

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

NEPR

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IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-MI-2019-0007

Subject: Motion to Submit Quarterly Report and
to Comply with Resolution and Orders Issued on
March 16, 2026, and April 2, 2026

**MOTION TO SUBMIT QUARTERLY REPORT AND TO COMPLY WITH
RESOLUTION AND ORDERS ISSUED ON MARCH 16, 2026, AND APRIL 2, 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 counsels of record, and respectfully submits and prays as follows:

1. On May 14, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order titled *PREPA Performance Reporting Requirements* ("*May 14th Resolution*") through which it determined that it would be in the public interest to begin as soon as possible PREPA's data gathering process to help the Energy Bureau and the stakeholders in developing measures, metrics, and targets, and to provide useful information for developing incentive and penalty mechanisms. The *May 14th Resolution* required PREPA to provide quarterly reports of key performance metrics/indicators, beginning September 15, 2019.

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.

2. Genera, in its capacity as Operator of the Thermal Generation Facilities pursuant to the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement (“LGA OMA”), began reporting on generation data in this docket starting in Fiscal Year 2024 (“FY2024”).

3. On December 19, 2025, the Energy Bureau issued a Resolution and Order titled *Genera and LUMA’s October 20th, November 3rd and November 20th Motions; Requirement to Submit Supporting Workpapers and Data* (“December 19th Resolution”). The Energy Bureau ordered LUMA² and Genera to submit the underlying data and supporting workpaper for the metrics listed in Attachment A for FY2025 within thirty (30) days and at the frequency (annually or quarterly) specified therein. Additionally, the Energy Bureau summarized the performance incentive metrics for which Genera is able to earn incentives per the LGA OMA, stated its intent to align Genera’s quarterly reporting with the incentive metrics in the LGA OMA and ordered Genera to submit historical monthly data for each performance metric listed in Table 1 of the Order. The Energy Bureau also directed Genera to indicate for each metric whether it currently reports on it in the quarterly reports in this proceeding and if so, how the methodology differs between what Genera reports in this proceeding versus how it would calculate its performance for the incentive calculation.

4. On January 27, 2026, Genera submitted a Motion titled *Motion in Compliance with Resolutions and Orders Dated December 19, 2025, and January 9, 2026*. Genera submitted several exhibits with underlying data and supporting workpapers (“Genera’s January 2026 Submission”).

5. On March 16, 2026, the Energy Bureau issued a Resolution and Order (“March 16th Resolution”) in which it determined *Genera’s January 2026 Submission* did not fully meet the requirements of the *December 19th Resolution* and ordered Genera to resubmit FY2025 supporting

² LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as “LUMA”).

data and workpapers and to respond to several Requirements of Information. The Energy Bureau also determined that starting with the FY 2026 Q3 Report, Genera must submit its own quarterly performance metric submission separately from LUMA.

6. On March 26, 2026, Genera filed a *Motion in Compliance with Resolution and Order of March 16, 2026 and Request for Limited Extension as to Remaining Heat Rate Support* (“*March 26th Motion*”), to comply with the directives set forth in the referenced Resolution.

7. On April 2, 2026, the Energy Bureau issued a Resolution and Order (“*April 2nd Resolution*”) whereby, among others, it issued a new Generation quarterly data reporting template for Genera, attached thereto as Attachment B, to be used beginning with the FY2026 Q3 submission due on or before April 20, 2026, and for all future quarterly report submissions. In its *April 2nd Resolution*, the Energy Bureau stated its intention to use this docket to collect additional information on areas of Genera's performance that have a direct impact on the incentives that Genera will receive per its LGA OMA. To that end, the Resolution's stated purposes include: (i) aligning the definition of the metrics Genera currently reports with the performance incentive metrics in the LGA OMA; (ii) adding Genera performance incentive metrics not currently being reported to the reporting template, and ordering Genera to report data for those metrics from when it took over operations until the present; and (iii) requiring Genera to submit its quarterly performance metric submission separately from LUMA for all subsequent quarterly reports, consistent with the Energy Bureau's prior determination in the *March 16th Resolution* that, beginning with the FY2026 Q3 Report, Genera must submit its own data, workpapers, and motion separately from LUMA.

8. On September 8, 2026, the Energy Bureau issued a Resolution and Order (“*September 8th Resolution*”) whereby, among others, it required Genera to submit its FY2025 heat

rate and emissions workpapers and data and addressed Genera's compliance with the *April 2nd Resolution*. On September 29, 2026, Genera filed a *Motion in Compliance with Resolution and Order of September 8, 2026, and Submitting Amended Q4 FY2026 Quarterly Report and Corrected Supporting Workpapers* ("*September 29th Motion*"), which it clarified and supplemented through a motion filed on October 7, 2026.

9. In compliance with the *March 16th Resolution* and *April 2nd Resolution*, Genera submits its own quarterly performance metric submission for Q1 FY2027 separately from LUMA as **Exhibit 1** to this Motion, together with the following supporting workpapers: **Exhibit 2A**, heat rates; **Exhibit 2B**, cost of generation; **Exhibit 2C**, plant availability and forced outages; and **Exhibit 2D**, finance metrics.

10. Beginning with July 2026, Exhibit 1 incorporates two updates to the calculation of the plant availability, equivalent availability factor and forced outage metrics. These updates are reflected in the plant availability and forced outages workpaper submitted as **Exhibit 2C** and are recorded in the Methodology and Changes tabs of Exhibit 1. First, the Plant availability (system), Forced outages (system) and Equivalent Availability Factor for Peaking Units metrics include the Palo Seco MobilePacs and the temporary mobile generation units at the San Juan and Palo Seco plants ("TMs"), consistent with the system generation and heat rate metrics, which include those units. Second, in the Plant availability, Equivalent Availability Factor and Forced outages metrics, the hours of outages caused by events outside management control ("OMC"), such as interruptions of the natural gas supply and electric grid events, are counted as available hours and are excluded from forced outage hours. Each OMC event is identified in the OMC Events tab of Exhibit 2C by unit, duration, dates and description. The values reported for periods before July 2026 have not

been restated. Beginning July 2026, these updates supersede the description of these metrics in Table 4 of the *September 29th Motion*.

