	Prior to the event, the installed TM units adjacent to the San Juan plant (TM1 thru TM10) were in operation, except for **TM3 which was out of service**. The TM units are fueled with natural gas from the LNG terminal and are further supplemented with a mobile regassification system from the TM area's local LNG buffer tanks. **At the time of the event all generator circuit breakers (GCBs) opened, six TM units tripped offline while three units remained operating at full speed but no-load. T**he fuel for the three remaining units was taken from the local LNG buffer tank, since fuel was no longer available from the San Juan LNG terminal.	San Juan (Genera)
15:13:00.000	June 12	00:06:01.000	Genera operating staff checked U5 GTG, U5 STG, U6 GTG, and U6 STG lube oil systems to verify the status of the DC motor driven lube oil pumps. DC motor driven lube oil pumps are backup pumps, needed whenever AC power is lost in order to ensure a safe rundown from the equipment's operating speed until it safely coasts down to a standstill. The DC pumps are powered from the batteries, which are normally fully charged. Genera staff checked on these DC battery systems. While the battery systems for the GTGs functioned as intended, **the battery systems for the STGs failed to provide power to the respective DC motor driven lube oil pump supply for rundown of the STGs. All DC pumps are checked on a weekly basis, however this is done with the battery chargers in service, and therefore does not verify the charge of the battery system.**	San Juan (Genera)
15:14:00.000	June 12	00:07:01.000	SJ U9 tripped approximately 5 minutes after 38 kV power was lost to San Juan Plant. The majority of the U9 auxiliary systems are fed by the plant's auxiliary transformer. However, there are a few auxiliary systems fed by ESST 9-10, ultimately delaying the trip of U9 by a few minutes.	San Juan (Genera)
15:24:00.000	June 12	00:17:01.000	**The Grid Operator provided instructions to Genera via orders 4038, 4039 and 4040 to open breakers to isolate service in San Juan plant's 38 kV switchgear.**	San Juan (Genera)

Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf");
"Response to Request for Information as Part of the Investigation of Incidents of June 14, 2024, Ordered by Governor of Puerto Rico" ("Response to P3.docx" - Genera);

SECOND SET OF OUTAGES | SEQUENCE OF EVENTS

LUMA and Genera separately constructed a timeline of events during the outages. FTI has compiled the data into a single timeline.

Time	Date	T-T0	T-T1	Event Description	Source/Site
15:30:00.000	June 12	00:23:01.000		The Grid Operator re-energized 38 kV bus bar after the San Juan units tripped. This provided auxiliary power to the San Juan plant and to the LNG terminal again.	San Juan (Genera)
15:14:43.000	June 12	00:07:44		Steam generators were decelerating.	LUMA
15:43:43.770	June 12	00:07:44.770		115 kV breakers 0074-0076 from Unit 9 trip.	LUMA
15:14:44.630	June 12	00:07:45.630		Genera informed internal issues with the generator control equipment auxiliary DC source. The DC did not activate for sequential generator trips at Units 5 and 6 and the lubricating pump did not enter. For that reason, **ST5 and ST6 units tripped, and the turbines were damaged.** System frequency decreased, and **manual load shed** by the TOC was necessary. A total of **697** MW was lost from the system.	LUMA
15:38:37.017	June 12	00:31:38.017	05:09:36.403	115 kV line 36300 from Río Blanco H.P. to Humacao T.C. trip instantly due to an unknown temporary fault at phase A-G. No cause was reported.	LUMA
15:47:11.372	June 12	00:40:12.372	05:01:02.048	115 kV line 36200 from Monacillos T.C. to Juncos T.C. trip due to a fault between Villa Betina and Quebrada Negrito.	LUMA

Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf");
"Response to Request for Information as Part of the Investigation of Incidents of June 14, 2024, Ordered by Governor of Puerto Rico" ("Response to P3.docx" - Genera);

SECOND SET OF OUTAGES | SEQUENCE OF EVENTS

LUMA and Genera separately constructed a timeline of events during the outages. FTI has compiled the data into a single timeline.

Time	Date	T-T0	T-T1	Event Description	Source/Site
20:30:01.000	June 12	05:32:02	00:18:12.420	115/38 kV transformer at San Juan S.P. breakers were closed by the TOC.	LUMA
	June 12			**System with limited transmission options as 115 kV lines from Monacillos to Palo Seco, San Juan and Juncos were faulted. San Juan generation not at full capacity and still on the recovery operational state due to previous events, and 230/115 kV transformers at Sabana Llana (#2) and Bayamón out of service.**	LUMA
20:45:00	June 12	05:46:59		**San Juan GT Unit 5 returns to service.**	San Juan (Genera)
20:48:13.420	June 12		**T1**	B-G fault at 115 kV line 39000 from Hacienda San Jose Sectionalizer to Aguas Buenas T.C. that lasted 1.53 seconds.	LUMA
20:48:14.710	June 12		00:00:01.29	115 kV CB 39016-0010 at Aguas Buenas trip after 1.29 seconds. **Primary back-up protection did not trip.**	LUMA
20:48:14.970	June 12		00:00:01.55	115 kV CB# 39052 at San José trip to clear the fault from the system in 1.53 seconds.	LUMA
20:48:36.86	June 12		00:00:23.440	CB# 0010 from Aguas Buenas remote reclosing by the TOC the fault was still present at L39000 to San José.	LUMA
20:48:37.06	June 12		00:00:23.640	CB# 0010 open to clear the fault at line 39000 in 0.2 seconds.	LUMA
20:48:40.910	June 12		00:00:27.490	CB# 39016 from Aguas Buenas remote re-closing by the TOC fault still present at L39000.	LUMA
20:48:41.110	June 12		00:00:27.690	CB# 0010 open to clear the fault at line 39000 in 0.2 seconds.	LUMA
20:49:06.970	June 12		00:00:53.550	CB# 0010 from Aguas Buenas remote re-closing by the TOC.	LUMA
20:49:07.170	June 12		00:00:53.750	CB# 0010 open to clear the fault at line 39000 for the fourth time in 0.2 seconds.	LUMA
20:50:00.000	June 12		00:01:46.580		
21:00:16.550	June 12		00:12:03.130	With the path from Aguas Buenas to Caguas open, line 39000 from Monacillos to Aguas Buenas showed a high load current before a B-G fault tripped the line instantly in 0.08 seconds.	LUMA
21:00:23.583	June 12		00:12:10.163	230/115 kV transformer at Sabana Liana trip due to overload.	LUMA
21:00:24.000	June 12		00:12:10.580	38 kV CB # 6540 at Aguas Buenas Sect. trip due to overload.	LUMA
21:00:24.150	June 12		00:12:10.730	115 kV system voltage below 75% at Bayamón T.C.	LUMA
21:00:24.299	June 12		00:12:10.879	115 kV CB # 36360 at Río Blanco to Humacao tripped due to overload.	LUMA
21:00:24.330	June 12		00:12:10.910	System frequency below 59.2 Hz at Bayamón T.C.	LUMA
21:00:24.354	June 12		00:12:10.934	115 kV CB# 37840 at Cayey to Caguas trip due to overload.	LUMA
21:00:24.000	June 12		00:12:10.580	38 kV CB # 6540 at Aguas Buenas trip due to overload	LUMA

Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf");
"Response to Request for Information as Part of the Investigation of Incidents of June 14, 2024, Ordered by Governor of Puerto Rico" ("Response to P3.docx" - Genera);

SECOND SET OF OUTAGES | SEQUENCE OF EVENTS

LUMA and Genera separately constructed a timeline of events during the outages. FTI has compiled the data into a single timeline.

Time	Date	T-T0	T-T1	Event Description	Source/Site
21:00:25.000	June 12		00:12:11.580	Jobos 115 kV breakers 40250, 40150, 36350 and 38 kV breaker 0050 trip. These breakers compose 115 kV lines 40200 and 40100 to Aguirre and 115/38kV #1. **No relay events or functioning DFR to acknowledge possible overload.**	LUMA
21:00:25.120	June 12		00:12:11.700	Bayamón T.C. 115 kV and 38 kV collapsed	LUMA
21:00:25.264	June 12		00:12:10.554	San Juan Unit 5 GT tripped offline. San Juan Unit 6 GT was still offline from Incident 1 at the time of Incident 2.	San Juan (Genera)
21:00:26.000	June 12		00:12:11.290	Both Costa Sur Units 5 and 6 were operating at approximately 270 MW and 374 MW, respectively in fixed load mode. When the incident occurred, the Unit 5 decreased load by 30 MW and Unit 6 decreased load by 50 MW. No trips or other results were noted.	Costa Sur (Genera)
21:00:27.730	June 12		00:12:14.310	115 kV and 38 kV at Sabana Liana collapsed. 230 kV remained energized.	LUMA
21:00:31.000	June 12		00:12:16.290	Both Cambalache Units 2 and 3 were operating normally at approximately 50 MW. A rapid change in grid frequency occurred and the units dropped in load to 30 and 25 MW, respectively. The speed of the units increased to about 110% of nominal speed, however **neither unit tripped on overspeed**. 61.68 Hz was reached during the event. The control system stopped the excitation for the generators and both GCBs opened to disconnect the units from the grid.	Cambalache (Genera)
21:00:43.665	June 12		00:12:28.955	The system frequency increased, and the Aguirre generators reacted by reducing load. Unit 1 was initially operating at 299 MW and decreased load until it tripped offline. After the event, the plant staff tried to restart Unit 1. The Unit 1 B**FP discharge valve (motorized) leaked due to a seal failure.** Unit 2 was initially operating at 294 MW and reduced load down to 94 MW and remained online.	Aguirre (Genera)
21:02:27.833	June 12		00:14:13.123	**All Palo Seco TMs tripped.**	Palo Seco (Genera)
21:03:41.000	June 12		00:15:26.290	All Mayaguez units were in operation during incident. Units 2 and 4 had no reaction during the incident. Unit 3 reduced load. Unit 1 tripped offline on frequency and undervoltage. No equipment was damage as a result of the event.	Mayauez (Genera)
21:09:01.730	June 12		20:48.310	230 kV CBs 0094-0096 at Sabana Llana restored by the TOC	LUMA
12:00:00	June 13		15:11:45.290	Aguirre Unit 1 BFP discharge valve (motorized) leak was repaired and the unit returned to service.	Aguirre (Genera)

Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf");
"Response to Request for Information as Part of the Investigation of Incidents of June 14, 2024, Ordered by Governor of Puerto Rico" ("Response to P3.docx" - Genera);

SECOND SET OF OUTAGES | REVIEW SUMMARY

In the set of outages that occurred over the June 12th through the 13th events, more than 500,000 customers were without power at the peak. LUMA has initiated investigations into the root causes of this series of outages.

Root Cause Analysis

LUMA engaged Exponent to prepare a root cause analysis of the 6/12/24-6/13/24 outage event. Exponent determined the cause of the event was a combination of lack of redundancies and status of equipment repair / replacement.

- **Root Cause #1**: Current system configuration lacks sufficient redundancy and resiliency.
  - There is equipment that is out of service and thus eliminated redundancies for backup sources of power.
  - The system is configured outside of its original design state to include lines with load and operating constraints.
- **Root Cause #2**: Equipment repair / replacement program has not yet been able to bring the system back to its original desired state.
  - Major equipment remains out of service from past damage, reducing operating contingencies, system redundance and reduced reliability of the system.
  - Given that the Bayamon 230/115kV transformer remained out of service, other system changes were required to reduce load on the 115kV lines and to reconfigure the 38kV system supporting San Juan, causing further faults that created more out of service lines.
  - Load shedding was required, further increasing the impacts of faults and outages.
  - Loss of generation was caused due to issues with the backup power supply and/or equipment at the generation facility.

SECOND SET OF OUTAGES | REVIEW SUMMARY

With the cascading series of events in mid-June, the Puerto Rico system suffered generation and transmission line losses that resulted in around 515,000 customers being without power for a period of several hours.

Consequence of Events

- During the June 12 through June 13,2024, event, there were 515,000 customers without power at its peak, occurring at 9 p.m. on June 12, 2024.
  - More than 90% of customers had their power restored by 2:30 a.m. on June 13, 2024.
  - The longest period of time that customers were without power was ~ 8 hours, with ~7,000 continuing without power beyond that.
- Due to the loss of grid power on June 12, 2024, multiple power plants tripped.

Date / Event	Power Plant Name	Unit #	Status
June 12 – 3:09pm Event # 1	San Juan	Unit 5 GTG, Unit 5 STG, Unit 6 GTG, Unit 6 STG and Unit 9 STG	Tripped
June 12 – 3:09pm Event # 1	San Juan	6 TM2500 (Temporary Generation) Units	Tripped
June 12 – 9pm Event # 2	Aguirre	Unit 1 Unit 2	Tripped (299MW to 0MW) Reduced Output (294MW to 94MW)
June 12 – 9pm Event # 2	Cambalache	Unit 2 Unit 3	Reduced Output (50MW to 30MW) Reduced Output (50MW to 25MW)
June 12 – 9pm Event # 2	Costa Sur	Unit 5 Unit 6	Reduced Output (270MW to 240MW) Reduced Output (374MW to 324MW)
June 12 – 9pm Event # 2	Mayaguez	Unit 1 Unit 3 Unit 2 and 4	Tripped Reduced Output No impact
June 12 – 9pm Event # 2	San Juan	Unit 5 GT Unit 6 GT	Tripped Was still offline from Event # 1
June 12 – 9pm Event # 2	Palo Seco	All TM Units Unit 3 and 4	Tripped Already offline for maintenance

SECOND SET OF OUTAGES | REVIEW SUMMARY

With the cascading series of events in mid-June, the Puerto Rico electric system suffered generation and transmission line losses that resulted in around 515,000 customers being without power for a period of several hours.

Consequence of Events (cont.)

- The tripping of power plants and loss of generation caused a cascading event on June 12, 2024, once the grid was stabilized, LUMA had to engage in manual load shedding to prevent a complete system collapse in the San Juan area due to lack of adequate generation supply required to meet the demand issues caused by the prior issues.
  - Units at San Juan were damaged during the June 12 outage event. The plant DC backup did not function and thus no backup power was available for the generators.
  - SJ Steam Turbines 5 and 6, upon not receiving backup power from either the 38kV bus nor the DC power, resulted in the oil lube pump malfunctioning and causing significant damage to the bearings and turbines of SJ Steam Turbines 5 and 6 that could not be returned to service.
  - The plant emergency generators tripped resulting in a loss of ~ 700MW of generation at the plant.

LUMA'S RESPONSE | SECOND SET OF OUTAGES

The report LUMA provided on the June 12 outage is preliminary, and as such does not lay out details of its response to the event. They do list some details on work that was completed during and after the event.

- Since the event occurred, LUMA focused its efforts on safety, restoration of service to customers, and the electrical system's stability, including assuring continuation of service within operating parameters.
  - This enabled LUMA to respond to each event and restore service to most of the affected customers within less than six hours from the second event.

- Having recovered from the events and restored service to all affected customers, LUMA's focus shifted to conducting a comprehensive investigation of the root cause of the events.
  - Because this investigation is ongoing, the information contained in the preliminary report is based on the information collected to date and the initial assessments conducted by LUMA's personnel.

- Vegetation clearing for line 39000 commenced early morning on Thursday June 13 to provide access to the affected areas.
  - The helicopter patrols identified 43 areas that needed attention.
  - Ground crews have worked on these areas completing 41 work orders by June 19.
  - The two pending work orders require a programmed line outage and were expected to be completed on Saturday June 22.

Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf").

GENERA'S RESPONSE | SECOND SET OF OUTAGES

While Genera engaged a third-party consultant to conduct a root cause analysis, but **they did not share the report** with FTI. They did provide a summary done by Genera of the situation at the generation facilities affected and the corrective actions planned after the event.

