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

IN RE:	**CASE NO.:** NEPR-MI-2026-0006
YABUCOA DECOMMISSIONING PLAN	**SUBJECT:** Memorandum of Law in Support of Request for Confidential Treatment of Exhibits 1 through 3B.1 of the Motion in Compliance with Resolution and Order Dated October 15, 2026

MEMORANDUM OF LAW IN SUPPORT OF REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBITS 1 THROUGH 3B.1 OF THE MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER DATED OCTOBER 15, 2026

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 counsel of record, and respectfully submits and prays as follows:

I. INTRODUCTION

1. On October 26, 2026, Genera filed its *Motion in Compliance with Resolution and Order Dated October 15, 2026* (the "October 26 Motion"). Through it, and in compliance with Sections II(A), II(B), and II(C) of the Resolution and Order issued by the Puerto Rico Energy Bureau ("Energy Bureau") on October 15, 2026 (the "October 15 Resolution"), Genera submitted under seal the following documents (collectively, the "Exhibits"):

(a) **Exhibit 1**, the revised project implementation timeline for the Yabucoa decommissioning project (the "Revised Timeline");

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

(b) **Exhibit 2**, the Sworn Certification Regarding the Yabucoa Decommissioning Budget;

(c) **Exhibit 3**, the Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure;

(d) **Exhibit 3A**, the Peaker Grid Support Units Project Technical Specification for EPC Contract, Spec. No. EPC-001, Revision B (the "Technical Specification"), together with **Exhibit 3A.1**, the List of Buildings and Structures, and **Exhibit 3A.2**, the General Arrangement Drawing YAR00-GA-000-0001, Rev. C (the "General Arrangement Drawing"); and

(e) **Exhibit 3B**, the FAASt Generation Fleet Scope of Work (the "FEMA Scope of Work"), together with **Exhibit 3B.1**, the DR4339 164988 Cost Estimate, Rev. 7-1-2025, submitted in native format (the "Cost Estimate").

2. In paragraph 9 of the October 26 Motion, Genera requested that the Exhibits be treated as confidential and informed that it would submit a memorandum of law in support of that request within ten (10) days, pursuant to the Energy Bureau's *Policy on Management of Confidential Information*, Case No. CEPR-MI-2016-0009, as amended by the Resolution issued on September 20, 2016, in that case (the "Policy on Confidential Information"). Accordingly, Genera respectfully submits the instant Memorandum of Law.

3. Genera's request is narrowly tailored. Genera does not seek confidential treatment of the October 26 Motion, which remains public and describes the nature, purpose, and substance of each Exhibit. The request is limited to the confidential portions of the Exhibits identified in Section II below, which contain detailed scheduling, engineering, design, security, cost, and

personal information. Concurrently with this Memorandum, Genera submits redacted public versions of the Exhibits in which only those portions have been redacted.

II. IDENTIFICATION OF CONFIDENTIAL INFORMATION

In accordance with Section A(3) of the Policy on Confidential Information, Genera identifies the confidential information as follows:

Document Name	Pages in which Confidential Information is Found	Date Filed	Summary of Legal Basis for Confidential Designation	Summary of Why Each Claim Conforms to the Applicable Legal Basis
Exhibit 1: Revised Timeline for the Yabucoa decommissioning project (Yabucoa Decommissioning + EPC Timeline, Detail Progress Schedule)	Pages 1 through 5 (all activity data and schedule bars; titles, column headers, legend, and title block remain public)	October 26, 2026	CEII under Section D(2) of the Policy on Confidential Information and 18 C.F.R. § 388.113(c)(2) and (c)(4); critical infrastructure information under 6 U.S.C. § 671(3) and Act 40-2024; Article 1.10(i)(iii) and (ix) of Act 17-2019; Article 4(x) of Act 122-2019; Facility Information and Confidential Information under Sections 1.1 and 13.2(a)(i) of the LGA OMA; Section 6.15 of Act 57-2014; Section 1.15 of Regulation 8543.	Activity level schedule for the decommissioning of the existing Yabucoa peaking units and the construction of the replacement peaking units. It sets out the specific dates and sequence for the de-energization and electrical isolation of plant equipment, temporary outages, the disconnection of protection, fire protection, and fuel systems, the removal of fuel, and the interconnection of the new units, fuel storage, and switchyard. It reveals the periods during which the facility and its protective systems will be out of service or in a transitional configuration, and it discloses the status and expected dates of the pending authorization and execution of the EPC contract.
Exhibit 2: Sworn Certification Regarding the Yabucoa Decommissioning Budget, executed by Jesús M. Cintrón Rivera on October 26, 2026 (Affidavit No. 139)	Page 1 (affiant's civil status and municipality of residence) and page 2 (identification document number)	October 26, 2026	Article 4(vi) and (xi) of Act 122-2019; Section 6.15 of Act 57-2014.	The redacted portions consist of the affiant's personal circumstances and the number of the identification document he presented to the notary. This personal information serves no regulatory purpose, and its disclosure could invade the affiant's privacy. The remainder of the certification is public.
Exhibit 3: Sworn Certification Regarding the Replacement	Page 1 (affiant's civil status and municipality	October 26, 2026	Article 4(vi) and (xi) of Act 122-2019; Section 6.15 of Act 57-2014.	The redacted portions consist of the affiant's personal circumstances and the number of the identification document he

