

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

NEPR

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IN RE:

YABUCOA DECOMMISSIONING PLAN

CASE NO.: NEPR-MI-2026-0006

SUBJECT: Motion in Compliance with
Resolution and Order Dated October 15, 2026

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER DATED OCTOBER
15, 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 July 1, 2026, Genera filed its *Motion to Submit Yabucoa Decommissioning Plan Pursuant to Article 16 of the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (the "July 1 Motion"). Through it, Genera submitted, under seal, its proposed Yabucoa Decommissioning Plan (the "Plan"), together with the Yabucoa Community Relations Plan, in response to the Decommissioning Notice issued by the Puerto Rico Public-Private Partnerships Authority ("P3 Authority") on June 2, 2026, pursuant to Section 16.1(a) of the LGA OMA. On July 10, 2026, Genera filed a memorandum of law in support of the confidential treatment of the Plan.

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among PREPA, the Puerto Rico Public-Private Partnerships Authority and Genera, 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 (as defined in the LGA OMA) provided by Genera under the LGA OMA.

2. On September 10, 2026, the Energy Bureau issued a Resolution and Order in the above-captioned case (the "September 10 Resolution") approving the Plan, subject to (i) the adjustments to the Proposed Decommissioning Budget outlined in Part III(G)(1) thereof, and (ii) the conditions concerning the removal and preservation of diesel fuel storage and distribution infrastructure established in Part III(J) thereof. In the September 10 Resolution, the Energy Bureau also approved the Employee Transition Plan (Part III(F)); approved a Decommissioning Budget of \$2,699,780, subject to the adjustments referenced in Part III(G)(1) (Part III(G)(2)); approved the proposed timeline included in the Plan (Part III(H)); and ordered Genera to submit monthly status reports (Part III(I)). Finally, the Energy Bureau directed Genera to submit an updated version of the Plan addressing the adjustments and conditions set forth therein, for the Energy Bureau's review prior to commencing the Plan's execution (Part IV).

3. On October 2, 2026, in compliance with the September 10 Resolution, Genera filed its *Motion to Submit Updated Yabucoa Decommissioning Plan in Compliance with Resolution and Order of September 10, 2026* (the "October 2 Motion"), through which it submitted, under seal, the updated Yabucoa Decommissioning Plan (the "Updated Plan"). The Updated Plan addressed the adjustments and conditions set forth in Parts III(G)(1) and III(J) of the September 10 Resolution, concerning the responsibility for, and inclusion in the Decommissioning Budget of, the costs previously attributed to the "Owner," and the preservation of the dual-fuel capability of the replacement peaking units, respectively.

4. On October 15, 2026, the Energy Bureau issued a Resolution and Order in the above-captioned case (the "October 15 Resolution"), through which it deemed Genera to have addressed the modifications required by Parts III(G)(1) and III(J) of the September 10 Resolution and approved the Updated Plan, except for the modified project implementation timeline addressed

in Section II(C) of the October 15 Resolution, which remains subject to further review and approval by the Energy Bureau. The Energy Bureau also authorized Genera to commence implementation of the Updated Plan.

5. In the October 15 Resolution, the Energy Bureau ordered Genera to submit, *inter alia*, within ten (10) days from its notification: (i) the revised project implementation timeline and supporting explanations required under Section II(C); and (ii) the supporting documentation and sworn certifications required under Sections II(A) and II(B).

6. In compliance with Section II(C) of the October 15 Resolution, Genera hereby submits, as **Exhibit 1**, the revised project implementation timeline for the Yabucoa decommissioning project (the “Revised Timeline”), which replaces Appendix C of the Updated Plan and addresses the Energy Bureau’s requirements as follows:

- (i) the Revised Timeline is a new, comprehensive, detailed, and supported project implementation timeline with definite dates for the commencement and completion of all activities, including their durations, sequencing, and interdependencies;
- (ii) the Revised Timeline includes the Federal Emergency Management Agency (“FEMA”) approvals, permits, authorizations, and actual project progress, including the completed milestones;
- (iii) “Project Month 0” corresponds to the demolition Notice to Proceed (“NTP”), identified as activity YA-P-C/S4830 of the Revised Timeline, with a start date of November 11, 2026;
- (iv) the 56-month overall duration does not reflect the project’s actual duration, since the graph was extended to fit the description of each activity. The previous timeline had a duration of thirty-four (34) months, beginning with the site studies and the

FEMA permitting process and ending with the completion of the demolition activities. Under the previous timeline, month 27 corresponds to the demolition NTP in November 2026, and the thirty-four (34) week period corresponds to the duration of the demolition works through their completion. Under the Revised Timeline, the duration of the demolition works has been reduced to sixteen (16) weeks, based on the schedule submitted by the demolition contractor;

- (v) the commencement of the demolition works, which the previous timeline scheduled for July 2026, was delayed because the approval of the Decommissioning Plan, issued on September 10, 2026, was required to finalize the negotiations with the selected proponent before submitting the demolition contract to the P3 Authority for its approval on September 25, 2026. Notwithstanding this delay, the completion of the demolition works has been advanced by eighteen (18) weeks, based on the schedule submitted by the demolition contractor;
- (vi) the Revised Timeline identifies the pending permits and the critical path of the future activities required to reach the commercial operation date (“COD”) of the replacement peaking units; and
- (vii) the Revised Timeline identifies the remaining activities and dependencies required to reach COD.

