

**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: Motion Submitting Public
Version of LUMA's Long Term
Investment Plans and Memorandum of
Law in Support of Confidential Treatment
of Redacted Portions

**MOTION SUBMITTING PUBLIC VERSION OF LUMA'S LONG TERM INVESTMENT
PLANS AND MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIAL
TREATMENT OF REDACTED PORTIONS**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU AND ITS HEARING
EXAMINER, SCOTT HEMPLING:**

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

I. INTRODUCTION

1. LUMA respectfully submit this motion and accompanying memorandum of law in support of its request for confidential treatment of specific portions of Exhibit 2.05 ("*NFC Long Term Investment Plan (LTIP) FY2026-FY2035 Unconstrained*") and Exhibit 2.06 ("*NFC LTIP FY2026-FY2035 Constrained*."), filed with the Puerto Rico Energy Bureau ("Energy Bureau") on August 18, 2025. See LUMA's Motion Submitting Revised ROI-LUMA-AP-2023-0003-20250324-PREB-002 and LUMA'S Long Term Investment Plans in Compliance with the August 15th Order ("August 18th Motion"). Confidential versions of those exhibits were filed with the August 18th Motion. In the August 18th Motion, LUMA requested until August 21, 2025 to file public redacted versions of Exhibits 2.05 and 2.06 and informed that it would separately file a memorandum in

support of its request that the Energy Bureau keep and maintain under seal of confidentiality, portions of Exhibits 2.05 and 2.06.¹

2. The redacted material in Exhibits 2.05 and 2.06, includes sensitive financial data related to LUMA's Cybersecurity programs. Although the redactions are limited to certain dollar amounts, the structure of the Excel workbooks requires redaction of related totals and summations, which would otherwise allow inference of the confidential data. Additionally, because the exhibits are complex, formula-driven workbooks with interdependent tabs, redacting individual values would disrupt the integrity of the files. To preserve consistency and prevent inadvertent disclosure, LUMA has submitted the exhibits in values-only format.

3. This request is made pursuant to Section 6.15 of Act 57-2014,² PR Laws Ann. Tit. 22 §§ 1051-1056, 22 LPRA §§ 1051-1056 (2025), the Energy Bureau's Policy on Confidential Information (CEPR-MI-2016-0009), and the Commonwealth of Puerto Rico Cybersecurity Act (Act 40-2024),³ PR Laws Ann. Tit. 3 §§ 10121 - 10135 (2025), 3 LPRA §§ 10121 - 10135 (2025). The redacted content constitutes Critical Energy Infrastructure Information ("CEII"), the disclosure of which would pose serious risks to the security of the electric grid. Accordingly, LUMA respectfully requests that the Energy Bureau designate the identified portions of Exhibits 2.05 and 2.06 as Valid Confidential Information and maintain the unredacted versions under seal.

¹ In an Order issued today, August 19, 2025, the Hearing Examiner granted LUMA until August 21, 2025 to file public unredacted versions of Exhibits 2.05 ad 2.06. The Hearing Examiner also directed that LUMA file Confidential versions of those documents using the Accion Platform, by August 20, 2025 at 10 am.

² Known as the "Puerto Rico Energy Transformation and RELIEF Act" and hereinafter referred to as Act 57-2014.

³ Known as the "Commonwealth of Puerto Rico Cybersecurity Act" and hereinafter referred to as Act 40-2024.

II. PROCEDURAL BACKGROUND

4. On June 30, 2024, this Honorable 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.

5. 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 [PREPA].” *See* February 12th Order, p. 1.⁴

6. 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 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,”⁵ 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”).

⁴ Although not relevant to the present request, LUMA notes that 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 and, most recently, on June 11, 2025.

⁵ *See* February 12th Order, p. 10.

7. 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. 57-2014, PR Laws Ann. Tit. 22 § 1054n (2025), 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.⁶

Id.

8. On July 3, 2025, LUMA filed its *Motion Submitting Rate Review Petition* (“Rate Review Petition”) with this Honorable Puerto Rico Energy Bureau (“Energy Bureau”), pursuant to the filing requirements outlined by the Energy Bureau, as modified by the Hearing Examiner, Mr. Scott Hempling. A portion of LUMA’s Rate Review Petition was comprised of comprehensive and detailed responses to a set of Requests for Information (“ROI”) developed by the Energy Bureau’s consultants, issued on March 24, 2025, by way of the Hearing Examiner’s *Order Requiring Certain Information in the Rate Case Application or Accompanying Prefiled Testimony*.

