

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

NEPR Received: Jan 14, 2025 7:10 PM
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IN RE:

THE PERFORMANCE OF THE PUERTO RICO ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Request for Extension to Submit Response to Resolution and Order Issued on December 26, 2024

REQUEST FOR EXTENSION TO SUBMIT RESPONSE TO RESOLUTION AND ORDER ISSUED ON DECEMBER 26, 2024

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 submits and prays as follows:

1. On December 26, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order titled *Fiscal Year 2024 12-Month Metrics Summary* (“December 26th Resolution”), through which it summarized the performance of LUMA and Genera over the twelve-month period from July 2023 through June 2024 (“Fiscal Year 2024” or “FY24”). In the December 26th Resolution, the Energy Bureau noted that, to produce this summary, it relied on the FY24 data as recently revised in the “Resumen-Metricas-Master_November2024.xlsx” file from LUMA’s November 20 Submission, which provided the most up-to-date data available, including corrections that LUMA and Genera made

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 (“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 the Energy Bureau with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

to their data since the original July 22, 2024 Submission. The tables were organized as follows and were included as Attachment A to the December 26th Resolution: (i) Metrics reported by LUMA associated with performance incentives in the LUMA Targets Proceeding; (ii) Metrics reported by LUMA with benchmarks; (iii) Metrics reported by LUMA without benchmarks; (iv) Metrics reported by Genera that had benchmarks; (v) Metrics reported by PREPA without benchmarks; (vi) Metrics reported by LUMA and Genera for informational purposes.

2. For Tables 1 through 5, the Energy Bureau indicated how LUMA's and Genera's reported monthly average values for FY24 had performed relative to the Fiscal Year 2020 (FY20) baseline values and the previous fiscal year's performance (Fiscal Year 2023 or FY23), using the following terminology:

- (i) **Improved:** Performance had improved relative to FY20 or FY23 by over 5 percent.
- (ii) **Not Improved:** Performance had not improved relative to FY20 or FY23 by over 5 percent.
- (iii) **No substantial change:** Performance had remained within 5 percent of FY20 or FY23 values.

3. In the December 26th Resolution, the Energy Bureau noted that, for certain metrics within Tables 1 through 5, additional information was required to determine whether LUMA's and Genera's performances had improved. These metrics were designated as "Under Review."

4. For Table 6, the Energy Bureau did not categorize metrics as "Improved" or "Not Improved." These metrics were not directly within Genera's or LUMA's control and were not reflective of performance but still provided important contextual information.

5. In the December 26th Resolution, the Energy Bureau noted that, regarding generation performance, generation asset performance in various areas had not improved relative to the FY20 baseline but showed slight improvements compared to FY23 values. Many fossil plants experienced higher forced outage rates and extremely low plant availability, falling short of both the FY20 baseline and the May 21 Resolution benchmarks.

6. Based on the above, for the metrics with performance designated as Not Improved, the Energy Bureau ordered each of Genera and LUMA to file, on or before January 15, 2025, a motion explaining, to the extent possible, the cause underlying the lack of improvement over the period July 2023 to June 2024 for each of those metrics so designated in Tables 1 through 5, except for those metrics already discussed in LUMA's August 30th Motion. This motion would also include Genera's and LUMA's plans for improvement over the next fiscal year.

7. Genera has been diligently working to address the findings and requirements set forth in the December 26th Resolution, including the directive to explain the cause of any lack of improvement in the relevant metrics from July 2023 through June 2024. However, the data provided in Attachment A to the December 26th Resolution contains ambiguities that have impeded Genera's efforts to finalize its submission accurately. Certain metrics, along with the underlying assumptions and calculations used to derive these metrics, appear inconsistent with or unaligned to prior data sets that Genera has previously reviewed.

8. Specifically, Genera seeks to reconcile the December 26th Resolution's calculations with previous data sets it has relied upon to track performance metrics. To accomplish this, Genera **first requests** that the Energy Bureau provide the original spreadsheet used to generate the metrics and any accompanying documentation—such as methodologies, assumptions, and formulas—so

that Genera can fully understand and verify the calculations. **Second**, Genera requests a meeting with the Energy Bureau's consultants who prepared the data tables, to discuss in detail any potential inconsistencies, clarify any confusion regarding the underlying assumptions, and ensure that Genera's subsequent filing is as comprehensive and precise as possible. Genera believes that an open dialogue with the Energy Bureau's consultants, combined with a careful review of the original data sources and methodologies, will facilitate a more accurate and reliable submission, thereby advancing the Energy Bureau's broader objectives for transparency and accountability.

9. Genera further requests that any new deadline for submission be scheduled for at least seven (7) business days after Genera has had the opportunity to consult with the Energy Bureau's advisors. This additional time will enable Genera to fully analyze and reconcile the revised data, thereby ensuring that its forthcoming submission is both comprehensive and reliable, in furtherance of the Energy Bureau's objectives for robust oversight and accurate reporting.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all pertinent purposes and **grant** (i) Genera's request for a time extension to submit responses, (ii) a meeting with the Energy Bureau's consultants, (iii) access to the materials used to produce Attachment A to the December 26th Resolution, and (iv) an extension of time of at least seven (7) business days following discussions with the Energy Bureau's consultants.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 14th day of January 2025.

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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, through its counsel of record: Alexis G. Rivera Medina, arivera@gmlex.net; and Mirelis Valle Cancel, mvalle@gmlex.net; and to LUMA Energy Serv Co, LLC, through its counsel of record, Yahaira De la Rosa Algarín, yahaira.delarosa@us.dlapiper.com; and Margarita Mercado, margarita.mercado@us.dlapiper.com; and the Independent Consumer Protection Office, Hannia Rivera Díaz, hrivera@jsrp.pr.gov.

In San Juan, Puerto Rico, this 14th day of January 2025.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez