

**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: Review of 2025 Emergency
Response Plans ("ERPs").

RESOLUTION AND ORDER

I. Introduction

On May 29, 2025, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled, *Motion to Submit PREPA's 2025 Emergency Response Plan and request for Confidential Treatment of its Functional Annex A* ("PREPA May 29 Motion"), through which, PREPA submitted its 2025 Emergency Response Plan in Compliance with Act No. 83 of May 12, 1941¹, as amended ("Act 83") requested confidential treatment for the Emergency Operational Management and Control Functional Annex A and requested an extension of 30 days to submit its COOP Plan.

On May 30, 2025, Genera PR, LLC ("Genera") filed a document titled, *Motion Informing Genera's Compliance with Section 6(m) of Act No. 83 of May 12, 1941, as amended* ("Genera May 30 Motion"), through which, Genera submitted its 2025 Annual Report as required by Section 6(m) of Act No. 83.

On May 30, 2025, LUMA ENERGY, LLC as ManagementCo, and LUMA ENERGY SERVCO, LLC as ServCo (collectively, "LUMA") filed a document titled, *Motion Submitting LUMA's Annual Report Under Section 6(m) of Act 83 of May 12, 1941, as Amended* ("LUMA May 30 Motion"), through which, LUMA submitted its 2025 Annual Report as required by Section 6(m) of Act No. 83.

II. Discussion

LUMA and Genera, as operators of the T&D system and the Legacy Generation facilities, respectively, on behalf of PREPA, and in accordance with the T&D OMA² and Generation OMA³, are required to prepare and submit Emergency Response Plans ("ERPs") to the Energy Bureau. PREPA also continues to be responsible for preparing and submitting an ERP regarding hydroelectric generating facilities, and the utility corporate structure. The ERPs must comply with Act 83 and effectively provide for maintenance of safe and reliable electric service in emergency situations.

Section 6(m) of Act 83, provides:

Section 6. Duties and Responsibilities:

....

- (m) To submit a report to the Governor, the Bureau, and both Houses of the Legislative Assembly, not later than May 31 of every year, stating the measures taken during the preceding calendar year to address the emergencies that may arise regarding the upcoming hurricane season

¹ *Puerto Rico Electric Power Authority Enabling Act*, May 12, 1941, as amended ("Act 83").

² See, Section 4.2(g) of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement, dated as of June 22, 2020 by and among PREPA, P 3 Authority and LUMA ("T&D OMA").

³ See, Section 4.2(e) of the Generation OMA. Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement, dated as of January 24, 2023 by and among PREPA, P 3 Authority and Genera ("Generation OMA").

and other atmospheric disturbances, including floods that may affect the electrical system of the Island. Likewise, the said report shall present the adopted plans or protocols to be followed if fires in facilities occur and establishments of the Authority. It shall also include any preventive measure identified for the conservation of the powerlines if an earthquake occurs. The report shall include, but not be limited to, the following information:

- i. Improvements to the Electric Power Authority's Revised Operating Plan for Emergencies due to Atmospheric Disturbances;
- ii. Development of an emergency plan to face a possible earthquake;
- iii. Adopted plans or protocols to be followed if fire in the authority's facilities and establishments occurs;
- iv. Status of the tree trimming program to protect power transmission lines, while protecting our trees and preventing them from being damaged;
- v. Decision-making protocol to enforce the shutting down of the electrical system;
- vi. Trainings offered to the Authority's essential personnel to qualify it on the procedure to be followed if emergencies occur arising from atmospheric disturbances, fire in the Authority's facilities or establishments, or earthquakes, and a certification attesting that all the personnel performing supervisory functions in the operating areas has been duly advised on the norms of the operating emergency plan in effect; and
- vii. Contingency plans to address the situation after a storm, a hurricane, a fire in the Authority's facilities or establishments, or an earthquake, directed to normalizing or reestablishing the electrical system as soon as possible.

The Energy Bureau established, beginning with the 2024 ERP,⁴ an interactive process for ERP review that included several informal meetings between Energy Bureau consultants and LUMA, Genera and PREPA.⁵ Through the interactive process, Energy Bureau consultants met with LUMA, Genera and PREPA to collaboratively improve their ERPs. Topics of discussion included recommendations for improving the ERPs and the Energy Bureau's required short- and longer-term modifications. The interactive process enables Energy Bureau staff and consultants to meet with entities responsible for developing ERPs both before and after initial filing to develop ERPs for submission to Energy Bureau for review and determination. The interactive process reinforces, rather than supplants, LUMA's, Genera's, and PREPA's responsibilities to continually and appropriately improve and update their ERPs.

The ERPs filed by LUMA, Genera and PREPA comply with the requirements established by Section 6(m) of Act 83. The Energy Bureau review elaborates upon that framework and ensures that the ERPs as dynamic documents are continually improving utility practices in response to emergency events.

