

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

NEPR

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IN RE:

MANEJO DEL MANTENIMIENTO Y
REPARACIONES DE LAS UNIDADES
DE GENERACIÓN UTILIZADAS POR
LA AUTORIDAD DE ENERGÍA
ELÉCTRICA DE PUERTO RICO PARA
SUPLIR SERVICIO ELÉCTRICO

CASE NO.: NEPR-MI-2021-0014

SUBJECT: Motion to Submit Response to the
Resolution and Order dated February 10, 2025

**MOTION TO SUBMIT RESPONSE TO THE RESOLUTION AND ORDER DATED
FEBRUARY 10, 2025**

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 September 6, 2024, the Energy Bureau issued a Resolution and Order titled *Resolution and Order pertaining to Motion in Compliance with Order to Show Cause Dated August 30, 2024, filed by Genera PR, LLC*, detailing the cadence, dates, and times of upcoming oversight visits by the Energy Bureau, its employees, and/or consultants to the different generation facilities managed by Genera. It was also re-stated that the purpose of these visits and meetings was to conduct regulatory oversight—an especially critical function given the suboptimal conditions of the generation fleet.

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among PREPA, the Puerto Rico Public-Private Partnerships Authority and Genera, Genera is the sole operator and administrator of the Legacy Generation Assets (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.

2. On October 18, 2024, the Energy Bureau issued a Resolution and Order titled *Resolution and Order to modify the schedule of oversight field visits to Genera PR, LLC generation facilities*, modifying the originally scheduled visits to establish an in-person and virtual rotating meeting cadence for the four main generation sites in Palo Seco, San Juan, Costa Sur, and Aguirre. Multiple in-person oversight visits had already taken place since September 2024, and this new strategy was deemed appropriate and efficient by both the Energy Bureau and Genera's on-site personnel.

3. On February 4, 2025, the Energy Bureau issued a Resolution and Order modifying the cadence of the monitoring activities at the main generation sites, focusing on in-person visits and canceling virtual meetings. This adjusted schedule was again deemed appropriate and efficient by the Energy Bureau, as well as by Genera's on-site personnel, in light of the progress made in the oversight activity. Expanding this oversight program to include additional generation facilities remains a key next step.

4. On February 10, 2025, the Energy Bureau issued a Resolution and Order titled *Resolution and Order Summarizing last three months Generation Site* Summarizing ("February 10th Resolution"). Pertinent to this Motion, the February 10th Resolution included a summary of the monitoring strategy, as well as Attachment A (comprising all Progress Reports for the last three (3) months, totaling twenty four (24)) and Attachment B (the Site Project Tables). The Energy Bureau ordered Genera to show cause, within ten (10) days of the issuance of the Resolution and Order, why some or all portions of these twenty four (24) Progress Reports and Site Project Tables should not be made public.

5. Genera respectfully submits that, although the information contained in Attachment A and Attachment B to the February 10th Resolution is not inherently confidential, it is provided

to the Energy Bureau as informational working documentation on a rolling, month-to-month basis, reflecting the ongoing and evolving status of the relevant projects. Each successive submission supersedes prior data, potentially rendering earlier information obsolete or contradictory, all subject to revision. Consequently, the premature release or piecemeal disclosure of these materials could mislead the public regarding current progress, undercut the effectiveness of the oversight process, and generate unnecessary confusion. In light of these considerations, Genera respectfully requests that the Energy Bureau carefully evaluate whether—and to what extent—disclosure is appropriate, in order to preserve the integrity of the regulatory oversight framework and ensure that stakeholders receive the most accurate, up-to-date information.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes; and **reconsider** whether to publicly disclose the materials contained in Attachment A and Attachment B to the February 10th Resolution, in light of their evolving and potentially outdated nature and the likelihood that disclosure would not serve the public interest

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day February of 2025.

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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 its counsel of record, Alexis G. River Medina, at arivera@gmlex.net, and Mirelis Valle Cancel, at mvalle@gmlex.net; and to LUMA through its counsel of record, Margarita Mercado Echegaray, at margarita.mercado@us.dlapiper.com.

In San Juan, Puerto Rico, this 21st day of February 2025.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez