

Re: DACO's filing of the complaint before the Court of First Instance, Case No. SJ2025CV006607 and the Writ for Intrajurisdictional Certification filed before the Puerto Rico Supreme Court, Case No. CT-2025-0003 (the "Commonwealth Court Litigation")

EXHIBIT 3

From Valerie Rodriguez Erazo <vrodriguez@dacopr.gov>

Date Thu 9/18/2025 1:46 PM

To DelaRosa, Yahaira <Yahaira.DelaRosa@us.dlapiper.com>; Gadiel J. Figueroa Robles <gfigueroa@dacopr.gov>; Samuel A. Silva Rosas <ssilva@dacopr.gov>

Cc Mercado, Margarita <Margarita.Mercado@us.dlapiper.com>; AlbinoLopez, Jan <Jan.AlbinoLopez@us.dlapiper.com>; Marien Del Valle Pares <mdelvalle@dacopr.gov>

Dear all,

DACO disagrees that the DACO's Court Litigation violates the automatic stay. The stay does not apply here for at least three independent reasons.

First, DACO is a governmental unit acting to enforce its police and regulatory powers to protect consumers. Actions of that nature fall squarely within the § 362(b)(4) police-power exception (as incorporated in PROMESA Title III). The proceeding seeks declaratory, non-monetary relief on matters of public law, not the enforcement of a money judgment.

Second, the litigation is not against a Title III debtor, nor is it an act to obtain possession of or exercise control over property of a debtor's estate. LUMA is not a Title III debtor, and the relief requested does not direct the disposition of PREPA's property or revenues.

Third, public-law enforcement actions of this kind have been consistently treated as outside the stay, even in the Title III context, because they vindicate sovereign interests rather than collect on private claims.

For these reasons, DACO will not withdraw its filings. If LUMA intends to seek relief, please identify any controlling authority that extends the § 362 stay to non-debtors on these facts and that displaces the § 362(b)(4) exception for purely declaratory consumer-protection enforcement. DACO reserves all rights and remedies.

Finally, we note that your demand, on pain of motion practice by 3 p.m., appears to be a strategy to buy time by abusing the federal courts with meritless assertions that do not adhere to the law. DACO will not acquiesce in efforts to weaponize Title III or the federal forum to delay adjudication of these public-law issues.

Lastly, we also note the tone of your correspondence. You are addressing a public official acting in her official capacity. Please govern yourselves accordingly.

Regards,

Valerie Rodriguez



DEPARTAMENTO DE
ASUNTOS DEL CONSUMIDOR

DACO

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From: DelaRosa, Yahaira <Yahaira.DelaRosa@us.dlapiper.com>

Sent: Thursday, September 18, 2025 9:14 AM

To: Valerie Rodriguez Erazo <vrodriguez@daco.pr.gov>; Gadiel J. Figueroa Robles <gfigueroa@daco.pr.gov>; Samuel A. Silva Rosas <ssilva@daco.pr.gov>

Cc: Mercado, Margarita <Margarita.Mercado@us.dlapiper.com>; AlbinoLopez, Jan <Jan.AlbinoLopez@us.dlapiper.com>

Subject: DACO's filing of the complaint before the Court of First Instance, Case No. SJ2025CV006607 and the Writ for Intrajurisdictional Certification filed before the Puerto Rico Supreme Court, Case No. CT-2025-0003 (the "Commonwealth Court Litigation")

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Counsel,

DACO's filing of the Commonwealth Court Litigation and continuing prosecution of the Commonwealth Court Litigation violate the automatic stay contained in 11 U.S.C. 362 of the Bankruptcy Code made applicable to these cases pursuant to PROMESA section 301(a). See *In re Fin. Oversight & Mgmt. Bd. for P.R. v. Commonwealth*, No. 17 BK 3283-LTS, 2022 U.S. Dist. LEXIS 218552 (D.P.R. Feb. 7, 2022). LUMA hereby respectfully requires DACO to immediately cease its automatic stay violations and take the following actions by 3 p.m. today:

1. Withdraw the complaint filed in the Court of First Instance, San Juan Part, Case No. SJ2025CV006607
2. Withdraw the Writ for Intrajurisdictional Certification filed before the Puerto Rico Supreme Court, Case No. CT-2025-0003
3. Notify the Puerto Rico Supreme Court and the Court of First Instance, San Juan Part, that DACO is no longer prosecuting these matters.

Please be advised that if DACO does not take the foregoing action by 3 p.m. today, LUMA will seek all appropriate relief as a result of DACO's continuing violation of the automatic stay.

LUMA reserves all rights and remedies.

Cordially,

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