

**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

**SECOND 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 20, 2025, the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order in the above-captioned proceeding concerning the review of the 2025 Emergency Response Plans ("ERPs") submitted by PREPA, Genera PR, LLC ("Genera"), and other electric industry participants.

2. Among other directives, the Energy Bureau ordered PREPA to obtain, review, and provide input to AES Puerto Rico, L.P. ("AES") and EcoEléctrica, L.P. ("EcoEléctrica") regarding the 2026 revision of their respective Emergency Response Plans. The Resolution and Order also directed PREPA to provide ERP information concerning its hydroelectric facilities and to continue improving and updating its Continuity of Operations Plan ("COOP Plan").

3. On December 15, 2025, PREPA filed its Draft 2026 Emergency Response Plan (“2026 ERP”) before the Energy Bureau in compliance with the June 20, 2025 Resolution and Order. Through that filing, PREPA submitted the emergency response planning information available at that time and continued working on the remaining components required by the Energy Bureau, including the finalization of its updated COOP Plan.

4. Following the Interactive Review Process meetings held with the Energy Bureau’s consultants, PREPA coordinated with AES and EcoEléctrica regarding the preparation, review, and submission of their respective 2026 ERPs.

II. COMPLIANCE WITH THE ORDER

5. In compliance with the Energy Bureau’s directives and as discussed during the Interactive Review Process, PREPA hereby submits the following documents for the Energy Bureau’s review:

- i. PREPA’s 2026 Emergency Response Plan;
- ii. EcoEléctrica’s 2026 Emergency Response Plan; and
- iii. AES Puerto Rico’s current Emergency Response Plan.

6. PREPA reviewed the ERPs submitted by AES and EcoEléctrica and provided comments and recommendations as part of the collaborative review process contemplated by the Energy Bureau in previous years.

7. With respect to EcoEléctrica, PREPA understands that the ERP incorporates the recommendations previously communicated by PREPA and addresses

the elements generally expected in an emergency response plan. Accordingly, PREPA does not have additional recommendations at this time regarding the adequacy of EcoEléctrica's ERP. PREPA notes, however, that the final determination regarding compliance with applicable regulatory requirements rests exclusively with the Energy Bureau.

8. With respect to AES, PREPA reiterates the recommendations previously communicated concerning, among other matters:

- i. Language consistency throughout the ERP;
- ii. Inclusion of satellite contact information for coordination purposes;
- iii. Inclusion of facility maps and evacuation routes;
- iv. Alignment with the Government of Puerto Rico's Incident Command System ("ICS"); and
- v. Compliance with FEMA's Comprehensive Preparedness Guide 101 ("CPG 101"), Version 3.

III. REQUEST FOR EXTENSION OF TIME TO FILE COOP PLAN

9. PREPA respectfully informs the Energy Bureau that it is currently in the process of finalizing its updated COOP Plan. PREPA has devoted significant efforts to updating and strengthening the COOP Plan to ensure that it reflects current operational requirements, best practices, continuity procedures, and emergency response protocols applicable to PREPA's essential functions.

10. PREPA notes that it has already complied with the Energy Bureau's directive to submit its 2026 ERP through its filing of December 15, 2025. The requested extension is therefore limited to the submission of the updated COOP Plan, which PREPA is currently finalizing.

11. While substantial progress has been made, PREPA requires additional time to complete the final review, validation, and internal coordination processes necessary to ensure the accuracy and completeness of the document.

12. Accordingly, PREPA respectfully requests an extension of fifteen (15) days from the filing of this Motion to submit its updated COOP Plan.

13. This request is made in good faith, will not prejudice any party, and will facilitate the submission of a complete and finalized COOP Plan that fully addresses the objectives identified by the Energy Bureau.

IV. REQUEST FOR CONFIDENTIAL TREATMENT

14. 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. Additionally, in prior years, AES and EcoEléctrica, have requested that PREPA submit their respective ERPs under confidential treatment due to the sensitive nature of the information contained therein. Consistent with those prior requests and practices, PREPA is submitting the AES and EcoEléctrica ERPs on a confidential basis at the request of such entities.

15. 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).

16. 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.

17. 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".

18. 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.

19. 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.

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

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

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

22. 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 that the Energy Bureau: (i) take notice of the submission of PREPA's 2026 Emergency Response Plan; (ii) deem PREPA in

compliance with the applicable directives set forth in the June 20, 2025 Resolution and Order; (iii) grant PREPA an additional fifteen (15) days to submit its updated COOP Plan;

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of June 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>, and courtesy copies were sent via e-mail 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@sbqblaw.com and sromero@sbqblaw.com, francisco-santos@genera-pr.com.

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