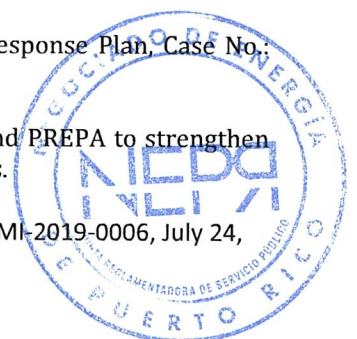
A. Compliance with July 24 Resolution⁶

In the July 24 Resolution, the Energy Bureau conditionally approved the 2024 ERPs filed by LUMA, Genera and PREPA, subject to compliance with certain conditional modifications. The Energy Bureau will here assess the compliance of each entity, with Energy Bureau directives as explained and discussed in the interactive process, in responsive filings and in accordance with the ERPs submitted by each of the electric entities under the statutory May 31 deadline in Act 83.

⁴ Resolution and Order, In re.: Puerto Rico Electric Power Authority's Emergency Response Plan, Case No.: NEPR-MI-2019-0006, August 16, 2024 ("August 16 Resolution"), p. 26.

⁵ Through these meetings, Energy Bureau consultants worked with LUMA, Genera and PREPA to strengthen their ERPs and enabled LUMA, Genera and PREPA to provide input regarding the ERPs.

⁶See, Resolution and Order, In Re: Puerto Rico Emergency Response Plan, Case No.: NEPR-MI-2019-0006, July 24, 2024 (July 24 Resolution).



B. Coordination Among LUMA, Genera and PREPA

The Energy Bureau stressed the importance of coordination among LUMA, Genera and PREPA in their emergency response activities and that this be reflected in their ERPs.⁷ This is particularly important because LUMA is responsible for developing and disseminating system wide ERPs of increasing specificity in response to emergency events. To enable LUMA to fulfill this responsibility, it must be timely aware of Genera's and PREPA's timeframes for restoration. In addition, in accordance with Act 83, the decision-making protocol to enforce the shutting down of the electrical system must be addressed.

In the July 24 Resolution, the Energy Bureau noted LUMA's representation that PREPA, Genera and LUMA agreed to conduct monthly meetings to discuss ERP coordination and related issues. The Energy Bureau directed LUMA to report quarterly on the results of the meetings and to provide the status of the Energy Bureau requirements regarding adequate coordination among the entities.⁸

The Energy Bureau finds that LUMA's meetings and reports reflect the Energy Bureau's directives. The discussions of coordination among LUMA, Genera and PREPA will keep that issue in the forefront and enable them to continually improve coordination.

LUMA, Genera and PREPA address coordination throughout the ERPs through references to individual responsibilities, practices, and protocols. These processes should continue to be updated and succinctly set forth in the ERPs based on actual experience, best practices and Energy Bureau recommendations and directives.

The Energy Bureau requires LUMA, Genera and PREPA to continue to refine their emergency response coordination and continue to enhance their ERPs accordingly. The Energy Bureau requires LUMA to continue to report on the progress and status of this coordination.

C. LUMA

1. Estimated Time of Restoration

LUMA adequately addressed the ETR issues the Energy Bureau raised in its review of the 2024 ERP. The Energy Bureau expects LUMA to continue to refine its treatment of ETRs and requires LUMA to continue to improve Tables 15 and 16 by shortening the timeframes within which increasingly specific ETRs are developed and disseminated to stakeholders and consumers.

2. Outage Management System ("OMS")

In the LUMA May 30 Motion, LUMA discussed the OMS stress testing that it conducted. LUMA related that it tested the OMS based on vendor recommendations, and that the testing it conducted, exposed the OMS to a substantial number of calls and events to replicate events. LUMA reported that no system degradation was exhibited.⁹ No reference was made in the 2025 ERP to the specific OMS testing criteria the Energy Bureau specified.

OMS testing was extensively addressed in both meetings the Energy Bureau consultants conducted with LUMA during the interactive review process. LUMA related that OMS testing was done to simulate a high volume of outage calls. LUMA explained that the testing simulated an outage affecting 90% of customers. LUMA stated that a variety of options were presented for testing, that testing would be performed every six months and that the same test would be utilized to facilitate comparison of the results.

⁷ On February 14, 2024, PREPA filed a document titled Motion to Submit PREPA's 2024 Emergency Response Plan ("February 14 Motion"), through which PREPA submitted its 2024 Emergency Response Plan ("PREPA 2024 ERP").

⁸ July 24 Resolution, p. 4.

⁹ LUMA May 30 Motion, Annex A, pp. 18 – 19.



The Energy Bureau notes that the OMS testing described in the ERP and in the interactive process partially addresses the criteria the Energy Bureau specified.

During the upcoming interactive review cycle, the Energy Bureau will require LUMA to keep strengthening its OMS testing—consistent with prior Bureau directives—and to document that improved process more thoroughly in the 2026 ERP.

3. After-Action Reports

In the July 24 Resolution, the Energy Bureau found that LUMA complied with the directive that it specify the process, content, and timing by which After-Action Reports are implemented in LUMA's emergency response and restoration processes, that After-Action Reports be developed after all major emergency events and key exercises, and that LUMA should continue to enhance the After-Action process in future ERPs.¹⁰

Im The Energy Bureau found that LUMA did not, however, fully comply with the directive that it provide, at the time of each annual ERP filing, reports of the After-Action Reviews that were to be conducted after incidents and tabletop, functional or full-scale exercises since filing of the preceding ERP and directed LUMA to file a report fully complying with the directive.¹¹

LUMA subsequently provided a comprehensive report that satisfactorily addressed the concerns expressed by the Energy Bureau.¹²

MM The Energy Bureau finds that LUMA has complied with its directive and requires LUMA to continue improving the After-Action Report process and to fully incorporate that process into its 2026 ERP.