- Since the event occurred, Genera **has planned several corrective actions** for the San Juan power plant, that include:
  - EstablisH a contract to perform a load test of the U5 and U6 GTG and STG battery banks.
    - The contract also includes the replacement of U7 and U9 battery systems as they are at the end of their service life. The new U7 and U9 DC battery systems are on hand at the plant and may be utilized to replace the U5 STG and U6 STG battery systems. This work is planned for completion before the U5 and U6 STGs are repaired and returned to service.
  - In order to inspect the bearings for U5 STG and U6 STG, both U5 GTG and U6 GTG must each be shutdown to install a blanking plate.
    - Details of the planned repairs and schedule for U5 STG and U6 STG will be provided after the unit inspections.
  - Inspection, calibration and testing of the overspeed protection devices, including an overspeed test.
  - Inspection and testing of the extraction valves.

PREPA'S RECOMMENDATIONS | OUTAGE EVENTS

PREPA, in its assessment of the June outages, included several courses of action for both LUMA and Genera to undertake, to prevent such a situation in the future.

PREPA, in its *Preliminary Investigation Report*, provided the following recommendations for LUMA:

- Patrol immediately when a transmission or sub-transmission line activates the critical load level alarm. The activation of these alarms reflects conditions that require immediate attention in prudent operations following industry standards.
- Intensify the vegetation maintenance and control program; seek greater effectiveness in the preventive patrol of power lines.
- Inspection with a thermographic camera to identify hot spots in all switchyards of the San Juan plant is an urgent issue with regard to preventive maintenance programs. The same applies to all switchyards of the electrical system.
- Consider manual load relief as an alternative when two or more events occur on transmission lines, such as sub-transmission combined with critical load level alarms.

PREPA, in its *Preliminary Investigation Report*, provided the following recommendations for Genera:

- Verify the circuit and operating logic of the pressure switch that controls the input and output of the DC lubrication pumps in U5 STG and U6 STG and perform the tests with the units out of service.
- Perform monthly tests on the DC system without alternating current (AC) power to ensure proper operation as a preventative measure.
- As part of the troubleshooting process, it is recommended that Genera thoroughly check the circuitry and operating logic of the pressure switches that control the DC pumps in SJ U5 STG and U6 STG. This step is crucial to identifying and rectifying operational problems.

APRIL 2022 COSTA SUR FIRE | REPORT RECOMMENDATIONS

After a devastating fire at the Costa Sur Steam Plant in 2022, LUMA hired Exponent to do a root cause analysis of the event that also included several recommended courses of action that are relevant in this situation also.

On October 2022, following the April 2022 catastrophic fire at the Costa Sur Steam Plant, Exponent's report on the Root Cause Evaluation included the **following recommended corrective actions**:

- Complete maintenance bases for circuit breakers and update maintenance procedures to include limits for pass/fail for inspection and maintenance.
- Review and update the protection system settings in the model based on actual relays in the field, include extensive testing of the model against potential scenarios and observed system events.
- Review and update under frequency load shedding schemes.
- Develop a long-term plan for the overall electric system to identify vulnerabilities in system design and operation; and to define future mitigation actions.

Source: June 12 Incidents Preliminary Report LUMA Energy ("Confidential Exhibit 1_20240620 – Preliminary Report for 12JUN24 Power Outage_FILED.pdf").

Next Steps

NEXT STEPS | LUMA

I. Formal Load-at-Risk Contingency Planning & NERC Compliance

- Review the adequacy of the SOP in light of the June Outage Events.
  - Conduct a comprehensive review of the current load-at-risk analysis process and integrate it into the SOP.
  - Review and update all system “NORMAL” conditions vs “load at risk” conditions.
- Implement control room logs and implement a standardized method of recording events in accordance with Prudent Utility Practices.
  - Perform regular compliance audits to ensure compliance with NERC reliability standards, particularly NERC TOP-001-4.
  - Adopt automatic logging systems that retain operator voice recordings for at least 90 days to meet regulatory requirements, as well as instituting standardized physical logs that Operators are required to maintain.
  - Enhance training programs for system operators to ensure familiarity with NERC standards and load-at-risk procedures. Include scenario-based training for real-time contingency planning and emergency response.

II. Protective Relaying and Backup Protection

- Review and update relay settings
  - Conduct a full system-wide review of relay settings to identify and correct any erroneous configurations.
  - Implement automated relay testing procedures to ensure both primary and backup relays are functioning properly.
- Implement an action plan for installing or upgrading backup protection systems across critical infrastructure.
  - Consider improving operator awareness by introducing real-time monitoring tools that can alert operators when backup protection is compromised or malfunctioning.
- Provide additional training for system operators to promptly identify relay-related issues.
  - Establish protocols for reviewing relay data as part of regular system health checks.

NEXT STEPS | LUMA

III. Vegetation Management

- Review Vegetation Management prioritization
  - Re-prioritize vegetation management based on daily load at risk assessment and potential impact on power lines.

IV. External Communications and Outage Management

- Implement an OMS to provide accurate, real-time outage information to improve customer satisfaction and meet industry standards.
- Ensure the OMS integrates with external communication channels to provide timely and reliable information to customers.

V. Critical Components

- Create a critical components list which have a single point of failure and can cause large outages. Develop and implement a plan to expedite procurement process for these critical components.
- Prioritize installation of already secured transformers and breakers. Ensure the immediate installation of the two transformers already procured.
  - Coordinate maintenance schedules with the O&M Operator to minimize downtime and avoid disruptions during the installation of breakers and transformers.
- Develop a risk-based prioritization for future replacements.

NEXT STEPS | GENERA

I. Verify Battery Systems and Uninterruptible Power Supplies

- Conduct a full-scale battery system testing.
  - Develop and enforce a testing protocol that includes simulated power loss scenarios to verify the operability of the battery systems and their ability to power critical systems like DC motor-driven lube oil pumps.
  - Consider implementing a routine verification process for battery systems and UPS that includes testing without battery chargers in service to ensure the batteries can independently support the DC motor-driven systems during emergencies.

II. Overspeed Protection and Protective Relay Calibration

Examine why the Cambalache units did not trip on overspeed during the second event. The investigation should include a detailed review of the overspeed protection systems and an analysis of the root cause of failure. Develop and implement a corrective action plan based on the results of such investigation.

III. Power Loss to Auxiliary Equipment

Provide a plan that ensures that there is power supply to all auxiliary equipment. Perform a comprehensive review of the power supply systems feeding auxiliary equipment across all units. Identify all single points of failure that could lead to a loss of power during emergencies, and implement redundancy measures or backup power systems.

IV. Communications with LUMA and Other Stakeholders

- Implement a standardized and formal Emergency communication process between LUMA, Genera and other stakeholders.
- Ensure that all communications related to emergency response are documented, recorded, and reviewed for quality control and improvement.

NEXT STEPS | P3A

I. Refer Investigation to PREB

P3A to refer the investigation to PREB to ensure LUMA and Genera's due process. Based on the results of PREB's independent investigation, P3A and PREB shall develop and implement a corrective action plan for each of LUMA and Genera.

II. Monitor LUMA's implementation of the Next Steps related to:

1. Formal Load-at-Risk Contingency Planning & NERC Compliance
2. Protective Relaying and Backup Protection
3. Vegetation Management
4. External Communications and Outage Management
5. Critical Components

III. Monitor Genera's implementation of the Next Steps related to:

1. Battery Systems and Uninterruptible Power Supplies Verification
2. Overspeed Protection and Protective Relay Calibration
3. Power Loss to Auxiliary Equipment
4. Communications with LUMA and Other Stakeholders

External Communications

PRESS RELEASE COMMUNICATIONS | JUNE OUTAGES

Following the outages that started on June 1, LUMA issued a press release on June 4, announcing that it activated its Emergency Operations Center (LEOC) in response to the severe weather and corresponding electrical outages across Puerto Rico. In the following days, LUMA issued additional Press Releases to outline its plan and strategies to restore electrical services to the affected areas of Puerto Rico.

- **June 4, 2024**, Press Release: LUMA Activates Emergency Operations Center in Response to Severe Weather Events from the Past Weekend
  - LUMA announced that it activated its LEOC, deploying over 900 field employees to restore power to affected areas in Puerto Rico.
  - It reported that a critical transformer issue in the southern region led to a rotating service interruption scheduled for parts of Santa Isabel, Coamo, and Aibonito, where service had been out for more than 24 hours.
- **June 5, 2024**, Press Release: LUMA Develops Plan for Power Restoration in Santa Isabel, Coamo, and Aibonito
  - LUMA communicated that in the past 24 hours (as of the press release), it had addressed over 670 incidents, restoring power to more than 50,000 customers.
  - It mentioned that its strategies included aerial inspections, equipment repairs, transformer replacement, and vegetation management.
- **June 6, 2024**, Press Release: LUMA Outlines Strategies for Restoring Electrical Service in Santa Isabel, Coamo, and Aibonito
  - LUMA reported that over 1,000 field employees were working to stabilize service in Santa Isabel, Coamo, and Aibonito, which included replacing transmission lines and installing a mobile generator at the Coamo substation.
  - The Press release included preventative strategies, such as preparing for hurricane season by starting a vegetation clearing initiative on June 24, 2024, and implementing smart meters to modernize the infrastructure.
- **June 8, 2024**, Press Release: LUMA Advances Efforts to Stabilize Service in Aibonito, Coamo, Santa Isabel, and Sectors of Barranquitas
  - LUMA reported that its crews were working to increase the load capacity of the 4,800 transmission line from Aibonito to Santa Isabel, installing high-capacity generators in Coamo and Santa Isabel, dismantling the failed transformer in Santa Isabel, and transporting its replacement.
- **June 18, 2024**, Press Release: LUMA and DTOP Announce Approval to Begin the Transfer of the Transformer to Santa Isabel.
  - LUMA reported that it received approval to transfer a transformer from Caguas to Santa Isabel as part of its efforts to improve electric service in southern Puerto Rico, following the severe weather damages from June 2, 2024.

Source: LUMA

SOCIAL MEDIA COMMUNICATIONS | FIRST SET OF OUTAGES

While LUMA and Genera had external communications via their social media platforms related to the June 1-4, 2024, outages. Initially LUMA had 4 posts and Genera had 1 post throughout June 1 and June 2, 2024.

On June 1, 2024, LUMA alerted the public on X and Facebook that it was actively responding to the breakdowns reported at electrical substations in Caguas, Dorado and Santa Isabel.

- Later in the day, LUMA reported that it had restored power to the Dorado substation and clarified that the customers in the municipality of Bayamón were not affected.

On June 2, 2024, LUMA posted an update to notify the public that it continued to respond to service interruptions caused by severe weather throughout the island and urged its customers to stay away from the electrical equipment.

The same day, **June 2, 2024**, Genera PR updated the public on X and Facebook that the generation system had a reserve of over 1,250 MW and an available capacity of 3,462 MW.

- The company communicated that they continued to monitor the operation of its units and had additional support teams to combat any situation.

Genera Post

LUMA Posts

Source: X and Facebook

SOCIAL MEDIA COMMUNICATIONS | FIRST SET OF OUTAGES

- **LUMA continued to communicate through its social media platforms to address the First Set of Outages with 10 additional posts throughout June 3 and June 4, 2024.**
- On **June 3, 2024**, LUMA continued to communicate via its social media platforms as it worked to repair transmission lines, and a transformer affected by the severe weather.
  - This included a post from LUMA as it responded to a service interruption caused by a breakdown on a transmission line running from Aibonito to Santa Isabel.
- Similarly, on **June 4, 2024**, LUMA continued to communicate various updates as it continued to repair the electrical substations affected by the severe weather.
  - LUMA posted that it was working to restore service at the Santurce substation.
  - LUMA's aviation team was dispatched to patrol transmission line 50900 in Aguas Buenas, which was out of service.

Examples of LUMA Posts

Source: X and Facebook

SOCIAL MEDIA COMMUNICATIONS | SECOND SET OF OUTAGES

While Genera did not communicate via its social media platforms regarding updates pertaining to the June 12-13, 2024, outages, LUMA utilized its platforms with 9 posts throughout June 12 and June 13.

- On **June 12, 2024**, LUMA communicated updates with the public on X and Facebook as it was working with Genera PR and local officials to respond to the service interruption that was affecting approximately 350,000 customers in Caguas, San Juan, and some areas in northeastern Puerto Rico.
  - LUMA mentioned that it had began the process of stabilizing the transmission system.
  - The organization also activated its Incident Command structure and mobilized additional teams to assist in inspecting lines for faults and assist in expediting the restoration.
- The following day, **June 13, 2024**, LUMA continued to communicate via its social media platforms as it continued to respond to the service interruption and patrol transmission lines in the Caguas region to identify the main cause of the service interruption.
  - LUMA posted early in the morning that, as of 1:30 a.m., its crews had restored the transmission line serving the La Plata Reservoir and several hospitals in the affected municipalities following its incident management plan to prioritize restoration of critical customers.
  - LUMA identified the cause of the outage as faults on two transmission lines between San Juan and Aguas Buenas.

Examples of LUMA Posts

Source: X and Facebook

Experts with Impact™

ADDENDUM 53

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

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO A GRAN ESCALA OCURRIDA EL 12 DE JUNIO DE 2024	**CASE NO.:** NEPR-MI-2024-0003 **SUBJECT:** Requirement of Information ("ROI")

Hearing Examiner's Order on Requiring Additional Information

I. Background

A preliminary analysis of the information provided has been conducted, which includes a root cause investigation performed by LUMA[1] and System Improvement Preliminary Plan, that includes plans to improve reliability by rebuilding the system in alignment with industry standards. among other documentation.

II. Requirement of Information

Additional information is required for the review of the large-scale interruption, the subject of this investigation.

LUMA and GeneraPR[2] are **ORDERED** to respond, on or before December 23, 2024, to the Requirements of Information ("ROI") set forth in **Attachment A** to this Hearing Examiner's order.

Be it notified and published.

Gerardo Flores
Hearing Examiner

CERTIFICATION

I certify that the Hearing Examiner, Gerardo Flores, has so established on December 4, 2024. I also certify that on December 4, 2024 a copy of this Resolution and Order was notified by electronic mail to mvalle@gmlex.net; arivera@gmlex.net; Laura.rozas@us.dlapiper.com; lrn@roman-negron.com; legal@genera-pr.com; regulatory@genera-pr.com. I also certify that on December 4, 2024, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on December 4, 2024.

Sonia Seda Gaztambide
Clerk

[1] LUMA Energy LLC and LUMA Energy ServCo LLC (jointly referred as, "LUMA").
[2] Genera PR LLC.

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

ATTACHMENT A
Requirement of Information

Refer to:

1. Exponent Report – San Juan Area Outage Event June 12, 2024 – Root Cause Evaluation.
2. LUMA's preliminary report on June 12 incidents dated June 20, 2024.
3. LUMA's report on San Juan Steam Plant 115/38 kV Transformer and Generation Outage – Automatic Underfrequency and Manual Load Shed Event on June 12, 2024 at 15:07 hour dated July 5, 2024.
4. LUMA's report on 115 kV line 39000 Segments from Aguas Buenas TC to San Jose and Monacillos TC Trips – North Overload and South Overfrequency Generation Events dated June 18, 2024.
5. GeneraPR's response to NEPR_IN-2024-0003 – Initiation of Investigation Initial Reporting and Incident Report – Assessment Period: June 2024 – San Juan Power Plant – Incident 1.

Preliminary Observations

The unavailability of following transmission assets before the various events that occurred on June 12, 2024 are noted:

- Bayamón 230/115 kV transformer - out of service since failure on June 29, 2023.
- Sabana Llana 230/115 kV transformer #2 - out of service before LUMA commenced operations.
- The 115kV system configuration is modified because of above, which caused additional constraints on the 38 kV system in San Juan area. As a result, several 38 kV lines terminated on 38 kV bus at San Juan steam plant were operating radially.

