

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

NEPR

Received:

Oct 7, 2026

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IN RE: Priority Plan for Electric Grid
Stabilization

CASE NO.: NEPR-MI-2024-0005

**PREPA'S MOTION TO SUBMIT SUPPLEMENTAL RESPONSES AND SUPPORTING
DOCUMENTATION IN COMPLIANCE WITH THE SEPTEMBER 14, 2026 RESOLUTION AND
ORDER**

COMES NOW the Puerto Rico Electric Power Authority ("PREPA"), through its counsel of record, and respectfully **STATES AND PRAYS** as follows:

1. On August 31, 2026, the Energy Bureau of the Puerto Rico Public Service Regulatory Board issued a *Resolution and Order* ("August 31 Order") directing PREPA to respond to the six (6) Requirements of Information ("ROIs") directed to PREPA in Attachment A, Part II (Questions to PREPA) thereof.

2. The August 31 Order further scheduled a Technical Conference for September 15, 2026, at 9:30 a.m., concerning the Energy Bureau's probe into the status, availability, operation, and maintenance of the temporary generation fleet located at the San Juan and Palo Seco power plants.

3. On September 10, 2026, PREPA filed its *Motion to Submit Responses in Compliance with the Resolution and Order Dated August 31, 2026*, attaching as Exhibit A its original responses to all six (6) ROIs directed to PREPA, including ROIs Nos. 30, 32, and 33.

4. On September 14, 2026, the Energy Bureau issued another *Resolution and Order* ("September 14 Order") directing PREPA to supplement its responses to ROIs Nos. 30, 32, and 33 with the requested correspondence and agreements, including NFE Power PR LLC's May 13, 2025 correspondence, correspondence concerning the award and cancellation of RFP No. 2024-0607, and the result of PREPA's inquiry to the Puerto Rico Public-Private Partnerships Authority ("P3A"). The Energy Bureau held PREPA's request to be deemed in compliance with the August 31 Order in abeyance pending that supplemental submission.

5. In compliance with that directive, PREPA hereby submits, as **Exhibit A**, its supplemental responses to ROIs Nos. 30, 32, and 33 ("Supplemental Responses"). These responses supplement PREPA's original responses filed on September 10, 2026.

6. PREPA also submits the following supporting documentation:¹

- a. **Addendum 1:** PREPA's March 13, 2024 *Urgent Informative Motion* filed in Case No. NEPR-MI-2022-0003, including FEMA's March 13, 2024 email concerning the acquisition of the TM2500 units.
- b. **Addendum 2:** Documents concerning the procurement of three (3) replacement TM2500 units under RFP No. 2024-0607 (PowerAdvocate Event No. 220518), including procurement materials, proposal submissions, correspondence concerning the award and subsequent efforts to complete the transaction, and documentation concerning the cancellation of the RFP. This addendum also includes NFE's May 13, 2025 correspondence as Document 24.
- c. **Addendum 3:** Letters and correspondence provided by P3A in response to PREPA's inquiry concerning the matters addressed in the September 14 Order.

7. The Supplemental Responses reflect PREPA's additional review of the information and documentation available to it. They identify the responsive records

¹ Due to their combined size, the addendums are submitted directly to the Clerk of the Energy Bureau.

located and describe the matters for which PREPA has not located further information or documentation. PREPA's search remains ongoing. Should PREPA identify additional responsive information, it will supplement its responses accordingly.

8. Through this submission, PREPA supplements its original responses and provides the supporting documentation identified above, including the letters and correspondence received from P3A, for the Energy Bureau's consideration.

9. For ease of reference, **Exhibit A** reflects both PREPA's Original Responses and Supplemental Responses.

WHEREFORE, PREPA respectfully requests that the Energy Bureau **TAKE NOTICE** of and **ACCEPT** PREPA's supplemental responses submitted as **Exhibit A** and the supporting documentation included in **Addendums 1, 2, and 3**, and **DEEM PREPA IN COMPLIANCE** with the September 14 Order's directive to supplement its responses to ROIs Nos. 30, 32, and 33.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 7th day of October 2026.

