

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

NEPR

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IN RE:

GENERA PR LLC FUEL OPTIMIZATION
PLAN

CASE NO.: NEPR-MI-2023-0004

SUBJECT: Request for Extension of Time to
Submit Fuel Optimization Plan in Compliance
with Resolution and Order dated July 18, 2023

**REQUEST FOR EXTENSION OF TIME TO SUBMIT FUEL OPTIMIZATION PLAN IN
COMPLIANCE WITH RESOLUTION AND ORDER DATED JULY 18, 2023**

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 30, 2023, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order titled *Determinación sobre los Factores de las Cláusulas de Ajuste Anual para el periodo de julio 2023 a junio 2024; Determinación sobre los Factores de las Cláusulas de Ajuste Trimestral para el periodo de julio a septiembre de 2023* (“June 30th Order”).² In the June 30th Order, the Energy Bureau ordered Genera to submit its Fuel Optimization Plan pursuant to the provisions of the LGA OMA.³

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority (“P3 Authority”), 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 with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

² See *In re: Tarifa Permanente de la Autoridad de Energía Eléctrica de Puerto Rico*, Case No. CEPR-MI-2020-0001, Resolution and Order, June 30, 2023.

³ Pursuant to Section 4.2(t) of the LGA OMA, Genera must develop a Fuel Optimization Plan as follows:

2. On July 9, 2023, Genera submitted to the Energy Bureau a proposed Fuel Optimization Plan (the “Proposed Fuel Optimization Plan”). As part of its submittal, Genera stated that the Fuel Optimization Plan contained privileged and confidential information in accordance with Section 6.15 of Act No. 57-2014, also known as the “Puerto Rico Energy Transformation and Relief Act”.

3. On July 11, 2023, the Energy Bureau issued an Order titled *Order pertaining Genera July 9 submission of draft for Fuel Optimization Plan* (“July 11th Order”), whereby it ordered Genera to submit a memorandum of law to support the claim for confidential treatment to the Proposed Fuel Optimization Plan.

4. Subsequently, on July 14, 2023, in compliance with the July 11th Order, Genera submitted a *Memorandum of Law in Support of Confidential Treatment of the Fuel Optimization Plan Draft Submitted by Genera in Compliance with the June 30, 2023, Order* (“July 14th Proposed Fuel Optimization Plan”).

(a) Fuel Optimization Plan. As soon as reasonably practicable, but not less than ninety (90) days following the Effective Date, Operator shall develop and submit to Administrator a plan intended to take effect from the Service Commencement Date and describing the Fuel Cost Savings Initiatives and outlining the expected methods and estimated fuel savings to be achieved during the Term of the Agreement (the “Fuel Optimization Plan”). Administrator, acting reasonably, shall provide Operator comments on the appropriateness of the proposed Fuel Optimization Plan and recommend any changes or modifications it believes are necessary or appropriate. Within thirty (30) days following receipt of Administrator’s comments, if any, or the end of forty-five (45) days following Administrator’s receipt of the proposed Fuel Optimization Plan, if Administrator has no comments, Operator shall submit to PREB for its review and approval the revised Fuel Optimization Plan, incorporating the feedback from Administrator. If Operator disagrees with any comment from Administrator, Operator will deliver with the revised Fuel Optimization Plan a written statement describing such disagreement, and the parties will meet within five (5) Business Days to seek to resolve any such disagreement and obtain Administrator’s approval of a Fuel Optimization Plan that is acceptable to Operator. Operator shall update the Fuel Optimization Plan (A) on an annual basis, (B) as necessary pursuant to Section 2.3(c) (*Term –Reduction*) and (C) upon any order from PREB or reasonable request from Administrator. Notwithstanding anything to the contrary herein, Operator’s submission of the Fuel Optimization Plan to the Administrator shall be sufficient to satisfy this Operator Service Commencement Date Condition; provided that, for the avoidance of doubt, the Fuel Optimization Plan shall not be effective until approved by Administrator and PREB pursuant to this Section 4.2(t) (*Operator Responsibilities – Fuel Optimization Plan*).

5. On July 18, 2023, the Energy Bureau issued a Resolution and Order titled *Commencing Procedure to Evaluate Genera PR LLC Fuel Optimization Plan* (“July 18th Order”), whereby the Energy Bureau (i) commenced Case No.: NEPR-MI-2023-0004 to review the Fuel Optimization Plan required by the LGA OMA; (ii) concluded that the July 14th Proposed Fuel Optimization Plan was a premature version of the Fuel Optimization Plan that shall be submitted for the review of the Energy Bureau as prescribed by the LGA OMA, and thus, ordered the Energy Bureau’s Clerk to strike the Proposed Fuel Optimization Plan from the record in Case No.: NEPR-MI-2020-0001; and (iii) ordered Genera to file the final version, including a public version, of the Fuel Optimization Plan agreed upon with P3 Authority not later than August 15, 2023.

6. Genera has diligently worked on finalizing the Fuel Optimization Plan in accordance with the July 18th Order. Since the Energy Bureau issued the July 18th Order, Genera has engaged in a series of proactive actions to comply with and implement the said orders, such as: (i) participating in weekly meetings with the P3 Authority to discuss and finalize the Fuel Optimization Plan; (ii) on August 3, 2023, Genera shared a draft of the Fuel Optimization Plan that contained substantive revisions made by Genera; and (iii) on August 4 and 11, 2023, Genera and the P3 Authority engaged in an in-depth discussion regarding comments on the draft Fuel Optimization Plan. The discussion enabled constructive feedback, and an understanding was reached on the prospective modifications and improvements. Genera and the P3 Authority agreed that the next step was for Genera to present a revised Fuel Optimization Plan addressing the matters discussed during the meetings. Genera plans to submit the revised plan to the P3 Authority in seven (7) business days.

7. After the abovementioned submittal is done, the P3 Authority must re-evaluate the revised draft and determine whether to approve the revised Fuel Optimization Plan or provide

further comments and requests for modifications. This process will require several days to ensure a comprehensive review, facilitating the refinement and finalization of the Fuel Optimization Plan in line with the expectations and directives stipulated by the Energy Bureau.

8. Considering the efforts outlined above, and the additional steps required to finalize the review process of the Fuel Optimization Plan with the P3 Authority, Genera respectfully requests an extension of time of twenty (20) days, until **September 4, 2023**, to submit the finalized Fuel Optimization Plan. Genera further informs the Energy Bureau that this extension is sought in good faith and is solely intended to allow Genera the necessary time to fully comply with the July 18th Order regarding the Fuel Optimization Plan.

WHEREFORE, Genera respectfully requests that this Honorable Energy Bureau **take notice** of the above for all purposes and **grant** Genera an extension of time until September 4, 2023, to comply with the July 18th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 14th day of August 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 14th day of August 2023

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez