

**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 March 2024.

ECIJA SBGB
PO Box 363068
San Juan, Puerto Rico 00920
Tel. (787) 300.3200
Fax (787) 300.3208

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo
jfr@sbgblaw.com
TSPR 9,669

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez
alopez@sbgblaw.com
TSPR 22,996

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.dlapiper.com; and hrivera@jrsp.pr.gov.

In San Juan, Puerto Rico, this 12th day of March 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 GENERAPR, AS AGENT OF PREPA (BUYER)
 AND NATURGY APROVISIONAMIENTOS S.A. (SELLER)

ECOELECTRICA NINETY DAY PROGRAMME

Month M DAY	Apr-24	
	DAILY MMscf	MMBtu
Monday, April 01, 2024	80.57	83,798
Tuesday, April 02, 2024	75.63	78,654
Wednesday, April 03, 2024	75.72	78,749
Thursday, April 04, 2024	79.48	82,656
Friday, April 05, 2024	79.48	82,659
Saturday, April 06, 2024	63.34	65,875
Sunday, April 07, 2024	57.36	59,655
Monday, April 08, 2024	73.02	75,945
Tuesday, April 09, 2024	77.62	80,728
Wednesday, April 10, 2024	77.09	80,169
Thursday, April 11, 2024	74.94	77,935
Friday, April 12, 2024	77.62	80,726
Saturday, April 13, 2024	66.70	69,363
Sunday, April 14, 2024	66.65	69,312
Monday, April 15, 2024	77.58	80,679
Tuesday, April 16, 2024	78.11	81,238
Wednesday, April 17, 2024	79.31	82,479
Thursday, April 18, 2024	79.43	82,608
Friday, April 19, 2024	78.99	82,153
Saturday, April 20, 2024	68.16	70,885
Sunday, April 21, 2024	61.29	63,738
Monday, April 22, 2024	79.50	82,680
Tuesday, April 23, 2024	78.76	81,912
Wednesday, April 24, 2024	78.69	81,839
Thursday, April 25, 2024	72.80	75,713
Friday, April 26, 2024	72.93	75,852
Saturday, April 27, 2024	66.80	69,473
Sunday, April 28, 2024	69.47	72,248
Monday, April 29, 2024	78.54	81,678
Tuesday, April 30, 2024	68.80	71,551

2,214	2.303	TBtu
-------	-------	------

Date sent
 Tuesday, March 5, 2024

Month M + 1

May-24

2.365

TBtu

Month M + 2

Jun-24

2.295

TBtu



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	Apr-24	
	DAILY MMscf	MMBtu
Monday, April 01, 2024	124.02	128,986
Tuesday, April 02, 2024	123.94	128,901
Wednesday, April 03, 2024	124.90	129,900
Thursday, April 04, 2024	123.98	128,940
Friday, April 05, 2024	123.96	128,916
Saturday, April 06, 2024	116.12	120,764
Sunday, April 07, 2024	114.81	119,404
Monday, April 08, 2024	123.92	128,880
Tuesday, April 09, 2024	124.96	129,960
Wednesday, April 10, 2024	123.92	128,880
Thursday, April 11, 2024	124.10	129,060
Friday, April 12, 2024	123.92	128,880
Saturday, April 13, 2024	115.58	120,206
Sunday, April 14, 2024	114.60	119,181
Monday, April 15, 2024	124.07	129,035
Tuesday, April 16, 2024	124.02	128,980
Wednesday, April 17, 2024	123.98	128,943
Thursday, April 18, 2024	123.95	128,910
Friday, April 19, 2024	123.84	128,790
Saturday, April 20, 2024	116.29	120,940
Sunday, April 21, 2024	114.53	119,112
Monday, April 22, 2024	123.92	128,880
Tuesday, April 23, 2024	123.12	128,040
Wednesday, April 24, 2024	123.58	128,520
Thursday, April 25, 2024	123.81	128,760
Friday, April 26, 2024	122.42	127,320
Saturday, April 27, 2024	116.21	120,856
Sunday, April 28, 2024	115.02	119,619
Monday, April 29, 2024	121.43	126,290
Tuesday, April 30, 2024	121.64	126,508

3,645	3.790	TBtu
-------	-------	------

Date sent **Month M + 1** **May-24**

4.007

 TBtu

Tuesday, March 5, 2024

Month M + 2 **Jun-24**

3.903

 TBtu

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	Apr-24	
	DAILY MMscf	MMBtu
Monday, April 01, 2024	36.39	37,848
Tuesday, April 02, 2024	36.43	37,890
Wednesday, April 03, 2024	36.23	37,682
Thursday, April 04, 2024	36.39	37,848
Friday, April 05, 2024	36.44	37,897
Saturday, April 06, 2024	33.56	34,901
Sunday, April 07, 2024	33.52	34,860
Monday, April 08, 2024	36.38	37,831
Tuesday, April 09, 2024	37.35	38,844
Wednesday, April 10, 2024	37.35	38,844
Thursday, April 11, 2024	36.40	37,857
Friday, April 12, 2024	36.20	37,643
Saturday, April 13, 2024	34.48	35,856
Sunday, April 14, 2024	33.68	35,026
Monday, April 15, 2024	36.41	37,865
Tuesday, April 16, 2024	36.31	37,765
Wednesday, April 17, 2024	36.39	37,848
Thursday, April 18, 2024	36.40	37,856
Friday, April 19, 2024	35.99	37,433
Saturday, April 20, 2024	33.84	35,192
Sunday, April 21, 2024	33.52	34,860
Monday, April 22, 2024	35.43	36,852
Tuesday, April 23, 2024	36.15	37,599
Wednesday, April 24, 2024	35.60	37,026
Thursday, April 25, 2024	35.67	37,095
Friday, April 26, 2024	36.73	38,203
Saturday, April 27, 2024	33.84	35,192
Sunday, April 28, 2024	34.16	35,524
Monday, April 29, 2024	36.47	37,931
Tuesday, April 30, 2024	36.15	37,599

1,070	1.113	TBtu
-------	-------	------

Month M + 1

May-24

1.159

TBtu

Date sent

Tuesday, March 5, 2024

Month M + 2

Jun-24

1.608

TBtu