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

IN RE: **CERTIFICATE OF ENERGY COMPLIANCE**	**CASE NO.: NEPR-AP-2022-0001** **SUBJECT:** Memorandum of Law in Support of Confidential Treatment of Exhibit 3 to Genera's Motion to Submit Responses to Request for Information in Compliance with the September 4, 2026 Resolution and Order

MEMORANDUM OF LAW IN SUPPORT OF CONFIDENTIAL TREATMENT OF EXHIBIT 3 TO GENERA'S MOTION TO SUBMIT RESPONSES TO REQUEST FOR INFORMATION IN COMPLIANCE WITH THE SEPTEMBER 4, 2026 RESOLUTION AND ORDER

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW GENERA PR LLC ("Genera"), as agent of the Puerto Rico Electric Power Authority ("PREPA"),[1] through its counsels of record, and respectfully state and request the following:

I. Introduction

1. On January 24, 2023, the Puerto Rico Electric Power Authority ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3 Authority"), and Genera executed the LGA OMA, pursuant to which Genera was engaged to provide operation and maintenance services for PREPA's Legacy Generation Assets. The Service Commencement Date under the LGA OMA was July 1, 2023. New Fortress Energy Inc. ("NFE") serves as the Guarantor of Genera's obligations under the LGA OMA.

[1] Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* ("LGA OMA"), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority, Genera is the sole operator and administrator of the Legacy Generation Assets (as defined in the LGA OMA) and the sole entity authorized to represent PREPA before PREB with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

2. Section 8.2 of the LGA OMA requires Genera, while the Guarantee remains outstanding, to deliver certain financial information concerning the Guarantor to the P3 Authority, as Administrator, with a copy to the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau"). Because NFE is a publicly traded company in the United States, Section 8.2 provides that delivery of NFE's quarterly and annual reports filed with the U.S. Securities and Exchange Commission ("SEC") shall be deemed to satisfy such financial information delivery requirements.

3. On September 4, 2026, the Energy Bureau issued a Resolution and Order in the instant proceeding (the "*September 4 Order*") regarding Genera's compliance with Article 8 of the LGA OMA, addressing, among other matters, the financial reporting requirements applicable to NFE as Guarantor and NFE's publicly announced restructuring. The Energy Bureau ordered Genera to submit, within ten (10) calendar days, complete responses to the Request for Information ("ROI") included as Attachment A to the *September 4 Order*, together with all responsive documents and a sworn certification executed by an authorized officer of Genera and/or NFE.

4. Request for Information No. 5 of the ROI ("RFI No. 5") required Genera to produce all notices, communications, and supporting documents about the restructuring of the Guarantor that Genera, NFE, or any of their affiliates submitted to the P3 Authority and/or PREPA, together with any responses or other communications issued by the P3 Authority or PREPA in connection therewith. In turn, Request for Information No. 11 expressly recognized that Genera may request confidential treatment under applicable law and regulation for the materials produced, subject to filing a redacted public version whenever required.

5. In compliance with the *September 4 Order*, on September 14, 2026, Genera filed its *Motion to Submit Responses to Request for Information in Compliance with the September 4,*

2026 Resolution and Order (the "*September 14 Motion*"). Genera submitted, as *Exhibit 1*, its responses to the ROI together with the corresponding sworn certification; as *Exhibit 2*, the supporting and responsive documents, consisting of NFE's Forms 10-Q and Forms 10-K/A for the reporting periods from September 30, 2023 through June 30, 2026, among other documents; and, as *Exhibit 3*, additional responsive documents in support of Genera's response to RFI No. 5.

6. In its response to RFI No. 5, and without waiving its objections, Genera adopted by reference its letters dated June 15, 2026, June 30, 2026, and July 9, 2026, addressed to the P3 Authority in response to the P3 Authority's Request for Information 0024 and its subsequent follow up letters concerning the Chapter 15 proceedings and the U.K. Restructuring Plan ("UKRP") of certain NFE subsidiaries (collectively, the "Letters"), and expressly requested that they be kept confidential. *Exhibit 3* consists of the Letters together with the documents Genera attached to its June 30, 2026 Letter, namely: (i) electronic mail communications of December 2025 among NFE, Genera, the P3 Authority, and the Third Party Procurement Office ("3PPO") regarding the issuance and delivery of the letter of credit provided as Seller Performance Security under the Gas Sales Agreement dated December 4, 2025 ("GSA"), and the corresponding receipt acknowledgement (collectively, the "Performance Security Documents"); and (ii) Genera's Fuel Security Contingency Plan (the "Contingency Plan").