Respondent: LUMA (GridCo)

System Status

1) What is the status of the following 115 kV lines, shown as a dashed line on electrical map? Are these new proposed lines? OR are these existing lines but are out-of-service due to some reason?
    - Line 40700 between Bayamón and Palo Seco
    - Line 41600 between San Juan and Palo Seco
    - Line 39300 between Hato Rey and Martin Pena
    - Line 40000 between Viaducto and Martin Pena
    - Line 40500 between Monacillos and Hato Rey
    - Line 40600 between Monacillos and Baymon
2) Please provide information on the total station service load supplied from 38 kV bus (via ESST 5-6, ESST 7-9 and ESST 9-10).
3) Clarify what is the normal operating arrangement of the 38 kV bus at San Juan SP. How was it modified at the time of the event, arrangement across busbars? Which 38 kV lines were running in radial configuration and why?
4) What was the power flow distribution across all bays connected to the 38 kV busbars at San Juan SP prior to the event?
5) Provide the rating of lines and transformers connected to the 38 kV bus at San Juan SP.
6) Provide clarification and details of the standard design requirements to support the statement in Reference 3 report from LUMA *As standard design requires, AC supply to the generation control equipment must be powered by the ESST not the Normal Service Station Transformer (NSST).*
7) Please clarify the context behind the statement "The plant is designed to disconnect in the case of loss of grid power, and not to run in island mode". Can this plant not operate without permanent offsite supply, can it not feed it auxiliary loads from auxiliary transformers on the generation unit side?
8) Provide a transmission system diagram showing the network configuration at the time of the event (generation and loads around San Juan area), indicating equipment and plant that were unavailable at the time (mention what was faulted and what had emergency return to service time assigned).
9) Provide a snapshot of the power flows on the transmission corridors and generation output in the area prior to the events.
10) Provide details on the configuration of 230 kV and 115 kV lines into Bayamón intended to protect lines going to the west since 230/115 kV transformer was out-of-service. What did it entail? For instance, what was the status of the 115 kV lines 37400 between Hato Tejas and Bayamón, and 36100 Cana to Bayamón?
11) Is the rating of the lines adapted in response to the recommendations from the right-of-way helicopter surveys?
12) Please confirm the SCADA EMS state estimator and real-time contingency analysis was in place and operating correctly to provide information to system operators in the control room?

1409 Hour Event

13) What was the loading on the 115 kV line 38300 Monacillos to San Juan Steam Plant TC prior to the fault at 14:09?

1411 Hour Event: Loss of 115 kV line 38200 from Monacillos to Palo Seco due to an unknown cause. This line remained out of service prior to the 1507 hour and 2100 hour events.

14) What was the loading on the 115 kV line 38200 Monacillos to Palo Seco prior to the fault at 14:11?

15) What was the cause of trip? Was it single-ended operation?

16) Was an attempt to place 115 kV line 38200 back in-service made? If not, why?

17) Failure of generator ride-through:

a. Why did Palo Seco Steam Plant Unit MP3 trip at 1411 hours?

b. Why did Toa Baja Land Field Gas Units 1 and 2 tripped at 1413 hours?

c. What protection function triggered the disconnection, what were the electrical parameters experienced at the terminals of these generating units?

1507 Hour Event: A fault occurred in 115/38 kV transformer's zone of protection due to a broken wedge connector on 38 kV side. The initial fault was line to-line and then evolved into a three-phase fault. Two 38kV breakers and one 115 kV breaker opened promptly after a fault, however, 115 kV breaker 0094 was slow in opening. The 115/38 kV transformer at San Juan was exposed to a three-fault for 0.53 seconds due to slow breaker 0094.

18) Any loss of life concerns for 115/38 kV transformer? If so, any effort made to evaluate concerns?

19) Breaker 0094 failed to open. Adjacent breaker 38440 was open for maintenance. Why breaker 38440 was open for maintenance since May 2024? It is understood that availability of this breaker would not have changed the outcome.

There is no transfer trip for breaker failure for CB 0094 to remote end. Typically, for a breaker associated with transformer, transfer trip for breaker failure to remote end is implemented to avoid exposing transformer to a long duration fault.

20) What is the criterion used to decide if transfer trip for breaker failure is needed or not?

The topology/state of the 38 kV system around San Juan before the 1507 hour event was abnormal.

21) Provide a detailed one-line diagram of the 38 kV system.

Approximately 12 second after fault clearance, open phase B jumper caused tripping of 38 kV breaker 6450 due to unbalance or ground current. This was one of the sources into San Juan 38 kV bus via lines 6400 and 8200.

22) Are there any records available to determine when phase B jumper became open which resulted in tripping of 38 kV breaker 6450?

23) What monitoring and protection functions are implemented on 38 kV lines to detect phase unbalance operation?

Following trip of line 6400, 38kV CBs # 4340-0020 at Bayamón TC opened due to overload. Line 4300 from Bayamón to Juan Domingo Sect. serving Caparra Sect. was a source ultimately serving San Juan via 38 kV lines 3900 and 4400. The 38 kV CB # 3510 at Monacillos TC (second source into Caparra Sect.) was open for maintenance. With tripping of CBs # 4340-0200, 38kV bus at San Juan lost all sources.

24) What loads contributed to the 630 – 738 Amps flowing on Bayamón 4300 line before tripping on overload? How much was associated with the auxiliaries of San Juan generation?

25) Provide indication of the protection functions that activated to disconnect generation from the 115 kV substation

26) Given a topology of 38kV system, contingency analysis should have identified that loss of San Juan 115/38 kV transformer may result in loss of San Juan 38 kV bus. Are there processes in place to evaluate impact of next contingency?

27) Loss of 38kV bus resulted in loss of power to ESST (emergency station service transformer). Are there normal station service transformers (NSST)? Where are they located? Is there not a throwover scheme to switch from ESST to NSST and vice a versa?

Loss of San Juan generation resulted in frequency decline. Automatic underfrequency load shed activated followed by manual load shed.

28) Provide indication of the protection functions that activated to disconnect generation from the 115 kV substation

29) What spinning reserve was carried at the time of the event?

30) Was manual load shed necessary to relieve overloads or restore frequency to nominal or both?

31) Why did 58.8 Hz and 58.7 Hz blocks of underfrequency load shedding program not activate to shed load? Are these blocks not active?

32) According to the event report (Ref. 3) some underfrequency load shed relays were damaged or disabled: Was the situation known prior to the event? What is being done to repair/replace damaged relays?

33) Apart from the generation units damaged by the loss of DC power, what was the reason for the delays in returning to service of generation at San Juan?

34) At what time were San Juan 115 kV and 38 kV substation able to accommodate the return to service of generators at San Juan generating station?

<u>1538 Hour Event</u>

35) What was the loading on the 115 kV line Rio Blanco to Humacao (referred in the report as 38300 same as Monacillos to San Juan) prior to the fault at 15:38?

1547 Hour Event

36) What was the loading on the 115 kV line 36200 Villa Betina to Quebrada Negrito (on Monacillos to Juncos line) prior to the fault at 15:47?

2048 and 2100 Hour Events

37) What was the loading on the 115 kV line 39000 Aguas Buenas to Hacienda San Jose prior to the fault at 20:48?

38) What was the loading on the 115 kV line 39000 Agua Buenas to Monacillos prior to the fault at 21:00?

39) What was the reason for the failure of the communication on 115 kV line between Aguas Buenas and San Jose (towards Caguas)? Did that failure occur during the fault, or was the communication channel broken prior to the fault? Was that situation known?

40) Are there processes in place to evaluate the impact of the next contingency in real-time? If so, are there processes in place to take actions to mitigate any adverse impacts resulting from next contingency?

41) Prior to the 2100 hour event, there were SCADA alarms even though the loading of lines was less than the line's thermal rating. Why?

42) Vegetation deficiencies are categorized as preventive, priority, and imminent. Lines that faulted and tripped due to vegetation issues were mostly in "priority" category. How long (in days to weeks) does it take to address vegetation deficiencies categorized as "priority"?

43) The Sabana Llana 230/115 kV transformer tripped from overload. The transformer was loaded to 127% of rating for less than 10 seconds prior to tripping. What was the power flow on it before and after the previous contingency?

44) What is the criterion used to protect transformer from overload? It appears that Sabana Llana 230/115 kV transformer was loaded to 127% of rating for less than 10 seconds before tripping. Is transformer overload protection properly coordinated with thermal damage curve?

45) Following a trip of Sabana Llana 230/115 kV transformer, multiple 115 kV and 38 kV lines tripped on due to overload. Which lines tripped? Which protection functions triggered the trip? If lines tripped on overload protection, what is the overload protection criterion applied on transmission lines?

46) What percentage of load was shed automatically and manually?

47) The 230 kV island loop was restored at 21:09. What elements are part of the loop? Was this loop in-service before the event? Was it possible to have loop restored earlier?

Respondent: GeneraPR (GenCo)

System Status

1) Please provide single line diagrams showing the configuration of GeneraPR's San Juan power station at the time of the incident.
    a. Include SLD of all generating units in operation at the time, from the connection to 115 kV substation to the generator terminals and all transformers (generator step-up transformer, auxiliary unit transformers, NSST normal service station transformers etc.)
    b. Include SLD of the auxiliary board showing power plant loads and infeeds from 38 kV substation via ESST units and other alternative supplies, any automatic reclosing schemes should be included and explained
    c. Explain normal configuration of the auxiliary loads. At the time of event, why was auxiliary load supplied from ESST units?
    d. When was the last time the battery health was assessed by disconnecting the charger? When were the battery density and levels last measured?

1507 Hour Event: A fault occurred in 115/38 kV transformer's zone of protection due to a broken wedge connector on 38 kV side. The initial fault was line to-line and then evolved into a three-phase fault. Two 38kV breakers and one 115kV breaker opened promptly after a fault, however, 115 kV breaker 0094 was slow in opening. The 115/38 kV transformer at San Juan was exposed to a three-fault for 0.53 seconds due to slow breaker 0094.

Following trip of line 6400, 38kV CBs # 4340-0020 at Bayamón TC opened due to overload. Line 4300 from Bayamón to Juan Domingo Sect. serving Caparra Sect. was a source ultimately serving San Juan via 38 kV lines 3900 and 4400. The 38 kV CB # 3510 at Monacillos TC (second source into Caparra Sect.) was open for maintenance. With tripping of CBs # 4340-0200, 38kV bus at San Juan lost all sources.

2) The failure of backup DC power resulted in malfunction of oil lube pump causing damage to bearings and turbines of ST5 and ST6. What kind of monitoring is in place to identify any issues with DC charger or the battery? Is AC source to DC charger also from San Juan 38 kV bus?
3) Did TM units trip because of loss of fuel source?

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

ADDENDUM 54

Dec 17, 2024

8:11 PM

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

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**CASE NO. NEPR-IN-2024-0003** **SUBJECT: Urgent Request for Partial Extension of Time to Comply with the Hearing Examiner's Order of December 4, 2024**

URGENT REQUEST FOR PARTIAL EXTENSION OF TIME TO COMPLY WITH THE HEARING EXAMINER'S ORDER OF DECEMBER 4, 2024

TO HEARING EXAMINER GERARDO FLORES, DESIGNATED AS SUCH BY 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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1], the causes of and the investigative or corrective actions taken by LUMA in relation to two events affecting the Puerto Rico electric system which occurred on June 12, 2024 (the "Incidents"). *See* June 14th Order on pages 1-2. The Energy Bureau also indicated that the Electric Power Research Institute ("EPRI") was taking the technical lead for the Energy Bureau in this investigation (the "Investigation"). *See id*. at page 2.

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

2. In the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address and prevent the Incidents from reoccurring" ("Initial Report") and to submit, on or before July 8, 2024, an "Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*. The Energy Bureau also ordered Genera PR LLC ("Genera") to submit on or before June 2024 responses to requirements of information included as Attachment B to the June 14th Order. *See Id*. at page 3.

3. On June 20, 2024, LUMA filed a *Motion Submitting Initial Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment* ("June 20th Motion") in which it submitted, as an Exhibit 1, the Initial Report.

4. On July 2, 2024, LUMA filed a *Request for Extension of Time to Submit Incident Report Required by the Resolution and Order of June 14, 2024* ("July 2nd Motion") requesting a brief extension, until July 18, 2024, to file the Incident Report.

5. On July 3, 2024, the Energy Bureau issued a Resolution and Order reiterating its designation of EPRI as technical lead in the Investigation and specifying EPRI's faculties, as well as designating an Examining Officer for the Investigation and specifying the Examining Officer's faculties.

6. On July 18, 2024, LUMA submitted its Incident Report. The Incident report contained a report prepared by a third-party consultant that contained a description of the Incidents and their consequences or effects, and the investigative, corrective and other actions taken or proposed by LUMA, and other pertinent documents and information responsive to the requirements of Attachment A of the July 14th Order, all of which comprise the Incident Report.

7. On December 4, 2024, LUMA received notice of the *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), in which the Hearing Examiner stated that "[a]dditional information is required for the review of the large-scale interruption" subject of the investigation and ordered LUMA and Genera to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs"). Attachment A includes a list of forty-seven (47) numbered ROIs directed at LUMA which include additional approximately nineteen (19) sub-questions (numbered and unnumbered), for a total of approximately sixty-six (66) requests.

II. Request for Partial Extension of Time

8. LUMA is working to comply with the December 23rd deadline. However, despite its best efforts, and for the reasons set forth below, LUMA respectfully informs that it requires a partial extension of time to submit its responses to some of the December 4th ROIs. LUMA also respectfully requests that certain questions in Attachment A of the December 4th Order be redirected to Genera, as they are generation-related questions.

9. Over the past month, LUMA has received a total of five different orders in five different dockets (including the present docket) directing LUMA to respond to multiple requests for information by the same date- that is, by December 23, 2024. Specifically, in addition to the December 4th Order in the instant proceeding, LUMA received on November 8, 2024, a Resolution and Order from the Energy Bureau in case No. NEPR-MI-2020-0018, *In Re: Review of the Puerto Rico Electric Power Authority's Physical Security Plan,* ordering LUMA to submit responses, by December 8, 2024 (extended to December 16, 2024), to twenty-one (21) ROIs, including approximately fifty-one (51) sub-questions, for a total of approximately seventy-two (72) requests, which LUMA filed with the Energy Bureau yesterday. LUMA also received on December 2, 2024,

a Resolution and Order in Case No. NEPR-MI-2021-0004, *In re: Review of LUMA's Initial Budgets and Related Terms of Service*, ordering LUMA to submit responses, by December 23, 2024, to fifteen (15) ROIs. Moreover, on December 4, 2024, LUMA received notice of an Order from this Hearing Examiner in Case No. NEPR-IN-2024-0002, *In re: Santa Isabel Substation Major Outage Affecting Coamo, Aibonito, and Santa Isabel*, ordering LUMA to submit responses, by December 23, 2024, to thirty-six (36) numbered ROIs, that include an additional approximately fifty-seven (57) sub-questions (numbered and unnumbered), for a total of approximately ninety-three (93) requests. Furthermore, on December 5, 2024, LUMA received a Resolution and Order from the Energy Bureau in Case No. NEPR-MI-2024-0005, *In re: Priority Plan for the Stabilization of the Electric Grid*, ordering LUMA to submit responses, by December 23, 2024, to twenty-nine(29) numbered ROIs, including approximately thirty (32) additional sub-questions (numbered and unnumbered), for a total of approximately sixty-one (61) requests.[2]

10. In sum, LUMA is being required to respond to a total of approximately **three hundred and seven (307) requests by or before December 23, 2024** (in addition to the other ongoing requests mentioned in footnote 2 above). For approximately **two hundred and thirty-five (235) of these requests**, LUMA has been provided twelve (12) to fifteen (15) workdays (depending on the request) to respond.

11. The LUMA personnel tasked to analyze and respond to these requests across the different dockets is the same group of people also responsible for the day-to-day operation of the transmission and distribution system. Adequately responding to all of these requests by the same

[2] LUMA has also been addressing orders in several other dockets. Specifically, by Resolution and Order from the Energy Bureau issued on December 9, 2024 in Case No. NEPR-MI-2023-0001, *In Re: Revised Wheeling Services Agreement and Computation of Annual and Hourly Energy Imbalance Charges*, the Energy Bureau ordered LUMA to, on or before December 23, 2024, to develop or submit additional information or revised documents in connection with five requests. In addition, since November 8, 2024, LUMA has been actively responding to ROIs, appearing in frequent hearings, and working on pending filings related to Case No. NEPR-IN-2024-0004, *In re: Puerto Rico's Electric System Cash Flow and Cash Position Concerns*.

deadline entails an enormous load of work on these resources in order to ensure that each request is carefully considered and the final product achieved is responsive, accurate and verified. Likewise, everyday operations require the attention of said personnel to cover planned activities on the grid as well as unexpected situations that derive from unplanned impacts to the electric system.

12. Moreover, the constrained timeline levied by the Energy Bureau poses additional challenges due to the fact that some members of LUMA's personnel responsible for, and with knowledge of, the information required to respond to some of the ROIs have scheduled personal time off. LUMA respectfully stresses that, while it recognizes the importance of the Investigation and of the other proceedings mentioned above, it is virtually impossible for its personnel to address all the pending requests under the circumstances described above while also ensuring that the final work product is responsive, accurate and verified.

13. Notwithstanding the above situation, LUMA has responsibly allocated the necessary resources to respond to the majority of the outstanding requests to ensure that the answers are provided with the thoroughness and attention that they all merit. After this conscientious exercise, that took into account the multiplicity of requests, limited time available to respond and significant constraints placed on its resources, LUMA has determined that it will be able to submit, by December 23, 2024, responses for most of the ROIs described above, with some very limited exceptions for which LUMA needs additional time to ensure that all the answers are responsive, accurate and verified. Specifically, the ROIs that are anticipated to take more time are ROIs #15, #43, #44, #45, #46, and #47, and LUMA anticipates these may be completed by January 13, 2024. Accordingly, LUMA respectfully requests a brief extension until such date to submit its responses to these ROIs. This deadline is proposed taking into account the intervening

holiday season which affects resource availability and other considerations discussed above in this motion.

14. LUMA would also like to respectfully inform this Examining Official that ROIs #7, #17, #25, #27, #28, #33 pertain to generation-related matters which are better suited for Genera to respond to. Therefore, LUMA respectfully requests that these ROIs be directed to Genera, rather than LUMA, and that they be removed from the list of ROIs that LUMA is required to address under the December 4th Order.

15. It is respectfully informed that this request for extension is very limited, made in good faith and is not intended to cause unnecessary delay.

WHEREFORE, LUMA respectfully requests that the Hearing Examiner **take notice** of the above; **grant** this *Urgent Request for Partial Extension* and accordingly **grant** LUMA until January 13, 2025, to submit its responses to ROIs #15, #43, #44, #45, #46, and #47 of Attachment A of the December 4th Order; and remove the requirement in the December 4th Order that LUMA respond to ROIs #7, #17, #25, #27, #28, #33 of Attachment A of the December 4th Order and redirect these requests to Genera, as they pertain to generation-related questions.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th day of December, 2024.

I hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau and a copy of this motion was notified by electronic mail to mvalle@gmlex.net; arivera@gmlex.net; Laura.rozas@us.dlapiper.com; lrn@roman-negron.com; legal@genera-pr.com; regulatory@genera-pr.com.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147
Fax 939-697-6141

/s/ Laura T. Rozas
Laura T. Rozas
RUA NÚM. 10,398
laura.rozas@us.dlapiper.com

ADDENDUM 55

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

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO A GRAN ESCALA OCURRIDA EL 12 DE JUNIO DE 2024	**CASE NO.:** NEPR-IN-2024-0003 **SUBJECT:** Requirement of Information ("ROI")

RESOLUTION AND ORDER

On Wednesday, December 4, 2024, the undersigned Hearing Examiner filed an "Order on Requiring Additional Information", in which LUMA Energy, LLC and Genera PR were ordered to produce additional information required for the review of the referenced matter, on or before December 23, 2024.

On Tuesday, December 17, 2024, LUMA Energy, LLC and LUMA Energy Servco, through their legal counsel, filed a motion entitled "Urgent Request for Partial Extension of Time to Comply with the Hearing Examiner's Order of December 4, 2024". In it, they request the granting of an extension of the term granted to answer items #15, #43, #44, #45, #46, and #47 of the Request of Information (ROI) attached to the Order of December 4, 2024.

LUMA Energy, LLC also requests that items #7, #17, #25, #27, #28 and #33 of the aforementioned ROI be directed to the attention of Genera PR, as they pertain to generation-related matters, better suited for Genera to respond to.

By this Resolution and Order, LUMA Energy, LLC is hereby granted additional time, until on or before January 8, 2025, to answer items #15, #43, #44, #45, #46, and #47 of the ROI.

In addition, Genera PR is ordered to answer and produce the information requested in items #7, #17, #25, #27, #28 and #33 of the ROI, on or before January 8, 2025.

Be it notified and published.

Gerardo Flores
Hearing Examiner

CERTIFICATION

I certify that the Hearing Examiner, Gerardo Flores, has so established on December 18, 2024. I also certify that on December 18, 2024 a copy of this Resolution and Order was notified by electronic mail to mvalle@gmlex.net; arivera@gmlex.net; Laura.rozas@us.dlapiper.com; lrn@roman-negron.com; legal@genera-pr.com; regulatory@genera-pr.com. I also certify that on December 18, 2024, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on December 18, 2024.

Sonia Seda Gaztambide
Clerk

ATTACHMENT A
Requirement of Information

Refer to:

1. Exponent Report – San Juan Area Outage Event June 12, 2024 – Root Cause Evaluation.
2. LUMA's preliminary report on June 12 incidents dated June 20, 2024.
3. LUMA's report on San Juan Steam Plant 115/38 kV Transformer and Generation Outage – Automatic Underfrequency and Manual Load Shed Event on June 12, 2024 at 15:07 hour dated July 5, 2024.
4. LUMA's report on 115 kV line 39000 Segments from Aguas Buenas TC to San Jose and Monacillos TC Trips – North Overload and South Overfrequency Generation Events dated June 18, 2024.
5. GeneraPR's response to NEPR_IN-2024-0003 – Initiation of Investigation Initial Reporting and Incident Report – Assessment Period: June 2024 – San Juan Power Plant – Incident 1.

Preliminary Observations

The unavailability of following transmission assets before the various events that occurred on June 12, 2024 are noted:

- Bayamón 230/115 kV transformer - out of service since failure on June 29, 2023.
- Sabana Llana 230/115 kV transformer #2 - out of service before LUMA commenced operations.
- The 115kV system configuration is modified because of above, which caused additional constraints on the 38 kV system in San Juan area. As a result, several 38 kV lines terminated on 38 kV bus at San Juan steam plant were operating radially.

Respondent: LUMA (GridCo)

System Status

1) What is the status of the following 115 kV lines, shown as a dashed line on electrical map? Are these new proposed lines? OR are these existing lines but are out-of-service due to some reason?
    - Line 40700 between Bayamón and Palo Seco
    - Line 41600 between San Juan and Palo Seco
    - Line 39300 between Hato Rey and Martin Pena
    - Line 40000 between Viaducto and Martin Pena
    - Line 40500 between Monacillos and Hato Rey
    - Line 40600 between Monacillos and Baymon
2) Please provide information on the total station service load supplied from 38 kV bus (via ESST 5-6, ESST 7-9 and ESST 9-10).
3) Clarify what is the normal operating arrangement of the 38 kV bus at San Juan SP. How was it modified at the time of the event, arrangement across busbars? Which 38 kV lines were running in radial configuration and why?
4) What was the power flow distribution across all bays connected to the 38 kV busbars at San Juan SP prior to the event?
5) Provide the rating of lines and transformers connected to the 38 kV bus at San Juan SP.
6) Provide clarification and details of the standard design requirements to support the statement in Reference 3 report from LUMA *As standard design requires, AC supply to the generation control equipment must be powered by the ESST not the Normal Service Station Transformer (NSST).*
7) Please clarify the context behind the statement "The plant is designed to disconnect in the case of loss of grid power, and not to run in island mode". Can this plant not operate without permanent offsite supply, can it not feed it auxiliary loads from auxiliary transformers on the generation unit side?
8) Provide a transmission system diagram showing the network configuration at the time of the event (generation and loads around San Juan area), indicating equipment and plant that were unavailable at the time (mention what was faulted and what had emergency return to service time assigned).
9) Provide a snapshot of the power flows on the transmission corridors and generation output in the area prior to the events.
10) Provide details on the configuration of 230 kV and 115 kV lines into Bayamón intended to protect lines going to the west since 230/115 kV transformer was out-of-service. What did it entail? For instance, what was the status of the 115 kV lines 37400 between Hato Tejas and Bayamón, and 36100 Cana to Bayamón?
11) Is the rating of the lines adapted in response to the recommendations from the right-of-way helicopter surveys?
12) Please confirm the SCADA EMS state estimator and real-time contingency analysis was in place and operating correctly to provide information to system operators in the control room?

1409 Hour Event

13) What was the loading on the 115 kV line 38300 Monacillos to San Juan Steam Plant TC prior to the fault at 14:09?

1411 Hour Event: Loss of 115 kV line 38200 from Monacillos to Palo Seco due to an unknown cause. This line remained out of service prior to the 1507 hour and 2100 hour events.

14) What was the loading on the 115 kV line 38200 Monacillos to Palo Seco prior to the fault at 14:11?

15) What was the cause of trip? Was it single-ended operation?

16) Was an attempt to place 115 kV line 38200 back in-service made? If not, why?

17) Failure of generator ride-through:

    a. Why did Palo Seco Steam Plant Unit MP3 trip at 1411 hours?

    b. Why did Toa Baja Land Field Gas Units 1 and 2 tripped at 1413 hours?

    c. What protection function triggered the disconnection, what were the electrical parameters experienced at the terminals of these generating units?

1507 Hour Event: A fault occurred in 115/38 kV transformer's zone of protection due to a broken wedge connector on 38 kV side. The initial fault was line to-line and then evolved into a three-phase fault. Two 38kV breakers and one 115 kV breaker opened promptly after a fault, however, 115 kV breaker 0094 was slow in opening. The 115/38 kV transformer at San Juan was exposed to a three-fault for 0.53 seconds due to slow breaker 0094.

18) Any loss of life concerns for 115/38 kV transformer? If so, any effort made to evaluate concerns?

19) Breaker 0094 failed to open. Adjacent breaker 38440 was open for maintenance. Why breaker 38440 was open for maintenance since May 2024? It is understood that availability of this breaker would not have changed the outcome.

There is no transfer trip for breaker failure for CB 0094 to remote end. Typically, for a breaker associated with transformer, transfer trip for breaker failure to remote end is implemented to avoid exposing transformer to a long duration fault.

20) What is the criterion used to decide if transfer trip for breaker failure is needed or not?

The topology/state of the 38 kV system around San Juan before the 1507 hour event was abnormal.

21) Provide a detailed one-line diagram of the 38 kV system.

Approximately 12 second after fault clearance, open phase B jumper caused tripping of 38 kV breaker 6450 due to unbalance or ground current. This was one of the sources into San Juan 38 kV bus via lines 6400 and 8200.

22) Are there any records available to determine when phase B jumper became open which resulted in tripping of 38 kV breaker 6450?

23) What monitoring and protection functions are implemented on 38 kV lines to detect phase unbalance operation?

Following trip of line 6400, 38kV CBs # 4340-0020 at Bayamón TC opened due to overload. Line 4300 from Bayamón to Juan Domingo Sect. serving Caparra Sect. was a source ultimately serving San Juan via 38 kV lines 3900 and 4400. The 38 kV CB # 3510 at Monacillos TC (second source into Caparra Sect.) was open for maintenance. With tripping of CBs # 4340-0200, 38kV bus at San Juan lost all sources.

24) What loads contributed to the 630 – 738 Amps flowing on Bayamón 4300 line before tripping on overload? How much was associated with the auxiliaries of San Juan generation?

25) Provide indication of the protection functions that activated to disconnect generation from the 115 kV substation

26) Given a topology of 38kV system, contingency analysis should have identified that loss of San Juan 115/38 kV transformer may result in loss of San Juan 38 kV bus. Are there processes in place to evaluate impact of next contingency?

27) Loss of 38kV bus resulted in loss of power to ESST (emergency station service transformer). Are there normal station service transformers (NSST)? Where are they located? Is there not a throwover scheme to switch from ESST to NSST and vice a versa?

Loss of San Juan generation resulted in frequency decline. Automatic underfrequency load shed activated followed by manual load shed.

28) Provide indication of the protection functions that activated to disconnect generation from the 115 kV substation

29) What spinning reserve was carried at the time of the event?

30) Was manual load shed necessary to relieve overloads or restore frequency to nominal or both?

31) Why did 58.8 Hz and 58.7 Hz blocks of underfrequency load shedding program not activate to shed load? Are these blocks not active?

32) According to the event report (Ref. 3) some underfrequency load shed relays were damaged or disabled: Was the situation known prior to the event? What is being done to repair/replace damaged relays?

33) Apart from the generation units damaged by the loss of DC power, what was the reason for the delays in returning to service of generation at San Juan?

34) At what time were San Juan 115 kV and 38 kV substation able to accommodate the return to service of generators at San Juan generating station?

<u>1538 Hour Event</u>

35) What was the loading on the 115 kV line Rio Blanco to Humacao (referred in the report as 38300 same as Monacillos to San Juan) prior to the fault at 15:38?

1547 Hour Event

36) What was the loading on the 115 kV line 36200 Villa Betina to Quebrada Negrito (on Monacillos to Juncos line) prior to the fault at 15:47?

2048 and 2100 Hour Events

37) What was the loading on the 115 kV line 39000 Aguas Buenas to Hacienda San Jose prior to the fault at 20:48?

38) What was the loading on the 115 kV line 39000 Agua Buenas to Monacillos prior to the fault at 21:00?

39) What was the reason for the failure of the communication on 115 kV line between Aguas Buenas and San Jose (towards Caguas)? Did that failure occur during the fault, or was the communication channel broken prior to the fault? Was that situation known?

40) Are there processes in place to evaluate the impact of the next contingency in real-time? If so, are there processes in place to take actions to mitigate any adverse impacts resulting from next contingency?

41) Prior to the 2100 hour event, there were SCADA alarms even though the loading of lines was less than the line's thermal rating. Why?

42) Vegetation deficiencies are categorized as preventive, priority, and imminent. Lines that faulted and tripped due to vegetation issues were mostly in "priority" category. How long (in days to weeks) does it take to address vegetation deficiencies categorized as "priority"?

43) The Sabana Llana 230/115 kV transformer tripped from overload. The transformer was loaded to 127% of rating for less than 10 seconds prior to tripping. What was the power flow on it before and after the previous contingency?

44) What is the criterion used to protect transformer from overload? It appears that Sabana Llana 230/115 kV transformer was loaded to 127% of rating for less than 10 seconds before tripping. Is transformer overload protection properly coordinated with thermal damage curve?

45) Following a trip of Sabana Llana 230/115 kV transformer, multiple 115 kV and 38 kV lines tripped on due to overload. Which lines tripped? Which protection functions triggered the trip? If lines tripped on overload protection, what is the overload protection criterion applied on transmission lines?

46) What percentage of load was shed automatically and manually?

47) The 230 kV island loop was restored at 21:09. What elements are part of the loop? Was this loop in-service before the event? Was it possible to have loop restored earlier?

Respondent: GeneraPR (GenCo)

System Status

1) Please provide single line diagrams showing the configuration of GeneraPR's San Juan power station at the time of the incident.
    a. Include SLD of all generating units in operation at the time, from the connection to 115 kV substation to the generator terminals and all transformers (generator step-up transformer, auxiliary unit transformers, NSST normal service station transformers etc.)
    b. Include SLD of the auxiliary board showing power plant loads and infeeds from 38 kV substation via ESST units and other alternative supplies, any automatic reclosing schemes should be included and explained
    c. Explain normal configuration of the auxiliary loads. At the time of event, why was auxiliary load supplied from ESST units?
    d. When was the last time the battery health was assessed by disconnecting the charger? When were the battery density and levels last measured?

1507 Hour Event: A fault occurred in 115/38 kV transformer's zone of protection due to a broken wedge connector on 38 kV side. The initial fault was line to-line and then evolved into a three-phase fault. Two 38kV breakers and one 115kV breaker opened promptly after a fault, however, 115 kV breaker 0094 was slow in opening. The 115/38 kV transformer at San Juan was exposed to a three-fault for 0.53 seconds due to slow breaker 0094.

Following trip of line 6400, 38kV CBs # 4340-0020 at Bayamón TC opened due to overload. Line 4300 from Bayamón to Juan Domingo Sect. serving Caparra Sect. was a source ultimately serving San Juan via 38 kV lines 3900 and 4400. The 38 kV CB # 3510 at Monacillos TC (second source into Caparra Sect.) was open for maintenance. With tripping of CBs # 4340-0200, 38kV bus at San Juan lost all sources.

2) The failure of backup DC power resulted in malfunction of oil lube pump causing damage to bearings and turbines of ST5 and ST6. What kind of monitoring is in place to identify any issues with DC charger or the battery? Is AC source to DC charger also from San Juan 38 kV bus?
3) Did TM units trip because of loss of fuel source?

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

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**CASE NO. NEPR-IN-2024-0003** **SUBJECT: Submission of Responses to Requirements of Information in Compliance with Hearing Examiner's Order of December 4, 2024 and Request for Confidential Treatment**

MOTION SUBMITTING RESPONSES TO REQUIREMENT OF INFORMATION IN COMPLIANCE WITH HEARING EXAMINER'S ORDER OF DECEMBER 4, 2024, AND REQUEST FOR CONFIDENTIAL TREATMENT

TO THE PUERTO RICO ENERGY BUREAU/HEARING EXAMINER GERARDO FLORES:

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1], the causes of and the investigative or corrective actions taken by LUMA in relation to two events affecting the Puerto Rico electric system which occurred on June 12, 2024 (the "Incidents"), designating the Electric Power Research Institute ("EPRI") as the technical lead for the Energy Bureau in this investigation (the "Investigation"). *See June 14th Order, p.* 2.

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

2. In the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address and prevent the Incidents from reoccurring" ("Initial Report") and to submit, on or before July 8, 2024, an "Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*. The Energy Bureau also ordered Genera PR LLC ("Genera") to submit on or before June 2024 responses to requirements of information included as Attachment B to the June 14th Order. *See Id*., p. 3.

3. On June 20, 2024, LUMA filed a *Motion Submitting Initial Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment* ("June 20th Motion") in which it submitted, as an Exhibit 1, the Initial Report.

4. On July 2, 2024, LUMA filed a *Request for Extension of Time to Submit Incident Report Required by the Resolution and Order of June 14, 2024* ("July 2nd Motion") requesting a brief extension, until July 18, 2024, to file the Incident Report.

5. On July 3, 2024, the Energy Bureau issued a Resolution and Order reiterating its designation of EPRI as technical lead in the Investigation and specifying EPRI's faculties, as well as designating this Honorable Hearing Examiner to be charge of the Investigation ("Hearing Examiner"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

6. On July 18, 2024, LUMA submitted its Incident Report, containing a report prepared by a third-party consultant that contained a description of the Incidents and their consequences or effects, and the investigative, corrective and other actions taken or proposed by LUMA, and other pertinent documents and information responsive to the requirements of Attachment A of the July 14th Order, all of which comprised the Incident Report.

7. On December 4, 2024, LUMA received notice of the *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), in which the Hearing Examiner stated that "[a]dditional information is required for the review of the large-scale interruption" subject of the investigation and ordered LUMA and Genera to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs").

8. On December 17, 2024, LUMA filed an *Urgent Request for Partial Extension of Time to Comply with the Hearing Examiner's Order of December 4, 2024*, ("December 17th Motion") requesting a brief partial extension, until January 13, 2025, to submit its responses to ROIs #15, #43, #44, #45, #46, and #47 of the December 4th ROIs. LUMA also requested that the requirement in the December 4th Order that LUMA respond to ROIs #7, #17, #25, #27, #28, #33 of Attachment A of the December 4th Order be removed from the ROIs that LUMA is required to answer because these ROIs pertain to generation-related matters and that these ROIs be redirected to Genera.

II. Submittal of responses to December 4th ROIs

9. In compliance with the December 4th Order and as per the December 17th Motion, LUMA hereby submits in *Exhibit 1* LUMA's responses to the December 4th ROIs. . ,

10. LUMA respectfully requests that the honorable Energy Bureau/Hearing Examiner maintain *Exhibit 1* herein confidential during the course of the Investigation and until its conclusion pursuant to Section 15.10 of the Energy Bureau's *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures,* Regulation No. 8543 (which

provides that documents will be maintained confidential during investigations conducted under Article XV of said regulation until the investigation is concluded).[2]

11. In addition, LUMA respectfully submits that *Exhibit 1* contains confidential information that must be protected from public disclosure at all times under other applicable laws and regulations in accordance with 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. Therefore, LUMA is submitting *Exhibit 1* under seal of confidentiality and respectfully requesting that the Energy Bureau keep *Exhibit 1* in confidence during and after the Investigation concludes.

12. In compliance with the Energy Bureau's Policy on Confidential Information, LUMA will be submitting within the next ten (10) days a Memorandum of Law in support of this request, as well as the redacted non-confidential version of *Exhibit 1* that protects the information that LUMA understands should be kept under seal, including graphs, diagrams and information that should be protected as Critical Energy Infrastructure Information ("CEII") that garners protection from public disclosure pursuant to federal statutes and regulations, *see e.g.,* 6 U.S.C. §§ 671-674; 18 C.F.R. § 388.113 (2020), and the Policy on Management of Confidential Information.

WHEREFORE, LUMA respectfully requests that the Energy Bureau/Hearing Examiner **take notice** of the aforementioned, **accept** *Exhibit 1* herein in compliance with the December 4th

[2] Section 15.10 of Regulation No. 8543, titled *Confidentiality of Ongoing Investigation Records*, provides as follows:

> The [Energy Bureau]'s record shall remain confidential while the investigation is in process.
>
> The record shall be available to the general public once the investigation report is notified to the investigated party or upon conclusion of any investigation that does not require the [Energy Bureau] to prepare a report, as set for in Section 15.07 of this Chapter. However, any information classified as privileged during the course of the investigation, or any information that may violate the fundamental rights of third parties or the right to privacy of the person investigated, shall be duly protected.

Order with respect to LUMA's submittal of responses to the December 4th ROIs, and **treat** *Exhibit 1* **confidentially** noting that LUMA will be submitting a Memorandum of Law in support of this confidentiality request and redacted Exhibit 1 within ten (10) days.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23rd day of December 2024.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147
Fax 939-697-6141

/s/ Laura T. Rozas
Laura T. Rozas
RUA NÚM. 10,398
laura.rozas@us.dlapiper.com

Exhibit 1
Responses to December 4, 2024, Requests

[Responses prepared by LUMA titled “Responses to December 04, 2024, Requests” filed under Seal of Confidentiality]

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

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	Case No.: NEPR-IN-2024-0003 Subject: Motion in Compliance with Order Requiring Additional Information of December 4, 2024

MOTION IN COMPLIANCE WITH ORDER REQUIRING ADDITIONAL INFORMATION OF DECEMBER 4, 2024

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR LLC ("Genera"), through its undersigned counsel and, very respectfully, states and prays as follows:

1. On June 14, 2024, the Puerto Rico Energy Bureau ("PREB") issued a *Resolution and Order* through which it initiated an investigation relating to the malfunctions in the electric system that occurred on June 12, 2024. The PREB ordered Genera to respond to the *Request for Information* contained in Attachment B to the *Resolution and Order*, which required Genera to provide the following information:

For Incident 1 provide:

1. A summary of the Incident that includes, but is not limited to, a chronological description of the events and their effect, if any, on the generation fleet operated and maintained by GENERA, other power producers, and on the transmission and distribution system, as well as the investigative, corrective, or any other actions taken by GENERA.
2. A description of any generation unit failure due to the experienced loss of load.
3. A description of the protection systems in place to prevent generator system damage in the event of a loss of load, under frequency, or ground faults.
    a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.

4. A description of the overspeed protection systems used to protect the steam turbines at the San Juan Power Plant.

a. Specify what regular testing and maintenance is performed to ensure the protection systems are operating properly.

b. Specify how are the steam extraction non-return valves tested and maintained.

2. On June 24, 2024, Genera presented before the PREB a document titled "Initiation of Investigation-Initial Reporting and Incident Report" ("Initial Report"). This Initial Report contained Genera's responses to the *Request for Information* served by the PREB, which were the result of a thorough investigation conducted by Genera, with the assistance of a consultant. The investigation encompassed the collection of highly technical information, interviews with the relevant personnel, and the analysis of such information by our consultants and staff.[1]

3. On December 4, 2024, the Hearing Examiner, Mr. Gerardo A. Flores, issued an *Order Requiring Additional Information* instructing Luma and Genera to respond to a supplemental Request for Information ("ROI") contained in Attachment A to the aforesaid *Order*. The ROI required Genera to provide additional information relating to matters involving (i) system status; and (ii) and the "1507 Hour Event." Responses to the ROI are due on or before December 23, 2024.

4. In compliance with the *Order Requiring Additional Information* of December 4, 2024, Genera hereby submits, as Exhibit A to this Motion, its Responses to the ROI of December 4, 2024.[2]

[1] Genera redacted a part of the Initial Report and requested that such portion be kept confidential in accordance with the PREB's Policy on Management of Confidential Information, CEPR-MI-2016-0009, as amended on September 21, 2016. On July 5, 2024, Genera filed a Memorandum of Law in support of its request for maintaining the confidentiality of the schematics contained in the Initial Report. The request was made pursuant to (i) the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2019-0009, published on August 31, 2016, and amended on September 16, 2016; and (ii) the *Federal Power Act*'s, 16 USC § 791a et seq., prohibition on the disclosure of Critical Electric Infrastructure Information.

[2] On December 18, 2024, the PREB issued a *Resolution and Order* through which it also required Genera to respond to items #7, #17, #25, #27, #28 and #33 of the ROI. These responses are due by January 8, 2025.

WHEREFORE, Genera respectfully requests that the PREB take notice of the foregoing and deem Genera in compliance with the *Order Requiring Additional Information of December 4, 2024*.

In San Juan, Puerto Rico, this December 23, 2024.

It is hereby certified that this motion was filed using the electronic filing system of this Energy Bureau, and that electronic copies of this Motion will be notified to the following attorneys who have filed a notice of appearance in this case: Laura T. Rozas, Esq., laura.rozas@us.dlapiper.com; Valeria Belvis Aquino, Esq., valeria.belvis@us.dlapiper.com; Alexis G. Rivera, Esq., arivera@gmlex.com; and Mirellis Valle, Esq., mvalle@gmlex.com.

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s/Luis R. Román Negrón
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Exhibit A – Responses to the ROI of December 4, 2024

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

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**CASE NO. NEPR-IN-2024-0003** **SUBJECT: Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on December 23, 2024**

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBIT 1 SUBMITTED ON DECEMBER 23, 2024

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1], the causes of and the investigative or corrective actions taken by LUMA in relation to two events affecting the Puerto Rico electric system which occurred on June 12, 2024 (the "Incidents") and designated the Electric Power Research Institute ("EPRI") as the technical lead for the Energy Bureau in this investigation (the "Investigation"). *See June 14th Order, p.* 2.

2. In the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

and prevent the Incidents from reoccurring" ("Initial Report") and to submit, on or before July 8, 2024, an "Incident Report with the information required in Attachment A" ("Incident Report") of the June 14th Order. *Id*. The Energy Bureau also ordered Genera PR LLC ("Genera") to submit on or before June 2024 responses to requirements of information included as Attachment B to the June 14th Order. *See Id*., p. 3.

3. On June 20, 2024, LUMA filed a *Motion Submitting Initial Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment* ("June 20th Motion") in which it submitted, as an Exhibit 1, the Initial Report.

4. On July 2, 2024, LUMA filed a *Request for Extension of Time to Submit Incident Report Required by the Resolution and Order of June 14, 2024* ("July 2nd Motion") requesting a brief extension, until July 18, 2024, to file the Incident Report.

5. On July 3, 2024, the Energy Bureau issued a Resolution and Order reiterating its designation of EPRI as technical lead in the Investigation and specifying EPRI's faculties, as well as designating the Hearing Examiner to be charge of the Investigation ("Hearing Examiner"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

6. On July 18, 2024, LUMA submitted its Incident Report.

7. On December 4, 2024, LUMA received notice of the *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), in which the Hearing Examiner indicated that additional information was required as part of the Investigation and ordered LUMA and Genera to respond, on or before December 23, 2024, to the Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs").

8. On December 17, 2024, LUMA filed an *Urgent Request for Partial Extension of Time to Comply with the Hearing Examiner's Order of December 4, 2024*, ("December 17th Motion") requesting a brief partial extension, until January 13, 2025, to submit its responses to ROIs #15, #43, #44, #45, #46, and #47 of the December 4th ROIs. LUMA also requested that the requirement in the December 4th Order that LUMA respond to ROIs #7, #17, #25, #27, #28, #33 of Attachment A of the December 4th Order be removed from the ROIs that LUMA is required to answer because these ROIs pertain to generation-related matters and that these ROIs be redirected to Genera.

9. In compliance with the December 4th Order, on December 23, 2024, LUMA filed a *Motion Submitting Responses to Requirement of Information in Compliance with the Hearing Examiner's Order of December 4, 2024, and Request for Confidential Treatment* ("December 23rd Motion") submitting as Exhibit 1 its responses to the December 4th ROIs. LUMA also requested the Honorable Energy Bureau maintain Exhibit 1 of the December 23rd Motion ("December 23rd Exhibit 1") confidential during the course of the Investigation and until its conclusion, pursuant to Section 15.10 of the Energy Bureau's *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures,* Regulation No. 8543, as it contained Critical Energy Infrastructure Information that garners protection from public disclosure pursuant to federal statutes and regulations. LUMA informed that it would be submitting the corresponding Memorandum of Law in support of the confidential treatment of the December 23rd Exhibit within the next ten (10) days, in compliance with 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.

10. In accordance with the above, LUMA is submitting below the corresponding Memorandum of Law stating the legal basis for the request to treat the December 23rd Exhibit 1 confidentially.

II. Memorandum of Law in Support of Request for Confidential Treatment of December 23rd Exhibit 1

A. Applicable Laws and Regulation to submit information confidentially before the Energy Bureau.

11. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

12. 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.

13. 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).

14. 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.,* paragraph 6.

15. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Critical Energy Infrastructure Information ("CEII"):

> The information designated by the [Energy Bureau] as Validated Confidential Information on the ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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).

16. Relatedly, Energy Bureau Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit, Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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."

B. Request for Confidentiality

17. The December 23rd Exhibit 1 includes CEII information that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

18. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.

19. 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 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.*

20. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[2]

[2] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, 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—
(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.

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. § 671 (3).[3]

21. The December 23rd Exhibit 1 includes information, figures and diagrams containing: SCADA historical data of load on specific transformers; a San Juan Plant 38 kV single-line diagram; configurations and ratings of lines and transformers connected to the 38 kV bus at San Juan SP; Digital Fault Recorders for transmission lines; SCADA Current Flow Diagrams; transmission lines operation patrol report; information identifying a disconnect switch that was damaged; transient loggers for transmission lines; Digital Fault recorders for various transformers/lines, SCADA information for transmission lines/transformers; electrical grid maps showing location of affected lines and other infrastructure; and configurations and ratings of certain lines and transformers, among other critical energy infrastructure information. In addition, the Attachments to the December 23rd Exhibit 1 include: two transmission system diagrams for the San Juan Plant 115 kV configuration as Attachment 1 (CONFIDENTIAL ATTACHMENT 1 to Exhibit 1 ROI-LUMA-IN-2024-0003-20241204-PREB-008) and Attachment 2 of *Exhibit 1* (CONFIDENTIAL ATTACHMENT 1 TO Exhibit 1 ROI-LUMA-IN-2024-0003-20241204-

(F) does not constitute a waiver of any applicable privilege or protection provided under law, such as trade secret protection.

[3] CII includes the following types of information:

> (A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;
> (B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
> (C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

PREB-008) and a transmission system diagram for the San Juan Plant 38 kV configuration as Attachment 3 (CONFIDENTIAL ATTACHMENT 3 ROI-LUMA-IN-2024-0003-20241204-PREB-021). The text, diagrams and figures described above contain details on design and/or engineering information of critical electric system assets and/or other information that, if disclosed, may reveal vulnerabilities of the electric system. Therefore, these diagrams, figures and information constitute 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).