Document Name	Pages in which Confidential Information is Found	Date Filed	Summary of Legal Basis for Confidential Designation	Summary of Why Each Claim Conforms to the Applicable Legal Basis
Diesel Fuel Infrastructure, executed by Jesús M. Cintrón Rivera on October 26, 2026 (Affidavit No. 138)	of residence) and page 3 (identification document number)			presented to the notary. This personal information serves no regulatory purpose, and its disclosure could invade the affiant's privacy. The remainder of the certification is public.
Exhibit 3A: Peaker Grid Support Units Project Technical Specification for EPC Contract, Spec. No. EPC-001, Revision B, For Bid, November 12, 2025	Pages 1 through 302, except page 1 (cover), page 2 (table of contents), the section tables of contents at pages 3, 15, 19, 33, 41, 46, 53, 64, 69, 126, 174, and 226, and pages 294 and 295 (attachment list), which remain public together with the page headers	October 26, 2026	CEII under Section D(2) of the Policy on Confidential Information and 18 C.F.R. § 388.113(c)(2) and (c)(4); critical infrastructure information under 6 U.S.C. § 671(3) and Act 40-2024; Article 4(xii) of Act 122-2019; trade secret under Act 80-2011, Rule 513 of the Rules of Evidence, and Article 4(ix) and (x) of Act 122-2019; Article 1.10(i)(iii), (viii), and (ix) of Act 17-2019; Facility Information, Work Product, and Confidential Information under Sections 1.1 and 13.2(a)(i) of the LGA OMA; Section 6.15 of Act 57-2014.	Bid technical specification prepared by Genera's Owner's Engineer for the engineering, procurement, and construction of the replacement peaking units at the Jobos, Yabucoa, and Dagüao sites. It contains detailed engineering and design requirements for the mechanical, electrical, instrumentation and control, and civil systems, including the diesel fuel system, fire protection, protective relaying, control system architecture, cybersecurity requirements, and the physical security system. It was issued in an EPC procurement whose contract has not yet been executed.
Exhibit 3A.1: List of Buildings and Structures (Jobos, Yabucoa, and Dagüao Simple Cycle Projects)	Pages 1 through 3 (all table entries; titles and column headers remain public)	October 26, 2026	CEII under Section D(2) of the Policy on Confidential Information and 18 C.F.R. § 388.113(c)(2) and (c)(4); critical infrastructure information under 6 U.S.C. § 671(3) and Act 40-2024; Article 1.10(i)(iii) and (ix) of Act 17-2019; Facility Information, Work Product, and Confidential Information under Sections 1.1 and 13.2(a)(i) of the LGA OMA; Section 6.15 of Act 57-2014.	Equipment and structure list for each of the three sites, keyed to the general arrangement drawings, identifying each major component (including fuel storage tanks and their capacities, fuel unloading and treatment facilities, transformers, switchgear, gates, and containment structures) together with its estimated footprint and foundation type. It forms part of the EPC bid specification.
Exhibit 3A.2: General Arrangement Drawing YAR00-GA-000-0001, Rev. C (Genera	Entire sheet, except the title block	October 26, 2026	CEII under Section D(2) of the Policy on Confidential Information and 18 C.F.R. § 388.113(c)(2) and (c)(4); critical infrastructure information under 6 U.S.C. §	Scaled engineering drawing of the Yabucoa site showing the precise location and arrangement of the combustion turbines, fuel storage tanks and containment, fuel unloading facilities, transformers,

Document Name	Pages in which Confidential Information is Found	Date Filed	Summary of Legal Basis for Confidential Designation	Summary of Why Each Claim Conforms to the Applicable Legal Basis
Yabucoa Grid Support Units, 2X GE LM2500 Turbines)			671(3) and Act 40-2024; Article 1.10(i)(ix) of Act 17-2019; Facility Information, Work Product, and Confidential Information under Sections 1.1 and 13.2(a)(i) of the LGA OMA; Section 6.15 of Act 57-2014.	switchyard, gates, utility corridor, and the areas reserved for battery storage and LNG regasification equipment, with plant coordinates. It goes well beyond the general location of the facility.
Exhibit 3B: FAASt Generation Fleet Scope of Work, FEMA Project No. 164988, DR-4339-PR	Pages 1 through 215, except the general project information on pages 1 and 47, the title on page 90, and the table of contents on pages 91 through 93	October 26, 2026	CEII under Section D(2) of the Policy on Confidential Information and 18 C.F.R. § 388.113(c)(2) and (c)(4); critical infrastructure information under 6 U.S.C. § 671(3) and Act 40-2024; commercially sensitive information under Article 4(x) of Act 122-2019; Article 1.10(i)(iii), (viii), and (ix) of Act 17-2019; Facility Information and Confidential Information under Sections 1.1 and 13.2(a)(i) of the LGA OMA; Section 6.15 of Act 57-2014.	Detailed scope of work for a federally funded project covering several Legacy Generation Assets, prepared by a third party consultant. It contains facility coordinates, descriptions of existing fuel, electrical, and generation systems and of their storm damage, detailed demolition and installation scopes, hazard mitigation measures, and line item cost estimates for work that remains to be contracted.
Exhibit 3B.1: DR4339 164988 Cost Estimate, Rev. 7-1-2025 (submitted in native Excel format)	Entire workbook, including all worksheets, formulas, and underlying data (replaced by a slipsheet in the public version)	October 26, 2026	Trade secret under Act 80-2011, Rule 513 of the Rules of Evidence, and Article 4(ix) and (x) of Act 122-2019; Article 1.10(i)(iii) and (viii) of Act 17-2019; internal cost data constituting Facility Information and Confidential Information under Sections 1.1 and 13.2(a)(i) of the LGA OMA; CEII under Section D(2) of the Policy on Confidential Information as to the system level breakdown; Section 6.15 of Act 57-2014.	Native cost estimate workbook containing line item estimates, quantities, and formulas for the demolition of existing units and the installation of replacement facilities (including fuel oil and LNG storage and distribution and switchyard work) at multiple Legacy Generation Asset sites. Its disclosure while the EPC contract and related procurements remain pending would reveal the Owner's cost expectations to prospective contractors and suppliers, to the detriment of PREPA and its ratepayers.

