

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

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IN RE:

PUERTO RICO ELECTRIC POWER
AUTHORITY'S EMERGENCY RESPONSE
PLAN

CASE NO. NEPR-MI-2019-0006

**SUBJECT: LUMA's Motion in Compliance with
Resolution and Order of June 20, 2025**

**LUMA'S MOTION IN COMPLIANCE WITH
RESOLUTION AND ORDER OF JUNE 20, 2025**

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 state and request the following:

I. Submission and Request for Confidentiality

1. On June 20, 2025, the Puerto Rico Energy Bureau ("Energy Bureau") entered a Resolution and Order ("June 20th Order") acknowledging the Emergency Response Plans ("ERPs") submitted by LUMA, Genera PR, LLC ("Genera"), and the Puerto Rico Electric Power Authority ("PREPA") for the year 2025 pursuant to Section 6(m) of Act No. 83 of May 2, 1941 ("Act 83").

2. In the June 20th Order, the Energy Bureau found that LUMA's meetings and reports reflected the Energy Bureau's directives on coordination among LUMA, Genera, and PREPA in emergency response activities and required the aforementioned parties to continue refining their emergency response coordination and enhancing their ERPs accordingly. The Energy Bureau also required LUMA to continue to report on the progress and status of this coordination. *See* June 20th

Order, p. 3. The June 20th Order also ordered the aforementioned entities to provide a draft 2026 ERPs by December 15, 2025, for commencement of the interactive review process.

3. In compliance with the June 20th Order, LUMA hereby submits a working draft version of the ERP intended to be implemented for 2026, labeled “Emergency Response Plan (ERP) 2026 - Draft Version” (“ERP 2026 Draft”), as *Exhibit 1* to this Motion. LUMA intends that the ERP 2026 Draft serve as the foundation for the collaborative process that will take place in this instant proceeding ahead of the May 31st deadline to submit the final version of the ERP to the Puerto Rico Governor, Puerto Rico Legislature, and the Energy Bureau.

4. LUMA has complied with implementing the required changes to the ERP 2026 Draft as ordered by the June 20th Order. A summary of the changes implemented is listed below:

- a. Estimated Time of Restoration (“ETRs”) – LUMA continues to refine ETRs by working on people, processes, and technology. Over the past eight months, LUMA has been working on the Damage Assessment process and identifying internal resources to serve as damage assessors. A more deliberate damage assessment process, with identified resources, will help refine ETRs. Concurrently, LUMA has continued with the Advanced Meter Infrastructure project, which will provide individual ETRs upon completion of implementation, scheduled for December 2029.
- b. Outage Management System (“OMS”) – Continued strengthening its OMS testing, consistent with prior Bureau directives (every 6 months), and documenting. Hexagon performed the last test on August 26, 2025. LUMA's OMS underwent a second stress test, as developed previously by the vendor based on our specifications and their recommendations. The vendor received a list of feeder

breakers, identified the associated transformers and customers, and created test scripts. The primary objective was to subject OMS to a high volume of calls and events using the MQConnector, which simulates incoming calls from LEX or IVR, and the SCADA simulator for feeder outages. The vendor's scripts also measured the system's processing time for the injected calls and events. Messages were sent in groups of 300 with a 10-second pause between them. The load included 9,400 calls, 4,150 emergency events, and 122 feeder outages. The time to process customer calls was 43.84 minutes, and the time to process emergency tickets was 32.69 minutes. The total time to process the load test, including pauses, was approximately 49 minutes. During the test, user experience, CPU utilization (<60%), and memory utilization (<70%) remained stable. Given the system's stability during the stress test, results can be extrapolated to longer periods. The UAT system used for the test contained the same number of BatchCall and MQ instances for sending and processing calls/events. The scripts can be easily adapted for future tests by modifying the number of calls and messages sent to OMS. No system degradation was observed, and LUMA's OMS remained fully operational throughout the test.

