

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

**NEPR**

**Received:**

**Aug 26, 2025**

**12:18 PM**

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

**CASE NO.:** NEPR-AP-2023-0003

**SUBJECT:** Motion Submitting Unredacted  
Version and Request for Confidential  
Treatment of Portions of LUMA's  
Response to Requests for Information  
issued on March 24, 2025

**MOTION SUBMITTING UNREDACTED VERSION AND REQUEST FOR  
CONFIDENTIAL TREATMENT OF PORTIONS OF LUMA'S RESPONSE TO  
REQUESTS OF INFORMATION ISSUED ON MARCH 24, 2025**

**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. Following a series of informal procedural events – including various 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 12<sup>th</sup> Order"), whereby it established "the filing requirements and procedures for the

rate review of the Puerto Rico Electric Power Authority ('PREPA')." *See* February 12<sup>th</sup> Order, p. 1.<sup>1</sup>

In what is pertinent to the present request, the February 12<sup>th</sup> 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 12<sup>th</sup> Order, p. 10. These mandate that, if in compliance with the February 12<sup>th</sup> 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"<sup>2</sup>, 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 12<sup>th</sup> 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<sup>3</sup>, 22 LPRA § 1054n (2025), if it deems that the protected material merits protection. *See* February 12<sup>th</sup> 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 12<sup>th</sup> 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

---

<sup>1</sup> Although not relevant to the present request, LUMA notes that the filing requirements issued by this Energy Bureau through its February 12<sup>th</sup> 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.

<sup>2</sup> *See* February 12<sup>th</sup> Order, p. 10.

<sup>3</sup> Known as the "Puerto Rico Energy Transformation and RELIEF Act" (hereinafter, "Act 57-2014").

or any other legal recourse to prevent disclosure if PREPA disagrees with the Energy Bureau's decision.<sup>4</sup>

*Id.*

On March 24, 2025, the Hearing Examiner, Scott Hempling, issued an *Order Requiring Certain Information in the Rate Case Application or Accompanying Prefiled Testimony* ("March 24<sup>th</sup> Order"). Therein, the Hearing Examiner directed LUMA, PREPA, and Genera to provide comprehensive and detailed responses to an extensive set of requests for information developed by the Energy Bureau's consultants ("March 24<sup>th</sup> ROIs"). The Hearing Examiner explained that the purpose of these questions was to ensure that the rate application and supporting testimony contain all information necessary for the Energy Bureau to determine whether proposed rates are just, reasonable, and in compliance with statutory requirements for safe, reliable, efficient, and nondiscriminatory electric service.

The March 24<sup>th</sup> Order required LUMA to provide "a listing as of the most recent month-end available, of amounts requested from FEMA that are pending review for reimbursement. Include the related documentation that was submitted for each request of over \$10 million". See March 24<sup>th</sup> Order, at p. 9 (*Appendix Pre-Application Questions from PREB Consultants*, ROI No. 75).

On July 3, 2025, LUMA filed its *Motion Submitting Rate Review Petition* ("July 3<sup>rd</sup> Petition"), in accordance with this Energy Bureau's February 12<sup>th</sup> Order, as subsequently amended. Together with its July 3<sup>rd</sup> Petition, LUMA submitted its responses to the March 24<sup>th</sup> ROIs. Those responses included the redacted version of the documents produced. Therein, LUMA submitted that "LUMA's Response to ROI No. 75" contained confidential information that

---

<sup>4</sup> Lastly, the February 12<sup>th</sup> 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 12<sup>th</sup> Order, p. 10.

garnered protection from public disclosure pursuant to applicable law and regulations. Thus, LUMA submitted a redacted version for public disclosure. Further, LUMA submitted the corresponding memorandum of law stating the legal basis for the request to treat certain portions of LUMA's Response to ROI No. 75 confidentially.

On August 22, 2025, the Energy Bureau issued a Resolution and Order conditionally accepting LUMA's confidentiality claims as to LUMA's Response to ROI No. 75, pending LUMA's submission of the unredacted documents within ten (10) days.

LUMA hereby submits for the Energy Bureau's eyes only the unredacted version of "LUMA's Response to ROI No. 75," which contains confidential information that garnered protection from public disclosure pursuant to applicable law and regulations. Accordingly, LUMA reinstates the memorandum of law stating the legal basis for the request to treat certain portions of LUMA's Response to ROI No. 75 confidentially, as argued below.