III. APPLICABLE LAW

A. Section 6.15 of Act 57-2014 and the Policy on Confidential Information

The governing statute for the management of confidential information submitted to the Energy Bureau is Section 6.15 of Act No. 57-2014, as amended, known as the *Puerto Rico Energy Transformation and RELIEF Act* ("Act 57-2014"), 22 LPRA § 1054n. Under this provision, any person required to submit information to the Energy Bureau who believes that such information is protected by a confidentiality privilege may request that the Energy Bureau treat it as confidential. *Id.* If, after the appropriate evaluation, the Energy Bureau concludes that the information should be protected, it shall grant such protection in the manner that least affects the public, transparency, and the rights of the parties to the administrative proceeding in which the allegedly confidential document is submitted. *Id.* at Section 6.15(a). To that end, the Energy Bureau may grant access to the document, or to its privileged portions, only to the attorneys and external consultants involved in the proceeding after they execute a confidentiality agreement. *Id.* at Section 6.15(b). In exceptional cases, the Energy Bureau may keep documents completely outside public scrutiny, in which event the information shall be duly safeguarded and provided exclusively to Energy Bureau personnel with a strict need to know it, under nondisclosure rules, and the Energy Bureau shall order that a nonconfidential version be made available for public review. *Id.* at Section 6.15(c). Finally, the Energy Bureau must resolve any claim of privilege and confidentiality expeditiously, through a resolution, before any information that its source claims to be confidential is disclosed. *Id.* at Section 6.15(d).

The Policy on Confidential Information, adopted pursuant to Sections 1.4, 6.3, and 6.15 of Act 57-2014 and Section 1.15 of Regulation No. 8543, establishes the procedure a party must follow to request confidential treatment. The producing party must mark the information as

confidential and, within ten (10) days after its filing, submit a memorandum of law that relates each document to a legal basis and to the specific arguments supporting each claim, including a table identifying each document, the pages in which the confidential information is found, the filing date, a summary of the legal basis for each claim, and a summary of the reasons each claim conforms to that legal basis. Policy on Confidential Information, Sections A(1) through A(3). Information for which the Energy Bureau grants confidential treatment is classified as "Validated Confidential Information." *Id.* at Section C(2).

The Policy on Confidential Information also establishes heightened access rules for certain categories of information. Any document validated as confidential because it is a trade secret under Act 80-2011 may only be accessed by the producing party and the Energy Bureau, unless the Energy Bureau or a competent court provides otherwise. *Id.* at Section D(1). Information validated as Critical Energy Infrastructure Information ("CEII") may be accessed by the parties' authorized representatives only after they execute the Non-Disclosure Agreement, and only at the offices of the Energy Bureau or the producing party, without copying or disseminating the information and without recording devices. *Id.* at Section D(2).

Relatedly, Section 1.15 of Energy Bureau Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, provides that a person who has the duty to disclose to the Energy Bureau information considered privileged pursuant to the Rules of Evidence shall identify the allegedly privileged information, request its protection, and provide supporting arguments in writing, and that the Energy Bureau shall evaluate the petition and, if it understands that the material merits protection, proceed according to Section 6.15 of Act 57-2014.

B. Act 17-2019

Section 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"), 22 LPRA § 1141i, requires electric power service companies to provide documents and information requested by customers, except for, among others: (i) confidential information in accordance with the Rules of Evidence of Puerto Rico; (iii) ideas with regard to the negotiation of potential contracts of PREPA; (vii) trade secrets of third parties; (viii) matters that must be kept confidential under a confidentiality agreement, provided that the agreement is not contrary to the public interest; and (ix) matters of public security involving threats against PREPA, its property, or its employees.

B. The LGA OMA

The contractual framework governing Genera's operation of the Legacy Generation Assets independently supports the requested confidential treatment. Section 1.1 of the LGA OMA defines "Confidential Information" as data or information in any form disclosed by one party to the other, if and for so long as it is protectable as a trade secret by the disclosing party or is otherwise confidential, and lists as examples, among others, nonpublic technical designs and specifications, vendor lists, internal cost data, and the terms of contracts with third parties. LGA OMA, Section 1.1. Section 1.1 further defines "Facility Information" to include all certificates, data, documents, plans, projections, records, reports, schedules, studies, and surveys created, collected, prepared, or used by Genera or its Representatives in connection with the Legacy Generation Assets, the O&M Services, or the Decommissioning Services. *Id.*

Under Section 13.2(a)(i) of the LGA OMA, all Facility Information furnished or made available in connection with the agreement, and all Work Product, is deemed the Owner's Confidential Information. *Id.* at Section 13.2(a)(i). Section 13.2(a)(ii), in turn, requires the receiving party to keep such Confidential Information strictly confidential, to take reasonable

precautions to protect it against disclosure, and to use it solely for the purposes of the agreement. *Id.* at Section 13.2(a)(ii). Although Section 13.2(b) permits disclosure to a governmental body where required by law, such disclosure remains subject to the confidentiality framework of Section 13.2. *Id.* at Section 13.2(b).

C. Trade Secrets and Commercially Sensitive Information

The *Industrial and Trade Secret Protection Act of Puerto Rico*, Act No. 80-2011, 10 LPRA §§ 4131 through 4141 ("Act 80-2011"), defines a trade secret as any information (a) from which an independent economic value, whether actual or potential, or a commercial advantage is derived because the information is not common knowledge or readily accessible through proper means by persons who could obtain a pecuniary benefit from its use or disclosure; and (b) that has been subject to reasonable security measures, as circumstances dictate, to maintain its confidentiality. 10 LPRA § 4132. Reasonable security measures include, among others, not disclosing the information to unauthorized persons, limiting the number of persons with access to it, requiring confidentiality agreements, and labeling the information as confidential. 10 LPRA § 4133. Consistently, Rule 513 of the Rules of Evidence of Puerto Rico allows the owner of a trade secret to invoke the privilege to refuse to disclose it and to prevent others from disclosing it, provided that doing so does not tend to conceal fraud or otherwise lead to injustice. 32 LPRA Ap. VI, R. 513. The Puerto Rico Supreme Court has recognized that the trade secret privilege protects commercial information of a confidential nature, and has applied the elements of Act 80-2011 in determining whether information qualifies for protection. *Ponce Adv. Med. v. Santiago González*, 197 DPR 891, 906 (2017).

