

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

**NEPR**

**Received:**

**Jul 7, 2025**

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**IN RE:**

PUERTO RICO ELECTRIC POWER  
AUTHORITY RATE REVIEW

**CASE NO.:** NEPR-AP-2023-0003

**SUBJECT:** Urgent Motion for Leave to  
Withdraw and Refile Genera’s Exhibit 22.2  
of Rate Review Petition and Request for  
Protective Order.

**URGENT MOTION FOR LEAVE TO WITHDRAW AND REFILE GENERA’S  
EXHIBIT 22.2 OF RATE REVIEW PETITION AND REQUEST FOR  
PROTECTIVE ORDER**

**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 counsel of record, and respectfully state and request the following:

1. On July 3, 2025, LUMA Energy LLC (“LUMA”) filed a *Motion Submitting Rate Review Petition* (“Rate Review Petition”), including numerous exhibits, some of which were submitted by Genera, such as an Exhibit titled Exhibit 22.2 – Genera’s Filing Schedule (“Exhibit 22.2”).
2. Upon review of the filed exhibits, Genera noticed an early, non-final version, of Exhibit 22.2 has been submitted, which includes privileged attorney work-product.
3. To ensure a complete and accurate submission, Genera respectfully requests leave to withdraw the currently filed Exhibit 22.2 and submit a revised final version

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<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, 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.

eliminating any confidential attorney work-product. Additionally, Genera hereby requests the currently filed Exhibit 22.2 not be disclosed to the public.

4. Pursuant to Section 1.06 of the Energy Bureau's *Regulation on Rate Filing Requirements for the Puerto Rico Electric Power Authority*, Regulation No. 8620 ("Regulation No. 8620"), its provisions "may be supplemented by the provisions of other regulations of the Puerto Rico Energy Commission that are not incompatible" with its provisions. *See* Regulation No. 8620, § 1.06.

5. Article VII of Energy Bureau's Regulation on Adjudicative, Notice of Noncompliance, Ratee Review and Investigation Proceedings, Regulation No. 8543 ("Regulation No. 8543") states the rules governing discovery in rate review proceedings. Pursuant to Section 8.01 of, "[t]he parties may disclose any material, **that is not privileged** and that is pertinent to the matters in dispute in the pending case.". *See* Regulation No. 8543, § 8.01.

6. Additionally, Section 8.02 of Regulation No. 8543 states the scope and limits of discovery including the possibility of granting proactive orders "consonant with the aim of seeking truth and having efficient and economical discovery process.". *See* Regulation No. 8543, § 8.02(c). Moreover, Section 8.02 clearly states that:

At the request of the party or person from whom discovery is sought, on motion certifying that it has attempted in good faith to resolve the controversy over the disclosure of evidence and for just cause, the Commission may issue any order which justice requires to protect the party or person from harassment, disturbance or oppression, and any discomfort or undue expense. *See Id.* § 8.02(b).

The protective orders issued by the Energy Bureau may forbid the disclosure of discovery of certain material. *See Id.* § 8.02(b)(4).

7. Exhibit 22.2 erroneously and inadvertently filed with LUMA's Rate Review Petition is incomplete and contains privileged attorney work product material which should not have been included in the filing. The matter has been discussed with LUMA's counsel. The parties have agreed that Genera would file this motion requesting to remove and substitute from the record the currently filed document titled Exhibit 22.2 with a final version of said Exhibit excluding any and all privileged attorney work-product material.

8. Accordingly, Genera respectfully requests this Energy Bureau grants a protective order to forbid the disclosure of the document filed and identified as Exhibit 22.2 in LUMA's Rate Review Petition from the record. Rather, Genera requests to refile Genera's Exhibit 22.2, attached herein as Exhibit A.

**WHEREFORE**, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes, **grant** a leave to withdraw and refile Genera's Exhibit 22.2 of the Rate Review Petition and **grant** a protective order forbidding the disclosure of the document identified and filed as Exhibit 22.2 in LUMA's Rate Review Petition.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 7<sup>th</sup> day of July 2025.

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## CERTIFICATE OF SERVICE

I 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 I will send an electronic copy of this motion to mvalle@gmlex.net; arivera@gmlex.net; jmartinez@gmlex.net; jgonzalez@gmlex.net; katuska.bolanos-lugo@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; carolyn.clarkin@us.dlapiper.com; andrea.chambers@us.dlapiper.com; hriviera@jrsp.pr.gov; contratistas@jrsp.pr.gov; victorluisgonzalez@yahoo.com; Cfl@mcvpr.com; nancy@emmanuelli.law; jrinconlopez@guidehouse.com; Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com; Intisarul.Islam@weil.com; kara.smith@weil.com; rafael.ortiz.mendoza@gmail.com; rolando@emmanuelli.law; jan.albinolopez@us.dlapiper.com; Rachel.Albanese@us.dlapiper.com; varoon.sachdev@whitecase.com; epo@amgprlaw.com; loliver@amgprlaw.com; acasellas@amgprlaw.com; matt.barr@weil.com; Robert.berezin@weil.com; Gabriel.morgan@weil.com; corey.brady@weil.com; lramos@ramoscruzlegal.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; isaac.glassman@whitecase.com; tmacwright@whitecase.com; jcunningham@whitecase.com; mshepherd@whitecase.com; jgreen@whitecase.com; hburgos@cabprlaw.com; dperez@cabprlaw.com; howard.hawkins@cwt.com; mark.ellenberg@cwt.com; casey.servais@cwt.com; bill.natbony@cwt.com; thomas.curtin@cwt.com; escalera@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com; dmonserrate@mmsglawpr.com; fgierbolini@mmsglawpr.com; rschell@mmsglawpr.com; eric.brunstad@dechert.com; Stephen.zide@dechert.com; David.herman@dechert.com; julia@londoneconomics.com; Brian@londoneconomics.com; luke@londoneconomics.com; juan@londoneconomics.com; mmcgill@gibsondunn.com; LShelfer@gibsondunn.com; jnieves@cstlawpr.com; arrivera@nuenergypr.com; apc@mcvpr.com; javrua@sesapr.org; shempling@scotthemplinglaw.com; rsmithla@aol.com; guy@maxetaenergy.com; jorge@maxetaenergy.com; rafael@maxetaenergy.com; dawn.bisdorf@gmail.com; msdady@gmail.com; mcraanston29@gmail.com; ahopkins@synapse-energy.com; clane@synapse-energy.com; kbailey@acciongroup.com; ljudd@acciongroup.com; zachary.ming@ethree.com; PREBconsultants@acciongroup.com; carl.pechman@keylogic.com; bernard.neenan@keylogic.com; tara.hamilton@ethree.com; aryeh.goldparker@ethree.com; roger@maxetaenergy.com; Shadi@acciongroup.com; regulatory@genera-pr.com; legal@genera-pr.com.

In San Juan, Puerto Rico, this 7th day of July 2025.

/s/ Jorge Fernández-Reboredo

Jorge Fernández-Reboredo

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**Exhibit A**

Genera Exhibit 22.2 – Genera’s Filing Schedules  
(Native file submitted via email)