4. Municipal Coordination

In the July 24 Resolution the Energy Bureau ordered LUMA to include municipal conference calls as a required component of its ERP, to include a template for minimum information to be addressed and to prescribe timeframes for municipal call scheduling and implementation.

am LUMA addressed this issue in the December 14 Motion.¹³ LUMA related that it included in Annex G, the mandatory component of municipal conference calls, the minimum information that must be addressed and the prescription of deadlines for scheduling and implementing municipal conference calls.

1 In the discussions that took place during the informal review, LUMA discussed various components of the municipal call component of the 2025 ERP.

The final version of LUMA's 2025 ERP at Annex G, as provided in LUMA's December 14 Motion, contains a robust discussion of municipal conference calls and their content. Section 10.3.4 in the Base Plan addresses the mandatory scheduling of municipal conference calls and provides additional information.

LUMA adequately addresses the municipal conference call issue the Energy Bureau raised in its review of the 2024 ERP. The Energy Bureau expects LUMA to continue to refine its timing, content, and process for municipal conference calls, as it gains experience and to address changing circumstances.

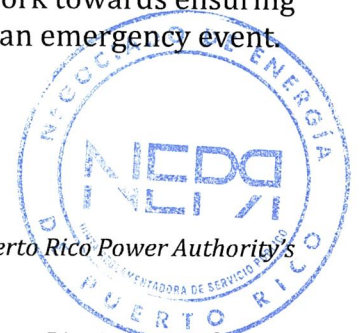
MM LUMA also discussed additional issues regarding municipal coordination. These included refining the process by which municipalities assist emergency efforts by clearing vegetation after an emergency event. LUMA addresses this coordination in the 2025 ERP and should continue to expand this coordination. LUMA should also continue to work towards ensuring that municipalities do not perform unauthorized electrical work after an emergency event.

¹⁰ July 24 Resolution, p. 18.

¹¹ July 24 Resolution, p. 18.


¹² See, Motion in Compliance with the Resolution and Order of July 24, 2024, *In re: Puerto Rico Power Authority's Emergency Response Plan*, Case No. NEPR-MI-2019-0006, August 8, 2024.


¹³ See, Motion in Compliance with the Resolution and Order of July 24, 2024, *In re: Puerto Rico Power Authority's Emergency Response Plan*, Case No. NEPR-MI-2019-0006, December 14, 2024 ("December 14 Motion"), p. 3.



5. Life Preservation Equipment Customers (LPE)


In the July 24 Resolution,¹⁴ the Energy Bureau ordered LUMA to comply with the following directive with which LUMA had not fully complied in the 2024 ERP:

- 
- i. ensure an accurate list of [LPE] customers is maintained and that customers are promptly added and removed from the list with applicable documentation and process. The accuracy of this information should be verified and updated with each customer contact;
 - ii. develop the capability to contact customers requiring electrically operated equipment to sustain basic life functions daily during an emergency event;
 - iii. develop and include in the 2024 and subsequent ERPs, procedures to contact 80% of LPE customers each day. If after two attempts within a 12-hour period, the customer has not been contacted, LUMA shall conduct a wellness visit or refer the customer to an Emergency Relief Center or other third party to conduct a wellness check, thereby, contacting or securing a visit to such customers daily during an emergency event; and
 - iv. report quarterly to the Energy Bureau, commencing 45 days after the end of the first fiscal year quarter following notification of this Resolution and Order, the status of (i) above and continuing in 2024 for (i), (ii) and (iii) above.




LUMA relates that LPE customers are those who rely on electricity for their health or receive subsidies from a government sponsored program. Customers who meet these criteria and provide necessary documentation are added to the critical customer database. They must provide this documentation annually to remain on the list.¹⁵


The Energy Bureau directed LUMA to fully address the process it undertakes regarding LPE customers, to continue to improve its processes for ensuring that LPE customers receive appropriate attention in accordance with Energy Bureau orders, best practices and LUMA's increased experience and capabilities.



This issue was extensively addressed in the informal review process. LUMA related that it maintains a comprehensive list of LPE customers and that they are called and advised of upcoming emergency events by dedicated employees rather than from the call center. Three calls are made to each customer and LUMA contacts appropriate governmental agencies as necessary when customers need assistance in an emergency.



It is essential that LUMA maintain an accurate list of LPE customers. It is therefore important that customers in need of special medical attention be added to the list and that customers are not removed from the list in error. LUMA related that it contacts customers who do not update their LPE status annually and that these customers are notified by mail and through their bills regarding their renewal status. LUMA related the notification safeguards it has implemented, but it does not appear that the appropriateness of removal of a customer from the list is verbally verified. LUMA asserted that it will further examine this issue and determine whether it is feasible for it to call customers before deleting them from the list of LPE customers. This would mitigate the possibility of LPE customers who may not be aware of the print notifications they receive from being removed from the LPE list, and thereby, not receiving necessary assistance during an emergency event.



