

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

NEPR

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IN RE: TECHNICAL INVESTIGATION
REPORT REGARDING JULY 16, 2026
COSTA SUR DISTURBANCE

CASE NO.: NEPR-MI-2026-0008

SUBJECT: LUMA's Memorandum of Law in Support of Request for Confidential Treatment of Portions of the Technical Investigation Report submitted on August 20, 2026

**MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL
TREATMENT OF PORTIONS OF THE TECHNICAL INVESTIGATION REPORT**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly "LUMA") through the undersigned legal counsel and respectfully state and request the following:

I. Introduction

1. LUMA respectfully submits this Memorandum of Law in support of its request for confidential treatment of Exhibit 1 to the *Motion to Submit Technical Investigation Report in Compliance with the Energy Bureau's Order*, filed on August 20, 2026 (the "Technical Investigation Report" or "Exhibit 1"). The Technical Investigation Report, entitled "Costa Sur 230 kV Disturbances at Line 50400 and Costa Sur #6 - July 16, 2026," contains detailed technical information regarding the electrical disturbances that occurred at the Costa Sur Steam Plant on July 16, 2026. LUMA respectfully submits that Exhibit 1 contains confidential information, including detailed descriptions of surge arrester structures and their heights, circuit breaker identifications, relay model numbers and settings, digital fault recorder data, SCADA system operations, optical sensor measurements, GPS coordinates of infrastructure components, protection zone configurations, switching sequences, and operational data that should be protected

as Critical Energy Infrastructure Information (“CEII”) that garners protection from public disclosure pursuant to federal statutes and regulations, *see, e.g.*, 6 U.S.C. §§ 671-674; 18 C.F.R. § 388.113 (2020), and the Honorable Puerto Rico Energy Bureau’s (the “Energy Bureau”) Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended on September 21, 2016 (“Policy on Management of Confidential Information”). Therefore, LUMA submits that this information must be protected from disclosure.

2. Additionally, LUMA requests confidential treatment of the name of the LUMA employee who prepared the Technical Investigation Report, which has been redacted from the cover page of Exhibit 1. This personal identifier is protected under Puerto Rico’s constitutional right to privacy and related case law.

3. In compliance with the Policy on Management of Confidential Information, LUMA includes below the corresponding Memorandum of Law stating the legal basis for which the above-referenced documents should remain under seal of confidentiality.

II. Relevant Procedural Background

4. On July 16, 2026, two independent electrical disturbances occurred at the Costa Sur Steam Plant affecting the 230 kV transmission line 50400 from Costa Sur Steam Plant to Mayagüez Transmission Center and Costa Sur Generation Unit 6 (CS6). LUMA conducted a comprehensive technical investigation of these events and prepared a detailed Technical Investigation Report documenting the sequence of events, protection system responses, root cause analysis, and findings. On August 20, 2026, LUMA filed the *Motion to Submit Technical Investigation Report in Compliance with the Energy Bureau’s Order* in connection with Case No. NEPR-MI-2026-0008.

5. The Technical Investigation Report contains sensitive infrastructure information that warrants protection from public disclosure. The report includes detailed analysis supported by digital fault recorder (DFR) data, protection relay records, optical sensor measurements, SCADA information, and field inspections. Accordingly, LUMA submitted a redacted public version of Exhibit 1 and now submits this Memorandum of Law in support of its request to maintain the unredacted portions of Exhibit 1 under seal of confidentiality.

III. Legal Basis for Request for Confidential Treatment

a. Applicable Laws and Regulations to Submit Information Confidentially before the Energy Bureau

6. The bedrock provision on the management of confidential information filed before this Honorable Energy Bureau is Section 6.15 of Act 57-2014, known as the “Puerto Rico Energy Transformation and Relief Act.” It provides, in pertinent part, that: “[i]f any person who is required to submit information to the [Energy Bureau] believes that the information to be submitted has any confidentiality privilege, such person may request the [Energy Bureau] to treat such information as such [...]” 22 LPRA § 1054n. 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.* at § 1054n(a).

7. Access to confidential information shall be provided “only to the lawyers and external consultants involved in the administrative process after the execution of a confidentiality agreement.” *Id.* at § 1054n(b). Finally, Act 57-2014 provides that this Energy Bureau “shall keep the documents submitted for its consideration out of public reach only in exceptional cases. In these cases, the information shall be duly safeguarded and delivered exclusively to the personnel of the [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.* at § 1054n(c).

8. Relatedly, in connection with the duties of electric power service companies, Section 1.10 (i) of Act 17-2019 provides that electric power service companies shall provide the information requested by customers, except for confidential information in accordance with the Rules of Evidence of Puerto Rico. 22 LPRA § 1141(i)(i).