CERTIFICATE OF FILING AND SERVICE: It is hereby certified that this document was filed with the Office of the Clerk of the Energy Bureau through its electronic filing system, available at <https://radicacion.energia.pr.gov/login>. It is further certified that a file-stamped copy of the foregoing document was served upon the parties in the above-captioned proceeding at the following email addresses: LUMA Energy, LLC and LUMA Energy ServCo, LLC, through Margarita Mercado, margarita.mercado@us.dlapiper.com; Emmanuel Porro González, Emmanuel.porrogonzalez@us.dlapiper.com; Laura Rozas,

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Exhibit A – PREPA's Supplemental Responses in Compliance with the September 14,
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Energy Bureau ROI No. 30. Regarding the Purchase Option under Section 7.11 of the March 15, 2024 Asset Purchase Agreement, whose exercise window closed ninety (90) days following the closing date: state whether PREPA exercised the Purchase Option; if not, describe the “new arrangements” for the treatment of the non-acquired units on site discussed with the Seller pursuant to Section 7.11(e), the current location and custody of those units, and whether the Seller has demobilized or decommissioned them; and provide all related correspondence and agreements.

PREPA Original Response to Energy Bureau ROI No. 30. The Purchase Option under Section 7.11(b) of the APA was not exercised and expired on June 15, 2024, as recognized by NFE’s May 13, 2025 correspondence. No separate agreement concerning the treatment of the Non-Acquired Units under Section 7.11(e) has been identified. PREPA instead pursued the acquisition of three (3) replacement units through a separate competitive procurement authorized by Resolution No. 5138 and conducted under RFP 2024-0607. As of May 12, 2024, the three (3) TM2500 Gen 8 units installed at Palo Seco were owned by SAAVI and were not available for sale. The units were ultimately demobilized by their owner.

PREPA Supplemental Response to Energy Bureau ROI No. 30. The “Additional Units” identified in Schedule 1.1(b) of the Asset Purchase Agreement (“APA”) were three (3) GE TM2500 Generation 6 gas turbines subject to the Purchase Option under Section 7.11(b). These Additional Units were distinct from the three (3) GE TM2500 Generation 8 units installed at Palo Seco that were owned by SAAVI which are identified in Schedule 1.1(c) of the APA as the “Non-Acquired Units On Site.”

In its March 13, 2024 email, attached to PREPA’s *Urgent Informative Motion* filed that same day in *In re: LUMA’s Response to Hurricane Fiona*, Case No. NEPR-MI-2022-0003, the Federal Emergency Management Agency (“FEMA”) explained that NFE did not own the three (3) Generation 8 units and had proposed substituting them with three (3) Generation 6 units that it owned. Because the proposed substitute units were not the same model, FEMA stated that, at that time, it authorized the use of Section 428 funds only for the acquisition of the fourteen (14) units on site, excluding the three (3) proposed Generation 6 substitute units. *See Addendum 1.*

PREPA did not exercise the Purchase Option. In its May 13, 2025 correspondence, NFE states that the Purchase Option expired on June 15, 2024. That correspondence is included as Document 24 of **Addendum 2**.

PREPA instead pursued a separate competitive procurement for three (3) replacement TM2500 units, as authorized by its Governing Board through Resolution No. 5138. *See Addendum 2*, Document 01.

On May 22, 2024, the U.S. Environmental Protection Agency’s (“EPA”) Office of Civil Enforcement sent a letter to PREPA, COR3, the Puerto Rico Public-Private Partnerships Authority (“P3A”), and Genera confirming that, if PREPA replaced the three third-party-owned GE TM2500

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units installed at Palo Seco with three similar units (Generation 6, Generation 8, or Generation 9) the terms and conditions of EPA’s March 15, 2024 letter would remain applicable to the replacement turbines. *See Addendum 2*, Document 01.

Attached as **Addendum 2** is a folder containing documents concerning that procurement under RFP No. 2024-0607 (PowerAdvocate Event No. 220518), including procurement materials, proposal submissions, correspondence concerning the award and subsequent efforts to complete the transaction, and documentation regarding the cancellation of the RFP. As explained in PREPA’s original response, the acquisition did not materialize because the parties did not complete and execute the purchase contract, and PREPA cancelled the RFP on January 20, 2026.

PREPA has not identified any separate agreement establishing “new arrangements” under Section 7.11(e) of the APA concerning the Non-Acquired Units. As previously reported, the three (3) SAAVI-owned TM2500 Generation 8 units installed at Palo Seco were not available for sale and were ultimately demobilized by their owner. *See also Addendum 2*, Document 01. Following an additional reasonable search, and beyond the information provided in its original response, PREPA has not located further information or documentation concerning those units, including their current location and custody or the details of their demobilization.

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Energy Bureau ROI No. 32. State whether PREPA submitted the written request contemplated by the APA side letter for major maintenance of up to seven (7) units within twelve (12) months of closing; identify the units and dates; provide all related correspondence with NFE Power PR LLC and New Fortress Energy Inc.; and describe any steps taken to enforce the Seller's obligations, including under the Section 9.5 parent guaranty. If no request was made, explain why.