7. In paragraph 9 of the *September 14 Motion*, Genera requested that *Exhibit 3* be afforded confidential treatment and informed that it would submit a memorandum of law in support of such request within the applicable term, pursuant to the Energy Bureau's *Policy on Management of Confidential Information*, CEPR-MI-2016-0009, as amended (the "Policy on Confidential Information"). Accordingly, Genera respectfully submits the instant Memorandum of Law.

8. At the outset, Genera emphasizes that its request is narrowly tailored. Genera does not seek confidential treatment of *Exhibit 1*, which contains all of its responses to the ROI, including its response to RFI No. 5, nor of *Exhibit 2*, which contains NFE's publicly available SEC filings. The request is limited exclusively to *Exhibit 3*.

II. Identification of Confidential Information

Document Name and File Date	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidential Designation, if applicable	Summary of why each claim or designation conforms to the applicable legal basis for confidentiality
Exhibit 3 **Letters dated June 15, 2026, June 30, 2026, and July 9, 2026 from Genera to the P3 Authority, filed on September 14, 2026**	Pages 1 through 8 and 23 through 26 of *Exhibit 3*	Sensitive commercial information under Act 80-2011 and Rule 513 of the Rules of Evidence; Confidential Information under Sections 1.1 and 13.2 of the LGA OMA; Article 4 of Act 122-2019; Section 6.15 of Act 57-2014.	The Letters are private communications between parties to the LGA OMA, exchanged in the context of an ongoing disagreement between Genera and the Administrator regarding the scope of the P3A's authority under Sections 5.14 and 6.2 of the LGA OMA and the allocation of responsibilities under the GSA. They set forth Genera's legal positions, contractual analysis, and reservation of rights, and refer to nonpublic matters such as delivery shortfalls and a prior Force Majeure notice. Although the Chapter 15 proceedings and the UKRP are matters of public record, the Letters are not. Their disclosure could prejudice Genera's position in any future dispute with the Administrator and in its dealings with counterparties, and would expose Genera to the consequences of a restructuring to which it is not a party.

Exhibit 3 **Performance Security Documents attached to the June 30, 2026 Letter**	Pages 9 through 11 of *Exhibit 3*	Protection of banking and financial instrument information; right to privacy under Article II, Section 8 of the Constitution of Puerto Rico; Article 4 of Act 122-2019 (private information of third parties); Confidential Information under Sections 1.1 and 13.2 of the LGA OMA.	These documents contain banking identifiers of the issuing and receiving financial institutions, the identifying number of the letter of credit issued in favor of PREPA, the names, electronic mail addresses, and signature of individuals employed by NFE, the P3 Authority, and the 3PPO. Public disclosure of this information would create a concrete risk of fraud, impersonation, and social engineering directed at PREPA, its financial institutions, and the individuals involved, and would intrude upon the privacy of third parties who are not parties to this proceeding, without advancing any regulatory purpose.
Exhibit 3 **Fuel Security Contingency Plan attached to the June 30, 2026 Letter**	Pages 12 through 22 of *Exhibit 3*	Critical Energy Infrastructure Information under Section D(2) of the Policy on Confidential Information and 18 C.F.R. § 388.113(c)(2); Critical Infrastructure Information under 6 U.S.C. § 650(4) and Act 40-2024; sensitive commercial information and trade secrets under Act 80-2011; Confidential Information under Sections 1.1 and 13.2 of the LGA OMA.	The Contingency Plan details Genera's fuel reserve maintenance procedures, storage capacities and fill protocols, dual fuel capabilities, contingency and escalation strategies, and emergency communication systems and protocols for the Legacy Generation Assets. This is specific operational and vulnerability information about critical energy infrastructure that could be useful to a person seeking to disrupt fuel supply to the generation fleet or to interfere with emergency response. The Contingency Plan also discloses the contractual structure, quantities, and

			minimum purchase obligations of Genera's fuel supply agreements, which are commercially sensitive and whose disclosure could prejudice PREPA and Genera in future fuel procurement.

III. Applicable Law

The governing statute for the management of classified information submitted to the Energy Bureau is Section 6.15 of Act No. 57-2014, also known as the "Puerto Rico Energy Transformation and RELIEF Act." This section stipulates that "[i]f any person who is required to submit information to the Energy [Bureau] believes that the information to be submitted carries a confidentiality privilege, such person may request the [Bureau] to treat such information as confidential…" 22 L.P.R.A. § 1054n. If, after conducting a meticulous evaluation, the Energy Bureau determines that the information warrants protection, it is required to "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*. at Section 6.15(a).

Consequently, such information must be withheld from the public domain by the Energy Bureau and "must be duly safeguarded and provided exclusively to the personnel of the Energy [Bureau] who need to know such information under nondisclosure agreements." *Id*. at Section 6.15(c). Access to the 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.* Section 6.15(b), 22 LPRA §1054n. Therefore, "[t]he Energy [Bureau] must swiftly act on any privilege and confidentiality claim made by a person under its jurisdiction through a resolution for such purposes before any potentially confidential information is disclosed." *Id*. at

Section 6.15(d). 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 non-confidential copy be furnished for public review". *Id.* Section 6.15(c).

The Energy Bureau's Policy on Management of Confidential Information, issued pursuant to the foregoing statutory framework, details the procedures a party should follow to request confidential treatment for a document or a portion thereof. Said 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* Section A of the Energy Bureau's Policy on Management of Confidential Information. The memorandum should also include a table that identifies the confidential information, a summary of the legal basis for the confidential designation, and an explanation of why each claim or designation conforms to the applicable legal basis for confidentiality. *Id*. The party seeking 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 the confidential information. *Id*. With respect to access to validated Trade Secret Information, the Policy further provides that any document designated by the Energy Bureau as Validated Confidential Information for being a trade secret under Act 80-2011 may only be accessed by the Producing Party and the Bureau, unless otherwise set forth by the Bureau or any competent court. *Id.* Section D.

Relatedly, Energy Bureau Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings,* includes a provision for filing

confidential information in adjudicatory proceedings before this honorable Bureau. To wit, Section 1.15 provides that should, "a person has the duty to disclose information to the [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 [Bureau] shall evaluate the petition and, if it understands [that] the material merits protection proceed accordingly to … Article 6.15 of Act No. 57-2014, as amended." *See also* Energy Bureau Regulation No. 9137 on *Performance Incentive Mechanisms,* Section 1.13 (addressing disclosure before the Energy Bureau of Confidential Information and directing compliance with Resolution CEPR-MI-2016-0009).

In connection with the duties of electric power service companies, Article 1.10(i) of Act No. 17 of April 11, 2019, as amended, known as the Puerto Rico Energy Public Policy Act ("Act 17-2019"), provides that electric power service companies shall provide documents and information requested by customers, except for, among others: (i) information privileged under the Rules of Evidence of Puerto Rico; (vii) trade secrets of third parties; (viii) matters that must be kept confidential under a confidentiality agreement, provided the agreement is not contrary to the public interest; and (ix) public security matters relating to threats against the company, its property, or its employees. 22 LPRA § 1141i. Each of these categories is present here: the Letters are subject to the confidentiality obligations of Section 13.2 of the LGA OMA, and the Contingency Plan concerns the security of the Legacy Generation Assets and the personnel who operate them.

The contractual framework governing Genera's operations also independently supports the confidential treatment requested herein. Section 1.1 of the LGA OMA defines "Confidential Information" as follows:

> [D]ata or information in any form disclosed by one Party to the other Party by any means, if and for so long as the data and information are protectable as trade secrets by the disclosing Party or are otherwise confidential. As a non-exhaustive list of examples, "Confidential Information" includes non-public information regarding a Party's Intellectual Property, **financial condition and financial projections**, business and marketing plans, product plans, product and device prototypes, the results of product testing, research data, market intelligence, technical designs and specifications, secret methods, manufacturing processes, source code of proprietary software, the content of unpublished patent applications, customer lists, vendor lists, **internal cost data**, the terms of contracts with employees and third parties, and information tending to embarrass the disclosing Party or tending to tarnish its reputation or brand. For the avoidance of doubt, information in this list of examples is only considered "Confidential Information" for so long as it has not been made known to the general public by the disclosing Party or through the rightful actions of a third party. *Id.* Sec. 1.1 (emphasis added).

Accordingly, the LGA OMA adopts an expansive definition of "Confidential Information," encompassing any data or information, regardless of form or method of disclosure, that is shared between the parties and is otherwise deemed confidential, including nonpublic information regarding a party's financial condition and internal cost data. Furthermore, Section 13.2 of the LGA OMA establishes confidentiality obligations with respect to Confidential Information disclosed in connection with the agreement, including proprietary information such as **financial condition, financial projections, and internal financial data**, which shall be treated as confidential and protected from disclosure. *Id.* Sec. 13.2.

