

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

<b>NEPR</b>  <b>Received:</b>  <b>Jan 20, 2026</b>  <b>9:06 PM</b>
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**IN RE:**

THE PERFORMANCE OF THE PUERTO RICO ELECTRIC POWER AUTHORITY

**CASE NO.:** NEPR-MI-2019-0007

**SUBJECT:** Motion in Compliance with Resolution and Order issued December 19, 2025

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER ISSUED DECEMBER 19, 2025**

**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 counsels of record, and respectfully submits and prays as follows:

**I. INTRODUCTION**

1. On December 19, 2025, the Energy Bureau issued Resolution and Order, titled *Genera and LUMA's October 20th, November 3rd, and November 20th Motions; Requirement to Submit Supporting Workpapers and Data* ("December 19 Order").

2. In essence, through the aforementioned Order, the Energy Bureau directed Genera to file additional supporting data and workpapers for the performance metrics specified in this order, as well as for additional performance metrics for which Genera is able to earn incentives per the LGA OMA.

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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 ("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.

3. Particularly, the Energy Bureau noted that, in the instant case, Genera reports several metrics in its quarterly report that are similar to the performance incentive metrics. However, according to the Energy Bureau, it was not clear if the methodology used in the quarterly reports matches the definition in the LGA OMA.

4. Additionally, there are some other performance incentive metrics on which Genera does not currently report in its quarterly reporting in this proceeding, thus, the Energy Bureau intended to align Genera's quarterly reporting with the incentive metrics in the LGA OMA in order to maximize efficiency and ensure that modifications to the reporting template are clear and holistic.

5. Furthermore, the Energy Bureau referenced Table 1, titled “Genera Incentive Metrics from LGA OMA” which lists ten (10) metrics with their respective definitions and ordered Genera to submit historical FY24 and FY25 monthly data for each metric, including calculations, supporting data and workpapers, and definitions. Additionally, it emphasized that the data to be provided should be such that it allows for the Energy Bureau to appropriately modify the reporting data template prospectively to include incentive metrics from Table 1, and that it should be able to replicate the values reported in Genera’s FY25 Incentive and Penalties report, Exhibit A of Genera’s May 30, 2025 Motion in Case No. NEPR-MI-2025-0002.

6. Also, the Energy Bureau requested confirmation from Genera on whether it is currently reporting on each metric and, if so, “a discussion of any differences in its methodology between how Genera currently reports on the metric on its quarterly reports versus how it would calculate its performance for the incentive calculation”.

7. Later, on January 9, 2026, issued a *Resolution and Order* whereby it extended the deadline for Genera until January 27, 2026 to the Quarterly Report for Q2 of FY2026, as well as

the additional supporting data and workpapers for the metrics included in Attachment A of the December 19 Order.

## **II. COMPLIANCE WITH RESOLUTION AND ORDER OF DECEMBER 19, 2025**

### **A. REVISED QUARTERLY REPORT IN COMPLIANCE WITH THE DECEMBER 19, 2025 ORDER**

8. Pursuant to the December 19, 2025 Order, Genera hereby submits, as **Exhibit 1**, a spreadsheet containing revised Quarterly Report data template with the metrics evaluated in the instant docket. On the other hand, the same Exhibit also contains a separate tab, titled Genera Incentive Metrics, with the corresponding and requested metrics data, per Table 1 of the December 19 Order.

9. With respect to the revised Quarterly data template, Genera has added or updated several values, including those metrics mandated to be re-reported or updated pursuant to Part III.C of the December 19 Order. As shown in Exhibit 1 of the attached report, Genera is providing and/or updating the following values: Capital v. Budget Expenses System for the federally funded subgroup; values for the corresponding Emissions rows; aggregated hydro values for forced outages and plant availability (as provided to Genera by PREPA HydroCo); values prior to July 2024 for non-federally funded Capital v. Budget Expenses; and an updated Definitions tab to update the methodology to include text definitions rather than inserted images.

10. Regarding the Hydro fleet data, although we received from PREPA HydroCo the aggregated values for *Plant Availability* and *Forced Outages*, with respect to *Cost of Generation*, PREPA has stated that it has been reflected as \$0 (/kWh) given there are no costs associated with fuel or energy purchases, and while O&M costs are taken into account, PREPA indicated it does not currently have those direct costs available.

