

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

NEPR

Received:

Aug 27, 2026

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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 INCENTIVES AND PENALTIES REPORT
UNDER SECTION 7.1(C)(ii) OF THE OPERATIONS AND MAINTENANCE
AGREEMENT**

TO THE PUERTO RICO 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. According to Section 7.1(c)(ii) of the OMA, Genera must submit its Incentives and Penalties Report (the “Report”) to the Administrator and notify the Puerto Rico Energy Bureau (“PREB”) within thirty (30) days after each Contract Year ends. See *Exhibit A* and supporting documents.
3. In preparing the FY2026 Report, Genera determined that additional time was required to complete the Report because the final approved budget was a necessary component. 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 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 Report is **August 27, 2026**.
7. Through a motion filed on July 30, 2026, Genera informed the PREB about the extension granted by the Administrator.
8. Consistent with its responsibility under the OMA, Genera hereby notifies to the PREB Genera's submission of the FY2026 Report to the Administrator, which contains, among other things, the following information: (A) a *Fuel Optimization Report*, (B) supporting performance data, information and reports evidencing its performance with respect to the relevant categories of Incentives and Penalties and (C) based thereon, its good faith calculation of the proposed Incentive Payment and/or Penalties, in each case for the relevant Contract Year.
9. The submission and notification of this Report to PREB is a contractual requirement, independent and considered a distinct process, separate from any Performance Metrics Report that may be required pursuant to Act 57-2017 and Regulation 9137. For the avoidance of doubt, the Report does not constitute, replace, or modify any obligation to submit a Performance Metrics Report under the aforementioned legal or regulatory provisions, nor shall it be interpreted as fulfilling any requirement established therein.

10. The submission of the Report to PREB is made in accordance with Section 7.1(c)(ii) of the OMA. This submission does not confer any rights, obligations, or interpretations beyond those expressly stated in the referenced section and shall not be construed as establishing any additional requirements or commitments

11. Genera requests that Exhibit A and its supporting documents be kept confidential pursuant to PREB's Policy on Management of Confidential Information, CEPR-MI-2016-0009, as amended on September 21, 2016. Through a separate filing, within the next 10 days, as set forth in Section A.2 of the PREB's policy on Management of Confidential Information, Genera will present a memorandum of law in support of its request to treat as confidential, and to protect as such, this filing.

WHEREFORE, Genera respectfully requests that the PREB take notice of the foregoing under Section 7.1(c)(ii) of the OMA.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27th day of August, 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.

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
lrm@roman-negron.com

Exhibit A – Confidential