

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

NEPR

Received:

Sep 15, 2023

5:41 PM

IN RE:

TARIFA PERMANENTE DE LA
AUTORIDAD DE ENERGÍA ELÉCTRICA
DE PUERTO RICO

CASE NO.: NEPR-MI-2020-0001

SUBJECT: Motion to Submit Monthly Report
in Compliance with the Resolution and Order
dated June 29, 2022

**MOTION TO SUBMIT MONTHLY REPORT IN COMPLIANCE WITH THE
RESOLUTION AND ORDER DATED JUNE 29, 2022**

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 state and request the following:

1. On June 29, 2022, 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 2022 a junio 2023; Determinación sobre los Factores de las Cláusulas de Ajuste Trimestral para el periodo julio — septiembre 2022* (“June 29th Order”) whereby it ordered PREPA to, amongst other things, provide:

[E]n o antes del día 15 de cada mes, comenzando con el mes de julio de 2022, presentar ante el Negociado de Energía un informe detallado de los resultados de las acciones tomadas relacionadas a reclamaciones bajo el contrato entre la Autoridad y New Fortress² para el suministro de gas natural en las unidades San Juan 5 y 6. El informe debe incluir todas las instancias o incidentes en que la Autoridad ha tenido que utilizar diesel en lugar de gas natural desde el inicio del contrato con

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, 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 Operation & Maintenance (“O&M”) Services provided by Genera under the LGA OMA.

² The Fuel Sale and Purchase Agreement that Genera, as agent of PREPA, manages, has NFEnergía, LLC as the counterpart, not New Fortress Energy.

New Fortress, la causa o causas de cada incidente, las acciones tomadas por New Fortress y/o la Autoridad para corregir dichas causas y la documentación que evidencie las correspondientes reclamaciones realizadas por la Autoridad al amparo del contrato y cualquier otra reclamación relacionada. Además, el informe debe estar acompañado de copia de cualquier documentación (e.g., cartas, correos electrónicos, memoranda, etc.) que apoye los datos contenidos en el mismo incluyendo, pero sin limitarse a, todas las comunicaciones cursadas entre la Autoridad y New Fortress con relación a **nominaciones de gas natural desde el inicio del contrato**.

2. In the June 29th Order, the Energy Bureau further instructed PREPA to:

[E]n o antes del día 15 de cada mes, comenzando con el mes de julio de 2022, presentar ante el Negociado de Energía un informe detallado de los resultados de las acciones tomadas relacionadas a reclamaciones bajo el contrato entre la Autoridad y Naturgy para el suministro de gas natural en las unidades Costa Sur 5 y 6. El informe debe estar acompañado de copia de cualquier documentación (e.g., cartas, correos electrónicos, memoranda, etc.) que apoye los datos contenidos en el mismo. Como parte de su radicación, la Autoridad deberá presentar también un informe detallado respecto al suministro de gas natural en las unidades Costa Sur 5 y 6, incluyendo la razón de consumo entre gas natural y combustible residual, así como la fecha estimada para el restablecimiento del suministro normal de gas natural a dichas unidades.

3. Effective July 1, 2023, Service Commencement Date, the responsibility for the O&M Services for the Legacy Generation Assets transitioned from PREPA to Genera in accordance with the provisions of the LGA OMA.³ Regarding the management of fuel contracts, Section 5.7 of the LGA OMA specifically provides the following:

Management of Fuel and Fuel Contracts. From the Service Commencement Date and for the remainder of the Term thereafter, Operator shall source, procure and manage the nomination, transportation, delivery, supply, quality-testing, storage and handling of Fuel, manage and maintain fuel tanks, perform any required environmental reporting, **and maintain and administer the Fuel Contracts, in accordance with the Contract Standards and the applicable Fuel Budget then in effect.** Any renewal of an existing Fuel Contract and any procurement of a new Fuel Contract shall be subject to approval by Administrator and performed in accordance with Applicable Law and in a manner consistent with the Procurement Manual, provided that procurement requirements that would otherwise apply to Owner under Act No. 83 of May 2, 1941 (including any rules or

³ See Section 4.7(b) of the LGA OMA.

regulations issued thereunder) or Act 38 (including those relating to approval process and judicial review) shall not be applicable.

4. Therefore, in accordance with the obligations under the LGA OMA, Genera hereby submits as Exhibit A the fuel nominations sent to Naturgy Aprovevisionamientos S.A. for EcoEléctrica, LP and Costa Sur units 5 and 6; and, as Exhibit B, the fuel nominations sent to NFEnergía, LLC for San Juan units 5 and 6.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes and **deem** Genera in compliance with the June 29th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of September 2023.

ECIJA SBGB
PO Box 363068
San Juan, Puerto Rico 00920
Tel. (787) 300.3200
Fax (787) 300.3208

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo
jfr@sbgblaw.com
TSPR 9,669

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez
alopez@sbgblaw.com
TSPR 22,996

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; Margarita Mercado Echegaray, at margarita.mercado@us.dlapiper.com; Yahaira de la Rosa, at yahaira.delarosa@us.dlapiper.com; and hrivera@jrsp.pr.gov.

In San Juan, Puerto Rico, this 15th day of September 2023.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

Fuel nominations sent to Naturgy Naturgy Aprovevisionamientos S.A. for the supply of natural gas to EcoEléctrica, LP and Costa Sur units 5 and 6

From: [Jose L Carrasco Arroyo](#)
To: [Meugniot Camacho, Jose Joaquín Amador](#); lngpr@naturgy.com
Cc: [Cesar A Figueroa Diez](#); [Danny Hernandez](#); [Russell Painter](#); [Ferdinand Correa Mendez](#); [Hugal R Rios Diaz](#); [Manuel Rios Ramirez](#); [Hector L Lopez Castellar](#); [Miguel Beauchamp Ramos](#); [Zulma E Rodriguez Gonzalez](#); [Lorena Torres Miranda](#); [Katuska Bolanos Lugo](#); [Brannen McElmurray](#); [William Rios Mera](#); [Cristina Ribas Morera](#)
Subject: EcoEléctrica & Costa Sur NDS - October, November, December 2023
Date: Tuesday, September 5, 2023 7:36:19 PM
Attachments: [image001.png](#)
[EcoEléctrica & Costa Sur NDS - October, November & December 2023.pdf](#)

Hi Joaquín and Naturgy team,

Please see attached the October-November-December- 2023 NDS for EcoEléctrica & Costa Sur generating stations.

Regards,

Eng. José L. Carrasco

Fuels Manager



Cell: 787-439-6111

American International Plaza
250 Muñoz Rivera Ave, Suite 1200
San Juan, PR 00918
www.genera-pr.com



AMENDED AND RESTATED
NATURAL GAS SALE AND PURCHASE AGREEMENT
BETWEEN GENERAPR, AS AGENT OF PREPA (BUYER)
AND NATURGY APROVISIONAMIENTOS S.A. (SELLER)

ECOELECTRICA NINETY DAY PROGRAMME

Month M DAY	Oct-23	
	DAILY MMscf	MMBtu
Sunday, October 01, 2023	58.38	60,714
Monday, October 02, 2023	76.37	79,423
Tuesday, October 03, 2023	77.42	80,517
Wednesday, October 04, 2023	76.46	79,513
Thursday, October 05, 2023	78.87	82,029
Friday, October 06, 2023	69.47	72,253
Saturday, October 07, 2023	66.25	68,898
Sunday, October 08, 2023	58.10	60,427
Monday, October 09, 2023	56.26	58,511
Tuesday, October 10, 2023	60.55	62,967
Wednesday, October 11, 2023	67.07	69,752
Thursday, October 12, 2023	69.50	72,281
Friday, October 13, 2023	61.69	64,162
Saturday, October 14, 2023	64.59	67,174
Sunday, October 15, 2023	69.05	71,814
Monday, October 16, 2023	75.88	78,918
Tuesday, October 17, 2023	68.81	71,564
Wednesday, October 18, 2023	76.84	79,909
Thursday, October 19, 2023	70.16	72,966
Friday, October 20, 2023	72.34	75,232
Saturday, October 21, 2023	64.43	67,004
Sunday, October 22, 2023	60.07	62,476
Monday, October 23, 2023	75.12	78,122
Tuesday, October 24, 2023	80.48	83,695
Wednesday, October 25, 2023	78.79	81,942
Thursday, October 26, 2023	76.39	79,446
Friday, October 27, 2023	67.29	69,981
Saturday, October 28, 2023	63.28	65,816
Sunday, October 29, 2023	69.64	72,424
Monday, October 30, 2023	91.24	94,885
Tuesday, October 31, 2023	90.28	93,889
	2,191	2.279 TBtu
Date sent	Month M + 1	Nov-23
Tuesday, September 5, 2023		1.993 TBtu
	Month M + 2	Dec-23
		2.052 TBtu



