

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

NEPR

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IN RE:

REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-
YEAR INFRASTRUCTURE PLAN-
DECEMBER 2020

CASE NO. NEPR-MI-2021-0002

**SUBJECT: Motion in Compliance with Resolution
and Order of June 13, 2025, Request for
Confidentiality, and Memorandum in Support of
Confidentiality**

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER OF JUNE 13,
2025, REQUEST FOR CONFIDENTIALITY, AND MEMORANDUM IN SUPPORT OF
CONFIDENTIALITY**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC, and LUMA Energy ServCo, LLC, (jointly referred to as “LUMA”), through the undersigned legal counsel and respectfully submit the following:

I. Submittal of Contact Information and Request for Confidentiality

1. On March 26, 2021, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order in the instant proceeding, ordering, in pertinent part, that the Puerto Rico Electric Power Authority (“PREPA”) submit to the Energy Bureau the specific projects to be funded with Federal Emergency Management Agency (“FEMA”) funds or any other federal funds at least thirty (30) calendar days prior to submitting these projects to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (“COR3”), FEMA or any other federal agency (“March 26th Order”). It also directed PREPA to continue reporting to the Energy Bureau and FEMA within the next five years, the progress of all ongoing efforts related to the approval of the submitted projects not yet approved by the Energy Bureau. This Energy Bureau thereafter determined that this directive applied to PREPA and LUMA. *See* Resolution and Order of August 20, 2021.

2. On November 29, 2023, the Energy Bureau entered a Resolution and Order authorizing its Technical Consultant, Alianza Engineering Services to inspect all facilities and assets related to generation, transmission and distribution including, but not limited, to the generation facilities located at Aguirre, Costa Sur, Palo Seco, San Juan, Cambalache, peaking units facilities and all other generation sites under Genera PR LLC's control (existing or proposed for new projects), Transmission and Distribution facilities under LUMA's control, and generation facilities under PREPA HydroCO's control.

3. On July 13, 2025, the Energy Bureau issued a Resolution and Order requiring LUMA to provide, within the next ten (10) days, the names, titles, and contact information of the pertinent directive-level staff to coordinate the Energy Bureau's planned visits to inspect ongoing projects so the visiting teams can communicate directly and start scheduling visits ("June 13th Order").

4. In compliance with the June 13th Order, LUMA hereby submits the names, titles, and contact information of the pertinent directive-level staff to coordinate the Energy Bureau's planned visits. *See Exhibit 1.*

5. LUMA hereby requests that *Exhibit 1* be maintained confidential and is submitting a redacted version for public disclosure and an unredacted non-public version under seal of confidentiality. LUMA submits its Memorandum of Law below, stating the legal basis for which the unredacted version of *Exhibit 1* should be filed under seal of confidentiality. As will be explained below, the SOW in *Exhibit 1* should be protected from public disclosure as this document contains personal identifying information of individuals who are LUMA staff or contractors, which is protected under Puerto Rico's legal framework on privacy emanating from

the Puerto Rico Constitution and should also be protected pursuant to the Energy Bureau's Policy on Management of Confidential Information. *See* 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 20, 2016.

II. Memorandum of Law in Support of Request for Confidentiality

A. Applicable Laws and Regulations to Submit Information Confidentially Before the Energy Bureau

6. The bedrock provision on the management of confidential information filed before this Energy Bureau, is Section 6.15 of Act 57-2014, known as the "Puerto Rico Energy Transformation and Relief Act." It provides, in pertinent part, that: "[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.* § 1054n(a).

7. Access to 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.* § 1054n(b). Finally, Act 57-2014 provides that this Energy Bureau "shall keep the documents submitted for its consideration out of public reach only in exceptional cases. In these cases, the information shall be duly safeguarded and delivered exclusively to the personnel of the [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.* § 1054n(c).

8. Relatedly, in connection with the duties of electric power service companies, Section 1.10 (i) of Act 17-2019 provides that electric power service companies shall provide the information requested by customers, except for confidential information in accordance with the Rules of Evidence of Puerto Rico.

9. Moreover, the Energy Bureau’s Policy on Management of Confidential Information details the procedures a party should follow to request that a document or portion thereof be afforded confidential treatment. In essence, the referenced Policy requires identifying confidential information and filing 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 20, 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 why each claim or designation conforms to the applicable legal basis of confidentiality. *Id.* at ¶ 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.* at ¶ 6.

10. Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, also includes a provision for filing confidential information in proceedings before this 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 according to [...] Article 6.15 of Act No. 57-2015, as amended.” *See also* Energy Bureau Regulation No. 9137 on *Performance Incentive Mechanisms*, § 1.13 (addressing disclosure before the Energy Bureau of Confidential Information and directing compliance with Resolution CEPR-MI-2016-0009).

B. Request for Confidentiality

11. *Exhibit 1* contains the name, phone number, and role of individuals who are LUMA employees. LUMA respectfully requests that information on the names, phone numbers, and roles of these individuals be kept confidentially in the context that these reveal details of their employment duties and that their protection is in the public interest and aligned with Puerto Rico’s legal framework on privacy, which protects from the disclosure of personal information. *See e.g.*, Const. ELA, Art. II, Sections 8 and 10, which protect the right to control personal information and distinctive traits, which apply *ex proprio vigore* and against private parties. *See also e.g. Vigoreaux v. Quiznos*, 173 D.P.R. 254, 262 (2008); *Bonilla Medina v. P.N.P.*, 140 D.P.R. 294, 310-11 (1996), *Pueblo v. Torres Albertorio*, 115 D.P.R. 128, 133-34 (1984). *See also* Act 122-2019, Article 4(vi) (which provides, as an exception to the rule on public disclosure, information the disclosure of which could invade the privacy of third parties or affect their fundamental rights); and Article 3(c) of Act 122-2019 (stating that personnel files and similar information does not constitute public information subject to disclosure). It is respectfully submitted that the redaction of the aforementioned information does not affect the public’s or the Energy Bureau’s review of the contact information, nor interfere with processes before this Energy Bureau. Therefore, on balance,

the public interest in protecting privacy weighs in favor of protecting the relevant portions of the contact information.

C. Identification of Confidential Information

12. In compliance with the Energy Bureau's Policy on Management of Confidential Information (CEPR-MI-2016-0009) below, find a table summarizing the portions of the FEMA approvals for which we present this request for confidential treatment.

Document	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection, if applicable	Date Filed
Exhibit 1	Entire document	Right to privacy (<i>see, e.g.,</i> Const. ELA, Art. II, Sections 8 and 10)	June 13, 2025

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** the contact information attached herein as *Exhibit 1*; and **grant** the request for confidential treatment of *Exhibit 1*.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau. We will send an electronic copy of this Motion to counsel for PREPA Alexis Rivera, arivera@gmlex.net, and to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboredo, jfr@sbglaw.com, Jennise M. Álvarez González, jennalvarez@sgblaw.com, and Francisco Santos, francisco-santos@gener-pr.com.

In San Juan, Puerto Rico, on the 13th of June, 2025.



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/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
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Exhibit 1

LUMA's Points of Contact

In compliance with the June 13, 2025, Resolution and Order from the Puerto Rico Energy Bureau (PREB), the table below includes the name, title and email of LUMA's designated personnel for the coordination of the PREB's planned visits to inspect ongoing projects.

Name	Title	Email
	Director, Projects	
	Director, Transmission Lines Construction & Maintenance	
	Director, Vegetation Management	
	Lead, Programs & Performance	