

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

<b>NEPR</b>  <b>Received:</b>  <b>Sep 12, 2024</b>  <b>9:45 PM</b>
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**IN RE:**

10 YEAR PLAN FEDERALLY FUNDED  
COMPETITIVE PROCESS

**CASE NO.:** NEPR-MI-2022-0005

**SUBJECT:** Motion to Submit a Supplement to  
the Response to the Order to Show Cause Dated  
August 28, 2024

**MOTION TO SUBMIT A SUPPLEMENT TO THE RESPONSE TO THE ORDER TO  
SHOW CAUSE DATED AUGUST 28, 2024**

**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 August 28, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order titled Order to Show Cause Regarding \$25,000 Fine for Misrepresentation (“August 28<sup>th</sup> Order”), in which the Energy Bureau found sufficient cause to believe that Genera may have engaged in alleged misrepresentation of material facts concerning the projected cost savings and Commercial Operation Date (“COD”) timeline, thereby allegedly misleading the Energy Bureau into granting Genera authorization to continue with its proposed Request for Proposal (“RFP”) process approach. The Energy Bureau stated that Genera misrepresented that its approach and plan for the procurement of the Black Start and Emergency Peaking Resources would be more efficient than PREPA’s, and that the actual costs

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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.

associated with the projects under Genera have significantly exceeded the costs originally projected by PREPA. The Energy Bureau further claimed that the project timeline has been extended beyond the promised schedule, contrary to the commitments made by Genera. Consequently, the Energy Bureau then ordered Genera to show cause as to why a fine of twenty-five thousand dollars (\$25,000) should not be imposed for misrepresentation in connection with the RFP process. The Energy Bureau requested that Genera submit a written response to the August 28<sup>th</sup> Order within five (5) business days of its notification.

2. On September 5, 2024, Genera filed a document in response to the August 28<sup>th</sup> Order, titled *Motion in Compliance with Order to Show Cause dated August 28, 2024* (“September 5<sup>th</sup> Motion”). In the September 5<sup>th</sup> Motion, Genera submitted that discrepancies between projected outcomes and the current status of the RFP process originate from external factors that significantly exceeded its control, rather than from deliberate or willful misrepresentation.

3. Genera, in its commitment to transparency and clarity, respectfully submits supplemental information, as *Exhibit A* to this Motion, aiming to provide the Energy Bureau with a detailed account of the factors contributing to the delay in the awarding of the RFPs. Throughout the awarding process for PREPA’s RFPs 3784 and 3800, numerous exceptions and clarifications from proponents were encountered and received, necessitating thorough review and consideration. To bridge these complexities with the Energy Bureau’s oversight, *Exhibit A* catalogs each clarification and exception reported by the proponents.

4. Genera trusts that this documentation will facilitate a thorough evaluation of the operational intricacies previously discussed in the September 5<sup>th</sup> Motion. Genera aims to ensure that all aspects of its approach to the RFP process are fully understood, thereby enabling the Energy Bureau to make an informed decision on the matters at hand.

5. Furthermore, Genera respectfully informs the Energy Bureau that it has submitted the supplemental information, designated as *Exhibit A*, under a seal of confidentiality due to its inclusion of sensitive commercial details related to an RFP process. Genera requests that the Energy Bureau maintain this confidentiality in line with its Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, and subsequently amended on September 16, 2016. Genera will also provide a Memorandum of Law within the next ten (10) days to support this confidentiality request, as stipulated by the policy.

**WHEREFORE**, Genera respectfully requests that the Energy Bureau **take notice** of the above and **accept** Genera's supplemental information to the September 5<sup>th</sup> Motion, submitted herein under seal of confidentiality as *Exhibit A* to this Motion.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 12<sup>th</sup> day of September 2024.

**ECIJA SBGB**  
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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 PREPA through its counsels of record, Alexis G. Rivera Medina, at [arivera@gmlex.net](mailto:arivera@gmlex.net), and Mirelis Valle Cancel at [mvalle@gmlex.net](mailto:mvalle@gmlex.net).

In San Juan, Puerto Rico, this 12<sup>th</sup> day of September 2024.

/s/ Alejandro López-Rodríguez  
Alejandro López-Rodríguez

Exhibit A  
(Submitted under seal of confidentiality)