

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

NEPR

Received:

Jun 24, 2025

8:50 PM

IN RE:

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

CASE NO. NEPR-MI-2020-0001

**SUBJECT: Motion in Compliance with Bench
Orders of June 24, 2025**

MOTION IN COMPLIANCE WITH BENCH ORDERS OF JUNE 24, 2025

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW LUMA Energy Servco, LLC (“ServCo”), (“LUMA”), through the undersigned counsel, and respectfully states and requests the following:

I. Submission in Compliance with Bench Orders of June 24, 2025

1. On April 23, 2019, the Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order in Cases Nos. CEPR-AP-2015-0001 and NEPR-AP-2018-0003. The Energy Bureau approves and revises the factors associated with several riders, including contributions in lieu of taxes cost adjustment (“CILTA”), help to human subsidies (“SUBA-HH”), and non-help to human subsidies (“SUBA-NHH”), among others. The particulars of the timing to file annual proposed CILTA, SUBA-HH, and SUBA-NHH factors are stated in the Tariff Book for the Puerto Rico Electric Power Authority (“PREPA”). The proposed factors filings before this Energy Bureau are due before the end of the eleventh month of each annual period.

2. Further, pursuant to Section 5.6 of the Puerto Rico Transmission and Distribution Operation and Maintenance Agreement (“T&D OMA”) as supplemented by the Puerto Rico Transmission and Distribution System Supplemental Terms Agreement, LUMA’s role is to

calculate the reconciliations and CILTA, SUBA-HH, and SUBA-NHH proposed riders to be applied annually.

3. On May 31, 2025, LUMA filed before the Energy Bureau a *Motion Submitting CILTA, SUBA-HH, and SUBA-NHH Reconciliations and Calculated Factors, EE Program Costs and Proposed Factors, and Request for Confidential Treatment of Excel Spreadsheets* (“May 31st Motion”). Therein, LUMA submitted the annual reconciliation of the CILTA, SUBA-HH, and SUBA-NHH riders for May 2024 to April 2025 and the proposed factors to be applied during the Fiscal Year 2026. LUMA also submitted twelve (12) Excel files that contained the supporting files with all the data used for the reconciliations and the cost forecast.

4. On June 16, 2025, LUMA filed a *Motion Submitting FCA and PPCA Reconciliations for March Through May 2025 and Updated Annual Reconciliation and Submission of FCA, PPCA, and POS and Annual Calculated Factors and Request for Confidential Treatment* (“June 16th Motion”). Therein, LUMA submitted an updated annual reconciliation and annual riders factors, updating the data presented initially in the May 31st Motion. Specifically, LUMA revised the revenue stimulation relating to rates 513 GST and TOU-T, due to an inadvertent reference error.

5. On June 24, 2025, the Energy Bureau held a Technical Conference for clarification pertaining to the quarterly and yearly proposed factors filing. During the Technical Conference, specific aspects regarding the updated annual reconciliation of the CILTA, SUBA-HH, and SUBA-NHH factors were specifically raised and discussed. The Energy Bureau’s consultant and Commissioner Ferdinand Ramos requested clarification on certain values submitted by LUMA in the May 31st Motion (“June 24th Bench Order”). LUMA offered to clarify those values by today.

6. In compliance with the June 24th Bench Order, LUMA hereby submits and/or clarifies the information requested:

a. In the “ANNUAL RECONCILIATION-CILT AND SUB RIDERS-MAY 2024 TO APRIL 2025 revised 6.24.25_Values.xlsx” Excel spreadsheet, the formula in the Summary tab total column was adjusted to reflect the prior period adjustment total with May and June 2024. Moreover, the formula in the "FY 2026 kWh Distribution" tab of the Excel spreadsheet "FY2026 Subsidies Forecast" was reviewed. The *“ANNUAL RECONCILIATION- CILT AND SUB RIDERS-MAY 2024 TO APRIL 2025 revised 6.24.25”* Excel spreadsheet includes the CILTA and Subsidies reconciliations. The supporting files with all the data used for the reconciliations are included.

