

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

**NEPR**

**Received:**

**Feb 3, 2025**

**8:14 PM**

**IN RE:**

REVIEW OF THE PUERTO RICO  
ELECTRIC POWER AUTHORITY'S 10-  
YEAR INFRASTRUCTURE PLAN –  
DECEMBER 2020

**CASE NO.:** NEPR-MI-2021-0002

**SUBJECT:** Motion to Submit Partial Response  
to Resolution and Order dated January 14, 2025

**MOTION TO SUBMIT PARTIAL RESPONSE TO RESOLUTION AND ORDER DATED  
JANUARY 14, 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 November 4, 2024, Genera filed a document with the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) titled *Motion Submitting Seven (7) Scope of Works in Connection with Genera's FY2025 NME Budget Reallocation Request* (“November 4<sup>th</sup> Motion”). Through the November 4<sup>th</sup> Motion, Genera included, as Exhibit A therein, seven (7) Scope of Works (“SOWs”) covering fifteen (15) Necessary Maintenance Expense (“NME”) projects that Genera attributes Federal Funding.

2. On November 27, 2024, Genera filed a document titled *Motion Submitting Nine Scope of Works in Connection with Genera's FY2025 NME Budget Reallocation Request*

---

<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.

(“November 27<sup>th</sup> Motion”). In the November 27<sup>th</sup> Motion, Genera provided, as Exhibit A therein, the remaining required SOWs for NME projects not yet submitted for evaluation by the Energy Bureau, and for which Genera attributes Federal Funding.

3. On January 14, 2025, the Energy Bureau issued a Resolution and Order titled *Resolution and Order for the Scope of Works (SOWs) of twenty-three (23) Projects in Connection with Genera’s FY2025 NME Budget Reallocation Request* (“January 14<sup>th</sup> Motion”). In the January 14<sup>th</sup> Resolution, the Energy Bureau noted that Genera had provided SOWs for a total of twenty-five (25) projects attributed to federal funding, grouped into seven (7) SOWs submitted with the November 4<sup>th</sup> Motion and nine (9) SOWs with the November 27<sup>th</sup> Motion. The November 27<sup>th</sup> Motion also included a reference table as Exhibit B, listing which project Genera attributes federal funding. Additionally, the November 27<sup>th</sup> Motion reused five (5) SOWs submitted in the November 4<sup>th</sup> Motion, excluding the SOWs for Mayagüez and San Juan. The Energy Bureau expressed concerns about a missing SOW for a repair activity at San Juan Plant (LTSA Units 5 & 6), which Genera had previously identified as federally funded, and requested clarification on the status of this activity, along with confirmation whether it remains federally funded project and a timeline for submission of the relevant SOW.

4. Consequently, in the January 14<sup>th</sup> Resolution, the Energy Bureau: (i) ordered Genera to clarify the status of Project No. 7 from the September 23<sup>rd</sup> Motion<sup>2</sup>; (ii) ordered Genera to clarify the funding status for NME Projects No. 23 and No. 43, as approved in the October 28<sup>th</sup> Resolution<sup>3</sup>; (iii) denied the Statements of Work (SOWs) included in Attachment B of the January

---

<sup>2</sup> See *Review of the Puerto Rico Electric Power Authority’s 10-Year Infrastructure Plan – December 2020*, Case No.: NEPR-MI-2021-0002, *Motion Submitting Response to Resolution and Order Date September 9, 2024*, filed by Genera on September 23, 2024 (“September 23<sup>rd</sup> Motion”).

<sup>3</sup> See Resolution and Order, *In re: LUMA Initial Budgets and Related Terms of Service*, Case No.: NEPR-MI-2021-0004, *FY 2025 NME Genera Budget Reallocation Petition* October 28, 2024 (“October 28<sup>th</sup> Resolution”).

14<sup>th</sup> Resolution due to the absence of required information for approval, specifically a cost estimate of the SOWs; and (iv) ordered Genera to submit, within ten (10) days of the notification of the January 14<sup>th</sup> Resolution, an estimated cost distribution.<sup>4</sup>

5. On January 24, 2025, Genera filed a document titled *Urgent Request for Extension to Submit Response to the Resolution and Order dated January 14, 2025* (“January 24<sup>th</sup> Request”), through which Genera requested a ten (10) day extension, until February 3, 2025, to finalize all required responses, clarifications, and cost estimates, as ordered and requested by the Energy Bureau’s January 14<sup>th</sup> Resolution.

6. On January 31, 2025, Genera filed a document titled *Motion to Submit Estimated Costs for SOWs Lists in Resolution and Order Dated January 14, 2025* (“January 31<sup>st</sup> Motion”). Through the January 31<sup>st</sup> Motion, Genera submitted, as *Exhibit A* thereto, the estimated cost distribution for the SOWs included in *Attachment B* of the January 14<sup>th</sup> Resolution. Additionally, Genera requested that the Energy Bureau clarify its January 14<sup>th</sup> Resolution’s directive regarding the funding status for NME Project No. 23, to ensure that Genera’s submission aligns with the Energy Bureau’s expectations. Lastly, Genera informed that it would submit the evaluation of the status for NME Project No. 7, and the funding status for Project No. 43, within the timeframe afforded by the January 24<sup>th</sup> Request.

7. In compliance with the January 14<sup>th</sup> Resolution, and in accordance with the January 31<sup>st</sup> Motion, Genera hereby provides the following status update for NME Project No. 7 and Project No. 43:

---

<sup>4</sup> See January 14<sup>th</sup> Resolution, p. 3.

- a. **Project No. 7** is a long-term service agreement (multi-year contract) for Units 5 and 6 in San Juan. Currently, Unit 6 is undergoing scheduled maintenance under this agreement.
  - b. **Project No. 43** has been funded through NME and has already been awarded. It successfully completed the bidding process, received approval from the P3 Authority, and the contract has been signed by both the contractors and Genera. The next steps include conducting a kickoff meeting and setting a mobilization date to begin project execution.
8. Genera respectfully maintains its request for clarification from the Energy Bureau regarding its directive to clarify the funding status for NME Project No. 23.

**WHEREFORE**, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes; **accept** Genera's response regarding the status and funding states of NME Projects No. 7 and No. 43, respectfully; and **clarifies** the January 14<sup>th</sup> Resolution as it pertains to the directive to clarify the funding status for NME Project No. 23.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 3<sup>rd</sup> day of February of 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  
TSPR 9,669

/s/ Alejandro López-Rodríguez  
Alejandro López-Rodríguez  
alopez@sbgblaw.com

TSPR 22,996

## 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: Mirelis Valle Cancel, at [mvalle@gmlex.net](mailto:mvalle@gmlex.net), and Alexis Rivera, at [arivera@gmlex.net](mailto:arivera@gmlex.net); and to LUMA, through: [RegulatoryPREBOrders@lumapr.com](mailto:RegulatoryPREBOrders@lumapr.com); Margarita Mercado, at [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com), Yahaira De La Rosa, at [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com), Laura Rozas, at [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com), Julian Anglada Paga, at [julian.angladapagan@us.dlapiper.com](mailto:julian.angladapagan@us.dlapiper.com).

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

/s/ Alejandro López-Rodríguez  
Alejandro López-Rodríguez

Exhibit A