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

IN RE: PLAN PRIORITARIO PARA LA ESTABILIZACIÓN DE LA RED ELÉCTRICA	**CASE NO.:** NEPR-MI-2024-0005 **SUBJECT:** Genera PR LLC's Motion in Compliance with Resolution and Order of August 31, 2026; PREPA's Motion to Submit Responses in Compliance with the Resolution and Order Dated August 31, 2026; Request for Extension of Time; Request to Reschedule Technical Conference

RESOLUTION AND ORDER

I. Background

On August 31, 2026, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("August 31 Resolution") through which, in the exercise of its continuing oversight of Priority Stabilization Plan ("PSP") Activity No. 1, it undertook a status probe of the temporary generation fleet sited between the San Juan and Palo Seco power plants — the fourteen (14) TM2500 turbine-generator units acquired by the Puerto Rico Electric Power Authority ("PREPA") in March 2024 and operated by Genera PR LLC ("Genera"), and the three (3) Pratt & Whitney Power Systems FT8 MOBILEPAC units at Palo Seco. The August 31 Resolution ordered Genera and PREPA to respond, on or before September 9, 2026, to the Requirements of Information ("ROIs") set forth in Attachment A thereto — Questions 1 through 28 directed to Genera and Questions 29 through 34 directed to PREPA — and scheduled a Technical Conference for Tuesday, September 15, 2026, at 9:30 a.m.[1]

On September 4, 2026, LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly, "LUMA") filed a *Motion Submitting LUMA's Updated Position Regarding Additional Temporary Generation*, in compliance with the Energy Bureau's Resolution and Order of August 19, 2026, attaching as Exhibit 1 its resource adequacy assessment for the summer of 2026 ("LUMA Summer 2026 Update").[2] LUMA concludes that Puerto Rico "continues to face a persistent generation supply deficit of 700-850 MW, driven by an aging and degraded thermal fleet, frequent forced outages, deferred maintenance, and rising peak demand fueled by extreme heat," and that its overall assessment of the need for additional temporary generation "remains unchanged."[3]

On September 9, 2026, Genera filed a *Motion in Compliance with Resolution and Order of August 31, 2026* ("Genera Motion"), submitting as Exhibit A its responses to "most" of the ROIs directed to Genera, together with Attachments 1 through 6.[4] Genera states that, "[d]espite its best efforts," it could not respond to ROIs 5(j), 6(a), 6(b), 7(e), 7(f), 7(g), 8(c),

[1] August 31 Resolution, Sections III through V and Attachment A. Responses were required to be "complete, organized by question number, supported by the underlying documents requested, and accompanied by any spreadsheets in native format with all formulas and links intact." *Id.*, Section III.

[2] *In re: Plan Prioritario para la Estabilización de la Red Eléctrica,* Case No,: NEPR-MI-2024-0005, *Motion Submitting LUMA's Updated Position Regarding Additional Temporary Generation*, filed by LUMA on September 4, 2026 ("LUMA Motion"), ¶¶ 7 through 10, and Exhibit 1, *LUMA's Updated Position Regarding Additional Temporary Generation — Interim Update for Summer 2026* (Sept. 4, 2026).

[3] LUMA Motion ¶ 10; LUMA Summer 2026 Update, pp. 5 and 6.

[4] Genera Motion ¶ 8 and Exhibit A.

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11, 12, 13, 14, 15, 16, 21, 22 and 26, which "require highly technical, specific, and detailed information," and requests an extension of thirty (30) days to respond to them.[5] Genera further requests that the Technical Conference be rescheduled to a date after all responses have been provided, "to avoid duplicative proceedings and to maximize the efficient use of the PREB's and Genera's resources," and that Attachments 3 and 4 to its responses be treated as confidential, announcing that it will file a memorandum of law in support of that designation within ten (10) days.[6]

On September 10, 2026, PREPA filed PREPA's *Motion to Submit Responses in Compliance with the Resolution and Order Dated August 31, 2026* ("PREPA Motion"), submitting as Exhibit A its responses to ROIs 29 through 34.[7]

II. Discussion

The Energy Bureau has reviewed the Genera Motion, the PREPA Motion, and the LUMA Summer 2026 Update. Three points emerge from that review, and each bears directly on the disposition of Genera's requests.

