

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

<b>NEPR</b>  <b>Received:</b>  <b>Jan 22, 2024</b>  <b>8:01 PM</b>
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**IN RE:**

THE PERFORMANCE OF THE PUERTO RICO ELECTRIC POWER AUTHORITY

**CASE NO.:** NEPR-MI-2019-0007

**SUBJECT:** Genera’s Motion to Request Extension of Time to Comply with Resolution and Order Dated December 21, 2023

**GENERA’S MOTION TO REQUEST EXTENSION OF TIME TO COMPLY WITH  
RESOLUTION AND ORDER DATED DECEMBER 21, 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 May 14, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“May 14<sup>th</sup> Resolution”) through which it initiated a proceeding to establish the quarterly reporting of performance metrics for the operation of the electric system. Since this resolution's inception, the Energy Bureau has consistently received quarterly performance data from PREPA, tracking its operational efficacy post the May 14<sup>th</sup> Resolution.

2. Building upon this data, the Energy Bureau has conducted a comprehensive summary of the performance of LUMA Energy Serv Co LLC (“LUMA”) and PREPA,

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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 (“P3 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.

spanning a twelve-month period from July 2022 to June 2023, identified as Fiscal Year 2023 or FY23. To compile this summary, the Energy Bureau analyzed the "Resumen metricas" file from LUMA's motion filed on October 31, 2023, in this case. The analysis also entailed a comparative study of the average monthly values reported by PREPA and LUMA over various fiscal years, ranging from FY20 to FY23.

3. During the timeframe covered in this analysis, PREPA was responsible for operating all Legacy Generation Assets. However, pursuant to the LGA OMA, Genera effectively took over the operation of the Legacy Generation Assets beginning on July 1, 2023. Although PREPA retains ownership of the assets, Genera assumed responsibility for their performance and related reporting starting in FY24. Accordingly, while the FY23 generation metrics are attributed to PREPA, performance from FY24 onward will be attributed to Genera.

4. Consequently, on December 21, 2023, the Energy Bureau issued a Resolution and Order titled *Fiscal Year 2023 12-Month Metrics Summary* ("December 21<sup>st</sup> Order"). This order, among various provisions, highlighted the Energy Bureau's determination that additional data was necessary to ascertain whether performance metrics should be classified as improved or not. The December 21<sup>st</sup> Order also highlighted certain metrics requiring further clarification for proper interpretation. To facilitate this, the Energy Bureau, in Attachment D of the December 21<sup>st</sup> Order, issued Requests for Information ("ROIs") to gather the necessary data for a more detailed evaluation of specific metrics. As such, the Energy Bureau has issued an order to LUMA, PREPA, and Genera, requesting them to respond to the ROIs listed in Attachment D and to file a plan of improvement for the metrics that were identified as "not improved" within the next fiscal year. The deadline for responding to the notification of the December 21<sup>st</sup> order is thirty (30) days. Nevertheless, Genera understood that additional time was warranted to duly comply with the

responses to the ROIs and explain its path forward to improve the metrics that PREPA had not improved.

5. Therefore, on January 19, 2024, Genera communicated to LUMA its need for an additional extension to comply with the December 21<sup>st</sup> Order and requested LUMA's assistance in communicating this request to the Energy Bureau. This request was made in consideration of the Energy Bureau's previous directives. However, on January 21, 2024, LUMA declined to file for an extension on Genera's behalf.

6. In the afternoon of January 19, 2024, the Energy Bureau issued a Resolution and Order titled *Updated Data Template for Quarterly Reporting and Response to Genera's Question* ("January 19<sup>th</sup> Order"). Pertinent to this motion, the January 19<sup>th</sup> Order introduced a revised data template, attached as Attachment A. The January 19<sup>th</sup> Order mandated that LUMA, Genera, and PREPA use this new data template for all future quarterly report submissions, starting with the data for October, November, and December 2023, and granted an extension of ten (10) additional days for submitting these reports.

7. In light of the circumstances mentioned above, Genera hereby respectfully requests an extension of time until **January 29, 2024**, the deadline to comply with the January 19<sup>th</sup> Order, to submit the responses to the ROIs in Attachment D of the December 21<sup>st</sup> Resolution and the plan to address the non-. While Genera is diligently working to complete its response to the ROIs in Attachment D of the December 21<sup>st</sup> Order, the comprehensive nature and depth of the information required necessitate additional time for thorough preparation and review.

8. Genera further informs the Energy Bureau that the extension is requested in good faith and solely to allow Genera to fully comply with the December 21<sup>st</sup> Order regarding the ROIs responses.

**WHEREFORE**, Genera respectfully requests that this Honorable Energy Bureau **take notice** of the above for all purposes and **grant** Genera an extension until January 29, 2024, to comply with the December 21<sup>st</sup> Order.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of January 2024.

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## CERTIFICATE OF SERVICE

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion to counsel for PREPA, Lionel Santa, Eq., [lionel.santa@prepa.pr.gov](mailto:lionel.santa@prepa.pr.gov), to LUMA Energy Serv Co, LLC, through its counsel of record, Yahaira De la Rosa Algarín, [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com), and the Independent Consumer Protection Office, Hannia Rivera Díaz, [hrivera@jsrp.pr.gov](mailto:hrivera@jsrp.pr.gov).

*/s/ Alejandro López-Rodríguez*  
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