

**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 to Submit LUMA-Genera-
PREPA Meetings Quarterly Report for the First
Quarter of Fiscal Year 2026, Request for
Confidentiality and Supporting Memorandum of
Law**

NEPR

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**MOTION TO SUBMIT LUMA-GENERA-PREPA MEETINGS QUARTERLY REPORT
FOR FIRST QUARTER OF FISCAL YEAR 2026, 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 Emergency Response Plan Coordination Meetings Report corresponding to the First Quarter of Fiscal Year 2026. LUMA hereby requests that *Exhibit 1* be maintained confidentially 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	Emergency Response Plan Coordination Meetings Report Q1 FY2026	Pages 4-6	Right to privacy (<i>see, e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	October 31, 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 31st of October 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 Genera PR LLC, Jorge Fernández, jfr@sbgbllaw.com, and Alejandro López, alopez@sbgbllaw.com.



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Exhibit 1

First Quarter Fiscal Year 2026 LUMA-Genera-PREPA Meetings Quarterly Report

Emergency Response Plan Coordination Meetings Report

for the First Quarter of Fiscal Year 2026

NEPR-MI-2019-0006

October 31, 2025



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ERP Coordination Meetings Report

1.0 Foreword

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

The group continues to discuss section III (i) through (vi) of the Puerto Rico Energy Bureau (PREB) Resolution and Order that read as follows:

- i. Ensure that their Emergency Response Plan (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. 83-1941, as amended.
- vi. Establish a decision-making protocol to enforce the shutting down of the electric system.

In compliance with the PREB order, LUMA, Genera PR, and Puerto Rico Electric Power Authority (PREPA) have established monthly meetings to enhance communication and collaboration during emergencies, ensuring situational awareness and mutual support 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 IACs and part of the ESF-12 (Energy). The group focuses on maintaining communication, situational awareness, and sharing best practices within the emergency management realm.

A key topic of discussion during this period was a presentation delivered by the Department of Economic Development and Commerce (DDEC), in its capacity as the lead agency for ESF-12. This presentation was shared during one of the monthly coordination meetings. Additionally, the group reviewed and discussed DDEC's Energy Security Tool, a digital platform designed to identify and catalog critical infrastructure within the electric power generation and distribution sectors. The tool also highlights facilities that would be significantly impacted in the event of power outages, thereby supporting strategic planning and prioritization during emergency response operations.

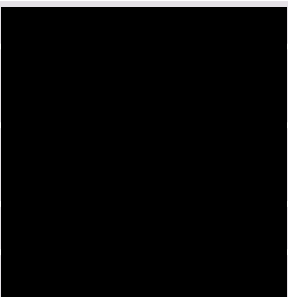
Furthermore, during this reporting period, LUMA Energy activated its LUMA Emergency Operations Center (LEOC) in response to the passage of Hurricane Erin through the Caribbean region. The Incident Commander classified the response as a Type 4 Event (Non-Emergency Event – Heightened Alert) and initiated a Level 4 (Partial Activation) of the LEOC. This activation was undertaken as a precautionary

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measure, despite the fact that Puerto Rico Emergency Management Bureau (PREMB) did not activate its Emergency Operations Center (EOC).

2.0 July 2025 Meeting

This meeting took place on July 29, 2025. The following individuals participated:

Participant	Position	Company
	Emergency Response Manager	Genera PR
	<i>Asesora Ejecutiva / Coordinadora Interagencial Alterna</i>	PREPA
	<i>Gerente de Programa de la Oficina de Manejo de Emergencias / Coordinadora Interagencial</i>	PREPA
	Emergency Preparedness Manager	LUMA
	Emergency Preparedness Director	LUMA

2.1 Meeting Outcomes

The main topic discussed was the presentation given by DDEC on July 8, 2025, during the PREMB's IAC monthly meeting, about its responsibilities as the lead agency for ESF-12 – Energy during emergency events. In addition, the meeting included a review of Annex P of PREMB's All-Hazards Plan, which covers Power Outage Incidents, and its application during the blackout that occurred on April 16, 2025.

i. ESF-12 Joint Response Briefing

On July 8, 2025, PREMB convened its monthly IAC meeting at the facilities of the Department of Natural and Environmental Resources. During this session, DDEC, serving as the lead agency for ESF-12 – Energy, delivered a presentation outlining its responsibilities and role during state-declared emergencies.

