

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

NEPR

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IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY
INTEGRATED RESOURCE PLAN

CASE NO.: NEPR-AP-2023-0004

SUBJECT: Motion Requesting
an Extension of Time.

**MOTION IN COMPLIANCE WITH THE APRIL 1, 2026, RESOLUTION AND ORDER AND
MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT**

TO THE PUERTO RICO ENERGY BUREAU:

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

1. On February 27, 2026, the Public Service Regulatory Board of the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order related to the Initial Procedural Calendar for the 2025 Integrated Resource Plan proceeding ("2025 IRP"). The Resolution formally commenced the adjudicative phase of the case and set forth key deadlines and procedural directives, including the timeline for intervention and *amicus curiae* participation, as well as discovery. It also scheduled the Initial Technical Hearing for March 18, 2026, at 9:30 a.m.

2. On March 4, 2026, the Energy Bureau issued a Resolution and Order modifying the previously established procedural calendar by rescheduling the Initial Technical Hearing from March 18, 2026, to March 19, 2026, at 9:30 a.m. The Energy Bureau further indicated that additional details regarding the hearing's

hybrid format, applicable rules of conduct, and order of proceedings would be provided at a later date.

3. On March 13, 2026, the Energy Bureau issued a Resolution and Order (“March 13 Resolution”) establishing the structure, format, duration, and schedule for the Initial Technical Hearing in the 2025 IRP proceeding. The March 13 Resolution provided that the hearing would be conducted in a hybrid format and detailed the agenda, including segmented presentations by LUMA Energy, LLC (“LUMA”), followed by questioning from the Energy Bureau and its consultants. It also clarified the limited role of stakeholders at that stage and emphasized that the purpose of the hearing was to allow LUMA to present its IRP methodology, modeling approach, and Preferred Resource Plan, while enabling the Energy Bureau to identify key issues for further examination in subsequent stages of the proceeding.

4. On April 1, 2026, following the Initial Technical Hearing, the Energy Bureau issued a Resolution and Order (“April 1 Resolution”) directing the submission of additional information requests (“ROIs”) arising from LUMA’s presentation of its 2025 IRP. The April 1 Resolution included detailed ROIs to LUMA (*Attachment A*) regarding its modeling assumptions, outage representations, and analytical outputs, as well as ROIs related to potential new or converted generation resources under consideration. The Energy Bureau also ordered PREPA to provide LUMA, within five (5) business days—due by April 9, 2026—with any necessary information to enable LUMA to respond to its ROIs, included in

Attachment B of the resolution, and further ordered LUMA to file its responses within ten (10) business days.

5. On April 8, 2026, PREPA filed a *Motion Requesting an Extension of Time to Comply with the April 1, 2026 Resolution and Order*, seeking a brief extension through April 17, 2026, to submit its responses to the ROIs. In support thereof, PREPA informed the Energy Bureau that the five (5) business-day period provided— together with the intervening holiday period from March 30 through April 3, 2026— materially limited its ability to collect, review, and verify the requested information. PREPA further noted that responsive information had to be obtained from third parties, including AES Puerto Rico, L.P., and the Puerto Rico Public-Private Partnerships Authority (“P3A”), which required additional coordination beyond PREPA’s direct control.

6. In compliance with the April 1 Resolution, PREPA hereby submits, as **Exhibit I**, its responses to the ROIs set forth in *Attachment A*.

Request for Confidential Treatment

7. PREPA respectfully requests confidential treatment of Exhibit I. The exhibit contains pre-decisional and deliberative information related to ongoing processes, including: (i) with respect to portion (a) of the ROIs, matters that remain subject to active negotiations among the parties; and (ii) with respect to portion (b) of the ROIs, a procurement process administered by the P3A that is still in its preliminary stages. Disclosure of this information at this time would compromise the integrity of these processes. Accordingly, the information is protected under

the deliberative process privilege and should remain confidential until such processes are finalized.

8. 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).

9. 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.

10. The Puerto Rico Supreme Court has expressly held that "documents that pertain to pre-decisional and deliberative processes may be shielded from public disclosure." *Id.* at 86. This deliberative process privilege protects materials that are (i) pre-decisional—created before the agency's final determination, and (ii) deliberative—reflecting internal opinions, assessments, and recommendations critical to policy formulation.

11. In addition, Article 4(iv) of Act 122-2019, known as the *Puerto Rico Government Open Data Act*, 3 L.P.R.A. § 9894, explicitly exempts from disclosure

“[i]nformation and official information related to decision-making in public policy-making processes, as recognized by case law,” including deliberative materials.

12. The Energy Bureau's *Policy on Confidential Information* (“Policy”), CEPR-MI-2016-0009, originally issued on August 31, 2016, and later amended on September 21, 2016, sets forth the procedural requirements governing requests for confidential treatment of documents submitted before the Energy Bureau. Under this framework, a party seeking confidentiality must expressly designate the information claimed to be confidential and submit a legal memorandum articulating the statutory or regulatory grounds supporting such a request, together with the evidentiary basis justifying confidential treatment. See CEPR-MI-2016-0009, Section A, as amended by Resolution dated September 16, 2016.

13. The Policy further requires that the legal memorandum includes a detailed table identifying the specific information for which confidentiality is sought, along with a summary explaining how each item satisfies the applicable legal standard. See *Id.* ¶ 3. Below is a summary of the information for which PREPA seeks confidential treatment:

File	Summary of Legal Basis for Confidential Treatment
Exhibit I- titled <i>Case No: NEPR-AP-2023-0004: PREPA's Responses to Requests of Information pursuant to the April 1, 2026, Resolution and Order.</i>	Pre-decisional and Deliberative material.

14. PREPA respectfully requests that Exhibit I be maintained under confidential treatment until the conclusion of the ongoing negotiations and the execution of a final agreement by the parties, as well as the completion of the related procurement process.

15. PREPA further informs the Energy Bureau that, on today's date, it will provide counsel for LUMA with Exhibit I, in compliance with the April 1 Resolution. PREPA will also expressly request that LUMA maintain the exhibit under strict confidentiality.

WHEREFORE, PREPA respectfully requests that the Energy Bureau: (1) **TAKE** notice of the foregoing; (2) **GRANT** confidential treatment of Exhibit I; and (3) **DEEM** it in compliance with the April 1 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on the 17th day of April 2026.

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>. We also certify that a true and exact copy of this document was notified to the following parties through attorneys of record:

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