

**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: Motion to Submit LUMA-Genera-
PREPA Meetings Quarterly Report for the Third
Quarter of Fiscal Year 2026, Request for
Modification to Reporting Cadence, and Request
for Confidentiality and Supporting Memorandum
of Law**

**MOTION TO SUBMIT LUMA-GENERA-PREPA MEETINGS QUARTERLY REPORT
FOR THE THIRD QUARTER OF FISCAL YEAR 2026, REQUEST FOR
MODIFICATION TO REPORTING CADENCE, 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:

I. Relevant Procedural History

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 Third 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. Request for Modification to Reporting Cadence

6. Over the past two years, LUMA, Genera, and PREPA have attained and demonstrated a consistent level of coordination and integration in emergency preparedness and response. In addition to the monthly meetings, the three organizations, as a team under Emergency Support Function (ESF)-12 (Energy), attend quarterly and sometimes monthly meetings with the Puerto Rico Emergency Management Bureau ("PREMB") to integrate into the greater effort with other ESFs. Unlike previous years, due to the Federal Furlough, the FEMA-led meetings and trainings have not taken place, but these sessions are another opportunity for LUMA, Genera, and PREPA to coordinate and integrate. Finally, the LUMA annual Mock Drill and other events provide scenario-driven opportunities that reinforce collaboration.

7. The PREMB and FEMA meetings and trainings—and other events like the LUMA annual Mock Drill—provide all three organizations sufficient contact and opportunity for discussion of emergency preparedness and response topics to warrant a reduction in the frequency of coordination meetings between them. To that end, LUMA will reduce ERP coordination meetings from monthly to quarterly. Consequently, LUMA respectfully requests that the Energy

Bureau also consider modifying the reporting cadence to a biannual basis rather than the current quarterly reporting frequency. Thus, the biannual reports would be filed on December 15 for the first deliverable and no later than May 31st for the second. These dates align with the submission schedule for the first draft of the ERP and the Annual ERP. LUMA maintains that this proposed biannual reporting cadence will enable more efficient use of resources and greater availability of information.

II. Memorandum of Law in Support of Request for Confidentiality

A. Applicable Laws and Regulations to Submit Information Confidentially Before the Energy Bureau

8. 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 LPRA §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).

9. 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).

10. 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.

11. 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.

12. 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

13. 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 light of the fact 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 personal information from disclosure. *See, e.g.*, Const. ELA, Art. II, Sections 8 and 10, which protect the right to control personal information and distinctive traits, which apply *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*.

14. 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 Q3 FY2026	Pages 4 - 6	Right to privacy (<i>see, e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	April 30, 2026

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** Exhibit 1 submitted herein, modify the reporting cadence from quarterly to biannually; and **deem** LUMA in compliance with the July 24th and December 10th Orders.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, on the 30th of April 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, Ernesto Ramos Maldonado, emaldonado@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

Third 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 Third Quarter of Fiscal Year 2026

NEPR-MI-2019-0006

April 30, 2026



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ERP Coordination Meetings Report

1.0 Foreword

To ensure a safe and coordinated response during any future emergency, LUMA and our energy partners participate in comprehensive planning exercises, such as 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, the group actively participated in several events organized by the Puerto Rico Emergency Management Bureau (PREMB), in addition to their monthly meetings with all the IACs from the main government agencies. The first event was a tabletop exercise held at PREMB headquarters, where the main objective was to discuss emergency response protocols following a major earthquake. This exercise provided an opportunity to present the coordination procedures established for such an event. PREMB also organized a meeting to discuss the role of ESF-12 (Energy) during emergencies and how it coordinates with and supports other ESFs.

ERP Coordination Meetings Report

For the next quarter, the group is preparing a communications exercise to test alternate and emergency communication systems. They will also coordinate with PREMB to strengthen the use of its WebEOC platform.

2.0 January 2026 Meeting

This meeting took place on January 14, 2026. 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

2.1 Meeting Outcomes

The meeting focused on Genera's and LUMA's preparations for the San Sebastian Street festivities in Old San Juan, as well as the "Mock Drill" scheduled for February at LUMA's Emergency Operations Center (EOC). PREPA and Genera confirmed receiving the quarterly report for the second quarter of FY2026. The PREPA representative reported that the Critical Infrastructure Protection course remained scheduled as previously informed.

i. LUMA

LUMA indicated that the Mock Drill would take place on February 27, 2026, at its EOC. The following agencies were scheduled to participate: the Federal Emergency Management Agency (FEMA), the United States Army Corps of Engineers (USACE), the Puerto Rico Department of Health (PRDOH), the Puerto Rico Emergency Management Bureau (PREMB), the Puerto Rico Police Department (PRPD), and the Municipality of San Juan. For this exercise, PREMB would create an event in its WebEOC platform to generate assistance requests using the RF-113 form. This year's Mock Drill would focus on the damage assessment process and associated reporting requirements. It would also evaluate coordination between Genera and LUMA following a Category 5 hurricane, as well as coordination of activities between LUMA and personnel from the Municipality of San Juan.

