

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

NEPR

Received:

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IN RE:

REVIEW OF LUMA'S INITIAL BUDGET

CASE NO.: NEPR-MI-2021-0004

SUBJECT: Motion Submitting Response In
Compliance with Resolution and Order Dated
October 26, 2023

**MOTION SUBMITTING RESPONSE IN COMPLIANCE WITH RESOLUTION AND
ORDER DATED OCTOBER 26, 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 state and request the following:

1. On May 16, 2023, LUMA² filed a document with the Energy Bureau of the Puerto Rico Service Regulatory Board ("Energy Bureau") titled *Submission of Consolidated Annual Budgets for Fiscal Year 2024 and Proposed Annual T&D Projections Through Fiscal Year 2026* ("May 16th Motion"), in which LUMA submitted the Proposed Consolidated FY24 Budget, composed of the proposed T&D Budgets developed by LUMA, the proposed GenCo Budgets revised by Genera on behalf of PREPA for the PREPA subsidiary GenCo LLC, and the proposed budget developed by PREPA for its holding company, HoldCo, and its subsidiaries PREPA HydroCo LLC and PREPA PropertyCo LLC.

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 LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as "LUMA").

2. On June 25, 2023, the Energy Bureau issued a Resolution and Order titled *Determination on the FY24 Annual Budgets for the Electric Utility System – LUMA, Genera, and PREPA* (“June 25th Order”). Pertinent to this motion, the Energy Bureau modified Genera’s Necessary Maintenance Expenditures (“NME”) for the Legacy Generation Assets and increased the NME budgets to \$134.075MM.

3. On June 30, 2023, LUMA submitted a document titled, *Submission of Motions for Reconsideration by PREPA and Genera and Notice of Intent to Request Reconsideration of Resolution and Order of June 25, 2023* (“June 30th Motion”). Included with the June 30th Motion, LUMA submitted, on behalf of Genera, a document titled *Urgent Motion in Compliance with Resolution and Order of June 25, 2023 and for Partial Reconsideration* (“Genera’s Request for Partial Reconsideration”).

4. On July 14, 2023, the Energy Bureau issued a Resolution and Order titled *Requirement of Information (“ROI”) to Genera – Review of LUMA’s Proposed Consolidated FY 2024 Budgets* (“July 14th Order”). In this Order, the Energy Bureau determined that additional supporting material was required for its review based on the new information provided in Genera’s Request for Partial Reconsideration. The Energy Bureau noted that the information provided lacked the necessary support to allow for a full assessment of Genera’s Request for Reconsideration and therefore ordered Genera to respond to the ROI set forth in Attachment A of the July 14th Order.

5. On July 25, 2023, Genera submitted a Motion titled *Motion Submitting Information in Compliance with Resolution and Orders dated June 25, 2023, and July 14, 2023* (“July 25th Motion”). Therein, Genera submitted its responses to the ROI from the July 14th Order.³

³ See July 25th Motion, Exhibit A.

Additionally, Genera informed that it would supplement its responses to ROI Number 10(b) and ROI Number 10(e)(i) of the July 14th Order.⁴

6. On August 2, 2023, Genera submitted a document titled *Motion in Response to the Resolution and Order Dated July 14, 2023* (“August 2nd Motion”), whereby Genera submitted the supplemental information to the July 25th Motion.

7. On September 20, 2023, Genera submitted a document titled *Motion to Submit Reports on Grid Modernization and Emergency Work-Related Federal Funding in Compliance with Resolution and Order dated June 25, 2023* (“September 20th Motion”). In the September 20th Motion, Genera submitted a series of reports as exhibits, providing information and status as of August 31, 2023, on the major investment categories and projects that Genera is implementing to deliver reliable and resilient power. Genera further contended, and still contends, that the information provided fulfills the reporting requirements set forth by the June 25th Order, as detailed in Attachment I.

