

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

IN RE:
MAINTENANCE AND REPAIR MANAGEMENT
OF THE GENERATION UNITS OF THE PUERTO
RICO ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-MI-2021-0014

SUBJECT: Resolution and Order regarding
Genera's Motion for Partial Reconsideration of
the Resolution and Order of September 18,
2026

RESOLUTION AND ORDER

I. Background

On September 18, 2026, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("September 18 Resolution") regarding the *Motion to Submit Quarterly Report on Consumables, Spare Parts, and Capital Spare Parts for the Fourth Quarter of Fiscal Year 2026* filed by Genera PR LLC ("Genera") on August 14, 2026. The Energy Bureau determined that the information in that report did not permit full verification of substantive compliance with the Resolution and Order of February 26, 2024; observed that, measured against the thirty-two percent (32%) reference value that Genera itself identified, the fleet forced outage factor had declined by only three to four percentage (3% - 4%) points in three (3) years; identified repeated failures of the same systems on the same units during Fiscal Year 2026; and found that Genera's event reporting did not systematically identify root causes, preventive measures, completion dates, or whether the duration of each event was affected by the availability of Consumables, Spare Parts, and Capital Spare Parts.¹ The Energy Bureau ordered Genera to file a supplemental report addressing twelve (12) items, among them, for every unit out of service for more than thirty (30) days, the estimated return-to-service date and "each previous estimate, with the reason it was not met."²

The September 18 Resolution established a standing notification requirement for major forced outages. Until further notice, Genera must 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," stating "the preliminary cause, the repair scope, the parts and contracts required, and the estimated return-to-service date," and must update that estimate whenever it changes ("Notice Requirement").³

On September 30, 2026, Genera filed a *Motion for Partial Reconsideration of the Resolution and Order of September 18, 2026* ("Motion"). Genera requested, "for the sole purpose of extending the term" of the Notice Requirement, that the forty-eight (48) hour term be extended to fifteen (15) calendar days from the occurrence of the event.⁴ Genera advances three (3) grounds. First, that the forty-eight (48) hours following a major forced outage are the most critical period of the response, that the information required by the Notice Requirement must be developed by the same operations, maintenance, and engineering personnel who are restoring the unit, and that, given its budget, Genera has no separate resources to absorb the burden of a written submission within that period.⁵ Second, that

¹ See Resolution and Order *In Re: Maintenance and Repair Management of the Generation Units of the Puerto Rico Electric Power Authority*, Case No. NEPR-MI-2021-0014, September 18, 2026, ("September 18 Resolution"), at pp. 2-3.

² September 18 Resolution at pp. 3-6, Items 1 through 12; see Item 10 at p. 5.

³ September 18 Resolution at p. 6.

⁴ *In Re: Maintenance and Repair Management of the Generation Units of the Puerto Rico Electric Power Authority*, Case No. NEPR-MI-2021-0014, *Motion for Partial Reconsideration of the Resolution and Order of September 18, 2026* filed by Genera on September 30, 2026 ("Motion"), ¶ 2.

⁵ Motion, ¶¶ 2, 4-5.



within forty-eight (48) hours much of the information required “does not yet exist with a useful degree of certainty,”⁶ so that an early return-to-service estimate would be speculative and would create “a record of changing estimates.”⁷ Third, that LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly, “LUMA”), as system operator, “receives real time information on every forced outage and capacity limitation of the generation fleet,” so that the Energy Bureau’s immediate awareness of major events does not depend on a written report from Genera.⁸ Genera also requests that, while the Motion is pending, it be allowed to submit the notices within fifteen (15) calendar days of each event.⁹

The Motion does not contest the two hundred (200) MW threshold, the twenty-four (24) hour trigger, or the content of the notice, and it does not identify any error in the September 18 Resolution. Genera states that it “shares the Energy Bureau’s interest in being timely informed of major events affecting the generation fleet”¹⁰ and asks the Energy Bureau to accommodate the operational burden that Genera attributes to the forty-eight (48) hour term.

