

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

NEPR

Received:

Mar 16, 2026

7:21 PM

IN RE: 10-YEAR PLAN FEDERALLY
FUNDED COMPETITIVE PROCESS

Case No.: NEPR-MI-2022-0005

Motion to Submit Monthly Report on the
Status of Emergency Generation and Black-
Start Generation Procurement in Compliance
with *Resolution and Order* of July 30, 2024

**MOTION TO SUBMIT MONTHLY REPORT ON THE STATUS OF EMERGENCY
GENERATION AND BLACK-START GENERATION PROCUREMENT IN
COMPLIANCE WITH RESOLUTION AND ORDER OF JULY 30, 2024**

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR, LLC (“Genera”), through its undersigned counsel and, very respectfully, states and prays as follows:

1. On January 23, 2023, the Puerto Rico Energy Bureau (“PREB”) issued a *Resolution and Order* (“January 23 Order”) that conditionally approved PREPA’s RFP process for the procurement of emergency peaker generation systems at Jobos, Dagua, and Palo Seco (“the Projects”), subject to various conditions.

2. On November 8, 2023, the PREB issued another *Resolution and Order* (“November 8 Order”) approving the RFP package submitted by Genera for the procurement of black start and emergency generation services.

3. On February 29, 2024, Genera filed a document titled *Motion to Submit Bi-weekly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order Dated January 23, 2023* (“February 29 Motion”), in which Genera stated that initial award was scheduled for March 2024.

4. On July 1, 2024, Genera filed a document titled *Motion to Submit Bi-weekly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order Dated January 23, 2023* (“July 1 Motion”), in which Genera included as Exhibit A the Bi-Weekly report describing the status of the Emergency Generation and Black-Start Generation Procurement. Genera also informed that starting on July 1, 2024, pursuant to Footnote 16 of the January 23 Order, reports would be submitted on a quarterly basis, consistent with the fiscal year’s quarters (*e.g.*, July 1 to September 30 for Q1, October 1 to December 31 for Q2, and so forth), and that their next report was due by October 9, 2024.

5. On July 30, 2024, the PREB issued a *Resolution and Order* (“July 30 Resolution”) in which, in relevant part, denied Genera’s request to submit quarterly reports instead of bimonthly reports, and ordered Genera to submit monthly reports beginning on August 15, 2024.

6. In compliance with the July 30 Resolution, Genera respectfully submits its monthly report on the status of Emergency Generation and Black-Start Generation Procurement for the month of February 2026,¹ included herein as Exhibit A.

WHEREFORE, Genera respectfully requests that the PREB **take notice** of the above; **accept** Genera’s report on the status of Emergency Generation and Black-Start Generation Procurement for the month of February 2026, included herein as Exhibit A; and **deem** Genera in compliance with the July 30 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of March, 2026.

¹ On February 23, 2026, Genera filed an *Urgent Motion to Submit Important Updated Information Regarding the Status of Emergency Generation and Black-Start Generation Project Development*. In it, Genera informed the PREB about important developments occurred after the filing of the February Monthly Report that are fully reported in the present monthly report. However, given the relevance of those developments to the status of emergency generation and black-start procurement, Genera promptly notified the PREB in advance of the present report.

It is hereby certified 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 following attorneys who have filed a notice of appearance in this case: **Lcda. Mirelis Valle Cancel**, mvalle@gmlex.net; **Lcda. María Teresa Bustelo-García**, mbustelo@gmlex.net.

ROMAN NEGRÓN LAW, PSC
Attorneys for Genera PR, LLC
P.O. Box 360758
San Juan, PR 00936
Tel. (787) 979-2007

s/Luis R. Román Negrón
Luis R. Román Negrón
RUA 14,265
lrn@roman-negron.com

Exhibit A – Monthly Report (February 2026)
Emergency Generation and Black-Start Generation Procurement

Docket Number: NEPR-MI-2022-0005

In Re: 10 YEAR PLAN FEDERALLY FUNDED COMPETITIVE PROCESS

Re: Monthly Progress Report – February 2026

In the July 30TH Resolution and Order the Energy Bureau ordered Genera to submit monthly reports instead of bi-weekly reports on the status of emergency generation and black-start generation procurement, commencing August 15, 2024. Additionally, the Energy Bureau ordered Genera to include, as part of the next and subsequent monthly progress reports, at a minimum, the following:

GPR-PREB-NEPRMI20220005- 20240730#1(a)

a. breakdown of each task, estimated cost, cost amount consumed, and timeline for completion of such task.