9. LUMA’s Rate Review Petition included, as requested by the Energy Bureau, a response to ROI No. 2 regarding planned activities and associated costs for system improvements, restoration, and modernization for Fiscal Years 2026 through 2025. *See* ROI-LUMA-AP-2023-

⁶ 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.

0003-20250324-PREB-002. The above-referenced response identified the “*NFC Long Term Investment Plan (‘LTIP’) FY2026-FY2035 Unconstrained*” and the “*NFC LTIP FY2026-FY2035 Constrained*” as Exhibits 5.01 and 5.02 to LUMA’s Rate Review Petition, respectively. Furthermore, Pedro A. Meléndez-Meléndez’s testimony in support of LUMA’s Rate Review Petition, references the LTIP (Exhibit 5.0). The LTIP documents were not filed together with Mr. Meléndez’s testimony. Thus, the references to Exhibit 5.01 and Exhibit 5.02 in response to ROI No. 2, were erroneous.

10. On August 15, 2025, the Hearing Examiner issued an *Order Requiring Production of LUMA’s “Long Term Investment Plan” and of Exhibit 5.01* (“August 15th Order”), directing LUMA to produce on August 18, 2025, “all documents constituting any Long Term Investment Plan.” Moreover, the Hearing Examiner stated that “the Energy Bureau’s consultants have no record of receiving an Exhibit 5.01”, and ordered that LUMA produce the same.

11. Yesterday, August 18, 2025, submitted the “*NFC Long Term Investment Plan (‘LTIP’) FY2026-FY2035 Unconstrained*” and the “*NFC LTIP FY2026-FY2035 Constrained*” (the “August 18th Order”). *See* Attachment A of the August 18 Motion. These documents were labeled and offered as exhibits (identified henceforth as LUMA Ex. 2.05 and LUMA Ex. 2.06) to the direct testimony of LUMA’s witness, Andrew Smith, in order to facilitate their incorporation into the record and to allow for their proper consideration by the Honorable Energy Bureau and the other parties.⁷ *See* Attachment B of the August 18th Motion (supporting narrative on the LTIP).

⁷ The LTIPs that were referenced in Pedro A. Meléndez-Meléndez’s testimony in support of LUMA’s Rate Review and the ROI-LUMA-AP-2023-0003-20250324-PREB-002 filed on July 3, 2025, solely regarded Capital Programs and Grid Transformation. *See* revised Attachment A. The LTIPs that were filed on August 18, 2025 and alongside this filing, identify company-wide investment plans, at program brief and project-based levels. *See* Attachment B.

In the near future, LUMA may file revised versions of its prefiled testimonies, so that the corresponding witnesses formally sponsor and adopt the relevant portions of LTIPs as exhibits to their testimonies. This

12. As stated in the August 18th Motion, the LTIP documents, LUMA's Exhibits 2.05 and 2.06, include sensitive data related to Cybersecurity programs and their implementation. LUMA submitted unredacted versions of the LTIPs under seal of confidentiality.

13. Today, August 19, 2025, the parties in the captioned case were served with the document titled Hearing Examiner's Order on Confidentiality Matter ("August 19th Order"), by which the Hearing Examiner made several determinations and issued several orders. In what is relevant to this Motion, the Hearing Examiner determined (1) to grant LUMA's request to file the public version of Exhibits 2.05 and 2.06 by August 21, 2025; (2) that LUMA may submit a placeholder for the redacted version of the exhibits in the Accion platform today; and (3) that LUMA shall file a supplemental response containing the redacted version no later than August 21, 2025.

14. In compliance with the August 19th Order, LUMA herein submits public redacted versions of Exhibits 2.05 and 2.06. In compliance with the procedures established in the Policy on Confidential Information, LUMA submits this memorandum of law to support its request for confidentiality, asking the Energy Bureau to determine that the redacted portions of Exhibits 2.05 and 2.06 are Valid Confidential Information and requesting that the unredacted version of these exhibits be maintained under seal of confidentiality by the Clerk of the Energy Bureau.

III. APPLICABLE LAW

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

forthcoming filing would ensure that the relevant portions of the LTIPs are properly incorporated into the record and clearly identified as supporting documentation for LUMA's Rate Review Petition.

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” PR Laws Ann. Tit. 22 § 1054n (2025), 22 LPRA § 1054n (2025). 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, Section 1.10(i) of Act 17-2019⁸ further provides 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. PR Laws Ann. Tit. 22 § 1141i (2025), 22 LPRA § 1141i (2025).

