NEPR

Received:

Nov 10, 2026

1:17 PM

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

IN RE: PUERTO RICO ELECTRIC POWER AUTHORITY PERMANENT RATE	**CASE NO.:** NEPR-MI-2020-0001 **SUBJECT:** LUMA's Motion in Compliance with Order Issued on November 6, 2026

MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER OF NOVEMBER 6, 2026, REQUEST FOR CONFIDENTIAL TREATMENT, AND MEMORANDUM OF LAW IN SUPPORT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

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

I. Introduction

On November 6, 2026, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a *Resolution and Order* ("November 6th Order"), invoking Articles 6.3(s) and 6.4(b)(1) of Act No. 57-2014,[1] and ordering LUMA and the Puerto Rico Electric Power Authority ("PREPA"), as applicable, to submit, with the greatest possible precision, information on the energy consumption and billing of persons and entities falling within the definition of micro, small, and medium-sized businesses (commonly known as "PYMES") under Article 2 of Act No. 62-2014,[2] for the months of September and October 2026, and/or under any other classification developed by PREPA and LUMA.

Specifically, the November 6th Order directed that the information include the following account details: (i) the account holder ("Titular de la cuenta"); (ii) the employer social security

[1] Puerto Rico Energy Transformation and RELIEF Act, Act 57-2014, as amended, P.R. Laws Ann. Tit. 22 §§ 1051–1056 (2025), 22 L.P.R.A. §§ 1051-1056 (2025*)*.

[2] *Micro-, Small-, and Medium-sized Business Promoti*on, Act 62-2014, as amended, P.R. Laws Ann. Tit. 23 §§ 11081-11085 (2025), 23 L.P.R.A. §§ 11081-11085 (2025).

number ("Número social patronal"); (iii) the amount of energy consumed in September and in October, separately; (iv) the amount billed in September and in October, separately; and (v) "[c]ualquier otra información pertinente de la cuenta." The Energy Bureau ordered that the information be filed in electronic Excel format on or before 12:00 noon on November 10, 2026.[3]

At the outset, LUMA respectfully informs the Energy Bureau that it is unable to identify, with the precision the November 6th Order contemplates, the persons and entities that fall within the definitions of *Microempresa*, *Pequeños comerciantes*, and *Medianos comerciantes* under Article 2 of Act No. 62-2014. Act 62-2014 defines these terms as follows:

> (4) Microbusiness.— A business or enterprise whose annual gross income is less than five hundred thousand dollars ($500,000) and has seven (7) employees or less.
> (5) Small-sized business.— A business or enterprise whose annual gross income is less than three million dollars ($3,000,000) and has twenty-five (25) employees or less.
> (6) Medium-sized business.— A business or enterprise whose annual gross income is less than ten million dollars ($10,000,000) and has fifty (50) employees or less.

23 L.P.R.A. § 11081 (2025).

Each of these statutory definitions turns on two criteria: the business's annual gross income and its number of employees. LUMA does not classify, code, designate, or otherwise identify customers as micro, small, or medium-sized businesses within its customer information systems, nor does it maintain or apply the eligibility criteria established under Act 62-2014 or any other statutory or regulatory framework governing PYME classification. In the ordinary course of providing electric service, LUMA does not collect, maintain, verify, or regularly update

[3] On November 9, 2026, LUMA filed an *Urgent Motion for Brief Extension of Time to Comply with Resolution and Order of November 6, 2026*, requesting until 5:00 p.m. on November 11, 2026, to comply with the November 6th Order. Through diligent efforts, LUMA was able to complete the production of the requested information before the expiration of the extension requested. Nonetheless, LUMA will further supplement this motion with information regarding energy efficiency suggestions for customers in the GSS rate class, to lessen the impact of energy service costs on this customer class.

information regarding a customer's annual revenues or gross income, number of employees, ownership structure, or any other information necessary to determine whether a customer qualifies as a PYME under Act 62-2014. Its customer databases therefore contain no field that would allow LUMA to filter accounts according to the thresholds set forth in Act 62-2014, and LUMA cannot determine with certainty which customers meet the statutory definition of a PYME.

