

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

NEPR

Received:

Jul 30, 2026

9:17 PM

IN RE: GENERA PR LLC INCENTIVES
AND PENALTIES REPORT

Case No.: NEPR-MI-2025-0002

Subject: Informative Motion Regarding the
FY2026 Incentives and Penalties Report

**INFORMATIVE MOTION REGARDING THE FY2026 INCENTIVES AND
PENALTIES REPORT**

TO THE ENERGY BUREAU:

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

1. Genera began operating the Legacy Generation Assets on July 1, 2023, pursuant to the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement dated January 24, 2023 (the “OMA”), by and among the Puerto Rico Electric Power Authority (“PREPA”), the Puerto Rico Public-Private Partnerships Authority (“Administrator”), and Genera.
2. Under Section 7.1(c)(ii) of the OMA, Genera is required to submit its Incentives and Penalties Report to the Administrator and the Puerto Rico Energy Bureau (“PREB”) within thirty (30) days after the end of each Contract Year.
3. In preparing the FY2026 Incentives and Penalties Report, Genera determined that additional time was required to complete the Report because the final approved budget was a necessary component of the Report. Until PREB resolved Genera's Motion for Reconsideration in Case No. NEPR-AP-2023-0003 on July 28, 2026, the fiscal year data reflected in the Report could have been affected by any retroactive budget adjustment.
4. On July 28, 2026, pursuant to Section 21.8 of the OMA, Genera submitted a written request to the Administrator seeking an extension of the deadline for filing the FY2026 Incentives

and Penalties Report until thirty (30) days after PREB notified Genera of the Resolution and Order resolving the Motion for Reconsideration, or until such other date as the Parties might agree in writing.

5. On July 28, 2026, PREB issued its Resolution and Order denying Genera's Motion for Reconsideration in Case No. NEPR-AP-2023-0003, thereby establishing the final approved budget.

6. On July 29, 2026, the Administrator approved Genera's request and granted the requested extension pursuant to Section 21.8 of the OMA. Accordingly, the deadline for Genera to submit its FY2026 Incentives and Penalties Report is **August 27, 2026**.

7. Through this Informative Motion, Genera respectfully informs PREB of the extension granted by the Administrator and attaches as Exhibit A Genera's extension request and the Administrator's written approval.

WHEREFORE, Genera respectfully requests that the PREB take notice of the foregoing Informative Motion, the extension granted by the Administrator pursuant to Section 21.8 of the OMA, and the revised deadline applicable to the submission of Genera's FY2026 Incentives and Penalties Report, together with such other relief as the Bureau deems just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of July, 2026.

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: legal@genera-pr.com; regulatory@genera-pr.com. RegulatoryPREBOrders@lumapr.com; yahaira.delarosa@us.dlapiper.com; arivera@gmflex.net

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

Exhibit A



July 28, 2026

VIA ELECTRONIC MAIL

Puerto Rico Public-Private Partnerships Authority
Attention: Executive Director – Josué Colón
Attention: General Counsel – Lionel Santa Crispín
Email: Josue.Colon@p3.pr.gov; Lionel.Santa@p3.pr.gov; Administrator@p3.pr.gov

Re: FY2026 Incentives and Penalties Report – Request to Extend Submission Deadline and Reservation of Rights

Dear Administrator:

We refer to the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement dated January 24, 2023 (the “OMA”) by and among the Puerto Rico Electric Power Authority (“PREPA” or “Owner”), the Puerto Rico Public-Private Partnerships Authority (“P3 Authority” or “Administrator”), and Genera PR LLC (“Genera” or “Operator”). Capitalized terms not defined in this letter have the meanings ascribed to them in the OMA.

Under Section 7.1(c)(ii) of the OMA, Genera should submit its Incentives and Penalties Report to the Administrator and the Puerto Rico Energy Bureau (“PREB”) by thirty (30) days after the end of each Contract Year. For the Contract Year corresponding to Fiscal Year 2026 (July 1, 2025 through June 30, 2026, “FY2026”), that deadline falls on July 30, 2026.

By this letter, Genera respectfully requests the written agreement of the Administrator, in accordance with Section 21.8 of the OMA, to extend the time for performance of this obligation until thirty (30) days after the date on which the PREB notifies Genera of its resolution of Genera’s pending Motion for Reconsideration in Case No. NEPR-AP-2023-0003 or until such other date as the Parties may agree in writing.

BACKGROUND

The Incentives and Penalties Report must include Genera’s estimate of the Operation Cost Efficiency incentive under Annex II, § III.B.1 of the OMA, among other things. This requires a calculation of “[a]ctual expenditures as a percentage (%) of the approved Operating Budget, where actual savings equal the Operating Budget minus actual expenditures.” For FY2026, that input remains unsettled through no fault of Genera, since the process for determining the Operating Budget has not been concluded.

Genera operated during the first ten months of the fiscal year under the provisional Operating Budget of approximately \$340 million approved by the PREB, committing funds, executing contracts, and deploying personnel in reliance on that authorization. On April 15, 2026, in the tenth month of the fiscal year, the PREB entered its Final Resolution and Order on Electricity Rates in Case No. NEPR-AP-2023-0003 (the “Order”), retroactively resetting the FY2026 baseline to approximately \$288.7 million.

American International Plaza
250 Av. Luis Muñoz Rivera, Suite 1200
San Juan, PR 00918

July 28, 2026

Genera's Motion for Reconsideration, filed April 29, 2026, remains pending. Until the PREB resolves that motion, the same fiscal year data may reflect operational savings when measured against the budget under which the funds were committed or potential overruns produced solely by the retroactive reduction.

REQUESTED EXTENSION

Genera requests written confirmation of the requested extension by July 29, 2026. Confirmation may be provided by countersignature to this letter or by electronic mail from an authorized representative of the Administrator.

Genera trusts that the Administrator will agree that a report measured against a settled Operating Budget serves the best interests of the Parties, PREB, and Puerto Rico. The extension will not prejudice the Administrator's review of the eventual submission. Under Section 7.1(c)(iii) of the OMA, the Administrator's 120-day review period runs from "receipt of the Incentives and Penalties Report." The Administrator retains the entirety of its review rights.

RESERVATION OF RIGHTS

Neither this request nor submission of the FY2026 Incentives and Penalties Report on the schedule described above is intended to waive, reduce, or condition Genera's right to the FY2026 Incentive Payments or affect any claim by Genera of Force Majeure related to the time required by PREB to finalize the Operating Budget.

Genera expressly reserves all rights, claims, and defenses under the OMA, applicable law, and equity, including without limitation its rights under Sections 7.8 and 18 of the OMA arising from the Order and its retroactive reduction of the FY2026 budget baseline, the relief sought in the Motion for Reconsideration, and Genera's right to assert that all FY2026 costs incurred in reliance on the provisional Operating Budget were prudently incurred.

Genera remains available to discuss any alternative schedule that works for the Administrator.

[Signatures appear on the following page]



July 28, 2026

Cordially,

Genera PR LLC

Kevin D. Futch

Kevin D. Futch
General Counsel

ACKNOWLEDGED AND AGREED:

Puerto Rico Public-Private Partnerships Authority, as Administrator

By: 

Name: Lionel E. Santa Crispín

Date: July, 29 2026

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