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.” Section 6.15(b) of Act 57-2014, PR Laws Ann. Tit. 22 § 1054n (2025), 22 LPRA § 1054n (2025). 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. Moreover, 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

⁸ Known as the “Puerto Rico Energy Public Policy Act” (hereinafter, “Act 17-2019”).

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, "no later than ten (10) days after filing of the Confidential Information," explaining the legal basis and support for a request to file information confidentially. *See* Policy on Confidential Information, 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 "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:

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).

20. Relatedly, Energy Bureau 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 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 according to . . . Article 6.15 of Act No. 57-2015, as amended.”

IV. DISCUSSION IN SUPPORT OF CONFIDENTIALITY REQUEST

21. Act No. 40-2024, better known as the *Commonwealth of Puerto Rico Cybersecurity Act*, defines “Critical Infrastructure” as those “services, systems, resources, and essential assets, whether physical or virtual, the incapacity or destruction of which would have a debilitating impact on Puerto Rico’s cybersecurity, health, economy, or any combination thereof.” PR Laws Ann. Tit. 3 § 10124(p) (2024), 3 LPRA § 10124(p) (2025).⁹ 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 (2025), states that:

⁹ With regards to Act 40-2024’s applicability to LUMA, as Operator of the T&D System, said statute provides the following:

The provisions of this chapter shall apply to the Executive Branch including all departments, boards, instrumentalities, commissions, bureaus, offices, agencies, administrations or bodies, political subdivisions, public corporations, and municipalities. **It shall likewise apply to every natural or juridical person doing business or having contracts with the Government including, but not limited to, private persons performing public services and duties**, but only with respect to the public services and duties being performed; any public or private administration exercise in which public resources or funds were committed or invested (directly or indirectly), or in which any public servant exercised his authority with regards to the data collected as a result of such activities.

Section 2 of Act 40-2024, PR Laws Ann. Tit. 3 § 10122, 3 LPRA § 10122 (2025) (emphasis ours).

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 (2025), part of the Homeland Security Act of 2002, protects critical infrastructure information (“CII”).¹⁰

¹⁰ 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—

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. § 650 (4) (2025); 6 U.S.C. § 671 (3).¹¹

(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.

¹¹ 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.

6 U.S.C. § 650 (4).

24. As explained with particularity below, the portions of LUMA Exhibits 2.05 and 2.06 that have been identified in subpart (IV.B) of this Memorandum, regarding costs allocated to the Cybersecurity Department, are CEII and CII, are not common knowledge nor have been made publicly available. If that information is disclosed to the public, it will reveal key projects of critical assets. Those assets, in turn, would then be exposed to vulnerabilities or attacks by people seeking to cause harm to Puerto Rico's electric system. Therefore, it is in the public interest to keep the information confidential. For the reasons outlined below, confidential designation is a reasonable and necessary measure to protect critical infrastructure from attacks and to enable LUMA to leverage information without external threats.

A. Cybersecurity Information in LUMA Exhibits 2.05 and 2.06

25. LUMA Exhibits 2.05 and 2.06 include information pertaining to the implementation of cybersecurity projects and initiatives. The redacted portions contain descriptions of program implementation, including cost allocation.

26. Granting confidential treatment to the identified portions of these documents is not only consistent with hallmark legal standards concerning CEII but is also fully consistent with, and in fact advances, Puerto Rico's public policy objectives as established by Act 40-2024. Section 3 of Act 40-2024¹² expressly mandates the protection and maintenance of the confidentiality,

¹² Section 3 of Act 40-2024 reads as follows:

It is hereby established as the public policy of Puerto Rico:

(1) To establish minimum cybersecurity standards and principles based on the "zero trust architecture" concept in order to enable the Government to incorporate cybernetic and electronic technologies into Government operations so as to transform and streamline intragovernmental relations, and government relations with the general public, as well as with local and foreign businesses, thus making the Government more accessible, effective, and transparent, in a secure and reliable manner.