- c. After-Action Reports - The After-Action Review Board has been implemented in WebEOC for all activations and exercises, which is detailed in the ERP Base Plan under *Section 12.5 After Action Review*, to explain the process changes with this new board.
- d. Municipal Coordination - For the second year, the 78 municipal Mayors and their emergency management directors were invited to the LUMA Emergency

Operations Center (“LEOC”), where the ERP updates were presented, specifically a request for the mayors to review and provide feedback on *Appendix C- Critical Infrastructure*. These meetings led to additional discussions, including a meeting with the San Juan mayor on August 27, 2025, to improve information exchange regarding LUMA's damage to the municipality. A separate meeting on May 13, 2025, with the Aibonito Mayor to discuss operations and maintenance interagency agreement for vegetation management outside and around two substations in the center of town.

- e. Life Preservation Equipment Customers (“LPE”) - Monthly revising LPE customer database to timely notify beneficiaries of the upcoming lapse of documentation that makes them eligible. This monthly review is a force multiplier prior to an announced Type 1, 2, or 3 event, enabling critical customers to be directly and proactively contacted during emergencies, in accordance with the protocol referenced in *Section 10, Communications*, of the ERP Base Plan.
- f. Vegetation Management - LUMA established an internal cross-functional committee to develop improved intergovernmental agreements (IGAs/MOUs) with municipalities, aiming to overcome past challenges related to limited adoption. The new approach focused on enabling municipalities to perform vegetation management and streetlight work while ensuring compliance with FEMA and PREPA requirements and simplifying participation barriers. The committee collaborated with internal departments and external partners to define legal, safety, and operational parameters. Once operational requirements were finalized, a consolidated IGA draft was approved. However, external reviews led to a

recommendation to split the agreement into four separate IGAs based on funding sources. Budget constraints and FEMA project reprioritization significantly limited the scope of work that could be assigned, prompting the committee to pause implementation to avoid unrealistic expectations. The overarching goal remains to provide mayors with actionable, compliant, and funded agreements.

- g. Alternate Communications Methods (“IT”) - Continuing to update Information Technology equipment to comply with cybersecurity standards in the primary and proposed alternate LEOC, as well as the Regional Operation Command Centers (“ROCCs”). Additionally, maintained a regular testing and validation schedule for our contingency communication systems. This includes VHF testing conducted on February 5, 2025, and testing of the Mini-CRDs, ensuring continued reliability and operational readiness across all critical communication channels.
- h. Damage Assessment - Added Appendix B to *Annex A, Major Outage Restoration*, detailing the damage assessment protocol.
- i. Call Center - In the event of an emergency that results in a surge of customer calls, the Customer Experience and Key Account Specialist will activate the internal contingency process. Under this protocol, the Voice of Customer and Revenue Protection teams will provide additional support by assisting in handling customer calls.

To ensure operational continuity, the offices of these supporting teams are equipped to replicate the Contact Center setup. All participating employees have full access to the necessary platforms, Genesys, LEX, CC&B, and ArcGIS, to enable efficient communication, visibility, reporting, and management of

emergencies.

This process mobilizes approximately 55-60 employees to ensure customer needs are addressed promptly and service quality is maintained during high-demand periods. If volume warrants additional support, a pre-positioned contract to augment the Call Center workforce was awarded on August 26, 2025, and amended on September 22 of the current year. This is all updated in *Section 10.2.4, Contact Centers*, of the Base Plan.

- j. Contingency Plans - Continued implementing contingency measures through the establishment of an alternate LEOC and ongoing testing of our operational protocols. A tabletop exercise to test the SCADA contingency plan was first conducted on June 11, 2025, to review data and discuss alternate procedures should the primary protocols prove ineffective. This was followed by a functional exercise on October 13, 2025, to assess and validate refinements made after the initial tabletop exercise. The SCADA functional exercise included deploying substation personnel to the Acasia and Dorado substations to capture the data that SCADA typically provides manually.
- k. Restoration Safety - Enhancements to the WebEOC platform, implementing a series of drills aimed at training personnel and identifying end users' approval. Among the new boards in WebEOC, there is the Safety Event Reporting board, used for the Hurricane Erin response.
- l. Training and Exercises - Updated the Multiyear Training Plan ("MYTEP") to provide a projected schedule and list of specific training planned for the upcoming 3 years, to comprehensively and specifically include the subject of the training,

description of the training audience, delivery method, time frame, and frequency of the training.

