

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

IN RE:

PUERTO RICO ELECTRIC POWER
AUTHORITY'S EMERGENCY RESPONSE
PLAN

CASE NO. NEPR-MI-2019-0006

**SUBJECT: Motion in Compliance with the
Resolution and Orders of July 24, 2024, and
December 10, 2024, and Request for
Confidentiality and Supporting Memorandum of
Law**

NEPR

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**MOTION IN COMPLIANCE WITH THE
RESOLUTION AND ORDERS OF JULY 24, 2024, AND DECEMBER 10, 2024, AND
REQUEST FOR CONFIDENTIALITY AND SUPPORTING MEMORANDUM OF LAW
TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

COME NOW LUMA Energy, LLC (“ManagementCo”), and **LUMA Energy Servco, LLC** (“ServCo”) (jointly referred to as the “Operator” or “LUMA”), through the undersigned counsel, and respectfully states and requests the following:

1. On May 31, 2024, LUMA filed before the Puerto Rico Energy Bureau (“Energy Bureau”) LUMA’s 2024 annual report on emergency preparedness for the Puerto Rico transmission and distribution system (“T&D System”) (“2024 Annual T&D Emergency Preparedness Report”), pursuant to Section 6 (m) of Act 83 of May 2, 1941, as amended.

2. LUMA’s 2024 Annual T&D Emergency Preparedness Report describes the measures taken by LUMA during the preceding calendar year, to address emergencies such as storms, atmospheric disturbances, fires, or earthquakes that could affect the T&D System. The 2024 T&D Emergency Preparedness Report summarizes the changes made to LUMA’s Emergency Response Plan (“T&D ERP”) to address emergencies, a description of the emergency plan to face possible earthquakes; the plans and protocols to address fires in the T&D System facilities; the status of the T&D System tree trimming program to protect the power transmission

lines and trees; the training offered to essential LUMA personnel to ensure they are qualified to follow the procedures to address the aforementioned emergencies; and the contingency plans to normalize or re-establish T&D System operations after severe weather, fire, earthquake, cyber-attack, or other emergencies.

3. On July 24, 2024, the Energy Bureau entered a Resolution and Order (July 24th Order”) directing LUMA to, among other matters, report on a quarterly basis the results of the coordination meetings between LUMA, Puerto Rico Electric Power Authority (“PREPA”), and Genera PR, LLC (“Genera”) regarding the Emergency Response Plan (ERP) and on the status of compliance with each of the following requirements:

- i. make sure their ERPs clearly reflect their respective responsibilities;
- ii. coordinate their efforts in development and implementation of their ERPs to make sure areas of overlap are comprehensively and clearly addressed. LUMA was directed to take the lead in this effort;
- iii. coordinate, develop and include in their ERPs, decision-making protocols to ensure safe system operations during generation startup procedures. LUMA is to take the lead in this effort;
- iv. delineate in their ERPs an established chain of command for decision making where responsibilities of each may be affected. LUMA is to take the lead in this effort;
- v. provide certification attesting to all the personnel performing supervisory functions in the operating areas having been duly advised on the norms of the operating emergency plan in effect as required by item vi of Section 6 of Act No. 83; and
- vi. establish a decision-making protocol to enforce the shutting down of the electric system.

See July 24th Order, at p.4.

4. On November 14, 2024, LUMA submitted its *Motion in Compliance with the Resolution and Order of July 24, 2024*, whereby it submitted its Quarterly Report corresponding to Quarter 1 Fiscal Year 2025 — in compliance with the July 24th Order (“November 14th Motion”).

5. On December 10, 2024, the Energy Bureau issued a Resolution and Order (“December 10th Order”) whereby it directed LUMA, among other matters, to — within thirty (30) days — “provide the Energy Bureau with an in-depth report on the coordination meetings it conducted during Q1 FY2025 and to provide adequate detail in later reports.” *See* December 10th Order, p.16.

6. In compliance with the July 24th and December 10th Orders, LUMA hereby submits *Exhibit 1*, its Meetings’ Report corresponding to the Third Quarter of Fiscal Year 2025. LUMA hereby requests that *Exhibit 1* be maintained confidential and submits a redacted version for public disclosure and an unredacted non-public version under seal of confidentiality. LUMA submits its Memorandum of Law below stating the legal basis for which the unredacted version of *Exhibit 1* should be filed under seal of confidentiality. As will be explained below, portions of *Exhibit 1* should be protected from public disclosure as these contain personal identifying information of individuals who are LUMA, Genera, and PREPA staff or contractors protected under Puerto Rico’s legal framework on privacy emanating from the Puerto Rico Constitution and should also be protected pursuant to the Energy Bureau’s Policy on Management of Confidential Information.

