

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

<b>NEPR</b>
<b>Received:</b>
<b>Feb 3, 2025</b>
<b>8:01 PM</b>

**IN RE:**

THE PERFORMANCE OF THE PUERTO RICO ELECTRIC POWER AUTHORITY

**CASE NO.:** NEPR-MI-2019-0007

**SUBJECT:** Motion to Submit Response to Request of Information dated January 17, 2025

**MOTION TO SUBMIT RESPONSE TO REQUEST OF INFORMATION DATED  
JANUARY 17, 2025**

**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 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 26<sup>th</sup> 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”).

2. In the December 26<sup>th</sup> 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.

---

<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 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.

3. 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 30<sup>th</sup> Motion. This motion would also include Genera’s and LUMA’s plans for improvement over the next fiscal year.

4. On January 14, 2025, Genera submitted a motion titled, *Request for Extension to Submit Response to Resolution and Order Issued on December 26, 2024* (“January 14<sup>th</sup> Motion”). Genera stated that certain metrics in Attachment A to the December 26<sup>th</sup> Resolution, along with the underlying assumptions or calculations, appear inconsistent with data that Genera has previously reviewed. Therefore, Genera requested that the Energy Bureau: (i) provide the original spreadsheet the Energy Bureau used so Genera can understand and verify the calculations; (ii) grant a meeting with the Energy Bureau's consultants to discuss any inconsistencies and to ensure Genera's filing is comprehensive and precise; and (iii) grant an extension of time to submit responses of at least seven (7) business days following discussions with the Energy Bureau's consultants.

5. Additionally, in the January 17<sup>th</sup> Resolution, the Energy Bureau ordered LUMA and Genera to respond to the Requirements of Information (“ROI”) included as Attachment A to the January 17<sup>th</sup> Resolution, and to populate and use the data template included as Attachment B for all future quarterly report submissions, starting with the FY2025 Q3 data.

6. In compliance with the January 17<sup>th</sup> Resolution, Genera respectfully submits its responses to the ROIs included as Attachment A to the January 17<sup>th</sup> Resolution as *Exhibit A* to this Motion. Furthermore, Genera respectfully informs the Energy Bureau that it is hereby submitting,

as *Exhibit B* to this Motion, the Performance Metrics Report for FY2025 Q2—including updated finance metrics—using the previous data reporting template and confirms that it will use the updated data template for quarterly reporting, as set forth in Attachment B to the January 17<sup>th</sup> Resolution, starting in FY2025 Q3.

**WHEREFORE**, Genera respectfully requests that the Energy Bureau **take notice** of the foregoing for all relevant purposes and **deem** Genera to be in compliance with the January 17<sup>th</sup> Resolution concerning the submission of the responses to the ROI, which are included as Attachment A to the January 17<sup>th</sup> Resolution.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 3<sup>rd</sup> day of February 2025.

**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](mailto:jfr@sbgblaw.com)  
TSPR 9,669

/s/ Alejandro López-Rodríguez  
Alejandro López-Rodríguez  
[alopez@sbgblaw.com](mailto:alopez@sbgblaw.com)  
TSPR 22,996

## 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](mailto:arivera@gmlex.net); and Mirelis Valle Cancel, [mvalle@gmlex.net](mailto: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](mailto:yahaira.delarosa@us.dlapiper.com); and Margarita Mercado, [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com); and the Independent Consumer Protection Office, Hannia Rivera Díaz, [hrivera@jsrp.pr.gov](mailto:hrivera@jsrp.pr.gov).

In San Juan, Puerto Rico, this 3<sup>rd</sup> day of February 2025.

*/s/ Alejandro López-Rodríguez*  
Alejandro López-Rodríguez

Docket Number: NEPR-MI-2019-0007

In Re: The Performance of the Puerto Rico Electric Power Authority

Re: Updated Data Template for Quarterly Reporting

---

---

Attachment A

**GPR-PREB-NEPRMI20190007-20250117 #1(a)**

1. Refer to the calculation methodology for Operational expenses vs. budget and Capital expenses vs. budget on the Genco Methodology tab of "Resumen-Metricas- Master-November2024".

a. Explain how the values for Operational expenses vs. budget and Capital expenses vs budget on the "Generation" tab are calculated consistently with the methodology on the Genco Methodology tab. The Genco Methodology tab implies a fiscal year-to-date calculation whereas the reported values do not seem to reflect this. Provide any relevant workpapers supporting Genera's-response.

**Response:**

The Operational expenses and Capital expenses vs Budget submitted in Q2 were calculated in accordance with Genco Methodology tab using fiscal year to date calculation. Q1 figures were adjusted to capture year-to-date calculation as well.

**GPR-PREB-NEPRMI20190007-20250117 #1(b)**

b. Are the calculation methodologies consistent with the T&D Operational expenses vs. budget and Capital expenses vs budget metrics?

**Response:**

Please refer to answer GPR-PREB-NEPRMI20190007-20250117 #1(a) and GPR-PREB-NEPRMI20190007-20250117 #1(c).

**GPR-PREB-NEPRMI20190007-20250117 #1(c)**

c. Is the calculation methodology for the Operational expenses vs. budget - System metric consistent with the definition of "Operation Cost Efficiency" in the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement ("LGA OMA")? If no, what changes would be needed to align the methodology with the definition in the LGA OMA?

**Response:**

Yes, calculation methodology for operational expenses vs budget is consistent with Operation Cost Efficiency as per OMA.

**GPR-PREB-NEPRMI20190007-20250117 #2**

2. Is the calculation methodology for the Plant availability (system) metric consistent with the Equivalent Availability Factor (EAF) as described in the LGA OMA? What changes would be needed to align the Plant availability metrics with the EAF metrics in the LGA OMA, other than reporting separately the EAF for baseload and peaking units?

**Response:**

To enhance accuracy of performance evaluation, the following recommendations have been proposed:

- The Heat Rate summation should exclude months when the unit was offline. Including months with a zero heat rate distorts efficiency performance and provides misleading results.
- Plant Availability is only useful when addressing performance over a specific period while the unit is online. However, EAF is a more effective metric for evaluating overall performance, as it offers a more comprehensive and realistic assessment of plant reliability and operational efficiency.



**GPR-PREB-NEPRMI20190007-20250117 #3**

3. Refer to the calculation methodology for OSHA Recordable Rate, OSHA DART Rate, OSHA Severity Rate, and OSHA Fatality Rate on the Genco Methodology tab of "Resumen-Metricas-Master-November2024"

a. Are the calculation methodologies consistent with the T&D calculation methodologies for the same metrics?

**Response:**

Genera follows OSHA's methodology for calculating the OSHA Recordable Rate, OSHA DART Rate, OSHA Severity Rate, and OSHA Fatality Rate, as outlined in OSHA Regulation 1904. In November, there was an instance where the corresponding data was not recorded; however, the necessary procedures were appropriately addressed.

Genera adheres to OSHA guidelines, employing standardized definitions and formulas to ensure accuracy and comparability. This consistency guarantees that the reported metrics reliably reflect workplace safety performance.

**GPR-PREB-NEPRMI20190007-20250117 #4**

4. Are severe injuries in the OSHA Fatality Rate metric?

**Response:**

No, severe injuries are not included in the OSHA Fatality Rate metric.

**GPR-PREB-NEPRMI20190007-20250117 #5**

5. Provide a list of metrics in this proceeding that Genera reports on more often than a quarterly basis (e.g., monthly, weekly, daily) in other dockets or venues. For each listed, include the docket or venue in which Genera reports each metric.

**Response:**

Genera does not report metrics on more often than a quarterly basis in other dockets or venues.

**GPR-PREB-NEPRMI20190007-20250117 #6**

6. Provide a list of metrics that Genera has the ability to report on more often than quarterly basis. For each listed, state the level of frequency with which Genera could provide preliminary numbers (e.g., monthly, weekly, daily).

**Response:**

Genera does not currently have the operational capacity to report these metrics more frequently than quarterly. Genera's data collection systems, staffing, and operational workflows are optimized for quarterly reporting. The possibility of increasing the reporting frequency has not been fully explored, as modifying these processes at this time would compromise both data integrity and resource allocation critical to the reliable operation of the generation assets.

---

**GPR-PREB-NEPRMI20190007-20250117 #7**

7. For any metrics not listed in questions 3 and 4 above, explain why Genera cannot provide preliminary numbers more often than a quarterly basis.

**Response:**

Genera respectfully submits that it is currently unable to provide preliminary (i.e., more frequent than quarterly) data for the metrics not listed in Questions 3 and 4 due to its existing operational parameters and data-collection capabilities. Although Genera fully acknowledges the importance of timely reporting, the Company's resources have been allocated to meet the statutory and regulatory requirements set by the Energy Bureau. Real-time monitoring and frequent extraction of these additional metrics would impose significant operational burdens, including the diversion of specialized staff from other critical responsibilities. Nonetheless, Genera remains committed to fulfilling its present obligations and maintaining accurate, consistent quarterly filings.

Genera is also dedicated to enhancing its data-collection and reporting processes. Ongoing integration initiatives and planned technological upgrades will allow the Company to reassess the feasibility of increased reporting frequency in the future. However, introducing monthly or more frequent reporting at this stage—beyond what is already mandated—would likely compromise ongoing efforts to bolster safety, reliability, and performance across Puerto Rico's legacy generation assets.

In light of the foregoing, Genera respectfully submits that its current quarterly reporting schedule is both reasonable and consistent with its obligations under applicable law, including the OMA, and the Energy Bureau's directives.

**Exhibit B**

(Native file submitted via e-mail)