## **II. Applicable Laws and Regulations for submitting information confidentially before the Energy Bureau**

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 (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).

In connection with the duties of electric power service companies, Sections 1.10(i) of Act 17-2019<sup>5</sup> 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. 22 LPRA § 1141i (2025).

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, 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).

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 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

---

<sup>5</sup> Known as the “Puerto Rico Energy Public Policy Act” (hereinafter, “Act 17-2019”).

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.

The Energy Bureau’s Policy on Confidential Information also states the following with regards to access to Validated Confidential Information:

#### 1. Trade Secret Information

Any document designated by the [Energy Bureau] as Validated Confidential Information on the grounds that it is a trade secret pursuant to Act 80-2011 may only be accessed by the Producing Party and the [Energy Bureau], unless otherwise set forth by the [Energy 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 call 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 others, 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 to 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).

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 accordingly to . . . Article 6.15 of Act No. 57-2015, as amended."

### **III. Legal Basis and Arguments in Support of Confidentiality**

#### **A. Trade Secret**

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).

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* Sections 4 (ix) and (x) of the *Puerto Rico Open Government Data Act*, Act 122-2019, 3 LPRA § 9894 (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).

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); *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 906.

Pursuant to Act 80-2011 and the applicable legal standards governing the protection of trade secrets and proprietary information, LUMA respectfully requests confidential treatment of those portions of LUMA's Response to ROI No. 75 that contain or reference proprietary



engineering designs belonging to a third party. These engineering designs constitute trade secrets within Section 3 of Act 80-2011, as they possess independent economic value and provide a business advantage by virtue of not being generally known or readily accessible to competitors or the public. Moreover, reasonable measures have been taken to maintain the confidentiality of this information, consistent with statutory requirements. Disclosure of these proprietary engineering designs would risk causing competitive harm to the third party and undermining the public policy favoring the protection of commercially valuable confidential information. Accordingly, LUMA requests that the Energy Bureau grant confidential treatment to these portions of LUMA's Response to ROI No. 75 to safeguard the integrity of trade secrets and to ensure compliance with the statutory protections afforded under Puerto Rico law.

## **B. Critical Energy Infrastructure Information**

Act 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." 3 LPRA § 10124(p) (2024). Generally, CEII or critical infrastructure information is generally exempted from public disclosure because it involves assets and information, posing public security, economic, health, and safety risks. Federal Regulations on CEII, particularly, 18 C.F.R. § 388.113, state 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”).<sup>6</sup> CII is

---

<sup>6</sup> 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.

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).<sup>7</sup>

The portions of LUMA’s Response to ROI No. 75 identified in Section IV of the present Motion include CEII, because it contains single-line diagrams that qualify as CEII. They contain information on the engineering and design of critical infrastructure, as existing and proposed, relating to the transmission of electricity, which is provided in sufficient detail that it could potentially be helpful to a person planning an attack on this or other energy infrastructure facilities interconnected with or served by this facility and equipment. In addition, the portions of LUMA’s Response to ROI No. 75 that have been identified in Section IV qualify as CEII because each of these documents contains the express coordinates for power transmission and distribution facilities (18 C.F.R. § 388.113(iv)), and these specific coordinates could potentially be helpful to a person planning an attack on the energy facilities. The information identified as confidential in this paragraph is not common knowledge, is not made publicly available, and if disclosed to the public, will expose key assets to security vulnerabilities or attacks by people seeking to cause harm to the systems. Therefore, it is in the public interest to keep the information confidential. Confidential designation is a reasonable and necessary measure to protect critical infrastructure from attacks

---

<sup>7</sup> 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.

and to enable LUMA to leverage information without external threats, *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.

In several proceedings, this Energy Bureau has considered and granted requests by PREPA to submit CEII under seal of confidentiality.<sup>8</sup> In at least two proceedings on Data Security<sup>9</sup> and Physical Security,<sup>10</sup> this Energy Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure.