II. Memorandum of Law in Support of Request for Confidentiality

A. Applicable Laws and Regulations to Submit Information Confidentially Before the Energy Bureau

7. The bedrock provision on the management of confidential information filed before this 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 (2024). 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).

8. 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.* §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 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.* §1054n(c).

9. 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 Puerto Rico Rules of Evidence.

10. 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.

11. Furthermore, Energy Bureau 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. Discussion in Support of Request for Confidential Treatment

12. Portions of *Exhibit 1* contain the names and roles of individuals who are LUMA, Genera, and PREPA employees or contractors who participated in the meetings described therein. LUMA respectfully requests that information on the names of these individuals be maintained confidentially in the context that these reveal details of their employment duties and that their protection 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* Act 122-2019, Article 4(vi) (which provides, as an exception to the rule on public disclosure, information the disclosure of which could invade the privacy of third parties or affect their fundamental rights). It is respectfully submitted that the redaction of the aforementioned information does not affect the public's or the Energy Bureau's review of *Exhibit 1* nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest in protecting privacy weighs in favor of protecting the relevant portions of *Exhibit 1*.

13. Relatedly, the Energy Bureau has also granted requests by LUMA to protect individuals' personal information in connection with LUMA's submissions of initial Scopes of Work ("ISOWs") in docket NEPR-MI-2021-0002. *See e.g.* Resolution and Order of July 24, 2024, table 1 on page 4 (four (4) ISOWs); Resolution and Order of June 28, 2024, table 2 on page 3 (one (1) ISOW); Resolution and Order of June 28, 2024, table 1 on page 3 (one (1) Amended ISOW); Resolution and Order of May 7, 2024, table 2 on pages 4-5 (one (1) Amended ISOW and eleven (11) ISOWs).

C. Identification of Confidential Information

14. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, below, find a table summarizing the hallmarks of this request for confidential treatment.

Document	Name	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection, if applicable	Date Filed
Exhibit 1	Meetings' Report for the Third Quarter of Fiscal Year 2025	Pages 4-6	Right to privacy (<i>see, e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	May 13, 2025

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** Exhibit 1 submitted herein, and **deem** LUMA in compliance with the July 24th and December 10th Orders.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on the 13th of May 2025.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this Motion to PREPA's Counsel Alexis Rivera, arivera@gmlex.net, Mirelis Valle, mvalle@gmlex.net, and Natalia Zayas Godoy, nzayas@gmlex.net, and counsel for GeneraPR LLC, Jorge Fernández, jfr@sbgblaw.com, and Alejandro López, alopez@sbgblaw.com.



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Exhibit 1

LUMA Quarterly Meetings' Report

For the Third Quarter of Fiscal Year 2025
ending March 31, 2025

May 13, 2025



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1.0 Foreword

Preparing for emergency events continues to be the highest daily and year-round priority for the more than 4,500-strong LUMA team. Building on LUMA's successful response to past storms, including Hurricane Fiona and Tropical Storm Ernesto, and learning about the difficult lessons of past emergency response failures by the previous operator of the grid, PREPA, during the aftermath of Hurricane Maria, helps shape and guide LUMA's planning and training efforts. This has been evidenced by LUMA's successful, timely response to seven tropical storms and hurricanes since June 2021, including, most recently, the full restoration of all customers impacted by Tropical Storm Ernesto in less than three days. Thus, it is vital to continue to plan, train, and prepare for future emergencies that can impact Puerto Rico.

To ensure a safe and coordinated response during any future emergency event, LUMA and our energy partners participate in comprehensive planning exercises, like these Emergency Response Plan (ERP) coordination meetings, detailed below.

In July 2024, the group discussed section III (i) through (vi) of the Puerto Rico Energy Bureau (PREB) Resolution and Order issued on July 24, 2024 that read as follows:

- i. Ensure that their ERPs clearly reflect their respective responsibilities.
- ii. Coordinate their efforts in developing and implementing their ERPs to ensure that areas of overlap are comprehensively and clearly addressed. LUMA is to take the lead in this effort.
- iii. Coordinate, develop, and include in their ERPs, decision-making protocols to ensure safe system operations during generation startup procedures. LUMA is to take the lead in this effort.
- iv. Delineate in their ERPs a clearly established chain of command for decision-making where the responsibilities of each may be affected. LUMA is to take the lead in this effort.
- v. Provide certification attesting to all the personnel performing supervisory functions in the operating areas having been duly advised on the norms of the operating emergency plan in effect as required by element VI of Section 6 of Act No. 83.
- vi. Establish a decision-making protocol to enforce the shutdown of the electric system.

