

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

NEPR

Received:

Sep 14, 2026

7:08 PM

IN RE: ELECTRIC SYSTEM PRIORITY
STABILIZATION PLAN

Case No.: NEPR-MI-2024-0005

Subject: Motion for Reconsideration of
Order Denying Rescheduling of Technical
Hearing

**MOTION FOR RECONSIDERATION OF ORDER DENYING RESCHEDULING OF
TECHNICAL HEARING**

TO THE ENERGY BUREAU:

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

1. On September 9, 2026, Genera submitted responses to several of the Requirements of Information (“ROIs”) sent by the Puerto Rico Energy Bureau (“PREB” or “Energy Bureau”) in the Attachement A to the *Resolution and Order of August 31, 2026* (“August 31 Resolution”). However, Genera requested additional time to respond to sixteen (16) of the requests, and explained that:

“Many of the questions contained in this document require highly technical, specific, and detailed information. In order to provide accurate and comprehensive responses, Genera will need additional time to gather the necessary documentation and coordinate with relevant stakeholders. We respectfully request an extension to ensure that this response meets the required level of detail and precision.”

2. In its *Motion in Compliance with Resolution and Order of August 31 2026*, Genera also requested that the Technical Conference set for September 15, 2025, be rescheduled to a date after all responses to the ROIs have been provided. This extension was

sought in good faith to avoid duplicative proceedings and to maximize the efficient use of the PREB's and Genera's resources.

3. On September 14, 2026, the PREB issued a *Resolution and Order* granting an extension until September 30, 2026 for Genera to complete its responses to the ROIs 5(j), 6(a), 6(b), 7(e), 7(f), 7(g), 8(c), 11, 12, 13, 14, 15, 16, 21, 22 and 26. However, the PREB denied the request to reschedule the *Technical Hearing*. Genera respectfully asks the PREB to reconsider its ruling denying the rescheduling for the reasons set forth below.

4. Genera respectfully submits that proceeding with the scheduled hearing under the present circumstances would be premature, unreasonable, and fundamentally inconsistent with the development of a complete and reliable administrative record. Genera was afforded only ten (10) days to respond to an extensive set of ROIs requiring the collection, review, and validation of highly detailed technical, operational, maintenance, procurement, financial, and historical information.

5. Despite this exceptionally compressed timeframe, Genera devoted substantial resources to the effort and produced the information that could reasonably be compiled and validated within the time afforded. Several requests necessarily remain outstanding, not because of any lack of diligence, but because the breadth, complexity, and historical scope of the information demanded cannot reasonably be compiled, validated, and presented within ten (10) days. **Requiring Genera to nevertheless proceed with a hearing on these matters before the requested information has been fully developed would only compound the unreasonable burden imposed by the abbreviated response period.**

6. Genera respectfully submits that the outstanding requests are far from routine requests for readily available information. **These requests require Genera to undertake an**

extensive reconstruction of years of technical, operational, maintenance, procurement, contractual, and financial history involving several generating units. Among other things, the Energy Bureau requests (i) multi-year maintenance histories; (ii) unit-by-unit inspection markers and operating hours; (iii) identification and analysis of failures and common system events; (iv) contractor performance and quality assurance records; (v) procurement information; (vi) funding requests and account histories; (vii) critical spare parts inventories; and (viii) inspection and field service records extending as far back as PREPA's acquisition of the units.

7. The magnitude of certain requests is particularly significant. For example, Genera is being asked to identify the most common technical problems experienced by fourteen (14) separate units and, for each problem, determine the affected units, number and dates of occurrences, root cause, corrective action, repair cost, outage duration, recurrence, permanent corrective action, Original Equipment Manufacturer ("OEM") notification, warranty coverage, warranty claims, and the status of those claims. Other outstanding requests demand detailed incident investigations, root cause analyses, electrical and fire investigations, testing results, corrective actions, preventive measures, and evidence demonstrating whether those measures were implemented across all fourteen units.

8. Therefore, these requests require substantially more than retrieving documents from a company file. They require personnel to locate historical records from multiple sources, coordinate across technical and administrative teams, reconstruct events, reconcile information, verify technical conclusions, and ensure that the information ultimately presented to the Energy Bureau is accurate and complete. Some requests even reach back to periods preceding Genera's operation of the units and seek records dating to PREPA's acquisition.