Likewise, Article 4 of the *Open Data Law of the Government of Puerto Rico*, Act No. 122-2019 ("Act 122-2019"), excludes from the public data subject to disclosure, among others: (vi)

information that, if disclosed, could invade the privacy of a third party or harm their fundamental rights; (ix) trade secret information obtained from a person that is confidential by contract, statute, or judicial decision; (x) commercial or financial information whose disclosure is shown to cause substantial competitive harm to the person from whom it was obtained; (xi) contact, financial, and similar personal information, as well as confidential information of private third parties and trade secrets, collected or maintained by a governmental body; and (xii) information related to the security, design, operation, or defense of computer networks. Act 122-2019, Article 4.

D. Critical Energy Infrastructure Information

Under federal regulations, CEII means specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that (i) relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person in planning an attack on critical infrastructure; (iii) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552; and (iv) does not simply give the general location of the critical infrastructure. 18 C.F.R. § 388.113(c)(2). Critical infrastructure, in turn, means 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.* at § 388.113(c)(4).

Federal law reflects the same policy more broadly. The Critical Infrastructure Information Act of 2002 defines critical infrastructure information as information not customarily in the public domain and related to the security of critical infrastructure, including information regarding the ability of critical infrastructure to resist interference, compromise, or incapacitation, and any planned operational problem or solution regarding critical infrastructure, including repair, recovery, reconstruction, or continuity, to the extent it relates to such interference, compromise, or

incapacitation. 6 U.S.C. § 671(3). Although the statutory protections attach to information voluntarily submitted to the Department of Homeland Security, the statute evidences a clear federal policy that such information, when shared with a state or local government, shall not be made available under state or local disclosure laws. 6 U.S.C. § 673(a)(1)(E).

At the local level, Act No. 40-2024, the *Cybersecurity Act of the Government of Puerto Rico* ("Act 40-2024"), defines critical infrastructure as the essential services, systems, resources, and assets, whether physical or virtual, whose incapacity or destruction would have harmful repercussions on the cybersecurity, health, economy, or security of Puerto Rico, or any combination of those matters. 3 LPRA § 10124(p). Its provisions apply not only to government entities, but also to natural or juridical persons that do business or hold contracts with the government, including private persons performing public functions and services, with respect to those functions and services. 3 LPRA § 10122.

IV. REQUEST FOR CONFIDENTIALITY AND SUPPORTING ARGUMENTS

The confidential treatment requested for the Exhibits is warranted because: (a) Exhibits 1, 3A, 3A.1, 3A.2, 3B, and 3B.1 contain CEII and critical infrastructure information; (b) Exhibits 3A, 3B, and 3B.1 contain trade secrets and commercially sensitive information related to procurements and contracts that remain pending; (c) Exhibits 1, 3A, 3A.1, 3A.2, 3B, and 3B.1 constitute Facility Information and Confidential Information under the LGA OMA; and (d) Exhibits 2 and 3 contain personal information of the affiant. Genera has produced each Exhibit to the Energy Bureau in full and requests only that the confidential portions identified in Section II be safeguarded in accordance with Section 6.15 of Act 57-2014 and the Policy on Confidential Information.

A. Exhibits 1, 3A, 3A.1, 3A.2, 3B, and 3B.1 Contain Critical Energy Infrastructure Information

The Yabucoa facility is part of the Legacy Generation Assets, and the replacement peaking units are proposed generation assets designed to support grid stability, provide fast response capacity, and serve as grid support units connected to PREPA's transmission system. The Jobos and Dagüao sites addressed in Exhibits 3A and 3A.1, and the other generation facilities addressed in Exhibits 3B and 3B.1, serve the same function. The incapacity or destruction of these existing and proposed assets would negatively affect the economic security and the public health and safety of Puerto Rico. They are therefore critical infrastructure within the meaning of 18 C.F.R. § 388.113(c)(4) and Section 4(p) of Act 40-2024.

The Technical Specification (Exhibit 3A) is the clearest example of CEII among the Exhibits. It sets forth specific engineering and detailed design requirements for the replacement peaking units at three sites, including the design of the diesel fuel receiving, storage, treatment, and forwarding system, the fire protection system, protective relaying and metering, the plant control system and its network architecture, the cybersecurity requirements applicable to the control system, and the physical security system for each site. The List of Buildings and Structures (Exhibit 3A.1) and the General Arrangement Drawing (Exhibit 3A.2) complement the Technical Specification by identifying each major equipment item and structure, including fuel storage tanks and their capacities, fuel unloading facilities, transformers, switchgear, and gates, and by showing, on a scaled drawing with plant coordinates, their precise location and arrangement within the Yabucoa site. This information relates details about the generation of energy, could be useful to a person planning to damage the facilities, disrupt their fuel supply, or defeat their protective and security systems, and goes far beyond the general location of the facilities. It therefore meets each element of 18 C.F.R. § 388.113(c)(2). The cybersecurity and network architecture requirements of

the Technical Specification are also excluded from disclosure under Article 4(xii) of Act 122-2019.

The FEMA Scope of Work (Exhibit 3B) and the Cost Estimate (Exhibit 3B.1) contain similar information for several Legacy Generation Assets. The FEMA Scope of Work includes facility coordinates, descriptions of the existing fuel, electrical, and generation systems at each site, descriptions of the storm damage those systems sustained, the planned repair, reconstruction, and hazard mitigation measures, and the detailed scope of the demolition and installation work. The Cost Estimate breaks down that work by system, including fuel oil storage and distribution, LNG storage and distribution, and switchyard work, at each site. Taken together, these documents describe the condition of critical generation infrastructure and the planned operational solutions for its recovery and continuity, which is precisely the type of information the Critical Infrastructure Information Act seeks to keep from public disclosure. 6 U.S.C. § 671(3)(B) and (C).

