

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

**MOTION TO SUBMIT LUMA-GENERA-PREPA MEETINGS QUARTERLY REPORT
FOR THE FOURTH QUARTER OF FISCAL YEAR 2026, 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 state and request 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 Fourth 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.

6. LUMA notes that on July 15, 2026, the Energy Bureau issued a Resolution and Order (“July 15th Order”), in which, among other things, it granted LUMA’s request to reduce the coordination-meeting reporting cadence from quarterly to biannual. *See* July 15th Order, p. 16.¹ Accordingly, this is LUMA’s last quarterly coordination meeting report. Moving forward, LUMA will file these reports biannually. The first report will be submitted on December 15, and the second report will be filed no later than May 31st. These dates align with the submission schedule for the first draft of the ERP and the Annual ERP and 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

7. 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

¹ On April 30, 2026, LUMA filed its *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*, in which—besides from submitting the ERP Coordinations Meetings report for the third quarter—it also requested the Energy Bureau to modify the coordination-meeting reporting cadence from quarterly to biannual.

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).

8. 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).

9. 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.

10. 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.

11. 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

12. 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*.

13. 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 Q4 FY2026	Pages 4-6	Right to privacy (<i>see, e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	August 12, 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 12th of August 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, alexis.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, jfernandez@ecija.com, Ernesto Ramos Maldonado, eramos@ecija.com, Gabriela Castrodad García, gcastrodad@ecija.com, José Díaz Alonso, jdiaz@ecija.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

Fourth 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 Fourth Quarter of Fiscal Year 2026

NEPR-MI-2019-0006

August 12, 2026



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ERP Coordination Meetings Report

1.0 Foreword

To ensure a safe and coordinated response during future emergencies, LUMA and its 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, subsections (i) through (vi) of the Puerto Rico Energy Bureau (Energy Bureau) Resolution and Order, which reads as follows:

- i. Ensure that their Emergency Response Plans (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. These meetings ensure situational awareness and mutual support under Emergency Support Function 12 (ESF-12). Each entity has appointed year-round emergency preparedness employees from their respective Emergency Preparedness and Management departments to serve as Interagency Coordinators (IACs). During state-declared emergencies, these representatives officially serve as their organization's IACs within the ESF-12 (Energy) framework, focusing on maintaining communication, situational awareness, and sharing best practices.

During this quarter, the group actively participated in several events organized by the Puerto Rico Emergency Management Bureau (PREMB), in addition to attending monthly meetings with IACs from key government agencies. For the upcoming quarter, the group is planning a communications exercise to test alternate and emergency communication systems, while continuing to coordinate with PREMB to optimize the use of its WebEOC platform.

ERP Coordination Meetings Report

2.0 April 2026 Meeting

This meeting was held on April 9, 2026, with the following individuals in attendance:

Participant	Position	Company
	Emergency Response Specialist	Genera
	Emergency Response Specialist	Genera
	Program Manager of the Emergency Management Office	PREPA
	Interagency Coordinator of the Puerto Rico Electric Power Authority (PREPA)	PREPA
	Emergency Preparedness Manager	LUMA
	Emergency Preparedness Director	LUMA

2.1 Meeting Outcomes

The meeting focused on the status of the emergency response plans and the most significant content changes compared to the previous version. Additionally, PREPA has not yet received confirmation of the rescheduled dates for the Critical Infrastructure training, which the Texas A&M Engineering Extension Services will deliver on behalf of FEMA.

i. LUMA

LUMA is finalizing the After-Action Report of the Mock Drill conducted in February 2026. The final external evaluation, out of three, was received on April 2, confirming that participants demonstrated command of the concepts discussed.

Additionally, a communications exercise was scheduled for April 24 to test the very high frequency (VHF) radios operated by LUMA at the Control Center and by Genera at each generation site. The VHF system serves as a contingency communications option, as outlined in Annex G (Communication Guidelines) of LUMA's ERP.

ii. Genera

Genera continues to deliver Incident Command System courses to its employees across its power plants. However, the FEMA Independent Study Program website remains unavailable.

2.2 Closure of Previous Activities

There were no pending actions or discussions requiring attention.

2.3 Upcoming Activities

The Puerto Rico Emergency Management Bureau (PREMB) scheduled the monthly interagency coordinators meeting for April 14, 2026.