AMENDED AND RESTATED
NATURAL GAS SALE AND PURCHASE AGREEMENT
BETWEEN GENERA PR, AS AGENT OF PREPA (BUYER)
AND NATURGY APROVISIONAMIENTOS S.A. (SELLER)

COSTA SUR NINETY DAY PROGRAMME

Month M DAY	Oct-23	
	DAILY MMscf	MMBtu
Sunday, October 01, 2023	58.05	60,367
Monday, October 02, 2023	66.46	69,114
Tuesday, October 03, 2023	67.06	69,740
Wednesday, October 04, 2023	64.23	66,804
Thursday, October 05, 2023	71.16	74,008
Friday, October 06, 2023	60.22	62,624
Saturday, October 07, 2023	60.71	63,143
Sunday, October 08, 2023	71.13	73,979
Monday, October 09, 2023	113.37	117,907
Tuesday, October 10, 2023	112.88	117,400
Wednesday, October 11, 2023	57.02	59,297
Thursday, October 12, 2023	34.20	35,572
Friday, October 13, 2023	68.90	71,652
Saturday, October 14, 2023	59.84	62,231
Sunday, October 15, 2023	84.53	87,912
Monday, October 16, 2023	127.74	132,855
Tuesday, October 17, 2023	128.20	133,326
Wednesday, October 18, 2023	130.76	135,993
Thursday, October 19, 2023	127.72	132,833
Friday, October 20, 2023	126.86	131,934
Saturday, October 21, 2023	127.94	133,057
Sunday, October 22, 2023	118.80	123,554
Monday, October 23, 2023	131.59	136,853
Tuesday, October 24, 2023	132.39	137,688
Wednesday, October 25, 2023	123.30	128,228
Thursday, October 26, 2023	120.58	125,406
Friday, October 27, 2023	125.22	130,227
Saturday, October 28, 2023	128.66	133,806
Sunday, October 29, 2023	133.94	139,302
Monday, October 30, 2023	101.57	105,628
Tuesday, October 31, 2023	79.08	82,241
	3,014	3,135 TBtu

Date sent

Month M + 1

Nov-23

1.831

TBtu

Tuesday, September 5, 2023

Month M + 2

Dec-23

2.583

TBtu

From: [Jose L Carrasco Arroyo](#)
To: [Meugniot Camacho, Jose Joaquín Amador](#); Ingpr@naturgy.com
Cc: [Cesar A Figueroa Diez](#); [Danny Hernandez](#); [Russell Painter](#); [Ferdinand Correa Mendez](#); [Hugal R Rios Diaz](#); [Manuel Rios Ramirez](#); [Hector L Lopez Castellar](#); [Miguel Beauchamp Ramos](#); [Zulma E Rodriguez Gonzalez](#); [Lorena Torres Miranda](#); [Katuska Bolanos Lugo](#); [Brannen McElmurray](#); [William Rios Mera](#); [Cristina Ribas Morera](#)
Subject: RE: EcoEléctrica & Costa Sur NDS - October, November, December 2023
Date: Friday, September 8, 2023 5:20:00 PM
Attachments: [image001.png](#)
[NDS Costa Sur Oct. Nov. Dec 2023 rev. 2023-09-08.pdf](#)

Hi Joaquín,

As per our conversation today, we are submitting an updated NDS for October-November-December of 2023 for the Costa Sur generating station, given the new developments in the Unit 5 outage works and new expected unit-in-service date.

