

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

NEPR Received: Sep 13, 2023 4:21 PM
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IN RE:

ANNUAL PERFORMANCE TEST
PROCEDURE – THERMAL
GENERATION EQUIPMENT

CASE NO.: NEPR-MI-2023-0003

SUBJECT: Motion to Submit Response in
Compliance with Resolution and Order Dated
August 29, 2023 and Request For Extension of
Time

**MOTION TO SUBMIT RESPONSE IN COMPLIANCE WITH THE RESOLUTION AND
ORDER DATED AUGUST 29, 2023 AND REQUEST FOR EXTENSION OF TIME
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 titled *Commencement of Proceeding for the Evaluation of the GENERA Annual Performance Test Procedure under Section 4.2(v) of the Generation Operation and Maintenance Agreement*, thereby initiating the current proceeding for the "review and consideration of Genera's annual performance testing procedures".

2. 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

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.

Genera's Annual Performance Test Procedures ("APT") submitted on June 20, 2023,² subject to the revision and clarifications stipulated 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 APT, incorporating the guidance in Attachment A, within thirty (30) days from the notification of the June 30th Order. The deadline for the submission of the revised APT was July 31, 2023.

3. On July 20, 2023, Genera filed a document titled *Motion to Request Comments and Approval on Genera's Preliminary Response to the June 30, 2023 Order* ("July 20th Motion"). Through the July 20th Motion, Genera submitted its preliminary responses to Attachment A of the June 30th Order and requested that the Energy Bureau provide comments, feedback and recommendations.

4. On July 31, 2023, Genera filed a document titled *Motion to Inform Genera's Compliance Efforts and Request for Feedback on Response Submitted on July 20, 2023, Motion to Request Comments and Approval on Genera's Preliminary Responses to the June 30, 2023, Order* ("July 31st Motion"), whereby Genera petitioned the Energy Bureau to provide comments on its preliminary responses submitted in the July 20th Motion.

5. On August 29, 2023, the Energy Bureau issued a Resolution and Order titled *Determination of Genera's Annual Performance Test Procedure* ("August 29th Order"). In this Order, the Energy Bureau **conditionally approved** Genera's APT, **subject** to Genera's filing – within fifteen (15) days after the notification of the August 29th Order – of a revised version of the APT that incorporates the requirements and modifications delineated in Attachments A and B of the August 29th Order.

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"), wherein Genera submitted its proposed APT to the Energy Bureau in accordance with Section 4.2(v) of the LGA OMA.

6. In compliance with the August 29th Order, Genera hereby submits, as *Exhibit A* herein, Genera's responses to the requirements and modifications set forth in Attachment A of the August 29th Order.

7. Furthermore, Genera respectfully informs the Energy Bureau that the revised APT incorporating all requirement and modifications proposed and requested by the Energy Bureau in the August 29th Order, along with the Report Content as described in Attachment B of the August 29th Order, will be finalized and submitted for the Energy Bureau's approval by September 28, 2023. Therefore, Genera respectfully requests an extension of time until September 28, 2023, to submit the revised APT in compliance with the August 29th Order.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes; **deem** Genera in partial compliance with the August 29th Order; and **grant** Genera until September 28, 2023, to submit the revised APT incorporating the requirements and modifications of Attachment A and B of the August 29th Order.

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 13th day of September 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 13th day of September 2023

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

Genera's Response to Attachment A of the August 29th Order

(Native version to be submitted via email)