8. On October 20, 2023, Genera filed a document titled *Motion to Submit Reports on Grid Modernization and Emergency Work-Related Federal Funding in Compliance with Resolution and Order dated June 25, 2023* (“October 20th Motion”). In the October 20th Motion, Genera submitted a series of reports as exhibits, providing information and status up to September 30, 2023, on the major investment categories and projects that Genera is implementing to deliver reliable and resilient power. Genera further contends that the information provided fulfills the reporting requirements set forth in the June 25th Order, as detailed in Attachment I.

9. On October 26, 2023, the Energy Bureau issued an Order titled *Issuance of Requirement of Information (“ROI”) To Genera Regarding Budget Reports* (“October 26th

⁴ *Id.*, ¶ 10.

Order”). To obtain clarity regarding the tracking of the NME Budget line item, the Energy Bureau ordered Genera to file a detailed response to the ROI set forth in Attachment A of the October 26th Order within five (5) business days from receiving the Order’s notification, with the deadline set for November 2, 2023.

10. On November 2, 2023, Genera filed a document titled *Motion for Motion for Extension of Time to Comply with the October 26th Order*, in which Genera requested an extension of five (5) additional business days, until November 9, 2023, to provide a thorough and comprehensive response to the ROI included in the October 26th Order. The Energy Bureau, through a Resolution and Order issued on November 8, 2023, granted Genera’s request for an extension to submit its response to the October 26th Order by November 9, 2023.

11. In compliance with the October 26th Order and the November 8th Resolution, Genera hereby submits its response to the October 26th Order ROI as *Exhibit A* to this motion.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes and **deem** Genera to have complied with the October 26th Order as it pertains to the ROI, the response to which is included herein as *Exhibit A*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of November 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 and that we will send an electronic copy of this motion to PREPA, through Lionel Santa, at lionel.senta@prepa.gov.pr; and to LUMA, through Margarita Mercado Echegaray, at margarita.mercado@us.dlapiper.com; and Ana Margarita Rodríguez Rivera, at ana.rodriguezrivera@us.dlapiper.com.

In San Juan, Puerto Rico, this 9th day of November 2023

/s/ Alejandro López Rodríguez
Alejandro López Rodríguez

Exhibit A
GPR – PREB ORDER– 10.26.2023



Docket Number: NEPR-MI-2021-0004

In Re: Review of LUMA's Initial Budgets

Re: Issuance of Requirement of Information ("ROI") to Genera Regarding Budget Reports

Order:

GPR – PREB ORDER– 10.26.2023 #1

1. Explain the costs associated with NME Projects shown in **Exhibit C** and **Exhibit D**, i.e., Cost of \$54.135MM, Baseline Cost of \$67.080MM and Cost Variance of (\$12.945MM) and why these costs do not seem to correspond to the approved NME budget of **Attachment G**.

Response:

The Microsoft Projects software used to create the Genera Project Master Tracker (Exhibit B), Genera Project Cash Flow (Exhibit C) and Cost Overview (Exhibit D) tracks the overall execution variance. Furthermore, the variance is tracked on a month to previous month basis, the variance represents the difference between the current month and the previous monthly update, not on a year-to-date execution basis.

The cost variance presented in these reports does not track the NME budget to actual ("B2A") expenses of the approved NME budget.

GPR – PREB ORDER– 10.26.2023#2

2. Certain NME activities in **Exhibit B** have been crossed out, e.g., ID 65: HP/IP/LP Spare Rotor Units 5 & 6, and characterized as Subcontracts. Provide the status of these activities.

Response:

The Genera Project Master Tracker, filed as **Exhibit B**, is an all-encompassing list of the completed, in-process and future projects undertaken by Genera since commencement of operations. The crossed-out projects are those projects that have been either completed, reprogrammed to a later date or those eliminated altogether. These updates and project status changes coincide with the recently updated and submitted NME Project List included in the November 7, 2023 Motion to Submit Corrective Action Plan in Compliance with Resolution and Order dated September 22, 2023 (“November 7th 2023 Motion”).