22. The CEII designation of these diagrams, figures and information is reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

23. It is respectfully submitted that the protection of all of the confidential information discussed above does not affect the public's or the Energy Bureau's review of the present filing nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect CEII, weighs in favor of protecting the relevant portions of the December 23rd Exhibit 1 and its attachments from disclosure.

III. Identification of Confidential Information

24. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, below is a table identifying the confidential information and summarizing the hallmarks of this request for confidential treatment:

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 2 - ROI-LUMA-IN-2024-0003-20241204-PREB-002 Information in three bullets at the bottom of the page	SCADA historical data of load on specific transformers	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines' capacity and ratings, details of engineering (operational), and information that, if disclosed, may reveal potential vulnerabilities affecting critical electric system assets.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 3 - ROI-LUMA-IN-2024-0003-20241204-PREB-003 Diagram at the bottom of the page	San Juan Plant 38 kV Diagram	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains a single line diagram which shows details of engineering and/or design information of a critical electric system asset and information that, if disclosed, may reveal potential vulnerabilities affecting a critical electric system asset.	December 23, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 5 - ROI-LUMA-IN-2024-0003-20241204-PREB-005 All text under "Response"	Configuration and ratings of lines and transformers connected to the 38 kV bus at San Juan SP	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity and ratings, engineering or design information, and information that, if disclosed, may reveal potential vulnerabilities affecting critical electric system assets.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page13- ROI-LUMA-IN-2024-0003-20241204-PREB-013 Figure	Monacillos Digital Fault Recorder	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 14- ROI-LUMA-IN-2024-0003-20241204-PREB-013 Figure	SCADA Average Current Flow Diagram	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering (operational) and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 15- ROI-LUMA-IN-2024-0003-20241204-PREB-014	Palo Seco Digital Fault Recorder	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 16 - ROI-LUMA-IN-2024-0003-20241204-PREB-014	SCADA Average Current Flow Diagram	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 17 - ROI-LUMA-IN-2024-0003-20241204-PREB-015	Transmission Lines Operation Patrol Report	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines' capacity and/or configuration of the system that, if disclosed, may reveal potential vulnerabilities affecting critical electric system assets.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 21 - ROI-LUMA-IN-2024-0003-20241204-PREB-019 Fourth word/item in the first sentence of the "Response"	Information identifying the disconnect switch that was damaged	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of a system condition that, if disclosed, may reveal potential vulnerabilities affecting critical electric system assets.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 25 - ROI-LUMA-IN-2024-0003-20241204-PREB-022 Diagram	TR-3000 #38 kV at Palo Seco Steam Plant Transient Logger	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 32 - ROI-LUMA-IN-2024-0003-20241204-PREB-029 In the sentence under "Response", the words after the colon	SCADA Data related to a substation	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 33 - ROI-LUMA-IN-2024-0003-20241204-PREB-030 Figure/graph	AVEVA PI Vision's system frequency versus load graph	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 35 - ROI-LUMA-IN-2024-0003-20241204-PREB-030 Figure/graphs	SJSP TR3000 at San Juan Steam Plant Wed 12 Jun 2024 (164) Disturbance Logger	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 40 - ROI-LUMA-IN-2024-0003-20241204-PREB-035 Figure	Rio Blanco Digital Fault Record	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 42 - ROI-LUMA-IN-2024-0003-20241204-PREB-036 Figure/table	SCADA Data Table (transmission lines)	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design of critical electric system assets.	December 23, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 44 - ROI-LUMA-IN-2024-0003-20241204-PREB-037 Figure/map	Transmission line map highlighting location of certain affected lines	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of lines capacity, functioning and/or configuration of the system that, if disclosed, may reveal potential vulnerabilities affecting critical electric system assets.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 45 - ROI-LUMA-IN-2024-0003-20241204-PREB-037	Aguas Buenas Digital Fault Recorder	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details on engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 46 - ROI-LUMA-IN-2024-0003-20241204-PREB-037	SCADA Data Table	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details on engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 48 - ROI-LUMA-IN-2024-0003-20241204-PREB-038	Aguas Buenas Digital Fault Recorder	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details of engineering and/or design information of a critical electric system asset.	December 23, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 51 - ROI-LUMA-IN-2024-0003-20241204-PREB-041 In the second paragraph, after the word "below"	Analysis of the PI server data from SCADA	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 54 - ROI-LUMA-IN-2024-0003-20241204-PREB-043 Figure/diagram	SCADA Average Current Flow Diagram	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details on engineering and/or design information of a critical electric system asset.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Pages 55-58 - ROI-LUMA-IN-2024-0003-20241204-PREB-043 Figure/Table	SCADA Data Table	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details on engineering and/or design information of a critical electric system asset.	December 23, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1 of the December 23rd Motion	Page 59 - ROI-LUMA-IN-2024-0003-20241204-PREB-044 In the text below "Response": the last two words/items in the fifth line; the first two words/items in the sixth line; and the last word/item in the full sentence in the sixth line	Information related to the status of the 230 kV current of 230 kV/115 kV transformer and its rated current.	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains details on loading and currents of a critical electric infrastructure asset and information which, if disclosed, would reveal vulnerabilities affecting critical electric system assets.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 6 - ROI-LUMA-IN-2024-0003-20241204-PREB-046 Figure	LUMA's Map of the Electrical Grid	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on the configuration of the electric system and the location of affected events and assets, which include critical electric system assets and information which, if disclosed, could reveal system vulnerabilities.	December 23, 2024
Exhibit 1 of the December 23rd Motion	Page 62 - ROI-LUMA-IN-2024-0003-20241204-PREB-046 Figure	LUMA's Map of the Electrical Grid	Critical Energy Infrastructure Information 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains information on the configuration of the electric system and the location of affected events and assets, which include critical electric system assets and information which, if disclosed, could reveal system vulnerabilities.	December 23, 2024

Document	Pages, Figures in which Confidential Information is Found, as applicable	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Attachment 1 to Exhibit 1 of the December 23rd Motion	ROI-LUMA-IN-2024-0003-20241204-PREB-008 Entire document, containing a diagram	Transmission System Diagram for the San Juan Plant 115 kV configuration	Contains line diagrams which show details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Attachment 2 to Exhibit 1 of the December 23rd Motion	ROI-LUMA-IN-2024-0003-20241204-PREB-008 Entire document, containing a diagram	Transmission System Diagram for the San Juan Plant 115 kV configuration	Contains line diagrams which show details of engineering and/or design information of a critical electric system asset.	December 23, 2024
Attachment 3 to Exhibit 1 of the December 23rd Motion	ROI-LUMA-IN-2024-0003-20241204-PREB-021 Entire document, containing a diagram	Transmission System Diagram for the San Juan Plant 38 kV configuration	Contains line diagrams which show details of engineering and/or design information of a critical electric system asset.	December 23, 2024

25. LUMA submits, as Exhibit A herein, a redacted version of the December 23rd Exhibit 1, in which the above identified information is redacted. LUMA respectfully requests the Energy Bureau to accept Exhibit A herein as the public version of the December 23rd Exhibit 1, which would be the public version when the record is made public once this Investigation is concluded.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** this Memorandum of Law in support of the confidential treatment of the December 23rd Exhibit 1; **grant** the request herein to keep confidential the December 23rd Exhibit

1; and **accept** the redacted version of the December 23rd Exhibit 1 included as *Exhibit A* to this motion, as the public version of the December 23rd Exhibit 1.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of January, 2025.

We hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147
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/s/ Laura T. Rozas
Laura T. Rozas
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Exhibit A

Redacted Version of Exhibit 1 submitted on December 23, 2024

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

IN RE: JUNE 12, 2024, LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	Case No.: NEPR-IN-2024-0003 Subject: Motion in Compliance with Order of December 18, 2024

MOTION IN COMPLIANCE WITH ORDER OF DECEMBER 18, 2024

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR LLC ("Genera"), through its undersigned counsel and, very respectfully, states and prays as follows:

1. On June 14, 2024, the Puerto Rico Energy Bureau ("PREB") issued a *Resolution and Order* through which it initiated an investigation relating to the malfunctions in the electric system that occurred on June 12, 2024. The PREB ordered Genera to respond to the *Request for Information* contained in Attachment B to the *Resolution and Order.* On June 24, 2024, Genera presented before the PREB a document titled "Initiation of Investigation-Initial Reporting and Incident Report" ("Initial Report"). This Initial Report contained Genera's responses to the *Request for Information* served by the PREB, which were the result of a thorough investigation conducted by Genera, with the assistance of a consultant. The investigation encompassed the collection of highly technical information, interviews with the relevant personnel, and the analysis of such information by our consultants and staff.

2. On December 4, 2024, the Hearing Examiner, Mr. Gerardo A. Flores, issued an *Order Requiring Additional Information*, instructing LUMA and Genera to respond to a

supplemental Request for Information ("ROI") contained in Attachment A to the aforesaid *Order*. The ROI required Genera to provide additional information relating to matters involving (i) system status; and (ii) and the "1507 Hour Event."

3. On December 18, 2024, the Hearing Examiner issued a *Resolution and Order* through which it also required Genera to respond to items #7, #17, #25, #27, #28 and #33 of the ROI ("December 18 Order").[1]

4. On December 23, 2024, Genera filed a *Motion in Compliance with Order Requiring Additional Information of December 4, 2024*.

5. In compliance with the December 18 Order, Genera hereby submits its responses to items #7, #17, #25, #27, #28 and #33 of the ROI. *See* Exhibit A.

WHEREFORE, Genera respectfully requests that the PREB take notice of the foregoing and deem Genera in compliance with the December 18 Order.

In San Juan, Puerto Rico, this January 8, 2025.

It is hereby certified that this motion was filed using the electronic filing system of this Energy Bureau, and that electronic copies of this Motion will be notified to the following attorneys who have filed a notice of appearance in this case: Laura T. Rozas, Esq., laura.rozas@us.dlapiper.com; Valeria Belvis Aquino, Esq., valeria.belvis@us.dlapiper.com; Alexis G. Rivera, Esq., arivera@gmlex.com; and Mirellis Valle, Esq., mvalle@gmlex.com.

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San Juan, PR 00936

[1] The deadline for filing these additional responses is today, January 8, 2025.

Tel. (787) 979-2007

s/Luis R. Román Negrón
Luis R. Román Negrón
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Exhibit A – Requirement of Information Order December 18, 2024

Docket Number: NEPR-IN-2024-0003
In Re: Interrupción de Servicio Eléctrico a gran escala ocurrida el 12 de junio de 2024
Re: Requirement of Information

GPR–PREB–NEPRIN20240003–20241218-#7

7. Please clarify the context behind the statement "The plant is designed to disconnect in the case of loss of grid power, and not to run in the island mode". Can this plant not operate without permanent offsite supply, can it not feed it auxiliary loads from auxiliary transformers on the generation unit side?

Response:

During normal operation, the majority of the auxiliary loads are supplied by the Normal Service Station Transformers 5&6. By design, some auxiliary equipment remains supplied by the ESST5&6.

- Instrumentation Air Compressors
- Service Air Compressors
- Circulating Water Pump 5B
- Circulating Water Pump 6B
- Boiler Feedwater Pump HP-5B
- Boiler Feedwater Pump HP-6B

GPR–PREB–NEPRIN20240003–20241218-#17(a)

17. Failure of generator ride-through:

a) Why did Palo Seco Steam Plant Unit MP3 trip at 1411 hours?

Response:

Mobil Pac 2 tripped due to the activation of the Generator Electrical Protection Lockout 86E.

GPR–PREB–NEPRIN20240003–20241218-#17(b)

b) Why did Toa Baja Land Field Gas Units 1 and 2 tripped at 1413 hours?

Response:

The Toa Baja Land Field Gas Units 1 and 2 are not part of the Legacy Generation Assets and are therefore not under Genera's responsibility.

GPR–PREB–NEPRIN20240003–20241218-#17(c)

b) What protection function triggered the disconnection, what were the electrical parameters experienced at the terminals of these generating units?

Response:

The disconnection was triggered by the activation of the Instantaneous Electric Trip through the 86E Lockout.

GPR–PREB–NEPRIN20240003–20241218-#25

25. Provide indication of the protection functions that activated to disconnect generation from the 115 kV substation.

Response:

The protection function that activated to disconnect generation from the 115KV substation was the lock-out relay 86/T1 of the 115/38 KV transformer.

GPR–PREB–NEPRIN20240003–20241218-#27

27. Loss of 38kV bus resulted in loss of power to ESST (emergency station service transformer). Are there normal station service transformers (NSST)? Where are they located?

Response:

Yes, the plant has Normal Station Service Transformers (NSST), as detailed below:

- NSST5:
  - High Voltage Side (13.8 KV): connected to the CTG5 generator output.
  - Low Voltage Side (4.16 KV): connected to the 4.16 KV normal bus through the breaker 52-50.
- NSST6:
  - High Voltage Side (13.8 KV): connected to the CTG6 generator output.
  - Low Voltage Side (4.16 KV): connected to 4.16 KV normal bus through the breaker 52-60.

Is there not a throwover scheme to switch from ESST to NSST and vice versa? Loss of San Juan generation resulted in frequency decline. Automatic underfrequency load shed activated followed by manual load shed.

Response:

Ye, there is a scheme to switch between ESST and NSST, as detailed below:

- **Switching from ESST to NSST**:
  - This is a manual action performed by the operator.
- **Switching from NSST to ESST**:
  - This can be manual (by operator) or automatic, triggered by the Distributed Control System (DCS)in the event of a unit trip.

Operational Context:

- Auxiliary loads SJ5 and SJ6 are supplied by ESST5&6 when the unit is out of service or during the start-up process.
  - During this time, auxiliary equipment is powered by ESST5&6 via breakers 52-E5 and 52-E6 for each unit.
- When the combustion turbine generator is synchronized and reaches 10 MW, the operator normalizes the power supply to auxiliary equipment as follows:
  - Close breakers 52-50 (for NSST5) and 52-60 (for NSST6).
  - Open breakers 52-E5 and 52-E6 to transition auxiliary loads from ESST5&6 to NSST5&6.

GPR–PREB–NEPRIN20240003–20241218-#28

28) Provide indication of the protection functions that are activated to disconnect generation from the 115 kV substation

Response:

The protection function that activated to disconnect generation from the 115KV substation was the lock-out relay 86/T1 associated with the 115/38 KV transformer

GPR–PREB–NEPRIN20240003–20241218-#33

33)Apart from the generation units damaged by the loss of DC power, what was the reason for the delays in returning to service of generation at San Juan?

Response:

The delays in returning San Juan's generation units to service were due to the following sequence of events:

- 3:09 PM: Both units went out of service.
- 4:35 PM: LUMA issued the order to close breaker 002 of the ESST-5/6.
- The process of energizing equipment and initiating operations to achieve running conditions began.
- 8:45 PM: Unit 5 successfully returned to service.
- Unit 6 Issues:
    - Encountered problems during the restoration of the Distributed Control System (DCS) logic.
    - These issues delayed the return to service, and Unit 6 ultimately resumed operations on June 13 at 12:59 AM.

ADDENDUM 61

Feb 4, 2025

5:24 PM

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

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**CASE NO. NEPR-IN-2024-0003** **SUBJECT: Motion to Submit Additional Information Requested by Energy Bureau Consultants and Request for Confidential Treatment**

MOTION TO SUBMIT ADDITIONAL INFORMATION REQUESTED BY ENERGY BUREAU CONSULTANTS AND REQUEST FOR CONFIDENTIAL TREATMENT

TO THE 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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1], the causes of and the investigative or corrective actions taken by LUMA in relation to two events affecting the Puerto Rico electric system which occurred on June 12, 2024 (the "Incidents"), designating the Electric Power Research Institute ("EPRI") as the technical lead for the Energy Bureau in this investigation (the "Investigation").

2. In the June 14th Order, the Energy Bureau ordered LUMA to submit an Initial Report on the causes of the Incidents and actions taken so far to address and prevent the Incidents

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

from reoccurring ("Initial Report") followed by an Incident Report with the information required in an Attachment A of the June 14th Order ("Incident Report"). The Energy Bureau also ordered Genera PR LLC ("Genera") to submit responses to requirements of information included as Attachment B to the June 14th Order.