We appreciate your consideration to this matter.

Regards,

Eng. José L. Carrasco

Fuels Manager



Cell: 787-439-6111

American International Plaza
250 Muñoz Rivera Ave, Suite 1200
San Juan, PR 00918
www.genera-pr.com

From: Jose L Carrasco Arroyo
Sent: Tuesday, September 5, 2023 7:36 PM
To: Meugniot Camacho, Jose Joaquín Amador <jmeugniot@naturgy.com>; Ingpr@naturgy.com
Cc: Cesar A Figueroa Diez <Cesar.Figueroa@genera-pr.com>; Danny Hernandez <daniel@genera-pr.com>; Russell Painter <rpainter@genera-services.com>; Ferdinand Correa Mendez <Ferdinand.Correa@genera-pr.com>; Hugal R Rios Diaz <Hugal.Rios@genera-pr.com>; Manuel Rios Ramirez <Manuel.Rios@genera-pr.com>; Hector L Lopez Castellar <Hector.Lopez@genera-pr.com>; Miguel Beauchamp Ramos <Miguel.Beauchamp@genera-pr.com>; Zulma E Rodriguez Gonzalez <Zulma.RodriguezG@genera-pr.com>; Lorena Torres Miranda <Lorena.Torres@genera-pr.com>; Katuska Bolanos Lugo <kbolanos@genera-pr.com>; Brannen McElmurray <brannen@genera-services.com>; William Rios Mera <William.Rios@genera-pr.com>; Cristina Ribas Morera

<cribas@genera-pr.com>

Subject: EcoEléctrica & Costa Sur NDS - October, November, December 2023

Hi Joaquín and Naturgy team,

Please see attached the October-November-December- 2023 NDS for EcoEléctrica & Costa Sur generating stations.

Regards,

Eng. José L. Carrasco

Fuels Manager



Cell: 787-439-6111

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AMENDED AND RESTATED
NATURAL GAS SALE AND PURCHASE AGREEMENT
BETWEEN GENERA PR, AS AGENT OF PREPA (BUYER)
AND NATURGY APROVISIONAMIENTOS S.A. (SELLER)

COSTA SUR NINETY DAY PROGRAMME

Month M DAY	Oct-23	
	DAILY MMscf	MMBtu
Sunday, October 01, 2023	58.05	60,367
Monday, October 02, 2023	66.46	69,114
Tuesday, October 03, 2023	67.06	69,740
Wednesday, October 04, 2023	64.23	66,804
Thursday, October 05, 2023	71.16	74,008
Friday, October 06, 2023	60.22	62,624
Saturday, October 07, 2023	60.71	63,143
Sunday, October 08, 2023	48.05	49,972
Monday, October 09, 2023	55.65	57,880
Tuesday, October 10, 2023	61.19	63,640
Wednesday, October 11, 2023	57.02	59,297
Thursday, October 12, 2023	51.69	53,760
Friday, October 13, 2023	52.77	54,880
Saturday, October 14, 2023	57.68	59,991
Sunday, October 15, 2023	61.46	63,917
Monday, October 16, 2023	61.58	64,040
Tuesday, October 17, 2023	62.93	65,451
Wednesday, October 18, 2023	62.52	65,016
Thursday, October 19, 2023	62.40	64,899
Friday, October 20, 2023	61.78	64,246
Saturday, October 21, 2023	61.18	63,625
Sunday, October 22, 2023	57.85	60,160
Monday, October 23, 2023	63.73	66,281
Tuesday, October 24, 2023	74.57	77,550
Wednesday, October 25, 2023	74.13	77,099
Thursday, October 26, 2023	66.25	68,904
Friday, October 27, 2023	60.81	63,246
Saturday, October 28, 2023	62.35	64,844
Sunday, October 29, 2023	63.04	65,562
Monday, October 30, 2023	54.24	56,405
Tuesday, October 31, 2023	54.55	56,732

1,897

1.973

TBtu

Date sent
Friday, September 8, 2023

Month M + 1

Nov-23

1.831

TBtu

Month M + 2

Dec-23

2.583

TBtu

Exhibit B

Fuel nominations sent to NFEnergía, LLC for the supply of natural gas to San Juan units 5 and 6