However, the presentation did not include the participation or perspectives of the other principal ESF-12 stakeholders—namely, PREPA, LUMA, and Genera PR. Specifically, the briefing did not address the operational coordination and integration of these entities' IACs within PREMB's EOC during emergency activations.

In response to this omission, PREMB staff formally requested a follow-up presentation that would detail the roles and collaborative functions of PREPA, LUMA, and Genera PR during emergency events impacting the electrical system. This additional briefing is expected to be scheduled and delivered at a future IAC meeting, with the date and time to be determined by PREMB.

ii. PREMB All Hazard Plan Annex P: Power Outage Incident

The general blackout that occurred on April 16, 2025, prompted the activation of PREMB's EOC. However, it was noted that PREMB did not follow the procedures outlined in Annex P: All-Hazards Plan during this activation. Annex P, approved in December 2023, establishes the framework for response, recovery, and mitigation operations related to power system restoration within the context of emergency management.

During discussions, the group acknowledged the need to update Annex P. The current version does not reflect the inclusion of Genera PR as a key power generation entity and omits recent improvements

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implemented by LUMA and Genera PR, such as enhancements to communication systems redundancy. These gaps highlight the importance of revising the annex to ensure it accurately represents the current operational landscape and interagency coordination protocols.

This matter is scheduled for further discussion during an upcoming IAC meeting.

2.2 Closure of previous activities

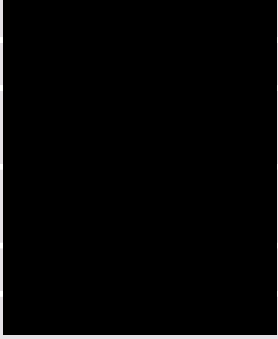
There were no pending topics to discuss from the previous session.

2.3 Upcoming Activities

Discuss DDEC's Energy Security Tool, a platform that identifies critical infrastructure within the energy sector along with facilities that their service could be significantly hindered in case of a power outage.

3.0 August 2025 Meeting

This meeting took place on August 16, 2025. The following individuals participated:

Participant	Position	Company
	Emergency Preparedness Specialist	Genera PR
	Emergency Preparedness Specialist	Genera PR
	<i>Asesora Ejecutiva / Coordinadora Interagencial Alterna</i>	PREPA
	<i>Gerente de Programa de la Oficina de Manejo de Emergencias / Coordinadora Interagencial</i>	PREPA
	Emergency Preparedness Director	LUMA
	Emergency Preparedness Manager	LUMA

3.1 Meeting Outcomes

I. LEOC activation due to Hurricane Erin

On August 14, 2025, at 1300 hours, the LEOC was partially activated by LUMA's Crisis Management Committee (CMC) in anticipation of the potential impact of Hurricane Erin—the first major hurricane of the 2025 Atlantic season—on Puerto Rico. Although the storm had been under close observation since August 11, 2025, its rapid intensification led to outages and infrastructure damage across the Island.

The LEOC and Regional Operation Command Centers (ROCCs) activations allowed to rapidly respond to the different service interruptions and restore service ahead of the initial estimated time.

Despite the potential severity of Hurricane Erin's effects on Puerto Rico's electric system, PREMB did not activate its emergency operation center during the event.

II. Department of Economic Development and Commerce (DDCE) Energy Security Tool

The teams discussed DDEC's Energy Security Tool. This is a digital platform intended to group critical energy infrastructure and list those important facilities that could be significantly affected by a power outage.

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However, the Energy Security Tool has inconsistencies in its listing of facilities that appear critical. It also lacks a priority order that can be used as a planning tool during restoration efforts following an emergency declaration affecting the energy sector.

During the August PREMB IAC meeting, the DDEC IAC representative acknowledged the need for revisions and committed to reviewing and updating the platform to address the identified deficiencies. PREPA representative noted that PREPA has not been invited to be part of the DDEC Energy Security Tool initiative despite the fact that PREPA is the T&D and generation asset owner. DDEC will notify the IAC group once the revised version of the Energy Security Tool is available for review.