- m. Pre-Positioned Contracts - Securing new pre-positioned contracts, specifically for the emergency outsource call center that was signed on August 26, 2025, and amended on September 22, 2025; helicopter rental, signed on September 6, 2025; and an additional damage assessments contract, that will allow LUMA to engage additional personnel, equipment, and materials for Type 1, 2, and 3 events to mitigate, repair, or restore the system during emergencies. Concurrently, retaining access to mutual aid agreements for Type 1 and 2 Events, as cooperative support if additional resources beyond the pre-positioned contracts are needed with our response and restoration efforts, including the Edison Electric Institute (“EEI”) and through PREPA, the American Public Power Association (“APPA”). LUMA leveraged the Chartwell PowerUp Conference to meet EEI representatives and discuss their participation in the upcoming Mock Drill in February 2026.
5. In addition to the specific items addressed above, LUMA has also implemented the following key revisions to the ERP:
- a. Updated Base Plan, *Appendix B – Assignment of Responsibility* to reflect current assignments and roles.
 - b. Updated the Crisis Management Committee (“CMC”) Structure under Appendix A (LUMA ICS Principles).
 - c. Reformatted and redesigned Base Plan Appendix C into a new layout for improved readability and consistency.

- d. Updated Base Plan *Section 6.2.3, Forecasted Potential Incidents and Scheduled Events* (Appendix B, Finance Section Chief has adjusted terminology from “Finance and Administration” to “Finance” only for clarity and alignment with current organizational structure.
- e. Updated Annex A, Section 4.2.7, contains an expanded definition of Damage Assessment (“DA”) to ensure consistency and better alignment with the DA Annex content and procedures.
- f. Updated Annex A, Appendix A data fields of the Measures of Effectiveness (“MOE”) metrics adjusted to ensure alignment with the MOE tracker system.
- g. Updated Base Plan, *Section 10.2.2 – Critical Customers*, includes new information describing the Critical Customers Board within WebEOC. This provides additional context on how critical customers are tracked and managed within WebEOC.
- h. Removed the Municipal Coordination Unit Leader position from Appendix B, Assignment of Responsibilities, to reflect municipal communication protocol.

6. The ERP 2026 Draft is protected from disclosure as a trade secret, *see, e.g.*, Act 80-2011, P.R. Laws Ann. tit. 10, §§ 4131-4144 (2025), and pursuant to the Energy Bureau’s Policy on Management of Confidential Information. *See* Energy Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by Resolution dated September 20, 2016.

II. 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 Commission believes that the information to be submitted has any confidentiality privilege, such person may request the Commission to treat such information as such” 22 LPRA § 1054n. If after appropriate evaluation the Energy Bureau determines 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. The 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 nonconfidential 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 states that electric power service companies shall provide the information requested by customers, except for confidential information under the Rules of Evidence of Puerto Rico.

10. Moreover, the Energy Bureau’s Policy on 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 identifying the confidential information, a summary of the legal basis for the confidential designation, and an explanation of why each claim or designation conforms to the applicable legal basis for confidentiality. *Id.* at ¶ 3.

III. Grounds for Confidentiality

11. It is respectfully submitted that the ERP 2026 Draft, *see Exhibit 1*, constitutes trade secret information as it contains internal manuals, policies, protocols, processes, and methods, and specific information LUMA has not disclosed publicly. Section D(1) of the Bureau's Confidential Management Policy states, in its pertinent part, the following regarding access to validated Trade Secret Information:

1. Trade Secret Information

Any document designated by the [Energy Bureau] as Validated Confidential Information because it is a trade secret under Act 80-2011 may only be accessed by the Producing Party and the [Bureau], unless otherwise set forth by the [Bureau] or any competent court.

