

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

NEPR

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IN RE:

MANAGEMENT OF MAINTENANCE
AND REPAIRS OF THE GENERATION
UNITS USED BY THE PUERTO RICO
ELECTRIC POWER AUTHORITY TO
SUPPLY ELECTRIC SERVICE

CASE NO.: NEPR-MI-2021-0014

SUBJECT: Motion for Partial Reconsideration
of the Resolution and Order of September 18,
2026

**MOTION FOR PARTIAL RECONSIDERATION OF THE RESOLUTION AND ORDER
OF SEPTEMBER 18, 2026**

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 counsel of record, and respectfully submits and prays as follows:

1. On September 18, 2026, the Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order in this docket ("September 18 Resolution"), regarding Genera's *Motion to Submit Quarterly Report on Consumables, Spare Parts, and Capital Spare Parts for the Fourth Quarter of Fiscal Year 2026*. Among other things, the September 18 Resolution orders that, until further notice, Genera notify the Energy Bureau in writing, within forty eight (48) hours of the event, of any forced outage or capacity limitation of a main generating unit that removes two hundred (200) MW or more from the system for more than twenty four (24) hours. The notice must state the preliminary cause, the repair scope, the parts and

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* ("LGA OMA"), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority ("P3 Authority"), 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 the Energy Bureau with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

contracts required, and the estimated return to service date, and Genera must update that estimate whenever it changes. September 18 Resolution, p. 6.

2. Genera shares the Energy Bureau's interest in being timely informed of major events affecting the generation fleet. Genera respectfully requests partial reconsideration of the September 18 Resolution for the sole purpose of extending the term for this notice from forty eight (48) hours to fifteen (15) calendar days from the occurrence of the event. As explained below, the forty eight (48) hour term would require Genera to divert the limited personnel responsible for restoring the affected unit, at the most critical moment of the repair, to preparing a regulatory filing. Given the budget available for Genera to operate and fulfill its obligations, Genera does not have separate resources to absorb that burden without affecting the operational response the notice is meant to monitor.

I. APPLICABLE LAW

3. Section 3.15 of the Uniform Administrative Procedure Act of the Government of Puerto Rico, Act 38-2017, as amended, 3 L.P.R.A. § 9655, provides that a party adversely affected by a resolution or order may file a motion for reconsideration within twenty (20) days from the date the copy of the notice is filed in the record. See also [Section 11.01 of Regulation 8543]. The September 18 Resolution was notified on September 18, 2026. This motion is therefore timely.

II. DISCUSSION

4. The forty eight (48) hours after a major forced outage are the most critical period of the response. During that time, Genera's operations, maintenance, and engineering personnel are dedicated to isolating the failure, securing the unit, assessing the damage, and beginning the repair. The information the September 18 Resolution requires (repair scope, parts and contracts required, and estimated return to service date) must be developed by these same personnel. A

written submission within forty eight (48) hours would necessarily take them away from the repair to prepare a regulatory filing.

5. That result is contrary to the objective the Energy Bureau seeks to advance in this docket, which is to reduce forced outages and increase the availability of the generation fleet. The Energy Bureau itself has recognized the severity of the generation situation. In the Final Resolution and Order on Electricity Rates of April 15, 2026, in Case No. NEPR-AP-2023-0003 ("Final Rate Order"), the Energy Bureau determined that Puerto Rico's generation system is in a state of emergency, with a Loss of Load Expectation of 32.5 days per year, 3325 times the industry standard. Final Rate Order, Chapter Four, at 1. In these conditions, every hour that repair personnel dedicate to administrative tasks rather than to returning the unit to service has a direct effect on the system.

6. Within forty eight (48) hours of a major event, much of the information required does not yet exist with a useful degree of certainty. The repair scope often cannot be defined until the unit has cooled, been accessed, and been inspected. The parts and contracts required depend on that scope. A return to service date issued at that stage would necessarily be speculative and would likely require repeated revisions under the continuing update obligation. A premature estimate does not give the Energy Bureau reliable information; it creates a record of changing estimates. A fifteen (15) day term allows Genera to provide the Energy Bureau with information based on actual inspection and a defined repair plan or outcome.

7. LUMA, as system operator, receives real time information on every forced outage and capacity limitation of the generation fleet. The Energy Bureau's immediate awareness of major events therefore does not depend on a written report from Genera within forty eight (48) hours. A fifteen (15) day term preserves the Energy Bureau's ability to monitor each major event and

evaluate Genera's response with information that is complete and reliable. Genera will continue to update the estimated return to service date whenever it changes, as ordered.

8. Because the notice requirement is currently in effect, Genera respectfully requests that, while this motion is pending, the Energy Bureau allow Genera to submit the notices required by the September 18 Resolution within fifteen (15) calendar days of each event.

WHEREFORE, Genera respectfully requests that the Energy Bureau: take notice of this motion; grant partial reconsideration of the September 18 Resolution and modify the term for the written notice of forced outages and capacity limitations of main generating units that remove two hundred (200) MW or more from the system for more than twenty four (24) hours, from forty eight (48) hours to fifteen (15) calendar days from the occurrence of the event; grant the interim relief requested in paragraph 10; and grant any other relief it deems just and proper.

RESPECTFULLY SUBMITTED.

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

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CERTIFICATE OF SERVICE

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion and Exhibits to karenortiz@aes.com; elias.sostre@aes.com; carlos.reyes@ecoelectrica.com; alexis.rivera@prepa.pr.gov; mvalle@gmlex.net, nzayas@gmlex.net; rcruzfranqui@gmlex.net; katiuska.bolanos-lugo@us.dlapiper.com; margarita.mercado@us.dlapiper.com.

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

/s/Ernesto Raúl Ramos Maldonado

Ernesto Raúl Ramos Maldonado