

**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 Fourth 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 Fourth Quarter of Fiscal Year 2025	Pages 4-5 and 7	Right to privacy (<i>see, e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	August 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 August 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 Fourth Quarter of Fiscal Year 2025

Ending June 30, 2025

August 13, 2025



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LUMA, Genera & PREPA Quarterly Meetings Report

For the Period Ending June 30, 2025

1.0 Foreword

Preparing for emergency events continues to be the highest daily and year-round priority for LUMA. 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, Puerto Rico Electric Power Authority (PREPA), during the aftermath of Hurricane María, 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 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 shutting down 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). They are from their respective departments of Emergency Preparedness & Management. During state-declared emergencies, the representatives become their organization's Inter-agency Coordinators (IAC) and part of the ESF-12 (Energy). The group focuses on maintaining communication, situational awareness, and sharing best practices within the emergency management realm.

LUMA, Genera & PREPA Quarterly Meetings Report

For the Period Ending June 30, 2025

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 fourth quarter (Q4) of fiscal year 2025 (FY2025), the group discussed the following topics: the training opportunities the Puerto Rico Emergency Management Bureau (PREMB) will be offering during FY26, the most significant changes to each entity's ERP, and the meetings that PREMB has convened for the IACs. Additionally, IACs collaborated to prepare a presentation on emergency response that would integrate operations and communications. This quarter, there was an Island-wide power outage (Blackout) that caused PREMB to activate its central Emergency Operations Center (EOC). Once again, Genera, LUMA, and PREPA demonstrated the synergy that exists among the IACs assigned at PREMB's EOC, as well as, with the entire response component of their respective organizations.

Additionally, the Communications Bureau sponsored a tabletop exercise involving the participation of major telecommunications companies and associated government regulatory agencies, along with members of this group.

2.0 April 2025 Meeting

This meeting took place on April 9, 2025. The following individuals participated:

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

2.1 Meeting Outcomes & Other Events

i. April 9th Meeting

Genera has appointed new staff for the Emergency Response Department. The Emergency Response Specialist will coordinate a "meet and greet" for the group to get know to them. The group discussed the main topics that each entity will address during the Caribbean Readiness Initiative event sponsored by FEMA, scheduled for May 1, 2025. The intent is to present a seamless process during energy restoration and discuss how Genera and LUMA staff maintain communications and a common operational picture during major catastrophic events.

ii. PREMB's Inter-Agency Coordinators Meeting

On April 10, 2025, PREMB held an Inter-Agency Coordinators Meeting. This meeting was one of several meetings to have all agencies and any other entity with an IAC at the EOC to present their agency's role and responsibilities during an emergency. The presentations were organized by Emergency Support

LUMA, Genera & PREPA Quarterly Meetings Report

For the Period Ending June 30, 2025

Function (ESF); LUMA, Genera, and PREPA fall under ESF-12 (Energy). For this session, ESF 1 through 5 were scheduled to brief. The focus was to discuss how prepared they are and how resilient they presently are compared to Hurricane María, mainly in terms of power independence during the first National Incident Management System (NIMS) response stages of the aftermath of a hurricane.

iii. April 16th Blackout

As a result of the blackout on April 16, 2025, PREMB activated its EOC to coordinate the emergency response. The IACs from LUMA, Genera, and PREPA were present, representing their respective agencies. These agencies also had their EOCs activated to respond to a Type 1 Event, as defined in LUMA's ERP. The close collaboration, primarily between LUMA and Genera, allowed the system to recover ahead of the initially anticipated timeframe. At the same time, the IACs kept the PREMB EOC informed of the progress made, sharing reports generated by their respective EOCs.

2.2 Closure of previous activities

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

2.3 Upcoming Activities

During the next meeting, the group will discuss and prepare the presentation for ESF-12 and discuss it with the Puerto Rico Department of Economic Development and Commerce (DDEC) IAC, which leads ESF-12.

3.0 May 2025 Meeting

This meeting took place on May 14, 2025. The following individuals participated:

Participant	Position	Company
	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

3.1 Meeting Outcomes & Other Events

i. Caribbean Readiness Initiative

This FEMA-sponsored activity lasted one week. Its purpose was to showcase Puerto Rico's readiness for a major hurricane impact. The presentations were made by Lifelines. The Energy Lifeline's turn was on May 1, 2025. LUMA, Genera, and PREPA briefed their ERP response structure along with the response

LUMA, Genera & PREPA Quarterly Meetings Report

For the Period Ending June 30, 2025

strategy. The briefings also included existing coordination between these parties, which is extended during emergency situations.

ii. May 14th Meeting

The meeting focused on the ESF-12 presentation at the PREMB EOC, scheduled for June 25, 2025. Each ESF-12 member will present their role during emergency events. LUMA, Genera, and PREPA discussed how to ensure that each member's content captured the integration that exists during such events, as well as during blue skies.