From: [Jose L Carrasco Arroyo](#)
To: [Carlos Faris](#)
Cc: [Terence Sawick](#); [Gregory Pilkinton](#); [Radames J Alvarado Bonilla](#); [Victor L Ortiz Perez](#); [Ferdinand Correa Mendez](#); [Hugal R Rios Diaz](#); [Lorena Torres Miranda](#); [Cesar A Figueroa Diez](#); [Brannen McElmurray](#); [Katuska Bolanos Lugo](#); [Danny Hernandez](#); [Russell Painter](#); [Manuel Rios Ramirez](#); [Cristina Ribas Morera](#)
Subject: San Juan Units 5 & 6 NDS - October, November, December 2023 and increase in "Annual Contract Quantity" (ACQ) for 2023
Date: Tuesday, September 5, 2023 7:37:04 PM
Attachments: [image001.png](#)
[San Juan NDS - October, November & December 2023.pdf](#)

Hi Carlos and NFE Team,

Please see attached the October-November-December 2023 NDS for San Juan generating station units 5 & 6. In addition to the binding schedule for October, our non-binding estimates for November and December 2023 exceed the non-binding "ACQ" for the calendar year 2023 (21.910 TBtu). Pursuant to Clause 7.4(d), Buyer hereby notifies Seller of a discrepancy in the ACQ for 2023 as submitted by PREPA in June 2022. Such discrepancy is the result of changes in energy demand and major shutdown rescheduled from 4Q'23 to 1Q'24. We hereby request an increase in the 2023 "ACQ" to an estimate of 22.498 TBtu.

We look forward to your positive review of our request and remain available for any discussion on this matter.

Regards,

Eng. José L. Carrasco

Fuels Manager



Cell: 787-439-6111

American International Plaza
250 Muñoz Rivera Ave, Suite 1200
San Juan, PR 00918

www.genera-pr.com



FUEL SALE AND PURCHASE AGREEMENT
BETWEEN GENERA PR, AS AGENT OF PREPA (BUYER)
AND NEW FORTRESS ENERGY (SELLER)

SAN JUAN 5 & 6 NINETY DAY SCHEDULE

Month M DAY	Oct-23	
	DAILY MMscf	MMBtu
Sunday, October 01, 2023	67.88	70,592
Monday, October 02, 2023	75.27	78,277
Tuesday, October 03, 2023	76.52	79,585
Wednesday, October 04, 2023	76.48	79,535
Thursday, October 05, 2023	75.98	79,018
Friday, October 06, 2023	76.44	79,499
Saturday, October 07, 2023	72.70	75,610
Sunday, October 08, 2023	69.15	71,916
Monday, October 09, 2023	71.66	74,528
Tuesday, October 10, 2023	72.26	75,147
Wednesday, October 11, 2023	74.54	77,520
Thursday, October 12, 2023	75.73	78,762
Friday, October 13, 2023	75.55	78,575
Saturday, October 14, 2023	74.28	77,248
Sunday, October 15, 2023	38.15	39,674
Monday, October 16, 2023	38.31	39,840
Tuesday, October 17, 2023	36.84	38,315
Wednesday, October 18, 2023	38.31	39,840
Thursday, October 19, 2023	37.52	39,018
Friday, October 20, 2023	37.03	38,512
Saturday, October 21, 2023	37.04	38,526
Sunday, October 22, 2023	35.10	36,506
Monday, October 23, 2023	38.31	39,840
Tuesday, October 24, 2023	38.31	39,840
Wednesday, October 25, 2023	38.31	39,840
Thursday, October 26, 2023	38.31	39,840
Friday, October 27, 2023	36.14	37,589
Saturday, October 28, 2023	35.52	36,938
Sunday, October 29, 2023	38.31	39,840
Monday, October 30, 2023	35.24	36,653
Tuesday, October 31, 2023	34.32	35,696
	1,665	1.732 TBtu
Month M + 1	Nov-23	1.771 TBtu
Month M + 2	Dec-23	1.720 TBtu

Date sent
Tuesday, September 5, 2023