The Energy Bureau recognizes that LUMA is not a first-responder. To ensure that customers who rely on life preserving equipment, LPE customers, receive timely assistance, the Bureau requires LUMA to incorporate the following into the 2026 revision of its ERP:

- i. Explore secure data-sharing with emergency agencies. LUMA must assess—and, where feasible, implement—methods to provide qualified

¹⁴ July 24, 2024 Resolution, p. 13.

¹⁵ LUMA May 30 Motion, p. 52.



- first-responder agencies with an up-to-date LPE customer list, consistent with all privacy requirements.
- ii. Verbal confirmation before any removal. Before an LPE customer is taken off the list, LUMA must make live contact (e.g., a phone call) with the customer or designated caregiver to verify that removal is appropriate.
 - iii. Document and track each decision. Every contact attempt, outcome, and supporting evidence must be recorded so the Energy Bureau can audit the process.
 - iv. Report progress regularly. LUMA's periodic compliance filings must detail (i) the status of data-sharing efforts, and (ii) additions, confirmations, and removals from the LPE list.

These steps will reduce the risk of medically vulnerable customers being dropped in error and help ensure that emergency personnel have reliable information when it matters most.

6. *Vegetation Management*

The Energy Bureau is cognizant of LUMA's vegetation management programs, funded from its Capital and Operating budgets. In the context of its ERP, however, the Energy Bureau is concerned with more focused vegetation management efforts. LUMA's coordination of vegetation management activities with municipalities is important. LUMA discusses in its ERP, prepositioned contracts, and other aspects of vegetation management, all of which are important, however, it does not adequately address coordination with municipalities.

The Energy Bureau notes LUMA's attention to vegetation management efforts, including the development of pre-positioned contracts which are important in enabling LUMA to promptly address vegetation management needs in association with emergency events. It is important for LUMA to continue to develop its coordination with municipalities to facilitate their assistance with vegetation management and clearing, which will free up LUMA's trained personnel to devote their efforts to electrical restoration efforts, regarding energized lines.

The Energy Bureau requires LUMA to strengthen its coordination of vegetation management with municipalities during emergency events and to reflect that enhanced coordination in the 2026 revision of its ERP.

7. *Alternative Communications Methods ("IT")*

Effective communication is essential in all phases of emergency response. This holds true for traditional forms of communication and for alternative communication in the event of traditional communication failure. It is, therefore, essential that the ERP comprehensively address this issue.

The Energy Bureau found in its July 24 Resolution that alternative communication methods were not fully developed in LUMA's 2024 ERP and directed LUMA to address the issue further in the development of its 2025 ERP.¹⁶

LUMA comprehensively addresses communications throughout its 2025 ERP and comprehensively in Appendix G. In Appendix G, LUMA explains that the annex is intended to provide a management structure, responsibilities emergency assignments and general procedures to establish communication during emergencies.¹⁷ The annex addresses ERP activation of critical communication during emergencies, information sharing, communication with municipalities, efficient contact center operation, and various methods of communication including alternate methods for use if primary systems fail. Annex G, Appendix A addresses government stakeholder communications.

This issue was addressed in the interactive review. LUMA related that its use of satellite systems will expand its communication capability, especially for its restoration teams in

¹⁶ July 24 Resolution, p. 15.

¹⁷ LUMA May 30 Motion, Annex G.



their communication with the ROC. LUMA explained further that it is working with PREPA and Genera to improve communication among the parties.

The Energy Bureau finds that LUMA has significantly improved its treatment of this issue and requires LUMA to continue enhancing its communication practices—and alternative communication methods—within its ERP.

8. Damage Assessment

The Energy Bureau found in the July 24 Resolution¹⁸ that LUMA must devote further attention to improving damage assessment. The Energy Bureau ordered LUMA to, in the 2025 ERP and subsequent ERPs: i. prioritize development of Damage Assessment protocols and their incorporation or reference in the ERP, and ii. provide additional coverage of the Survey 123 tool and related procedures in its ERP.

This issue was addressed in the interactive review. LUMA discussed its use of helicopters and drones in damage assessment. LUMA also explained that its ground assessment operations group incorporated lessons learned from Hurricanes Fiona and Ernesto. Features include ROCs, ROC commanders and pre-positioned contracts.

LUMA explained that it is working to improve the ERP regarding damage assessment, and it is developing an Annex devoted to Damage Assessment, however, the Annex will not be completed in time for submission on May 31, 2025. The goal is to be sure the process is clear and well understood, contains the necessary level of detail and activates the appropriate resources in areas of the island corresponding with expected damage. Ground efforts will be coordinated with aviation for assessment of transmission lines. The processes will seek to ensure the best chance of FEMA reimbursement, prompt restoration of service and identification of the full cost of damage assessment. LUMA also described table-top exercises associated with damage assessment.

LUMA related that Crisis Track is being used rather than Survey 123 and LUMA is working to coordinate with municipalities in using Crisis Track. LUMA explained that Crisis Track complies with FEMA requirements which facilitates seeking Federal reimbursement. LUMA explains Crisis Track in the LUMA May 30 Motion as a software platform that enables real-time, standardized damage assessment and reporting through mobile and web-based tools.¹⁹

LUMA also states that pre-positioned contracts are being implemented to facilitate damage assessment.²⁰ In addition, LUMA discussed Damage Assessment reports²¹ which will incorporate experience and enable the damage assessment process to be continually improved. LUMA explains the responsibilities of various groups within LUMA's emergency structure dealing with damage assessment and damage assessment is further addressed in the Annexes accompanying LUMA's 2025 ERP.