Response:

Timelines are detailed in responses #1(b). A comprehensive overview of the tasks, along with their estimated costs and the amounts consumed to date are provided in the following charts:

	Budget	Costs Incurred	Remaining
Equipment Purchase	\$ 461,512,077.72	\$ 379,258,990.87	\$ 82,253,086.85
Site Development & Construction			
Project Development		\$ 23,677,365.45	
Permitting		\$ 280,669.68	
Decommissioning & Demolition	\$ 452,996,936.67	\$ -	\$ 429,038,901.54
Construction		\$ -	
Commissioning		\$ -	
Interconnection		\$ -	
	\$ 914,509,014.39	\$ 403,217,026.00	\$ 511,291,988.39

Activity	Scope	Costs Incurred
Project Management	Project Development	\$ 3,545,577.80
Design	Project Development	\$ 19,209,368.99
Site Surveys	Project Development	\$ 922,418.66
Permitting	Permitting	\$ 280,669.68
Equipment Purchase	Equipment Purchase	\$ 379,258,990.87
	Total:	\$ 403,217,026.00

Executive Summary

The project remains primarily in the preconstruction stage, while early site activities, including demolition at Costa Sur, have commenced. Ongoing efforts focus on refining the interconnection strategy, advancing procurement planning, and coordination with key stakeholders. Obtaining LUMA’s approval of the unit retirement checklist is still crucial, as this step is key to keeping the project on schedule and avoiding impacts to the critical path.

Genera is currently finalizing the decommissioning plans for submission to the Puerto Rico Energy Bureau (PREB) following LUMA’s conditional approval of the Unit Retirement Checklist on January 26, 2026.

Genera is also continuing with the preparation of documentation to issue a Request for Proposals (RFP) for the Engineering, Procurement, and Construction (EPC) contract covering the Peaker sites at Jobos, Yabucoa, and Daguao. Using an EPC approach offers schedule optimization opportunities and may help accelerate the COD targets for these sites.

At the program level, the FEMA Environmental and Historic Preservation (EHP) review is ongoing, with updated emissions data submitted. Genera remains

aligned with the project timeline and continues to proactively address external risks and regulatory requirements.

Progress Overview by Site:

Costa Sur

- RFP #231161 Homeca Recycling remains actively performing demolition activities at the site. Genera is currently negotiating a change order with the contractor for additional work not included in the original scope. The intent of this modification is to further optimize the overall project schedule by advancing certain activities that would otherwise be performed under the future civil and structural contractor scope.
- LUMA confirmed that the Facility Study has commenced. The expected completion date for the study has not yet been provided by LUMA.
- Genera is currently evaluating the proposals received under RFP #5069 for civil and structural works at Costa Sur. The evaluation is ongoing, with issuance of an intent to award anticipated in the coming month.

Jobos, Yabucoa, and Daguao

- The land transfer for the Yabucoa site remains pending, and Genera continues to await LUMA's confirmation of the expected competition date for the process.
- LUMA confirmed that the Facility Study has commenced. The completion date for the study remains to be confirmed by LUMA.
- Genera continues developing the documentation to issue the RFP for the Engineering, Procurement, and Construction (EPC) contract covering the three sites. Following receipt of updated information from the company providing the owner-supplied equipment to be installed, the RFP is now expected to be issued in March 2026, with contract approval anticipated from P3A and FOMB by July 2026.

Potential Risks

Genera is working diligently to meet the applicable deadlines. However, unforeseen circumstances may affect schedule performance, including global supply-chain constraints, required approvals from applicable authorities, legal disputes, and environmental reviews. Any of these factors may result in unanticipated delays. To date, no such circumstances have arisen, as the project remains in the pre-construction phase.

Potential Risks	
1. Environmental Assessments and Permits	<ul style="list-style-type: none"> a. Changes in environmental law and environmentally related permits. b. Denial or delays in obtaining necessary environmental permits or approvals. c. Unforeseen environmental contamination requires additional remediation efforts.
2. Regulatory Compliance	<ul style="list-style-type: none"> a. Denial or delay in obtaining necessary permits or approvals (including, but not limited to, those needed from the T&D System Operator) b. Changes in applicable law or regulatory requirements or additional compliance measures imposed by authorities. c. Changes in regulatory interpretation. d. Changes in regulatory enforcement. e. Extended review periods by regulatory agencies.
3. Site Conditions	<ul style="list-style-type: none"> a. Need of additional space for any reason, including project development entailing an acquisition process. b. Unforeseen technical difficulties in dismantling equipment or infrastructure. c. Unanticipated structural issues or site conditions that complicate demolition. d. Unforeseen site conditions, whether subsurface or otherwise concealed. f. Changes in the site conditions due to weather or otherwise.