The Revised Timeline (Exhibit 1) warrants the same protection for a different reason. It does not merely list milestones. It sets out, by activity and date, the sequence in which the existing units at the Yabucoa facility will be de-energized and electrically isolated, the temporary outages that will be taken, and the dates on which the protection, fire protection, fuel, cooling, and network systems will be disconnected or removed, followed by the dates on which the new units, fuel storage, switchyard connections, and control systems will be installed, connected, and commissioned. That level of detail reveals the specific windows during which the facility and its protective systems will be out of service or in a transitional configuration, and thus when the site will be most vulnerable. Such information could be useful to a person planning to interfere with the facility or with the construction of the replacement units, and it falls within the public security

exception of Article 1.10(i)(ix) of Act 17-2019. The public portions of the October 26 Motion already disclose the key dates and durations the public needs to evaluate the schedule.

Genera, as the sole operator of the Legacy Generation Assets under the LGA OMA, is a juridical person that performs public functions and services under a contract with the government within the meaning of Section 2 of Act 40-2024, and the requested protection is consistent with the public policy of that statute. Accordingly, Genera respectfully requests that the Energy Bureau designate Exhibits 1, 3A, 3A.1, 3A.2, 3B, and 3B.1 as CEII subject to the access restrictions of Section D(2) of the Policy on Confidential Information.

B. Exhibits 3A, 3B, and 3B.1 Contain Trade Secrets and Commercially Sensitive Procurement Information

Exhibits 3A and 3B.1 also satisfy both elements of Act 80-2011, and Exhibit 3B contains commercially sensitive information protected under Article 4(x) of Act 122-2019. First, the information derives independent economic value from not being generally known. The Technical Specification is the bid specification for an EPC procurement for three replacement peaking facilities. As reflected in the public portions of the October 26 Motion and in the Revised Timeline, the EPC contract has not yet been executed and remains subject to agency authorization. The Cost Estimate contains the Owner's line item estimates, quantities, and formulas for the demolition and installation work at multiple sites, and the FEMA Scope of Work contains the same estimates in summary form together with the detailed scope of work against which those estimates were developed. A prospective contractor, supplier, or subcontractor with access to the Owner's estimates and detailed scope could use them to price its proposal or negotiate against the Owner's known cost expectations, rather than against the market. Disclosure would therefore confer a commercial advantage on third parties at the expense of PREPA and, ultimately, its ratepayers and the federal funds that support these projects. This is the type of information that Article 1.10(i)(iii)

of Act 17-2019 excludes from disclosure as ideas regarding the negotiation of potential PREPA contracts.

Second, the information has been subject to reasonable security measures. The Technical Specification was prepared by Genera's Owner's Engineer and made available only to prospective bidders in a controlled procurement. The FEMA Scope of Work and the Cost Estimate were prepared by Genera's third-party consultant for submission to the Federal Emergency Management Agency and the Central Office for Recovery, Reconstruction and Resiliency through restricted grant management channels. Genera has not made any of these documents public, has limited access to them to the personnel and consultants who need them, and labeled and submitted them under seal in this proceeding. *See* 10 LPRA § 4133.

Accordingly, Genera respectfully requests that the Energy Bureau designate Exhibits 3A and 3B.1 as trade secret information subject to Section D(1) of the Policy on Confidential Information, and that it recognize the commercially sensitive nature of Exhibit 3B under Article 4(x) of Act 122-2019 and Article 1.10(i)(iii) of Act 17-2019.

C. Exhibits 1, 3A, 3A.1, 3A.2, 3B, and 3B.1 Constitute Confidential Information under the LGA OMA

Exhibits 1, 3A, 3A.1, 3A.2, 3B, and 3B.1 were created, collected, prepared, or used by Genera or its Representatives in connection with the Legacy Generation Assets and the Decommissioning Services and therefore constitute Facility Information under Section 1.1 of the LGA OMA. The Revised Timeline is a schedule for the Decommissioning Services; the Technical Specification, the List of Buildings and Structures, and the General Arrangement Drawing are nonpublic technical designs and specifications; and the FEMA Scope of Work and the Cost Estimate are plans, studies, and internal cost data for the repair and replacement of Legacy Generation Assets. Under Section 13.2(a)(i) of the LGA OMA, such Facility Information is

deemed the Owner's Confidential Information, which Genera must keep strictly confidential and protect against disclosure under Section 13.2(a)(ii). Genera submits these Exhibits to the Energy Bureau in compliance with the October 15 Resolution, as Section 13.2(b) of the LGA OMA permits, but that compliance does not relieve Genera of its contractual duty to seek their protection. Article 1.10(i)(viii) of Act 17-2019 likewise recognizes that matters that must be kept confidential under a confidentiality agreement not contrary to the public interest are excluded from disclosure.

D. Exhibits 2 and 3 Contain Personal Information of the Affiant

Exhibits 2 and 3 are sworn certifications executed before a notary public. Each records the affiant's personal circumstances, including his civil status and municipality of residence, together with the number of the identification document he presented to the notary. Disclosure of this personal information would serve no regulatory purpose and could invade the affiant's privacy, and it is therefore excluded from disclosure under Article 4(vi) and (xi) of Act 122-2019. Genera seeks confidential treatment only for these items. The remainder of each certification, including the statements Genera certified in compliance with Sections II(A) and II(B) of the October 15 Resolution, is included in the public versions of Exhibits 2 and 3.

E. The Requested Protection Is the Least Restrictive Alternative

Section 6.15(a) of Act 57-2014 requires the Energy Bureau to grant confidential protection in the manner that least affects the public, transparency, and the rights of the parties. The requested protection meets that standard. In compliance with Section A(6) of the Policy on Confidential Information and Section 6.15(c) of Act 57-2014, Genera submits, concurrently with this Memorandum, redacted public versions of each Exhibit, in which only the confidential information identified in Section II has been redacted.