11. Genera respectfully proposes these updates as part of its continued collaboration with the Energy Bureau and to enhance the clarity and transparency of the information reported in this docket. Subject to the Energy Bureau's approval, Genera will continue to apply them in subsequent quarterly reports.

12. With respect to the financial metrics, the Operational expenses vs. budget (FYTD), Operational Cost Efficiency and Capital expenses vs. budget (FYTD) metrics compare actual expenditures against the approved budget. Those budgets were established in the Final Resolution and Order on Electricity Rates issued on April 15, 2026, in Case No. NEPR-AP-2023-0003. As the Energy Bureau is aware, and as set forth in Section IV of the *September 29th Motion*, Genera, as agent of PREPA, filed a Petition for Judicial Review before the Court of Appeals, which seeks review of certain determinations of that order, including those related to the Reserve Account, the Necessary Maintenance Expense projects, the Generation Maintenance Reserve and Genera's operating budget.

13. The treatment and reconciliation of the financial metrics for the periods affected by the budget transition remain pending, together with the judicial review proceeding and the clarifications requested in the *September 29th Motion*. For this reason, Genera respectfully informs that it is unable at this time to provide the values of the Operational expenses vs. budget (FYTD), Operational Cost Efficiency and Capital expenses vs. budget (FYTD) metrics for April through June 2026, or of the Cost of generation metrics that include operation and maintenance costs for May and June 2026. These values are identified as "Pending" in Exhibit 1, and Genera will submit them as requested in the *September 29th Motion*.

14. In paragraph 28 of the *September 29th Motion*, Genera respectfully requested the Energy Bureau’s guidance on the directive set forth in the *April 2nd Resolution* to include the maintenance reserve fund in the Non-federally funded sub-group of the Capital expenses vs. budget (FYTD) metric, including which reserve fund or account the reporting template refers to. Until that guidance is issued, Genera is unable to include the maintenance reserve fund in the Non-federally funded sub-group, which it has continued to calculate as in prior reports. For the same reason, and because the FY2027 budget currently in effect assigns no amount to the maintenance reserve fund, the Maintenance reserve fund sub-group is reported as “Pending” for Q1 FY2027. Genera will apply the Energy Bureau’s guidance once it is issued.

15. For Q1 FY2027 (July through September 2026), Exhibit 1 reports the Operational expenses vs. budget (FYTD), Operational Cost Efficiency and Capital expenses vs. budget (FYTD) metrics against the FY2027 budget currently in effect, except as described in paragraph 14. The supporting data are submitted as Exhibit 2D.

16. Genera submits this information under the budget currently in effect in order to comply with its reporting obligations in this docket, without prejudice to the matters under review before the Court of Appeals or to the requests set forth in the *September 29th Motion*.

17. Furthermore, this quarterly submission is made in this docket and is a distinct process, separate and independent of the performance incentive and penalty report and calculations under the LGA OMA. The metrics and methodologies reported in this docket, including the updates described in paragraph 10, do not replace, modify or interpret that report or those calculations, the performance metrics, or any other provision of the LGA OMA, including Section 7.1(c)(ii) and Section III of Annex II, nor do they create additional requirements or commitments for Genera.

18. Lastly, Genera hereby submits Exhibits 2B and 2D under seal and requests confidential treatment thereof pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, as amended. In accordance with said Policy, Genera will submit, within ten (10) days of the filing of this Motion, a Memorandum of Law in Support of Request for Confidential Treatment.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes and **accept** Genera's Q1 FY2027 Report, submitted as Exhibit 1 herein, and the supporting workpapers submitted as Exhibits 2A through 2D, approve the methodology updates described in paragraph 10, **grant** confidential treatment to Exhibits 2B and 2D, and **deem** Genera to be in compliance with its reporting requirements, as well as the *March 16th Resolution* and *April 2nd Resolution*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of October 2026.

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CERTIFICATE OF SERVICE

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this Motion and Exhibits to alexis.rivera@prepa.pr.gov; mvalle@gmlex.net; margarita.mercado@us.dlapiper.com; nzayas@gmlex.net; rcruzfranqui@gmlex.net; Katuska.bolanos-lugo@us.dlapiper.com; hrivera@jrsp.pr.gov; yahaira.delarosa@us.dlapiper.com; emmanuel.porrogonzalez@us.dlapiper.com.

In San Juan, Puerto Rico, this 20th day of October 2026.

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo

/s/ Ernesto Raúl Ramos Maldonado
Ernesto Raúl Ramos Maldonado

/s/ José Javier Díaz Alonso
José Javier Díaz Alonso

Exhibit 1
Q1 FY2027 Report
(Native file submitted via email)

Exhibit 2A

Heat Rates Workpaper, Q1 FY2027
(Native file submitted via email)

Exhibit 2B

Cost of Generation Workpaper, Q1 FY2027

(Confidential – Submitted Under Seal)

(Native file submitted via email)

Exhibit 2C

Plant Availability and Forced Outages Workpaper, Q1 FY2027
(Native file submitted via email)

Exhibit 2D

Finance Metrics Workpaper, Q1 FY2027

(Confidential – Submitted Under Seal)

(Native file submitted via email)