Genera is currently updating the Genera Project Master Tracker to reflect recent changes and advances in the report projects. ID 65 HP/IP/LP Spare rotor Units 5&6 is an error in the tracker and has been corrected. Once the latest updated version of the Genera Project Master Tracker is final, Genera will promptly file a copy with the PREB.

GPR – PREB ORDER– 10.26.2023#3(a)

3. Annex F of the July 25 Motion titled *Generation Fleet Outage Schedule and Planned Maintenance and Critical Component Replacement Program* depicts the projects required to reduce the forced outages from 32% to 15% and increase generation availability by 340MW by December 2024. Show how the projects of Annex F:

- a. utilize the NME approved budget of **Attachment G**;

Response:

Please see attached table **GPR – PREB ORDER– 10.26.2023#3(a)**. The referenced table lists all the NME projects that must be performed during an outage. Prioritizing these projects during a planned outage will ultimately result in the reduction of forced outages and take advantage of the increase temporary generation available.

GPR – PREB ORDER– 10.26.2023#3(b)

b. take into account the temporary generation provided by the United States Army Corps of Engineers ("USACE"), that is already installed or in the pipeline to be installed, in accordance with its current mission to stabilize the Puerto Rico electric system in the aftermath of Hurricane Fiona, and in those instances where repair of major baseload power plants will merit the addition of temporary generation to decrease the risk of loss of load during a contingency.

Response:

Please see attached table **GPR – PREB ORDER– 10.26.2023#3(b)**. The Unit Maintenance Plan takes full advantage of the increase temporary generation available as well as the historical cyclical periods where consumer demand is lower to potentially reduce forced outage incidence and provide a more resilient system.

GPR – PREB ORDER– 10.26.2023#4

4. Provide the status of the NME activities approved in **Attachment G**, including actual and projected expenditures in FY 2024 for each maintenance activity.

Response:

As stated above as part of the item GPR – PREB ORDER– 10.26.2023#2, Genera is currently updating the Genera Project Master Tracker to reflect the changes and advances in all projects. Once the latest updated version of the Genera Project Master Tracker is final, Genera will promptly file a copy with the PREB.



		Outage Dependent NME Projects		
Power Plant	Funds	Project	Cost	Outage Dependant
Aguirre	NME	Aguirre Unit 2 – Environmental Maintenance Project (Jan – Feb 2024)	\$ 3,000,000.00	Yes
Aguirre	NME	Aguirre Unit 2 ABB Excitation System Replacement	\$ 217,642.86	Yes
Aguirre	NME	Boiler Improvement U-2 – Aguirre Steam Plant	\$ 743,176.00	Yes
Aguirre	NME	Ciclo Combinado Aguirre Stack 1, Rotores y Rotor de Generador	\$ 9,000,000.00	Yes
Cambalache	NME	Cambalache GT Units & Auxiliaries Repairs	\$ 500,000.00	Yes
Cambalache	NME	Major Inspection – Generator Unit 3	\$ 500,000.00	Yes
Cambalache	NME	Control System Plant Maintenance	\$ 1,249,136.00	Yes
Costa Sur	NME	Unit 6 – Environmental Maintenance	\$ 3,000,000.00	Yes
Mayaguez	NME	Hot Section Inspection 4A	\$ 6,500,000.00	Yes
Mayaguez	NME	Inspection and Maintenance 4 Gen. Brush	\$ 4,475,000.00	Yes
Palo Seco	NME	New Multimedia Filter Skid Water Treatment Plant	\$ 1,750,000.00	Yes
Palo Seco	NME	Palo Seco 4 – Enviromental Maintenance	\$ 3,750,000.00	Yes
Palo Seco	NME	Polishing System – PS3	\$ 500,000.00	Yes
Palo Seco	NME	Polishing System – PS4	\$ 1,000,000.00	Yes
San Juan	NME	Replacement of the Online Condenser Cleaner Unit 6	\$ 750,000.00	Yes
			\$ 36,934,954.86	