PREPA Original Response to Energy Bureau ROI No. 32. PREPA has not identified information confirming that a written request under the March 15, 2024 Side Letter was submitted within the applicable twelve-month period. During that period, Genera PR LLC (“Genera”) was responsible for operating and maintaining the TM2500 units, including identifying and communicating any applicable major-maintenance requirements. Nevertheless, Genera did not notify PREPA that up to seven (7) units required major maintenance. PREPA has not identified any documentation reflecting a related enforcement action under Section 9.5 of the APA. PREPA has likewise not identified any communication from Genera notifying PREPA of any circumstances giving rise to the need for such enforcement.

No additional information regarding this matter has been communicated to PREPA’s DFMO. PREPA will contact P3A to determine whether it has any additional information or documentation concerning the matters addressed in this response. Should any additional responsive information be identified, PREPA will supplement this response accordingly.

The Side Letter is attached for reference.

PREPA Supplemental Response to Energy Bureau ROI No. 32. After an additional search, PREPA has not identified information or documentation confirming that it submitted the written request contemplated by the March 15, 2024 APA side letter within twelve (12) months of closing. Accordingly, PREPA cannot identify the units or dates associated with any such request. PREPA has likewise not identified documentation reflecting any action taken by PREPA to enforce the Seller’s obligations under the side letter or the parent guaranty in Section 9.5 of the APA.

Regarding responsibility for the operation and maintenance of the units, the Energy Bureau’s *Resolution and Order* dated February 21, 2024, issued in *In re: LUMA’s Response to Hurricane Fiona*, Case No. NEPR-MI-2022-0003, determined that, to the extent the acquired temporary generation units replaced existing Legacy Generation Assets, they would be considered part of those assets. The Energy Bureau expressly stated: “**GENERA will be responsible for the operation and maintenance of the temporary generations units as part of its generation fleet, in accordance with its contractual obligations.**” *Id.* at 5 (emphasis added).

In light of that determination, PREPA understood that Genera was responsible for identifying the units’ major-maintenance requirements and timely communicating the information necessary to invoke the maintenance accommodation under the side letter.

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This response is limited to the information and documentation identified by PREPA. It does not resolve whether Genera or another entity separately requested or obtained maintenance from the Seller, or whether any remaining maintenance accommodation continues to be enforceable.

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Energy Bureau ROI No. 33. Identify any claims made or considered under the representations, warranties, or indemnities of the Asset Purchase Agreement relating to the condition of the units, including the maintenance findings in the borescope reports referenced in the disclosure schedules, and provide the related documentation.

PREPA Original Response to Energy Bureau ROI No. 33. PREPA has not identified information confirming that any claim was submitted under the representations, warranties or indemnification provisions of the APA concerning the condition of the TM2500 units. Genera is responsible for operating and maintaining the TM2500 units, including identifying circumstances that may give rise to a claim under the representations, warranties, or indemnification provisions of the Asset Purchase Agreement and notifying PREPA of the need to submit any such claim. PREPA has not identified any communication from Genera notifying PREPA of the need to submit such a claim.

The maintenance findings reflected in the borescope reports were disclosed in Schedule 5.6 and addressed through the maintenance accommodation established in the March 15, 2024 Side Letter.

No additional information has been communicated to PREPA’s DFMO regarding this matter. Should any additional responsive information be identified, PREPA will supplement this response accordingly.

PREPA Supplemental Response to Energy Bureau ROI No. 33. Following an additional reasonable search, PREPA has not located any claim asserted by PREPA, or any documentation reflecting that PREPA considered asserting a claim, under the representations, warranties, or indemnities of the Asset Purchase Agreement (“APA”) concerning the condition of the TM2500 units.

Regarding responsibility for the operation and maintenance of those units, the Energy Bureau’s *Resolution and Order* dated February 21, 2024, issued in *In re: LUMA’s Response to Hurricane Fiona*, Case No. NEPR-MI-2022-0003, determined that, to the extent the acquired temporary generation units replaced existing Legacy Generation Assets, they would be considered part of those assets. The Energy Bureau expressly stated: “**GENERA will be responsible for the operation and maintenance of the temporary generations units as part of its generation fleet, in accordance with its contractual obligations.**” *Id.* at 5 (emphasis added).

In light of that determination, PREPA understood that any claim under the APA’s representations, warranties, or indemnities concerning the condition of the TM2500 units was to be identified and pursued by Genera, either directly or through the Third-Party Procurement Office (“3PPO”) at Genera’s request.

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As previously reported, PREPA has not identified any communication from Genera notifying PREPA of circumstances requiring the assertion of such a claim. This statement describes the information and documentation PREPA has located; it does not constitute a determination that no contractual claim or remedy was available.