

**GOVERNMENT 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
PLANS

CASE NO.: NEPR-MI-2019-0006

SUBJECT: Motion in Partial Compliance
with June 20th, 2025-Resolution and
Order and Request for an Extension of
Time

**MOTION IN PARTIAL COMPLIANCE WITH JUNE 20TH, 2025-RESOLUTION AND ORDER
AND REQUEST FOR AN EXTENSION OF TIME**

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:

I. **Procedural Background**

1. On April 22, 2024, PREPA filed a *Motion to Comply with March 4th Resolution and Order* ("Motion to Comply"), under the Energy Bureau's Resolution and Order issued on March 4, 2024, which, amongst other matters, it ordered PREPA to provide comments and recommendations to IPP's- EcoEléctrica LLC ("EcoEléctrica") and AES Puerto Rico, Inc ("AES")-2024 ERPs. As requested, PREPA did so in its Motion to Comply.

2. On July 24, 2024, the Energy Bureau issued a subsequent Resolution and Order ("July 24-Resolution"), ordering AES and EcoEléctrica to fully cooperate with the review process for the 2025 ERP and subsequent ERPs. The

July 24-Resolution also reaffirmed that both entities are under PREPA's administrative oversight. In compliance with the July 24-Resolution, PREPA formally requested that both AES and EcoEléctrica submit their respective 2025 ERPs for PREPA's evaluation.

3. On June 20, 2025, the Energy Bureau issued a Resolution and Order ordering PREPA to submit, within ten (10) days of the notification of this Resolution and Order: (i) status of AES' and EcoEléctrica's compliance with PREPA's input regarding their 2025 ERPs; and (ii) a single coordinated LUMA 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.

II. **Recommendations on AES and EcoEléctrica's 2025 ERPs**

4. Concerning AES, PREPA hereby informs the Energy Bureau that AES submitted the same ERP it filed in 2024, without incorporating PREPA's prior comments and recommendations. Therefore, PREPA reiterates and resubmits the following recommendations previously stated in its Motion to Comply:

- i. Language unification: the entire ERP should be in a single language, not a mix of English and Spanish.
- ii. Satellite contact information: PREPA recommended including satellite telephone numbers for coordination with PREPA, LUMA Energy, LLC ("LUMA"), and Genera PR, LLC ("Genera"), although it is not strictly required.

- iii. Facility Mapping and Evacuation Routes: the ERP should include detailed facility maps showing evacuation routes.
- iv. Alignment with Puerto Rico's Incident Command System ("ICS"): emergency response protocols must be consistent with the government of Puerto Rico's ICS.
- v. Compliance with FEMA guidelines: the ERP should conform to the format prescribed by the *Federal Emergency Management Agency's* ("FEMA") Comprehensive Preparedness Guide 101 ("CPG 101"), v3.

5. As to EcoEléctrica, PREPA acknowledges that its 2025 ERP incorporates the recommendations PREPA previously submitted in its Motion to Comply:

- i. The ERP reflects a last revision date of April 14, 2025.
- ii. The ERP was revised to align with FEMA's CPG 101 v3 format.
- iii. The language was simplified to improve accessibility and reduce technical complexity.
- iv. It now includes additional scenarios such as tsunamis, pandemics, and hazardous materials.

III. **Confidential Treatment: Memorandum of Law**

- 6. On August 30, 2023, EcoEléctrica filed a *Motion in Compliance with*

the Resolution and Order issued on August 16, 2023, along with a request for confidential treatment of its ERP as an exhibit. Accordingly, since EcoEléctrica has already requested such confidential treatment, PREPA will submit the ERP (Exhibit A) on its behalf under the same confidentiality designation.

7. Also, Exhibits A and B fall within the classification of Critical Electric Infrastructure Information ("CEII") according to the Federal Energy Regulatory Commission's ("FERC") regulations. PREPA respectfully requests, on behalf of EcoEléctrica and AES, confidential treatment from the Energy Bureau for Exhibits A and B.

8. Article 6.15 of Act 57-2014¹ is the core provision for managing confidential information filed before the Energy Bureau. It provides, in its pertinent part, that:

If 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, subject to the following:

(a) If the Energy [Bureau], after the appropriate evaluation, believes such 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

¹ *Puerto Rico Energy Transformation and Relief Act*, Act 57 of May 27, 2014, as amended, 22 LPRA sec. 1054n.

confidential document is submitted.

(b) To such purposes, the Energy [Bureau] shall provide access to the document or the privileged portion of the document only to the lawyers and external consultants involved in the administrative process after the execution of a confidentiality agreement. [...]

9. 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 confidentially². 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 confidentiality³.

10. The FERC classifies as confidential any CEI. Specifically, the FERC defines CEI as:

[S]pecific engineering, vulnerability, or detailed design

² See CEPR-MI-2016-0009, § A, as amended by the Resolution dated September 20th, 2016, CEPR-MI-2016-0009.

³ *Id.* at ¶ 3.

information about proposed or existing critical infrastructure that:

- i. Relates details about the production, generation, transportation, transmission, or distribution of energy;
- ii. Could be useful to a person in planning an attack on critical infrastructure;
- iii. Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
- iv. Does not simply give the general location of the critical infrastructure.⁴

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

File	Pages in which confidential information is found	Summary of legal basis for Confidential Treatment
Exhibit A (EcoEléctrica's 2025 ERP)	Entire document	18 CFR§388.113
Exhibit B (AES's 2025 ERP)	Entire document	18 CFR§388.113

IV. **APPA MUTUAL AID BENEFITS**

12. PREPA respectfully informs the Energy Bureau that it is diligently assessing whether LUMA prefers PREPA to request mutual aid on its behalf or to

⁴18 CFR § 388.113.

handle the request directly. Also, PREPA's goal is to determine the most efficient process for securing mutual aid during emergencies.

13. Considering this ongoing effort and ensuring compliance with the Energy Bureau's Resolution and Order, PREPA requests a twenty (20) day extension. This request is made in good faith to facilitate a thorough and effective communication.

14. PREPA emphasizes that it is working to provide the Energy Bureau with the requested information regarding mutual aid benefits, however, it is important to share historical context relevant to this matter:

- i. On May 11, 2021, PREPA's former Executive Director, Efran Paredes Maisonet, sent a letter to APPA's President and CEO, Joy Ditto, inquiring whether LUMA, as the entity now responsible for operating and maintaining the transmission and distribution system, should directly request mutual aid, or if such requests should continue to be made by PREPA, as the electrical system's assets and infrastructure owner.
- ii. In response, on May 14, 2021, Mrs. Ditto stated that although LUMA had become a private energy associate member, such membership carried its limitations concerning mutual aid participation. She clarified that only public utility entities may formally request official mutual aid. Copies of the referenced correspondence are attached hereto as **Exhibits C** and **D**.

WHEREFORE, PREPA respectfully requests the Energy Bureau to: (1) take notice of the foregoing; (2) **GRANT** the requested confidential treatment to Exhibit A, EcoEléctrica's 2025 ERP, and Exhibit B, AES's 2025 ERP; and (3) **GRANT** PREPA the 20-day extension it requested, and such other and further relief as it may deem proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of June 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; emmanuel.porrogonzalez@us.dlapiper.com, and ccf@tcm.law.

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