

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

NEPR Received: Feb 10, 2025 6:56 PM
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IN RE:

THE PERFORMANCE OF THE PUERTO RICO ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Motion to Submit Response to Resolution and Order dated December 26, 2024

**MOTION TO SUBMIT RESPONSE TO RESOLUTION AND ORDER
DATED 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”).

2. 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.

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.

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 30th 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 14th Motion”). Genera stated that certain metrics in Attachment A to the December 26th 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. On January 17, 2025, the Energy Bureau issued a Resolution and Order (“January 17th Resolution”) granting Genera’s request for an extension of time and to schedule a meeting with the Energy Bureau’s consultants. Furthermore, the Energy Bureau ordered Genera to submit its response to the requirements of the December 26th Resolution within seven (7) business days following the meeting with the Energy Bureau’s consultants.

6. On January 30, 2025, Genera met with the Energy Bureau’s consultant, Kyle Schultz (“January 30th Meeting”). Genera respectfully informs the Energy Bureau that it was not

able to fully clarify its concerns during the January 30th Meeting. Notwithstanding, and under the advisement of the Energy Bureau’s consultants, Genera hereby clarifies those areas of concern identified during the January 30th Meeting.

7. On February 3, 2025, Genera filed a document titled *Motion to Submit Response to Request of Information dated January 17, 2025* (“February 3rd Motion”). In pertinent part to this Motion, Genera submitted the Performance Metrics Report for the Second Quarter of Fiscal Year 2025 (“Performance Metrics Report for FY2025 Q2”) as Exhibit B to the February 3rd Motion.

8. In compliance with the December 26th Resolution, and in accordance with the discussions held during the January 30th meeting with the Energy Bureau’s consultant, Genera respectfully submits the following responses to the December 26th Resolution for each Metric Category:

a. **Finance:**

- i. As shown in the *Performance Metrics Report for FY2025 Q2* submitted on February 3, 2025, Genera respectfully clarifies that, for **Capital expenses vs. budget – System** and **Capital expenses vs. budget – Federally Funded**, no percentage is shown because there is no budget for federally funded projects.
- ii. ii. Additionally, for **Capital expenses vs. budget – Non-federally funded**, this percentage is the same as the NME row.

b. **Generation:**

- i. Average Heat Rate

- a) 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.
- ii. Plant Availability
 - a) 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.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all relevant purposes and **deem** Genera to be in compliance with the December 26th Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10th day of February 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 10th day of February 2025.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez