

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

NEPR
Received:
Feb 13, 2026
4:50 PM

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 Second
Quarter of Fiscal Year 2026, Request for
Confidentiality and Supporting Memorandum of
Law**

**MOTION TO SUBMIT LUMA-GENERA-PREPA MEETINGS QUARTERLY REPORT
FOR SECOND 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. The 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.

2. 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.

3. 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”).

4. 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.

5. In compliance with the July 24th and December 10th Orders, LUMA hereby submits as *Exhibit 1*, its Emergency Response Plan Coordination Meetings Report corresponding to the Second 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

6. 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 LPRC §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).

7. 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).

8. 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.

9. 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.

10. 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

11. 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*.

12. 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 Q2 FY2026	Pages 4-6	Right to privacy (<i>see, e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	February 13, 2026

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 Guaynabo, Puerto Rico, on the 13th of February 2026.

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, alex.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, mvalle@gmlex.net; to counsel for Genera PR LLC, Jorge Fernández, jfr@sbgblaw.com, Steven Romero, sromero@sbgblaw.com, Alejandro López, alopez@sbgblaw.com, acastrodad@sbgblaw.com, legal@genera-pr.com, regulatory@genera-pr.com; to counsel for AES at Elias Sostre, elias.sostre@aes.com; to counsel for EcoEléctrica, L.P., Carlos Reyes, carlos.reyes@ecoelectrica.com.



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Exhibit 1

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

[Public version; confidential version to be filed under seal]

Emergency Response Plan Coordination Meetings Report

for the Second Quarter of Fiscal Year 2026

NEPR-MI-2019-0006

February 13, 2026



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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 (Energy Bureau) Resolution and Order that reads 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 Energy Bureau's Resolutions and Orders of July 24, 2024, and December 10, 2024, LUMA, Genera PR, LLC (Genera), 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 entity has appointed year-round emergency preparedness employees who serve as Interagency Coordinators (IACs). They are from their respective Emergency Preparedness & Management departments. 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.

During this quarter, LUMA actively contributed to strengthening emergency preparedness and communication protocols. Specifically, LUMA submitted comments and recommendations on the Puerto Rico All Hazards Plan Annex P (Major Outage). The feedback primarily addressed the integration of new infrastructure not included in prior versions and enhancements to emergency communication strategies. LUMA highlighted improvements in its Emergency Communication Plan, which now incorporates increased resiliency measures and updated capabilities aligned with the 2025 Emergency Response Plan.

Genera successfully tested its ability to maintain communication between power plants under its supervision and the Puerto Rico Emergency Management Bureau (PREMB) main office in Caguas. The

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exercise met its stated objectives, and Genera plans to expand participation in future exercises to include LUMA and PREMB. Additionally, Genera has resumed efforts to provide Incident Command System (ICS) training to personnel with emergency response responsibilities.

PREPA announced that it will host a series of Critical Infrastructure Protection training courses. These courses will address threat and risk assessment, risk mitigation strategies, resource investment planning, preparedness planning, and disaster management principles. The training supports policy objectives to maintain secure, functioning, and resilient infrastructure systems across critical sectors.

2.0 October 2025 Meeting

This meeting took place on October 8, 2025. The following individuals participated:

Participant	Position	Company
[REDACTED]	Emergency Response Specialist	Genera
[REDACTED]	Program Manager of the Emergency Management Office	PREPA
[REDACTED]	Emergency Preparedness Manager	LUMA
[REDACTED]	Emergency Preparedness Director	LUMA

2.1 Meeting Outcomes

The meeting focused primarily on Genera's emergency response department reorganization, as well as the results of a communication exercise conducted during the first week of October 2025. During the discussion, PREPA's Program Manager from the Emergency Management Office announced that PREPA will be hosting a series of critical infrastructure training courses beginning in November 2025. The group also reviewed the movement and forecast of Tropical Storm Jerry as it progressed through the Caribbean; while forecast models indicated the storm was expected to pass approximately 200 miles north of Puerto Rico with minimal direct impact, the group determined that continued monitoring was appropriate in accordance with established emergency preparedness protocols.

i. Genera

On October 2, 2025, Genera conducted a communication exercise to test their ability to establish and maintain communication between the power plants under their supervision and the PREMB main office in Caguas. As per Genera's Emergency Response Specialist, the exercise was successful in achieving the goals previously stated. The next step will be to expand the participants, which will include LUMA and PREMB zones that have power plants under their assigned area. Genera's Emergency Response Specialist will inform the group once Genera's communication department schedules the next communication exercise.

Genera is retaking efforts to provide the ICS courses to its personnel with responsibilities within their emergency response plan. The courses are scheduled to begin on October 21, 2025.

ii. PREPA

PREPA will host the Critical Infrastructure Protection training course. This course addresses critical infrastructure and organizational systems such as the public health, water and wastewater systems,

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energy, and the information technology sectors. Through the Infrastructure Protection Program, the course promotes a culture of readiness and disaster preparedness, supporting policy objectives to maintain secure, functioning, and resilient infrastructure systems.