3. On June 20, 2024, LUMA filed, as an Exhibit 1 to a *Motion Submitting Initial Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment*, the Initial Report and request confidential treatment thereof.

4. On June 30,2024, LUMA filed a *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 and Supporting Documents submitted on June [20], 2024*.

5. On July 3, 2024, the Energy Bureau issued a Resolution and Order reiterating its designation of EPRI as technical lead in the Investigation and specifying EPRI's faculties, as well as designating the Honorable Hearing Examiner to be in charge of the Investigation ("Hearing Examiner"). Said designation was made pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

6. On July 18, 2024, LUMA filed, as an Exhibit 1 to a *Motion Submitting Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment*, the Incident Report and requested confidential treatment thereof and the supporting documents. *See Motion Submitting Incident Report in Compliance with Resolution and Order of June 14, 2024 and Request for Confidential Treatment*.

7. On July 29, 2024, LUMA filed a *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 and Supporting Documents submitted on July 18, 2024*.

8. On December 4, 2024, the Hearing Examiner issued an order, entitled *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), in which LUMA

was required to provide additional information as part of the investigation of the Incidents in the form of responses to Requirements of Information ("ROIs") set forth in Attachment A of the December 4th Order ("December 4th ROIs") to be submitted on or before December 23, 2024.

9. On December 17, 2024, LUMA filed an *Urgent Request for Partial Extension of Time to Comply with the Hearing Examiner's Order of December 4, 2024*, ("December 17th Motion") requesting a brief partial extension, until January 13, 2025, to submit its responses to ROIs #15, #43, #44, #45, #46, and #47 of the December 4th ROIs. LUMA also requested that the requirement in the December 4th Order that LUMA respond to ROIs #7, #17, #25, #27, #28, #33 of Attachment A of the December 4th Order be removed from the ROIs that LUMA is required to answer because these ROIs pertain to generation-related matters and that these ROIs be redirected to Genera.

10. In compliance with the December 4th Order, on December 23, 2024, LUMA filed, as an Exhibit 1, its responses to the December 4th ROIs and requested confidentiality thereof. *See Motion Submitting Responses to Requirement of Information in Compliance with the Hearing Examiner's Order of December 4, 2024, and Request for Confidential Treatment* ("December 23rd Motion"). LUMA notes herein that, although LUMA requested an extension to submit some of the responses to the December 4th ROIs, the December 23rd Motion included all of the responses to the December 4th ROIs with the exception of the requests that LUMA identified should be addressed to Genera.

11. On January 2, 2025, LUMA filed the *Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on December 23, 2024*.

12. On January 22, 2025, at the request of Mr. Jorge Camacho, Energy Bureau consultant, and EPRI, LUMA and Genera representatives virtually met with Mr. Camacho and

EPRI representatives to informally discuss the responses to the ROIs separately submitted by LUMA and Genera. During this meeting, as confirmed and expanded in a subsequent electronic correspondence from Mr. Camacho received by LUMA on January 24, 2025, EPRI requested LUMA to provide the following documents or information ("Informal ROIs"): (1) the procedure related to the operational liaison that must take place between LUMA and Genera with regard to what must be communicated between the parties, especially in relation to the changing conditions on the grid side that may affect the plan and changing conditions on the plant side that may impact the grid; (2) level of generation margin to better understand the level of spinning and offline reserves available prior to the event [Incident]; (3) configuration of the San Juan 38 kV station before and during the event [Incident] and status of circuit breakers and disconnect switches along with power flows; (4) number of 38 kV circuits that were operating in radial configuration or active circuits; (5) whether the control room operators monitor the loadings on ESST transformers at San Juan 38 kV to infer when units are fully dependent on the supplies from the San Juan 38 kV fed ESST units (which can usually be done by creating a rule in SCADA EMS to annunciate a notification when loading on ESST is below or above a threshold); and (6) the main reason for retaining the high time delays implemented in the later stages of Underfrequency Load Shedding.

II. Compliance with Request

13. In accordance with EPRI's request above, LUMA hereby submits as *Exhibit 1* to this Motion the responses to the Informal ROIs. Exhibit 1 includes the following two Attachments: *Attachment 2*, containing the *Agreed Operating Procedures Between PREPA Genco, LLC, as Owner and Operator of the Legacy Generation Assets, and LUMA Energy ServCo, as System Operator for the T&D System, with respect to the San Juan Power Plant*, dated June 19, 2023

("AOP"), and *Attachment 2* containing level of generation margin to better understand the level of spinning and offline reserves available prior to the Incident.

14. LUMA respectfully requests that the Energy Bureau maintain *Exhibit 1* and its *Attachments 1* and *2* herein confidential during the course of the Investigation pursuant to Section 15.10 of Regulation No. 8543 (which provides that documents will be maintained confidential during investigations conducted under Article XV of said regulation until the investigation is concluded).[2]

15. In addition, LUMA respectfully submits that *Exhibit 1* to the present Motion and its *Attachments 1* and *2* contain confidential information that garners protection from public disclosure pursuant to applicable law and the Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended on September 21, 2016 ("Policy on Management of Confidential Information"). Therefore, LUMA is submitting *Exhibit 1* and its *Attachments 1* and *2* under seal of confidentiality and respectfully requests the Energy Bureau to keep *Exhibit 1* and its *Attachments 1* and *2* confidential during and after the Investigation concludes. As per the Energy Bureau's Policy on Management of Confidential Information, LUMA is submitting below a Memorandum of Law in support of this request for confidentiality.

[2] Section 15.10 of Regulation No. 8543, titled Confidentiality of Ongoing Investigation Records, provides as follows:

> The [Energy Bureau]'s record shall remain confidential while the investigation is in process.
>
> The record shall be available to the general public once the investigation report is notified to the investigated party or upon conclusion of any investigation that does not require the [Energy Bureau] to prepare a report, as set for in Section 15.07 of this Chapter. However, any information classified as privileged during the course of the investigation, or any information that may violate the fundamental rights of third parties or the right to privacy of the person investigated, shall be duly protected.

III. Memorandum of Law in Support of Confidentiality Request

16. Section 6.15 of Act 57-2014 regulates the management of confidential information filed before this Energy 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).

17. 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.

18. 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).

19. 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 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 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 a "redacted" or "public version" and an "unredacted" or "confidential" version of the document that contains confidential information. *Id.*, paragraph 6.

20. The Energy Bureau's Policy on Confidential Information also states the following with regards to access to Validated Confidential Information on the ground of being Critical Energy Infrastructure Information ("CEII"):

> The information designated by the [Energy Bureau] as Validated Confidential Information on the ground of being CEII may be accessed by the parties' authorized representatives only after they have executed and delivered the Non-Disclosure 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).

21. Relatedly, Energy Bureau Regulation 8543 includes a provision for filing confidential information in adjudicatory proceedings before this Honorable Energy Bureau. To wit,

Section 1.15 provides that, "a person has the duty to disclose information to the [Energy 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 [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."

A. Request for Confidentiality

22. *Exhibit 1* herein includes CEII information that, under relevant federal law and regulations, is protected from public disclosure and garners confidential treatment to protect critical infrastructure from threats that could undermine the system and have negative repercussions in electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico.

23. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information, 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.

24. 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 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.*

25. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information ("CII").[3] 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. § 671 (3).[4]

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[3] Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, 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—
>
> (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.

[4] CII includes the following types of information:

> (A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct

26. *Exhibit 1*, in its response to Informal ROI number 4 (ROI-LUMA-IN-2024-0003-20240122-PREB-004), contains a graph of the currents of the available history of power flows at the Supervisory Control and Data Acquisition ("SCADA") showing data from the 38 kV lines at San Juan and certain transmission lines and a related table of data. This graph and table contain information could shed light on the design or engineering of the system and operational information that, if disclosed, may reveal vulnerabilities of the electric system or other information that could be used to pose external threats to the electric system. Therefore, this graph and table constitute 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).

27. In addition, *Attachment 1* to *Exhibit 1* contains the San Juan Power Plant AOP which consist of a set of procedures to assist Genera, as operator of the San Juan Power Plant, and LUMA as System Operator of the PREPA transmission and distribution system, in the day-to-day management of the San Juan Power Plant, including scheduling and dispatch, and covers subjects such as procedures for communication, dispatch of dependable capacity, ancillary services, generation scheduling, scheduled outages, non-scheduled outages and capacity limitations, T&D System operations and communications, emergency communications, planning, facility records, metering, performance tests, fuel inventory and measurements, and grid force majeure events, among others. This information contains details that could shed light on the design and engineering

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(including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;
(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

of the San Juan Power Plant and/or operational information that, if disclosed, may reveal vulnerabilities of the electric system or other information that could be used to pose external threats to the electric system. Therefore, this information constitutes 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).

28. Attachment 2 of Exhibit 1 contains information on the spinning and offline reserves available on June 12th prior to the Incident, consisting of a table with the information on actual energy and available capacity of each generation unit and peaker. LUMA respectfully submits that this information is confidential as CEII because it contains operation information that may reveal vulnerabilities of the electric system or other information that could be used to pose external threats to the electric system.

29. The CEII designation of the information described above in *Exhibit 1* and *Attachments 1* and *2* is a reasonable and necessary measure to protect critical infrastructure and enable LUMA to leverage the information and assessment on critical infrastructures without external threats. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that this information constitutes CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

30. In addition, there are certain portions of *Attachment 1* of *Exhibit 1* that contain the name of individuals. The protection of this information 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 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).

31. It is respectfully submitted that the protection of the confidential information discussed above does not adversely affect the public interest (on the contrary, it is to the benefit of such interest in protecting the electric system from external threats) nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect privacy and protect CEII, weighs in favor of protecting the relevant portions of *Exhibit 1* and its *Attachments 1 and 2* from disclosure.

B. Identification of Confidential Information

32. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, below is a table identifying the confidential information and summarizing the hallmarks of this request for confidential treatment:

Document	Pages, Figures in which Confidential	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1, Response to ROI #4	Pages 5 to 8, Response to ROI #4 (ROI-LUMA-IN-2024-0003-20240122-PREB-004)	Information in graph of the currents of the available history of power flows at the SCADA showing data from the 36 kV lines at San Juan and certain transmission lines and a related table of data	Contains information that could shed light on the design or engineering of the system and operational information that, if disclosed, may reveal vulnerabilities of the electric system or other information that could be used to pose external threats to the electric system and is, therefore, Critical Energy Infrastructure Information. *See* 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	February 4, 2025

Document	Pages, Figures in which Confidential	Description	Reasons and Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1, Attachment 1	Entire Document	Agreed Operating Procedures for San Juan Power Plant	Contains information that could shed light on the design or engineering of the system and operational information that, if disclosed, may reveal vulnerabilities of the electric system or other information that could be used to pose external threats to the electric system and is therefore confidential as Critical Energy Infrastructure Information. *See* 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674. Contains names, contact information or signatures of individuals (in pages 10, 23 and 52) that should be protected from disclosure in accordance 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	February 4, 2025
Exhibit 1, Attachment 2	Entire document	Information in table containing actual energy and available capacity of each generation unit and peaker prior to the Incident	Contains information could shed light on the design or engineering of the system and operational information that, if disclosed, may reveal vulnerabilities of the electric system or other information that could be used to pose external threats to the electric system and is, therefore, Critical Energy Infrastructure Information. *See* 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674.	February 4, 2025

33. LUMA is also submitting herein a redacted version of *Exhibit 1* apt for disclosure after this Investigation concludes.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** *Exhibit 1* and its *Attachments 1 and 2* herein in response to the Informal ROIs; and **grant** the request for confidential treatment of *Exhibit 1* and its *Attachments 1 and 2*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 4th day of February 2025.

We hereby certify that we filed this notice and request using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9147
Fax 939-697-6141

/s/ Laura T. Rozas
Laura T. Rozas
RUA NÚM. 10,398
laura.rozas@us.dlapiper.com

Exhibit 1 (Redacted)
Responses to Informal ROIs
[Unredacted version and Attachments 1 and 2 submitted under Seal of Confidentiality]

ADDENDUM 63

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA

IN RE: INTERRUPCIÓN DE SERVICIO ELÉCTRICO A GRAN ESCALA OCURRIDA EL 12 DE JUNIO DE 2024	**CASO NÚM.:** NEPR-IN-2024-0003 **ASUNTO:** Informe de Investigación

RESOLUCIÓN Y ORDEN

El 14 de junio de 2024, comenzó la investigación de epígrafe relacionada a una interrupción de servicio eléctrico a gran escala ocurrida el 12 de junio de 2024.

El Negociado de Energía designó al Instituto de Investigación de Energía Eléctrica ("EPRI", por sus siglas en inglés) y al Lcdo. Gerardo Flores para que realizaran una investigación abarcadora sobre la interrupción de servicio en cuestión.

El 14 de febrero de 2025, EPRI rindió su Informe, en el cual esbozó los hallazgos, conclusiones y recomendaciones de rigor.

De acuerdo con las disposiciones de la Sección 15.08 del Reglamento 8543,[1] toda persona investigada podrá presentar, por escrito, cualquier planteamiento, objeción o comentario debidamente fundamentados con relación al presente Informe. Tales objeciones, planteamientos o comentarios deberán ser presentados dentro de **veinte (20) días**, contados a partir de la fecha de notificación del presente Informe.

De conformidad con la Sección 15.10 del Reglamento 8543, el expediente del caso será de naturaleza confidencial hasta tanto concluya la investigación, momento a partir del cual estará disponible al público general. Únicamente se protegerá aquella información que haya sido clasificada como privilegiada y confidencial durante el transcurso de la investigación, por lo que dicha información no estará disponible al público en general una vez concluida la investigación.

El Negociado de Energía **ORDENA** a la Secretaria que **NOTIFIQUE** a LUMA el Informe junto con esta Resolución y Orden, a los fines de que pueda someter sus comentarios respecto al mismo. Una vez concluida esta investigación, el expediente se pondrá a disposición del público, con excepción de cualquier información clasificada como privilegiada durante el transcurso de la investigación.

Notifíquese y publíquese.

Edison Avilés Deliz
Presidente

Ferdinand A. Ramos Soegaard
Comisionado Asociado

Sylvia B. Ugarte Araujo
Comisionada Asociada

Antonio Torres Miranda
Comisionado Asociado

[1] *Reglamento de Procedimientos Adjudicativos, Avisos de Incumplimiento, Revisión de Tarifas e Investigaciones*, Reglamento 8543, Negociado de Energía, 18 de diciembre de 2014.

CERTIFICACIÓN:

Certifico que así lo acordó la mayoría de los miembros del Negociado de Energía de la Junta Reglamentadora de Servicio Público de Puerto Rico el 14 de febrero de 2025. La Comisionada Asociada Lillian Mateo Santos no intervino. Certifico, además, que el 14 de febrero de 2025 he procedido con el archivo en autos de esta Resolución y Orden; y que la misma fue notificada mediante correo electrónico a Laura.rozas@us.dlapiper.com.

Para que así conste, firmo la presente, en San Juan, Puerto Rico, hoy, 14 de febrero de 2025.

Sonia Seda Gaztambide
Secretaria

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

IN RE: JUNE 12, 2024 LARGE-SCALE BLUESKY CUSTOMER INTERRUPTIONS	**CASE NO. NEPR-IN-2024-0003** **SUBJECT: Motion Submitting LUMA's Comments to Report Issued by EPRI on February 14, 2025**

MOTION SUBMITTING LUMA'S COMMENTS TO REPORT ISSUED BY EPRI ON FEBRUARY 14, 2025

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. Relevant Procedural Background

1. On June 14, 2024, this Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 14th Order") whereby it initiated the captioned proceeding to investigate, pursuant to Section 6.3 of Act 57-2014, as amended, and Regulation No. 8543[1], the causes of and the investigative or corrective actions taken by LUMA in relation to two events affecting the Puerto Rico electric system which occurred on June 12, 2024 (the "Incidents") and designated the Electric Power Research Institute ("EPRI") as the technical lead for the Energy Bureau in this investigation (the "Investigation"). *See June 14th Order,* p. 2.