Potential Risks	
4. Technical Challenges	<ul style="list-style-type: none"> a. Unforeseen technical difficulties in decommissioning or dismantling equipment or infrastructure. b. Delays due to the unforeseen need for specialized equipment or expertise. c. LUMA is not accepting the use of existing interconnection points for the new Peaker units and is requiring development and construction of new interconnection points.
5. Weather and Natural Events	<ul style="list-style-type: none"> a. Adverse weather conditions impacting demolition activities. b. Natural disasters (e.g., earthquakes, floods) causing delays.
6. Contractor and Resource Availability	<ul style="list-style-type: none"> a. Limited availability or delay in obtaining qualified contractors or specialized personnel for whatever reason. b. Limited availability or delays in delivering necessary equipment, materials, or other supply chain constraints. c. Exceeding capacity limits of approved dumps for disposal of debris. d. Unavailability of labor or subcontractors.
7. Health and Safety Concerns	<ul style="list-style-type: none"> a. Unanticipated health and safety risks requiring additional precautions. b. Implementation of HSE measures by a governmental authority for whatever reasons. c. Incidents or accidents on-site necessitating work stoppages or investigations.
8. Stakeholder and Community Engagement	<ul style="list-style-type: none"> a. Delays due to the need for additional stakeholder consultations or community engagement. b. Public opposition to the project. c. Interference from environmental, community, or social justice organizations. d. Legal challenge seeking to contest the validity of the RFP, the demolition agreement, permits, or other transaction contemplated in the demolition contract.

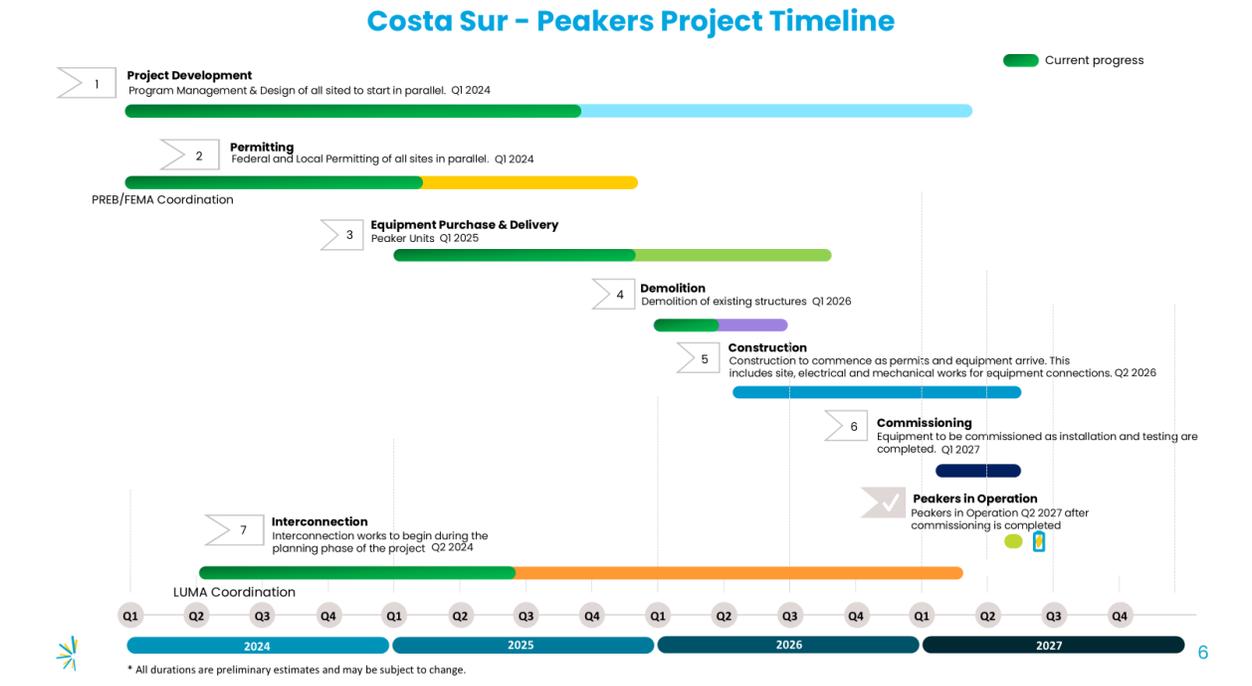
Potential Risks	
9. Change Order Risk / Financial Constraints	<ul style="list-style-type: none"> a. Unexpected cost overruns require additional financial planning and consulting with regulatory agencies to increase budget and funding. b. Change Order risk.
10. Logistical Issues	<ul style="list-style-type: none"> a. Unforeseen changes concerning the transportation permits and the means of transportation of debris. b. Transportation, logistics, or access issues affecting the movement of materials, equipment, and labor. c. Issues that affect the availability and condition of roads, bridges, or other transportation infrastructure required to mobilize equipment, materials, and labor in and out of the site. d. Coordination challenges with other ongoing projects or site activities.
11. Contractor Delays	<ul style="list-style-type: none"> a. Failure of contractors and their subcontractors to execute tasks within the timeframes established in their contracts or subcontracts (including delivery times.¹). b. Delays caused by the contractor and subcontractor's performance issues.
12. Labor-Related Issues:	<ul style="list-style-type: none"> a. Delays due to labor strikes, work stoppages, or other union-related actions. b. Negotiation challenges with unions affecting the availability of labor or the timeline for project execution. c. Delays due to reduced productivity caused by labor disharmony.