LUMA personnel met with the PREMB Commissioner and some of his staff to discuss the overall scenario for the Mock Drill and PREMB's role in different situations that could arise during the exercise.

ii. Genera

PREMB's EOC was partially activated due to a rupture in a super-aqueduct pipeline. Genera's IAC was activated because the Palo Seco generating plant is supplied by that pipeline, and a prolonged water shortage could hinder the power plant from producing energy. PREPA and LUMA's IAC were not called in by PREMB during this partial activation.

ERP Coordination Meetings Report

2.2 Closure of previous activities

There were no pending actions or discussions that required to be addressed.

2.3 Upcoming Activities

LUMA's Mock Drill (February 27, 2026).

3.0 February 2026 Meeting

This meeting took place on February 25, 2026. 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

The meeting focused on sharing preparations for the Mock Drill. The group shared a list of municipal, state, and federal government agencies that had confirmed their participation. The group also discussed the exercise's scenario and main objectives. Additionally, Genera mentioned that it is continuing ICS training for its personnel and reviewing its emergency plans with staff at its generating plants.

Furthermore, PREPA reported that one of the Critical Infrastructure courses will be rescheduled, and the new date will be shared once available. The group agreed to meet with the ESF-12 component and the leadership of PREMB's planning and operations area to discuss potential Priority Information Requirements for the upcoming hurricane season should the EOC be activated.

3.2 Closure of previous activities

Genera's representatives are still working on the After-Action Report (AAR) from the communications exercise they previously conducted.

3.3 Upcoming activities

The next meeting will address the group's impression of the Mock Drill.

4.0 March 2026 Meeting

This meeting took place on March 24, 2026. The following individuals participated:

Participant	Position	Company
	Emergency Response Specialist	Genera
	Emergency Response Specialist	Genera

ERP Coordination Meetings Report

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. LUMA's Mock Drill

The group shared their impressions of the Mock Drill. There was consensus on the opportunity to explain and describe the interactions among LUMA, PREPA, and Genera during emergency events, especially following a hurricane impact, as reflected in the scenario used for this tabletop exercise. Genera indicated that its personnel assigned to other areas observed the synergy that exists during the recovery and restoration processes. LUMA will share the relevant points from the exercise observers with the group once they are available.

II. Training and Exercises

The first part of the Critical Infrastructure course has been suspended. PREPA will share a new date with the group as it becomes available. Subsequent parts will continue as scheduled. Genera is organizing a tabletop exercise at the request of the Municipality of Vieques. The main objective is to review the procedures for re-energizing the island municipality in accordance with established protocols. The exercise is scheduled for April 17, 2026, and invitations will be sent out soon.

LUMA is working on digitizing the Emergency Response Plan course, which will be available to all employees. They are also working on a communications exercise for the first week of May, which will include Genera.

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 of LUMA's Mock Drill observation based on the evaluators' comments.

5.0 Synopsis

During the third quarter (Q3) of Fiscal Year 2026 (FY26), the group discussed the exercises and training sessions planned for the period. These included LUMA's Mock Drill held on February 27, 2026; the tabletop exercise that Genera is organizing with the Municipality of Vieques; and the communications exercise scheduled for early May 2026. These exercises involve participation from all entities represented in the group and continue to strengthen the existing integration carried out daily, with greater dynamism during emergency situations.

ERP Coordination Meetings Report

LUMA's Mock Drill focused on the damage assessment process, highlighting its importance in developing situational awareness to accelerate restoration efforts. It also demonstrated the close coordination between Genera, PREPA, and LUMA during emergencies. The group also discussed the collaboration and teamwork displayed during the "inject" exercise, in which the Municipality of San Juan worked with LUMA personnel to accelerate damage assessments and leverage each other's resources to restore power to the municipal hospital after fallen branches interrupted the power lines serving the critical facility. PREMB staff facilitated the creation of the incident on PREMB's WebEOC to support injects from the municipalities, the Puerto Rico Police Department, a PREMB Zone, and LUMA. The Mock Drill also prompted PREMB to create permanent WebEOC accounts for LUMA's IACs stationed across PREMB's ten zones. This will bring significant benefits by streamlining LUMA's response management, as they will have access to assistance requests submitted through their WebEOC platform.

The group discussed their roles within ESF-12 (Energy) in emergency situations at the monthly IAC meeting held by PREMB. The discussion clarified questions that colleagues from other government agencies had.

Furthermore, LUMA personnel held a series of meetings with PREMB leadership to discuss and develop strategies to maintain situational awareness and establish clear expectations during the restoration of the transmission and distribution system. A process was outlined to keep the IACs stationed in PREMB zones informed of reports and assistance requests submitted through RF-113 forms in the PREMB WebEOC platform. This protocol may expedite responses to reported situations based on established priorities.

Additionally, PREPA coordinated a series of training sessions sponsored by FEMA taught by Texas A&M Engineering Extension Service University. The MGT-343: Disaster Management for Water and Wastewater Utilities, programmed for March 18 - 19 2026 and MGT-345: Disaster Management for Electric Power Systems, programmed for April 8 - 9 2026, were postponed due to a lapse in federal FEMA funding within the Department of Homeland Security, but will be rescheduled. The MGT-317: Disaster Management for Public Works and Public Services, is scheduled for May 13 - 14 2026, remains on schedule. PREPA has allocated several seats for LUMA and Genera to participate in all the courses to promote emergency management skills training.