b. In addition, Attachment 5 – “CILT and SUBSIDIES RIDERS 2026_Values.xlsx” was adjusted according to the aforementioned changes.

c. As to Commissioner Ramos' question about the cost of the May and June 2024 CILTA factor, please refer to the "CILT FY 2024 (May 2025 Updated)_Values.xlsx" Excel spreadsheet, specifically the \$ CELI FINAL tab.

d. The “FY 2026 Subsidies Forecast” Excel spreadsheet includes the CILTA factor and the subsidies forecasted costs with all formulas intact. Finally, the “Load Forecast - FY2025 Update” Excel spreadsheet contains all the data used to determine the projected load with formulas intact.

e. Finally, the Estimated Retail Kilowatts per hour (kWh) sales for the period of July 1, 2025, through June 30, 2026, are **16,022,315,674.70 (kWh)**.

7. Also, the updated forecasted costs and retail sales for Fiscal Year 2026 have been updated as follows:

Riders	Submitted on June 16, 2025	Updated on June 24, 2025
CILT-Municipalities	\$93,592,036.58	\$93,410,444.56
Subsidies - Help to Humans	\$193,950,562.13	\$193,950,562.13
Subsidies - Non-Help to Humans	\$13,408,003.09	\$13,408,003.09
EE Rider	\$41,194,106.00	\$41,194,106.00

8. Therefore, the proposed annual riders to be in effect from July 1st, 2025, to June 30th, 2026, are as follows:¹

FY 2025 Riders			Submitted on June 16, 2025	Updated on June 24, 2025
CILT-Municipalities	<i>\$/kWh</i>		\$ 0.004304	\$ 0.004417
Subsidies - Help to Humans	<i>\$/kWh</i>		\$ 0.012345	\$ 0.012558
Subsidies - Non-Help to Humans	<i>\$/kWh</i>		\$ 0.001051	\$ 0.001091
EE Rider	<i>\$/kWh</i>		\$ 0.002636	\$ 0.002636

9. LUMA is hereby submitting via email, twelve (12) Excel spreadsheets, of which only three have been changed directly. However, seven (7) are affected because they are linked to the revised spreadsheets.. The affected spreadsheets include: “FY2026 - Subsidies Forecast_Values.xlsx”, “ANNUAL RECONCILIATION-CILT AND SUB RIDERS-MAY 2024 TO APRIL 2025 revised 6.24.25_Values.xlsx”, and “Attachment 5 - CILT and SUBSIDIES

¹ The proposed annual riders change due to the update in the annual reconciliation, as the prior period adjustment did not consider the months of May and June 2024.

RIDERS 2026_Values.xlsx”.² As customary, this submission includes Excel spreadsheets filed publicly in a folder entitled *Public* and confidential Excel spreadsheets with intact formulae submitted in a folder named *Confidential*, as depicted below. It is hereby respectfully requested that the Energy Bureau accept and maintain the *Confidential* folder under seal of confidentiality.

a. Confidential Folder

ANNUAL RECONCILIATION-CILT AND SUB RIDERS-MAY 2024 TO APRIL 2025 revised 6.24.25.xlsx
Load Forecast - FY2025 Update.xlsx
Customers Forecast - FY2025 Update.xlsx
FY2026 Subsidies Forecast.xlsx
2026 Revenues Forecast.xlsx
Attachment 5 - CILT and SUBSIDIES RIDERS 2026.xlsx
Subsidies (CC&B Reports Supporting) May 2024 to April 2025.xlsx
Public Lighting- May 2024 to April 2025.xlsx
Load forecast modifiers - FY2025.xlsx
CITL FY 2024 (May 2025 Updated) .xlsx
CILT FY 2025 (Revised).xlsx
CILT & SUB Costs MAY24-APR25.xlsx
July-September 2025 Proposed Factors.xlsx ³

b. Public Folder

ANNUAL RECONCILIATION-CILT AND SUB RIDERS-MAY 2024 TO APRIL 2025 revised 6.24.25_Values.xlsx **
Load Forecast - FY2025 Update_Values.xlsx *
Customers Forecast - FY2025 Update_Values.xlsx *
FY2026 - Subsidies Forecast_Values.xlsx **

² The Excel spreadsheets marked with (**) have been updated, and those marked with (*) are affected because they are linked to the revised Excel spreadsheets.