First, the record already before the Energy Bureau confirms that the temporary generation fleet is largely unavailable, and that its restoration has not been secured. Genera's own fleet status table, as of August 28, 2026, reports that four (4) of the ten (10) San Juan units (TM01, TM06, TM08 and TM09) are not available; that two (2) more (TM03 and TM04) are available only on natural gas because of excessive corrosion of the first-stage high-pressure turbine; and that all four (4) Palo Seco units are out of service — TM04 since June 13, 2025, TM01 since September 2, 2025, TM03 since December 3, 2025, and TM02 since August 6, 2026.[8] Of a fleet with a nominal capacity of approximately 350 MW, Genera reports approximately 150 MW as available, of which 50 MW is restricted to natural gas operation. Only 27 MW of the 81 MW of FT8 MOBILEPAC capacity at Palo Seco is available to the system operator.[9] The borescope inspections Genera completed in June 2026 found the hot section of thirteen (13) of the fourteen (14) TM2500 units "not serviceable"; Genera states that twelve (12) units require major maintenance, at an estimated cost of $3.5 to $4 million each, and that only three (3) replacement hot sections are available in the market.[10] The root-cause investigation Genera has entrusted to the original equipment manufacturer "is still pending completion."[11]

Equally troubling is what Genera's responses reveal about the funding and contractual path to restore the fleet. Genera states that funding for the repair of Palo Seco TM04 "has not yet

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[5] Genera Motion ¶ 8 and prayer for relief, ¶ (b). For each of the ROIs it did not answer, Genera inserted the same paragraph: "Many of the questions contained in this document require highly technical, specific, and detailed information. [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." Genera Motion, Exhibit A, pp. 8, 10, 11, 14, 15, 17, 21 through 26, 30, 31 and 38.

[6] Genera Motion ¶¶ 9 and 10 and prayer for relief, ¶ (c).

[7] PREPA Motion ¶¶ 3 and 4 and prayer for relief.

[8] Genera Motion, Exhibit A, Attachment 2 (fleet status table dated August 28, 2026); see also Attachment 1 (status table dated August 31, 2026) and Responses to ROI 7(a) and 7(c). The Energy Bureau notes that Genera's narrative response to ROI 7(a) (seven (7) of ten (10) San Juan units available) does not match its own status tables (six (6) units with capacity available, two (2) of them on natural gas only), and that Attachment 1 reports Palo Seco TM02 as "Available Limited" while Attachment 2 reports it as "Not Available" since August 6, 2026. Genera shall reconcile these discrepancies in its supplemental filing.

[9] Genera Motion, Exhibit A, Response to ROI 28.

[10] Genera Motion, Exhibit A, Attachment 1 (Borescope Inspection Dates and Results, June 2026; Hot Section Replacement Schedule updated August 28, 2026, noting "Each Major Maintenance Estimated Cost $3.5 to $4 million"; status table dated August 31, 2026, noting "There are only 3 Hot Sections available in the market 1 from GE and 2 from SE"); Response to ROI 24(a) ("Today, 12 units require major maintenance due to their ongoing dispatch above expected usage").

[11] Genera Motion, Exhibit A, Responses to ROI 5(c), 5(d), 5(f) and 6(c).

been identified"; that the LGA OMA Reserve Account and the emergency account "remain unfunded, as PREPA has not deposited any funds into them"; and that, of the twelve (12) units requiring major maintenance, only two (2) (San Juan TM02 and TM09) are being addressed with funds re-allocated from the $17 million annual operation and maintenance allocation, while the remaining ten (10) depend on the unfunded Reserve Account (four units), on major maintenance by the Seller (four units), or on "requested additional funding to PREB" (two units) — each of them listed as "Pending."[12] Genera also attributes the condition of the fleet to dispatch "above expected usage" and states that, "[d]ue to constraints in generation capacity and operating reserves, the units could not be removed from service for scheduled maintenance, which led to additional unforeseen damage."[13] If that is so, the circularity of the problem is plain: the units were run without their prescribed maintenance because reserves were thin, and reserves are now thinner still because the units are unavailable. That explanation is also difficult to reconcile with Genera's statement that, based on the manufacturer's intervals, "none of the units should have required a hot-gas section exchange during the rate period," when Genera's own hot-section schedule marks multiple units as "Overdue" against those very intervals.[14]

