

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

IN RE: THE PERFORMANCE OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Updated Data Template for
Quarterly Reporting and Response to
Genera's Questions

RESOLUTION AND ORDER

I. Introduction

On May 14, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("May 14 Resolution") in which it determined that it would be in the public interest to commence as soon as possible PREPA's data gathering process in order to help the Energy Bureau and the stakeholders in developing measures, metrics and targets and to provide useful information for developing incentive and penalty mechanisms. The May 14 Resolution required PREPA to provide quarterly reports of key performance metrics/indicators, beginning September 15, 2019.¹

On April 8, 2021, the Energy Bureau issued a Resolution and Order ("April 8 Resolution") that listed a set of prospective metrics to be reported, initially by PREPA and later by LUMA, once LUMA commenced operations and took charge of the reporting.

On May 21, 2021, the Energy Bureau issued a Resolution and Order ("May 21 Resolution") establishing baselines and benchmarks for certain performance metrics.² The Energy Bureau ordered the Puerto Rico Electric Power Authority ("PREPA") and LUMA Energy, LLC as Management Co., and LUMA Energy ServCo, LLC (collectively, "LUMA") to submit the required quarterly reports using the Excel template ("data template") included as part of the May 21 Resolution.

Since then, LUMA has submitted quarterly reports on system data using the May 21 data template (*See filings* of June 22, 2021; September 20, 2021; December 22, 2021; March 21, 2022; June 20, 2022; October 20, 2022; and January 20, 2022.)

On January 15, 2023, the Energy Bureau approved an operation and maintenance agreement with GENERA PR, LLC ("Genera")³, and Genera has effectively taken over operation of the legacy generation assets beginning on July 1, 2023. While PREPA still owns the assets, Genera became responsible for the performance of the units and reporting data to this docket beginning in FY24.

On April 3, 2023, the Energy Bureau issued a Resolution and Order ("April 3 Resolution") to update the quarterly report data template in this docket. The modifications included formatting changes, new additions, renaming, subgroup creation, and correction of units. LUMA and PREPA were ordered to use this template going forward, starting with the January, February, and March 2023 report.

On October 20, 2023, LUMA filed its *Submission of Performance Metrics Report for July through September 2023*. As part of its submission, LUMA provided a file containing its performance data called "Resumen Metricas Master_October2023.xlsx" along with

¹ See Resolution and Order, In Re: The Performance of the Puerto Rico Electric Power Authority, Case No. NEPRMI-2019-0007, May 14, 2019 ("May 14 Resolution").

² See Resolution and Order, In Re: The Performance of the Puerto Rico Electric Power Authority, Case No. NEPRMI-2019-0007, May 21, 2021 ("May 21 Resolution").

³ See NEPR-AP-2022-0001, January 15, 2023 Energy Compliance Certificate



supporting data workbooks. The "Resumen Metricas" file also contained data submitted on behalf of Genera. This was the first quarter where Genera was responsible for reporting data.

II. Discussion

Within the Resumen Metricas Master_October2023 Excel file, Genera included requests to modify the template to align with its organization's structure. The requests include:

1. Request to report budgeted and actual employee head counts by exempt and non-exempt employees.
2. Request that the metrics 'Operational expenses vs budget' and 'Capital expenses vs. budget' are modified to accommodate their approved FY24 budget categories.
3. Request for that PREB to specify when the "new" permit timeliness calculation begins for the metric "timeliness of permitting- new and renewals"⁴ and for the metric to be separated into "new" and "renewals".

Upon review of Genera's additional comments and data, the Energy Bureau observed the following:

1. For the operational expenses vs. budget and capital expenses vs. budget metrics for the System sub-group, Genera wrote "Genera is working diligently to complete this metric".
2. For the metrics "Cost of generation (by Plant Type)" for Sub-Groups "Steam-Fuel", "Gas-Fuel", "Steam-O&M", "Gas-O&M", "Steam-Total", and "Gas-Total", Genera did not report any data. Instead, Genera wrote "Genera does not have final fuel costs".
3. For the metrics "Cost of generation (by Plant Type)" for Sub-Group "Hydro-Total", Genera did not report any data. Instead, Genera wrote "Information not provided by HydroCo to Genera".
4. Under the metrics "Cost of generation (system total) AEE, exc. PPOA's gen" and "Cost of generation (system O&M) AEE, exc. PPOA's gen", Genera did not report any data. Instead, Genera wrote "Genera does not manage PPOA's".

Regarding item 3 above, the Energy Bureau has defined this metric to exclude PPOA's, so Genera should be able to report it using its data from the LGA fleet.

The Energy Bureau has revised the data template to incorporate the following changes:

- The Energy Bureau has updated the template to clarify the names of the metrics to be "Cost of generation (system total), excluding PPOA's" and "Cost of generation (system O&M), excluding PPOA's."
- The Energy Bureau has created new rows on the "Generation" tab to allow Genera to report budgeted and actual employee head counts by exempt and non-exempt employees and to report timeliness of permitting separately for new permits and renewals.
- The Energy Bureau has modified the budget categories on the "Generation" tab to align with Genera's approved FY24 budget. For the Operational expenses versus budget metric, this includes System, Labor, Non-Labor, and NME. For the capital expenses versus budget metric, this includes System, federally funded, and non-federally funded.

III. Conclusion

The Energy Bureau **APPROVES** Genera's requests to report budgeted and actual employee head counts by exempt and non-exempt employees, to modify the budget categories to align

⁴ The Energy Bureau will address this in a future Resolution and Order.



with their approved FY24 budgets, and to report timeliness of permitting separately for new permits and renewals.

The Energy Bureau **ORDERS** Genera to provide a schedule for when budget and final fuel costs will be reported in this docket.

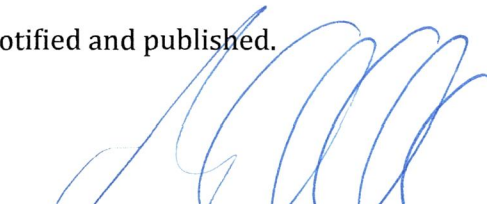
The Energy Bureau **ORDERS** the Puerto Rico Electric Authority ("PREPA"), specifically, PREPA HydroCo, LLC⁵ to provide historical cost of generation data as well as future data to Genera for timely submission of the quarterly report.

The Energy Bureau **ISSUES** a revised data template to reflect these changes as Attachment A Excel File.

The Energy Bureau **ORDERS** LUMA, Genera, and PREPA to use the data template provided as part of this Resolution for all future quarterly report submissions, starting with the October, November, and December 2023 data.

The Energy Bureau **GRANTS** LUMA, Genera, and PREPA an extension of ten (10) days after the notification of this Resolution and Order to submit the quarterly report for October, November, and December 2023 data using the revised data template.

Be notified and published.




Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau have agreed on January 19, 2024. Associate Commissioner Antonio Torres Miranda did not intervene. I also certify that in January 19, 2024 a copy of this Resolution and Order was notified by electronic mail margarita.mercado@us.dlapiper.com, Yahaira.delarosa@us.dlapiper.com; lionel.santa@prepa.pr.gov; alopez@sbgblaw.com, jfr@sbgblaw.com, hriviera@jrsp.pr.gov, legal@genera-pr.com; regulatory@genera-pr.com; and I have moved forward with filing the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today January 19, 2024.



Sonia Seda Gaztambide
Clerk

⁵ PREPA HydroCo LLC, register no. 503502, effective date March 3, 2023. Available at: <https://rceweb.estado.pr.gov/en/entity-information/?c=503502-1511> (Last verified January 12, 2024).

