

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

**NEPR**

**Received:**

**Jul 18, 2025**

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**IN RE:** REVIEW OF GENERA PR, LLC  
REQUEST TO OPERATE PALO SECO  
MP AND MAYAGUEZ CT WITH  
NATURAL GAS AS PRIMARY FUEL

**CASE NO.:** NEPR-MI-2024-0004

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER DATED JUNE 11, 2025**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

**COMES NOW** the Puerto Rico Electric Power Authority ("PREPA") through its undersigned legal counsel and respectfully informs and requests as follows:

1. On January 31, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued two Resolutions and Orders in the above-captioned case, conditionally approving the proposed conversion of certain combustion turbine units located at PREPA's Mayagüez and Palo Seco facilities from diesel to dual-fuel capability using natural gas as the primary fuel.

2. On June 11, 2025<sup>1</sup>, the Energy Bureau issued a Resolution and Order requiring PREPA to submit, within three (3) days of notification, a summary of any procurement process that has been conducted or is currently underway, in compliance with the conditions imposed in the January 31 Resolutions.

3. In response to the ongoing energy emergency in Puerto Rico, the Third-Party Procurement Office ("3PPO"), under the delegated authority of the Puerto

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<sup>1</sup> Due to a clerical error, PREPA was not notified of the June 11, 2025 Resolution and Order until July 8, 2025.

Rico Public-Private Partnerships Authority ("P3A"), issued Request for Proposals (RFP) No. 3PPO-1125-17-MSIN for the acquisition of liquefied natural gas (LNG) for multiple generation sites.

4. The RFP identified generation sites by category, based on their LNG-readiness:

- a. **Category 1:** Sites already converted to LNG
- b. **Category 2:** Sites to be converted during the contract term
- c. **Category 3:** Sites requiring substantial upgrades or permitting

5. The RFP allowed proponents to submit offers under two term structures: 5+5+5 years or 10+5+5 years. Flexibility was also granted in pricing structures, including options with or without minimum contract quantities. Proposals were required to address technical and commercial solutions tailored to each site category. The covered facilities included San Juan Units 5 & 6, Palo Seco, Mayagüez, and others identified by PREPA and Genera PR, LLC.

6. The RFP originally included delivery points that had not yet been converted to LNG, such as the Mayagüez and Palo Seco facilities. However, in order to ensure the participation of multiple natural gas suppliers and foster a transparent and competitive selection that secures the most favorable economic and technical conditions for PREPA, as expressly required by the Energy Bureau, the 3PPO amended the scope of the RFP. Through Addenda No. 4, issued on June 21, 2025, the 3PPO removed the requirement for proponents to include regasification unit infrastructure in their proposals. A separate RFP will be issued for the sites to

be converted, which will address the design, installation, and operation of regasification units for facilities such as Mayagüez and Palo Seco. Accordingly, the revised RFP now focuses solely on LNG supply to existing converted sites, while the procurement of regasification infrastructure for unconverted sites is being managed independently to maximize competition and ensure procurement compliance.

7. In compliance with the June 11, 2025 Resolution, the supporting documents received from the 3PPO related to this competitive process are attached hereto.

8. PREPA respectfully requests that the document submitted be kept confidential during the ongoing competitive procurement process, as it contains information that is part of a deliberative process and includes trade or business secrets that are considered confidential under applicable law.

9. Article 6.15 of the *Puerto Rico Energy Transformation and RELIEF Act* provides that “any person who is required to submit information to the Energy [Bureau] believes that the information to be submitted has any confidentiality privilege, such person may request the [Bureau] to treat such information as such[.]” Act 57 at Art. 6.15 states that “If the Energy [Bureau], after the appropriate evaluation, believes such information should be protected, it shall grant such protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.” *Id.* at Art. 6.15 (a). If the Energy Bureau determines that the information is confidential, “the information shall be

duly safeguarded and delivered exclusively to the personnel of the Energy [Bureau] who needs to know such information under nondisclosure agreements.” *Id.* at Art. 6.15 (c). “The Energy [Bureau] shall swiftly act on any privilege and confidentiality claim made by a person subject to its jurisdiction by means of a resolution to such purposes before any allegedly confidential information is disclosed.” *Id.* at Art. 6.15 (d).

10. In the exercise of its powers, the PREB and PREPA approved Regulation 8815, which has force of law. *Id.* at Art. 6.3 (b). Regulation 8815 includes language in Art. 10.2 which protects confidential information in those competitive bidding processes contemplated in the regulation. In its pertinent part, it states that “[o]nce the Contract has been executed, the Authority shall make public the report of the Project Committee which shall contain the information related to the procurement, evaluation, scoring, selection and negotiation process, and the information contained in the Proposal as required by law, except trade secrets, proprietary or privileged information of the Proponent clearly identified as such by the Proponent, or information that must otherwise be protected from publication according to law, unless otherwise ordered by a court order, in each case, if the Authority determines that the protection of such information is appropriate.”

**WHEREFORE**, it is respectfully requested that the Energy Bureau take notice of the foregoing, deem PREPA in compliance with the June 11, 2025 Resolution, and grant confidential treatment to the documents submitted.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 18<sup>th</sup> day of July 2025.

**CERTIFICATE OF SERVICE:** We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and courtesy copies were sent via e-mail to Genera PR, LLC through its counsels of record at [jfr@sbgblaw.com](mailto:jfr@sbgblaw.com), [jdiaz@sbgblaw.com](mailto:jdiaz@sbgblaw.com).

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