Separately, LUMA Energy continues to advance its training initiatives on the use of WebEOC, a digital platform designed to enhance coordination and maintain situational awareness across the emergency response structure during LEOC activations. This platform assists leaders to make informed decisions and conduct their responsibilities in a timely manner while maintaining a common operational picture throughout the response.

3.2 Closure of previous activities

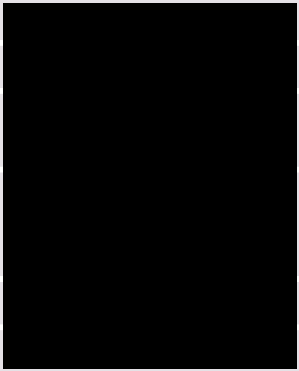
There were no pending topics to discuss from the previous session.

3.3 Upcoming activities

The next meeting will address whether there are any updates on DDEC's Energy Security Tool.

4.0 September 2025 Meeting

This meeting took place on September 11, 2025. The following individuals participated:

Participant	Position	Company
	Emergency Response Specialist	Genera PR
	Emergency Response Specialist	Genera PR
	<i>Asesora Ejecutiva / Coordinadora Interagencial Alterna</i>	PREPA
	<i>Gerente de Programa de la Oficina de Manejo de Emergencias / Coordinadora Interagencial</i>	PREPA
	Emergency Preparedness Manager	LUMA
	Emergency Preparedness Director	LUMA

4.1 Meeting Outcomes

III. Request for information from DDEC IAC

The lead Executive Advisor for Emergency Management for PREPA sent an email to DDEC's IAC, requesting a copy of the agency's Emergency Plan as the leader of public energy policy. This plan is mentioned in Annex P of PREMB's All Hazards Plan. The purpose is to compare the plan with the other component plans of ESF-12 (PREPA, LUMA, and Genera) and assess its alignment. As per conversation

ERP Coordination Meetings Report

with the lead DDEC IAC during a separate meeting, the Energy Security Tool platform is still being worked on, and it has not been updated yet.

IV. Genera PR

Genera PR introduced its newly appointed IAC representative. This individual will serve as the company's official liaison at the PREMB EOC. In addition to representing Genera PR during emergency activations, the new IAC will oversee emergency management initiatives and Incident Command System (ICS) training, with a focus on equipping decision-makers with the knowledge and skills necessary to operate effectively during emergency events.

As part of its preparedness efforts, Genera PR has scheduled a communications exercise for September 17, 2025, involving the power plants under its operation. The exercise will utilize the company's existing interoperability communications equipment. The main communications console has already undergone successful testing. The next phase will involve testing connectivity between the power plants and Genera PR's main offices, followed by a broader exercise involving external agencies and stakeholders.

4.2 Closure of previous activities

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

4.3 Upcoming activities

Genera PR Emergency Response Specialists will coordinate a presentation for the next meeting in October 2025 about Genera PR's interoperability communications system.

5.0 Synopsis

During Q1 of FY2026, Annex P of PREMB's All Hazards Plan was discussed, comparing its contents with the response executed at PREMB's EOC during April 16, 2025, blackout. While operational coordination among PREPA, LUMA, and Genera PR during emergency events has proven to be effective and well-synchronized, the current version of Annex P does not adequately reflect this level of integration.

Additionally, DDEC reiterated the need to update and reorganize its Energy Security Tool digital platform. The group is awaiting the release of the revised version to ensure alignment with the emergency response plans individually developed and submitted by PREPA, LUMA, and Genera PR.

LUMA continues to provide training to personnel assigned to roles within the emergency response structure on the use of WebEOC. This digital platform supports integration across response components and enhances decision-making by maintaining a shared operational picture throughout the duration of LEOC activation.

Finally, Genera PR has restructured its response staff organizational chart. A new IAC has been appointed who also serves as an emergency management instructor. Additionally, Genera PR will be integrating their response plan into the ICS training they will be offering to personnel in leadership positions during emergencies.