The November 6th Order anticipates this limitation, as it directs the production of information for PYMES "and/or under any other classification developed by PREPA and LUMA." November 6th Order at 1. Consistent with that directive, LUMA has used, as the closest available proxy, the Small Commercial Customer rate class under the General Service at Secondary Distribution Voltage ("GSS") rate, which applies "to non-residential service with a load lower than 50 kVA." *See In re: Puerto Rico Electric Power Rate Review*, *Final Rate Order on Electricity Rates*, Case No. NEPR-AP-2023-0003, *Appendix A: Energy Bureau's adopted revenue allocation* (P.R. Energy Bureau Apr. 15, 2026); *see also* PREPA Tariff Book at 13, approved in *In re: Implementation of 2026's Approved Permanent Rate*, Case No. NEPR-MI-2026-0005, Resolution and Order (P.R. Energy Bureau July 22, 2026) (available at https://lumapr.aflip.in/FY2027-Tariff-Book-English). Although GSS is an electric service tariff classification and not a PYME designation, LUMA understands that the majority of micro, small, and medium-sized commercial customers are served under the GSS rate. The GSS rate class therefore represents the closest and most reasonable alternative classification available in PREPA's and LUMA's records. LUMA did not include customers served under the General Service at Primary Distribution Voltage ("GSP") rate because that classification encompasses a significant number of larger commercial customers whose inclusion could materially affect the information reported and reduce the precision of the resulting data set. LUMA notes, however, that it cannot certify that every customer in the GSS rate

class qualifies as a PYME under Act 62-2014, or that no PYMES are served under other rate classes.

The information in Attachment A is based solely on customer and tariff data maintained in PREPA's systems and records for accounts served under the GSS rate. LUMA's use of the GSS rate class is intended solely as the best available proxy for responding to the November 6th Order. Accordingly, the information submitted herein should not be interpreted as an exact, verified, certified, or legally validated population of PYME customers, nor as a determination, certification, representation, or conclusion that any customer included in Attachment A qualifies as a micro, small, or medium-sized business under Act 62-2014. In addition, any differences between the information in Attachment A and current records may be attributable to billing adjustments made after the close of the applicable month.

Subject to the foregoing, and in compliance with the November 6th Order, LUMA hereby submits, as ***Attachment A***, an Excel spreadsheet containing, for each account in the GSS rate class, the account holder, the account number, the service agreement (contract) number, the social security or employer identification number,[4] the energy consumption for September and October 2026, stated separately, and the amounts billed for September and October 2026, stated separately. Because the November 6th Order does not specify what "other pertinent account information" is sought, and in light of the privacy concerns discussed below, LUMA has limited Attachment A to the specific data fields enumerated in the November 6th Order and to the account and service agreement numbers necessary to identify each account.

[4] Social security and employer identification numbers are not available in PREPA's records for some accounts. This information was not captured or incorporated by PREPA prior to, and during the initial stages of, the implementation of the Customer Care and Billing system.

Attachment A contains personally identifiable information of customers of the Transmission and Distribution System ("T&D System"), namely, the account holder names (that is, the name of the customer, whether a natural person or a legal entity), account numbers, service agreement (contract) numbers, and social security or employer identification numbers, appearing in the columns titled "Nombre de Entidad," "Número de Cuenta," "Acuerdo de Servicio," and "Número de ID," respectively. Accordingly, LUMA is submitting Attachment A in both a redacted (public) version, in which those four columns have been redacted, and an unredacted (confidential) version that must remain under seal, pursuant to the Energy Bureau's policy on management of confidential information ("Policy on Confidential Information"). *See In Re: Policy on Management of Confidential Information in Procedures Before the Commission*, Case No. CEPR-MI-2016-0009, Resolution (P.R. Energy Bureau Aug. 31, 2016), *as amended by* Resolution (P.R. Energy Bureau Sept. 20, 2016).[5] All consumption and billing data in Attachment A remain unredacted in the public version.

Pursuant to the Policy on Confidential Information, LUMA hereby includes herein the memorandum of law setting forth the legal basis for its request that the unredacted version of ***Attachment A*** be afforded confidential treatment and maintained under seal.

II. Applicable Laws and Regulations for Submitting Confidential Information to the Energy Bureau

Section 6.15 of Act No. 57-2014 regulates the management of confidential information filed with 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 [Energy Bureau] to treat such information

[5] To that end, Attachment A is submitted in two Excel files: (i) a "Confidential" file, filed under seal, containing the unredacted spreadsheet; and (ii) a "Redacted/Public" file, in which the "Nombre de Entidad," "Número de Cuenta," "Acuerdo de Servicio," and "Número de ID" columns have been redacted, for the public docket.

as such[.]" 22 L.P.R.A. § 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*. § 1054n(a).