In compliance with the PREB order; LUMA, Genera PR (Genera), and the Puerto Rico Electric Power Authority (PREPA) have established monthly meetings to enhance communication and collaboration during emergencies, ensuring situational awareness and mutual assistance under Emergency Support Function 12 (ESF-12). Each has appointed year-round emergency preparedness employees who serve as Interagency Coordinators (IACs).

The items mentioned above are the focus of the ongoing meetings, along with subjects that mutually enhance the overall readiness of the organizations involved. During the second quarter (Q2) of fiscal year 2025 (FY2025), the group engaged in discussions regarding the new Puerto Rico Emergency Management Bureau (PREMB) leadership as well as structural and personnel changes at PREPA and Genera. These modifications will have no effect on response plans because roles and responsibilities remain unchanged during emergency events.

Furthermore, the LUMA Mock Drill took place this quarter, with PREPA and Genera actively participating in the exercise. The Mock Drill served as a platform to showcase the coordinated efforts among PREPA, Genera, and LUMA to regulatory bodies and other invited agencies. This event further strengthened the collaboration among the participants.

2.0 January 2025 Meeting

This meeting took place on January 8, 2025. The following individuals participated:

Participant	Position	Company
[REDACTED]	Emergency Response Manager	Genera
[REDACTED]	Emergency Preparedness Specialist	Genera
[REDACTED]	Executive Advisor for Emergency Management	PREPA
[REDACTED]	Emergency Preparedness Specialist	Genera
[REDACTED]	Executive Advisor for Emergency Management	PREPA
[REDACTED]	Emergency Preparedness Manager	LUMA
[REDACTED]	Emergency Preparedness Director	LUMA
[REDACTED]	Emergency Preparedness Specialist	LUMA

2.1 Meeting Outcomes

i. December 31st Blackout

The December 31st blackout was an unexpected event that, nonetheless, continued to demonstrate the synergy between Genera and LUMA. The coordination and synchronization resulted in service restoration ahead of the initially estimated timeframe. Although the PREMB Emergency Operations Center (EOC) was not activated for this Type 1, Catastrophic Event, the LUMA and Genera Emergency Operations Centers were activated. A Genera LNO deployed to the LEOC to coordinate the Island of Vieques' restoration using Genera's generators. Additionally, the LUMA PREB/P3A Restoral reports incorporated detailed information on all generation assets as another testament to LUMA-Genera's operational integration efforts.

ii. PREMB's new leadership

To date (January 12, 2025), the governor has not nominated a new PREMB commissioner. The group continues to monitor this matter to determine what, if any, impact the change of government officials will have on the PREMB EOC structure. For its part, PREPA will maintain its response structure in line with its current ERP.

Changes to the respective ERPs will be discussed once the document is certified by each organization. This is expected to occur by the May 2025 meeting.

2.2 Closure of previous activities

There were no pending topics to discuss from the previous session.

2.3 Upcoming Activities

LUMA will discuss general aspects and lessons learned of the Mock drill scheduled for February 28, 2025, at the LUMA Emergency Operations Center (LEOC). LUMA Emergency Preparedness staff will coordinate with LUMA Operations for an informative briefing for the next meeting on “Black Start” procedures and operations.

3.0 February 2025 Meeting

This meeting took place on February 12, 2025. The following individuals participated

Participant	Position	Company
██████████	Emergency Response Manager	Genera
██████████	Emergency Preparedness Specialist	Genera
██████████	Emergency Preparedness Specialist	Genera
██████████	Executive Advisor for Emergency Management	PREPA
██████████	Executive Advisor for Emergency Management	PREPA
██████████	Emergency Preparedness Director	LUMA
██████████	Emergency Preparedness Manager	LUMA
██████████	Emergency Preparedness Specialist	LUMA
██████████	Operations IT OT Consultant	LUMA

3.1 Meeting Outcomes

The IT/OT Consultant at LUMA Energy Operation Center, briefed about the main aspects of LUMA’s “Black Start” restoration plan procedures for the Bulk Power System (BPS). The presentation went through the process to restore the BPS to re-energize the 230 kV, 115 kV and 38 kV transmission lines. The presentation described the re-energization sequence, including the roles and responsibilities of the main positions tasked with this mission. Additionally, the IT/OT Consultant at LUMA briefed on the importance of seamless coordination with Genera and other generation entities to successfully recover the electricity without risking a system failure that could force a restart.