9. Moreover, the Energy Bureau’s *Policy on Management of Confidential Information* details the procedures a party should follow to request that a document or portion thereof be afforded confidential treatment. In essence, the referenced Policy requires identifying confidential information and filing a memorandum of law explaining the legal basis and support for a request to file information confidentially. *See* CEPR-MI-2016-0009, Section A, as amended by the Resolution of September 20, 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 why each claim or designation conforms to the applicable legal basis of confidentiality. *Id.* at ¶ 3. The party who seeks confidential treatment of information filed with the Energy Bureau must also file both a “redacted” or “public version” and an “unredacted” or “confidential” version of the document that contains confidential information. *Id.* at ¶ 6.

10. The Energy Bureau’s Policy on Management of Confidential Information states the following with regard to access to validated CEII:

Critical Energy Infrastructure Information (“CEII”)

The information designated by the [Energy Bureau] as Validated Confidential Information on the grounds of being CEII may be accessed by the parties’ authorized representatives only after they have executed and delivered the Nondisclosure 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. at § D (on Access to Validated Confidential Information).

11. Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, also includes a provision for filing confidential information in proceedings before this 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.”

b. Request for Confidentiality Treatment of CEII

12. The Technical Investigation Report (Exhibit 1) contains CEII that, under relevant federal laws and regulations, is protected from public disclosure. LUMA stresses that the Technical Investigation Report contains detailed technical information about Puerto Rico's critical energy infrastructure, including surge arrester structure heights and locations, circuit breaker identifications and configurations, relay model numbers and protection settings, digital fault recorder data showing current magnitudes and voltage levels, optical sensor measurements with GPS coordinates, SCADA system alarms and operational sequences, substation configurations, and protection zone boundaries. This information deserves confidential treatment to protect critical infrastructure from threats that could undermine the system and negatively affect electric power

services to the detriment of the interests of the public, customers, and citizens of Puerto Rico. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information that pose 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.

13. 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.*

14. 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”). 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), 6 U.S.C.S. § 671(3).

15. The Technical Investigation Report (Exhibit 1) qualifies as CEII because the document contains detailed information about surge arrester structures and their approximate heights, circuit breaker identifications, relay model identifications, digital fault recorder current

and voltage measurements, optical sensor data with GPS coordinates, protection element settings (including directional ground overcurrent, line differential, and ground distances), SCADA alarm sequences, and detailed operational procedures (18 C.F.R. § 388.113(c)(2)(ii)). This information could potentially be helpful to a person planning an attack on the energy facilities and infrastructure described in the report. The information identified as confidential in this Memorandum is not common knowledge and is not made publicly available. Therefore, it is respectfully submitted that, on balance, the public interest in protecting CEII weighs in favor of protecting Exhibit 1 from disclosure, given the nature and scope of the details included therein.

16. Moreover, the risk of disclosure is compounded when this information is considered in the aggregate. Courts and federal agencies have long recognized what is known as the “mosaic theory” of intelligence gathering, which acknowledges that individually innocuous pieces of information, when combined, can reveal critical vulnerabilities. *See, e.g., CIA v. Sims*, 471 U.S. 159, 178 (1985) (“[W]hat may seem trivial to the uninformed, may appear of great moment to one who has a broad view of the scene.” (quoting *Halkin v. Helms*, 598 F.2d 1, 9 (D.C. Cir. 1978) (quoting *United States v. Marchetti*, 466 F.2d 1309, 1318 (4th Cir. 1972))) (“[B]its and pieces of data ‘may aid in piecing together bits of other information even when the individual piece is not of obvious importance in itself.’” (quoting *Halperin v. CIA*, 629 F.2d 144, 150 (D.C. Cir. 1980))); *see also Ctr. for Nat’l Sec. Studies v. U.S. Dep’t of Justice*, 331 F.3d 918, 928 (D.C. Cir. 2003). The information at issue here, including surge arrester locations and heights, circuit breaker configurations, relay settings, DFR current and voltage measurements, optical sensor GPS coordinates, and protection zone boundaries, when viewed collectively, would provide a comprehensive roadmap of LUMA’s critical infrastructure at the Costa Sur Steam Plant, revealing

precisely how the transmission system is configured, how protection systems respond to faults, and how operators execute system-wide responses to emergencies.

17. LUMA emphasizes that each category of information identified above warrants protection both individually and in the aggregate. Individually, each data element serves as a precise locator or descriptor of a specific component within the T&D System. For example, the GPS coordinates identifying the estimated fault location pinpoint exact system components. Similarly, the surge arrester structure heights and circuit breaker identifications provide specific operational details about critical equipment. The relay model numbers and protection settings reveal how the system detects and responds to faults. Disclosure of such identifiers would enable a malicious actor to pinpoint exact system components rather than relying on general knowledge of infrastructure location.

