

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

<b>NEPR</b>  <b>Received:</b>  <b>Jul 31, 2023</b>  <b>8:34 PM</b>
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**IN RE:**

ANNUAL PERFORMANCE TEST  
PROCEDURE – THERMAL  
GENERATION EQUIPMENT

**CASE NO.:** NEPR-MI-2023-0003

**SUBJECT:** Motion to Inform Genera's Compliance Efforts and Request for Feedback on Responses Submitted on July 20, 2023, Motion to Request Comments and Approval on Genera's Preliminary Responses to the June 30, 2023, Order

**MOTION TO INFORM GENERA'S COMPLIANCE EFFORTS AND REQUEST FOR  
FEEDBACK ON RESPONSES SUBMITTED ON JULY 20, 2023, MOTION TO  
REQUEST COMMENTS AND APPROVAL ON GENERA'S PRELIMINARY  
RESPONSES 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 Regulatory Board ("Energy Bureau") issued a Resolution and Order ("June 16<sup>th</sup> Order"), thereby initiating the current proceeding for the "review and consideration of Genera's annual performance testing procedures." The June 16<sup>th</sup> 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,

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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, 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.

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 "June 5<sup>th</sup> Annual Performance Test Procedure Letter").<sup>2</sup> However, the June 16<sup>th</sup> Order mandated Genera to formally file the June 5<sup>th</sup> 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 5<sup>th</sup> Annual Performance Testing Submission in Compliance with the June 16, 2023, Order* ("June 20<sup>th</sup> Motion") in which Genera formally submitted the June 5<sup>th</sup> 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 30<sup>th</sup> Order") whereby it conditionally approved Genera's Annual Performance Test Procedures as filed through the June 20<sup>th</sup> Motion, **subject to** the revision and clarifications stated in the Requirement of Information ("ROI") contained in Attachment A of the June 30<sup>th</sup> Order. Consequently, in the June 30<sup>th</sup> 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 30<sup>th</sup> Order.

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<sup>2</sup> 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.

4. On July 20, 2023, Genera submitted a motion titled *Motion to Request Comments and Approval on Genera's Preliminary Response to the June 30, 2023, Order* ("July 20<sup>th</sup> Motion"). In its July 20<sup>th</sup> Motion, Genera presented its preliminary responses to the ROI of the June 30<sup>th</sup> Order and requested that the Energy Bureau reviewed these responses and provide their 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 30<sup>th</sup> Order.

5. Although today, July 31, 2023, is the deadline for the submission of the revised Annual Performance Test Procedure as per the June 30<sup>th</sup> Order, Genera is still awaiting the comments and feedback from the Energy Bureau on the preliminary responses submitted in the July 20<sup>th</sup> Motion.

6. Despite a proactive and comprehensive approach in drafting the preliminary response, Genera respectfully considers it optimal to wait for the feedback requested from the Energy Bureau.

7. The rationale for this approach is to mitigate the potential for misunderstanding or non-compliance that might necessitate further iterations and cause a delay in proceedings. Genera aims to establish a comprehensive, practical, and effective Annual Performance Test Procedure, best achieved through ongoing cooperation and mutual input with the Energy Bureau.

8. Once Genera has received the requested feedback from the Energy Bureau, it commits to promptly incorporating this input into the revised Annual Performance Test Procedure and submitting a finalized version, as requested by the June 30<sup>th</sup> Order.

**WHEREFORE**, Genera respectfully requests that the Energy Bureau **take notice** of the above, provide its feedback and recommendations on the preliminary responses submitted by

Genera in Exhibit A of the July 20<sup>th</sup> Motion, and consider Genera to be in partial compliance with the June 30<sup>th</sup> Order.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 31<sup>st</sup> day of July 2023.

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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.

In San Juan, Puerto Rico, this 31<sup>st</sup> day of July 2023

/s/ Alejandro López-Rodríguez  
Alejandro López-Rodríguez