

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

IN RE: REQUEST FOR APPROVAL OF THE ASSET PURCHASE AGREEMENT BETWEEN NFE POWER PR LLC AND THE PUERTO RICO ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-AP-2024-0001

SUBJECT: Resolution and Order pertaining to *Motion to Consolidate*, filed by Genera PR, LLC in various dockets, and *Motion in Compliance with the Resolution and Order Dated July 1[6], 2024*, filed by the Puerto Rico Electric Power Authority.

RESOLUTION AND ORDER

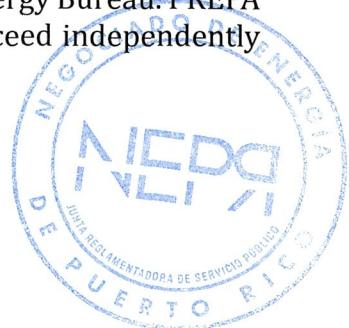
On July 16, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order, whereby it ordered the Puerto Rico Electric Power Authority ("PREPA") and Genera PR, LLC ("Genera") to each submit a monthly report in the tariff docket, Case No.: NEPR-MI-2020-0001, beginning on **August 15, 2025, and continuing on the 15th of each subsequent month**, detailing: any incidents or limitations that arise due to inability to switch fuels as it pertains to temporary generation units installed in the Palo Seco Steam Plant (150MW) and the San Juan Power Plant (200MW) ("Temporary Units"); the operational impact of such limitations; any related documentation including, but not limited to, technical assessments, internal correspondence, and mitigation measures taken or planned; and the results of actions taken regarding claims under the contract for the supply of natural gas to these units ("July 16 Resolution").

The Energy Bureau further determined the report must include all instances or incidents in which diesel had to be used, instead of natural gas, from the beginning of the contract, the cause or causes of each incident, the actions taken to correct those causes, and documentation evidencing the corresponding claims made under the contract and any other related claims. In addition, the report must come with copies of any documentation (e.g., letters, emails, memoranda, etc.) that support the data therein, including, but not limited to, all communications between the parties to the contract regarding natural gas nominations since the beginning of the contract.

On August 15, 2025, PREPA and Genera filed jointly a document titled *Motion to Request an Extension to Comply with the Resolution and Order from July 14, 2025* ("August 15 Motion"), requesting the Energy Bureau an extension until August 22, 2025 to file the referenced report. The August 15 Motion states that "Genera informed PREPA that additional time is needed to gather and compile the required documentation. Specifically, Genera has requested until August 22, 2025, to complete and submit the information necessary to comply with the Resolution and Order."

On August 18, 2025, the Energy Bureau granted PREPA and Genera until August 22, 2025 to file the report ("August 18 Resolution"). The Energy Bureau cautioned PREPA and Genera that future last-minute extension requests submitted in this manner would be subject to denial. The Energy Bureau underscored the need for improved diligence and commitment to timely compliance with established timelines.

On August 22, 2024, PREPA filed a document titled *Motion in Compliance with the Resolution and Order Dated July 1[6], 2024* ("PREPA's August 22 Motion"). Through the August 22 Motion, PREPA informed the Energy Bureau that following the granted extension of time, it continued its efforts to coordinate with Genera to submit the required report. PREPA further indicated that, notwithstanding such efforts, at approximately 4:33 p.m. on August 22, 2025, Genera informed PREPA it would submit a separate motion before the Energy Bureau. PREPA requested the Energy Bureau to take notice of Genera's decision to proceed independently and deem PREPA in compliance with the July 16 Resolution.



On August 22, 2025, Genera filed documents titled *Motion to Consolidate* in this docket: NEPR-AP-2024-0001; the tariff docket:NEPR-MI-2020-0001¹; and in the investigative procedure related to the dual-fuel capability of the temporary mobile power units at Palo Seco and San Juan: NEPR-IN-2025-0004² (“August 22 Motions”). In its August 22 Motions, Genera argued that the referenced dockets involve the same underlying factual and legal issues: the nature and scope of dual-fuel capability, PREPA and Genera’s compliance with statutory obligations, and the costs associated with it, which relate eventually to energy rates. Genera requested that an order be issued consolidating the three referenced cases. According to Genera, such order would simplify the processes and avoid inconsistent results. Genera also requested that the Energy Bureau stay all three cases pending a ruling on the motion to consolidate.

The Energy Bureau **DENIES** Genera’s request to consolidate this proceeding with cases NEPR- IN-2025-0004 and NEPR-MI-2020-0001. The Energy Bureau **HIGHLIGHTS** that each case serves a distinct regulatory purpose. Case No: NEPR-MI-2020-0001 is the permanent rate docket, focused on electric service rates and ongoing compliance with rate-setting obligations. While the Energy Bureau required monthly reporting on dual-fuel limitations within this docket, such requirement is ancillary to its core purpose of rate oversight and does not transform such proceeding into a technical investigation. This proceeding is an adjudicative proceeding to evaluate the Asset Purchase Agreement between NFE POWER PR, LLC (“NFE”) and PREPA, which is limited to evaluating the contractual terms, legal compliance, and conditions for approval for that specific transaction, which is separate from the rate-making and the dual-fuel capability investigative procedure focused on fact-gathering and potential corrective actions. Case No.: NEPR-IN-2025-0004 is an investigative procedure created to examine technical, logistical, and infrastructure issues related to the dual-fuel capability of FEMA installed temporary generation units. Additionally, Case No.: NEPR-IN-2025-0004 is an investigative proceeding which shall remain confidential until the investigation is concluded, further underscoring why it cannot be used to absorb the reporting requirements of the permanent rate docket (NEPR-MI-2020-0001) or the instant transaction approval docket. Mainly, it would deprive interested stakeholders in those proceedings of access to information they are entitled to receive and compromise transparency matters of public rate-setting and contractual oversight.

