

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

NEPR

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IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-0003

SUBJECT: Request for Confidential
Treatment of Portions of LUMA's Rate
Review Petition

**REQUEST FOR CONFIDENTIAL TREATMENT OF PORTIONS OF LUMA'S RATE
REVIEW PETITION**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

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

I. Introduction and Procedural Background

On June 30, 2024, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order "to initiate [this] adjudicative process to review PREPA's rates" (the "June 30th Order") and opened this instant proceeding. *See* June 30th Order, p. 2. Nonetheless, on April 12, 2024, this Energy Bureau issued a Resolution and Order ("April 12th Order") whereby it set aside all of this proceeding's deadlines and/or milestones until "the Title III Court has rendered its decision on the confirmation of the Amended Plan, so that all matters associated with PREPA's exit from Title III may be considered simultaneously." *See* April 12th Order, p. 3.

On December 10, 2024, this Energy Bureau issued a new Resolution and Order providing clarity regarding its expectations for and an update on the expected filing requirements that would guide the captioned rate review proceeding. The Energy Bureau emphasized that any filing for new rates must comply with the Energy Bureau's established filing requirements, which were

being finalized in collaboration with the Energy Bureau’s consultants, and indicated its expectation to finalize such requirements by early February 2025.

Following a series of informal procedural events – including technical conferences and requests for information – aimed at receiving participants’ respective insights and concerns with regards to the upcoming rate review petition, on February 12, 2025, this Energy Bureau issued a Resolution and Order (“February 12th Order”), whereby it established “the filing requirements and procedures for the rate review of the Puerto Rico Electric Power Authority (‘PREPA’).” *See* February 12th Order, p. 1.¹

In what is pertinent to the present request, the February 12th Order established confidentiality “procedures to balance the public’s right to access information about utility rates with the legitimate need to protect certain sensitive business information.” *See* February 12th Order, p. 10. These procedures mandate that, if in compliance with the February 12th Order, “a person has the duty to disclose to the Energy Bureau information that the person considers privileged under the Rules of Evidence, the person shall identify the information, request the Energy Bureau to protect the information, and provide written arguments to support its claim for protection”², all as required by 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”).

Furthermore, the February 12th Order states that the Energy Bureau will decide each confidentiality claim expeditiously and will proceed, in accordance with Article 6.15 of Act No.

¹ The filing requirements issued by this Energy Bureau through its February 12th Order were later modified by way of orders issued on February 27, 2025, March 24, 2025, April 21, 2025, April 25, 2025, May 29, 2025, June 11, 2025, June 20, 2025, June 25, 2025 and, most recently, on June 26, 2025.

² *See* February 12th Order, p. 10.

57-2014³, 22 LPRA § 1054n (2025), if it deems that the protected material merits protection. *See* February 12th Order, p. 10. In its decision, “the Energy Bureau will state (i) which information and documents are confidential or privileged; and (ii) the rules that shall be observed to duly safeguard the information.” *Id.* On the other hand, the February 12th Order provides the following:

If the Energy Bureau denies a confidentiality claim, the Energy Bureau will also state the period after which the document or information will be available to the public. Such period will give the submitter sufficient time to seek reconsideration or any other legal recourse to prevent disclosure if PREPA disagrees with the Energy Bureau’s decision.⁴

Id.

Today, July 3rd, 2025, LUMA filed its *Motion Submitting Rate Review Petition* (“July 3rd Petition”), in accordance with the Energy Bureau’s February 12th Order, as subsequently amended. LUMA respectfully submits that very limited portions of the supporting documents accompanying the July 3rd Petition contain confidential information that garners protection from public disclosure pursuant to applicable law and regulations. Accordingly, LUMA is submitting the documents identified in Section II of the present Motion under seal of confidentiality. LUMA is submitting a redacted public version of these documents, as well as a confidential unredacted version protecting the information deemed to be confidential. In compliance with the Energy Bureau’s Policy on Management of Confidential Information, under separate cover and expediently, within the next ten (10) days, as set forth in Section A(2) of Energy Bureau’s Policy on Management of Confidential Information, LUMA will be submitting a Memorandum of Law in support of this request for confidentiality.

II. Identification of Confidential Information within LUMA’s Rate Review Petition

³ Known as the “Puerto Rico Energy Transformation and RELIEF Act” (hereinafter, “Act 57-2014”).

⁴ Lastly, the February 12th Order states that the “Energy Bureau’s staff having access to Confidential Information will follow the *Puerto Rico Energy Bureau’s Internal Guidelines for the Treatment of Confidential Information*.” *See* February 12th Order, p. 10.