12. Under the Industrial and Trade Secret Protection Act of Puerto Rico, Act 80-2011, P.R. Laws Ann. tit. 10, §§ 4131-4144 (2023), industrial or trade secrets are deemed to be any information:

- (a) That has a present or a potential independent financial value or that provides a business advantage, **insofar as such information is not common knowledge or readily accessible** through proper means by **persons who could make a monetary profit from the use or disclosure of such information**, and
- (b) for which reasonable security measures have been taken, as circumstances dictate, to maintain its confidentiality.

Id. § 4131, Section 3, Act. 80-2011.¹ They include, but are not limited to, processes, methods and mechanisms, manufacturing processes, formulas, projects or patterns to develop machinery, and

¹ Relatedly, Rule 513 of the Rules of Evidence of Puerto Rico provides that the owner of a trade secret may invoke

lists of specialized clients that may afford an advantage to a competitor. *See* Statement of Motives, Act 80-2011; *see also* Puerto Rico Open Data Law, Act 122-2019, Article 4 (ix) (exempting from public disclosure trade secrets) and Article 4(x) (exempting from public disclosure commercial or financial information whose disclosure will cause competitive harm).

13. The Puerto Rico Supreme Court has explained that the trade secrets privilege protects free enterprise and extends to commercial information that is confidential in nature. *Ponce Adv. Med. v. Santiago Gonzalez*, 197 DPR 891, 901-02 (2017) (citation omitted).

14. The Energy Bureau should protect the ERP 2026 Draft to be submitted for 2026 because it pertains to policies, protocols, manuals, processes, and methods that may prove advantageous or useful to LUMA's competitors in the energy business and utilities in Puerto Rico. LUMA takes reasonable security measures, such as this one, to maintain the confidentiality of its internal manuals, policies, protocols, processes, and methods.

15. LUMA respectfully submits that the ERP 2026 Draft presented as part of LUMA's *Exhibit 1* should be designated as commercially sensitive or trade secret information. This designation is a reasonable and necessary measure to protect the information and enable LUMA to compete fairly in the future.

16. The protection of the specific information pertaining to the ERP 2026 Draft will not hinder nor preclude the public in a material way from gaining access to relevant and necessary information concerning LUMA's ERP. As such, the interest in the public viewing the information that LUMA hereby requests be kept confidential is outweighed by the harm that LUMA would be exposed to should the information be made available to the public.

the privilege to refuse to disclose, and to prevent another person from disclosing trade secrets, provided that these actions do not tend to conceal fraudulent actions or lead to an injustice. 32 P.R. Laws Ann. Ap. VI, R. 513. If a court of law mandates disclosure of a trade secret, precautionary measures should be adopted to protect the interests of the owner of the trade secret. *Id.*

IV. Identification of Confidential Information.

17. In compliance with the Energy Bureau’s Policy on Confidential Information, CEPR-MI-2016-0009, below is 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 (ERP) 2026 - Draft Version	Entire document	Trade Secret Information under Section D(1) of the Energy Bureau’s Policy on Confidential Information, CEPR-MI-2016-0009	December 15, 2025

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned for all purposes, **approve** the request for confidential treatment of *Exhibit 1* to this Motion, and **deem** LUMA to have complied with the Resolution and Order of June 20, 2025.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on the 15th day of December 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 via Alexis Rivera, alexis.rivera@prepa.pr.gov, and through its counsel of record, Natalia Zayas Godoy, nzayas@gmlex.net, Richard Cruz Franqui, rcruzfranqui@gmlex.net, and Mirelis Valle Cancel, mvalle@gmlex.net, to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboredo,

jfr@sbgblaw.com, Gabriela Alejandra Csatrodad García, gcastrodad@sbgblaw.com, and Stephen David Romero Valle, sromero@sbgblaw.com.



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9132
Fax 939-697-6102

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
RUA NÚM. 18,061
yahaira.delarosa@us.dlapiper.com

Exhibit 1

(to be submitted under seal of confidentiality)