¹ These could range from, but are not limited to, delays in delivery time, defective or non-conforming equipment, and incomplete documentation. Supply chain issues and customs or import delays also fall under the seller's responsibility. Quality control failures, lack of necessary parts or components, and incorrect specifications can cause significant setbacks. Warranty issues, delays in technical support, and non-compliance with regulatory standards add to the seller's accountability. Packaging and shipping issues, inadequate training or installation support, and intellectual property disputes further complicate project timelines. Additionally, any delays in custom modifications to the equipment requested by the buyer are the seller's responsibility. All other conditions listed in the purchase agreements.

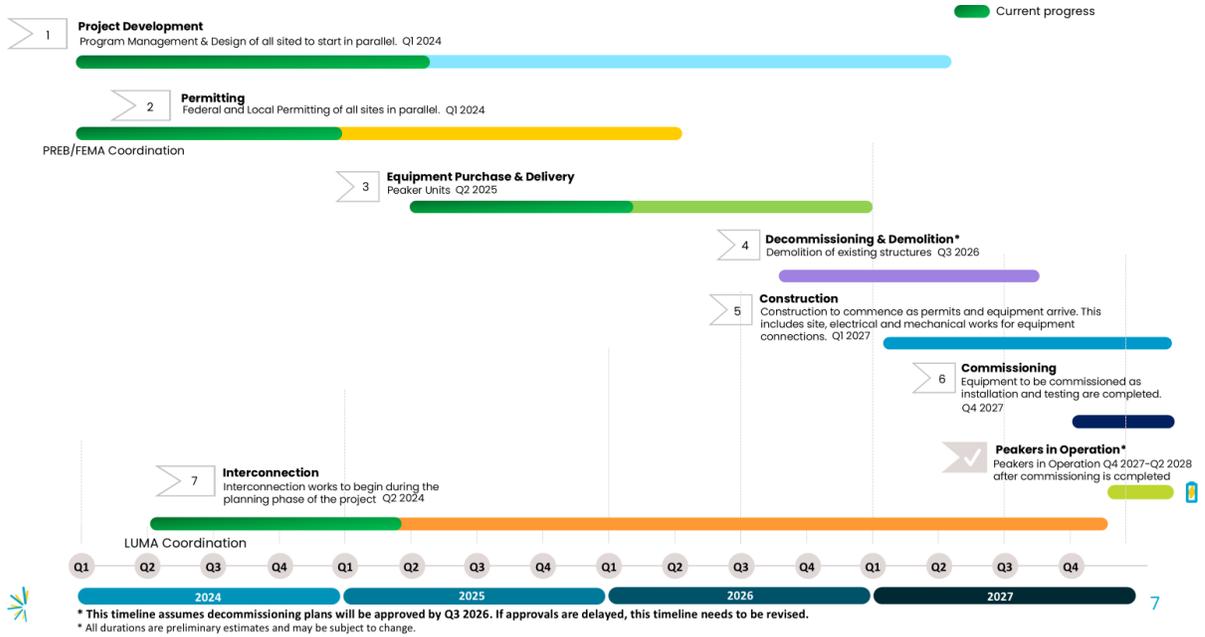
GPR-PREB-NEPRMI20220005-20240730 #1(b)

b. The stages of each task, timeline, present status, and estimated time for completion.