LUMA, Genera, and PREPA portions are set and ready. The content is aligned with current ERPs (2025). LUMA included a recently acquired response management application (WebEOC) and communication equipment to maintain situational awareness throughout the Regional Operation Command Centers (ROCC) using mini-CRDs. LUMA will merge the presentations to conduct the briefing as one team under the energy lifeline.

iii. LUMA ERP Briefing to Mayors

LUMA hosted all mayors and their municipal emergency management office (OMME for its acronym in Spanish) director for the second year in a row on May 12th, 14th, and 16th. The six separate sessions, two sessions per day, were done using LUMA regions to bring unity of effort by ROCC. The agenda included a discussion of LUMA's 2025 ERP, focusing on the main changes and improvements that resulted from lessons learned from exercises and LEOC activations. This opportunity allowed LUMA's staff to exchange information, which included clarifying the mayors' main concerns about LUMA's response operations in the aftermath of a hurricane. LUMA underscored the importance of understanding the actions that take place during the Initial Response Stage and the Restoration Stage, which are covered in the daily TEAMS sessions that are hosted by LUMA Key Account and a ROCC representative after the Event Stage. The mayors mentioned the challenge of maintaining a common operational picture with the municipalities, which LUMA addressed with the use of WebEOC as a common platform among municipalities, PREMB, and LUMA. The discussion with the audience produced some suggestions that will be shared with Operations and Key Accounts for further analysis to determine their feasibility and possible incorporation.

3.2 Closure of previous activities

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

3.3 Upcoming activities

During the next meeting in June, LUMA will share the ESF-12 PowerPoint presentation for briefing at PREMB EOC for comments and final adjustments. Additionally, LUMA will cover the initiative at the LEOC with the mayors.

LUMA, Genera & PREPA Quarterly Meetings Report

For the Period Ending June 30, 2025

4.0 June 2025 Meeting

This meeting took place on June 1, 2025. The following individuals participated:

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

4.1 Meeting Outcomes

i. June 11th Meeting

The ESF-12 presentation merged by LUMA for the PREMB's IACs monthly meeting was shared among all participants. Everyone agreed with the content and the slides organization. The presentation was shared and will be available for DDEC's IAC upon request as the ESF-12 lead agency.

LUMA discussed the activity held with the mayors and their representatives at the LEOC including the main topics discussed and future opportunities to enhance operational efficiency and strengthen several areas in the ERP, such as Annex G.

ii. ESF-2 (Telecommunications) Tabletop Exercise

The tabletop exercise (TTX) took place on June 17, 2025, under the sponsorship of the Communication Bureau. The TTX was titled: **"Reunión y Mesa de Trabajo Destinado a Revisar y Fortalecer los Planes de Respuesta para la Temporada de Huracanes 2025"**. Puerto Rico's main telecommunication companies were present along with the IACs from LUMA, Genera, and PREPA. Additionally, there were LUMA's Key Account representatives assigned to attend companies. The TTX covered several scenarios intended to discuss the emergency protocols from each agency and company related to the fictional events that were presented. LUMA, Genera, and PREPA IACs explained their response plan during the hurricane scenario and how they converge and coordinate during such events. The telecommunication companies discussed the need to consolidate the critical facility list within the ESF-12 to prioritize and include telecommunication sites in the restoration plan. This effort will be led by the Communication Bureau, which leads ESF-2 in coordination with DDEC, which leads ESF-12.

4.2 Closure of previous activities

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

LUMA, Genera & PREPA Quarterly Meetings Report

For the Period Ending June 30, 2025

5.0 Synopsis

This quarter, LUMA, Genera, and PREPA delivered comprehensive briefings on their respective roles during emergency events, demonstrating their commitment to coordinated response efforts. The first briefing took place at the FEMA-sponsored "Caribbean Readiness Initiative", attended by FEMA Region 2 personnel and other state and federal agencies. This presentation detailed how LUMA, Genera, and PREPA prepare for emergencies, particularly hurricanes, and outlined their integrated approach during the response phase of such events. A second presentation was delivered to the IACs assigned to the PREMB EOC. Led by DDEC, this briefing focused on the specific roles of each ESF-12 member when the PREMB EOC is activated.

On April 16, 2025, a general power outage activated the PREMB EOC, triggering the emergency protocols within LUMA, Genera, and PREPA's respective ERPs. The successful integration among these entities resulted in service restoration ahead of the initial estimated timeframe, validating the effectiveness of their coordinated efforts.

Lastly, LUMA, Genera, and PREPA also discussed the training courses PREMB will offer during Fiscal Year 2026. The group plans to evaluate each course to determine its relevance for IACs and assess whether personnel from each entity would benefit from participation.