2. In the June 14th Order, the Energy Bureau ordered LUMA to submit, on or before June 20, 2024, "an Initial Report on the causes of the Incidents and actions taken so far to address and prevent the Incidents from reoccurring" ("Initial Report") and to submit, on or before July 8,

[1] *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, December 18, 2014 ("Regulation 8543").

2024, an Incident Report with the information specified in the June 14th Order ("Incident Report"). *See id*. The Energy Bureau also ordered Genera PR LLC ("Genera") to submit, on or before June 20, 2024, responses to other requirements of information included in the June 14th Order. *See Id*., p. 3.

3. On June 20, 2024, LUMA filed, under seal of confidentiality, the Initial Report. *See Motion Submitting Initial Report in Compliance with Resolution and Order of June 14, 2024, and Request for Confidential Treatment* ("June 20th Motion").[2]

4. On July 2, 2024, LUMA filed a request for a brief extension, until July 18, 2024, to file the Incident Report. *See Request for Extension of Time to Submit Incident Report Required by the Resolution and Order of June 14, 2024*.

5. On July 3, 2024, the Energy Bureau issued a Resolution and Order reiterating its designation of EPRI as technical lead in the Investigation and specifying EPRI's faculties, as well as designating the Hearing Examiner to be charge of the Investigation ("Hearing Examiner") pursuant to Section 6.3 of Act 57-2014 and Article XV of Regulation No. 8543.

6. On July 18, 2024, LUMA submitted, under seal of confidentiality, its Incident Report. *See Motion Submitting Incident Report in Compliance with Resolution and Order from June 14, 2024 and Request for Confidential Treatment*.[3]

7. On December 4, 2024, LUMA received notice of the *Hearing Examiner's Order on Requiring Additional Information* ("December 4th Order"), in which the Hearing Examiner

[2] On July 1, 2024, LUMA filed a Memorandum of Law in support of the confidential treatment of the Initial Report, explaining that it contains information protected from disclosure under applicable laws and regulations and requesting it be maintained confidential even after the Investigation concludes. *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on June 24, 2024*.

[3] On July 29, 2024, LUMA filed a Memorandum of Law in support of the confidential treatment of the Incident Report, explaining that it contains information protected from disclosure under applicable laws and regulations and requesting it be maintained confidential even after the Investigation concludes. *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 and Supporting Documents Submitted on July 18, 2024*.

indicated that additional information was required as part of the Investigation and ordered LUMA and Genera to respond, on or before December 23, 2024, to the Requirements of Information included therein ("December 4th ROIs").

8. On December 17, 2024, LUMA requested a brief partial extension, until January 13, 2025, to submit its responses to certain December 4th ROIs and requested certain ROIs to be removed from the ROIs that LUMA was required to answer because these ROIs pertained to generation-related matters and should therefore be redirected to Genera. *See Urgent Request for Partial Extension of Time to Comply with the Hearing Examiner's Order of December 4, 2024*.

9. In compliance with the December 4th Order, on December 23, 2024, LUMA filed, under seal of confidentiality, its responses to the December 4th ROIs. *See Motion Submitting Responses to Requirement of Information in Compliance with the Hearing Examiner's Order of December 4, 2024, and Request for Confidential Treatment*. LUMA submitted responses to all the December 4th ROIs except for those that should be directed to Genera.[4]

10. On February 14, 2025, the Energy Bureau issued a Resolution and Order whereby it notified LUMA that EPRI had issued its report with findings, conclusions and recommendations and provided copy of the report titled "Technical Advisory Investigation of June 2024 Outage Events" ("February 14th Report"). In addition, the Energy Bureau advised LUMA of its right under Section 15.08 of its Regulation 8543, to submit, in writing, duly substantiated arguments, objections, or comments on the February 14th Report, within a period of twenty (20) days following notification thereof.

[4] On January 2, 2025, LUMA filed a Memorandum of Law in support of the confidential treatment of the responses to the December 4th ROIs, explaining that this document contains information protected from disclosure under applicable laws and regulations and requesting it be maintained confidential even after the Investigation concludes. *See Memorandum of Law in Support of Request for Confidential Treatment of Exhibit 1 Submitted on December 23, 2024*.

II. Submittal of Comments

11. 11. In accordance with Section 15.08 of Regulation 8543, LUMA hereby submits as Exhibit 1 to this Motion its comments to EPRI's February 14th Report.

12. LUMA notes that the February 14th Report does not make any findings or conclusions that there was any non-compliance by LUMA with any legal requirements or public policy. LUMA reserves the right to present, at the appropriate time and in attention to any pertinent developments in this Investigation, any objections, claims, defenses, or other legal arguments against or with respect to the Investigation or any action taken by the Energy Bureau in connection with the Investigation, all in accordance with the rights afforded LUMA under the law.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the above; **accept** LUMA's comments to EPRI's February 14th Report; **determine** that the Investigation has not revealed any violation of the public energy policy of Puerto Rico or any other applicable rule or law; and **proceed** with closure of the captioned proceeding.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of March, 2025.

We hereby certify that this notice and request was filed using the electronic filing system of this Energy Bureau.

DLA Piper (Puerto Rico) LLC
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/s/ Laura T. Rozas

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Exhibit 1

LUMA's Comments to EPRI February 14th Report

LUMA's Comments on the EPRI Technical Advisory Report Regarding the San Juan Area Events on June 12, 2024

March 6, 2025

Contents

NEPR-MI-2024-0003

1.0 Introduction

The Electric Power Research Institute ("EPRI") *Technical Advisory Investigation of June 2024 Outage Events* report, released on February 14, 2025, a report that provides an analysis of the sequence of events that led to the major outages that occurred in June 2024, culminating in valuable recommendations and observations. In its report, EPRI recognizes the constraints of Puerto Rico's current electric grid, the fragile state of the system and the need for further investment to support the remediation of the grid. LUMA supports the observations and recommendations made by EPRI and is committed to advancing the shared objectives of improving the grid, as highlighted by LUMA's stabilization, vegetation clearing, and maintenance initiatives. In accordance with the provisions of Section 15.08 of Regulation 8543, LUMA is submitting its comments in response to EPRI's technical advisory. Here LUMA will detail our alignment with EPRI's recommendations and observations and present the ongoing initiatives that contribute to their successful realization.

2.0 San Juan Area Events on June 12, 2024

On June 14, 2024, the Energy Bureau issued a Resolution and Order ("R&O") initiating an investigation on the events that occurred on June 12, 2024, related to major outage event. In the course of this investigation, LUMA provided multiple reports, including a Root Cause Evaluation ("RCE"), along with all relevant supporting information. Additionally, LUMA responded multiple requests for information ("RFIs") and engaged with EPRI during the investigation process.

Since taking over operations in June 2021, LUMA has continued to prioritize rebuilding the electric system following the years of widespread operational, financial and management failures of the Puerto Rico Electric Power Authority ("PREPA"). Intrinsic to this effort has been a clear, company-wide commitment to transparency and being clear to our customers, and our regulator, about the measurable progress LUMA has made in improving reliability, strengthening the resiliency of the grid, improving safety and training standards, ensuring more effective storm and hurricane response, improving customer service, as well as being forthright on the ongoing challenges or issues that have arisen in the operation of the electric system.

As part of this commitment to transparency, and a company-wide commitment to continuous improvement, LUMA would like to provide its comments on EPRI's recommendations and observations and provide a concise description of the initiatives and projects that are already in place to address these recommendations and observations in the table below.

2.1 LUMA's Comment on EPRI's Recommendations and Observations

Recommendation/ Observation	LUMA Comment
Although the system topology prior to events on June 12, 2024, is not the sole reason for the events that occurred, the unavailable assets certainly put a strain on the system reliability. The priority stabilization plan should focus on	LUMA has several initiatives in progress. The execution is dependent on the availability of materials and funding. Due to manufacturing constraints and market conditions, acquiring key system components such as transformers and breakers has resulted in a delivery time exceeding two years. LUMA has already procured materials, and

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Recommendation/ Observation	LUMA Comment
identifying key assets and prioritize restoration of those assets as quickly as practical.	the delivery of breakers and transformers commenced in the fall of 2024. These materials will be used in the following initiatives: the stabilization initiative to replace critical out of service equipment, the oil circuit breaker replacement, substation rebuilds and relocations, capacity upgrades driven by renewable integration and load growth, and the substation component replacement initiative addressing equipment with reliability issues and end of life retirements.
The San Juan 115/38 kV transformer was exposed to a long duration fault due to lack of transfer trip for breaker failure. LUMA stated that transfer trip for breaker failure is installed when communication is available. The priority stabilization plan should identify locations where transfer trip for breaker failure would benefit equipment (e.g., transformers) and system stability by clearing faults quickly during events involving breaker failure and make plans to implement it.	LUMA has developed new protection standards with modern schemes including communications. The Federal Emergency Management Agency ("FEMA") Substation Rebuilds program, and the relocation initiative will be the main driver for modernization. Critical substations are already included in this program. LUMA has also planned a protection upgrade program that is pending FEMA approval. These protection, automation, and control systems upgrades will complement the rebuild plan to accelerate grid modernization. Moreover, LUMA has plans to consider protection upgrades with the installation of transformers in the stabilization initiative.
Note that the following outages occurred due to equipment issues: broken insulator resulting in outage of 115kV line 38300, broken wedge connector at San Juan Generating Plant TC resulting in outage of 115/38 kV transformer, slow 115 kV circuit breaker 0094 exposing 115/38 kV transformer to a long duration fault, open phase on 38 kV line 6400/8200 resulting in tripping due to unbalance, etc. An equipment maintenance plan should be in place to identify equipment issues beforehand and prioritize the replacement of aging equipment, considering the impact on grid reliability.	LUMA has an equipment maintenance program and executes prioritized activities considering various criteria including equipment age, equipment condition, maintenance history, as well as the criticality, needs, configuration, and availability of the system. It is important to highlight that although components such as insulators and connectors are considered in the program, there is currently limited visibility and documentation at this level. LUMA will enhance control and coordination of these activities as the program evolves.
Limited generator ride-through capability might have been a reason for tripping of generating units at Palo Seco Steam Plant and Toa Baja Land Field. It is essential that generator's ride- through voltage and frequency disturbances to the extent	LUMA understands this recommendation should be directed to Genera PR.

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Recommendation/ Observation	LUMA Comment
possible to maintain reliability of the system. Generator protection settings should be coordinated to allow it to ride-through system disturbances.	
Due to the unavailability of normal station service transformers (“NSSTs”), the auxiliary load for SJ5 and SJ6 was supplied from 38 kV bus. Under this arrangement, a loss of 38 kV bus for any reason would have resulted in tripping of generation at San Juan Generating Plant. This should have been communicated to LUMA so that operational measures are taken to mitigate any consequences arising from the loss of 38 kV bus and generation at San Juan Generating Plant. The communication between LUMA and Genera should be improved to jointly identify risks and develop mitigating solutions.	LUMA recommends addressing this recommendation to Genera PR. In addition, it is LUMA’s understanding that this is a "permanent condition" at the San Juan Power plant.
The periodic testing of Direct Current (“DC”) batteries should be done with the charger disconnected. Review testing procedures at all generating plants and update as necessary to apply lessons learned from this event.	LUMA understands this recommendation should be directed to Genera PR.
Align maintenance, testing, and monitoring of DC supply (including charger and batteries) with industry recommended practices.	LUMA understands this recommendation should be directed to Genera PR.
Overgrown vegetation under the line or on the right-of-way prevents full utilization of the nominal rating of the circuits or their overload capabilities. LUMA performs aerial survey of right- of- ways to identify any vegetation issues and assigns any identified issues as “imminent, “priority” and Preventive”. The above set of events clearly shows need to prioritize vegetation management on all 115 kV lines as well as an effective vegetation	LUMA has included the maintenance of vegetation along 115 kV lines in our operations schedule for FY2025. This effort encompasses the same scope of work as the 230 kV system LUMA successfully completed in FY2024. As of today, LUMA has successfully completed five 115 kV lines (37100, 36700, 39100, 40100, 40200). Additionally, there are currently four line segments in progress that its completion will extend through the end of FY2025: 37800, 37400, 39000, and 36100. In addition to planned work, Vegetation Management utilizes periodic helicopter patrols to identify critical points along the 115 kV lines

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Recommendation/ Observation	LUMA Comment
clearing/management plan should be developed and implemented.	and respond accordingly within a designated timeframe: imminent = 48 hours, priority = 5 business days, preventative = 30 days, or defer following assessment and confirmation of proper classification.
LUMA states that helicopter surveys of right of way does not provide granular data to determine line clearance, conductor type and size, etc. which can be used to adapt line ratings. There is an opportunity to develop a plan to gather necessary data from helicopter surveys and use it for updating line ratings in parallel with clearing vegetation from right of ways.	LUMA helicopter survey information is utilized to understand where vegetation, clearance violations, structure encroachment and other potential limiting elements may impact a transmission facility rating. This data is utilized to provide guidance to system operations for managing facility loadability, and to this end, helicopter patrols, along with thermography scans of transmission facilities, have historically been utilized prior to major planned outages to identify such conditions before work begins. Helicopter patrols have been helpful in identifying and correcting various wire size discrepancies but have been limited in addressing other failure modes beyond thermal rating related to conductor size and type. LUMA's response indicates that the information obtained from helicopter patrols are useful, but also have limitations when establishing facility ratings for a number of reasons that have been experienced historically. These include high failures rates due to mechanical failures of connectors and other equipment with poor installation practices, assets like insulators that are beyond useful life and that mechanically fail, and other observed failure modes. Finally, there are major issues with vegetation management where no clear right-of-way exists under or around transmission infrastructure. Various types of vegetation species, all with different growth rates, are located under and around transmission facilities. Many of the helicopter patrols and vegetation operations activities focus on trimming back this vegetation to ensure adequate clearances, but these are temporary fixes until a vegetation clearing and a clearly defined right-of-way can be established.
The state estimator and real-time contingency analysis are key functions in the control room and help reliably operate the electric system. With the addition of new Energy Management System (“EMS”),	LUMA agrees with the recommendation and is pursuing the network model improvements to enable proper functioning of the State Estimator (“SE”) and Real Time Contingency Analysis (“RTCA”) in the new EMS.

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Recommendation/ Observation	LUMA Comment
efforts should be made to improve the underlying system network and remove bad measurements.	
The real-time contingency analysis should be used to help the system operator reliably operate the system.	LUMA agrees with this recommendation. As part of the new EMS, the RTCA is included in the scope of work.
The underfrequency load shedding provides a safety net to rescue the system during events resulting in lack of generation. The underfrequency load shedding ("UFLS") relays found either disabled or damaged should be placed in service as quickly as practical. The relay maintenance program should include UFLS relays.	LUMA agrees with this statement. All out of service UFLS relays have either been replaced or are currently being managed for restoration. These relays are also included in our prioritized preventive maintenance program.
The time delays on some of the UFLS block seem unreasonably high. Usually, time delays associated with UFLS blocks are in order of tens of cycles. A thorough review and design of the UFLS program should be done considering the current and future state of system. Then UFLS program should be reviewed every 5 years to ensure effectiveness for the changing grid.	LUMA is currently surveying the state of the UFLS program. All the relays located in LUMA substations have been inspected. A plan to correct deficiencies has been developed pending funding availability for its implementation. Deficiencies include out of service equipment and corrections to settings, affecting to 29 devices, or 10% of the devices involved in the program. Part of the UFLS program is implemented in power plants in relays under Genera PR's control. LUMA will coordinate with Genera PR to include these devices in the inspection/remediation program. A review and plan to revisit the frequency blocks and trip times is ongoing We had received feedback from EPRI previously regarding this recommendation. In order to fully maximize the performance of the system load shed schemes, an accurate dynamic system model including generator data is necessary. LUMA has been unsuccessful in obtaining this information since 2022.

3.0 Conclusion

In conclusion, LUMA reiterates it concurs with the recommendations and observations presented in EPRI's technical advisory report. As demonstrated, our existing initiatives and projects actively address these recommendations, reflecting our commitment to improve the Transmission and Distribution System ("T&D System"). We remain dedicated to collaborating with stakeholders and providing any further information or updates as needed. We believe these ongoing efforts will contribute significantly to stabilize and improve the T&D System.