

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

<b>NEPR</b>  <b>Received:</b>  <b>Jul 26, 2023</b>  <b>3:06 PM</b>
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**IN RE:**

MANEJO DEL MANTENIMIENTO Y REPARACIONES DE LAS UNIDADES DE GENERACIÓN UTILIZADAS POR LA AUTORIDAD DE ENERGÍA ELÉCTRICA DE PUERTO RICO PARA SUPLIR SERVICIO ELÉCTRICO

**CASE NO.:** NEPR-MI-2021-0014

**SUBJECT:** Motion to Request Comments on Genera’s Preliminary Response to the June 30, 2023, Order

**MOTION TO REQUEST COMMENTS ON GENERA’S PRELIMINARY RESPONSE TO THE JUNE 30, 2023, ORDER**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

**COMES NOW GENERA PR LLC** (“Genera”), as agent of the Puerto Rico Electric Power Authority (“PREPA”),<sup>1</sup> through its counsels of record, and respectfully submits and prays as follows:

1. On June 16, 2023, the Energy Bureau of the Puerto Rico Service Board (“Energy Bureau”) issued a Resolution and Order titled *Filing of Genera’s Proposed Consumables, Spare Parts, and Capital Spare Parts Listing* (“June 16<sup>th</sup> Order”), whereby it ordered Genera to formally submit its recommendation letter regarding Consumable, Spare Parts, and Capital Spare Parts (“Recommendation Letter”) in docket no. NEPR-MI-2021-0014, along with any future

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<sup>1</sup> 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 (“P3 Authority”) and Genera PR LLC (“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 concerning any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

submissions of recommendations made by Genera under Section 4.2(j) of the LGA OMA.<sup>2</sup> Prior to this, on June 1, 2023, Genera had submitted the Recommendation Letter, in compliance with Section 4.2(j) of the LGA OMA, via email to the Energy Bureau and to the P3 Authority. However, the Energy Bureau deemed that such submittal did not constitute a formal filing before the Energy Bureau in its June 16<sup>th</sup> Order.

2. On June 19, 2023, Genera filed a document titled *Motion to Submit Genera PR LLC's Recommendation Letter in Compliance with the June 16, 2023 Order* (the "June 19<sup>th</sup> Motion"), in which it submitted the Recommendation Letter as Exhibit A to the June 19<sup>th</sup> Motion.

3. On June 30, 2023, the Energy Bureau issued a Resolution and Order titled *Genera Consumables, Spare Parts, and Capital Spare Parts Listing*. ("June 30<sup>th</sup> Order"), whereby it conditionally approved Genera's initial assessment of the inventory of Consumables, Spare Parts, and Capital Spare Parts at the legacy generation sites as presented in the June 19<sup>th</sup> Motion, **subject** to Genera's updating its revised assessment incorporating the revisions required in Attachment A

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<sup>2</sup> Pursuant to Section 4.2(j) of the LGA OMA, Genera is obligated to report on the available inventory of Consumables, Spare Parts and Capital Spare Parts for each Legacy Generation Asset which could be used for offsetting other costs and expenses. Section 4.2(j) specifically states:

(j) Consumables, Spare Parts, and Capital Spare Parts. Promptly (and in any event within sixty (60) days) following the Effective Date, and in accordance with the Mobilization Plan, Operator shall review the inventory of Consumables, Spare Parts and Capital Spare Parts for each Legacy Generation Asset and submit to Administrator and PREB (with copy to Owner), for their review and approval, a recommendation in consultation with the original equipment manufacturers of any additional Consumables, Spare Parts and Capital Spare Parts necessary to provide Operator with a supply of such Consumables, Spare Parts and Capital Spare Parts to allow Operator to comply with its obligations under this Agreement for twelve (12) months following the Service Commencement Date (with any modifications deemed to be appropriate by Administrator). During the twelve (12) months following the Service Commencement Date, in the event that, following review of the inventory of Consumables, Spare Parts and Capital Spare Parts for a Legacy Generation Asset, Operator determines that additional Consumables, Spare Parts and Capital Spare Parts are necessary to allow Operator to comply with its obligations under this Agreement for the remainder of such twelve (12) month period, Operator may submit to Administrator and PREB (with copy to Owner), for their review and approval, a revision to the initial approved recommendation. After such twelve (12) month period, it shall be Operator's responsibility to procure any additional, necessary Consumables and Spare Parts, and any additional, necessary Capital Spare Parts in accordance with Section 5.6 (*Capital Spare Parts and Capital improvements*), in each case in accordance with the then-approved Operating Budget.

of the June 30<sup>th</sup> Order. Consequently, in the June 30<sup>th</sup> Order, this Energy Bureau ordered Genera to file its revised assessment of Consumables, Spare Parts, and Capital Spare Parts at the legacy generation units by no later than September 30, 2023.

4. Genera has been diligently preparing a revised assessment of Consumables, Spare Parts, and Capital Spare Parts at the legacy generation units considering the revisions and clarifications specified in Attachment A of the June 30<sup>th</sup> Order.

5. As Genera continues to develop the final version of the revised assessment of Consumables, Spare Parts, and Capital Spare Part, in line with the June 30<sup>th</sup> Order, Genera respectfully requests that the Energy Bureau review Genera's preliminary responses to Attachment A of the same Order, submitted herein as *Exhibit A*. Genera seeks the Energy Bureau's comments and recommendations to ensure that Genera's forthcoming submission of the final version of the revised assessment of Consumables, Spare Parts, and Capital Spare Parts is aligned with the Energy Bureau's revision stipulations outlined in the June 30<sup>th</sup> Order.

**WHEREFORE**, Genera respectfully requests that the Energy Bureau **take notice** of the revised Exhibit A, herein submitted in response to the June 30<sup>th</sup> Order, and provide its feedback and recommendations.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 26<sup>th</sup> day of July 2023.

**ECIJA SBGB**  
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## 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 Joannely Marrero-Cruz, at [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law) and Margarita Mercado Echegaray, at [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com).

In San Juan, Puerto Rico, this 26<sup>th</sup> day of July 2023.

*/s/ Alejandro López-Rodríguez*  
Alejandro López-Rodríguez

Exhibit A

*GPR - PREB Order - Consumables, Spare Parts, and Capital Spare Parts Inventory*