

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

NEPR

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IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-0003

SUBJECT: Memorandum of Law in Support of
Confidential Treatment of Portions of Genera's
Response to ROI PC-of-GENERA-SUPPORT-15

**MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIAL TREATMENT OF
PORTIONS OF GENERA'S RESPONSE TO REQUEST FOR INFORMATION
PC-OF-GENERA-SUPPORT-15**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW, Genera PR LLC ("Genera"), as agent of the Puerto Rico Electric Power Authority ("PREPA")¹, through its undersigned counsels, and respectfully states and requests the following:

I. Introduction

1. On November 8, 2025, the Puerto Rico Energy Bureau ("Energy Bureau") Consultants ("PREB Consultants") issued a Request for Information ("ROI") to Genera under the Support Services category. The ROI ID assigned by the Accion Platform is PC-of-GENERA-SUPPORT-15 ("SUPPORT-15"). The ROI requested detailed information regarding Genera's physical security operations, staffing, vendor arrangements, and related costs. In particular, the PREB Consultants requested the following:

ROIs on Physical Security (Genera)

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* ("LGA OMA"), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority, Genera is the sole operator and administrator of the Legacy Generation Assets (as defined in the LGA OMA) and the sole entity authorized to represent PREPA before the Energy Bureau with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

1. Provide a detailed breakdown of this O&M total for each year by: (i) guard contracts, (ii) CCTV & access control maintenance and licenses, (iii) investigations/response, and (iv) all other costs.
 2. Provide your prior-year actuals (FY22, FY23, FY24) for this budget and explain how this historical data informs the forecast.
 3. Finally, quantify the specific activity and dollar reductions associated with your Constrained Budget scenario (e.g., reduced guard hours, deferred maintenance).
 4. Please provide a complete breakdown of all personnel and vendor costs supporting the physical security program for FY26-28.
 - a. Provide the internal headcount, loaded costs, and functions for all security staff.
 - b. Provide a list of all primary security vendors (for guards, technology maintenance, etc.), their contract amounts, and their specific scope of work.
 - c. Specifically identify costs for guard services, justifying the posts, hours, and site (LGA vs. administrative) coverage.
2. On December 17, 2025, Genera submitted its responses to ROI SUPPORT-15.
- Consistent with the Energy Bureau's *Policy on Management of Confidential Information* (Case No. CEPR-MI-2016-0009), as amended (the "Policy on Confidential Information"), Genera filed both a confidential unredacted version and a public redacted version to allow full regulatory access to the complete information while safeguarding limited portions containing security-sensitive, commercially sensitive, and otherwise protected material.
3. As pertinent here, the confidential portions of ROI SUPPORT-15 relate to Genera's responses to Question 4, including subsections (a), (b), and (c), which required Genera to provide detailed information regarding internal security structure, vendor security services, and security-related costs.
 4. Genera designated those specific portions as confidential because the responses necessarily contain information which, by its nature and subject matter, includes security-sensitive critical infrastructure information and proprietary, commercially

sensitive business information protected under Puerto Rico law.

5. Accordingly, Genera submits this Memorandum of Law to respectfully request that the Energy Bureau maintain under confidential seal only those portions of Genera's responses to Question 4(a)–(c) that were redacted from the public filing.

II. Basis for Confidential Treatment and Applicable Law

5. The redacted portions of ROI SUPPORT-15 consist of Genera's responses to Question 4(a), (b), and (c), which —by virtue of the information expressly requested by the PREB Consultants— necessarily include both: (a) security-critical CEII-type infrastructure protection information; and (b) trade secret and commercially sensitive financial and contractual information. Genera respectfully seeks confidential treatment pursuant to the Energy Bureau's Policy on Confidential Information; Section 6.15 of Act 57-2014, the Puerto Rico Energy Transformation and RELIEF Act; and the Puerto Rico Trade Secrets Act, Act 80-2011, 10 L.P.R.A. § 4131 et seq. (the "Trade Secrets Act").
6. Because Question 4(a) requires disclosure of internal physical security staffing and functions; Question 4(b) requires disclosure of security vendor identities, scope of work, and contractual amounts; and Question 4(c) requires disclosure of guard coverage, justification, and site-related information, Genera's responses necessarily encompass information that is sensitive, security-related, commercially relevant, and not publicly available.
7. Public disclosure of information responsive to these questions would reasonably risk compromising the protection of PREPA's electric generation facilities and would reveal commercially sensitive business information that is maintained confidentially

and derives economic value from not being disclosed.

8. Such information is protected as Valid Confidential Information under the Policy on Confidential Information and constitutes both (a) CEII-type infrastructure protection information; and (b) trade secret and commercially sensitive business information protected under the Trade Secrets Act and Section 6.15 of Act 57-2014.
9. Maintaining confidentiality will not impede regulatory transparency, as the Energy Bureau retains full access to the unredacted information while only those portions that could compromise facility security or commercial integrity are withheld from public disclosure.

III. Identification of Confidential Information

10. In compliance with the Policy on Confidential Information, the following table identifies the confidential information and summarizes the basis for this request:

Document Name and Filing Date	Confidential Portions	Legal Basis for Confidentiality	Summary for Justification
Response to ROI PC-of-GENERA- SUPPORT-15. Filed on December 17, 2025.	Responses to Question 4(a), (b), and (c).	Policy on Management of Confidential Information; Puerto Rico Trade Secrets Act; Act 57-2014 §6.15.	Contains information inherently involving physical security protections, vendor security arrangements, and related costs, which constitute CEII-type infrastructure protection information and trade secret / commercially sensitive information.

WHEREFORE, Genera respectfully requests that the Puerto Rico Energy Bureau: (a) take notice of the foregoing; (b) accept this Memorandum of Law in support of the confidential treatment of portions of Genera’s response to ROI PC-of-GENERA-SUPPORT-15 relating to Question 4(a)–(c) that were redacted from the public filing; (c) grant Genera’s request to maintain said portions under confidential seal, consistent with the Policy on Management of Confidential

Information, the Trade Secrets Act, and applicable Puerto Rico law, and (d) grant such other and further relief as the Energy Bureau deems appropriate.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 26th day of December 2025.

WE HEREBY CERTIFY that this Motion was filed using the electronic filing system of this Energy Bureau and that electronic copies of this motion will be notified to the Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record.

A courtesy copy of the present Motion will also be notified to the following:

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