

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

NEPR

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**IN RE: REVIEW OF T&D OPERATOR'S
SYSTEM OPERATION PRINCIPLES**

CASE NO.: NEPR-MI-2021-0001

**SUBJECT: LUMA's Memorandum of Law in
Support of Request for Confidential Treatment of
Information Submitted with August 17 Motion.**

**MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL
TREATMENT OF INFORMATION SUBMITTED WITH THE AUGUST 17 MOTION**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly "LUMA")
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 portions of Exhibit 1, Attachment A and Attachment B to the *Motion to Submit Responses in Compliance with the July 28 Order*, filed on August 17, 2026 (the "August 17 Motion"). LUMA respectfully submits that portions of Exhibit 1 (the narrative responses to the *Resolution and Order* entered on July 28, 2026 (the "July 28 Order")), Attachment A (control room logbook entries), and Attachment B (load shed block data table) contain confidential information, including detailed descriptions of the Load Shedding Procedure (Procedure No. 17), SCADA system operations, block rotation protocols, feeder identification numbers, circuit identifiers, asset numbers, block designations, substation names, 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. In compliance with the Policy on Management of Confidential Information, LUMA includes below the corresponding Memorandum of Law stating the legal basis for which certain portions of Exhibit 1 should remain under seal of confidentiality.

II. Relevant Procedural Background

3. On July 28, 2026, the Energy Bureau issued the July 28 Order directing LUMA to provide a detailed explanation regarding its compliance with the Manual Load Shedding provisions of Procedure No. 17, Load Shedding, Revision 1.2 (the "Load Shedding Procedure"), in connection with the Manual Load Shedding ("MLS") event that occurred on July 22, 2026. On August 17, 2026, LUMA filed the August 17 Motion attaching Exhibit 1, which includes Attachment A (control room logbook entries corresponding to the MLS event of July 22, 2026) and Attachment B (a table identifying, for each load shed block, the time it was shed, the time it was restored, and the total duration of the interruption).

4. Portions of the information provided by way of Exhibit 1 and attachments thereto contain sensitive infrastructure information that warrants protection from public disclosure. Accordingly, LUMA submitted a redacted public version of Exhibit 1 and now submits this Memorandum of Law in support of its request to maintain 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

5. 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 L.P.R.A. § 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).

6. 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).

7. 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 L.P.R.A. § 1141(i)(i).

8. 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.

9. 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).

10. 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

11. Certain portions of Exhibit 1, including Attachment A and Attachment B, contain CEII that, under relevant federal laws and regulations, are protected from public disclosure. LUMA stresses that the control room logbook entries and load shed block data containing feeder identification numbers, circuit identifiers, asset numbers, block designations, substation names, and operational data deserve 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.

12. 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.*

13. 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. § 671 (3).

14. Portions of Exhibit 1, including Attachment A and Attachment B, qualify as CEII because these documents contain feeder identification numbers, circuit identifiers, asset numbers, block designations, substation names, and detailed operational data (18 C.F.R. § 388.113(c)(2)(ii)), information that could potentially be helpful to a person planning an attack on the energy facilities and infrastructure listed as part of this response. 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 the relevant portions of Exhibit 1, Attachment A and Attachment B with CEII from disclosure, given the nature and scope of the details included in those portions.

15. Moreover, the risk of disclosure is compounded when this information is considered in the aggregate. Courts and federal agencies have long recognized 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.”); *Ctr. for Nat’l Sec. Studies v. U.S. Dep’t of Justice*, 331 F.3d 918, 928 (D.C.

Cir. 2003) (recognizing that “[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”). The information at issue here -feeder IDs, circuit identifiers, block designations, substation names, and operational protocols- when viewed collectively, would provide a comprehensive roadmap of LUMA’s critical infrastructure, revealing precisely which feeders serve which areas, how load is distributed across the system, which blocks are prioritized for shedding, and how operators execute system-wide responses to emergencies.

16. LUMA emphasizes that each category of information identified above, feeder identification numbers, circuit identifiers, asset numbers, block designations, substation names, and operational data, 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, a feeder identification number is not merely an administrative label; it uniquely identifies a specific distribution line that serves particular geographic areas and customer loads. Disclosure of such identifiers would enable a malicious actor to pinpoint exact system components rather than relying on general knowledge of infrastructure location.

17. 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.

18. Based on the above, LUMA respectfully submits that portions of Exhibit 1, including Attachment A and Attachment B, should be designated as CEII given the importance of ensuring the safe and efficient operation of the T&D System assets. LUMA respectfully submits

that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

19. Exhibit 1 to the August 17 Motion includes narrative responses that describe in detail the MLS scheme structure, the four-stage load shedding process, block rotation criteria, SCADA execution steps, pre-shedding protocols, and restoration/normalization procedures. These descriptions reference and explain the operational procedures set forth in Section 3.1.7 and Appendix C of Procedure No. 17, the same procedures that have been protected by LUMA as CEII.¹ 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. Consistent with LUMA's prior request for confidentiality of portions of Procedure No. 17 as CEII,² LUMA respectfully requests that the portions of Exhibit 1 describing the operational implementation of the Load Shedding Procedure, including detailed SCADA execution steps and block rotation protocols, be afforded the same confidential treatment.

20. Furthermore, portions of Exhibit 1 itself contain detailed descriptions of the Load Shedding Procedure (Procedure No. 17, Load Shedding, Revision 1.2) that have been previously submitted for confidential treatment before this Energy Bureau. On December 23, 2021, LUMA filed a *Motion Submitting Operating Procedures and Request for Confidential Treatment*, requesting confidential treatment for portions of Procedure No. 17, specifically Appendix C (Manual Load Shedding, pages 11-18) and Appendix D (Automatic Underfrequency Blocks, page

¹ See FN 2, *infra*.

² See LUMA's *Motion Submitting Operating Procedures and Request for Confidential Treatment* (December 23, 2021).

19), on the grounds that these portions contain CEII including images and depictions of the SCADA System and detailed operational procedures for load shedding that could be useful to a person planning an attack on critical infrastructure.

c. Identification of Confidential Information

21. In compliance with the Energy Bureau's Policy on Management of Confidential Information below, LUMA submits a table summarizing the portions of Exhibit 1 and attachments thereto for which we present this request for confidential treatment.

Document	Where the Confidential Information is Found	Summary of Legal Basis for Confidentiality Protection	Date Filed
Exhibit 1	Introduction section and responses to items (i-iv) sections describing MLS scheme structure, SCADA execution steps, block rotation criteria, pre-shedding protocols, and restoration procedures referencing and describing the processes in Section 3.1.7 and Appendix C of Procedure No. 17	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	August 17, 2026
Attachment A	Columns D, E, K, L, M, N, O, R, S, T and U, which include feeders, circuit identifiers and officers' roles	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	August 17, 2026
Attachment B	Columns E, L, M, J, W, Y, Z, AA, AB, which include circuit, feeders locations and shape file identification	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	August 17, 2026

IV. Conclusion

WHEREFORE, based on the foregoing, LUMA respectfully requests that the Energy Bureau grant confidential treatment to the portions of Exhibit 1 identified herein, including

portions of Attachment A and Attachment B, as CEII, together with any other relief deemed just and proper.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, on the 27th day of August 2026.



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CERTIFICATE OF SERVICE

I hereby certify that on the 27th 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 27th day of August 2026.

/s/ Katiuska Bolaños Lugo
Katiuska Bolaños Lugo