7. Additionally, in compliance with Section II(A) of the October 15 Resolution, Genera hereby submits, as **Exhibit 2**, the sworn certification executed by Jesús M. Cintrón Rivera, Federal Funds Project Director of Genera, affirming that the \$2,699,780 Decommissioning Budget submitted with the Updated Plan includes all costs associated with the decommissioning activities previously attributed to PREPA or the "Owner" outside that budget, including the indirect expenses

and the removal of chemicals, hazardous materials, and transformer oil addressed in Part III(G)(1) of the September 10 Resolution, and that those costs are covered by the existing budget line items and are not excluded from the submitted Decommissioning Budget.

8. Moreover, in compliance with Section II(B) of the October 15 Resolution, Genera hereby submits, as **Exhibit 3**, the sworn certification executed by Jesús M. Cintrón Rivera, Federal Funds Project Director of Genera, which authenticates the documentation attached thereto as **Exhibit 3A**, the Peaker Grid Support Units Project Technical Specification for EPC Contract, Spec. No. EPC-001, Revision B, including **Exhibit 3A.1**, the List of Buildings and Structures, and **Exhibit 3A.2**, the General Arrangement Drawing YAR00-GA-000-0001, Rev. C; **Exhibit 3B**, the FAASt Generation Fleet Scope of Work, including **Exhibit 3B.1**, the DR4339 164988 Cost Estimate, submitted in native format (collectively, the “Supporting Documentation”). Through this sworn certification, Genera affirms that the Supporting Documentation accurately reflects that the replacement peaking project includes the new diesel fuel storage and distribution infrastructure needed to receive, store, transfer, and deliver diesel fuel to the replacement units, and that the associated costs form part of the project’s scope and budget, and that the replacement diesel fuel infrastructure is planned and scheduled to be available in time to preserve the replacement peaking units’ intended dual-fuel capability.

9. Finally, Genera informs that Exhibits 1 through 3B.1 contain confidential and proprietary information, including commercially sensitive information, trade secrets, and Critical Energy Infrastructure Information. Therefore, Genera respectfully requests that such information be treated as confidential in accordance with the Energy Bureau’s Policy on Management of Confidential Information, Case No. CEPR-MI-2016-0009, as amended. Through a separate filing,

within ten (10) days of the filing of this Motion, Genera will submit a memorandum of law in support of its request to treat such information as confidential pursuant to said policy.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the foregoing for all purposes; **accept** the Revised Timeline submitted as Exhibit 1, the sworn certification submitted as Exhibit 2, and the sworn certification and Supporting Documentation submitted as Exhibit 3; **maintain** Exhibits 1 through 3B.1 under seal pending the filing of the corresponding memorandum of law in support of their confidential treatment; and **deem** Genera to be in compliance with the October 15 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 26th day of October 2026.

ECIJA SBGB

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CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of this motion was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System and that we will send an electronic copy of this motion to alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com; emmanuel.porrogonzalez@us.dlapiper.com.

In San Juan, Puerto Rico, this 26th day of October 2026.

/s/ Jorge Fernández-Reboredo
Jorge Fernández-Reboredo

/s/ José Javier Díaz Alonso
José Javier Díaz Alonso

/s/ Ernesto Raúl Ramos Maldonado
Ernesto Raúl Ramos Maldonado

Exhibit 1- CONFIDENTIAL

Revised Timeline

Section II(C) of the October 15, 2026 Resolution and Order

Exhibit 2- CONFIDENTIAL

Sworn Certification Regarding the Yabucoa Decommissioning Budget
Section II(A) of the October 15, 2026 Resolution and Order

Exhibit 3- CONFIDENTIAL

Sworn Certification Regarding the Replacement Diesel Fuel Infrastructure
Section II(B) of the October 15, 2026 Resolution and Order

Exhibit 3A- CONFIDENTIAL

Peaker Grid Support Units Project Technical Specification for EPC Contract
*Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel
Infrastructure*

Exhibit 3A.1- CONFIDENTIAL

List of Buildings and Structures

*Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel
Infrastructure*

Exhibit 3A.2-CONFIDENTIAL

General Arrangement Drawing YAR00-GA-000-0001, Rev. C

*Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel
Infrastructure*

Exhibit 3B- CONFIDENTIAL

FAAST Generation Fleet Scope of Work

*Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel
Infrastructure*

Exhibit 3B.1- CONFIDENTIAL

DR4339 164988 Cost Estimate, Rev. 7-1-2025

*Attached to Exhibit 3 – Sworn Certification Regarding the Replacement Diesel Fuel
Infrastructure*

[Submitted in native format]