Similarly, with respect to the duties of electric power service companies, Section 1.10(i) of the *Puerto Rico Energy Public Policy Act*, Act 17-2019, P.R. Laws Ann. Tit. 22 §§ 1141–1141r (2025), 22 L.P.R.A. §§ 1141–1141r (2025), provides that electric power service companies shall submit information requested by customers, except for, among other things, "confidential information in accordance with the Rules of Evidence of Puerto Rico," and "issues that should be maintained confidential in accordance with any confidentiality agreement, provided, that such agreement is not contrary to public interest." 22 L.P.R.A. § 1141i (2025).

Section 6.15(b) of Act 57-2014 also restricts access to confidential information, which shall be provided "only to the lawyers and external consultants involved in the administrative process after the execution of a confidentiality agreement." *Id*. § 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*. § 1054n(c).

Moreover, the Policy on Confidential Information details the procedures that a party must follow to request that a document, or a portion thereof, be afforded confidential treatment. In essence, the 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. 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 meets the applicable legal basis for confidentiality. *Id*. ¶ 3. The party that 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*. ¶ 6.

Relatedly, the Energy Bureau's *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, Regulation No. 8543 (December 18, 2024), 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. 57-2014, as amended."

III. Legal Basis and Argument in Support of Confidentiality

a. The redacted information is Owner Personal Information that LUMA is contractually bound to keep strictly confidential.

Account holder names, account numbers, service agreement numbers, and social security or employer identification numbers are, by definition, confidential under the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA"), entered into by the Puerto Rico Public-Private Partnerships Authority, PREPA, and LUMA on June 22, 2020.[6] The T&D OMA defines "Owner Personal Information" as "any and all personally identifiable information, in any form, collected by or provided to Operator . . . in connection with the provision of O&M Services or services under this Agreement and that, **alone or in combination with other information**, uniquely identifies a current, former or prospective . . . T&D Customer (e.g., **names**, addresses, telephone numbers, **other information in the Customer Database or any other personally identifiable information as otherwise defined under Applicable Law**)." T&D OMA, § 1.1, pp. 23-24 (emphasis added). The T&D OMA further provides that Owner Personal Information "shall be considered Confidential Information of Owner and, as among the Parties, shall at all times remain the Intellectual Property of Owner." *Id*. § 5.15(b), p. 76. LUMA, in turn, is bound to "(A) keep strictly confidential and take reasonable precautions to protect against the disclosure of all Confidential Information of the disclosing Party, and (B) use all Confidential Information of the disclosing Party solely for the purposes of performing its obligations . . . and not for any other purpose[.]" *Id*. § 13.2(a).

---

[6] LUMA Energy, LLC, LUMA Energy ServCo, LLC, the Puerto Rico Electric Power Authority and the Puerto Rico Public-Private Partnerships Authority, *Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement* (June 22, 2020); *Puerto Rico Transmission and Distribution System Operation and Maintenance Supplemental Terms Agreement* (June 22, 2020) https://docs.pr.gov/files/P3-PublicaPrivadas/Projects/Projects/TD%20-%20LUMA/OM%20Agreement/executed-consolidated-om-agreement-td.pdf

The account holder names, account numbers, service agreement numbers, and social security or employer identification numbers in Attachment A are maintained in the Customer Database and were collected or assigned by LUMA in the course of managing the customer accounts of the T&D System. Each, on its own, uniquely identifies a T&D Customer and its electric service account. They therefore fall squarely within the definition of Confidential Information of Owner. Public disclosure of this information would place LUMA in breach of its obligation to keep that information "strictly confidential." Because this confidentiality obligation serves, rather than contravenes, the public interest in protecting the personal data of the customers of the T&D System, the information is exempt from disclosure under Section 1.10(i) of Act 17-2019.

b. Puerto Rico's constitutional and statutory privacy framework independently protects the redacted information.

Independently of the T&D OMA, the protection of this information is in the public interest and is mandated by Puerto Rico's legal framework on privacy. Article II, Sections 8 and 10 of the Constitution of the Commonwealth of Puerto Rico protect the right of every person to control the disclosure of his or her personal information and distinctive traits. This right operates *ex proprio vigore* and may be asserted against private parties. *See Vigoreaux Lorenzana v. Quizno's Sub, Inc.*, 173 D.P.R. 254, 262 (2008); *Bonilla Medina v. Partido Nuevo Progresista*, 140 D.P.R. 294, 310-11 (1996); *Pueblo v. Torres Albertorio*, 115 D.P.R. 128, 133-34 (1984).