Since the Motion was filed, LUMA submitted its position regarding the Unit Maintenance Plan for Boilers and Turbo-Generators on October 7, 2026, and Genera submitted its supplemental report on October 8, 2026.¹¹ Neither filing addresses the Notice Requirement, and no party has opposed the Motion.

II. Discussion

A. The Notice Is Preliminary by Design

The notice requirement is intentionally modest to ensure regulatory efficiency. It asks for the preliminary cause, the repair scope, the parts and contracts required, and an estimated return-to-service date, and it builds in a continuing obligation to update that estimate whenever it changes.¹² It does not ask for a root cause analysis, corrective actions, or preventive measures. Those are required separately, for every failure or outage event, in the quarterly report under Item 5 of the September 18 Resolution and Item 5 of Section I of Attachment A to the Resolution and Order of February 26, 2024.¹³ Genera’s contention that the information required “does not yet exist with a useful degree of certainty”¹⁴ within forty-eight (48) hours conflates the two. The Notice Requirement asks Genera to state what it knows at that moment, identified as preliminary, and to correct it as the inspection proceeds; it does not ask Genera to have completed the inspection.

Nor is changing estimate a defect of the notice. The Energy Bureau expects the first estimate to be revised, which is why the September 18 Resolution ordered Genera to update it whenever it changes and, for units out of service for more than thirty (30) days, to report

⁶ Motion ¶ 3.

⁷ Motion, ¶ 6.

⁸ Motion, ¶ 7.

⁹ Motion, ¶ 8 and prayer for relief.

¹⁰ Motion, ¶ 2.

¹¹ See Resolution and Order, *In Re: Maintenance and Repair Management of the Generation Units of the Puerto Rico Electric Power Authority*, Case No. NEPR-MI-2021-0014, October 2, 2026 (granting LUMA a brief extension to October 7, 2026); *Motion in Compliance with Resolution and Order of September 18, 2026* filed by LUMA on October 7, 2026 (“LUMA October 7 Motion”); and *Motion to Submit Supplemental Report* filed by Genera on October 8, 2026..

¹² September 18 Resolution at p. 6.

¹³ September 18 Resolution at p. 4, Item 5; Resolution and Order *In Re: Maintenance and Repair Management of the Generation Units of the Puerto Rico Electric Power Authority*, Case No. NEPR-MI-2021-0014, February 26, 2024, Attachment A, Section I, Item 5.

¹⁴ Motion ¶ 3.



“each previous estimate, with the reason it was not met.”¹⁵ A record of changing estimates is not, as Genera suggests, unreliable information; it is precisely the record the Energy Bureau needs to determine whether the duration of major outages is driven by the condition of the units, by the availability of Consumables, Spare Parts, and Capital Spare Parts, by contracting, or by planning, which is the subject matter of this docket. A fifteen (15) day term would not make the first estimate more accurate; it would simply withhold it from the Energy Bureau during the period in which it is most needed.

B. Genera Already Produces This Information for the System Operator under the System Operation Principles

The information required by the Notice Requirement is not new information that Genera must develop for the Energy Bureau. It is information that Genera is already required to generate, and to transmit to LUMA, within hours of every forced outage. Pursuant to Section 4.1(h) of the T&D OMA,¹⁶ LUMA submitted its System Operation Principles (“SOP”) for the Energy Bureau’s review in Case No. NEPR-MI-2021-0001¹⁷. The Energy Bureau conditionally approved the SOP on May 31, 2021 and required LUMA to complete and file the operating procedures that implement it.¹⁸ On December 23, 2021, LUMA filed the twenty-nine (29) procedures that make up the SOP, among them Procedure No. 26, *Forced Outage* (“Forced Outage Procedure”), which governs the response to, and the communication of, any forced outage of a generating facility, and which “applies to all personnel from system operation, generation, transmission, and their supporting organizations.”¹⁹