**B. HISTORICAL MONTHLY DATA FOR FY2024 AND FY2025 PER TABLE 1 OF THE DECEMBER 19 ORDER**

11. Regarding the requested metrics data in Table 1 of the December 19 Order—metrics stemming from the LGA OMA for which the Energy Bureau is evaluating a holistic alignment with the instant docket— Genera provides, in a separate tab within the same Exhibit 1 spreadsheet, the values corresponding to FY2024 and FY2025 for the following metrics: (i) Operation Cost Efficiency, (ii) Equivalent Availability Factor (EAF) for Baseload Units, (iii) Equivalent Availability Factor (EAF) for Peaking Units, (iv) Number of Consent Decrees Violations, (v) Number of NOV's, (vi) Reporting Obligations, (vii) Decommissioning Costs Efficiency.

12. With regards to the three (3) remaining metrics related to OSHA, these are not included in the attached spreadsheet (Generation Incentive Metrics tab of Exhibit 1) given that Genera reports them in the instant proceeding under the standardized and customary OSHA rates and methodology.

13. Furthermore, with respect to the *Reporting Obligations* metric, Genera confirms that during the period reported it fully complied with all reasonable information requests from the Administrator. Accordingly, there were no periods of fifteen (15) sequential days in which Genera failed to provide a response to the Administrator and be subjected to a reporting obligation penalty.

14. Regarding *Fuel Optimization*, Genera submits that data related to this metric is not available for submission in the instant docket, given that Genera's Fuel Optimization Plan<sup>2</sup> and related initiatives are currently pending review and resolution by the Puerto Rico Court of Appeals.

15. Lastly, regarding *Decommissioning Cost Efficiency*, Genera clarifies and explains that, in order to prepare Key Performance Indicator (KPI) for this metric, Genera uses the cost

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<sup>2</sup> Case No. NEPR-MI-2023-0004, In Re: Genera PR LLC Fuel Optimization Plan.

estimate provided in the Vega Baja Decommissioning Plan and compares it against the actual project costs incurred. The KPI is calculated as the percentage of estimated decommissioning cost relative to the actual incurred cost, thereby measuring the efficiency of cost execution against the approved budget baseline. The budget estimate includes detailed cost provisions for major decommissioning activities, including the Geophysical Survey, Project Management, pre-demolition, and demolition. Actual costs for these activities are derived from verified payments made to contractors and service providers performing the corresponding work. Further, for Project Management activities, actual costs were calculated by analyzing documented man-hours explicitly dedicated to the Vega Baja site scope and duration during the pre-demolition and demolition phases.

**C. REQUEST FOR EXTENSION OF TIME TO PROVIDE SUPPORTING WORKPAPERS FOR TABLE 1 PERFORMANCE METRICS**

16. In the December 19 Order, the Energy Bureau also requested Genera to provide, along with the historical monthly data for FY24 and FY25 submitted herein, the underlying data and supporting workpapers.

17. Considering the overlapping and voluminous supporting documentation to be gathered both for Attachment A (Table 3) and the Table 1 metrics, Genera respectfully requests **until January 27, 2026** to provide all supporting documentation in one integrated and complete submission.

18. Genera submits this request in good faith, without intending to cause undue delay, and for purposes of gathering all the relevant and necessary information by the previously granted extension date, for this Energy Bureau's integrated assessment of all supporting workpapers.

**WHEREFORE**, Genera respectfully requests that the Energy Bureau take notice of the foregoing, **accept** for all purposes **Exhibit 1**, containing a revised Quarterly Report submission

for the instant case and Generation Metrics tab for the Table 1 Metrics, and **grant** Genera's request for extension of time to submit the entirety of underlying and supporting workpapers to comply with the requested information for Table 1 and Table 3 of the Resolution and Order of December 19, 2025, and **deem** Genera in partial compliance with the Resolution and Order issued on December 19, 2025.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 20th day of January of 2026.

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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](mailto:margarita.mercado@us.dlapiper.com); [yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com); [mvalle@gmlex.net](mailto:mvalle@gmlex.net); [alexis.rivera@prepa.pr.gov](mailto:alexis.rivera@prepa.pr.gov); [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov); [nzayas@gmlex.net](mailto:nzayas@gmlex.net); [rcruzfranqui@gmlex.net](mailto:rcruzfranqui@gmlex.net); [katiuska.bolanos-lugo@us.dlapiper.com](mailto:katiuska.bolanos-lugo@us.dlapiper.com); [legal@genera-pr.com](mailto:legal@genera-pr.com) ; [regulatory@genera-pr.com](mailto:regulatory@genera-pr.com).

In San Juan, Puerto Rico, this 20th day of January of 2026.

/s/ Jorge Fernández-Reboredo  
Jorge Fernández-Reboredo

/s/ Stephen David Romero Valle  
Stephen David Romero Valle

/s/ José Javier Díaz Alonso  
José Javier Díaz Alonso

**Exhibit 1**  
Metrics Data Spreadsheet  
*(Native file submitted via email.)*