Finally, the applicable legal framework is further reinforced by the Industrial and Trade Secret Protection Act of Puerto Rico, Act 80-2011, 10 LPRA §§ 4132-4144. ("Act No. 80-2011"). Under Act No. 80-2011, industrial or trade secrets are deemed to be any information:

> (a) That has a present or a potential independent financial value or **that provides a business advantage**, insofar as such information is not common. Knowledge or readily accessible through proper means by persons who could make a monetary profit from the use or disclosure of such information, and; (b) for which reasonable security

> measures have been taken, as circumstances dictate, to maintain its confidentiality. *Id.* §4132, Section 3 Act. 80-2011.[2] (Emphasis added).

Trade secrets include, but are not limited to, processes, methods and mechanisms, manufacturing processes, formulas, projects, or patterns to develop machinery and lists of specialized clients that may afford an advantage to a competitor. *See* Statements of Motives, Act No. 80-2011. As explained in the Statement of Motives of Act No 80-2011, protected trade secrets include any information bearing commercial or industrial value that the owner reasonably protects from disclosure. *Id. See also,* Article 4 of Puerto Rico's Open Data Law, Act 122-2019 (exempting the following from public disclosure: (1) commercial or financial information whose disclosure will cause competitive harm; (2) trade secrets protected by a contract, statute or judicial decision (3) private information of third parties)), Articles 4(ix) and (x) and (xi)), 3 LPRA §9894.

The Puerto Rico Supreme Court has explained that the trade secrets privilege protects free enterprise and extends to commercial information that is confidential in nature. *Ponce Adv. Med. v. Santiago González,* 197 DPR 891, 901-02 (2017) (citation omitted); *see also Next Step Medical Co. v. MCS Advantage Inc.,* KLCE201601116, 2016 WL 6520173 (holding that in Puerto Rico, what constitutes trade secrets is evaluated applying a broad definition). A trade secret includes ***any and all information*** from which a real or potential valuer or economic advantage may be derived; that is not a common knowledge or accessible through other means; and as to which reasonable security measures have been adopted to keep the information confidential. *Ponce Adv. Medical,* 197 DPR at 906.

[2] Rule 513 of the Rules of Evidence of Puerto Rico provides that the owner of a trade secret may invoke the privilege to refuse and to prevent another person from revealing trade secrets, provided that these actions do not tend to conceal fraudulent activities or lead to an injustice. 32 PR Laws Annot. Ap. VI, R. 513. If a court of law mandates the disclosure of a trade secret, precautionary measures should be adopted to protect the interests of the trade secret owner. *Id.*

The Policy on Confidential Information further recognizes Critical Energy Infrastructure Information ("CEII") as a category of information warranting confidential treatment and provides that information validated as CEII may only be accessed by the parties' authorized representatives after executing a Non-Disclosure Agreement, and only at the offices of the Energy Bureau or the producing party, without copying or recording devices. *See* Section D(2) of the Policy on Confidential Information. Under federal regulations, CEII is defined as specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that relates details about the production, generation, transportation, transmission, or distribution of energy; could be useful to a person in planning an attack on critical infrastructure; is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552; and does not simply reveal the general location of the critical infrastructure. 18 C.F.R. § 388.113(c)(2). The same regulation, in turn, defines critical infrastructure as existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters. *Id.* § 388.113(c)(4).

Federal law reflects the same policy with respect to critical infrastructure information more broadly. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671 through 674, defines critical infrastructure information as information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including information regarding the ability of critical infrastructure to resist interference or incapacitation and any planned operational solution regarding its continuity. 6 U.S.C. § 650(4). Although the protections of that statute attach to information voluntarily submitted to covered federal agencies, it evidences a clear federal policy that information of this nature should not be made available under state or local disclosure laws. *See* 6 U.S.C. § 673(a)(1)(E).

At the local level, Act No. 40-2024, the *Cybersecurity Act of the Commonwealth of Puerto Rico*, as amended, defines critical infrastructure as those services, systems, resources, and essential assets, whether physical or virtual, the incapacity or destruction of which would have a debilitating impact on Puerto Rico's cybersecurity, health, economy, or any combination thereof. 3 LPRA § 10124(p). Its provisions apply not only to government entities, but also to natural or juridical persons doing business or having contracts with the government, including private persons performing public services and duties, with respect to those services and duties. 3 LPRA § 10122. Genera, as the sole operator of the Legacy Generation Assets under the LGA OMA, is precisely such a person.

