

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

NEPR

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**IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW**

Case No.: NEPR-AP-2023-0003

Subject: Motion for Reconsideration of the January 16, 2026 Resolution and Order as to Exhibit 962

**MOTION FOR RECONSIDERATION OF THE JANUARY 16, 2026 RESOLUTION
AND ORDER AS TO EXHIBIT 962**

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 undersigned counsel, and respectfully states and requests the following:

I. Introduction

1. On January 8, 2026, the Hearing Examiner issued the Hearing Examiner’s Order on Miscellaneous Procedural and Evidentiary Matters (the “January 8 Order”), which addressed, among other things, the evidentiary status of certain exhibits uploaded and marked for identification in this proceeding, including Exhibit 962.
2. Genera respectfully submitted that reconsideration was warranted to the extent that certain exhibits were treated as admitted in the January 8 Order despite not satisfying the criteria set forth in the Hearing Examiner’s December 22, 2025 Order, namely, that such exhibits be used during cross-examination or otherwise properly admitted into the evidentiary

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, 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.

record.

3. Accordingly, on January 13, 2026, Genera timely filed a motion for reconsideration of the January 8 Order, objecting to the evidentiary treatment of Exhibit 962 on procedural grounds and asserting that the exhibit did not meet the requirements governing admissibility in this proceeding.
4. On January 16, 2026, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (the “January 16 Resolution”) addressing, among other matters, the admissibility of Exhibit 962, identified as a “*New Fortress Energy Q1 2024 Investor Presentation*,” and concluding that the document is relevant to issues concerning conflicts of interest and not prejudicial to Genera because it was prepared by Genera’s owner.
5. Genera respectfully seeks reconsideration limited solely to the admission of Exhibit 962, including to preserve its objections and appellate rights and to ensure that the evidentiary record is confined to materials bearing adequate indicia of reliability, relevance, and procedural fairness.

II. Grounds for Reconsideration

6. The admission of Exhibit 962 warrants reconsideration because New Fortress Energy (“NFE”) is not a party to this proceeding, is a separate and independent legal entity, and did not present any witness subject to cross-examination regarding the contents, preparation, accuracy, or context of Exhibit 962.
7. Exhibit 962 consists of an investor presentation prepared by NFE for external audiences and purposes unrelated to this adjudicative proceeding. The document was not introduced through sworn testimony and was not authenticated by a witness with personal knowledge

who could be examined as to the sources of the information reflected therein, the assumptions underlying the statements made, the context in which those statements were prepared, or any limitations on their intended use.

8. As admitted, Exhibit 962 constitutes an out-of-court statement offered to establish the truth of the matters asserted therein, including propositions advanced to support inferences regarding conflicts of interest. The use of such statements for their truth, without the procedural safeguard of cross-examination, is the core concern addressed by the rule against hearsay, even in administrative proceedings that apply flexible evidentiary standards.
9. While the Energy Bureau is not bound by strict rules of evidence, fundamental principles of due process require that evidence relied upon for substantive determinations possess sufficient indicia of reliability and be subject to meaningful testing. Where, as here, a document is prepared by a non-party and admitted without authentication or examination, those safeguards are absent.
10. These principles are well established in administrative adjudications, which, while not bound by strict rules of evidence, must nevertheless ensure that evidence relied upon for substantive determinations is sufficiently reliable and not unfairly prejudicial.
11. Genera respectfully submits that reconsideration is necessary to ensure that the evidentiary record is not expanded through non-party materials that cannot be meaningfully challenged and to preserve Genera's objections and appellate rights with respect to the admission and use of Exhibit 962.
12. Reconsideration is also warranted because the admission of Exhibit 962 is prejudicial to Genera. The January 16 Resolution concludes that the document is not prejudicial on the

basis that it was prepared by Genera's owner. That conclusion improperly conflates ownership interests with operational control, management, and conduct.

13. Genera is a separate legal entity that operates pursuant to its contractual arrangements with PREPA. NFE does not participate in Genera's operational decision-making and does not direct Genera's day-to-day activities relevant to the issues in this proceeding.
14. Exhibit 962, as an investor-facing presentation, may contain generalized corporate messaging, strategic narratives, or forward-looking statements that do not reflect Genera's operational practices, governance structure, or conduct in Puerto Rico. Admission of such a document invites the improper attribution of statements by NFE to Genera and creates a risk that conclusions may be drawn about Genera based on materials prepared by a separate entity for a different audience and purpose.
15. Moreover, Exhibit 962 aggregates NFE's global assets, international operations, and corporate financing strategies, presenting Genera as one component within a broader enterprise. Admission of such materials creates a substantial risk that corporate-level narratives, financial objectives, or strategic considerations unrelated to Genera's regulated operations in Puerto Rico will be improperly attributed to Genera in this proceeding.
16. Even assuming arguendo that Exhibit 962 has some marginal relevance, any limited probative value is substantially outweighed by the risk of unfair prejudice, confusion of entities, and reliance on untested assertions by a non-party.
17. Under these circumstances, the admission of Exhibit 962 poses a material risk of unfair prejudice and confusion of entities, and its probative value, if any, is substantially undermined by the absence of authentication, cross-examination, and a clear nexus to Genera's operations in this proceeding.

WHEREFORE, Genera respectfully requests that the Puerto Rico Energy Bureau: (a) take notice of the foregoing; (b) reconsider the January 16, 2026 Resolution and Order solely with respect to the admission of Exhibit 962 and exclude Exhibit 962 from the evidentiary record, or, in the alternative, clarify that no probative weight shall be afforded to Exhibit 962 in this proceeding; and (c) grant such other and further relief as the Hearing Examiner deems just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of January 2026.

WE HEREBY CERTIFY that this Motion was filed using the electronic filing system of this Energy Bureau and that electronic copies of this motion will be notified to the Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record.

A courtesy copy of the present Motion will also be notified to the following:

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