

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

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

CASE NO.: NEPR-MI-2019-0006

SUBJECT: Motion to Submit the Puerto
Rico Electric Power Authority's 2025
Emergency Response Plan

NEPR

Received:

May 29, 2025

3:58 PM

**MOTION TO SUBMIT PREPA'S 2025 EMERGENCY RESPONSE PLAN AND REQUEST FOR
CONFIDENTIAL TREATMENT OF ITS FUNCTIONAL ANNEX A**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority ("PREPA") through its undersigned legal counsel and respectfully responds and submits as follows:

1. On December 27, 2024, PREPA filed an *Informative Motion* advising the Energy Bureau that the Emergency Response Plan ("ERP"), as approved in the July 24, 2024-Resolution and Order, remains in effect and will continue to govern operations throughout 2025. PREPA further stated that, should the 2025 review process require any modifications, a revised ERP would be submitted accordingly.

2. Since then, a change in PREPA's administration in 2025 has led to several modifications to the ERP. In addition, the Energy Bureau's consultants recommended further updates as part of the 2025 ERP Interactive Review Process. As a result, PREPA has revised and updated the ERP accordingly.

3. Section 6(m) of Act 83-1941¹ provides that PREPA shall file an emergency response plan no later than May 31st of each year with the Energy Bureau.

¹ *Puerto Rico Electric Power Authority Act*, Act No. 83 of May 12, 1941, as amended, § 6 (m).

4. Therefore, in compliance with Section 6(m) of Act 83-1941², PREPA hereby submits its 2025 Emergency Response Plan titled “Plan Operacional de Emergencias 2025”, as **Exhibit A**.

5. Also, PREPA hereby submits, as **Exhibit B**, the Emergency Operational Plan Management and Control-Functional Annex A titled “Plan Operacional de Emergencias Dirección y Control-Anejo Funcional A”, as well.

6. Exhibit B is part of internal protocols and procedures not disclosed to the public and is, therefore, confidential. PREPA respectfully requests confidential treatment from the Energy Bureau for Exhibit B.

7. In general, documents in possession of a public corporation like PREPA are presumed public. However, access to public information is not absolute³. The document sought to be disclosed must, in effect, enjoy that public status⁴.

8. A government entity may keep the information confidential when:

(1) a law so declares; (2) the communication is protected by one of the evidentiary privileges that the citizens may invoke; (3) revealing the information may injure the fundamental rights of third parties; (4) it deals with the identity of a confidante and (5) it is “official information” pursuant to Rule 514 of Evidence.⁵

9. Article 6.15 of Act 57-2014⁶ is the core provision for managing confidential information filed before the Energy Bureau. It provides, in its

² *Id.*

³ *Bhatia Gautier v. Gobernador*, 199 D.P.R. 59, 82 (2017).

⁴ *Y. Otro v. Bauermeister*, 152 DPR 161, 175-176 (2000).

⁵ *Supra*, at pg. 83.

⁶ *Energy Transformation and Relief Act*, Act No. 57 of May 27, 2014, as amended, 22 LPRA sec. 1054n.

pertinente part that “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 [Bureau] to treat such information as such”.

10. If the Energy Bureau believes, after the 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 submitted⁷.

11. The Energy Bureau's policy on Confidential Information (as amended, the “Confidentiality Policy”) details the procedures a party should follow to request that a document or portion thereof be afforded confidential treatment. The policy requires identifying confidential information and filing a memorandum of law explaining the legal basis and support for a request to file information confidentially⁸. 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 confidentiality⁹.

⁷ *Id.* at Art. 6.15(a).

⁸ See CEPR-MI-2016-0009, § A, as amended by the Resolution dated September 20th, 2016, CEPR-MI-2016-0009.

⁹ *Id.* at ¶ 3.

12. From the face of Exhibit B it is clear that its intended use is internal and for official purposes only. This exhibit was not prepared with the intention of its information to be shared with the general public.

13. Lastly, Rule 513 of the Rules of Evidence of Puerto Rico¹⁰, recognizes the trade secret privilege. Its purpose is “to protect the free enterprise system by providing that trade secret owner may refuse to disclose, or prevent another from disclosing, important secrets about their trade or business, so long as it does not tend to conceal a fraud or cause a miscarriage of justice.” Secretariat of the Judicial Conference, *Rules of Evidence Report*, 2007, p. 287. In essence, this privilege protects confidential business information. Likewise, Puerto Rico's Trade Secret Protection Act¹¹, considers trade secrets the internal protocols and procedures.

14. The following is a detailed list of the information that PREPA requests the Energy Bureau to declare confidential:

File	Pages on which confidential information is found	Summary of Legal Basis for Confidential Treatment
Exhibit B	Entire document	Trade Secret Information

15. Lastly, PREPA respectfully informs the Energy Bureau that it is diligently working to finalize the 2025 update to its HoldCo Continuity of Operations Plan (“COOP Plan”). However, due to current staffing limitations, PREPA requests thirty (30) days to complete and submit the COOP Plan.

¹⁰ 32A LPRA Ap. VI, R. 513.

¹¹ 10 P.R. Laws Ann. §§ 4131-4141.

WHEREFORE, PREPA respectfully requests the Energy Bureau to take: (1) **NOTICE** of PREPA's filing of the 2025 Emergency Response Plan in compliance with Act 83-1941, as Exhibit A; (2) **GRANT** the requested confidential treatment to Exhibit B, the Emergency Operational Plan Management and Control- Functional Annex A; and (3) **GRANT** the 30-day period to submit PREPA's COOP Plan.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 31st day of May 2025.

CERTIFICATE OF SERVICE: We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and that margarita.mercado@us.dlapiper.com; laura.rozas@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; and emmanuel.porrogonzalez@us.dlapiper.com.

GONZÁLEZ & MARTÍNEZ

1509 López Landrón
Seventh Floor
San Juan, PR 00911-1933
Tel.: (787) 274-7404

s/ Alexis G. Rivera Medina

Alexis G. Rivera-Medina

TSPR No.: 18,747

E-mail: arivera@gmlex.net

s/ Natalia Zayas Godoy

Natalia Zayas Godoy

TSPR No.: 20, 415

E-mail: nzayas@gmlex.net