

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

NEPR

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IN RE:

PUERTO RICO ELECTRIC POWER
AUTHORITY'S EMERGENCY RESPONSE
PLAN

CASE NO.: NEPR-MI-2019-0006

SUBJECT: Motion to Inform Declaration of
Emergency Regarding Water Supply for the
Legacy Generation Assets

**MOTION TO INFORM DECLARATION OF EMERGENCY REGARDING WATER
SUPPLY FOR THE LEGACY GENERATION ASSETS**

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. On July 15, 2026, the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order approving Genera's 2026 revision of its Emergency Response and Action Plan ("ERAP").

2. The ERAP defines an Emergency as "any unplanned event that could cause death or significant injuries to employees or the public, or that can shut down or disrupt operations, cause physical damage to equipment, environmental damage, or threaten the Facility's financial standing or public image". *See ERAP 2026, § 1.0.*

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, 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.

3. When an Emergency occurs, Genera evaluates the impact of the incident and promptly undertakes the necessary measures to restore community lifelines, thereby reducing the effect on the people of Puerto Rico. For significant incidents, and to guide its response efforts, Genera relies on the Event Classification Types outlined in the approved ERAP. *See ERAP 2026 §7.1.*

4. Accordingly, once an Emergency is declared in accordance with the ERAP, Genera determines the appropriate Emergency Operation Center Activation Level and Event Classification Type. This determination is based on the nature of the outage, the resources required, and the potential consequences of the event. *See ERAP 2026, §7.2, 7.2.1.*

5. On July 31, 2026, the Governor of Puerto Rico issued Executive Order No. 2026-035, declaring a state of emergency in response to severe drought conditions affecting the Island. The Executive Order cites historically low precipitation levels and declining reservoir capacity, establishes water conservation measures, and directs the implementation of an interagency action plan to protect Puerto Rico's water resources.

6. In light of the ongoing drought conditions and the potential restriction of water extraction permits at certain Legacy Generation Asset ("LGA") facilities, Genera determined that immediate action was necessary to ensure the continued safe and reliable operation of the LGA.

7. On August 4, 2026, Genera submitted to the Puerto Rico Public-Private Partnerships Authority ("P3 Authority") a Declaration of Exigency/Emergency for Water Supply Alternatives for Legacy Generation Assets. Pursuant to Section III(D)(1)(c) of Genera's Procurement Manual, the declaration authorizes the procurement of alternative water supply services, water transportation services, temporary water storage equipment, portable desalination

equipment, pumping equipment, and any other related goods and services necessary to maintain reliable generation operations.

8. Genera classified the event as an Emergency Type 4. This classification is defined in the ERAP as follows:

These events typically include system events that impact one or more [Power Generation] PG facilities. Type 4 events may be due to thunderstorms, high winds, frequent and/or severe lightning, unplanned outage, forced outage, or unanticipated events. Type 4 events may require coordination with other PG producers and the T&D Operator, but do not threaten system-wide stability. Restoration events classified as heightened alert, involve response and restoration activities that are completed within a reasonable time frame and do not affect the power supply, the power reserve and stability of the electrical grid. Therefore, a heightened level of situational awareness and monitoring is implemented with more frequent communication taking place among decision-makers. Operator may choose, but is not required to, partially activate those positions necessary, i.e., Public Information Officer, Emergency Management Officer, and Liaison Officer. Internal conference calls may be scheduled regarding preparation for a future weather event. This can also be indicative of an isolated non-weather incident at a Genera PR facility or other property. *See ERAP, §7.3.2.*

9. Additionally, Section 5.13 of the LGA OMA requires Genera to notify the Energy Bureau “in writing of all Emergencies related to the Legacy Generation Assets upon receiving knowledge thereof”. *See LGA OMA, §5.13(b).* This section further provides that:

[I]f at any time Operator determines in good faith that an Emergency Event exists with respect to the Legacy Generation Assets such that immediate action must be taken to (i) protect the safety of the public, Owner’s employees and Operator’s employees, (ii) protect the safety or integrity of the Legacy Generation Assets or prevent or limit environmental harm or (iii) mitigate the immediate consequences of such Emergency Event, Operator shall take all such action that it deems in good faith to be reasonable and appropriate under the circumstances in accordance with the Legacy Generation Emergency Response Plan. As promptly thereafter as is reasonable, Operator shall notify Administrator, PREB and any other person listed under the Legacy Generation Emergency Response Plan in writing of Operator’s response to such Emergency Event. *Id.*

10. In compliance with the above-referenced provisions of the LGA OMA and the ERAP, Genera respectfully notifies the Energy Bureau that it has declared an Exigency/Emergency

and has partially activated its Emergency Operation Center, under Type 4 classification, in response to the severe drought conditions affecting Puerto Rico and the resulting risk to water availability for certain Legacy Generation Assets. This declaration enables Genera to promptly procure the resources necessary to preserve the continued safe and reliable operation of the electric generation system while mitigating the operational impacts associated with the ongoing drought conditions.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes and **deem** Genera in compliance with Section 5.13 of the LGA OMA.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of August 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 and that we will send an electronic copy of this motion to arivera@prepa.pr.gov; rcruzfranqui@gmlex.net; mvalle@gmlex.net; margarita.mercado@us.dlapiper.com; laura.rozas@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; emmanuel.porrogonzalez@us.dlapiper.com; and nzayas@gmlex.net.

In San Juan, Puerto Rico, this 5th day of August 2026.

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo

/s/ José Javier Díaz Alonso
José Javier Díaz Alonso

/s/ Ernesto Raúl Ramos Maldonado
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