³ The Excel spreadsheets “July-September 2025 Proposed Factor” is included to reflect the changes presented herein, specifically in Attachment 5 and the Attachment 8 tab. However this doesn’t impact the previous FCA, PPCA, and FOS factors proposed on June 16, 2025.

2026 Revenues Forecast Values.xlsx *
Attachment 5 - CILT and SUBSIDIES RIDERS 2026 Values.xlsx **
Subsidies (CC&B Reports Supporting) May 2024 to April 2025 Values.xlsx
Public Lighting- May 2024 to April 2025 Values.xlsx
Load forecast modifiers - FY2025 Values.xlsx *
CITL FY 2024 (May 2025 Updated) Values.xlsx
CILT FY 2025 (Revised) Values.xlsx
CILT & SUB Costs MAY24-APR25 Values.xlsx
July-September 2025 Proposed Factors Values.xlsx ⁴

II. Request for Confidential Treatment of Excel Files and Supporting Memorandum of Law.

10. The confidential Excel files referenced in Section I of this Motion, are Excel spreadsheets submitted in native format (.xls) and with formulae intact. *See Confidential* folder. They include formulae and original calculations made by LUMA personnel that reveal confidential procedures. They also encompass sensitive commercial information belonging to LUMA and/or PREPA, thus protected by law from disclosure and should not be disclosed in native form.

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

11. The bedrock provision on managing 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 Commission 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

⁴ The Excel spreadsheets “July-September 2025 Proposed Factor” is included to reflect the changes presented herein, specifically Attachment 5 and the Attachment 8 tab.

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. 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 under the Rules of Evidence of Puerto Rico. The confidential information shall be provided “only to the lawyers and external consultants involved in the administrative process after the execution of a confidentiality agreement.” *Id.* Section 6.15(b). Finally, Act 57-2014 provides that this Energy Bureau “shall keep the documents submitted for its consideration out of public reach only in exceptional cases. In these cases, the information shall be duly safeguarded and delivered exclusively to the personnel of the [Bureau] who needs to know such information under nondisclosure agreements. However, the [Bureau] shall direct that a non-confidential copy be furnished for public review”. *Id.* Section 6.15 (c).

13. The Energy Bureau’s Policy on Confidential Information details the procedures a party should follow to request that a document or portion thereof be afforded confidential treatment. In essence, the referenced Policy requires 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 16, 2016, CEPR-MI-2016-0009. The memorandum should also include a table that identifies the confidential information, a summary of the legal basis for the confidential designation, and the reasons why each claim or designation conforms to the applicable legal basis of confidentiality. *Id.*, paragraph 3. The party who seeks confidential treatment of information filed with the Bureau

must also file both a “redacted” or “public version” and an “unredacted” or “confidential” version of the document that contains confidential information. *Id.*, paragraph 6.

14. The aforementioned policy of the Energy Bureau on the management of confidential information in procedures states the following with regard to access to validated Trade Secret Information:

1. Trade Secret Information

Any document designated by the [Energy Bureau] as Validated Confidential Information because it is a trade secret under Act 802011 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).

15. Germanely, Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, includes a provision for filing confidential information in adjudicatory proceedings before this Energy Bureau. To wit, Section 1.15 provides that “a person has the duty to disclose information to the [Bureau] considered to be privileged pursuant to the Rules of Evidence, said person shall identify the allegedly privileged information, request the [Bureau] the protection of said information, and provide supportive arguments, in writing, for a claim of information of privileged nature. The [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* Regulation No. 9137 on *Performance Incentive Mechanisms*, Section 1.13 (addressing disclosure before the Bureau of Confidential Information and directing compliance with Resolution CEPR-MI-2016-0009).

B. Grounds for Confidentiality

16. 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 for which reasonable security measures have been taken, as circumstances dictate, to maintain its confidentiality.

