

**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 Request Meeting with the
Energy Bureau's Consultants regarding
Quarterly Reporting Requirements

**MOTION TO REQUEST TECHNICAL MEETING WITH THE
ENERGY BUREAU'S CONSULTANTS FOR CLARIFICATIONS REGARDING
QUARTERLY REPORTING REQUIREMENTS**

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 January 19, 2024, the Energy Bureau issued a Resolution and Order whereby, among other things, it ordered PREPA, specifically PREPA HydroCo, LLC to provide historical cost of generation data as well as future data to Genera for timely submission of the quarterly report.

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 interpreted that the report had certain deficiencies. 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 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. In its October 7 Resolution, the Energy Bureau ordered Genera to provide clear explanations for certain data issues, including the rationale for any data correction and supporting documentation where applicable; 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. Accordingly, on October 20, 2025, Genera filed a *Motion to Submit Quarterly Report and to Comply with Resolution and Order Issued October 7, 2025*. Among other issues addressed in the latter motion, Genera clarified that the data regarding hydroelectric plants is in the possession of PREPA.

7. Further, Genera informed that it has formally requested the information from PREPA and requested a thirty (30)-day extension from the filing of its October 20 Motion, through November 19, 2025, to receive and review the information from PREPA in order to provide the Energy Bureau with the most current and complete data available to be provided by PREPA-HydroCo.

8. Consequently, Genera has received preliminary data through PREPA's counsel which we are currently analyzing for completeness and accuracy prior to formal submission to the Energy Bureau.

9. Regarding the hydroelectric system, the metrics data template ordered by the Energy Bureau requires Genera to provide data on lines 29 (Cost of Generation by Plant Type), 83 (Plant Availability by Plant Unit), and 101 (Forced Outages by Plant Unit).

10. However, as this Energy Bureau knows, PREPA HydroCo owns multiple hydroelectric plants, and the ordered data template only provides one row for reporting hydro-related historical data. As such, the data template seems to only contemplate aggregated hydroelectric data as it did not provide separate rows to account for each hydroelectric plant.

11. Furthermore, in its October 20 Motion, Genera raised the issue of being unable to adequately report the *Capital Expenses vs. Budget (FYTD)-Federally Funded* metric since it represents a constantly moving target due to many variables affecting this metric, causing a continuous change in percentages.

12. Moreover, Genera also informed that further guidance was needed to be able to provide the abovementioned metric and, for the same reason, Genera is also unable to calculate the *Capital Expenses vs. Budget (FYTD) System* metric, as it also relies on data related to *federally funded* expenditures.

13. In its October 20 Motion, Genera also requested to hold a technical meeting with Energy Bureau's consultants to discuss and understand the scope of review of certain data requested for the template in order to align its reporting accordingly, present accurate data and ensure compliance.

14. It is Genera's intention to strictly comply with Energy Bureau's October 7 directives to ensure clear explanations, provide accurate data and adhere to the current reporting template without altering its structure or format.

15. Given the issues mentioned above, which affect Genera's ability to properly present certain data to this Energy Bureau, as well as the need for further guidance and clarification regarding the scope of several reporting line items, Genera requests direction on the best course of action to adequately provide the hydro-related data.

16. Accordingly, Genera respectfully requests a meeting with the Energy Bureau's consultants, or appropriate PREB official(s), in order to discuss and clarify the issues raised above regarding the data template and reporting requirements.

17. Genera is available to meet via Teams or in person, this week (November 3-7), at the Energy Bureau's earliest convenience.

18. Genera believes that addressing these questions promptly will ensure timely submission of accurate and comprehensive information, and remains fully committed to cooperating with the Energy Bureau to ensure that all reporting requirements are clearly understood and properly reported.

WHEREFORE, Genera respectfully requests that the Energy Bureau take notice of the foregoing and schedule a meeting between Genera and its consultants, at the Energy Bureau's

earliest convenience during this week of November 3–7, in order to promptly address and clarify the issues referenced above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3rd day of November of 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/ Stephen David Romero Valle
Stephen David Romero Valle
sromero@sbgblaw.com
RUA No. 21,881

/s/ José Javier Díaz Alonso
José Javier Díaz Alonso
jdiaz@sbgblaw.com
TSPR 21,718

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; alexis.rivera@prepa.pr.gov; hrivera@jrsp.pr.gov; nzayas@gmlex.net; rcruzfranqui@gmlex.net; katiuska.bolanos-lugo@us.dlapiper.com; legal@genera-pr.com ; regulatory@genera-pr.com.

In San Juan, Puerto Rico, this 3rd day of November of 2025.

/s/Stephen D. Romero Valle
Stephen D. Romero Valle