

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

NEPR

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IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Motion to Submit Quarterly Report
and to Comply with Resolution and Order issued
October 7, 2025.

**MOTION TO SUBMIT QUARTERLY REPORT AND TO COMPLY WITH
RESOLUTION AND ORDER ISSUED OCTOBER 7, 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 May 14, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order titled *PREPA Performance Reporting Requirements* ("May 14th Resolution") through which it determined that it would be in the public interest to begin as soon as possible PREPA's data gathering process to help the Energy Bureau and the stakeholders in developing measures, metrics, and targets, and to provide useful information for developing incentive and penalty mechanisms. The May 14th Resolution required PREPA to provide quarterly reports of key performance metrics/indicators, beginning September 15, 2019.

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 ("P3 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.

2. On May 21, 2021, the Energy Bureau issued a Resolution and Order ("May 21 Resolution") establishing baselines and benchmarks for certain performance metrics and requiring PREPA, and LUMA Energy, LLC as Management Co., and LUMA Energy ServCo, LLC (collectively, "LUMA") to submit quarterly reports using the Excel template ("data template") included therein. The Energy Bureau has since updated the data template on multiple occasions.

3. On January 17, 2025, the Energy Bureau issued a Resolution and Order ("January 17 Resolution") in which it included the latest data template for LUMA and Genera to use beginning with the submission for the third quarter of FY2025.

4. On October 7, 2025, the Energy Bureau issued a Resolution and Order ("October 7 Resolution") whereby, among others, it identified certain deficiencies in Genera's prior submissions. In short, the Energy Bureau found that Genera's reporting practices were inconsistent with the most recent reporting template issued in the January 17 Resolution; that it had failed to report pollutant data separately, and that its submissions has contained errors and gaps making it difficult for the Energy Bureau to review Genera's performance. As such, the Energy Bureau ordered Genera to correct these issues beginning with the next quarterly filing due on October 20, 2025.

5. Accordingly, in its October 7 Resolution, the Energy Bureau ordered Genera to provide clear explanations for data issues by accompanying a motion to its submission, including the rationale for the correction and supporting documentation to account for data corrections, inconsistencies or discrepancies; to use the most current reporting template without inserting images of texts, and to submit its report with sufficient detail and accuracy, ensuring historical and current values are provided in the correct unit and number format.

6. Genera hereby acknowledges that an error was made in its prior submissions by inadvertently using an outdated data template and apologizes for any inconvenience the unintentional mistake may have caused the Energy Bureau. Notwithstanding, in compliance with the Energy Bureau's October 7 Resolution, Genera hereby submits its accurate Quarterly Report for the First Quarter of Fiscal Year 2026 using the latest data template, as provided in the January 17 Resolution, as **Exhibit A** to this Motion.

7. Moreover, in further compliance with the October 7 Resolution, Genera hereby provides the required explanation for the missing values in its submission.

8. **First**, Genera clarifies that, with regard to the *Capital Expenses vs. Budget (FYTD)* performance metric, it is unable to report the subgroup of *Federally Funded* capital expenses at this time since it represents a moving target due to the many variables affecting this metric, which causes a continuous change in percentages. For example, Genera administers federal funds from different governmental entities such as FEMA, HUD-CDBG, and the U.S. DOE. All of these entities have different requirements for the funds awarded to Genera, and the timing of these awards varies. Another example is the Peakers Project: Genera has not been able to begin the installation process since FEMA has not yet approved the funding allocation for this project. Accordingly, Genera respectfully requests the opportunity to hold a technical meeting with Energy Bureau's consultants to discuss and understand the analysis that the Energy Bureau is performing so that it may align its reporting and present accurate data to ensure compliance.

9. **Second**, and as a result of the above, until further guidance is provided by the Energy Bureau regarding the *Capital Expenses vs. Budget (FYTD) Federally Funded* performance metric, Genera hereby attests it is unable to provide the requested information. For the same reason, the metric *Capital Expenses vs. Budget (FYTD) System* cannot be calculated, as it also relies on

data related to federally funded expenditures. Genera respectfully request an additional thirty (30) days from the clarification of the Energy Bureau regarding the *Federally Funded* and *System* subgroups of the *Capital Expenses vs. Budget (FYTD)* performance metric to comply with the aforementioned performance metric reporting requirement.

10. **Third**, with regard to the performance metric related to *Cost of Generation (by Plant Type)*—specifically the subgroups identified in rows 25-28 of the data template as *Steam – O&M*; *Gas – O&M*; *Steam – Total*; and *Gas – Total*—Genera hereby informs it is actively and diligently working to comply with the Energy Bureau’s directive. However, the data required to ensure compliance is currently provided as an aggregate and not itemized by individual plant. Accordingly, Genera very respectfully requests an additional thirty (30) days **from the filing of this Motion, through November 19, 2025**, to provide the itemized requested information. Alternatively, Genera hereby proposes the performance metric be informed as an aggregate. This will facilitate the reporting requirement and will further guarantee the accuracy of the information reported.

11. **Fourth**, with regard to the *Total Emissions (system)* performance metric, Genera notes that it has already provided the information corresponding to the whole current natural year. Genera acknowledges that the Energy Bureau has requested the emissions data for historical months back to July 2023 and Genera is actively working on retrieving this data. Accordingly, and consistent with the extension of time requested in the preceding paragraph, Genera very respectfully requests the same thirty (30)-day extension from the filing of this Motion, through November 19, 2025, to compile and submit this historical information in the required format to ensure accuracy.

12. **Fifth**, the performance metrics regarding hydroelectric plants —specifically *Cost of Generation (by Plant Type)*, subgroup *Hydro – Total*; *Plan Availability (by Plant)*, subgroup *Hydro*; and *Forced Outages (by Plant)* subgroup *Hydro*— Genera hereby clarifies the underlying information is in the possession of PREPA. Genera has formally requested the information from PREPA and is currently awaiting its response to compile and submit the corresponding data to the Energy Bureau. Accordingly, and consistent with the extensions of time requested in the preceding paragraphs, Genera very respectfully requests the same thirty (30)-day extension from the filing of this Motion, through November 19, 2025, to receive the information from PREPA and be able to provide the required information for these Hydro-related metrics.

13. **Lastly**, Genera hereby informs and clarifies that the negative results in the performance metric of *Capital Expenses v. Budget (FYTD)*, subgroups *NME* and *Non-federally funded* for “2025-07”, is due to prior period-related accounting adjustments and reconciliation processes.

14. For the aforementioned reasons, and in compliance with the reporting requirements, as well as the October 7 Resolution, Genera hereby submits its Quarterly Report for the First Quarter of Fiscal Year 2026 in the latest data template as **Exhibit A** to this Motion.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes and **accept** Genera's quarterly report, submitted as Exhibit A herein and **deem** Genera to be in compliance with its reporting requirements, as well as the October 7 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of October 2025.

[Signature page follows]

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CERTIFICATE OF SERVICE

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion to margarita.mercado@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; mvalle@gmlex.net; arivera@gmlex.net; hrivera@jrsp.pr.gov; nzayas@gmlex.net; rcruzfranqui@gmlex.net.

In San Juan, Puerto Rico, this 20th day of October 2025.

/s/José Javier Díaz Alonso
José Javier Díaz Alonso

Exhibit A

(Native file submitted via email)