

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

NEPR
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IN RE:

CASE NO.: NEPR-MI-2021-0004

REVIEW OF LUMA'S INITIAL
BUDGETS

SUBJECT: Urgent Motion Requesting
Immediate Authorization of Reserve Account
Funding to Address Ongoing Superaqueduct
Water Supply Emergency.

**URGENT MOTION REQUESTING IMMEDIATE AUTHORIZATION OF RESERVE
ACCOUNT FUNDING TO ADDRESS ONGOING SUPERAQUEDUCT WATER SUPPLY
EMERGENCY**

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 counsel of record, and respectfully states and requests the following:

1. On June 11, 2026, the Puerto Rico Aqueduct and Sewer Authority (“PRASA”) identified a disruption affecting the Superaqueduct. Although PRASA has been diligently working to address the situation, on June 12, 2026, it reported a second disruption that resulted in the suspension of the water supply essential to Genera’s operations. Today, PRASA reported yet another disruption affecting the Superaqueduct, further exacerbating the ongoing water supply emergency.

2. As a result of the interruption in water supply, Genera faces an immediate operational need to secure alternative sources of water necessary for the continued operation of

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.

critical plant systems. Specifically, Central San Juan requires approximately 150,000 gallons of water per day to replenish the tanks utilized by the cooling systems. Current consumption is approximately 6,500 gallons per hour. Based upon recent information gathered from various bulk rate water deliveries by private operators, the estimated cost for these services will be around one dollar (\$1.00) per gallon delivered to the generation plant operated by Genera.

3. Absent the procurement of water tanker services, Genera risks exhausting the water reserves available to generation operations, which could adversely affect the reliability of electric generation resources available to Puerto Rico's electric system and its ratepayers.

4. To mitigate this risk, Genera must immediately contract for water tanker services capable of supplying approximately 150,000 gallons of water per day until normal water service is restored. The estimated cost of such emergency services is approximately one million dollars for a five-day period.

5. Section 7.6(d) of the LGA OMA defines the Reserve Account as an account:

[F]rom which Operator (A) shall draw funds from time to time to pay for costs in connection with Forced Outages, Force Majeure Events or Owner Fault, and costs in connection with the procurement and installation of any Capital Spare Parts approved by Administrator and PREB in accordance with Section 5.6 (Capital Spare Parts and Capital Improvements) and (B) may draw funds from time to time to pay for any shortfalls in the required funding of any other Service Account.

6. Accordingly, pursuant to Section 7.6(d) of the LGA OMA, Genera would ordinarily utilize funds from the Reserve Account to cover the costs of the emergency water tanker services necessary to maintain safe and reliable generation operations and ensure continued electric service to Puerto Rico's ratepayers.

7. However, on April 15, 2026, the Puerto Rico Energy Bureau ("Energy Bureau") issued its Final Resolution and Order on Electricity Rates in Case No. NEPR-AP-2023-0003 (the "April 15 Order"). In the April 15 Order, the Energy Bureau acknowledged the Reserve Account

established under Section 7.6(d) of the LGA OMA but denied Genera's requested funding for such account for Fiscal Year 2026. As a result, the Reserve Account currently lacks the funding necessary to cover emergency expenses of the type contemplated by Section 7.6(d).

8. The need for these services arises directly from the ongoing Superaqueduct emergency and constitutes an extraordinary, unforeseen, and non-recurring operational expense entirely outside of Genera's control. These circumstances fall squarely within the categories that the Reserve Account is designed to address under Section 7.6(d), which expressly contemplates that Genera will draw funds to pay for costs in connection with Forced Outages and Force Majeure Events—precisely the type of third-party supply failure presented here. The Energy Bureau's denial of Genera's requested Reserve Account funding for Fiscal Year 2026 in the April 15 Order addressed Genera's prospective, budget-cycle funding request. Due to this emergency situation, and April 15th determination, Genera has no other option than to request that the Energy Bureau authorize the immediate funding and use of the Reserve Account to cover these emergency costs, thereby ensuring the continued safe and reliable operation of Central San Juan and preserving the availability of critical generation resources for Puerto Rico's electric system and its ratepayers.

WHEREFORE, Genera respectfully requests that this Energy Bureau **TAKE NOTICE** of the above for all purposes and **GRANT** this Motion allowing Genera to utilize approximately one million dollars (\$1,000,000,00) for a five-day period from the Reserve Account for the procurement of emergency water tanker services necessary to supply approximately 150,000 gallons of water per day to Central San Juan until normal water service is restored.

RESPECTFULLY SUBMITTED.

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

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 and that an electronic copy of this motion will be sent to the following counsel of record: mvalle@gmlex.net; alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; rcruzfranqui@gmlex.net; jan.albinolopez@us.dlapiper.com; margarita.mercado@us.dlapiper.com; katiuska.bolanos-lugo@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com; hrivera@jrsp.pr.gov; alejandro.figueroa@lumapr.com; regulatorypreborders@lumapr.com, and rrosales@spalawpr.com.

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