Section 3.1 of the Forced Outage Procedure requires the Generator Facility Operator (“GFO”) to inform LUMA’s Shift Engineer of a forced outage “as promptly as possible,” to create a work order, and to submit an unplanned outage notification, by telephone or electronic messaging, to the Shift Engineer, the Senior Shift Engineer, and the Transmission Operators. That notification “shall include the event description, the circumstances giving rise to the forced outage, an initial estimated time when the generation shall be impacted, an initial estimated time to restore, and the initially estimated elements used to isolate the generation from the electrical system.” The GFO must then, “[a]s soon as possible following the start of the unplanned or forced outage,” provide “an updated and more accurate date and time that the generation resource will be made available,” and “[a]dditional details surrounding the reason for the forced outage shall be documented.”²⁰ Section 3.2 requires the GFO to “identify all critical work needed to be performed to return the resource to service,” and Section 3.3 requires the GFO to notify LUMA “as soon as their actual time to restore has been determined,” together with the anticipated output following restoration.²¹

Genera, as operator of the Legacy Generation Assets, is the Generator Facility Operator for the main generating units covered by the Notice Requirement. Under the Genera OMA,²²

¹⁵ September 18 Resolution at pp. 5-6, Item 10.

¹⁶ Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement executed by the Puerto Rico Electric Power Authority (“PREPA”), the Puerto Rico Public-Private Partnerships Authority (“P3 Authority”), and LUMA (“T&D OMA”), dated June 22, 2020, Section 4.1(h).

¹⁷ Case No. NEPR-MI-2021-0001. In Re: *Review of T&D Operator’s System Operation Principles*.

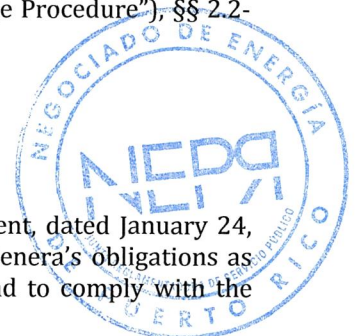
¹⁸ See Final Resolution and Order, *In re: Review of T&D Operator’s System Operation Principles*, Case No. NEPR-MI-2021-0001, May 31, 2021, (conditionally approving the System Operation Principles and requiring the filing of the implementing operating procedures and a schedule for their completion).

¹⁹ See *In re: Review of T&D Operator’s System Operation Principles*, Case No. NEPR-MI-2021-0001, *Motion Submitting Operating Procedures and Request for Confidential Treatment* filed by LUMA on December 23, 2021, Procedure No. 26, *Forced Outage*, Rev. 1.2 (issued December 15, 2021) (“Forced Outage Procedure”), §§ 2.2-2.3.

²⁰ Forced Outage Procedure, § 3.1.

²¹ *Id.*, §§ 3.2-3.3.

²² See Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement, dated January 24, 2023, executed by PREPA, Genera, and the P3 Authority (“Genera OMA”), including Genera’s obligations as operator of the Legacy Generation Assets to coordinate with the system operator and to comply with the



Genera operates those units in coordination with LUMA as system operator, subject to LUMA's dispatch instructions and in accordance with the System Operation Principles approved by the Energy Bureau. Genera acknowledges as much in the Motion: LUMA, "as system operator, receives real time information on every forced outage and capacity limitation of the generation fleet."²³ That acknowledgment disposes of the Motion. The information the Notice Requirement calls for —the cause of the outage, the critical work required to return the unit to service, the estimated time to restore, and the subsequent updates— is the information that Genera already compiles and communicates to LUMA, by telephone or electronic messaging, within hours of the event, under a procedure that has been in effect since 2021. The Notice Requirement adds only the parts and contracts required, which are known to Genera, and asks that what Genera already communicates to the system operator be put in writing to the regulator.