(2) To establish as policy that all covered agencies, or natural or juridical persons, as well as their agents, insurers, or guarantors are prohibited from making any ransom

integrity, and availability of government data and related infrastructure assets, including those pertaining to critical infrastructure such as Puerto Rico's electric transmission and distribution system. Public disclosure of funding needs for the Cybersecurity and related programs, based on needs which in turn reflect vulnerabilities, would directly undermine these statutory objectives.

payments in response to a ransomware attack and that they shall collaborate with the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, as provided in the State and Local Government Cybersecurity Act of 2021. As an exception, and on a case-by-case basis, a Ransom Payment may be considered in the case of:

(a) Critical infrastructure; or

(b) Imminent risk of death;

If a ransom payment is made due to any of the aforementioned reasons, upon consultation with the Office, it shall not be deemed a violation of this section.

(3) To protect and maintain the confidentiality, integrity, and availability of the data stored and/or maintained by the Government's Information Resources and the related infrastructure assets, whether the data is at rest (stored), in-transit (being sent or received), or being created or transformed (processed).

(4) To increase efforts to coordinate and improve the security of government networks and critical infrastructure as well as protect the data contained therein.

(5) To enhance the capabilities and efforts to block, detect, prevent, protect from, and respond to threats against information resources and Government data.

(6) To ensure a stable and secure Information Technology (IT) environment through the implementation of measures as are appropriate to mitigate cybersecurity risks by preventing, reducing, and limiting data loss or the degradation of the Government's information resources, and by implementing corrective measures and protocols that ensure that any imminent attack shall be addressed and resolved swiftly.

(7) To protect the right to privacy of citizens without limiting their right to peaceful coexistence online.

(8) To stop and punish persons misusing any type of information technology to commit criminal acts.

(9) To comply with the basic cybersecurity guidelines established by the President of the United States, the Hon. Joe Biden, through the Executive Order issued on May 12, 2021, and with any subsequent orders related to cybersecurity.

PR Laws Ann. Tit. 3 § 10123, 3 LPRA § 10123 (2025).

Act 40-2024 emphasizes the need to implement minimum cybersecurity standards, coordinate security efforts, and ensure a stable and secure IT environment – goals that are only achievable if sensitive information is shielded from public exposure. Granting confidential treatment to this information is not only prudent but is also a legal imperative that aligns with the legislative intent to safeguard critical infrastructure, protect public safety, and comply with both local and federal cybersecurity requirements.

27. Disclosure to the public would expose the electric grid to heightened risks of sabotage, cyberattacks, and other malicious acts, as it could be used by bad actors to plan and execute attacks on the system. Moreover, public disclosure of this information would undermine LUMA’s ability to protect its assets, employees, and the public, and would contravene prudent utility practice as well as regulatory and contractual obligations under the *Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement* of June 22, 2022, as supplemented and amended by the *Puerto Rico Transmission and Distribution System Operation and Maintenance Supplemental Terms Agreement* (“T&D OMA”).

28. The requested confidential treatment is justified to prevent the exposure of critical infrastructure to unnecessary risks and to comply with both federal and Puerto Rico law, as well as established regulatory policy, and should, thus, be granted accordingly.

B. Conclusion and Identification of Confidential Information within Exhibits 2.05 and 2.06

29. The portions of Exhibits 2.05 and 2.06 identified below contain sensitive information directly related to the Cybersecurity programs. These include investment allocation, which in turn reveals strategies and remediation tactics for critical infrastructure and PREPA system components. Public disclosure of these details could compromise system integrity and security, and therefore warrants confidential treatment.

30. If the information falls into the hands of people who may want to harm the T&D System, it will certainly provide sufficient details to expose the system to risks and harm. It is important to stress that information on cybersecurity systems, per the aforementioned laws and regulations, should be shielded from public disclosure indefinitely to ensure the systems' integrity and functioning.

31. While the confidential information in LUMA Exhibits 2.05 and 2.06 is limited to specific dollar amounts associated with individual projects and programs, it is necessary to also redact the corresponding totals and summations. These aggregate figures are derived directly from the redacted inputs and would allow third parties to infer or reverse-engineer the confidential data through simple arithmetic.

32. For example, if individual line items are redacted but the *total* or summations columns remain visible, a party could subtract known values to deduce the redacted amounts. This risk is particularly acute in structured financial tables where the number of redactions is limited and the relationships between line items are formulaic and predictable.

33. Therefore, to preserve the confidentiality of the redacted data and prevent indirect disclosure through aggregation, LUMA has redacted not only the individual entries but also the totals, subtotals, and other summations that would compromise the integrity of the redaction.

34. In compliance with the Energy Bureau's Policy on Confidential Information, CEPR-MI-2016-0009, an updated table summarizing the hallmarks of this request for confidential treatment is hereby included.