In further compliance with the Energy Bureau’s Policy on Confidential Information, a table summarizing the hallmarks of this request for confidential treatment is hereby included:

Document	Confidential Portions	Legal Basis for Confidentiality	Date Filed
LUMA Exhibit 5.03 – OT Telecom Systems and Networks Program Brief (PBIT1) (FY2026)	<ul style="list-style-type: none"> Fiscal Year Focus 2026-2028 Program Status Active Gaps Impact of Constrained Budget 	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3 rd , 2025
LUMA Exhibit 11.00 – Direct Testimony of Crystal Allen, IT OT Testimony	<ul style="list-style-type: none"> Redacted portions 	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3 rd , 2025
LUMA Exhibit 11.02 – IT OT Cybersecurity Program Brief (PBIT2) (FY2026)	<ul style="list-style-type: none"> Fiscal Year Focus 2026-2028 Program Status Active Gaps 	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3 rd , 2025
LUMA Exhibit 13.02 – Substation Physical Security Program Brief (PBUT18) (FY2026)	<ul style="list-style-type: none"> Fiscal Year Focus 2026-2028 Program Status Active Gaps Impact of Constrained Budget 	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3 rd , 2025
LUMA Exhibit 13.03 – Regional Operations Facilities Physical Security Program Brief (PBUT19) (FY2026)	<ul style="list-style-type: none"> Fiscal Year Focus 2026-2028 Program Status Active Gaps Impact of Constrained Budget 	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3 rd , 2025
LUMA Exhibit 13.04 – Response to November 8, 2024 Requests, Exhibit 1, ROI-LUMA-MI-2020-0018-20241108-PREB-005_Attachment20; and ROI-LUMA-MI-2020-0018-20241108-PREB-005_Attachment21 (Dec. 16, 2024)	<ul style="list-style-type: none"> Whole document(s). 	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3 rd , 2025

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; and **grant** LUMA’s request for the confidential treatment of the above identified

portions of LUMA's July 3rd Petition 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 3rd day of July, 2025.

WE HEREBY CERTIFY 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 Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record. To wit, to the *Puerto Rico Electric Power Authority*, through: Mirelis Valle-Cancel, mvalle@gmlex.net; Juan González, jgonzalez@gmlex.net; Alexis G. Rivera Medina, arivera@gmlex.net; and Juan Martínez, jmartinez@gmlex.net; and to *Genera PR, LLC*, through: Jorge Fernández-Reboredo, jfr@sbgblaw.com; Gabriela Castrodad, gcastrodad@sbgblaw.com; Jennise Alvarez, jennalvarez@sbgblaw.com; regulatory@genera-pr.com; and legal@genera-pr.com; *Co-counsel for Oficina Independiente de Protección al Consumidor*, hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; pvazquez.oipc@avlawpr.com; *Co-counsel for Instituto de Competitividad y Sustentabilidad Económica*, victorluisgonzalez@yahoo.com; agraitfe@agraitlawpr.com; *Co-counsel for National Public Finance Guarantee Corporation*, epo@amgprlaw.com; loliver@amgprlaw.com; acasellas@amgprlaw.com; matt.barr@weil.com; robert.berezin@weil.com; Gabriel.morgan@weil.com; Corey.Brady@weil.com; *Co-counsel for GoldenTree Asset Management LP*, lramos@ramoscruzlegal.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; iglassman@whitecase.com; tmacwright@whitecase.com; jcunningham@whitecase.com; mshepherd@whitecase.com; jgreen@whitecase.com; *Co-counsel for Assured Guaranty, Inc.*, hburgos@cabprlaw.com; dperez@cabprlaw.com; mmcgill@gibsondunn.com; lshelfer@gibsondunn.com; howard.hawkins@cwt.com; mark.ellenberg@cwt.com; casey.servais@cwt.com; bill.natbony@cwt.com; thomas.curtin@cwt.com; *Co-counsel for Syncora Guarantee, Inc.*, escalera@reichardescalera.com; arizmendis@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com; *Co-Counsel for the PREPA Ad Hoc Group*, dmonserrate@msglawpr.com; fgierbolini@msglawpr.com; rschell@msglawpr.com; eric.brunstad@dechert.com; Stephen.zide@dechert.com; david.herman@dechert.com; michael.doluisio@dechert.com; stuart.steinberg@dechert.com; *Sistema de Retiro de los Empleados de la Autoridad de Energía Eléctrica*, nancy@emmanuelli.law; rafael.ortiz.mendoza@gmail.com; rolando@emmanuelli.law; *Official Committee of Unsecured Creditors of PREPA*, jcasillas@cstlawpr.com; jnieves@cstlawpr.com; *Solar and Energy Storage Association of Puerto Rico*, Cfl@mcvpr.com; apc@mcvpr.com; javrua@sesapr.org; and *the Energy Bureau's Consultants*, jrinconlopez@guidehouse.com; Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com; Intisarul.Islam@weil.com; jorge@maxetaenergy.com; rafael@maxetaenergy.com; RSmithLA@aol.com; msdady@gmail.com; mcranston29@gmail.com; dawn.bisdorf@gmail.com; ahopkins@synapse-energy.com; clane@synapse-energy.com; guy@maxetaenergy.com; Julia@londoneconomics.com; Brian@londoneconomics.com; luke@londoneconomics.com; kbailey@acciongroup.com; hjudd@acciongroup.com; zachary.ming@ethree.com; PREBconsultants@acciongroup.com.



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