Seen in that light, Genera's burden argument cannot be sustained. Transcribing information that has already been compiled for LUMA into a short-written notice is a task for Genera's regulatory and compliance personnel, not for the operations, maintenance, and engineering personnel working at the unit, and Genera offers no declaration, staffing information, or cost estimate to support the assertion that it cannot absorb it. Neither can Genera maintain that the information "does not yet exist" when the Forced Outage Procedure requires an initial estimated time to restore in the very first notification to LUMA and an updated estimate as soon as possible thereafter. To remove any doubt, the Energy Bureau clarifies in Part E below that Genera may satisfy the Notice Requirement by filing the same unplanned outage notification and updates that it transmits to LUMA under the Forced Outage Procedure, supplemented with the parts and contracts required.

C. The System Operator's Awareness Does Not Discharge Genera's Obligation to Inform the Energy Bureau

Genera's third argument inverts the purpose of the Notice Requirement. The fact that LUMA receives real-time information from Genera is not a reason to withhold that information from the Energy Bureau; it is confirmation that the information exists and can be transmitted without delay. The daily system status information that LUMA provides shows that a unit has left service and the capacity affected. It does not convey Genera's assessment of the cause, the scope of the repair, the parts and contracts required, or the estimated return-to-service date, which are known only to Genera, and which are the subject of the Notice Requirement. The information flows from Genera to LUMA for operational purposes; the September 18 Resolution requires that it also flow to the Energy Bureau for the purposes of this docket, which was established so that the Energy Bureau is kept informed of the operating state of the generation fleet and of the management of its maintenance and repair.²⁴ Genera's obligation to inform the regulator is not discharged by informing the system operator.

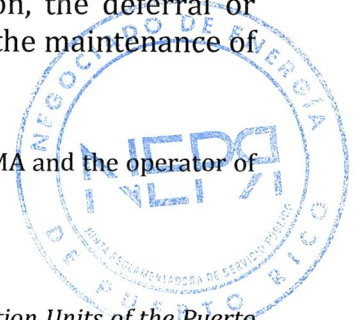
D. Fifteen Days Without an Estimated Return-to-Service Date Is Not Acceptable

The Notice Requirement does not apply to every forced outage. It applies only to events that remove two hundred (200) MW or more from the system for more than twenty-four (24) hours, that is, to the loss of the largest units in the fleet for more than a day. Those are the events with the greatest consequence for the reserves available to the system operator, for the exposure of customers to load shedding, and for the decisions that the Energy Bureau, LUMA, Genera, and PREPA must make regarding temporary generation, the deferral or advancement of planned outages, and the use of the funds approved for the maintenance of the fleet.

System Operation Principles and the operating procedures and protocols between LUMA and the operator of the Legacy Generation Assets.

²³ Motion, ¶ 7.

²⁴ See Resolution and Order, *In Re: Maintenance and Repair Management of the Generation Units of the Puerto Rico Electric Power Authority*, Case No. NEPR-MI-2021-0014, June 16, 2023, reiterating that the electric service companies subject to the Energy Bureau's jurisdiction must keep informed of the operating state of the electric power system; September 18 Resolution at p. 1.



Genera invoke the generation emergency recognized in the Final Resolution and Order on Electricity Rates of April 15, 2026, as a reason to extend the term.²⁵ The Energy Bureau agrees with the premise and not with the conclusion. The severity of the generation situation is the reason the Energy Bureau cannot wait two (2) weeks to learn whether the loss of a major unit is a matter of days or of months, and whether its return depends on parts or contracts that are not on hand. In the two (2) weeks following the loss of a unit of that size, the system operator's reserve position and the Energy Bureau's oversight of the response depend on that information. A fifteen (15) day term would leave the Energy Bureau without an estimated return-to-service date for the entire period in which that estimate matters most. The record in this docket, in which the September 18 Resolution had to require Genera to report every previous estimate for units out of service for more than thirty (30) days and the reason each one was not met, and LUMA's October 7 Motion, which reports that the outage dates Genera provides for the Unit Maintenance Plan change constantly, confirm the need for early and continuous visibility rather than a reason to defer it.²⁶

Short preliminary reporting terms for major events are not novel in this jurisdiction. Following the April 16, 2025, total blackout event, the Energy Bureau required LUMA to provide a preliminary report on the cause of the event within two (2) days of its order, with the complete root cause analysis to follow.²⁷ A preliminary written notice, followed by a more complete report once the inspection has been performed, is the ordinary structure of incident reporting, and it is the structure the Energy Bureau adopts below.