18. Put simply, disclosure of this aggregated information would convert what might otherwise appear to be disconnected administrative data into actionable intelligence that could be exploited to identify system vulnerabilities, predict operational responses, and target specific infrastructure components with precision. This is precisely the type of harm that CEII protections are designed to prevent.

19. Based on the above, LUMA respectfully submits that Exhibit 1 (the Technical Investigation Report) should be designated as CEII given the importance of ensuring the safe and efficient operation of the T&D System assets at the Costa Sur Steam Plant and the broader Puerto Rico electrical grid. LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

20. The Technical Investigation Report includes detailed technical analysis of the July 16, 2026 disturbances, including DFR data, relay events, optical sensor measurements, and

SCADA recordings. The report describes in detail the protection system responses, including the operation of instantaneous directional ground overcurrent, line differential, ground distance, and unit differential protection elements. These descriptions reveal operational procedures for how LUMA's protection systems detect and isolate faults, which constitutes critical electric infrastructure information. The SCADA computer system is a system of computer-aided tools used by operators of electric utility grids to monitor, control, and optimize the performance of the generation or transmission system, and thus qualifies as critical electric infrastructure, being a system the incapacity or destruction of which would negatively affect national security, economic security, public health or safety.

21. Furthermore, the Technical Investigation Report contains GPS coordinates identifying the estimated fault location, surge arrester structure heights, circuit breaker timing data, current and voltage measurements during fault conditions, and detailed descriptions of the Costa Sur switchyard configuration.

22. Furthermore, the cover page of the Technical Investigation Report includes a LUMA officer name. LUMA respectfully requests that this protected information be maintained confidentially, given that disclosure raises the risk of misuse.

c. Request for Confidential Treatment of Personal Information

23. 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”)

24. 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 name does not affect the public’s or the Energy Bureau’s review of LUMA’s filing, nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest in protecting privacy weighs in favor of protecting the relevant name. Accordingly, LUMA requests that such treatment be granted.

d. Identification of Confidential Information

25. In compliance with the Energy Bureau’s Policy on Management of Confidential Information, LUMA submits below a table summarizing the portions of documents for which we present this request for confidential treatment.

Document	Name of the Document	Where the Confidential Information is Found	Summary of Legal Basis for Confidentiality Protection	Date Filed
Technical Investigation Report (Exhibit 1)	Costa Sur 230 kV Disturbances at Line 50400 and Costa Sur #6 - July 16, 2026	Cover page	Right to privacy (<i>see e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	August 20, 2026
Technical Investigation Report (Exhibit 1)	Costa Sur 230 kV Disturbances at Line 50400 and Costa Sur #6 - July 16, 2026	Pages i-iv; 1-23: surge arrester structure heights and locations, circuit breaker identifications, relay model numbers and settings, DFR current and voltage	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	August 20, 2026

Document	Name of the Document	Where the Confidential Information is Found	Summary of Legal Basis for Confidentiality Protection	Date Filed
		measurements, optical sensor data with GPS coordinates, protection element configurations, SCADA alarms and sequences, substation configurations and switching sequences.		

IV. Conclusion

WHEREFORE, based on the foregoing, LUMA respectfully requests that the Energy Bureau: (1) grant confidential treatment to the Technical Investigation Report as CEII; and (2) grant confidential treatment to the name of the LUMA officer who prepared the report, as it is a personal identifier protected under Puerto Rico's privacy framework; together with any other relief deemed just and proper.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, on the 31st day of August 2026.



DLA Piper (Puerto Rico) LLC
B7 Tabonuco St.
Suite 1501
Guaynabo, PR 00968-3028
Tel. 787-945-9132
Fax 939-697-6102

/s Katuska Bolaños Lugo
Katuska Bolaños Lugo
RUA No. 18,888
katuska.bolanos-lugo@us.dlapiper.com

/s/ Laura T. Rozas
Laura T. Rozas
RUA Núm. 10,398
laura.rozas@us.dlapiper.com

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August 2026, I filed the foregoing motion with the Clerk of the Puerto Rico Energy Bureau through the Energy Bureau's electronic filing system. Respectfully submitted. I further certify that on the same date I served a true and correct copy of the foregoing filing upon all parties of record in this proceeding via the Energy Bureau's electronic filing system, in accordance with the applicable rules and regulations, including:

The Puerto Rico Electric Power Authority, through:
Alexis.Rivera@prepa.pr.gov

In Guaynabo, Puerto Rico, on the 31st day of August 2026.

/s Katiuska Bolaños Lugo
Katiuska Bolaños Lugo