LUMA addresses damage assessment throughout its 2025 ERP, however, detailed damage assessment protocols are not included or referenced. This is true for other protocols mentioned throughout the ERP as well.

The Energy Bureau requires LUMA to clearly and comprehensively establish a protocol for damage assessment and to include the protocol in the 2026 ERP.

The Energy Bureau requires LUMA to include for reference in the 2026 ERP, all protocols it cites in the 2026 ERP.

9. Call Center

In the July 24 Resolution, the Energy Bureau emphasized that Call Center operation is an essential component of emergency response and must meet customer needs for accurate and

¹⁸ July 24 Resolution, p. 16.

¹⁹ LUMA May 30 Motion, 2025 T&D Emergency Preparedness Report, p. 8.

²⁰ LUMA May 30 Motion, 2025 T&D Emergency Preparedness Report, p. 9.

²¹ LUMA May 30 Motion, 2025 T&D Emergency Preparedness Report, p. 49.



timely communication with the utility. The Energy Bureau found that the call center was not fully developed in LUMA's 2024 ERP and directed LUMA to address that issue in the development of its 2025 ERP.

In the LUMA May 30 Motion, LUMA addresses the call center (Contact Center) throughout the ERP Base Plan and annexes, particularly Annex G. The modifications to the Contact Center, and operation throughout the ERP, improve the 2025 ERP, for example, clarifying a timeframe of 48 hours for activation,²² and pre-determined notification scripts.²³ Certain references to the operation of the Contact Center, however, are of a general nature, for example, "The Contact Center Operations Coordinator readies the contact center advisor to manage the heightened call volume..."²⁴ Details of how and when this is done are not specified in the ERP.

The modifications made to the 2025 ERP to address the Energy Bureau concerns show improvement and must continue to be enhanced in the 2026 ERP.

The Energy Bureau requires LUMA to continue enhancing the Contact Center components in the 2026 ERP.

10. Contingency Plans

Through the July 24 Resolution, the Energy Bureau ordered LUMA, in 2025 and subsequent ERPs, to increase the detail in Annex G to more comprehensively address LUMA's contingency plans.

It is important to understand, that as explained in the July 24 Resolution, contingency plans refer to "plans in case of failure of critical components of the ERP."²⁵ LUMA explains the use of mutual aid as contingent to pre-positioned contracts and options for the LEOC Manager if an individual is non-responsive. LUMA also expands its references to satellite phones. In addition, other backup communication systems are discussed.

These modifications reflect progress in enhancing Appendix G regarding contingency plans, however, this important topic must be given additional attention.

The Energy Bureau requires LUMA to expand its consideration and inclusion of contingency measures in the 2026 ERP.

11. Restoration Safety

In the July 24 Resolution, the Energy Bureau found that LUMA's ERP adequately addressed the concerns the Energy Bureau expressed in its August 16 Resolution regarding restoration safety and ordered LUMA to continue to improve, and incorporate into the ERP, procedures to protect the health and safety of employees and the public.

In the LUMA May 30 Motion, LUMA extensively discusses safety procedures for its employees and the public, in all aspects of emergency response. This is referenced in the context of training, incident reporting and accountability. LUMA also explains that pre-positioned contracts are important in enabling it to swiftly address safety concerns and comprehensively addresses safety policies and related procedures.²⁶

In the interactive process, LUMA further explained the advances in restoration safety that it incorporated into its emergency procedures. This program enhances safety due to its ability to detect distractions and drowsiness of staff while driving. This is significant in situations

²² May 30 Motion, Annex G, p. 10.

²³ May 30 Motion, Annex F, p. 13.

²⁴ LUMA May 30 Motion, Base Plan, p. 54.

²⁵ July 24 Resolution, p. 17.

²⁶ LUMA May 30 Motion, Base Plan p. 42.



such as emergency events where employees are working long hours. In addition, vehicles are equipped with cameras that provide real time alerts.

The Energy Bureau commends LUMA on its robust treatment of safety and urges it to continue to enhance this area of its ERP.

12. Training and Exercises

Jim In the July 24 Resolution, the Energy Bureau directed LUMA to: "vi. provide 45 days after the end of the first quarter in Fiscal Year 2024 and quarterly thereafter, a report of the training on the ERP that was conducted prior to June 1 as specified in the training criteria set forth in the LUMA 2021 ERP at page 83, Section C. Training."²⁷

In the December 10 Resolution, the Energy Bureau found that LUMA had provided additional information as the Energy Bureau directed and encouraged LUMA to provide additional information regarding testing and exercises in subsequent filings. The Energy Bureau subsequently approved LUMA's request to change the reporting cadence, with the expectation that as LUMA asserted, this modification would result in more comprehensive reporting.

Jim In the May 30 Motion, LUMA extensively addresses training and exercises and cites the Multi-year Training and Exercise Plan ("MYTEP") which establishes a structured and progressive training program²⁸ for training and exercises, which is updated regularly to reflect changes in Energy Bureau regulations and orders.²⁹ Training and exercises are extensively addressed in the ERP Annexes, particularly Annex H.

Jim The Energy Bureau commends LUMA's handling of training and exercises in the ERP and encourages ongoing updates and improvements.