E. Clarification of the Notice Requirement

The Energy Bureau recognizes that the first days after a major forced outage are the most demanding for the personnel responsible for restoring the unit, and that the scope of a repair is often defined only after the unit has cooled and been inspected. The accommodation Genera requests, however, would sacrifice the timeliness that is the purpose of the Notice Requirement in order to obtain a level of detail that the Notice Requirement does not demand. The Energy Bureau therefore declines to extend the term to fifteen (15) calendar days and instead modifies and clarifies the Notice Requirement as follows, in a manner that addresses the operational concern underlying the Motion.

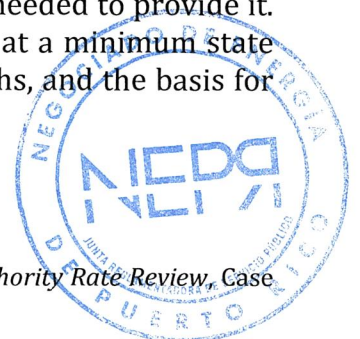
First, the term for the written notice shall run from the start of the forced outage or capacity limitation and shall be seventy-two (72) hours. Because the Notice Requirement is triggered only once the event has exceeded twenty-four (24) hours, this term gives Genera forty-eight (48) hours after the trigger is met and seventy-two (72) hours after the unit leaves service, which fully encompasses the period that Genera describes as the most critical of the response.

Second, the notice is preliminary and may be brief. It shall state, on the basis of the best information available to Genera at the time, the preliminary cause, the repair scope as then understood, the parts and contracts that Genera then anticipates will be required, and the estimated return-to-service date, each identified as preliminary where appropriate. Where any of those elements cannot yet be stated, Genera shall say so, state the reason, and identify the date by which it expects to complete the inspection or assessment needed to provide it. Where no estimated return-to-service date can be given, Genera shall at a minimum state whether the outage is expected to be resolved in days, weeks, or months, and the basis for that expectation.

²⁵ Motion, ¶ 5, citing *Final Resolution and Order In Re: Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, April 15, 2026, Chapter Four.

²⁶ September 18 Resolution at pp. 5-6, Item 10; LUMA October 7 Motion, Exhibit 1 (stating that LUMA cannot adopt a fixed long-term outage schedule because the dates Genera provides change constantly and that LUMA instead issues a monthly generation outage schedule subject to revision).

²⁷ See Resolution and Order, *In Re: April 16, 2025 Bluesky Total Blackout Event*, Case No. NEPR-IN-2025-0003, April 22, 2025 (ordering LUMA to provide a preliminary report on the cause of the event on or before April 24, 2025).



Third, Genera may satisfy the notice by filing the unplanned outage notification and the subsequent updates that it transmits to LUMA under Sections 3.1 through 3.3 of the Forced Outage Procedure, supplemented with the parts and contracts required and with any information called for by the preceding paragraph that is not contained in those communications. The Energy Bureau does not require a separate narrative filing where those communications contain the required information.

Fourth, within fifteen (15) calendar days of the start of the event, Genera shall file a follow-up report stating the repair scope as defined after inspection; the parts and contracts required, their status, and the lead time of each; the critical path to the return of the unit to service; and the updated estimated return-to-service date. If the unit has returned to service by then, the report shall state the actual return-to-service date, the cause of the event, and whether its duration was affected by the availability or unavailability of Consumables, Spare Parts, and Capital Spare Parts. This report addresses the level of detail that Genera indicates it can provide after fifteen (15) days, without depriving the Energy Bureau of the preliminary notice in the interim.