Document	Confidential Portions	Legal Basis for Confidentiality	Date Filed
<i>NFC Long Term Investment Plan ('LTIP') FY2026-</i>	<ul style="list-style-type: none">Tab Federally Funded (FEMA): columns E-O of rows 54 and 58	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§	August 18, 2025

<p><i>FY2035 Unconstrained</i></p> <p>Exhibit 2.05</p>	<ul style="list-style-type: none"> • Tab Non-Federal Capital: columns E-O of rows 23-28 • Tab 5.4 Imp Prog Summary: columns G-T of row 53; columns G, J, L, O, Q, T of row 55; columns G-T of row 63; columns G-T of row 66 • Tab Portfolio Summary: columns C- E of rows 11, 14, 25, 28, 39, 42, 53, 56; columns M-O of row 68; columns C-E and H-J of row 69; columns C-E, H-J and M-O of row 72; columns C-K of rows 85 and 88; and columns C-F of rows 99 and 102 	<p>650 (4) (2025); 6 U.S.C. § 671 (3)¹³</p>	
<p><i>NFC Long Term Investment Plan ('LTIP') FY2026-FY2035 Constrained</i></p> <p>Exhibit 2.06</p>	<ul style="list-style-type: none"> • Tab Federally Funded (FEMA): columns E-O of rows 54 and 58 • Tab Non-Federal Capital: columns E-O of rows 22-26 • Tab 5.4 Imp Prog Summary: columns G-T of row 53; columns G, J, L, O, Q, T of row 55; columns G-T of row 63; columns G-T of row 66 • Tab Portfolio Summary: columns C- E of rows 11, 14, 25, 28, 39, 42, 53, 56; columns M-O of row 68; columns C-E, H-J and M-O of row 69 and 	<p>Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 650 (4) (2025); 6 U.S.C. § 671 (3)¹⁴</p>	<p>August 18, 2025</p>

¹³ These requests are consistent to those made requesting confidential treatment to portions of the Rate Review Petition submitted, mainly those related to IT, OT and Cybersecurity programs (*see Request for Confidential Treatment of Portion of LUMA's Rate Review Petition* (July 3, 2025) and the memorandum of law in support of such request (*see Memorandum of Law in Support of Confidential Treatment of Portions of LUMA's Rate Review Petition* (July 10, 2025))).

¹⁴ *Id.*

	72; columns C-K of rows 85 and 88; and columns C-F of rows 99 and 102		
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35. The Excel files comprising LUMA Exhibits 2.05 and 2.06 are complex, multi-tab workbooks with interdependent formulas linking data across sheets. These formulas dynamically calculate totals, summaries, and other outputs based on inputs that include confidential information. When a confidential value is redacted or removed from a cell, the formulas referencing that cell produce errors or propagate incorrect values throughout the workbook. This undermines the integrity of the document and may result in misleading or incomplete financial representations.

36. To avoid this issue and ensure that the redacted versions remain internally consistent and functional, LUMA is submitting the exhibits in values-only format. This approach replaces formulas with static numerical values, thereby:

- Preventing recalculations or formula errors caused by redactions;
- Ensuring that the redacted data cannot be inferred through formula tracing or audit trails;
- Preserving the clarity and usability of the exhibits for public review and regulatory analysis.

37. This method is consistent with prior determinations of the Energy Bureau on confidentiality management, particularly when dealing with sensitive operational and budgetary data in formula-driven spreadsheets.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **grant** LUMA's request to keep the above-identified portions of Exhibits 2.05 and 2.06 under seal of confidentiality, and **accept** the public unredacted versions of Exhibits 2.05 and 2.06 that are submitted with this Motion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 19th day of August 2025.

I 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; José J. Díaz Alonso, jdiaz@sbgblaw.com; and legal@genera-pr.com; **Co-counsel for Oficina Independiente de Protección al Consumidor**, hriviera@jrsp.pr.gov; contratistas@jrsp.pr.gov; pvazquez.oipc@avlawpr.com; **Co-counsel for Instituto de Competitividad y Sustentabilidad Económica**, jpouroman@outlook.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; mmcill@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; mrios@arroyorioslaw.com; ccordero@arroyorioslaw.com; **Wal-Mart Puerto Rico, Inc.**, Cfl@mcvpr.com; apc@mcvpr.com; Mr. Victor González, victorluisgonzalez@yahoo.com; 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. Notice will also be sent to

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*Public unredacted versions of Exhibits 2.05 and 2.06, to be submitted via email
(Excel worksheets)*