

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

NEPR
Received:
Mar 13, 2026
5:54 PM

IN RE:

ANNUAL PERFORMANCE TEST
PROCEDURE – THERMAL
GENERATION EQUIPMENT

CASE NO.: NEPR-MI-2023-0003

SUBJECT: Motion to Establish Genera’s
Equivalent Availability Factor targets for FY25 and
FY26, Including Capacity and Heat Rate Values,
and Submit the Annual Performance Test Results

**MOTION TO ESTABLISH GENERA’S EQUIVALENT AVAILABILITY FACTOR
TARGETS FOR FY25 AND FY26, INCLUDING CAPACITY AND HEAT RATE, AND
SUBMIT THE ANNUAL PERFORMANCE TEST RESULTS**

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. Sections 4.2(v) and 5.22 of the Thermal Generation Facilities Operations and Agreement (“OMA”), requires Genera to (1) develop, propose and submit for the Energy Bureau’s review and approval the procedures for performance testing of legacy generation assets in coordination with the T&D Operator, and (2) to conduct an Annual Performance Test (“APT”) in accordance with the approved testing procedures.

2. On June 20, 2023, Genera filed a document titled *Motion to Submit Genera PR LLC’s June 5th Annual Performance Testing Submission in Compliance with June 16 Order*,

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among PREPA, the Puerto Rico Public-Private Partnerships Authority and Genera (“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 PREB concerning any matter related to the performance of any of the O&M Services (as defined in the LGA OMA) provided by Genera under the LGA OMA.

through which it submitted proposed Performance Testing Procedures in compliance with Section 4.2(v), to the Energy Bureau for its review and approval.

3. On May 23, 2024, the Puerto Rico Energy Bureau (the “Energy Bureau”) issued a Resolution and Order titled *Determination on Genera's Annual Performance Test Procedure* (“May 23rd Resolution”) whereby the Energy Bureau evaluated and conditionally approved Genera's Annual Performance Test Procedure subject to Genera filing a revised version incorporating the modification requirements of Attachment A to the May 23rd Resolution.²

4. On June 7, 2024, Genera filed a document titled *Motion to Submit the Revised Annual Performance Test Procedure in Compliance with Resolution and Order Dated May 23, 2024* (“June 7th Motion”). In the June 7th Motion, Genera submitted as Exhibit A a revised APT Procedure in accordance with the requirements and modifications set forth in Attachment A of the May 23rd Resolution.

5. On July 10, 2024, Genera filed a document with the Energy Bureau titled *Motion to Submit Final Revised Annual Performance Test Procedure* (“July 10th Motion”). In the July 10th Motion, Genera submitted, as Exhibit A, the final revised version of the APT Procedure (“Final Revised APT Procedure”), which represents the definitive version of the APT procedure. Since no further communication was received from the Energy Bureau, Genera deemed that the Energy Bureau had agreed with the Final Revised APT Procedure pursuant to Section 4.2(v) of the OMA.

6. Notwithstanding, following the July 10th Motion, Genera commenced the performance tests and encountered certain operational challenges that resulted in unforeseen delays in finalizing an APT for all baseload and peaking units. These delays occurred despite

² See, *In re: Annual Performance Test Procedure – Thermal Generation Equipment*, Case No. NEPR-MI-2023-0003, *Motion to Submit Revised Annual Performance Test Procedure in Compliance with the Resolution and Order Dated August 29, 2023*, filed by Genera on September 28, 2023 (“September 28th Motion”).

Genera's diligent efforts from the outset to establish the baseline necessary for adequate and reliable performance testing of the Legacy Generation Assets.

7. Another contributing factor that inevitably caused delays arises from (i) the declared state of emergency of the electrical grid and the shortage of power, combined with high demand and hurricane season, which requires unit to be readily available to respond to any unforeseen event and (ii) the substantial coordination efforts required to execute performance testing for each unit in accordance with the APT Procedure, which assigns responsibilities to multiple parties across all phases of testing, which includes coordination with the T&D Operator. Consequently, each APT relies on power demand conditions and requires close, multi-party coordination to ensure proper sampling, accurate data collection, and reliable processing of results, all while maintaining plant availability and the uninterrupted generation of electricity.

8. Additionally, PREPA's failure to timely and adequately fund and replenish Genera's Service Accounts, pursuant to the requirements set forth in the OMA, has hindered Genera's ability to properly coordinate with third party vendors to perform works, including conducting the performance tests. These funding shortfalls has caused Genera to reassess priorities, has disrupted our procurement processes and affected vendors payment.

9. The above examples represent only a subset of the circumstances that, despite Genera's diligence and its commitment to providing reliable power generation and accurate information, have contributed to a protracted execution of the APT. As a consequence of the above, Genera used and proposed for approval the Net Capacity of the baseload and peaking units to establish the EAF target for Fiscal Year 2025 ("FY25"), as set out in the Fiscal Year 2025 Incentives and Penalties Report ("FY25 Incentives Report") filed before the Energy Bureau on July 30, 2025 in case NEPR-MI-2025-0002, through Motion titled *Informative Motion Regarding*

Incentives and Penalties Report under Section 7.1(c)(ii) of the Operations and Maintenance Agreement, submitting as Exhibit A *the Incentives and Penalties Report for FY2024-2025*. For ease of reference, below are the established EAF targets for FY25:

	FY 25 Targets
EAF % Baseloads	42.9%
EAF % Peakers	61.3%

10. These targets fairly set the benchmark for FY25 to compare unit availability with the prior Fiscal Year, and Genera exceeded these targets, demonstrating real progress to repair units, give adequate maintenance, and increase availability during the year.

11. After conducting 100% of the APT Tests on all available baseload and peaking units, Genera was able to obtain the targets for FY26. These targets reflect planned and other maintenance, and demonstrate a commitment to continued progress. The proposed EAF targets for the Energy Bureau’s review and approval are the following:

	FY26 EAF Targets
EAF % Baseloads	47.2%
EAF % Peakers	63.7%

12. Additional information about the final APT Tests results are included as **Exhibit A** of this motion and additional information about EAF calculations, and Capacity and Heat Rate calculations are included as **Exhibit B**.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes, **accept** Genera’s calculated Equivalent Availability Factors, Capacity and Heat Rate Values for FY25, and the proposed target Equivalent Availability Factor, Capacity and Heat Rate Value for FY26.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of March of 2026.

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CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of this motion was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System.

In San Juan, Puerto Rico, this 13th day of March of 2026.

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo

/s/ Stephen David Romero Valle
Stephen David Romero Valle

Exhibit A

*[Exhibit A containing a large file pdf with additional information on APT Results was filed via shared folder link with access granted to the Energy Bureau's Secretary email;
Native file Excel titled Exhibit A was submitted and filed via email.]*

Exhibit B

[Native file Excel titled Exhibit B was submitted and filed via email.]