The scope of the redactions follows the nature of each Exhibit. In Exhibits 2 and 3, Genera redacted only the affiant's civil status, municipality of residence, and identification document number, so that the certifications are otherwise public in their entirety. Exhibits 1, 3A, 3A.1, 3A.2, and 3B, in contrast, are integrated schedules, engineering specifications, drawings, and scopes of work in which the confidential information pervades the body of most pages. In their public versions, Genera preserved the titles, cover pages, tables of contents, column headers, legends, title blocks, and general project information that can be disclosed without revealing the protected content, and redacted the remainder. Exhibit 3B.1 is a native spreadsheet whose data, formulas, and worksheets cannot be reliably redacted in native format; its public version is therefore a slipsheet identifying the document.

Together with the October 26 Motion, which describes each Exhibit, its purpose, and the substance of Genera's compliance, the public versions give the public and the parties a meaningful view of Genera's submission. Meanwhile, the Energy Bureau and its personnel retain full access to the unredacted Exhibits in the exercise of their regulatory functions, and the parties' authorized representatives may access the CEII under the conditions of Section D(2) of the Policy on Confidential Information.

V. CONCLUSION

The Exhibits consist of detailed engineering, design, scheduling, and security information about existing and proposed critical energy infrastructure; trade secrets and commercially sensitive cost and procurement information related to contracts that remain pending; Facility Information that the LGA OMA designates as the Owner's Confidential Information; and personal information of the affiant. All of it falls within the categories of confidential information recognized by Act 57-2014, Act 17-2019, Act 80-2011, Act 122-2019, Act 40-2024, Regulation No. 8543, federal

law, and the LGA OMA. Genera therefore respectfully submits that the confidential portions of the Exhibits identified in Section II warrant confidential treatment as Validated Confidential Information.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of this Memorandum of Law; **accept** the redacted public versions of the Exhibits submitted concurrently herewith; **grant** confidential treatment to the confidential portions of Exhibits 1, 2, 3, 3A, 3A.1, 3A.2, 3B, and 3B.1 of the October 26 Motion identified in Section II hereof as Validated Confidential Information pursuant to Section 6.15 of Act 57-2014 and the Policy on Management of Confidential Information, Case No. CEPR-MI-2016-0009, as amended; **designate** Exhibits 1, 3A, 3A.1, 3A.2, 3B, and 3B.1 as Critical Energy Infrastructure Information subject to Section D(2) of said Policy, and Exhibits 3A and 3B.1 as trade secret information subject to Section D(1) of said Policy; and **maintain** the unredacted versions of the Exhibits under seal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of November 2026.

ECIJA SBGB
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/s/ Ernesto Raúl Ramos Maldonado
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TSPR 23,882

/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 memorandum was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System

In San Juan, Puerto Rico, this 5th day of November 2026.

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo

/s/ Ernesto Raúl Ramos Maldonado
Ernesto Raúl Ramos Maldonado

/s/ José Javier Díaz Alonso
José Javier Díaz Alonso

Exhibit 1- CONFIDENTIAL
Revised Timeline
Section II(C) of the October 15, 2026 Resolution and Order
[**REDACTED]**

Exhibit 2- CONFIDENTIAL
Sworn Certification Regarding the Yabucoa Decommissioning Budget
Section II(A) of the October 15, 2026 Resolution and Order
[**REDACTED]**

SWORN CERTIFICATION REGARDING THE YABUCOA DECOMMISSIONING BUDGET

I, Jesús M. Cintrón Rivera, of legal age, [redacted], hereby solemnly swear:

1. That my personal status is the one stated above.

2. That I hold the position of Federal Funds Project Director at Genera PR LLC ("Genera").

3. That I am authorized to represent Genera for purposes of this affidavit.

4. That I execute this certification to comply with Part II (A) of the Resolution and Order issued on October 15, 2026, in Case No. NEPR-MI-2026-0006 (the "R&O").

5. That my knowledge of the $2,699,780 Yabucoa Decommissioning Budget (the "Budget") comes from my position at Genera, my review of the Updated Decommissioning Plan filed on October 2, 2026 (the "Updated Plan"), and my consultation with Genera personnel and advisors who worked on the Budget. I did not personally prepare the Budget's line-item estimates.

6. That Sargent & Lundy prepared the Budget. In making this certification, Genera assumes as true and correct the information, quantities, unit costs, assumptions, and estimates that Sargent & Lundy and other third parties supplied. Genera has not independently audited that information, and this certification does not warrant it.

7. That based on the foregoing, I affirm that, to the best of my knowledge, information, and belief, formed after reasonable inquiry as of the date of this certification:

   a. The Budget submitted with the Updated Plan includes all costs of the decommissioning activities that the Updated Plan previously attributed to the Puerto Rico Electric Power Authority ("PREPA") or the "Owner" outside the

Budget, including the indirect expenses described in Section 8.2.7 and the removal of chemicals, hazardous materials, and transformer oil described in Section 8.2.2.

b. Those costs are covered by the existing budget in Appendices D and E of the Updated Plan; and,

c. Those costs are not excluded from the Budget.

8. That the Budget consists of estimates. The inclusion of an activity within confirms the scope that the line item covers. It does not guarantee a fixed price, set a cap, or represent that actual costs will equal the estimates.

9. Genera shall promptly notify the Energy Bureau by supplemental filing if it learns that a statement in this certification has become materially inaccurate.

10. This certification does not waive any right, remedy, or position of Genera under the Legacy Generation Assets Operation and Maintenance Agreement or applicable law and does not modify any contractual obligation of any party.

Everything stated above is true to the best of my knowledge, information and belief and thus, I sign this declaration in San Juan, this 26th day of October, 2026.