The Legislative Assembly has given concrete effect to this constitutional mandate. Section 4 of Act No. 122-2019, known as the *Puerto Rico Open Government Data Act*, Act 122-2019, P.R. Laws Ann. Tit. 3 §§ 9891-9904 (2025), 3 L.P.R.A. §§ 9891-9904 (2025), sets forth the exceptions to the disclosure of Public Data. Section 4(vi) excepts information the disclosure of which "could

constitute an invasion of the privacy of a third party, or impair the fundamental rights of said third party[.]" 3 L.P.R.A. § 9894(vi). Section 4(xi), in turn, expressly excludes from disclosure "[a]ny 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 the governmental body[.]" *Id*. § 9894(xi) (emphasis added). Act 122-2019 further mandates that, when delivering any data deemed to be public, the Governmental Body "shall make sure to take all necessary precautions to not include any information or data that may contain information that is confidential, prohibited under any law, or among the exceptions provided in § 9894 of this title." *Id*. § 9893(c).

Social security numbers and employer identification numbers are expressly named in, or squarely encompassed by, Section 4(xi) as "social security number[s]" and "tax . . . information." Many of the accounts at issue belong to microenterprises and sole proprietors, whose employer number frequently is the owner's personal social security number, and whose business name frequently is the owner's own name. The account holder names, account numbers, and service agreement numbers, in turn, are "confidential information of private third parties," and the account and service agreement numbers are also "financial information," collected and maintained in connection with the provision of electric service by PREPA, a Governmental Body, and its operator. The account and service agreement numbers are the identifiers used to access, manage, and pay for each account holder's electric service account. None of these categories of data may be placed on the public docket consistent with Act 122-2019.

PREPA's own organic statute confirms that social security numbers are confidential even where the Legislative Assembly has imposed the broadest transparency mandates. Section 4(b) of

the *Puerto Rico Public Power Authority Act*, Act 83-1941, P.R. Laws Ann. Tit. 22 §§ 191 - 240a (2025), 22 L.P.R.A. §§ 191 - 240a (2025), requires PREPA to "post on its website all contracts" and to do so "even if these are exempt from being filed with the Office of the Comptroller of the Government of Puerto Rico." 22 L.P.R.A. § 194(b). Yet, in the same breath, the statute commands that "the Authority **shall not disclose confidential information, such as the Social Security number of the contractor**, information constituting trade secrets, or issues similar to those listed above which would not be disclosed if they were discussed at a Board meeting." *Id*. (emphasis added). Likewise, Section 6 of Act 83-1941 exempts from PREPA's duty to provide documents and information to customers, among other things, "confidential information in accordance with the Rules of Evidence of Puerto Rico" and "issues that the Authority should keep confidential in accordance with any confidentiality agreement." *Id*. § 196(j).

Act 83-1941 thus illustrates the public policy that governs here. If PREPA may not disclose the Social Security number of a contractor who has voluntarily entered into a public contract with the Authority, a contract the law otherwise requires to be published in full, then *a fortiori* the social security and employer numbers of PREPA's customers, who furnished that information solely to obtain an essential public service, may not be placed on the public docket. LUMA, which operates and manages the T&D System on PREPA's behalf and as its agent under the T&D OMA, is bound by the same limitation with respect to the customer information it maintains for PREPA. It would be anomalous for information that PREPA is statutorily barred from disclosing to become public merely because it is produced to the Energy Bureau by PREPA's operator.

c. The combination of identifiers with monthly consumption and billing data materially increases the identification and privacy risks.

The confidentiality concerns here are not limited to each redacted data point in isolation. Attachment A pairs, in a single, sortable electronic spreadsheet, each account holder's name with that account holder's account number, service agreement number, social security or employer identification number, and energy consumption and billed amounts for two consecutive months. That combination materially increases the risk of identification and harm. A name coupled with a social security number is the very pairing most commonly exploited to commit identity theft and financial fraud, and a name coupled with a utility account and service agreement number supplies the credentials routinely used to access or alter an account, defeat identity verification protocols, impersonate account holders, and target them with fraudulent collection, payment, or service schemes. Adding verified, current consumption and billing data to those pairings further authenticates the identity of the account holder.