Finally, Article II, Section 8 of the Constitution of the Commonwealth of Puerto Rico protects every person against abusive attacks on their honor, reputation, and private or family life, and Article 4 of Act 122-2019, *supra*, exempts from public disclosure the private information of third parties. These protections extend to the personal contact information and signatures of individuals who are not parties to this proceeding, as well as to banking and financial instrument identifiers whose disclosure would expose PREPA, its financial institutions, and third parties to fraud.

IV. Request for Confidentiality and Supporting Arguments

The confidential treatment requested for *Exhibit 3* is warranted under the applicable legal framework. *Exhibit 3* comprises three categories of information, each independently entitled to protection: (a) the Letters; (b) the Performance Security Documents; and (c) the Contingency Plan. Genera has produced all of these materials to the Energy Bureau in full. It only requests that they be safeguarded in accordance with Section 6.15 of Act 57-2014 and the Policy on Confidential Information, as Request for Information No. 11 itself contemplates.

A. Letters dated June 15, 2026, June 30, 2026, and July 9, 2026 from Genera to the P3 Authority, filed on September 14, 2026

The Letters are private communications between parties to the LGA OMA. Section 1.1 of the LGA OMA defines Confidential Information as **data or information in any form disclosed by one Party to the other Party by any means** that is protectable as a trade secret or is otherwise confidential, and expressly includes **information tending to embarrass the disclosing Party or tending to tarnish its reputation or brand**. Section 13.2, in turn, imposes binding confidentiality obligations with respect to such information. LGA OMA Secs. 1.1, 13.2. The Letters were disclosed by Genera to the P3 Authority, in its capacity as Administrator under the LGA OMA, in the course of an exchange regarding the scope of the Administrator's authority to request information under Sections 5.14 and 6.2 of the LGA OMA and the allocation of responsibilities under the GSA. They set forth Genera's legal positions, contractual analysis, and reservation of all rights and remedies, and refer to nonpublic operational and funding matters, including funding shortfalls and a prior notice of Force Majeure.

Such communications fall squarely within the contractual definition of Confidential Information. Moreover, as the July 9, 2026 Letter notes, the LGA OMA itself excludes from the definition of "Facility Information" any information pertaining to a dispute with the Administrator, reflecting the parties' understanding that communications of this nature are not intended for general dissemination. Public disclosure of the Letters could prejudice Genera's position in any future dispute with the Administrator, in its dealings with counterparties, and in other proceedings, and would expose Genera to the commercial and reputational consequences of a restructuring to which it is not a party. As such, the Letters also qualify for protection as sensitive commercial

information under Act 80-2011 and Article 4 of Act 122-2019, 3 LPRA § 9894, and as privileged information under Section 1.15 of Regulation 8543 and Rule 513 of the Rules of Evidence.

The public availability of information regarding the Chapter 15 proceedings and the UKRP does not diminish the confidential nature of the Letters. As stated in Genera's response to RFI No. 5, the existence of those proceedings and their resolution are available through news reports and court records. The Letters, however, are not part of those records. The fact that the underlying proceedings are public neither transforms Genera's private communications with the Administrator into public information nor constitutes a waiver of their confidentiality. To the contrary, because the public already has access to the general information concerning the restructuring, as well as to Genera's responses in *Exhibit 1*, confidential treatment of the Letters has minimal impact on transparency and the public interest.

B. Performance Security Documents attached to the June 30, 2026 Letter

The Performance Security Documents contain banking identifiers of the issuing and receiving financial institutions, the identifying number of the letter of credit issued in favor of PREPA, and the names, electronic mail addresses, and signature of individuals employed by NFE, the P3 Authority, and the 3PPO. This information has no bearing on the questions before the Energy Bureau, which may fully evaluate the existence and validity of the Seller Performance Security without it being made public. Its disclosure, however, would create a concrete risk of fraud, impersonation, and social engineering directed at PREPA, its financial institutions, and the individuals identified therein, and would intrude upon the privacy of third parties who are not parties to this proceeding, contrary to Article II, Section 8 of the Constitution of Puerto Rico and Article 4 of Act 122-2019. These documents therefore warrant confidential treatment.