By: _____
Name: Jesús M. Cintrón Rivera
Title: Federal Funds Project Director

Affidavit No. 139

Sworn and subscribed before me by Jesús M. Cintrón Rivera, of the personal circumstances stated above, whom I have identified by means of [redacted]

In San Juan, Puerto Rico, this 26th day of October 2026

_____
NOTARY PUBLIC

GABRIELA A. CASTRODAD GARCÍA
ABOGADA · NOTARIA

Exhibit 3- CONFIDENTIAL
Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure
Section II(B) of the October 15, 2026 Resolution and Order
[**REDACTED]**

SWORN CERTIFICATION REGARDING THE REPLACEMENT DIESEL FUEL INFRASTRUCTURE

I, Jesús M. Cintrón Rivera, of legal age, [redacted], hereby solemnly swear:

1. That my personal status is the one stated above.

2. That I hold the position of Federal Funds Project Director at Genera PR LLC ("Genera").

3. That I am authorized to represent Genera for purposes of this affidavit.

4. That I execute this certification to comply with Part II (B) of the Resolution and Order issued on October 15, 2026, in Case No. NEPR-MI-2026-0006 (the "R&O").

5. That my knowledge of the replacement peaking project comes from my position at Genera, my review of the documentation identified below, and my consultation with Genera personnel, contractors, and advisors who work on the project. I did not personally prepare the documents, and I rely on the people and entities that prepared them for the matters within their responsibility.

6. That Genera submits the following documentation (the "Documentation") with this certification

   a. Exhibit 3A: Peaker Grid Support Units Project Technical Specification for EPC Contract Spec. No.: EPC-001 Revision B For Bid, November 12, 2025, Project No. T15240.162/172/182 (the "Technical Specifications"), including Exhibit 3A.1: List of Buildings and Structures; and Exhibit 3A.2: General Arrangement Drawing YAR00-GA-000-0001, Rev. C.

b. Exhibit 3B: FAASt Generation Fleet SOW, including Exhibit 3B.1: DR4339 164988 Cost Estimate, Rev. 7-1-2025.

7. That DCMC Partners prepared the FAASt Generation Fleet SOW provided by DCMC. In making this certification, Genera assumes as true and correct the information, quantities, assumptions, and estimates that DCMC Partners and other third parties supplied. Genera has not independently audited that information, and this certification does not warrant it.

8. Each exhibit is true and correct copy of the document as it exists in Genera's records, and Genera received or maintains each document in the ordinary course of its business. Genera assumes as true and correct the information that third parties supplied or prepared in this Documentation and has not independently audited that information.

9. That based on my review of the Documentation, I affirm that, to the best of my knowledge, information, and belief, formed after reasonable inquiry as of the date of this certification:

a. the Documentation accurately reflects that the replacement peaking project includes the new diesel fuel storage and distribution infrastructure needed to receive, store, transfer, and deliver diesel fuel to the replacement units specified to operate with dual-fuel capability, and that the associated costs form part of the project's scope and budget.

b. the Documentation accurately reflects that the inclusion of the replacement diesel fuel infrastructure is planned and scheduled to be available in time to preserve the replacement peaking units' intended dual-fuel capability. This statement describes Genera's current expectations and reasonable belief and does not guarantee a completion date.

10. Genera shall promptly notify the Energy Bureau by supplemental filing if it learns that a statement in this certification has become materially inaccurate.

11. This certification does not waive any right, remedy, or position of Genera under the Legacy Generation Assets Operation and Maintenance Agreement or applicable law, and does not modify any contractual obligation of any party.

Everything stated above is true to the best of my knowledge, information and belief and thus, I sign this declaration in San Juan, this 26th day of October, 2026.

By: _____
Name: Jesús M. Cintrón Rivera
Title: Federal Funds Project Director

Affidavit No. 138

Sworn and subscribed before me by Jesús M. Cintrón Rivera, of the personal circumstances stated above, whom I have identified by means of [redacted]

In San Juan, Puerto Rico, this 26th day of October 2026.

GABRIELA A. CASTRODAD GARCÍA
ABOGADA • NOTARIA

_____
NOTARY PUBLIC

Exhibit 3A- CONFIDENTIAL

Peaker Grid Support Units Project Technical Specification for EPC Contract

Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure

[**REDACTED]**



GENERA PR LLC

PEAKER GRID SUPPORT UNITS PROJECT

TECHNICAL SPECIFICATION FOR EPC CONTRACT

Spec. No.: EPC-001
Revision B
For Bid
November 12, 2025
Project No. T15240.162/172/182

TECHNICAL SPECIFICATION FOR EPC CONTRACT

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A.14.29. Schedule and Monthly Reporting

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Exhibit 3A.1- CONFIDENTIAL

List of Buildings and Structures

Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure

[**REDACTED]**

JOBOS SIMPLE CYCLE PROJECT - LIST OF STRUCTURES AND FOUNDATIONS

GA ID	Equipment and Structures	Min. Estimated Area (ft^2)	Description / Comment
1			
2			
3			
4			
5			
6			
8			
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YABUCOA SIMPLE CYCLE PROJECT - LIST OF STRUCTURES AND FOUNDATIONS

GA ID	Equipment and Structures	Min. Estimated Area (ft^2)	Description / Comment
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DAGÜAO SIMPLE CYCLE PROJECT - LIST OF STRUCTURES AND FOUNDATIONS

GA ID	Equipment and Structures	Min. Estimated Area (ft^2)	Description / Comment
1			
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Exhibit 3A.2-CONFIDENTIAL

General Arrangement Drawing YAR00-GA-000-0001, Rev. C

Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure

[**REDACTED]**

[redacted]

NOTE 1
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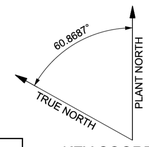
1. EQUIPMENT TO BE SUPPLIED BY OTHERS AND INSTALLED BY CONTRACTOR.