13. Pre-positioned Contracts

Jim In the LUMA May 30 Motion, LUMA expounds on its use of pre-positioned contracts in a number of areas, including environmental, debris, waste, vegetation management, emergency restoration services and hazardous spill remediation³⁰ as well as mutual aid and restoration of power.

During the interactive process, LUMA further explained its increased use of pre-positioned contracts.

The Energy Bureau finds LUMA's increasing use of pre-positioned contracts to be beneficial and is interested in how LUMA's expanded use of pre-positioned contracts advances LUMA's emergency response capabilities.

D. GENERA

Jim The Energy Bureau focused primarily on two areas of Genera's Emergency Response Plan in its July 24 Resolution, blackstart capabilities and fuel supply.

1. Blackstart Capabilities

Jim The Energy Bureau emphasized that Genera must secure the generation system by ensuring that baseload generators are able to rely on autonomous black start capabilities and directed Genera to respond to a series of Requests for Information ("ROIs"). Genera provided

²⁷ July 24 Resolution, p. 14.

²⁸ LUMA May 30 Motion, Base Plan, p. 60.

²⁹ LUMA May 30 Motion, Base Plan, p. 61.

³⁰ LUMA May 30 Motion, Base Plan, p. 56.



responses to the ROIs and incorporates considerable discussion of black start capabilities in its ERP.

Genera states in its Emergency Response and Action Plan that portable generators are deployed at each Power Generation (“PG”) facility to ensure that critical needs are met during and after an emergency event and that contracts are ensured for critical vendors to support recovery efforts.³¹ Genera notes that it coordinates with the T&D System Operator³² as necessary to facilitate emergency start up. Genera sets forth its procedure for restoration of the Bulk Power System in an emergency, testing and responsible positions.

Genera incorporates blackstart procedures in detail in Appendix P.³³ Appendix P covers the procedures, roles, and responsibilities, testing and follow up to improve the process. The Energy Bureau finds that Appendix P and other references to black start throughout the ERP comprehensively cover this subject and expect that Genera will continue to improve in this area.

Genera also extensively discussed its blackstart capabilities during the interactive process.

The Energy Bureau finds that Genera’s ERP satisfactorily outlines blackstart procedures and responsibilities. However, Section 15.2 of the May 2025 ERP still does not specify which power plants have blackstart generators.³⁴ The Energy Bureau therefore **ORDERS** Genera to demonstrate—**by October 1, 2025**—that every baseload unit it operates and maintains is equipped with dedicated blackstart resources capable of directly starting the thermoelectric units.

The Energy Bureau requires Genera to explain with more specificity in the 2026 revision of the ERP each instance of coordination with the T&D System Operator that it references in this section and throughout in the ERP.

2. Fuel Supply

Genera comprehensively addresses fuel supply in its ERP. GENERA references ensuring an uninterrupted supply of fuel to power generation plants during emergency situations or when regular fuel mechanisms are disrupted.³⁵ This includes assessment and planning, monitoring and management, operational procedures, emergency response, review and improvement in regulatory compliance and environmental considerations.

Genera addresses Fuel Management in detail in Appendix Q – Fuel Management. In that section, Genera sets forth its procedures to ensure it maintains full reserves of fuel for thermoelectric generation plants, turbines, and for black start capabilities. Genera also addresses fuel transportation for each of the thermoelectric generating plants, turbines, and diesel generators as well as the fuel delivery nomination process. Genera sets forth responsibilities for ensuring adequate deliveries of fuel, contingencies, and other procedures to ensure adequate fuel supply and delivery throughout the ERP. Genera also addresses fuel requirements and procedures for specific generation facilities.

Genera’s ERP also contains an Emergency Fuel Communication Plan with the stated objective of establishing “a robust, multi-channel Communication Framework to ensure timely, structured, and effective fuel supply management during emergency situations. This plan is designed to mitigate disruptions, maintain seamless operational continuity, and enhance resilience in fuel procurement, distribution, and contingency planning.” The plan establishes

³¹ Genera Emergency Response and Action Plan, p. 64.

³² Motion to Submit Genera’s Emergency Response Plan in Compliance with Resolution and Order Dated August 16, 2023, *In re: Puerto Rico Electric Power Authority’s Emergency Response Plan*, Case No.: NEPR-MI-2019-0006, December 16, 2024 (“December 16 Motion”), Exhibit A, p. 119.

³³ Genera Emergency Response and Action Plan, Appendix P, p. 119.

³⁴ See, Section C (1) *Blackstart capabilities*, Resolution and Order, “Review of 2024 Emergency Response Plans (“ERPs”)”, July 24, 2024.

³⁵ December 16 Motion, Exhibit A, p. 60.



internal and external communication protocols, supplier safeguards, activation criteria, reporting procedures and provides for review and update.

In accordance with the Energy Bureau's requirement, Genera provided its Fuel Purchase Agreements through the May 12 Motion.³⁶ Genera also addressed fuel supply in the interactive process.

The Energy Bureau finds that Genera adequately addressed fuel supply in its 2025 ERP and requires Genera to further refine and update its fuel-supply processes as experience grows, incorporating those improvements into the 2026 ERP revision.

E. PREPA

1. HoldCo – COOP

In the July 24 Resolution, the Energy Bureau found PREPA's 2024 ERP to be deficient because PREPA did not submit its Continuity of Operations Plan ("COOP"), which is intended to ensure the continuity of essential functions and services during and after a disruptive event. In addition to functions that are essential for the provision of electric service, the Energy Bureau noted that PREPA must ensure its continued operation because it is eligible for FEMA funds, and their delay would be detrimental to the electric system.³⁷

PREPA provided its COOP confidentially through the September 20 Motion.³⁸ The goal of the COOP is explained as "to ensure the continuous execution of PREPA's essential functions and to safeguard the safety of its personnel during any emergency, incident or situation that disrupts or threatens access to the headquarters at the NEOS building...or the ability of personnel to carry out daily operations."³⁹ The COOP includes significant functions such as preparation, activation and notification of employees, continuity of operations, and reconstruction activities. It also includes an alternative facility and contact point in the event that relocation of operations becomes necessary. The COOP references emergency plans for each of its operational and administrative areas which it prepares and reviews annually.⁴⁰

The Energy Bureau finds that PREPA's Continuity of Operations Plan adequately covers the essential areas for maintaining operations and requires PREPA to keep improving the plan—integrating updated knowledge, experience, best practices, and changing conditions—into the 2026 ERP revision.

2. American Public Power Association ("APPA") Mutual Aid

In the July 24 Resolution, to streamline and expediting the process through which LUMA requests mutual aid in emergencies, the Energy Bureau ordered PREPA to, (i) provide any APPA agreement, policy, or other material that could be construed as preventing LUMA, as agent of PREPA, from directly requesting mutual aid, and (ii) if a restriction exists that prevents LUMA from directly requesting mutual aid, propose an arrangement that would enable LUMA to directly request mutual aid.

PREPA replied to this direction through the August 5 Motion, in which it provided information that purportedly complied with the Energy Bureau directives. PREPA advised that the APPA represents community owned electric utilities, advocates on behalf of public power utilities at the federal level and provides other services to its member utilities. PREPA

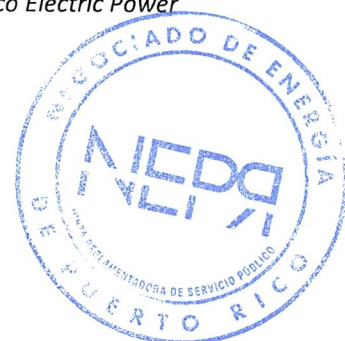
³⁶ See, Motion to Submit Genera PR LLC's Updated Emergency Plan and Fuel Purchase Agreements, *In re.: Puerto Rico Electric Power Authority's Emergency Response Plan*, Case No.: NEPR-MI-2019-0006, May 12, 2025 (MAY 12 Motion).

³⁷ July 24 Resolution, p. 20.

³⁸ See, Motion in Compliance with the Resolution and Order of July 24, 2024, *In re.: Puerto Rico Electric Power Authority's Emergency Response Plans*, September 20, 2024 ("September 20 Motion").

³⁹ PREPA Continuity of Operations Plan, p. 3.

⁴⁰ PREPA Continuity of Operations Plan, p. 4.



related that because the APPA passed a resolution that indicated it would oppose federal efforts to impose pressure to privatize public utility facilities and that it was established to support public power utilities, requests for aid should be made through the public power utility. PREPA related that it was not aware of any proposal to allow a private entity to directly request mutual aid from APPA and PREPA reaffirmed its commitment to channel all LUMA communications with the PPPA through its Executive Director.

PREPA's reply is unresponsive to the Energy Bureau's direction. The APPA resolution that PREPA references does not satisfy point (i) above and PREPA's unilateral statement and accompanying letter does not satisfy point (ii). LUMA as PREPA's agent stands in the shoes of PREPA, a public utility, and would not be treated like a private entity as PREPA appears to conclude. PREPA's letter to APPA, affirming that despite the public private partnerships involving LUMA and Genera, PREPA as owner of the electric system assets will be in charge of requesting and coordinating APPA assistance, does not propose an arrangement that would enable LUMA to directly request mutual aid.

In the interactive review, PREPA indicated that LUMA prefers the process, through which, PREPA requests mutual aid on LUMA's behalf and LUMA prefers not to be directly responsible for requesting mutual aid from APPA.

Because PREPA's prior submission did not fully satisfy the Energy Bureau's July 24 directives, the Energy Bureau **ORDERS** PREPA to file—**within ten (10) days of the notification date of this Resolution and Order**—a single LUMA coordinated response addressing the questions of (i) whether LUMA prefers that PREPA request mutual aid on its behalf or prefers to do so directly, and (ii) an explanation of which process is the most efficient to expeditiously obtain mutual aid in an emergency.

The Energy Bureau **WARNS** PREPA that it must directly respond to Energy Bureau directives, and provide responsive replies to issues of Energy Bureau inquiry, rather than providing inapplicable responses as it did here.