9. **Against this backdrop, requiring Genera to proceed with a substantive hearing before the outstanding information has been fully compiled and validated would place Genera in the untenable position of being expected to answer detailed technical and historical questions without the very information necessary to provide accurate answers.**

Such a proceeding would predictably result in incomplete responses, requests to supplement the record, and potentially inaccurate statements made without the benefit of the necessary records and technical verification. That outcome would serve neither Genera nor the Energy Bureau and, more importantly, would do nothing to advance the development of a complete and dependable administrative record.

10. The compressed timeframe is particularly concerning given the sheer volume and specificity of the information requested. Genera cannot reasonably be expected to, in a matter of days, compress years of operational history involving fourteen generating units, and then immediately appear at a hearing prepared to testify comprehensively regarding that information. The outstanding scope itself demonstrates why additional time is necessary.

11. Proceeding merely for the sake of maintaining the currently scheduled date would elevate expediency over accuracy and completeness. A hearing held before the underlying record is fully available would inevitably be less productive, and would likely require further proceedings once the outstanding information is ultimately produced. Rescheduling, by contrast, would allow Genera to complete the substantial work already underway and would enable the Energy Bureau to conduct a hearing based on actual, verified information rather than an incomplete record.

12. Accordingly, Genera respectfully submits that fundamental fairness, administrative efficiency, and the integrity of the record strongly favor postponing the hearing

until Genera has been afforded a reasonable opportunity to complete and submit the outstanding responses.

13. Rescheduling the Technical Hearing for a date after all the responses are presented—that is, until after September 30, 2026—will not affect the process either. The extensions requested by Genera are not aimed at avoiding scrutiny. The requests seek to ensure that when Genera appears before the Energy Bureau, it can provide the accurate, complete, and technically supported information that the Energy Bureau has requested.

14. Moreover, rescheduling the Technical Hearing will ensure that all witnesses are afforded the necessary time and resources to be thoroughly prepared, thereby enhancing the quality and reliability of their testimony. This is not merely a procedural preference, but a fundamental requirement for the development of a complete and accurate administrative record. The complexity and breadth of the information requested by the Energy Bureau, including multi-year technical histories, detailed incident investigations, and extensive operational data, demand careful preparation and coordination among multiple stakeholders.

15. Although this docket is not formally designated as an investigation, both in practice and under applicable legal standards, it functions as one. The proceedings involve the collection and scrutiny of highly technical and historical information, the outcome of which may have significant regulatory and operational consequences. As such, Genera is entitled to the protections afforded by due process under Puerto Rico law and the broader principles of administrative law. This includes the right to adequate notice, a meaningful opportunity to be heard, and sufficient time to prepare responses and evidence. *Álvarez v. Arias*, 156 D.P.R. 352, 364-365 (2002); *Rivera Rodríguez & Co. v. Lee Stowell*, 133 D.P.R. 881, 887-888 (1993).

16. Although an administrative agency has the authority to set deadlines for the delivery of information and to schedule hearings, the Puerto Rico Supreme Court has held that the agency must afford sufficient time for the parties to adequately prepare. Specifically, in *Almonte v. Brito*, 156 D.P.R. 475, 483 (2002), the Supreme Court held, in the context of an agency reducing the minimum time for notifying a hearing, that:

La reducción del período no puede ser de tal magnitud que le afecte al querellado su derecho a preparar su defensa, bien en lo referente a contestar la querella como a la disponibilidad de la prueba oral o documental que necesite presentar el día de la vista. El criterio aplicable es el de razonabilidad.

17. Therefore, Genera respectfully asserts its due process right to be granted a reasonable opportunity to prepare for the Technical Hearing. This right is rooted in both the practical realities of the case and the legal standards governing administrative adjudications. Rescheduling the hearing is not intended to delay scrutiny, but to ensure that the Energy Bureau receives the accurate, complete, and technically supported information it requires to fulfill its regulatory mandate. And the time requested for the rescheduling is reasonable, as the responses to the outstanding ROIs is in just two weeks.

WHEREFORE, Genera respectfully requests that the Energy Bureau take notice of the foregoing and, accordingly, reconsiders its Order of September 14, 2026 and reschedule the Technical Hearing to a date after all responses to the ROIs have been provided.

In San Juan, Puerto Rico, this September 14, 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, including: arivera@gmlex.net;

RegulatoryPREBorders@lumapr.com;

Emmanuel.porrogonzalez@us.dlapiper.com;

laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com.

ROMAN NEGRÓN LAW, PSC

Attorneys for Genera PR, LLC.

Citi Towers, Suite 1401

252 Ponce de León Ave.

San Juan, PR 00936

Tel. (787) 979-2007

s/Luis R. Román Negrón

Luis R. Román Negrón

RUA 14,265