The course will cover essential topics such as:

- Threat and risk assessment,
- Risk mitigation strategies,
- Resource investment planning,
- Preparedness planning, and
- Disaster management principles.

These modules are designed to prepare personnel across all levels of emergency operations and critical infrastructure sectors, ensuring alignment with best practices for risk management and continuity of service. The course will be offered by Texas A&M Engineering Extension Service (TEEX), starting in November 2025.

2.2 Closure of previous activities

Due to Genera's reorganization, the emergency communication plan briefing will be postponed to November 2025.

2.3 Upcoming Activities

Discuss Genera's emergency communication plan.

3.0 November 2025 Meeting

This meeting took place on November 12, 2025. The following individuals participated:

Participant	Position	Company
	Emergency Preparedness Specialist	Genera
	Program Manager of the Emergency Management Office	PREPA
	Emergency Preparedness Director	LUMA
	Emergency Preparedness Manager	LUMA

3.1 Meeting Outcomes

I. Puerto Rico All Hazards Plan Annex P (Major Outage)

LUMA and Genera submitted comments and recommendations regarding the Puerto Rico All Hazards Plan Annex P (Major Outage). As discussed during the meeting, most of the feedback focused on incorporating new infrastructure that was not included in the previous version of the Annex. Additional comments addressed the updates to LUMA's emergency communication plan. LUMA has increased

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communication resiliency with new capabilities and strategies included in the 2025 version of the Emergency Response Plan.

II. Genera

Genera has resumed efforts to offer ICS courses to staff with responsibilities under its emergency response plan. These courses will be offered to staff as needed. Additionally, Genera's IAC coordinator was activated and deployed to the PREPA EOC due to a super-aqueduct pipe breakage.

III. PREPA Hosting Critical Infrastructure Courses

The Critical Infrastructure Courses are now scheduled for:

- February 24-25, 2026
- March 18-19, 2026
- April 8-9, 2026

3.2 Closure of previous activities

Due to Genera's reorganization, the emergency communication plan briefing will be postponed to a later date.

3.3 Upcoming activities

The next meeting will address any updates on the Department of Economic Development and Commerce (DDEC) Energy Security Tool.

4.0 December 2025 Meeting

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

Participant	Position	Company
	Emergency Response Specialist	Genera
	Program Manager of the Emergency Management Office	PREPA
	Emergency Preparedness Manager	LUMA
	Emergency Preparedness Director	LUMA

4.1 Meeting Outcomes

I. Request for information from the Department of Economic Development and Commerce IAC

DDEC's IAC reported that the Energy Security Tool has been shared with the Federal Emergency Management Agency (FEMA) personnel for their evaluation and recommendations. As of now, no date has been determined for when the tool will be ready for use.

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II. THIRA Review

The group met with the Planning Officer for the Department of Public Safety, to discuss and update the Threat and Hazard Identification and Risk Assessment (THIRA). The discussion focused on the topics covered in the document while clarifying the Planning Officer's doubts. This meeting allowed the group members to learn more about the state of preparedness as well as the challenges of the entire generation, transmission, and distribution system of the electrical grid.

4.2 Closure of previous activities

Due to Genera's reorganization, the briefing date for the Emergency Communication Plan has not yet been scheduled. The revised date will be communicated promptly once confirmed.

4.3 Upcoming activities

Discussion on LUMA Mock Drill which is scheduled for February 27, 2026.

5.0 Synopsis

During the second quarter (Q2) of Fiscal Year 2026 (FY26), the group reviewed Appendix P of PREMB's All Hazards Plan and submitted observations and recommendations aligned with the emergency plans of participating entities. These recommendations focused on improving coordination and ensuring consistency across emergency response strategies.

Genera conducted a communications exercise designed to validate connectivity between its headquarters, generating plants, and PREMB's headquarters. This exercise served as the first phase of a broader strategy to strengthen communication protocols. The second phase will expand participation to include LUMA and PREMB's regional offices located near generating plants, further enhancing interagency coordination during emergency events.

PREPA confirmed plans to host a Critical Infrastructure Protection course during the third quarter of FY26. The course, which supports national policy objectives for resilience and disaster preparedness, will be delivered by TEEX. Dates for the training have already been shared with group members to facilitate scheduling and participation.

The group also noted that DDEC has not yet updated its Energy Security Tool digital platform. The revised version, which will incorporate FEMA's comments and recommendations, is expected to improve alignment with emergency response plans individually developed and submitted by PREPA, LUMA, and Genera. The group continues to monitor progress on this update to ensure timely integration into preparedness activities.

Moreover, LUMA reported ongoing efforts to enhance emergency response capabilities through the development of organization-specific boards and training on the WebEOC platform. This platform supports integration across response components and improves decision-making by maintaining a shared operational picture throughout the duration of LEOC activation.

On 5 December, LUMA, Genera, and PREPA attended the Rate Case public hearings to address respective budgets in support of the execution of the three emergency response plans.

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Finally, group members met with the Department of Public Safety Planning Officer to review and update the THIRA. This collaborative effort strengthens risk assessment processes and informs future planning for critical infrastructure protection and emergency response.