3. Independent Power Producers ("IPPs")

The Energy Bureau also recognized the importance of ERPs for IPPs. Specifically, the Energy Bureau found that IPPs such as EcoEléctrica, L. P. ("EcoEléctrica") and AES Puerto Rico, L. P. ("AES") must continue to update their ERPs to ensure that they are adequately prepared to respond to and recover from emergency events.⁴¹

In the July 24 Resolution, the Energy Bureau ordered IPPs EcoEléctrica and AES to fully cooperate with the Energy Bureau in the review process for the 2025 and subsequent ERPs. To facilitate the IPP ERP review process, the Energy Bureau directed PREPA to review the IPP's ERPs and to provide the IPPs with input for necessary changes to their ERPs.

PREPA explained during the interactive review process that it reviewed the ERPs from AES and EcoEléctrica, provided its input to both, and that EcoEléctrica modified its ERP to reflect PREPA's input, but AES did not.

The Energy Bureau **ORDERS** PREPA to, **within ten (10) days of the notification of this Resolution and Order**, file the status of the AES' and EcoEléctrica's compliance with PREPA's input regarding their 2025 ERPs.

The Energy Bureau, further **ORDERS** PREPA to obtain, review and provide input to AES and EcoEléctrica regarding the 2026 revision of their ERPs.

The Energy Bureau **ORDERS** EcoEléctrica to, **within ten (10) days of the notification of this Resolution and Order**, (i) describe its LNG storage tank's liquid level as of May 21, 2025; (ii) if it is not utilizing the full allowed capacity of the LNG storage tank to explain why not; and (iii) describe its LNG storage tank's liquid level requirements in preparation for the storm season.

⁴¹July 24 Resolution, p. 20.



4. Renewable IPPs

The Energy Bureau recognizes that the importance of renewable IPPs will continue to grow and acknowledged the need to establish clear guidelines and protocols for the development of ERPs in the renewable energy space.⁴² The ERPs will provide renewable IPPs with the tools necessary to ensure they are well prepared to prevent, respond to and recover from emergencies and continue to contribute to the overall resilience and reliability of Puerto Rico's electric grid.

The Energy Bureau will work collaboratively with PREPA to develop guidelines, and best practices for creating these ERPs. This process will commence in the near future. The Energy Bureau will, thereafter, develop protocols for examining and evaluating renewable IPP's ERPs.

5. HydroCo – Hydroelectric Facilities

The Energy Bureau found that PREPA's 2025 ERP was deficient because it had not provided ERPs or specific information for its hydroelectric facilities. In the interactive review, PREPA advised that due to resource constraints, it had not yet formalized specific ERPs for its hydroelectric facilities but that they are in process.

The Energy Bureau **ORDERS** PREPA to provide ERPs or specific ERP information for its hydroelectric facilities at the time of its December 15 draft 2026 ERP filing.

III. Conclusion

ERPs are living, dynamic documents meant to evolve continuously; accordingly, the modifications required here should not be viewed as the final resolution of any issue.

The Energy Bureau **APPROVES** LUMA's, Genera's, and PREPA's 2025 revision of their ERPs as submitted under Section 6(m) of Act 83.

LUMA, Genera and PREPA are **ORDERED** to provide draft 2026 ERPs by December 15, 2025 for commencement of the interactive review process by the Energy Bureau.

The Energy Bureau **WARNS** LUMA, Genera, PREPA, AES and EcoEléctrica that, in accordance Art. 6.36 of Act 57-2014:⁴³

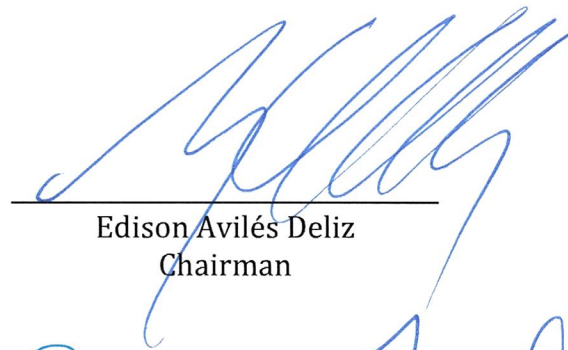
- (i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions from ten thousand dollars (\$10,000) up to one hundred twenty-five thousand dollars (\$125,000) per day; and
- (ii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than fifteen thousand dollars (\$15,000) nor greater than two hundred fifty thousand dollars (\$250,000), at the discretion of the Energy Bureau.

Be it notified and published.



⁴² July 24 Resolution, p. 21.


⁴³ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").



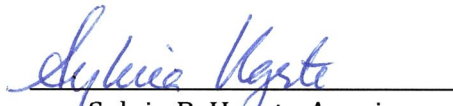
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner

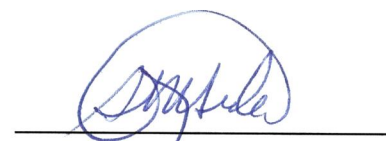


Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 20, 2025. I also certify that on June 20, 2025 a copy of this Resolution and Order was notified by electronic mail to elias.sostre@aes.com; carlos.reyes@ecoelectrica.com; acastrodad@sbgblaw.com; sromero@sbgblaw.com; jfr@sbgblaw.com; legal@genera-pr.com; regulatory@genera-pr.com; arivera@gmlex.net; mvalle@gmlex.net; RegulatoryPREBOrders@lumapr.com; margarita.mercado@us.dlapiper.com; laura.rozas@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com. I also certify that on June 20, 2025, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on June 20, 2025.



Sonia Seda Gaztambide
Clerk