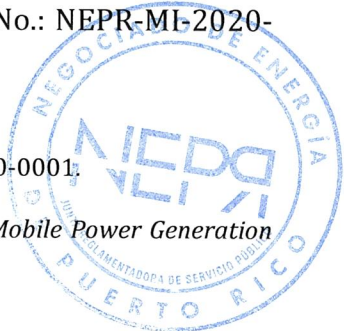
The Energy Bureau **STRESSES** that although certain elements are common among the three dockets, the issues, statutory bases, and remedies in each differ. Contrary to Genera’s reasoning, consolidating these proceedings would complicate the procedural record and create confusion by merging filings that address different issues into a single docket, making it harder to maintain a clear and organized record. It would also undermine transparency, since not all stakeholders admitted in one docket are parties in another. Combining them would exclude participants from matters that affect their interests without proving the proper procedural safeguards. Consolidation risks delaying resolution of matters that require continuity and timeliness, such as rate-setting. The referenced cases shall proceed separately with cross-referencing of relevant information where appropriate, rather than consolidation. Keeping the dockets separate ensures **clarity, fairness, and efficient regulatory oversight**.

The Energy Bureau **WARNS** Genera that in future instances, issued orders must take precedence over any request for procedural restructuring. Such requests will not be accepted as a justification for noncompliance. Parties must comply with the orders issued by the Energy Bureau. In this case, the appropriate course of action was to file the report. Moving to request consolidation did not preclude the filing of the report.

The Energy Bureau **DENIES** Genera’s August 22 Motion, including its request to stay the referenced proceedings. The Energy Bureau **REITERATES** its July 16 Motion and **ORDERS** Genera to file the requested monthly report in the tariff docket, Case No.: NEPR-MI-2020-

¹ In re: Puerto Rico Electric Power Authority’s Permanent Rate, Case No.: NEPR-MI-2020-0001.

² In re: Investigation on Dual-Fuel Capability (Diesel and Natural Gas) of Temporary Mobile Power Generation Units (“TMPs”) at Palo Seco and San Juan Plants, Case No.: NEPR-IN-2025-0004.




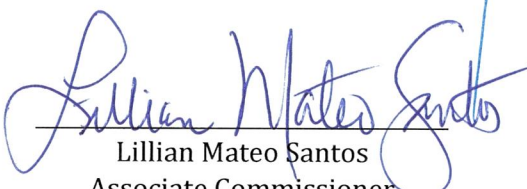
0001, on or before **Tuesday, September 2, 2025**. Failure to comply with this Resolution and Order will result in the imposition of fines, under Section 6.36 of Act 57-2014.³

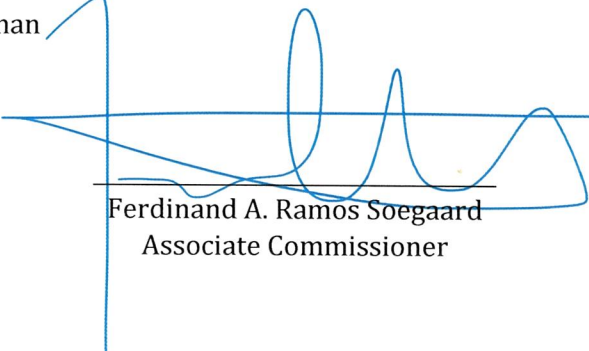
The Energy Bureau **TAKES NOTICE** of PREPA’s August 22 Motion and **WAIVES** it from the monthly filing of the report. Genera will be the sole party responsible for the filing of the report, given its role in the operation and maintenance of the temporary units.


The Energy Bureau **ORDERS** its Clerk to notify this Resolution and Order in this docket and in dockets NEPR-MI-2020-0001 and NEPR-IN-2025-0004, as Genera’s August 22 Motions were filed in all three proceedings and to ensure all parties of record are duly informed.

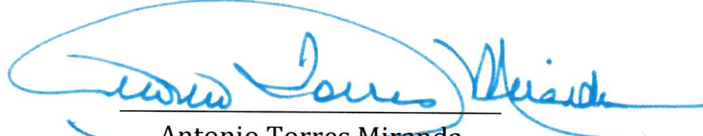
Be it notified and published.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugaite Araujo
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau have agreed on August 27, 2025. I also certify that in August 27, 2025 a copy of this Resolution and Order was notified by electronic mail to arivera@gmlex.net; mvalle@gmlex.net; margarita.mercado@us.dlapiper.com; laura.rozas@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; gcastrodad@sbgblaw.com; jfr@sbgblaw.com; legal@genera-pr.com; regulatory@genera-pr.com; and I have moved forward with filing the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today August 27, 2025.




Sonia Seda Gaztambide
Clerk

³ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended (“Act 57-2014”).