Second, the responses of Genera and PREPA regarding the contractual remedies available under the acquisition documents cannot be completed both. The side letter to the Asset Purchase Agreement obligates the Seller, upon written request of the Buyer by twelve (12) months following closing, to provide major maintenance — expressly including the repair or replacement of all parts identified as damaged or not serviceable while hot-section major maintenance is performed — for up to seven (7) units, at the Seller's sole cost and with performance guaranteed by New Fortress Energy Inc.[15] Genera states that "[i]n 2024, Genera requested use of the major maintenance services," that three (3) of them were completed, and that "[t]he remainder contractual major maintenance is under negotiation."[16] PREPA states that it "has not identified information confirming that a written request under the March 15, 2024 Side Letter was submitted within the applicable twelve-month period," that "Genera did not notify PREPA that any of the seven (7) units required major maintenance," that it has identified no enforcement action under the parent guaranty, and that it "has not identified documentation showing that Genera referred any repair requirement to PREPA for evaluation under the Side Letter before ratepayer-sourced funding was considered."[17] At $3.5 to $4 million per hot-section exchange, the four (4) major maintenance completions that Genera reports as still available under the side letter represent on the order of $15 million that ratepayers should not be asked to fund. Whether that accommodation was timely invoked, for which units, whether it remains enforceable, and who is negotiating what with the Seller, are questions that the Energy Bureau expects Genera and PREPA to answer jointly, with documents — not questions the Energy Bureau should have to reconstruct from contradictory filings.

PREPA's responses are incomplete in other respects as well. PREPA confirms that the Purchase Option under Section 7.11 of the Asset Purchase Agreement expired unexercised on June 15, 2024; that the three (3) remaining TM2500 units at Palo Seco were owned by a third party and were ultimately demobilized; that the competitive procurement PREPA

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[12] Genera Motion, Exhibit A, Responses to ROI 5(e), 5(i) and 24(a) (table of units, funding sources and status).

[13] Genera Motion, Exhibit A, Responses to ROI 6(d) and 24(a).

[14] Compare Genera Motion, Exhibit A, Response to ROI 10 (hot-gas section exchange expected every 12,500 hours on ULSD or every 25,000 hours on natural gas; "none of the units should have required a hot-gas section exchange during the rate period") with Attachment 1 (Hot Section Replacement Schedule updated August 28, 2026, and unit-by-unit table dated August 28, 2026, identifying units as "Overdue" and as "Major Maintenance Overdue by OEM Date").

[15] August 31 Resolution, p. 2 and n. 7; PREPA Motion, Exhibit A, Attachment No. 1 (Side Letter dated March 15, 2024).

[16] Genera Motion, Exhibit A, Response to ROI 24(a); see also Attachments 5 and 6 (Siemens Energy certificates of guarantee dated May 2, 2024, and May 17, 2024) and Attachment 1 (unit-by-unit table noting "Seller Service Used" for Palo Seco TM01, TM02 and TM04).

[17] PREPA Motion, Exhibit A, Responses to ROI 32, 33 and 34.

pursued instead (RFP 2024-0607) resulted in an award to NFE on January 29, 2025, in the amount of $65,669,733.53, that was never reduced to an executed contract; that PREPA cancelled the RFP on January 20, 2026; and that "there is no pending acquisition."[18] PREPA further reports that approximately $65.7 million remains within the FEMA-obligated project amount, of which the federal share is approximately $59.1 million.[19] Approximately 70 MW of the capacity contemplated by PSP Activity No. 1 remains unacquired, with no acquisition path identified, while tens of millions of dollars in obligated federal funding remain unused, even though the system operator reports a capacity shortfall of approximately 700 to 850 MW. PREPA did not, however, provide the correspondence and agreements requested in ROI 30 — including the May 13, 2025 correspondence from NFE Power PR LLC it cites — and, as to ROIs 32 and 33, states only that it "will contact P3A" and "will supplement this response" should additional information be identified.[20] The Energy Bureau will take notice of PREPA's responses, but will not, on this record, deem PREPA in compliance with the August 31 Resolution.

Third, the LUMA Summer 2026 Update removes any doubt as to the urgency of these matters. LUMA reports that, beginning in July 2026, the system "has seen increased operational stress across the generation fleet, including a high frequency of unit trips that produced 15 MLS [manual load shedding] events in July and August alone"; that sixteen (16) load-shedding events occurred between May and August 2026 — already double the eight (8) events its Base Case projected for the entire May-to-October period — and that load shedding this summer "could approach the levels observed in prior summers, 25 MLS in 2023 and 33 MLS in 2024."[21] Peak demand reached approximately 3,234 MW in August 2026, the highest in the last four years, and actual peak demand in July and August exceeded even LUMA's 10% load-increase sensitivity.[22] LUMA's own words describe the condition of the system: "Generation fleet instability remains the dominant system vulnerability"; "[e]ven modest decreases in generation availability rapidly reduce reserve margins, increase stress on remaining available units and ultimately trigger MLS events"; and "[s]upply reliability therefore depends heavily on reducing forced outages and accelerating fleet stabilization work."[23] Average capacity reserves at the peak hour under the Base Case fall as low as 432 MW in June, and the loss of a single additional baseload unit for the summer would raise expected load-shedding days from 7.6 to 27.[24]

