

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

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

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.

Autoridad ha tenido que utilizar diesel en lugar de gas natural desde el inicio 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 29th Order, on Page 26.

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.

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

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 12th day of January 2024.

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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 Lionel Santa Crispín, at lionel.santa@prepa.pr.gov; Margarita Mercado Echegaray, at margarita.mercado@us.dlapiper.com; Yahaira de la Rosa, at yahaira.delarosa@us.delapiper.com; and hrivera@jrsp.pr.gov.

In San Juan, Puerto Rico, this 12th day of January 2024.

/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



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	Feb-24	
	DAILY MMscf	MMBtu
Thursday, February 01, 2024	60.42	62,832
Friday, February 02, 2024	60.47	62,892
Saturday, February 03, 2024	55.72	57,953
Sunday, February 04, 2024	55.50	57,715
Monday, February 05, 2024	62.36	64,855
Tuesday, February 06, 2024	62.07	64,558
Wednesday, February 07, 2024	60.42	62,832
Thursday, February 08, 2024	61.79	64,260
Friday, February 09, 2024	62.07	64,558
Saturday, February 10, 2024	55.15	57,358
Sunday, February 11, 2024	55.21	57,418
Monday, February 12, 2024	63.50	66,045
Tuesday, February 13, 2024	64.65	67,235
Wednesday, February 14, 2024	60.42	62,832
Thursday, February 15, 2024	62.07	64,558
Friday, February 16, 2024	61.79	64,260
Saturday, February 17, 2024	56.30	58,548
Sunday, February 18, 2024	56.07	58,310
Monday, February 19, 2024	60.93	63,368
Tuesday, February 20, 2024	62.07	64,558
Wednesday, February 21, 2024	63.22	65,748
Thursday, February 22, 2024	60.82	63,249
Friday, February 23, 2024	57.78	60,095
Saturday, February 24, 2024	55.15	57,358
Sunday, February 25, 2024	55.21	57,418
Monday, February 26, 2024	63.80	66,357
Tuesday, February 27, 2024	60.59	63,011
Wednesday, February 28, 2024	60.92	63,358
Thursday, February 29, 2024	61.42	63,880

1,738	1,807	TBtu
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Date sent **Month M + 1** **Mar-24** 3.364 TBtu

Thursday, January 4, 2024 **Month M + 2** **Apr-24** 3.617 TBtu



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	Feb-24	
	DAILY MMscf	MMBtu
Thursday, February 01, 2024	63.04	65,566
Friday, February 02, 2024	64.57	67,154
Saturday, February 03, 2024	58.48	60,816
Sunday, February 04, 2024	57.34	59,637
Monday, February 05, 2024	61.20	63,646
Tuesday, February 06, 2024	68.94	71,701
Wednesday, February 07, 2024	62.30	64,792
Thursday, February 08, 2024	63.30	65,835
Friday, February 09, 2024	59.72	62,106
Saturday, February 10, 2024	57.83	60,146
Sunday, February 11, 2024	57.19	59,474
Monday, February 12, 2024	59.62	62,000
Tuesday, February 13, 2024	59.26	61,632
Wednesday, February 14, 2024	59.97	62,372
Thursday, February 15, 2024	59.09	61,454
Friday, February 16, 2024	58.93	61,283
Saturday, February 17, 2024	55.24	57,451
Sunday, February 18, 2024	57.06	59,342
Monday, February 19, 2024	67.53	70,228
Tuesday, February 20, 2024	67.03	69,709
Wednesday, February 21, 2024	70.48	73,298
Thursday, February 22, 2024	69.36	72,139
Friday, February 23, 2024	66.36	69,012
Saturday, February 24, 2024	57.66	59,965
Sunday, February 25, 2024	58.05	60,368
Monday, February 26, 2024	58.80	61,153
Tuesday, February 27, 2024	58.64	60,984
Wednesday, February 28, 2024	57.75	60,060
Thursday, February 29, 2024	57.75	60,060

1,772	1.843	TBtu
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Date sent
 Thursday, January 4, 2024

Month M + 1	Mar-24	1.978	TBtu
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Month M + 2	Apr-24	2.205	TBtu
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Exhibit B

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



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	Feb-24	
	DAILY MMscf	MMBtu
Thursday, February 01, 2024	63.61	66,151
Friday, February 02, 2024	63.49	66,027
Saturday, February 03, 2024	57.02	59,304
Sunday, February 04, 2024	56.70	58,972
Monday, February 05, 2024	64.33	66,898
Tuesday, February 06, 2024	64.09	66,649
Wednesday, February 07, 2024	64.09	66,649
Thursday, February 08, 2024	64.25	66,815
Friday, February 09, 2024	63.69	66,234
Saturday, February 10, 2024	57.06	59,345
Sunday, February 11, 2024	57.06	59,345
Monday, February 12, 2024	63.45	65,985
Tuesday, February 13, 2024	62.97	65,487
Wednesday, February 14, 2024	62.73	65,238
Thursday, February 15, 2024	62.81	65,321
Friday, February 16, 2024	63.45	65,985
Saturday, February 17, 2024	56.98	59,262
Sunday, February 18, 2024	57.14	59,428
Monday, February 19, 2024	61.93	64,408
Tuesday, February 20, 2024	62.81	65,321
Wednesday, February 21, 2024	62.21	64,696
Thursday, February 22, 2024	61.95	64,431
Friday, February 23, 2024	62.09	64,574
Saturday, February 24, 2024	56.18	58,432
Sunday, February 25, 2024	56.18	58,432
Monday, February 26, 2024	62.04	64,522
Tuesday, February 27, 2024	64.57	67,151
Wednesday, February 28, 2024	62.66	65,166
Thursday, February 29, 2024	65.15	67,754

1,783	1.854	TBtu
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Month M + 1

Mar-24

1.585

TBtu

Month M + 2

Apr-24

1.172

TBtu

Date sent

Thursday, January 4, 2024