

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

NEPR

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IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY'S EMERGENCY RESPONSE
PLAN

CASE NO.: NEPR-MI-2019-0006

SUBJECT: Submission of Annexes to
Emergency Response Plan

**MOTION SUBMITTING ANNEXES A, B AND C TO LUMA'S EMERGENCY
RESPONSE PLAN**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC ("ManagementCo")¹, and **LUMA Energy ServCo, LLC** ("ServCo")², (jointly referred to as "LUMA"), and, through the undersigned legal counsel, respectfully submit the following:

1. LUMA respectfully informs that due to an involuntary omission, the pdf of the Emergency Response Plan (ERP) that was filed on May 31, 2021 with this honorable Puerto Rico Energy Bureau, omitted Annex A (Major Outage Restoration), Annex B (Fire Response) and Annex C (Earthquake Response) to the ERP.

2. LUMA hereby submits Annexes A, B and C to the ERP. *See* Exhibit 1.

3. To protect personal identifying information of LUMA personnel, the signature and name of the LUMA officer that is identified in each of the Annexes (page 5 of Annex A, Annex B and Annex C), were redacted. LUMA hereby requests that the referenced signature and name be kept confidential in accordance with Section 6.15 of Act 57-2014 (providing, that: "[i]f any person who is required to submit information to the Energy Commission believes that the information to

¹ Register No. 439372.

² Register No. 439373.

be submitted has any confidentiality privilege, such person may request the Commission to treat such information as such . . . ”, 22 LPRA §1054(n)), and pursuant to the Bureau’s Policy on Confidential Information. *See* CEPR-MI-2016-0009, Section A, as amended by the Resolution of September 16, 2016, CEPR-MI-2016-0009. It is respectfully submitted that protecting the signature and name of the LUMA officer in a context that reveals details of his/her employment and duties, is in the public interest and aligned with Puerto Rico’s legal framework on privacy which protect from disclosure the personal identifying information included in personnel files, *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*, 140 DPR at 310-11, *Torres Albertorio*, 115 DPR at 133-34. *See also* Act 122-2019, Article 4 (vi) (which provides, as exceptions to the rule on public disclosure, information whose disclosure could invade the privacy of third parties or affect their fundamental rights; Article 3(c) Act 122-2019 (stating that personnel files and similar information does not constitute public information subject to disclosure). Because the full substantive contents of the ERP has been filed publicly, it is respectfully submitted that redaction of the name and signature at page 5 of each of the annexes is proper and does not affect the public’s ability to review the ERP nor interferes with processes before this Energy Bureau in connection with the ERP.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **accept and consider** Annex A (Major Outage Restoration), Annex B (Fire Response) and Annex C (Earthquake Response) to the ERP that are included as Exhibit 1 to this Motion and **keep** confidential the name and signature included at page 5 of each of the Annexes (Annexes A, B and C).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3rd day of June 2021.

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this **motion to the attorneys for PREPA**, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katiuska Bolaños-Lugo, kbolanos@diazvaz.law.



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Exhibit 1, Annexes A, B and C to LUMA's Emergency Response Plan

El presente Exhibit contiene información confidencial, por lo cual fue removido y no se puede hacer público.

La **versión pública** de este Exhibit 1 fue presentada como Exhibit 2 en la *Motion in Compliance with Order and Request for Confidential Treatment* de 1ro de septiembre de 2021.