Additionally, this Energy Bureau has granted requests by LUMA to protect CEII in connection with LUMA’s System Operation Principles. *See* Resolution and Order of May 3, 2021, table 2 on page 4, Case No. NEPR-MI-2021-0001 (granting protection to CEII included in LUMA’s Responses to Requests for Information). Similarly, in the proceedings on LUMA’s proposed Initial Budgets and System Remediation Plan, this Energy Bureau granted confidential designation to several portions of LUMA’s Initial Budgets and Responses to Requests for Information. *See* Resolution and Order of April 22, 2021, on Initial Budgets, table 2 on pages 3-4, and Resolution and Order of April 22, 2021, on Responses to Requests for Information, table 2 on pages 8-10, Case No. NEPR-MI-2021-0004; Resolution and Order of April 23, 2021, on Confidential Designation of Portions of LUMA’s System Remediation Plan, table 2 on page 5,

---

<sup>8</sup> *See e.g.*, *In re Review of LUMA’s System Operation Principles*, NEPR-MI-2021-0001 (Resolution and Order of May 3, 2021); *In re Review of the Puerto Rico Power Authority’s System Remediation Plan*, NEPR-MI-2020-0019 (order of April 23, 2021); *In re Review of LUMA’s Initial Budgets*, NEPR-MI-2021-0004 (order of April 21, 2021); *In re Implementation of Puerto Rico Electric Power Authority Integrated Resource Plan and Modified Action Plan*, NEPR MI 2020-0012 (Resolution of January 7, 2021, granting partial confidential designation of information submitted by PREPA as CEII); *In re Optimization Proceeding of Minigrad Transmission and Distribution Investments*, NEPR MI 2020-0016 (where PREPA filed documents under seal of confidentiality invoking, among others, that a filing included confidential information and CEII); *In re Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, CEPR-AP-2018-0001 (Resolution and Order of July 3, 2019 granting confidential designated and request made by PREPA that included trade secrets and CEII) *but see* Resolution and Order of February 12, 2021 reversing in part, grant of confidential designation).

<sup>9</sup> *In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

<sup>10</sup> *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

and Resolution and Order of May 6, 2021, on Confidential Designation of Portions of LUMA's Responses to Requests for Information on System Remediation Plan, table 2 at pages 7-9, Case No. NEPR-MI-2020-0019.

### **C. Attorney-Client Privilege**

The attorney-client privilege is “the oldest of the privileges that emanate from the common law” and “the most solid non-constitutional privilege of our legal system”. *Pagán Cartagena v. First Hospital Panamericano*, 189 DPR 509, 520 (2013) (citing *Pueblo v. Fernández Rodríguez*, 183 DPR 770 (2011) and R. Emmanuelli Jiménez, Prontuario de derecho probatorio puertorriqueño, San Juan, Ediciones Situm, pág. 247 (2010)) (translation ours).

Rule 503(b) of the Rules of Evidence of Puerto Rico codifies the attorney-client privilege and provides that:

[a] 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 confidential communication if the privilege is claimed in the interest and behalf of the client.

32 LPRA Ap. VI, R. 503(b).

“No matter how the attorney-client privilege is defined”, its “seeks to protect the confidentiality of communications between lawyers and their clients that are related to some professional endeavor and based on the confidence that they will not be disclosed beyond what is necessary to carry out their purposes”. *Pagán Cartagena*, 189 DPR, at 522 (citing R. Emmanuelli Jiménez, Compendio de derecho probatorio puertorriqueño, Ediciones Situm, San Juan, pág. 102 (2012) (translation ours); *see also* 3 J.B. Weinstein & M.A. Berger, Weinstein's Federal Evidence, ed. Joseph M. McLaughlin, Ed. Mathew Bender, § 503.10.

In line with this explanation, the essential elements of attorney-client privilege have been summarized as follows: (1) Where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) except the protection be waived. *See United States v. Mass. Inst. of Tech.*, 129 F.3d 681, 684 (1st Cir. 1997) (citing 8 J. Wigmore, *Evidence* § 2292, at 554 (McNaughton rev. 1961)).

Accordingly, once these elements have been established, the applicability of the privilege may only be defeated if one of the following conditions is met: (1) that the holder of the privilege waived it, or (2) that one of the exceptions limiting the scope of an evidentiary privilege applies. *Pagán Cartagena*, 189 DPR, at 523 (citing E.J. Imwinkelried, 1-6B The New Wigmore: A Treatise on Evidence: Evidentiary Privileges, Ed. Aspen Publishers, Austin, § 6.3, pág. 588 (2010)).

Pursuant to Rule 503(b) of the Rules of Evidence of Puerto Rico and the well-established principles governing the attorney-client privilege, LUMA respectfully requests confidential treatment of the portions of LUMA's Response to ROI No. 75, comprised of electronic correspondence exchanged between LUMA personnel and LUMA's external counsel. These communications were made for the purpose of obtaining legal advice, were transmitted in confidence, and are protected from disclosure by the attorney-client privilege. As such, disclosure of these privileged communications would undermine the fundamental policy of encouraging full and frank discussions between attorneys and their clients. Accordingly, LUMA requests that the Energy Bureau grant confidential treatment to these portions of LUMA's Response to ROI No. 75 to preserve the confidentiality of privileged attorney-client communications, consistent with the applicable legal standards and the public interest in maintaining the integrity of the privilege.

#### **D. Personal Information**

Finally, LUMA informs this Energy Bureau that LUMA's Response to ROI No. 75 – all throughout – contains the names, signatures, and/or roles of individuals who are/were LUMA employees, as well as Employer Identification Numbers (EIN) and Tax Identification Numbers (TIN) of third parties. Protecting 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, 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 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* Act 122-2019, Articles 4(vi) and (xi), 3 LPRA § 9894 ((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)).

On balance, the public interest in protecting privacy weighs in favor of providing confidential treatment. It is respectfully concluded that the redaction of the aforementioned information does not affect the public's or the Energy Bureau's review of LUMA's Response to ROI No. 75 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. Accordingly, LUMA requests that such treatment be granted.

#### IV. Identification of Confidential Information within LUMA's Rate Review Petition

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

Document	Confidential Portions	Legal Basis for Confidentiality	Date Filed
Transmission Lines Steel Poles Specifications – 115 & 230kV  <b>LUMA RFI 75 233-269</b>	<b>LUMA RFI 75 235-257; 259- 260; 262-269</b>	Trade Secret, Act 80-2011, 10 LPRA §§ 4131- 4144	July 3, 2025, and August 9, 2025
Electronic correspondence exchanged between LUMA personnel and LUMA's external counsel  <b>LUMA RFI 75 691</b>	<b>Whole document</b>	Attorney-Client Privilege, Rule 503(b) of the Rules of Evidence of Puerto Rico, 32 LPRA Ap. VI, R. 503(b).	July 3, 2025, and August 9, 2025
LUMA's Response to ROI No. 75  <b>LUMA RFI 75 1 - 46860</b>	The names, signatures, and/or roles of individuals who are/were LUMA employees, as well as Employer Identification Numbers (EIN) and Tax Identification Numbers (TIN) of third parties, <b>can be found all throughout LUMA's</b>	Personal Information, Const. ELA, Art. II, Sections 8 and 10	July 3, 2025, and August 9, 2025



	<b>Response to ROI No. 75</b>		
2023-L00027_Amendment_Release 10_TO CSA_Substation Esc Ind Miguel Such 1423_20231219143205095  <b>LUMA RFI 75 18350 - 18369</b>	<b>LUMA RFI 75 18357 - 18360</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
2023-L00027_Amendment_Release 11_TO CSA_Substation Puerto Nuevo 1520_20231219143310961  <b>LUMA RFI 75 18370 - 18391</b>	<b>LUMA RFI 75 18386 - 18389</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
2023-L00027_Amendment_Release 12_TO CSA_Substation Crematorio 1512_20231219143416723  <b>LUMA RFI 75 18391 - 18411</b>	<b>LUMA RFI 75 18406 - 18409</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
2023-L00027_Amendment_Release 13_TO CSA_Substation Condado 1133_20231219143511240  <b>LUMA RFI 75 18412 - 18427</b>	<b>LUMA RFI 75 18420 - 18423</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-13_Task Order_Change Order- Condado 1133 (Metaclad)  <b>LUMA RFI 75 18585 - 18599</b>	<b>LUMA RFI 75 18592 - 18595</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-13_Task Order_Change Order- Condado 1133 (Metaclad)12.30.23  <b>LUMA RFI 75 18600 - 18617</b>	<b>LUMA RFI 75 18609 - 18612</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025

