

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

IN RE: REQUEST FOR APPROVAL OF THE
VEGA BAJA DECOMMISSIONING PLAN

CASE NO.: NEPR-MI-2024-0003

SUBJECT: Approval of the Vega Baja
Decommissioning Plan.

RESOLUTION AND ORDER

On October 31, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("October 31 Resolution") approving, with certain limitations and conditions, the proposed decommissioning plan of the Vega Baja plant ("Proposed Decommissioning Plan") submitted by Genera PR, LLC ("Genera"). The Energy Bureau also ordered Genera to submit an updated version of the Proposed Decommissioning Plan before commencing the plan's execution.

On November 12, 2024, Genera filed a document titled *Motion to Submit Amendment to the Decommissioning Plan for the Vega Baja Power Station* ("November 12 Motion"). In this filing, Genera submitted a revised version of the Proposed Decommissioning Plan as Exhibit A ("Updated Decommissioning Plan"). Genera also included as Exhibit B a table allegedly outlining the changes or addressing the comments, recommendations or orders stated by the Energy Bureau in the October 31 Resolution.¹ However, Genera did not submit a redline version of the Updated Decommissioning Plan from which the changes could be verified, making it difficult to evaluate.

In the October 31 Resolution, the Energy Bureau ordered Genera to modify the Proposed Decommissioning Plan, including the Decommissioning Budget discussion in the Executive Summary, and any other relevant sections, regarding the cost savings incentive.² The Energy Bureau specified that Genera would not be eligible to receive any incentive payments from other sources, as the proposed decommissioning would be fully federally funded.³ However, from a preliminary review of the Updated Decommissioning Plan, it is apparent that this section has not been modified.⁴ Although Genera seems to imply in its November 12 Motion that the conditions established in the October 31 Resolution have been incorporated into the Updated Decommissioning Plan, it is clear from the discussion in Exhibit B that this is not the case. Therefore, to the extent Genera deems it necessary, it should also discuss in its filing any provisions of the proposed decommissioning plan that have not been updated, accompanied by a detailed justification explaining why the Energy Bureau should reconsider its original determination to establish such conditions. **We remind Genera it is not within its purview to unilaterally reject the Energy Bureau's mandates or defer them for future resolution.**

Genera must make sure the Updated Decommissioning Plan presented to the Energy Bureau includes **all** modifications required in the October 31 Resolution. The Energy Bureau further **ORDERS** Genera to submit within three (3) business days of the notification of this Resolution and Order a redlined version reflecting the changes made to the Proposed Decommissioning Plan and a detailed justification explaining why the Energy Bureau should reconsider any of its original determination as stated in its October 31 Resolution.

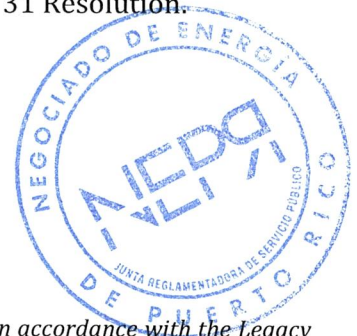
The Energy Bureau **WARNS** Genera that:

¹ See November Motion, pp. 4-5.

² See October 31 Resolution, page 10.

³ *Id.*

⁴ See Updated Modified Decommissioning Plan, page IX ("Any incentives earned in accordance with the Legacy Generation Asset Operation and Maintenance Agreement in respect of this budget will be factored into Genera's FY2026 budget").



- (i) noncompliance with this Resolution and Order, regulations and/or applicable laws may carry the imposition of fines and administrative sanctions of up to \$25,000 per day;
- (ii) any person who intentionally violates Act 57-2014, as amended, by omitting, disregarding, or refusing to obey, observe, and comply with any rule or decision of the Energy Bureau shall be punished by a fine of not less than five hundred dollars (\$500) nor over five thousand dollars (\$5,000) at the discretion of the Energy Bureau; and
- (iii) for any recurrence of non-compliance or violation, the established penalty shall increase to a fine of not less than ten thousand dollars (\$10,000) nor greater than twenty thousand dollars (\$20,000) at the discretion of the Energy Bureau.

Be it notified and published.

Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on November 13, 2024. I also certify that on November 13, 2024, a copy of this Resolution and Order was notified by electronic mail to jfr@sbglaw.com; alopez@sbglaw.com; legal@genera-pr.com; regulatory@genera-pr.com, and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on November 13, 2024.



Sonia Seda Gaztambide
Clerk