Id. §4131, Section 3 Act. 80-2011.⁵

17. Trade secrets include, but are not limited to, processes, methods, mechanisms, manufacturing processes, formulas, projects or patterns to develop machinery, and lists of specialized clients that may afford an advantage to a competitor. *See* Statement of Motives, Act 80-2011. As explained in the Statement of Motives of Act 80-2011, protected trade secrets include any information bearing commercial or industrial value that the owner reasonably protects from disclosure. *Id.* *See also* Article 4 of Puerto Rico's Open Data Law, Act 122-2019 (exempting the following from public disclosure: (1) commercial or financial information whose disclosure will cause competitive harm; (2) trade secrets protected by a contract, statute or judicial decision (3) private information of third parties). *See* Act 122-2019, Articles 4 (ix) and (x) and (xi)). The Puerto Rico Supreme Court has explained that the trade secrets privilege protects free enterprise and extends to confidential commercial information. *Ponce Adv. Med. v. Santiago Gonzalez*, 197 DPR 891, 901-02 (2017) (citation omitted).

18. The Excel spreadsheets submitted today in native form and with formulae intact as *Confidential* are protected as trade secrets. They have commercial value to LUMA and PREPA. They also reveal confidential processes and analyses to produce calculations supporting the public

⁵ Correlatedly, Rule 513 of the Rules of Evidence of Puerto Rico provides that the owner of a trade secret may invoke the privilege to refuse to disclose and to prevent another person from revealing trade secrets, provided that these actions do not tend to conceal fraudulent activities or lead to an injustice. 32 PR Laws Annot. Ap. VI, R. 513. If a court of law mandates the disclosure of a trade secret, precautionary measures should be adopted to protect the interests of the trade secret owner. *Id.*

filing of the proposed factors for the CILTA, SUBA-NHH, SUBA-HH, and EE riders. LUMA and PREPA keep and maintain these native files confidentially and do not disclose them to the public or unauthorized third parties.

19. LUMA appreciates the importance of placing the Energy Bureau in the position of reviewing the reconciliations and fixing the annual factors. However, to avoid future competitive harm if original format spreadsheets with formulae and calculations are publicly disclosed, LUMA respectfully requests that the Excel files submitted today as *Confidential* be received, kept, and maintained confidentially by this Energy Bureau.

20. The confidential spreadsheets included as *Confidential* are: (1) documents with commercial and financial value, and (2) involve data that **is not common knowledge or readily accessible** by third parties who may seek to profit from the data or gain commercial advantages. The spreadsheets are business documents showing processes, methods, and mechanisms that garner protection under Act 80-2011. They are original documents that have not been disclosed to third parties and whose disclosure would reveal sensitive and private commercial processes employed by LUMA and PREPA. The disclosure of this sensitive commercial information would place LUMA and PREPA in vulnerable and disadvantageous commercial positions that could affect LUMA customers and impact rates. Reasonable measures have been taken to protect the files from disclosure and avoid unauthorized access by third parties that could seek to gain commercial advantages. It is respectfully submitted that the *Confidential* folder is a trade secret protected from public disclosure by Act 80-2011.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept** the filing of the aforementioned Excel spreadsheets; **keep** confidentially the spreadsheets that have been filed in Excel format and with formulae in the folder named

Confidential that is submitted with this Motion; and **deem** LUMA complied with the June 24th Bench Order.

I hereby certify that this Motion was filed using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion to the Puerto Rico Electric Power Authority, through: Lionel Santa lionel.santa@prepa.com; Alexis Rivera, arivera@gmlex.net; Juan M. Martínez Nevárez, jmartinez@gmlex.net; and Juan R. González Galarza, jgonzalez@gmlex.net; to Genera PR, LLC through: Luis Roman Negrón, lrm@roman-negron.com; legal@genera-pr.com; and regulatory@genera-pr.com; and to the Independent Consumer Protection Office, through Director Hannia Rivera, hrivera@jrsp.pr.gov.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 24th day of June 2025.



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