Moreover, monthly energy consumption and billing data, once linked to an identified business, reveal its level of operations, its operating costs, and, by inference, its commercial activity and financial condition during the period. For the micro, small, and medium-sized businesses covered by the November 6th Order, many of which are owned and operated by individuals, that disclosure is effectively a disclosure of the owner's personal financial information. The law recognizes this precise risk. The T&D OMA protects information that, "alone or **in combination with other information**," uniquely identifies a T&D Customer, and Section 4(xi) of Act 122-2019 protects "[a]ny type of information related to" a "social security number" and "tax and/or financial information." The aggregation of these fields in Attachment A thus

heightens the need for confidential treatment of the account holder name, account number, service agreement number, and identification number columns.

d. The requested protection is narrowly tailored and least affects the public interest and transparency.

LUMA does not seek to withhold any information from the Energy Bureau, which will receive the complete, unredacted Attachment A under seal. Nor does LUMA seek to shield from public view the substance of the information requested. The redacted version of Attachment A discloses, for every account, the energy consumption and billed amounts for September and October 2026, and therefore allows the public and the parties to evaluate the consumption and billing of PYMES in full. Only the four columns containing the account holder name, account number, service agreement number, and social security or employer identification number are redacted. Those identifiers add nothing to the public's understanding of PYMES consumption and billing trends, while their disclosure would expose those customers to concrete and irreversible harm. On balance, therefore, the protection requested is granted "in a manner that least affects the public interest, transparency, and the rights of the parties," as Section 6.15 of Act 57-2014 requires.

For these reasons, LUMA respectfully submits that the "Nombre de Entidad," "Número de Cuenta," "Acuerdo de Servicio," and "Número de ID" columns of Attachment A are confidential and must be maintained under seal pursuant to Section 6.15 of Act 57-2014, Section 1.10(i) of Act 17-2019, Sections 5.15(b) and 13.2(a)(ii) of the T&D OMA, Article II, Sections 8 and 10 of the Constitution of Puerto Rico, and Sections 3(c) and 4 of Act 122-2019.

IV. Identification of Confidential Information

In compliance with the Policy on Confidential Information, LUMA includes below a table summarizing the hallmarks of this request for confidential treatment.

Document	Confidential Portions	Legal Basis for Confidentiality	Date Filed
Attachment A *(Attachment A_In Compliance with November 6, 2026 Resolution and Order.xlsx)*	Columns "Nombre de Entidad" (account holder name, whether a natural person or legal entity), "Número de Cuenta" (account number), "Acuerdo de Servicio" (service agreement or contract number), and "Número de ID" (social security or employer identification number)	Owner Personal Information, confidential under Sections 1.1, 5.15(b), and 13.2(a)(ii) of the T&D OMA and exempt under Section 1.10(i) of Act No. 17-2019, 22 L.P.R.A. § 1141i (2025); right to privacy under Article II, Sections 8 and 10 of the Constitution of Puerto Rico; and social security numbers, tax and financial information, and confidential information of private third parties protected under Sections 3(c), 4(vi), and 4(xi) of Act No. 122-2019, 3 L.P.R.A. §§ 9893-9894 (2025).	November 10, 2026

WHEREFORE, LUMA respectfully requests that this Honorable Energy Bureau: (i) **take notice** of the foregoing; (ii) **accept** the information submitted herewith as ***Attachment A*** and **deem** LUMA in compliance with the November 6th Order; (iii) **grant** LUMA's request for confidential treatment and keep under seal the unredacted version of Attachment A, in particular the "Nombre de Entidad," "Número de Cuenta," "Acuerdo de Servicio," and "Número de ID" columns; and (iv) **accept** the redacted version of Attachment A for the public docket.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, on the 10th day of November 2026.

DLA Piper (Puerto Rico) LLC
B7 Tabonuco St., Suite 1501
Guaynabo, PR 00968-3349
Tel. 787-945-9122
Fax 939-697-6092

/s/ Katiuska Bolaños Lugo
Katiuska Bolaños Lugo
RUA No. 18,888
Katiuska.Bolanos-Lugo@us.dlapiper.com

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November 2026, I filed the foregoing motion with the Clerk of the Puerto Rico Energy Bureau through the Energy Bureau's electronic filing system. I further certify that on the same date I served a true and correct copy of this motion 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,
nzayas@gmlex.net,
rcruzfranqui@gmlex.net,
mvalle@gmlex.net,

Genera PR LLC, through
lrn@roman-negron.com,
legal@genera-pr.com,
regulatory@genera-pr.com,

The Independent Consumer Protection Office, through
kmercado@jrsp.pr.gov.

In Guaynabo, Puerto Rico, on the 10th day of November 2026.

/s/ Katiuska Bolaños Lugo
Katiuska Bolaños Lugo

Attachment A