The temporary generation fleet in this probe is not incidental to that picture; it is central to it. LUMA's resource adequacy model carries 340 MW of dependable capacity for the TM2500 fleet — 250 MW at San Juan and 90 MW at Palo Seco — and LUMA reports that, in reviewing actual unit performance, it "found a forced outage rate increase in a few units, which includes . . . all the most recent system acquisition TM units (Palo Seco and San Juan)."[25] Against the 340 MW the system operator counts on, Genera's own tables show approximately 150 MW available. The 190 MW difference, at the two largest load centers on the island, is comparable to the 200 MW capacity addition that LUMA calculates would reduce expected number of load-shedding days this summer from 7.6 to 2.6.[26] Restoring this fleet to the availability the

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[18] PREPA Motion, Exhibit A, Responses to ROI 29 and 30.

[19] PREPA Motion, Exhibit A, Response to ROI 31 (FEMA obligation of $372,298,490.00; purchase price of $306,598,756.47 for the fourteen (14) units; $275,938,880.82 reimbursed by COR3; approximately $65,699,733.53 remaining within the obligated amount, with a federal share of approximately $59,129,760.18).

[20] PREPA Motion, Exhibit A, Responses to ROI 30, 32 and 33.

[21] LUMA Summer 2026 Update, pp. 5, 7 (Figure 1) and 25.

[22] LUMA Summer 2026 Update, pp. 9, 21 and 22 (Table 2).

[23] LUMA Summer 2026 Update, p. 5.

[24] LUMA Summer 2026 Update, p. 18 (Figure 13) and p. 20 (Table 1).

[25] LUMA Summer 2026 Update, Appendix B, Table 14 (p. 36) and p. 37.

[26] LUMA Summer 2026 Update, Table 3 (p. 24) (expected loss-of-load events of 7.6 days in the Base Case, 2.6 days with 200 MW of additional firm capacity, 0.8 days with 400 MW, and 0.1 days with 800 MW).

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PSP prescribes would, by itself, deliver much of the relief the system has been seeking from new temporary generation for more than a year and a half. These units were deployed to address an emergency in peaking and reserve capacity. That emergency has not abated; by LUMA's account, it has intensified.

The extension request. Against this backdrop, the Energy Bureau evaluates Genera's request for thirty (30) additional days. The Energy Bureau does not accept that sixteen (16) of the twenty-eight (28) ROIs directed to Genera could not be answered, in whole or in part, within the term originally granted. Several of the unanswered ROIs call for information that any prudent operator of a generating fleet maintains in the ordinary course and should be able to produce with minimal preparation time: the maintenance history of each unit and the manufacturer's inspection milestones (ROI 8(c)); the inspection reports, condition assessments and field service reports for each unit (ROI 21); the inventory of critical spare parts (ROI 16); the staffing matrix for the two sites (ROI 22); the most common technical problems experienced by the fleet (ROI 12); the incident report and the corrective and preventive actions relating to the short-circuit failure and fire (ROIs 13 through 15); and the funding requests Genera itself has made (ROI 11). Nor does the Energy Bureau accept, as a response to ROIs 17, 24(e) and 25, Genera's suggestion that the Energy Bureau obtain information regarding Genera's own corporate affiliates, the transactions paid for by those affiliates, or the warranties covering the units Genera operates, "directly from NFE" or from PREPA and the P3A.[27] Genera is the operator of these units under the LGA OMA and the entity that receives the $17 million annual allocation; it is Genera's obligation to obtain and furnish that information.

The Energy Bureau recognizes that complete, documented responses will be more useful to this probe than incomplete ones. The Energy Bureau will not grant thirty (30) days. Genera shall file its complete responses to the outstanding ROIs — with the underlying documents and native-format spreadsheets required by the August 31 Resolution, and the reconciliations identified in this Resolution and Order — on or before September 30, 2026. No further extension will be granted absent extraordinary cause, duly substantiated, and any ROI that remains unanswered as of September 30, 2026, will be treated as noncompliance with the August 31 Resolution.

