

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

NEPR Received: Jul 20, 2023 4:30 PM
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IN RE:

ANNUAL PERFORMANCE TEST
PROCEDURE – THERMAL
GENERATION EQUIPMENT

CASE NO.: NEPR-MI-2023-0003

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

**MOTION TO REQUEST COMMENTS AND APPROVAL 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”),¹ 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 Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“June 16th Order”), thereby initiating the current proceeding for the “review and consideration of Genera’s annual performance testing procedures.” The June 16th Order stipulated that this docket would gather all necessary information for the Energy Bureau to thoroughly review and evaluate the proposed testing procedures, which are to be used to determine the capacity and heat rate of PREPA’s generation fleet. Earlier, on June 5, 2023, Genera had complied with Section 4.2(v) of the LGA OMA by submitting its proposed Performance Testing Procedures via email to the Energy Bureau for review and comments (the

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 (“P3 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 PREB concerning any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

"June 5th Annual Performance Test Procedure Letter").² However, the June 16th Order mandated Genera to formally file the June 5th Annual Performance Test Procedure Letter within the case proceedings.

2. On June 20, 2023, Genera filed a document titled *Motion to Submit Genera PR LLC's June 5th Annual Performance Testing Submission in Compliance with the June 16, 2023 Order* ("June 20th Motion") in which Genera resubmitted its Performance Test Procedures as presented in the June 5th Annual Performance Test Procedure Letter.

3. On June 30, 2023, the Energy Bureau issued a Resolution and Order titled *Review of the Genera Annual Performance Test Procedure under Section 4.2(v) of the Generation Operation and Maintenance Agreement* ("June 30th Order") whereby it conditionally approved Genera's Annual Performance Test Procedures as filed through the June 20th Motion, **subject** to the revision and clarifications stated in Attachment A of the June 30th Order. Consequently, in the June 30th Order, the Energy Bureau ordered Genera to file its revised version of the Annual Performance Test Procedures, incorporating the guidance in Attachment A, within thirty (30) days from the notification of the June 30th Order.

4. Genera has been diligently preparing a revised Annual Performance Test Procedures considering the revisions and clarifications specified in Attachment A of the June 30th Order.

² Pursuant to Section 4.2(v) of the LGA OMA, Genera is obligated to develop procedures for performance testing as follows:

(v) Annual Performance Test. No later than sixty (60) days prior to the Target Service Commencement Date, and in accordance with the Gridco- Genco- Hydroco Operating Agreement, Operator shall coordinate with T&D Operator to submit to PREB, for its review and approval, the procedures for the Annual Performance Test developed pursuant to the PREPA- Genco- Hydroco Operating Agreement. Within thirty (30) days following its receipt of such procedures, PREB, acting reasonably, shall provide Operator and T&D Operator comments on the appropriateness of the proposed procedures and recommend any changes or modifications it believes are necessary or modifications it believes are necessary or appropriate.

5. As Genera continues to develop the final version of the revised Annual Performance Test Procedure, in line with the June 30th 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, feedback and recommendations to ensure that Genera's forthcoming submission of the final version of the revised Annual Performance Test Procedure is progressing appropriately and is aligned with the Energy Bureau's revision stipulations outlined in the June 30th Order.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the aforementioned submissions, **accept** for review the preliminary responses to the June 30th Order, as submitted herein as Exhibit A, and provide its feedback and recommendations.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of July 2023.

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Exhibit A

GPR - PREB Order - Preliminary Annual Performance Test Procedure