

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

NEPR Received: Jun 20, 2024 11:38 PM

IN RE:

REVIEW OF LUMA’S INITIAL BUDGET

CASE NO.: NEPR-MI-2021-0004

SUBJECT: Motion to Submit Complete Response to Requirement of Information in Compliance with Resolution and Order dated June 12, 2024 and Amended Workpapers

MOTION TO SUBMIT COMPLETE RESPONSE TO REQUIREMENT OF INFORMATION IN COMPLIANCE WITH RESOLUTION AND ORDER DATED JUNE 12, 2024 AND AMENDED WORKPAPERS

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 March 14, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order titled *Amendments to the December 8 Resolution, FY2025 Annual Budget Filing, and FEMA Temporary Emergency Generation Cost Share* through which the Energy Bureau ordered LUMA to file the Fiscal Year (“FY”) 2025 consolidated annual budget proposals, on or before April 15, 2024. *See* March 14th Resolution, p. 3-4. The Energy Bureau also ordered Genera and PREPA to cooperate as necessary to enable LUMA to file the FY2025 consolidated annual budget proposal. *See id.*, p.4.

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 (“P3A”), 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.

2. On May 25, 2024, after several procedural events, LUMA filed a document titled *Request for Approval of T&D Budgets and Submission of GenCo Budgets for FY 2025 and Budget Allocations for the Electric Power System*, through which LUMA submitted for approval the proposed budget for the Transmission & Distribution System, developed by LUMA; the budget proposal for the legacy thermal generation units (“GenCo’s FY2025 Budget Proposal”), developed by Genera; the budget allocation approved by the P3A for the hydroelectric generating units and the public irrigation facilities; and the allocation for PREPA and its subsidiaries (collectively, the “FY2025 Budget Submission”).

3. On June 12, 2024, the Energy Bureau issued a Resolution and Order titled *Establishment of FY 2025 Budgets, Requirement of Information (“ROI”), and Procedural Calendar* (“June 12th Resolution”). In the June 12th Resolution, the Energy Bureau established a Procedural Calendar for matters concerning the FY2025 Budget Submission and consequently scheduled a Virtual Technical Conference for June 20, 2024. *See*, June 12th Resolution, p. 3. Additionally, the Energy Bureau ordered Genera to respond, on or before June 17, 2024, to a Requirement of Information (“ROIs”) outlined in Attachment A to the June 12th Resolution and to file within three (3) business days of the publication of the June 12th Resolution, meaning June 17, 2024, all workpapers and supporting material used to develop GenCo’s FY2025 Budget Proposal in native form with all formulas and links intact and any Excel spreadsheets provided unlocked.

4. On June 17, 2024, Genera filed a document titled *Urgent Request for Extension to Submit Workpapers for GenCo’s FY2025 Budget and to file Genera’s Responses to Request for Information Issued on June 12, 2024* (“June 17th Request for Extension”), through which Genera requested an extension of time to submit the workpapers and supporting materials for GenCo’s FY2025 Budget Proposal, until June 19, 2024 and to respond to the ROI outlined in Attachment A

of the June 12th Resolution, until June 19, 2024; and (iii) to file the presentation for the Virtual Technical conference, until June 20, 2024.

5. On June 18, 2024, Genera submitted a document titled "Motion to Submit Partial Response to Requirement of Information in Compliance with Resolution and Order dated June 12, 2024, and Request for Extension of Time" ("June 18th Motion"). Through this motion, Genera submitted, as Exhibit A, its response to the ROI outlined in Attachment A of the June 12th Resolution, along with a revised version of GenCo's FY2025 Budget Proposal and all supporting papers and documents. In the June 18th Motion, Genera outlined several revisions to the documents originally submitted.

6. Additionally, in the June 18th Motion, Genera informed the Energy Bureau that despite significant efforts, responses to ROIs 5 and 6 had not been completed. Thus, Genera requested an extension until next Thursday, June 20, 2024 to file the pending responses to the ROI outlined in Attachment A of the June 12th Resolution.

7. In compliance with the June 12th Resolution and in accordance with the June 18th Motion, Genera hereby submits, as Exhibit A to this Motion, the responses to ROIs 5 and 6 of Attachment A of the June 12th Resolution.

8. Furthermore, Genera respectfully submits, as Exhibit B to this motion, a newly revised and amended version of the supporting workpaper for GenCo's FY2025 Budget Proposal. The revised workpapers amends certain information in the NME tab related to the updated costs and operational adjustments required for maintenance and service enhancements. Genera requests that Exhibit B be maintained confidential, submitting a redacted version for public disclosure and an unredacted non-public version under seal of confidentiality pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31,

2016, and partially amended on September 16, 2016. In accordance with this policy, Genera informs that it will submit a Memorandum of Law supporting this request within the next ten (10) days

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes and **deem** Genera in compliance with the June 12th Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of June 2024.

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CERTIFICATE OF SERVICE

I 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 I will send an electronic copy of this motion to PREPA through its counsels of record: Alexis G. Rivera-Medina, at arivera@gmlex.net, and Mirelis Valle-Cancel, at mvalle@gmlex.net; and to LUMA, through its counsels of record: Margarita Mercado Echegaray, at margarita.mercado@us.dlapiper.com; Jan M. Albino López, at jan.albinolopez@us.dlapiper.com; and Julian Anglada Pagan, at julian.angladapagan@us.dlapiper.com.

In San Juan, Puerto Rico, this 20th day of June 2024.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

Responses to Requirement of Information

Docket Number: NEPR-MI-2021-0004

In Re: Genera PR LLC, Budgets

Re: REVIEW OF LUMA INITIAL BUDGETS

Respondent: GENERA (GenCo)

Necessary Maintenance Expenses (“NME”)

GPR-PREB-NEPRMI20210004-20240612 #5

5. For each proposed NME project in excess of \$1 million, please provide a project schedule including engineering, procurement and construction/installation, and description of lead times needed to facilitate equipment procurement.

Response:

See attached document “GPR-PREB-NEPRMI20210004-20240612 #5”. These projects are in the planning process, a more detailed schedule can be supplied once the development is complete.

GPR-PREB-NEPRMI20210004-20240612 #6

6. For projects and equipment requirements with lead-times in excess of 2 months, provide a description of what activities have been completed to date, and a description of remaining procurement activities and a schedule for completing such activities and update the master tracker schedule for the FY 2025 NME.

Response:

The projects with material or equipment lead time over 2 months are designed as “turnkey” projects. Upon being awarded, the contractor is responsible for the entirety of the project. The contract includes the complete procurement, delivery and installation/rehabilitation of the unit. Under certain circumstances, Genera must validate the timeline for final installation as the actual “outage maintenance schedule” may be altered due to unforeseen situations.

Exhibit B

Amended Workpapers (submitted via e-mail in native file form)