The Energy Bureau emphasizes this extension is granted so the responses to the ROIs are complete. It does not defer, suspend or excuse any obligation of Genera or PREPA to restore the availability of the temporary generation fleet, to pursue every contractual remedy available under the acquisition documents, or to secure the funding and contracts required for the repairs already identified. Each day that these units remain unavailable is a day in which the system operates through its peak hours with thinner reserves than the PSP contemplates. Genera and PREPA shall not treat the additional time granted as a pause in that work.

Confidentiality. The Energy Bureau **TAKES NOTICE** of Genera's request that Attachments 3 and 4 to its responses be treated as confidential, and notes that those attachments were not included in the public version of the Genera Motion. Genera shall file the memorandum of law within the ten (10) day term with a public, redacted version of Attachments 3 and 4, as required by the Energy Bureau's Policy on Management of Confidential Information and by the general instructions of Attachment A to the August 31 Resolution.[28] The Energy Bureau will rule on the request upon receipt.

III. Conclusion

The Energy Bureau **GRANTS IN PART** Genera's request for an extension of time. The Energy Bureau **ORDERS** Genera to file, **on or before September 30, 2026**, its complete responses to 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 of Attachment

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[27] Genera Motion, Exhibit A, Responses to ROI 17, 24(e) and 25.

[28] Genera Motion ¶ 10; Resolution, *In re: Policy on Management of Confidential Information*, Case No. CEPR-MI-2016-0009, August 31, 2026, as amended by Resolution issued on September 21, 2016; August 31 Resolution, Attachment A, General instructions ("Any claim of confidentiality shall follow the procedure established by the Energy Bureau and shall be accompanied by a public, redacted version.").

A to the August 31 Resolution, together with the underlying documents requested and any spreadsheets in native format with all formulas and links intact; complete responses to ROIs 17, 24(e) and 25; and a reconciliation of the discrepancies among its responses and attachments identified in this Resolution and Order. No further extension will be granted absent extraordinary cause, duly substantiated.

The Energy Bureau **ORDERS** PREPA to supplement, **on or before September 30, 2026**, its responses to ROIs 30, 32 and 33 with all correspondence and agreements requested, including the May 13, 2025 correspondence from NFE Power PR LLC and the correspondence relating to the award and cancellation of RFP 2024-0607 and with the result of its inquiry to the P3A. PREPA's request to be deemed in compliance with the August 31 Resolution is held in abeyance pending that supplement.

The Energy Bureau **ORDERS** Genera and PREPA to confer and to file jointly, **on or before September 30, 2026**, a statement — supported by the related correspondence — identifying: (i) each written request made under the March 15, 2024 side letter, its date, the party that made it and the units to which it referred; (ii) each major maintenance performed by the Seller and the certification obtained; (iii) the number of major maintenance completions that remain available and whether the parties contend that they remain enforceable; and (iv) the status, participants and subject of the negotiation with the Seller referenced in Genera's response to ROI 24(a).

The Energy Bureau **DENIES** Genera's request to reschedule the Technical Conference for **Tuesday, September 15, 2026, at 9:30 a.m.**, at the Energy Bureau's Hearing Room, World Plaza Building, 268 Muñoz Rivera Ave., 8th Floor, San Juan, PR. The Energy Bureau **ORDERS** Genera and PREPA to appear through personnel with direct knowledge of the operation, maintenance, procurement, contract administration and funding of the TM2500 and FT8 MOBILEPAC units, prepared to answer questions from the Energy Bureau, its staff and consultants regarding the matters addressed in the August 31 Resolution and in this Resolution and Order.

The Energy Bureau **STRESSES** that the availability of the temporary generation fleet associated with PSP Activity No. 1 is prescribed by the PSP Order, is critical to the stability of the electric system through December 31, 2027, and is required now. Nothing in this Resolution and Order relieves Genera or PREPA of the obligation to act, without delay, to restore that fleet.

The Energy Bureau **WARNS** that, under Article 6.36 of Act 57-2014, noncompliance with this Resolution and Order, regulations, and/or applicable laws may carry the imposition of fines and administrative sanctions.[29]

Be it notified and published.

Edison Avilés Deliz
Chairman

Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

Omar M. Rodríguez González
Associate Commissioner

[29] Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 14, 2026. I also certify that on September 14, 2026 a copy of this Resolution and Order was notified by electronic mail to the following: alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net; lrn@roman-negron.com; legal@genera-pr.com; regulatory@genera-pr.com; RegulatoryPREBorders@lumapr.com; Emmanuel.porrogonzalez@us.dlapiper.com; laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com. I also certify that today, September 14, 2026, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today September 14, 2026.

Sonia Seda Gaztambide
Clerk

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