

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

<b>NEPR</b>  <b>Received:</b>  <b>Nov 15, 2023</b>  <b>11:59 PM</b>
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**IN RE:**

TARIFA PERMANENTE DE LA  
AUTORIDAD DE ENERGÍA ELÉCTRICA  
DE PUERTO RICO

**CASE NO.:** NEPR-MI-2020-0001

**SUBJECT:** Urgent Request for Extension to  
Comply with the Resolution and Order dated  
June 29, 2022

**URGENT REQUEST FOR EXTENSION TO COMPLY 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”),<sup>1</sup> 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 29<sup>th</sup> 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 Fortress<sup>2</sup> para el suplido 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

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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, 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.

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

del contrato con 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 a! 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.**

*See*, June 29<sup>th</sup> Order, on Page 26.

2. In the June 29<sup>th</sup> 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 suplido 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 suplido 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 suplido normal de gas natural a dichas unidades.

*Id.*

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. *See*, Article 4, Section 4.7(b) of the LGA OMA. 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 regulations issued thereunder) or Act 38 (including those relating to approval process and judicial review) shall not be applicable.

4. Genera has been diligent and consistent in filing the monthly reports in accordance with the obligations under the LGA OMA and in compliance with the June 29th Order. However, due to unexpected circumstances in acquiring the necessary information and authorization for submission, Genera, in good faith hereby requests a one-day extension to submit the requested fuel nomination reports.

**WHEREFORE**, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes and **grant** Genera's one-day request for extension to comply with the June 29<sup>th</sup> Order.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 15<sup>th</sup> day of November 2023.

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TSPR 20,678

## 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 Margarita Mercado Echegaray, at [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com); Yahaira de la Rosa, at [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com); and [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov).

In San Juan, Puerto Rico, this 15<sup>th</sup> day of November 2023.

*/s/ Alejandro López-Rodríguez*  
Alejandro López-Rodríguez