Response:



Jobs, Yabucoa & Daguao – Peakers Project Timeline



Key Factors Impacting Schedule:

- a. This project was submitted to FEMA on September 20, 2024. After FEMA began evaluating the Project, multiple RFIs were received, especially from environmental teams. Extensive negotiations with FEMA EHP were held to avoid triggering a higher-level NEPA review, which would have potentially delayed the project for over a year. After 13 months, the project received approval from FEMA on October 30, 2025.
- b. LUMA has not authorized the decommissioning of existing peaker units. In a letter dated January 7, 2025, LUMA opposed Genera's decommissioning plan and requested all MW capacity substitution along with an operational reserve of 810MW in order to concur with the decommissioning request. Genera had anticipated that the 800MW emergency generation project would be implemented but is still pending procurement by 3PPO. During the October 29, 2025 meeting with LUMA's representatives, Genera developed a new decommissioning plan to be submitted to LUMA within 30 days. The new peaking units cannot be installed without first removing the existing units, some of which are currently out of service. Genera received formal conditioned concurrence letter from LUMA regarding the third decommissioning plan on January 26, 2026. However, as part of the conditions, Genera must place the BESS units into service before beginning decommissioning of the existing peaker units.
- c. The Non-PSD applicability request for the Yabucoa, Daguao and Jobos sites was submitted to the Environmental Protection Agency (EPA) on November 2024. An amendment to this request was submitted on July 28, 2025². A final determination from EPA is still pending, and this determination is required to be able to begin construction.

² The Requests for Information for Yabucoa and Jobos were answered on December 8, 2025, and the Request for Information for Daguao was answered on December 5, 2025.

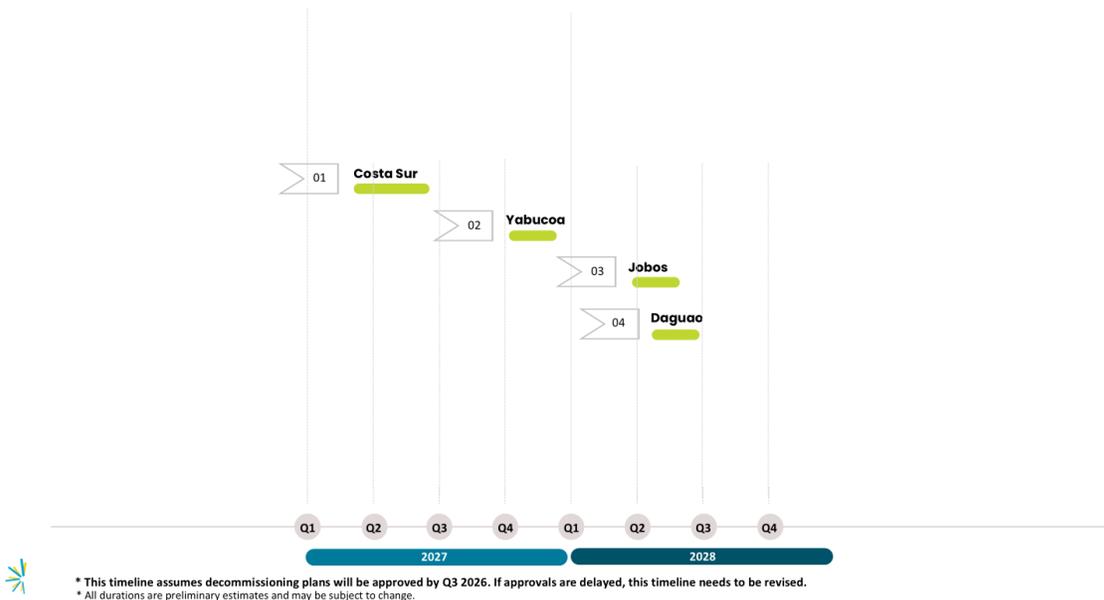
- d. The Non-PSD applicability request for the Costa Sur site was submitted to EPA on November 26, 2025. A final determination from EPA is still pending, and this determination is required before construction can begin construction.
- e. The Impact Study was completed by LUMA; however, LUMA is still working on the Facility Study before agreeing to the use of the existing interconnection points. A delay in completing this Facility Study may delay the project by 9–18 months from the current proposed timeline presented by Genera.

GPR-PREB- NEPRMI20220005 -20240730 #1(c)