LEGEND

- DENOTES PREPA PROPERTY LIMITS
- DENOTES GENERA LIMITS
- EXISTING SITE PLAN CONDITIONS
- AREA RESERVED FOR LNG REGAS EQUIPMENT

[redacted]

CONCEPTUAL



KEY COORDINATES

PLANT	STATE
N 6000	N YYYYY
E 3000	E XXXXX

REFERENCE DRAWINGS	
DRAWING NO.	DRAWING TITLE

HOLD INFORMATION	
NO.	DESCRIPTION

CONTRACTOR/INSTALLER SHALL TAKE ALL APPROPRIATE PRECAUTIONS TO ENSURE THE SAFETY OF ALL PEOPLE LOCATED ON THE WORK SITE, INCLUDING CONTRACTOR'S/INSTALLER'S PERSONNEL (OR THAT OF ITS SUB-CONTRACTOR(S)) PERFORMING THE WORK.

RELEASE INFORMATION

REV.	DATE	DESCRIPTION
A	08-26-2025	FOR INFORMATION ONLY
B	02-13-2026	FOR INFORMATION ONLY
C	03-06-2026	ISSUED FOR BID

SPECIFICATION: ---

PROJECT NO.: 15240.011

I, _____, PE LIC. _____, CERTIFY THAT AM THE PROFESSIONAL WHO DESIGNED THESE PLANS AND THE COMPLEMENTARY SPECIFICATIONS. I ALSO CERTIFY THAT I UNDERSTAND THAT SUCH PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE PROVISIONS OF THE JOINT REGULATIONS AND THE APPLICABLE PROVISIONS OF THE REGULATIONS AND CODES OF AGENCIES, REGULATORY MEETINGS OR PUBLIC CORPORATIONS WITH JURISDICTION. I ACKNOWLEDGE THAT ANY FALSE DECLARATION OR FAILURE OF FACTS THAT HAVE BEEN PRODUCED WITHOUT KNOWLEDGE OR NEGLIGENCE WHETHER BY ME, MY AGENTS OR EMPLOYEES, OR OTHER PERSONS WITH MY KNOWLEDGE, MAKE ME RESPONSIBLE FOR ANY LEGAL AND DISCIPLINARY ACTION BY THE OFFICE OF PERMITS AND / OR OIGPE AND OTHER COMPETENT AUTHORITIES, INCLUDING, BUT NOT LIMITED TO, THE TERMINATION OF PARTICIPATION IN THE PROFESSIONAL CERTIFICATION PROCEDURES IN THE OFFICE OF PERMITS AND / OR OIGPE.

SEAL	LICENSE NO.

CAD FILE NAME: YAR00-GA-000-0001_2XGE LM2500.DGN

PREPARED BY: H. APONTE

REVIEWED BY: CHKD

APPROVED BY: APPD

ANY MODIFICATION OR ADDITION TO THIS DRAWING BY AN ORGANIZATION OTHER THAN SARGENT & LUNDY IS NOT THE RESPONSIBILITY OF SARGENT & LUNDY.

GeneraPR

Sargent & Lundy

1064 PONCE DE LEON AVE. OFFICE 401
SAN JUAN, PUERTO RICO 00907

PROJECT

GENERA
YABUCOA
GRID SUPPORT UNITS

DRAWING TITLE

GENERAL ARRANGEMENT
2X GE LM2500 TURBINES

DRAWING SCALE	1" = 40'	REVISION
DRAWING NUMBER		B
YAR00-GA-000-0001_2XGE LM2500		
SHEET 1		

MicroStation Border - Size E - 34 x 44

Exhibit 3B- CONFIDENTIAL

FAASt Generation Fleet Scope of Work

Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure

[**REDACTED]**

v0

General Info

Project #	164988 **P/W #** 11855	**Project Type**	Specialized
Project Category	F - Utilities	**Applicant**	PR Electric Power Authority (000-UA2QU-00)
Project Title	FAASt Generation Fleet Project (Generation)	**Event**	4339DR-PR (4339DR)
Project Size	Large	**Declaration Date**	9/20/2017
Activity Completion Date	9/20/2027	**Incident Start Date**	9/17/2017
Process Step	Obligated	**Incident End Date**	11/15/2017

Damage Description and Dimensions

[redacted]

Final Scope

424905 **FAASt New Black Start System at Costa Sur**

[redacted]

Reviewed By Sanchez, Maria **Reviewed On** 08/29/2024 7:34 PM AST

v1

General Info

Project #	164988 **P/W #** 11855
Project Category	F - Utilities
Project Title	FAASt Generation Fleet Project (Generation)
Project Size	Large
Activity Completion Date	9/20/2027
Process Step	Obligated

[redacted]

Final Scope

424905 **FAASt New Black Start System at Costa Sur**

- **********Version 1 **********
  [redacted]

Re: Generation Fleet Project Detailed SOW –Version 2 (428 PA & 406 HM)

Project # 164988 Rev2 (10/17/2026)

Overview

Project Name: Generation Fleet V2 – BESS, Black-start and Peaker Units Reallocation Works/Funds (428 PA & 406 HM).

Project Type: 428PA &406 HM Detailed SOW Version 2

Project Location: IslandWide

Vega Baja / Arecibo(Cambalache) / Salinas (Aguirre) / Yabucoa / Guayanilla (Costa Sur) / Toa Baja (Palo Seco) / Ceiba (Daguao) / Guayama (Jobos) / San Juan

Project Location:

GPS Latitude / Longitude: 18.446230, -66.392561 (Vega Baja) / 18.470985, -66.699693 (Cambalache) and 17.951690, -66.229675 (Aguirre) / 18.106216, -65.823685 (Yabucoa) / 18.000463, -66.753480 (Costa Sur), 18.455569, -66.148590 (Palo Seco) / 18.232114, -65.667374 (Daguao)/ 17.961105, -66.140130 (Jobos)/ 18.427720, -66.105067 (San Juan)

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Exhibit 3B.1- CONFIDENTIAL

DR4339 164988 Cost Estimate, Rev. 7-1-2025

Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure

[Submitted in native format]

[**REDACTED]**