3.2 Closure of previous activities

There were no pending topics to discuss from the previous session.

3.3 Upcoming activities

The next meeting will address whether there are any changes in personnel or the PREMB emergency response structure. Also, the group will share impressions on LUMA’s Mock Drill scheduled for February 28, 2025. The focus will be on systems integration, maintaining a common operational picture, and decision-making protocols per the scenario presented during the exercise.

4.0 March 2025 Meeting

This meeting took place on March 12, 2025. The following individuals participated:

Participant	Position	Company
██████████	Emergency Preparedness Specialist	Genera
██████████	Emergency Preparedness Manager	LUMA
██████████████████	Emergency Preparedness Director	LUMA
██████████	Emergency Preparedness Specialist	LUMA

4.1 Meeting Outcomes

i. New Emergency Response Personnel in Genera

The Genera Emergency Preparedness Specialist mentioned that Genera Emergency Response Manager will be replaced as Genera's IAC since he is no longer with the company. The Genera Emergency Preparedness Specialist will coordinate a meeting with Genera's newly appointed IAC to do a "meet and greet" with the group.

ii. First Interagency Coordinators meeting at PREMB EOC

The first "state level" IAC meeting this year was held at PREMB on March 19, 2025. The Secretary of the Department of Public Safety and the PREMB Commissioner made a short appearance to introduce themselves. The PREMB EOC Director requested that each agency give a presentation on their role with a brief description of their responsibilities during an emergency. These briefings will be given by Emergency Support Groups. The first meeting is scheduled for June 10, 2025. The IACs from Genera and LUMA agreed to present jointly, given their existing coordination among them during emergencies.

iii. LUMA War Room SCADA Tabletop Exercise

On March 5, 2025, the LUMA War Room personnel completed a three-hour tabletop exercise simulating a response to a SCADA system failure, causing a lack of visibility of both transmission and distribution systems. This exercise was designed to assess the actions of LUMA's selected staff from the Transmission Operation Center (TOC), Distribution Operation Center (DOC), and substations to ensure an effective response to this scenario.

Importantly, one of the most relevant points during the AAR session was to include Genera in the planning development process because a SCADA system failure would also affect Genera. For this reason, LUMA will coordinate a meeting with Genera to discuss this subject and delineate a strategy for their support to address future situations where such an event may take place.

iv. Radio Testing

Genera and LUMA leveraged a planned Genera tabletop exercise on February 5, 2025, to conduct very high frequency (VHF) communications tests between Monacillo's TOC and plants operated by Genera. During the VHF communications tests, the Senior Supervisor from Genera, was present at the TOC. Participants from Genera were San Juan Plant, Palo Seco Plant, Hydrogas Plant (Palo Seco), Cambalache Plant, Costa Sur Plant, Aguirre Plant (Thermoelectric and Combined Cycle), Mayagüez Plant, and Genera

operations in Hato Rey. Monacillos' TOC was able to successfully establish communication with all these plants.

4.2 Closure of previous activities

There were no pending topics to discuss from the previous session.

5.0 Synopsis

PREPA and Genera experienced role and personnel changes during this quarter. However, none of these changes impact the existing coordination and communication between IAC group members.

During this period, the LUMA Mock Drill was conducted, demonstrating the synergy between PREPA, Genera, and LUMA. The Mock Drill scenario allowed for an explanation of how Genera and LUMA coordinate efforts to restore power service in the shortest possible time, keeping PREPA, government officials, and critical facilities informed of the progress made. Additionally, it explained how situational awareness is maintained to achieve a common operational framework for decision-making that allows for an orderly and expeditious restoration.

The "Black Start" presentation given by LUMA Operations personnel provided context for the teamwork that exists between the generators and the T&D system. This protocol highlights the ongoing relationship between these two components of the electrical system during "blue skies" and emergency events. Certainly, the blackout of December 31, 2024, made this clear.

Emphasis was given to the points mentioned in the Foreword throughout the quarter as applicable.