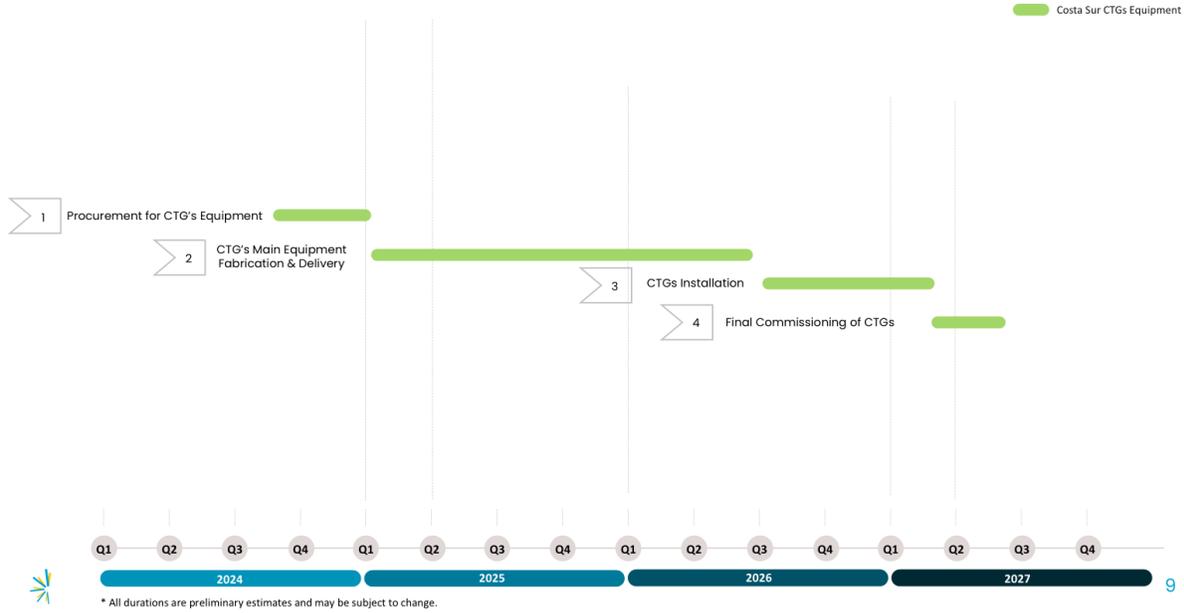
d. Project timeline chart (e.g. Gantt Chart) with critical path for the Commercial Operation Date ("COD") of the project.

Response:

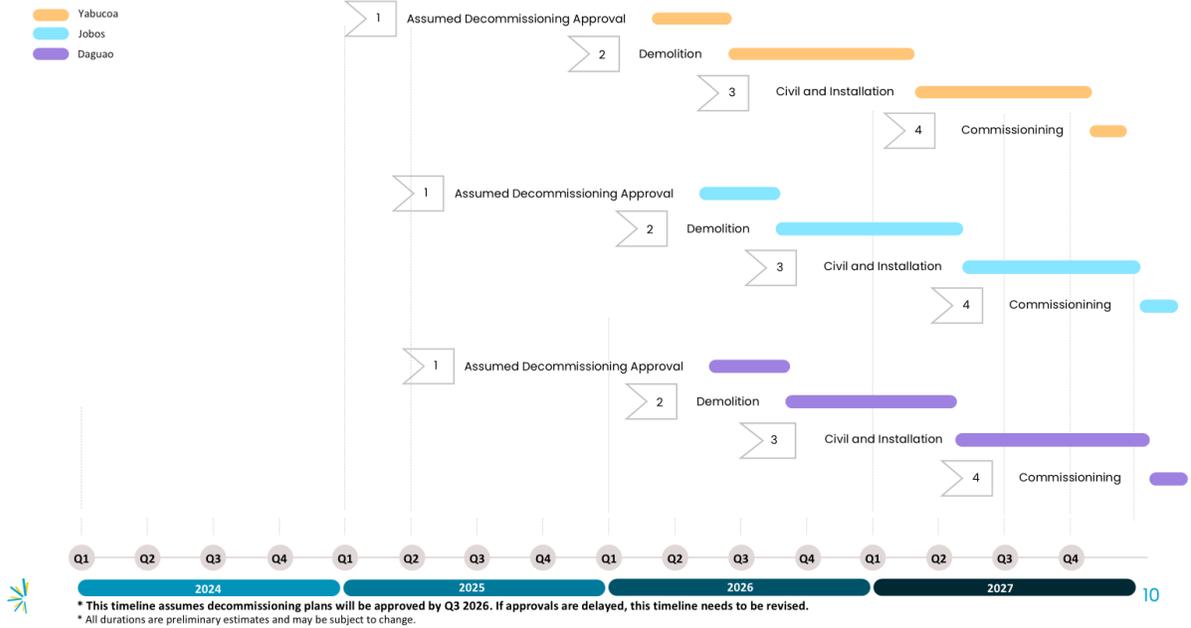
Peakers: Commissioning Timeline



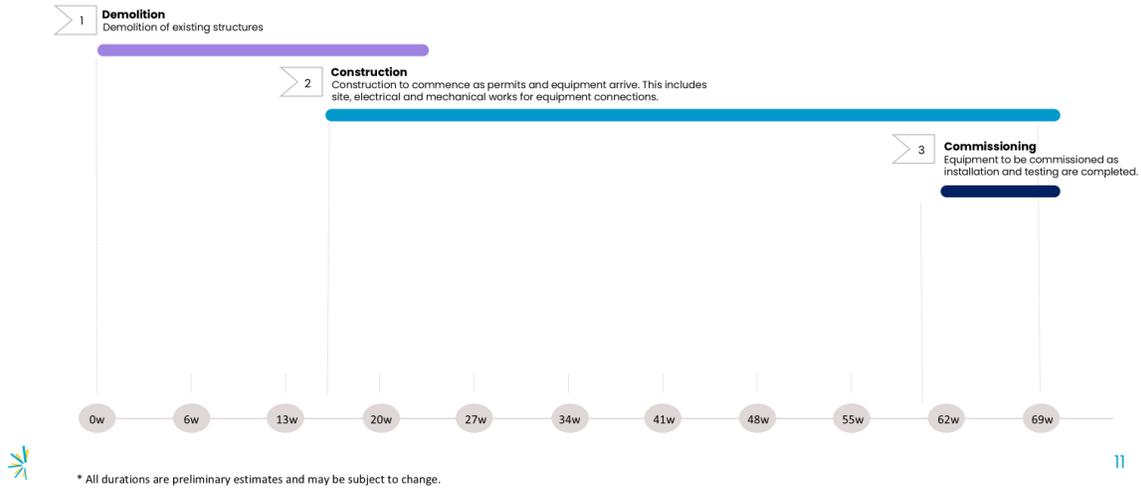
Peakers – Critical Path Timeline: Costa Sur



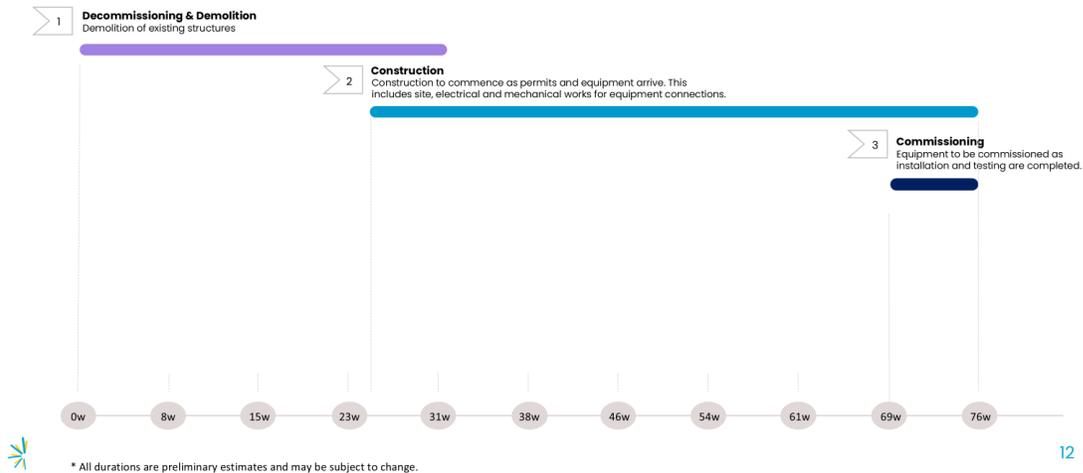
Peakers – Critical Path Timeline: Jobos, Yabucoa & Daguao



Costa Sur – Peakers Project Duration* (Assuming approvals for the LUMA Unit Retirement Checklist, Decommissioning Plan, FEMA, and EPA)



Jobs, Yabucoa & Daguao – Peakers Project Duration* (Assuming approvals for the LUMA Unit Retirement Checklist, Decommissioning Plan, FEMA, and EPA)



GPR-PREB- NEPRMI20220005 -20240730 #1(d)

e. Permit list, permits obtained, estimated timeline for each permit and status of such permit.

Response:

NEPA Permit Status³

Permit	Applicable Sites	Status	Approval
EHP NEPA Review (Record of Environmental Consideration expected)	All Peaker projects	DSOW submitted 09/18/2024.	09/25/2025
Coastal Zone Consistency Certification	Costa Sur	Peakers expected to be covered under FEMA and PRPB's existing blanket Coastal Certification (in effect until 2028)	Covered under FEMA's blanket Coastal Certification.
Biological Resources Endangered Species Act (ESA)	All Peaker projects	Information submitted with DSOW.	09/25/2025
National Historic Preservation Act Consultation	All Peaker projects	Archeological reports submitted with DSOW.	09/25/2025

Federal Permits Status – Yabucoa, Daguao and Jobos⁴

Permit	Applicable Sites	Status	Submittal Date	Estimated Approval
Non-PSD Applicability Determination	Yabucoa, Daguao and Jobos	Application submitted to EPA for Daguao/Yabucoa/Jobos.	Amended on 11/12/2025. RFI's received on 12/05/2025 and 12/08/2025	TBD
NPDES Construction General Permit (CGP) for Storm Water	Yabucoa, Daguao and Jobos	Will be filed by Contractor, if applicable.	TBD	TBD
Determination of No Hazard to Air Navigation (FAA)	Yabucoa, Daguao and Jobos	Information submitted with DSOWC	TBD	TBD

³ All dates are preliminary estimates and are subject to change.

