

**GOVERNMENT OF PUERTO RICO
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
PLAN

CASE NO.: NEPR-MI-2019-0006

SUBJECT: 2026 DRAFT Emergency
Response Plans

**MOTION IN COMPLIANCE WITH JUNE 20th, 2025, RESOLUTION AND ORDER WITH
MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT**

TO THE HONORABLE ENERGY BUREAU,

COMES NOW the Puerto Rico Electric Power Authority ("PREPA") through its undersigned legal representation and, very respectfully, informs and requests as follows:

I. Introduction

1. On June 20th, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order directing LUMA ENERGY LLC ("LUMA"), Genera PR LLC ("Genera") and the Puerto Rico Electric Power Authority ("PREPA") to provide draft 2026 ERPs by December 15, 2025, for commencement of the interactive review process by the Energy Bureau.

2. In the June 20 Order, The Energy Bureau approved LUMA's, Genera's, and PREPA's 2025 revision of their ERPs as submitted under Section 6(m) of Act 83.

II. Compliance with the Order

3. In response to the June 20 Order, PREPA hereby submits its 2026 **DRAFT** Emergency Response Plans, as *Exhibit 1*.

III. Request for Confidential Treatment

4. Exhibit 1 is part of internal protocols and procedures not disclosed to the public and is, therefore, confidential. PREPA respectfully requests confidential treatment from the Energy Bureau for Exhibit 1.

5. Although documents held by public corporations such as PREPA are generally presumed to be public, access to such documents is not absolute. The Puerto Rico Supreme Court has recognized that only documents that truly enjoy public status are subject to mandatory disclosure. Bhatia Gautier v. Gobernador, 199 D.P.R. 59, 82 (2017); Ortiz v. Director de la Administración de los Tribunales, 152 D.P.R. 161 (2000).

6. According to Bhatia Gautier v. Gobernador, the government may validly withhold information when (i) a law so authorizes; (ii) the information is protected by evidentiary privileges; (iii) its disclosure may harm third parties' fundamental rights; (iv) it identifies a confidential source; or (v) it qualifies as "official information" under Rule 514 of Evidence. *Id.* at 83.

7. Article 6.15 of Act 57-20146 is the core provision for managing confidential information filed before the Energy Bureau. It provides, in 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".

8. If the Energy Bureau believes, after the 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.

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 confidentially. 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.

10. Below is a summary of the information for which PREPA seeks confidential treatment:

File	Summary of Legal Basis for Confidential Treatment
Exhibit 1- DRAFT 2026 Emergency Response Plans	Trade Secret Information

11. Lastly, PREPA respectfully informs the Energy Bureau that it is diligently and continuously working to dynamically update all ERP-related information.

12. PREPA respectfully requests that the Energy Bureau take notice of the abovementioned and approve the request for confidential treatment of the information submitted in Exhibit 1 to this Motion.

WHEREFORE, PREPA respectfully requests the Energy Bureau to take: (1) **NOTICE** of PREPA's filing of the **DRAFT** 2026 Emergency Response Plans in compliance with Act 83-1941, as Exhibit 1; (2) **GRANT** the requested confidential treatment to Exhibit 1; and (3) **DEEM** PREPA in compliance with the **June 20th, 2025**, Resolution and Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of December 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 courtesy copies were sent via e-mail to counsels of record at alexis.rivera@prepa.pr.gov, to LUMA ENERGY LLC through its counsel of record at yahaira.delarosa@us.dlapiper.com, and to Genera PR LLC through its counsels of record at jfr@sbgblaw.com and sromero@sbgblaw.com, francisco-santos@genera-pr.com.

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