Fifth, Genera's obligation to update the estimated return-to-service date whenever it changes remains in effect and may be satisfied by the same means. Each update shall state the previous estimate, the new estimate, and the reason for the change.

Genera's request for interim relief while the Motion was pending is rendered moot by this Resolution and Order.

III. Conclusion

The Energy Bureau **TAKES NOTICE** of the Motion and **DENIES** Genera's request to extend the term of the Notice Requirement established in the September 18 Resolution to fifteen (15) calendar days. The Energy Bureau **MODIFIES** and **CLARIFIES** the Notice Requirement, which shall be read as follows and shall remain in effect until further notice:

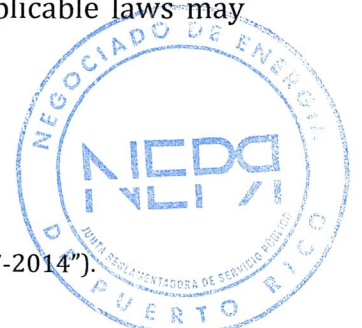
1. Genera shall notify the Energy Bureau in writing, within seventy-two (72) hours of the start of any forced outage or capacity limitation of a main generating unit that removes two hundred (200) MW or more from the system for more than twenty-four (24) hours, of the preliminary cause, the repair scope, the parts and contracts required, and the estimated return-to-service date, in accordance with Part E of this Resolution and Order. Where any of those elements cannot yet be stated, Genera shall state the reason and the date by which it expects to provide it.
2. Genera may satisfy the notice by filing the unplanned outage notification and subsequent updates transmitted to LUMA under Sections 3.1 through 3.3 of the Forced Outage Procedure, supplemented with the parts and contracts required and any other information required by Part E of this Resolution and Order.
3. Within fifteen (15) calendar days of the start of the event, Genera shall file the follow-up report described in Part E of this Resolution and Order.
4. Genera shall update the estimated return-to-service date whenever it changes, stating the previous estimate, the new estimate, and the reason for the change.

Genera's request for interim relief is **DENIED** as moot. All other provisions of the September 18 Resolution remain unaltered and in full force and effect.

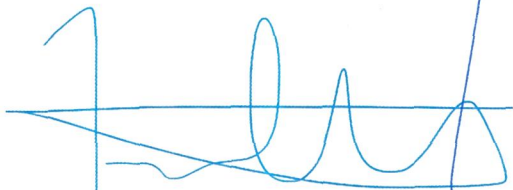
The Energy Bureau **WARNS** Genera that, in accordance with Article 6.36 of Act 57-2014²⁸, noncompliance with this Resolution and Order, regulations, and/or applicable laws may carry the imposition of fines and administrative sanctions.

Be it notified and published.

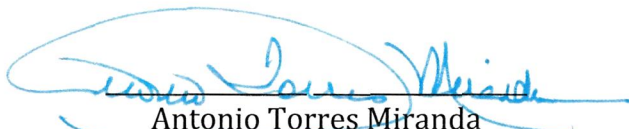
²⁸ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").





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

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on October 16, 2026. I also certify that on October 16, 2026, I have proceeded with the filing of this Resolution and Order and was notified by email to elias.sostre@aes.com; carlos.reyes@ecoelectrica.com; alexis.rivera@prepa.pr.gov; mvalle@gmlex.net; nzayas@gmlex.net; rcruzfranqui@gmlex.net; laura.rozas@us.dlapiper.com; katiuska.bolanos-lugo@us.dlapiper.com; margarita.mercado@us.dlapiper.com; jfernandez@ecija.com; jdiaz@ecija.com; eramos@ecija.com; legal@genera-pr.com; regulatory@genera-pr.com.

I sign this in San Juan, Puerto Rico, today October 16, 2026.



Sonia Seda Gaztambide
Clerk