ERP Coordination Meetings Report

3.0 May 2026 Meeting

This meeting was held on May 19, 2026, with the following individuals in attendance:

Participant	Position	Company
	Emergency Preparedness Specialist	Genera
	Program Manager of the Emergency Management Office	PREPA
	Interagency Coordinator of the Puerto Rico Electric Power Authority (PREPA)	PREPA
	Emergency Preparedness Director	LUMA
	Emergency Preparedness Manager	LUMA

3.1 Meeting Outcomes

During the meeting, the Genera representative indicated that the company intends to conduct a black-start exercise at several power plants in coordination with LUMA personnel. Additional details regarding this planned exercise will be provided at the next scheduled meeting.

The representative also noted that Genera has requested a meeting with the PREMB Commissioner to convene personnel from the Puerto Rico Police Bureau, the Puerto Rico Fire Bureau, and the Department of Natural and Environmental Resources to address sargassum accumulation near power plant intake areas, which continues to create operational challenges. Genera reported that mitigation measures have been implemented; however, a significant sargassum influx could exceed the capacity of the existing barriers.

Additionally, Genera will host an Environmental Protection Agency (EPA) training course on emergency management involving Lithium batteries. The course will be delivered by personnel from EPA Region 2 on November 16, 2026, at Genera's main office.

3.2 Closure of Previous Activities

There were no pending actions or discussions requiring attention.

3.3 Upcoming Activities

FEMA to conduct the 2026 Puerto Rico Readiness Initiative on June 2 and 3 at PREMB's central office.

4.0 June 2026 Meeting

This meeting was held on June 15, 2026, with the following individuals in attendance:

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

ERP Coordination Meetings Report

Participant	Position	Company
	Interagency Coordinator of the Puerto Rico Electric Power Authority (PREPA)	PREPA
	Emergency Preparedness Manager	LUMA
	Emergency Preparedness Director	LUMA

4.1 Meeting Outcomes

I. LUMA

On May 25, 2026, LUMA attended a briefing by the Department of Health regarding its emergency operational plan for the current hurricane season. The presentation covered the response structure for potential hurricanes and the coordination protocols established with hospitals and other healthcare facilities.

II. Genera

Genera shared that it is closely monitoring the situation regarding the water pipe break, given that several generating plants depend on the supply from the affected line.

III. Training and Exercises

The first part of the Critical Infrastructure course is scheduled for August 2026. PREPA will share the new date with the group once it becomes available.

FEMA Region 2 sponsored the Puerto Rico Readiness Initiative, which took place at the PREMB facilities from June 1 through June 3. The event focused on discussing emergency response strategies, with a particular emphasis on hurricane preparedness.

Genera informed the group that it conducted a series of black-start tests at several locations in conjunction with LUMA personnel.

4.2 Closure of Previous Activities

There were no pending actions or discussions requiring attention.

4.3 Upcoming Activities

On June 16, 2026, PREMB will conduct a tabletop exercise on energy and fuel.

5.0 Summary of Actions and Discussions

During the fourth quarter of FY2026, LUMA and its energy partners reviewed the most significant changes to the content of their respective emergency plans, primarily addressing operational processes and recommendations issued by the Energy Bureau.

The quarter's interagency activities began during the first week of June with the 2026 Puerto Rico Readiness Initiative. This event provided an opportunity to present the ongoing coordination among LUMA, Genera, and PREPA in emergency preparedness and response to interagency coordinators and other stakeholders. Shortly after, on June 11, 2026, LUMA hosted the Emergency Awareness Engagement event, which included the PREPA Executive Director and other stakeholders. In addition to an interactive emergency response presentation and a panel discussion facilitated by LUMA, this event featured

ERP Coordination Meetings Report

presentations delivered by the National Weather Service, the Puerto Rico Seismic Network (PRSN), and the TsunamiReady® program.

The collaborative exercises continued on June 16, 2026, when FEMA personnel conducted a tabletop exercise focused on energy and fuel readiness. During this session, representatives from LUMA and Genera jointly outlined how both organizations coordinate operational activities during periods of significant energy or fuel disruption. Presenters underscored that the continuous collaboration between LUMA and Genera during routine (blue skies) operations actively intensifies during emergency conditions. Finally, on June 25, 2026, LUMA and its energy partners participated in a briefing delivered by representatives of the National Weather Service, who provided an overview of the current hurricane season outlook and anticipated storm activity trends.