C. Fuel Security Contingency Plan attached to the June 30, 2026 Letter

The Contingency Plan contains CEII and critical infrastructure information. It describes Genera's fuel reserve maintenance procedures, storage capacities and fill protocols, dual fuel capabilities, the status of fuel storage infrastructure, contingency and escalation strategies, and the emergency communication systems and protocols used to maintain fuel supply to the Legacy Generation Assets during emergencies. This is specific operational and vulnerability information about critical energy infrastructure that relates to the generation of energy and could be useful to a person seeking to disrupt fuel supply to the generation fleet or to interfere with emergency response efforts. The Legacy Generation Assets are critical infrastructure within the meaning of 18 C.F.R. § 388.113(c)(4), since their incapacity would negatively affect the economic security and the public health and safety of Puerto Rico. The Contingency Plan therefore meets the definition of CEII under 18 C.F.R. § 388.113(c)(2), falls within the protective purposes of the Critical Infrastructure Information Act and Act 40-2024, and warrants the heightened access restrictions of Section D(2) of the Policy on Confidential Information.

In addition, the Contingency Plan discloses the contractual structure, maximum quantities, and minimum purchase obligations of Genera's fuel supply agreements. This information is commercially sensitive, has independent economic value derived from not being known to fuel suppliers and competitors, and its disclosure could prejudice PREPA and Genera in future fuel procurement processes. It thus constitutes a trade secret under Act 80-2011 and Confidential Information under the LGA OMA.

V. Conclusion

Pursuant to Section 6.15(a) of Act 57-2014, the Energy Bureau must grant confidential protection in the manner that least affects the public interest, transparency, and the rights of the parties. 22 LPRA § 1054n. The requested protection meets that standard. The Energy Bureau and

its personnel will retain full access to *Exhibit 3* in the exercise of their regulatory functions, while the public will continue to have access to all of Genera's responses to the ROI in *Exhibit 1*, to NFE's SEC filings in *Exhibit 2*, and to the public court records concerning the restructuring proceedings. Genera further reiterates that it is a separate and distinct legal entity that did not participate in, was not a party to, and did not guarantee, assume, or otherwise undertake any obligations arising from the refinancing transaction executed on September 11, 2026.

In the alternative, should the Energy Bureau determine that any portion of the Letters does not warrant confidential treatment, Genera respectfully requests that it be allowed to file a redacted version of the Letters, and that the Performance Security Documents and the Contingency Plan be maintained under seal in their entirety.

In sum, *Exhibit 3* consists of private communications between parties to the LGA OMA, banking and personal information of third parties, and critical energy infrastructure information, all of which Genera has maintained in confidence and which fall within the categories of confidential information recognized by Act 57-2014, Act 17-2019, Act 80-2011, Act 122-2019, Act 40-2024, Regulation 8543, federal law, the Constitution of Puerto Rico, and the LGA OMA. Accordingly, Genera respectfully submits that *Exhibit 3* warrants confidential treatment as Validated Confidential Information, with the Contingency Plan subject to the access restrictions applicable to CEII.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above Memorandum of Law; **grant** confidential treatment to *Exhibit 3* of the *Motion to Submit Responses to Request for Information in Compliance with the September 4, 2026 Resolution and Order*, as Validated Confidential Information pursuant to Section 6.15 of Act 57-2014 and the *Policy on Management of Confidential Information*, CEPR-MI-2016-0009, as amended, with the

Contingency Plan designated as Critical Energy Infrastructure Information subject to Section D(2) of said Policy; in the alternative, **allow** Genera to file a redacted version of the Letters while maintaining the Performance Security Documents and the Contingency Plan under seal; and grant any other relief the Energy Bureau deems just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th day of September 2026.

ECIJA SBGB
PO Box 363068
San Juan, Puerto Rico 00936
Tel. (787) 300.3200
Fax (787) 300.3208

/s/ Jorge A. Fernández Reboredo
Jorge A. Fernández Reboredo
jfernandez@ecija.com
TSPR 9,669

/s/ José Javier Díaz Alonso
José Javier Díaz Alonso
jdiaz@ecija.com
TSPR 21,718

CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of this motion was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System and that we will send an electronic copy of this motion to jgonzalez@gmlex.net; alexis.rivera@prepa.pr.gov; and josue.colon@p3.pr.gov.

In San Juan, Puerto Rico, this 24th day of September 2026.

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo

/s/ José Javier Díaz Alonso
José Javier Díaz Alonso