

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

NEPR

Received:

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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 Inform
Commencement of Activities Pursuant to
United States Department of Energy Order
No. 202-25-1 for Fuel Swapping
Conversion.

**MOTION TO INFORM COMMENCEMENT OF ACTIVITIES PURSUANT TO
UNITED STATES DEPARTMENT OF ENERGY ORDER NO. 202-25-1 FOR FUEL
SWAPPING CONVERSION**

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 state and request the following:

1. On May 16, 2025, the United States Department of Energy (“DOE”), pursuant to the authority vested in the Secretary of Energy by Section 202(c) of the Federal Power, Act, 16 U.S.C. § 824a(c), and Section 301(b) of the Department of Energy Organization Act, 42 U.S.C. § 7151(b), **issued Order No. 202-25-1 (“DOE Order”)**. Through this Order, the Secretary of Energy determined that an energy emergency exists in Puerto Rico due to a shortage of electric energy and generation resources.

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, 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 PREB with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

2. The DOE Order authorizes PREPA and its agents to implement urgent remedial actions, including the fuel conversion of generating units, to maintain grid reliability and serve the public interest. Among the generating assets specifically designated as “Specified Generation Resources” in the DOE Order are Cambalache Units GT-1 through GT-3, Mayagüez Units GT-1 through GT-4, and the FEMA-installed Temporary Power Generation Units located at the Palo Seco site.

3. The DOE Order further provides that these emergency measures must be implemented in a manner that **minimizes adverse environmental impacts and complies, to the maximum extent practicable, with applicable federal, state, and local environmental laws.** This includes, among others, *the Clean Air Act*, 42 U.S.C. § 7401 et seq., which establishes national ambient air quality standards (NAAQS) and requires the reduction of harmful air pollutants to protect public health and welfare. The Clean Air Act, *supra*, is implemented by the U.S. Environmental Protection Agency (“EPA”) and represents the cornerstone of federal environmental policy to which the DOE Order expressly defers.

4. In accordance with the Clean Air Act and in furtherance of the environmental and public health policy of the Government of Puerto Rico, which prioritizes equitable access to clean air and sustainable energy for all residents, particularly those in vulnerable communities, **Genera is undertaking actions that will immediately reduce emissions by transitioning from diesel to cleaner-burning natural gas.** This transition directly supports the objectives of Puerto Rico’s public policy on environmental justice, health protection, and climate resilience, and complies with mandatory federal directives, including those set forth in DOE Order No. 202-25-1.

5. In full compliance with the DOE Order, Genera hereby informs this Honorable Bureau of the immediate commencement of the following actions:

- (i) Rehabilitation of Cambalache Units, as described in the February 24, 2025 amended motion, and
- (ii) Initiation of fuel swapping operations at Cambalache and Mayagüez, transitioning these facilities from diesel to natural gas in line with the DOE Order, the Clean Air Act, and the public health and energy policy of the Government of Puerto Rico and the United States.

6. These actions are not only consistent with Puerto Rico's public policy goals but are also federally mandated **and cannot be delayed or subordinated to local administrative processes that may be inconsistent with DOE directives**. Although local agencies have raised concerns regarding the fuel swapping operations, the prevailing authority of the United States Department of Energy in this matter requires Genera to proceed in accordance with federal law.

7. Genera emphasizes that this motion is submitted to demonstrate its commitment to acting responsibly, lawfully, and in coordination with the Government of Puerto Rico public policy and in compliance with federal authorities' orders in addressing the island's energy crisis. **Genera is acting under clear federal authority and with the support of the Energy Policy Coordinator ("Zar") of Puerto Rico, whose recommendation to implement these measures reflects Puerto Rico's own public policy on clean energy transition and environmental responsibility.**

8. Accordingly, Genera respectfully requests that the Energy Bureau issue a determination on this motion within ten (10) calendar days. **If no such determination is issued within that period, Genera shall proceed with the implementation of the measures required by DOE Order No. 202-25-1, as part of its binding legal and**

operational obligations under federal law and in full compliance with the Clean Air Act and other applicable environmental statutes.

WHEREFORE, Genera respectfully requests that this Energy Bureau take notice of the above for all relevant purposes and accept Genera's Motion to Inform Commencement of Activities Pursuant to United States Department of Energy Order No. 202-25-1 for Fuel Swapping Conversion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28th day of May 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/Jennise M. Alvarez
Jennise M. Álvarez
jennalvarez@sbgblaw.com
TSPR 23,435

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 RegulatoryPREBorders@lumapr.com; margarita.mercado@us.dlapiper.com; laura.rozas@us.dlapiper.com; lionel.santa@prepa.pr.gov; hrivera@jrsp.pr.gov; javrua@sesapr.org; mrios@arroyorioslaw.com; jordgraham@tesla.com; forest@cleanenergy.org; customerservice@sunnova.com; pjcleanenergy@gmail.com; agraitfe@agraitlawpr.com; info@sesapr.org; cfl@mcvpr.com; and mqs@mcvpr.com

In San Juan, Puerto Rico, this 28th day of May 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/Jennise M. Alvarez
Jennise M. Álvarez
jennalvarez@sbgblaw.com
TSPR 23,435