

**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: LUMA's Memorandum of Law
in Support of Confidential Treatment of
Documents Submitted in Response to
November 3rd Order

**MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIAL TREATMENT OF
DOCUMENTS SUBMITTED IN RESPONSE TO NOVEMBER 3rd ORDER**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

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

I. Introduction

LUMA respectfully submits this Motion requesting that the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") determine that certain portions of LUMA's submission in compliance with certain order entered by the Hearing Examiner on November 3, 2025, contain personal identifiers like names, employee emails and signatures, third-party names and emails and employer identification number, all of which must be protected from public disclosure. As set forth below, applicable legal authority compels the relief requested herein.

II. Procedural Background

On November 3, 2025, the Honorable Hearing Examiner, Mr. Scott Hempling, issued an Order on LUMA-PREPA ROIs ("November 3 Order"), addressing the Puerto Rico Electric Power Authority ("PREPA")'s objections to a series of requests for information propounded by LUMA on October 24, 2025.

In what is relevant to the present Motion, the November 3 Order directed LUMA to, “for every question that [LUMA] asked PREPA about outside legal services, assume that [the Hearing Examiner] asked that question of LUMA”. Moreover, the Hearing Examiner ordered LUMA (and PREPA) to provide billing rate scales (by firm and role, without individual names, including paralegals) for all external counsel whose costs are included in their proposed revenue requirements.

On November 26, 2025, LUMA submitted a document *LUMA’s Motion in Compliance with November 3rd Order* (“November 26 Motion”) providing notice to the Energy Bureau, the Hearing Examiner, and all other stakeholders, that it submitted its responses to the Hearing Examiner’s requests for information regarding outside legal services in compliance with the November 3 Order. These responses were uploaded and marked for identification on the Accion Discovery Platform. *See* LUMA Ex. 926 through 932 in the Accion Platform.

The majority of said exhibits include what LUMA herein requests the Energy Bureau to determine is Valid Confidential Information that must be protected from disclosure. Wherefore, LUMA is submitting this memorandum of law that outlines and explains the legal basis for the confidential treatment of the documents that are marked as exhibits 927, 928, 930, 931 and 932.

III. 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, Section 1.10(i) of Act 17-2019¹ 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. 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 need 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

¹ Known as the “Puerto Rico Energy Public Policy Act” (hereinafter, “Act 17-2019”).

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.

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.”

IV. Legal Basis and Arguments in Support of Confidentiality

Portions of exhibits 927, 928, 930, 931 and 932, as duly identified in Section V of this Motion include personal identifiers like LUMA employees’ names, emails and signatures, third-party employee names and emails, and employer identification numbers (“EIN”). LUMA respectfully requests that this information be maintained by the Energy Bureau sealed. Disclosure raises the risk of names, emails and signatures being misused. This information constitute personal information that must be protected. LUMA also requests that EIN is classified as sensitive business identifier. The confidential treatment of this personal and sensitive 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 applies *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*, Article 4(vi) of the “Puerto Rico Open Government Data Act,” Act No. 122-2019, 3 LPRA § 9894 (2025) (listing as an exception to the rule on public disclosure, “[i]nformation that, if disclosed, could constitute an invasion of privacy of a third party, or impair the fundamental rights of said third party”).

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 responses to exhibits 927, 928, 930, 931 and 932 as nor interfere with processes before this Energy Bureau and public scrutiny. 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.

V. 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
<i>Ex. 927</i>	LUMA and/or third-party names and/or signature and/or emails Pages 2, 4, 8, 12, 13, 14, 15, 16, 17 Third party-addresses	Right to privacy (<i>see e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	November 26, 2025

Document	Confidential Portions	Legal Basis for Confidentiality	Date Filed
	<p>Pages 8</p> <p>EIN third-party Page 10</p>		
<i>Ex. 928</i>	<p>LUMA and/or third-party names and/or signature and/or emails Pages 12, 14, 15, 16</p> <p>Third party-addresses Pages 14</p> <p>EIN third-party Page 12</p>	Right to privacy (<i>see e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	November 26, 2025
<i>Ex. 930</i>	<p>LUMA and/or third-party names and/or signature and/or emails Pages 2, 3</p> <p>EIN third-party Page 2</p>	Right to privacy (<i>see e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	
<i>Ex. 931</i>	<p>LUMA and/or third-party names and/or signature and/or emails Pages 3, 4</p> <p>EIN third-party Page 3</p>	Right to privacy (<i>see e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	November 26, 2025
<i>Ex. 932</i>	<p>LUMA and/or third-party names and/or signature and/or emails Pages 10, 12, 16, 17, 22, 23, 24</p> <p>Third party-addresses Pages 10</p> <p>EIN third-party Page 12</p>	Right to privacy (<i>see e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	November 26, 2025

Document	Confidential Portions	Legal Basis for Confidentiality	Date Filed

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 responses to responses to exhibits 927, 928, 930, 931 and 932 under seal of confidentiality.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8th day of December 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; Juan Martínez, jmartinez@gmlex.net; and Natalia Zayas Godoy, nzayas@gmlex.net; and to *Genera PR, LLC*, through: Jorge Fernández-Reboredo, jfr@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; p vazquez.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; alexis.ramsey@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.*, hburos@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; monica@emmanuelli.law; 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; *Solar United Neighbors*, ramonluisnieves@rlnlegal.com; *Mr. Victor González*, victorluisgonzalez@yahoo.com; and *the Energy Bureau's Consultants*, Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com; Intisarul.Islam@weil.com;

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