

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

IN RE: GENERA PR, LLC FUEL
OPTIMIZATION PLAN

CASE NO.: NEPR-MI-2023-0004

SUBJECT: Response to *Informative Motion Regarding the Revised Fuel Optimization Plan and Request for Confidential Treatment with Supporting Memorandum of Law* filed January 8, 2024.

RESOLUTION AND ORDER

On September 15, 2023, Genera PR, LLC (“Genera”) filed with the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) a document titled *Motion to Submit Genera’s Revised Fuel Optimization Plan in Compliance with Resolution and Order dated July 18, 2023* (“September 15 Motion”), which included as Exhibit A the *Revised Fuel Optimization Plan* (“September 15 Plan”).

On December 20, 2023, the Energy Bureau issued a Resolution and Order (“December 20 Resolution”), in which the Energy Bureau i) requested Genera to respond to the Request of Information (“ROIs”) included as Attachment A on or before January 10, 2024; ii) scheduled a Technical Conference for January 12, 2024, to discuss the September 15 Fuel Optimization Plan; and iii) requested comments by the public regarding the September 15 Plan on or before January 19, 2024.

On January 8, 2024, Genera filed a document titled *Informative Motion Regarding the Revised Fuel Optimization Plan and Request for Confidential Treatment with Supporting Memorandum of Law* (“January 8 Motion”), in which Genera informs that on January 4, 2024, Genera presented, as Exhibit A, a revised version of the September 15 Plan to the Puerto Rico Public-Private Partnerships Authority (“P3 Authority”) (“January 4 Revised Plan”).¹ The January 8 Motion states that the January 4 Revised Plan is “**still currently under the consideration** of the P3 Authority and may be subject to further change”.² The January 8 Motion also request confidential treatment to the January 4 Revised Plan claiming that it includes sensitive commercial information and details that are still undergoing internal review with Genera and the P3 Authority.³

The January 8 Motion is the first time the Energy Bureau is made aware that the September 15 Plan was not the final version of the Fuel Optimization Plan subject to the Energy Bureau analysis. Genera indicates that the January 4 Revised Plan includes two additional sections to the September 15 Plan.⁴

The January 4 Revised Plan may also include modification requested by the P3 Authority. Therefore, at this moment, neither the Energy Bureau nor the public has the version that requires the Energy Bureau’s approval.

The Energy Bureau **ADMONISHES** Genera for its tardy notice to inform that the September 15 Plan is still under review. The process of scheduling Technical Conferences and the period for the public to file their comments is not to be taken lightly. The Energy Bureau and the public **MUST** be informed with ample time that the main documents to be discussed in the January 12, 2024, Technical Conference are not final and require substantial modifications such as those mentioned in the January 8 Motion.

¹ January 8 Motion, p. 3, ¶ 4.

² *Id.*, p. 3, ¶ 5.

³ *Id.*

⁴ January 8 Motion, p. 3, ¶ 4.



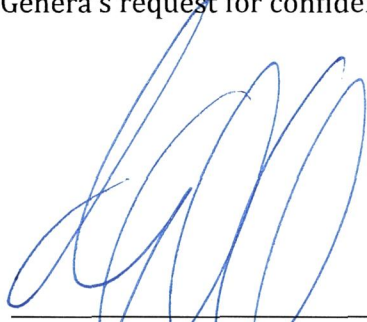
The obligation for Genera to file on or before January 10, 2024, its responses to the Request of Information (“ROIs”) included as Attachment A to the December 20 Resolution, remain unaltered.

The Energy Bureau **ORDERS** Genera to file the modified January 4 Revised Plan within five (5) business days after receiving any comments by the P3 Authority. The Energy Bureau **REMINDS** Genera that any request for confidentiality **MUST** be properly justified and be accompanied by a redacted version for the public which shall promote transparency and public participation.

The Energy Bureau issues a **STAY** for the January 12, 2024, Technical Conference and the January 19, 2024, period for public comments to a date that shall be determined once Genera files the modified January 4 Revised Plan that shall be subject to review by the Energy Bureau and the public.

The Energy Bureau **GRANTS** Genera’s request for confidential treatment to Exhibit A of the January 8 Motion.

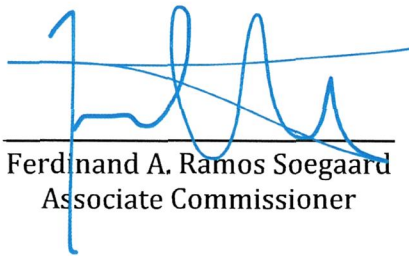
Be it notified and published.



Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 10, 2024. I also certify that on January 10, 2024 a copy of this Resolution and Order was notified by electronic mail to jlago@sbgbllaw.com; alopez@sbgbllaw.com; jfr@sbgbllaw.com; legal@genera-pr.com; regulatory@genera-pr.com; and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on January 10, 2024.



Sonia Seda Gaztambide
Clerk