CSA Architects & Engineers LLP_2023- L00027_95470-27_Change Order 01_Caguas STG 5 Dist Feeder 3502- 02  <b>LUMA RFI 75 18716 - 18748</b>	<b>LUMA RFI 75 18723, 18731</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-27_Change Order 02_Caguas STG 5 Dist Feeder 3502- 02  <b>LUMA RFI 75 18749 - 18770</b>	<b>LUMA RFI 75 18763</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-27_Task Order Caguas Short Term Group 5  <b>LUMA RFI 75 18808 - 18814</b>	<b>LUMA RFI 75 18809 -18810</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-30_Task Order Substation Minor Repairs Group F  <b>LUMA RFI 75 18824 - 18832</b>	<b>LUMA RFI 75 18825 - 18826</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-31_Task Order_Substation Minor Repairs Group G  <b>LUMA RFI 75 18833 - 18842</b>	<b>LUMA RFI 75 18834 - 18836</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-33 Task Order TL 500 Ponce TC to Costa Sur SP 38kV  <b>LUMA RFI 75 18850 - 18858</b>	<b>LUMA RFI 75 18852 - 18853</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671- 674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023- L00027_95470-34 Unibon 9501 Substation Revised	<b>LUMA RFI 75 18860 - 18862</b>	Critical Energy Infrastructure Information 18 C.F.R. §	July 3, 2025, and

<b>LUMA RFI 75 18859 - 18868</b>		388.113; 6 U.S.C. §§ 671-674	August 9, 2025
CSA Architects & Engineers LLP_2023-L00027_95470-35_Task Order Monterrey 9502 & 9503  <b>LUMA RFI 75 18869 - 18878</b>	<b>LUMA RFI 75 18870 - 18872</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023-L00027_95470-36 Task Order San Jose Substation Relocation  <b>LUMA RFI 75 18879 - 18921</b>	<b>LUMA RFI 75 18880-18883, 18894-18896, 18916-18917</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025
CSA Architects & Engineers LLP_2023-L00027_95470-38_TL 36200 Monacillos TC to Juncos TC  <b>LUMA RFI 75 18922 - 18963</b>	<b>LUMA RFI 75 18923-18924, 18933-18934, 18948</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025
TECH_Exhibit_G-01.05-Arecibo_Region_Meter_Locations_183353_WM  <b>LUMA RFI 75 46822</b>	<b>Whole Excel Document</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025
TECH_Exhibit_G-01.06-Bayamon_Region_Meter_Locations_183353_WM  <b>LUMA RFI 75 46823</b>	<b>Whole Excel Document</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025
TECH_Exhibit_G-01.07-Caguas_Region_Meter_Locations_183353_WM  <b>LUMA RFI 75 46824</b>	<b>Whole Excel Document</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025

TECH_Exhibit_G-01.08- Mayaguez_Region_Meter_Locations_183353_WM  <b>LUMA RFI 75 46825</b>	<b>Whole Excel Document</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025
TECH_Exhibit_G-01.09- Ponce_Region_Meter_Locations_183353_WM  <b>LUMA RFI 75 46826</b>	<b>Whole Excel Document</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025
TECH_Exhibit_G-01.10- San_Juan_Region_Meter_Locations_183353_WM  <b>LUMA RFI 75 46827</b>	<b>Whole Excel Document</b>	Critical Energy Infrastructure Information 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674	July 3, 2025, and August 9, 2025

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; and **grant** LUMA's request to keep the above-identified portions of LUMA's Response to ROI No. 75 under seal of confidentiality.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 26th day of August 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; José J. Díaz Alonso, jdiaz@sbgblaw.com; Stephen Romero Valle, sromero@sbgblaw.com; Giuliano Vilanova-Feliberti, gvilanova@vvlawpr.com; Maraliz Vázquez-Marrero, mvazquez@vvlawpr.com; ratecase@genera-pr.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**, 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; mmcgrill@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](mailto:rolando@emmanuelli.law); [monica@emmanuelli.law](mailto:monica@emmanuelli.law); [cristian@emmanuelli.law](mailto:cristian@emmanuelli.law); lgnq2021@gmail.com; **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](mailto:PREBconsultants@acciongroup.com). Notice will also be sent to carl.pechman@keylogic.com; bernard.neenan@keylogic.com; tara.hamilton@ethree.com; aryeh.goldparker@ethree.com; roger@maxetaenergy.com; and Shadi@acciongroup.com.



**DLA Piper (Puerto Rico) LLC**  
Calle de la Tanca #500, Suite 401  
San Juan, PR 00901-1969  
Tel. 787-945-9122 / 9132  
Fax 939-697-6092 / 6102

*/s/ Margarita Mercado Echegaray*  
Margarita Mercado Echegaray  
RUA 16,266  
[margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com)

*/s/ Yahaira De la Rosa Algarín*  
Yahaira De la Rosa Algarín  
RUA 18,061  
[yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com)