NEPR

Received:

Nov 10, 2026

4:00 PM

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

IN RE: REVIEW OF THE PUERTO RICO ELECTRIC POWER AUTHORITY INTEGRATED RESOURCE PLAN	**CASE NO.:** NEPR-AP-2023-0004 **SUBJECT**: Memorandum of Law in Support of Request for Confidential Treatment of Workpapers Relied on in Developing the October 2026 Modeling Modifications

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF WORKPAPERS RELIED ON IN DEVELOPING THE OCTOBER 2026 MODELING MODIFICATIONS

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

1. On October 6, 2026, the Puerto Rico Energy Bureau ("Energy Bureau") entered a Resolution and Order ("October 6th Order") directing LUMA to file its response to the requests for information in Attachment A of that order within ten (10) business days. On October 8, 2026, the Energy Bureau issued a Resolution and Order, notified on October 9, 2026, modifying the October 6th Order ("October 8th Order"), ordering LUMA to file on or before October 30, 2026, any Preferred Resource Plan ("PRP") modeling modification that LUMA has completed since the October 17, 2025, filing, along with associated and appropriate workpapers, including any "solution spreadsheets" in support of the updated modeling.

2. On October 30, 2026, LUMA filed a *Motion Submitting Preferred Resource Plan Modeling Modification*. Therein, LUMA recommended completing additional data updates,

modeling, and sensitivity runs before selecting a PRP. In compliance with the October 6th Order, LUMA filed the October 2026 modeling modifications as *Exhibit 1,* and the workpapers and models relied on in developing the October 2026 modeling modifications as *Exhibit 2.*

3. LUMA respectfully submits that the workpapers and models relied upon in developing the October 2026 Modeling Modifications submitted as *Exhibit 2* contain confidential information protected from public disclosure under applicable law and regulations, as explained below. Accordingly, pursuant to this Energy Bureau's Policy on Confidential Information, LUMA hereby submits the corresponding memorandum of law stating the legal basis for the request to treat the workpapers and models relied on in developing the October 2026 Modeling Modifications confidentially.

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

4. 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).

5. In connection with the duties of electric power service companies, Section 1.10(i) of Act 17-2019[1] further provides that electric power service companies shall submit information

[1] Known as the "Puerto Rico Energy Public Policy Act" (hereinafter, "Act 17-2019").

requested by customers, except for: (i) confidential information in accordance with the Rules of Evidence of Puerto Rico. 22 LPRA § 1141i (2025).

6. 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).

7. 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 identifying the confidential information, a summary of the legal basis for the confidential designation, and a summary of the reasons each claim or designation conforms to the applicable legal basis for confidentiality. *Id*., paragraph 3. The party that 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.

8. The Energy Bureau's Policy on Confidential Information also states the following with regard 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.

Id., Section D (on Access to Validated Confidential Information).

9. 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

10. Section 4(x) of the *Puerto Rico Open Government Data Act*, Act 122-2019, exempts from public disclosure commercial or financial information whose disclosure will cause competitive harm. 3 LPRA § 9894. The workpapers identified in Section IV of the present Motion contain or reference proprietary coal values, heat rates, cost information, and PLEXOS© formulas and pivot tables belonging to third parties. These coal values, heat rates, and cost information constitute commercial or financial information under Section 4(x) of Act 122-2019, as they have independent economic value and provide a business advantage because they are not 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 coal values, heat rates, cost information, and PLEXOS® formulas and pivot tables would risk causing competitive harm to the third party and undermining the public policy favoring the protection of commercially valuable confidential information. Therefore, LUMA requests that the Energy Bureau grant confidential treatment to these coal values, heat rates, cost information, and PLEXOS® formulas and pivot tables proprietary to third parties to ensure compliance with the statutory protections afforded under Puerto Rico law.

IV. Identification of Confidential Information

11. 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	**Name**	**Pages in which Confidential Information is Found**	**Summary of Legal Basis for Confidentiality Protection**	**Date Filed**
Exhibit 2	CONFIDENTIAL_2026 October Sc1 Unconstrained.xlsm	Entire file	Third-Party Proprietary Information	October 30, 2026
	CONFIDENTIAL_2026 October Sc1 Constrained.xlsm	Entire file	Third-Party Proprietary Information	October 30, 2026

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; and **approve the request for confidential treatment** of the information submitted in *Exhibit 2* to the *Motion Submitting Preferred Resource Plan Modeling Modification*.

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 the Puerto Rico Electric Power Authority: Alexis Rivera, alexis.rivera@prepa.pr.gov, and through its counsel of record, Natalia Zayas Godoy, nzayas@gmlex.net, and Mirelis Valle Cancel, mvalle@gmlex.net, and Genera PR, LLC, through its attorney of record, Luis R. Román Negrón, lrn@roman-negrom.com.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, on November 10, 2025.

DLA Piper (Puerto Rico) LLC
B7 Tabonuco Street, Suite 1501
Guaynabo, PR 00968
Tel. 787.945.9132
Fax 939.697.6102

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
PR Bar No. 18,061
yahaira.delarosa@us.dlapiper.com