⁴ All dates are preliminary estimates and are subject to change.

Federal Permits Status – Costa Sur⁵

Permit	Status	Submittal Date	Approval
Non-PSD Applicability Determination	Application submitted to EPA.	11/26/2025	TBD
NPDES Construction General Permit (CGP) for Storm Water	Will be filed by Contractor, if applicable.	TBD	TBD
Determination of No Hazard to Air Navigation (FAA)	Information submitted with DSOWC	TBD	TBD

Local Permits Status – Yabucoa, Daguao and Jobos⁶

Permit	Status	Submittal	Estimated Approval
DNER Rule 141 – Environmental Impact Document Documentation	Submitted on Oct. 18, 2024.	10/18/2024	All sites have been approved.
PRCF Fire Review (<i>optional</i>)	Genera will file upon receiving final design plans.	2026	60 days after submission
Permiso Unico Incidental (PUI)	Contractor will file.	TBD	30 days after submission
DNER Asbestos/Lead Removal	Contractor will file.	TBD	30 days after submission
Air Emissions Permit (PFE) for Construction	Genera will file after receiving Rule 141 approval.	TBD	Q3 2026
Air Emissions Permit (PFE) for Operation	Genera will file after receiving PFE for Construction approval and completing installation of emission sources.	TBD	Q4 2026

⁵ All dates are preliminary estimates and are subject to change.

⁶ All dates are preliminary estimates and are subject to change.

Local Permits Status – Costa Sur ⁷

Permit	Status	Estimated Submittal Date	Estimated Approval
DNER Rule 141 – Environmental Impact Documentation	Approved	July 2025	10/16/2025
PRCF Fire Review	Genera will file upon receiving final design plans.	TBD	60 days after submission
Permiso Unico Incidental (PUI)	Contractor will file.	February 2026	30 days after submission
DNER Asbestos/Lead Removal	Contractor will file.	February 2026	30 days after submission
Air Emissions Permit (PFE) for Construction	Genera will file after receiving Rule 141 approval.	TBD	Q2 2026
Air Emissions Permit (PFE) for Operation	Genera will file after receiving PFE for Construction approval and completing installation of emission sources.	TBD	Q4 2026

⁷ All dates are preliminary estimates and are subject to change.

GPR-PREB- NEPRMI20220005 - 20240730 #1(e)

f. Tasks required in preparation for each site where the project shall be installed. Details on any demolition and permits required in preparation for the installation of the project.

Response:

See responses to questions a through d.

GPR-PREB- NEPRMI20220005 - 20240730 #1(f)

g. Permit and cost for each site to accommodate the project.

Response:

NEPA Permit Costs⁸

Permit	Applicable Sites	Estimated Cost
EHP/NEPA Review	All Peaker sites	\$150,000 for all sites. Includes EHP Review coordination
Coastal Zone Consistency Certification	San Juan; Costa Sur	\$8,000/site
Biological Resources Endangered Species Act (ESA) Section 7	All Peaker projects	\$15,000/site
National Historic Preservation Act Consultation	All Peaker projects	\$15,000/site

Federal Permit Costs⁹

Permit	Applicable Sites	Estimated Cost
Non-PSD Applicability Determination	Yabucoa, Daguao & Jobos	\$12,000/site
Air Modeling and PSD Application	Costa Sur	\$180,000
NPDES Construction General Permit (CGP) for Storm Water	All Peaker projects	\$21,000/site
Determination of No Hazard to Air Navigation (FAA)	All Peaker projects (when applicable)	Included in DSOW

⁸ All costs are preliminary estimates and are subject to change.

⁹ All costs are preliminary estimates and are subject to change.

Local Permit Costs ¹⁰

Permit	Applicable Sites	Estimated Cost
DNER Rule 141 – Environmental Impact Documentation	All Peaker projects	\$35,000/site
PRCF Fire Review	All Peaker projects	\$3,000/site
Permiso Unico Incidental (PUI)	All Peaker projects	\$25,000/site
DNER Asbestos/Lead Removal	All Peaker projects	\$15,000/site
Air Emissions Permit (PFE) for Construction	All Peaker projects	\$20,000/site
Air Emissions Permit (PFE) for Operation	All Peaker projects	\$10,000/site

¹⁰ All costs are preliminary estimates and are subject to change.