

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

<b>NEPR</b>  <b>Received:</b>  <b>Dec 6, 2023</b>  <b>6:16 PM</b>
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**IN RE:**

REVIEW OF THE PUERTO RICO  
ELECTRIC POWER AUTHORITY’S 10-  
YEAR INFRASTRUCTURE PLAN –  
DECEMBER 2020

**CASE NO.:** NEPR-MI-2021-0002

**SUBJECT:** Motion to Submit Response to  
Resolution and Order Dated November 8, 2023

**MOTION TO SUBMIT RESPONSE TO RESOLUTION AND ORDER DATED  
NOVEMBER 8, 2023**

**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 submits and prays as follows:

1. On March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order in the instant case, through which it ordered the PREPA to submit each specific capital investment project for approval to avoid potential noncompliance with the Approved Integrated Resource Plan and Modified Action Plan. To streamline the process, the Energy Bureau requested PREPA to submit the specific projects to the Energy Bureau at least thirty (30) calendar days before their submittal to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (“COR3”) and the Federal Emergency Management Agency (“FEMA”), and any other federal agency, and to continue

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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 O&M Services provided by Genera under the LGA OMA.

reporting to the Energy Bureau and FEMA, within the next five (5) years, the progress of all ongoing efforts related to the final approval of the submitted projects not yet approved by the Energy Bureau.

2. On November 8, 2023, the Energy Bureau issued a Resolution and Order titled *LUMA's approved SOW Request of Information ("ROI")* ("November 8<sup>th</sup> Order"). Pertinent to this motion, the November 8<sup>th</sup> Order directed LUMA<sup>2</sup> and Genera to submit, within fifteen (15) days from the date of notification of the order, a list detailing the status of all projects approved by FEMA and/or COR3 to the Energy Bureau.

3. The deadline to comply with the November 8<sup>th</sup> Order has elapsed, and Genera did not comply. This was due to clerical errors made by the undersigned team in scheduling deadlines. The undersigned has taken the necessary steps to prevent such mistakes from happening in the future. Therefore, the undersigned respectfully request that the Energy Bureau does not find Genera in non-compliance or contempt for failing to meet the November 8<sup>th</sup> Order deadline.

4. In compliance with the information requested in the November 8<sup>th</sup> Order, Genera includes, as Exhibit A, the detailed list of projects sanctioned by FEMA and COR3 currently under construction.

**WHEREFORE**, Genera respectfully requests that the Energy Bureau **acknowledge** Genera's compliance with the information requested in the November 8<sup>th</sup> Order and **requests** the Energy Bureau to excuse Genera's non-compliance with the established deadline.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 6<sup>th</sup> day of December 2023.

**ECIJA SBGB**  
PO Box 363068  
San Juan, Puerto Rico 00920

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<sup>2</sup> LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as "LUMA").

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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 the attorney for PREPA, Lionel Santa Crispín, at [lionel.santa@prepa.pr.gov](mailto:lionel.santa@prepa.pr.gov); and to LUMA's counsel, Margarita Mercado, at [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com), and Yahaira De La Rosa, at [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com).

In San Juan, Puerto Rico, this 6<sup>th</sup> day of December 2023

/s/ Alejandro López-Rodríguez  
Alejandro López-Rodríguez

Exhibit A



PROJECT #	SECTOR	TITLE	Project Status	SOW ESTIMATE COST (M)	Federal Share (90%) SOW Cost (M)	Construction Status
663383	Generation	Cambalache Power Plant Permanent Repairs	Obligated	\$2.01	\$1.81	90%
663385	Generation	Mayaguez Hydro-Gas Power Plant Permanent Repairs	Obligated	\$22.24	\$20.01	85%
662947	Generation	San Juan Plant - Permanent Repair (Units 5 & 6)	Obligated	\$72.70	\$65.43	65%
687480	Generation	San Juan Plant - Permanent Repair (Units 7 & 8)	Obligated	\$19.56	\$17.60	26%
667744	Generation	San Juan Plant - Auxiliary Equipment	Obligated	\$2.37	\$2.13	89%
669498	Generation	Aguirre Power Plant 001 Infrastructure Projects] (Generation)	Obligated	\$3.03	\$2.73	42%
669233	Generation	Aguirre Power Plant 002 Units 1 & 2 Projects (Generation)	Obligated	\$20.91	\$18.82	61%
669815	Generation	Aguirre Power Plant 003 Combined Cycle] (Generation)	Obligated	\$5.41	\$4.87	79%
662957	Generation	FAASt [Palo Seco Power Plant -001 Units 3 & 4] (Generation)	Obligated	\$28.77	\$25.90	44%
672950	Generation	Costa Sur Power Plant Permanent Repairs CS-001	Obligated	\$42.30	\$38.07	36%
671481	Generation	Palo Seco 002- Auxiliary Infrastructure Projects (Generation)	Obligated	\$3.48	\$3.13	38%
673006	Generation	Costa Sur 002 Infrastructure Projects Permanent Repair 5 & 6	Obligated	\$1.25	\$1.13	50%