

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

NEPR

Received:

Oct 26, 2026

10:27 PM

IN RE: PRIORITY PLAN FOR ELECTRIC
GRID
STABILIZATION

Case No.: NEPR-MI-2024-0005

Subject: Joint Motion to Submit
Supplemental Responses in Compliance with
Resolution and Order of September 14, 2026

**JOINT MOTION TO SUBMIT SUPPLEMENTAL RESPONSES IN COMPLIANCE
WITH THE RESOLUTION AND ORDER OF SEPTEMBER 14, 2026**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW, the Puerto Rico Electric Power Authority (“PREPA”) and Genera PR LLC (“Genera”), through their respective undersigned counsel, and jointly and very respectfully STATE and PRAY as follows:

1. On August 31, 2026, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (the “Energy Bureau”) issued a *Resolution and Order* (the “August 31 Resolution”) concerning the status, availability, operation, and maintenance of the temporary generation fleet associated with Priority Stabilization Plan Activity No. 1, with particular focus on the fourteen (14) TM2500 turbine-generator units acquired by PREPA in March 2024 (“TM Units”), ten (10) sited at the San Juan power plant and four (4) sited at the Palo Seco power plant. The *August 31 Resolution* sought comprehensive information regarding those units’ operation, maintenance, reliability, condition, failures, contractual arrangements, and warranty status, and directed Genera and PREPA to respond to the Requirements of Information (“ROIs”) included as Attachment A thereto.

2. On September 9, 2026, Genera filed its *Motion in Compliance* with the August 31 Resolution.

3. After requesting a one (1) day extension of time, on September 10, 2026, PREPA filed its *Motion to Submit Responses in Compliance with Resolution and Order dated August 31 2026*.

4. On September 14, 2026, the Energy Bureau issued another *Resolution and Order* (the “September 14 Resolution”) on the matter of temporary generation. As relevant here, the Energy Bureau directed Genera and PREPA to confer and jointly file a statement, supported by the related correspondence, identifying: (i) each written request made under the March 15, 2024 Side Letter, its date, the party that made it, and the units to which it referred; (ii) each major maintenance performed by the Seller and the certification obtained; (iii) the number of major maintenance completions that remain available and whether the parties contend that they remain enforceable; and (iv) the status, participants, and subject of the negotiation with the Seller referenced in Genera’s response to ROI 24(a).

5. On September 15, 2026, the Energy Bureau held a Technical Conference regarding the matters addressed in the *August 31 Resolution*, at which Genera and PREPA appeared.

6. On October 8, 2026, counsel and officers of PREPA and Genera met and conferred regarding the matters identified by the Energy Bureau in the *September 14 Resolution*.

7. Following that meeting, on October 9, 2026, PREPA and Genera jointly filed *Joint Motion in Partial Compliance with the Resolution and Order of September 14 2026 and Request for Extension of Time*, where they submitted partial responses to the RFIs, in compliance with the *September 14 Resolution*, and requested an extension of time, until October 26, 2026, to supplement their responses to the *September 14 Resolution* ROIs (i), (iii) and (iv).

8. The parties explained that they had agreed to Genera's request for a fifteen (15)-day extension of time to complete its negotiations with NFE Management. PREPA agreed to the extension to afford its operator an opportunity to resolve the controversy that exists between them without having to engage in a contested proceeding.

9. Unfortunately, Genera informs that despite its best efforts and continued conversations during the past few weeks trying to mediate with NFE, no final agreement or resolution to the matters relating to this motion has been achieved. However, the conversations remain ongoing and Genera is still trying to mediate.

10. PREPA is not aware of Genera acting as a mediator with respect to the matters addressed in this motion and does not agree with Genera's characterization of its role as a mediator.

11. In light of the foregoing, the parties supplement their responses to the *September 14 Resolution* as follows:

- ***September 14 Resolution ROI (i):*** [Identify] each written request made under the March 15, 2024 Side Letter, its date, the party that made it, and the units to which it referred.

Supplemental Response to the *September 14 Resolution ROI (i):*

- **PREPA:** Based on its review of internal records conducted to date, PREPA has not identified any request made by PREPA to NFE pursuant to the March 15, 2024 Side Letter. PREPA's review of its internal records and databases remains ongoing, and PREPA will supplement this response should additional relevant information be identified.
- **Genera:** Based on the review of internal records, Genera did not identify any contractual enforcement claims made by Genera or PREPA to NFE pursuant to the March 15, 2024 Side Letter to the APA. Genera did request and schedule

maintenance with NFE, but there is a disagreement on contract interpretation related to this point. Evidence was provided in response to RFI 44(a) under NEPR-MI-2024-0005.

- ***September 14 Resolution ROI (iii):*** [Identify] the number of major maintenance completions that remain available and whether the parties contend that they remain enforceable.

Supplemental Response to the *September 14 Resolution ROI (iii):*

- **PREPA:** Pursuant the Energy Bureau’s Resolution and Order issued on February 21, 2024 in case no. NEPR-MI-2022-0003, the TM2500 Units are part of the Legacy Generation Assets under the Puerto Rico Thermal Generation Facilities, Operation and Maintenance Agreement, for all legal purposes. As such, since the date of their acquisition, Genera has been responsible for their operation and maintenance, in accordance with its contractual obligations.¹ PREPA has not located any communication from Genera identifying the number of major maintenance completions that remain available under the Side Letter and whether they remain enforceable. PREPA very respectfully submits that Genera is the party responsible for answering this ROI.
- **Genera:** Genera disagrees with contractual interpretation matters stated by PREPA above and reserves its rights under applicable law and the OMA. Genera informs the Bureau that there is a controversy between the parties on multiple contract

¹ See *Resolution and Order* issued on February 21, 2024 in case no. NEPR-MI-2022-0003, page 5 (“To the extent that the emergency temporary generation units will replace existing Legacy Generation Assets, once such units are acquired, the Energy Bureau FINDS these units shall be considered as part of the Legacy Generation Assets. 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.”).

matters related to, without limitation, the side letter to the OMA and the OMA itself, as well as separate contract administration and enforcement matters on an unrelated contract between PREPA and an NFE affiliate. Genera submits that the question of whether maintenance “remain available” and are “enforceable” is a contract interpretation and enforcement question, and that PREPA is the party responsible for answering. Genera is not the party responsible for contract administration, compliance determinations, or enforcement in this case. Genera further informs that its Management is currently trying to mediate with NFE Management regarding whether, when, and how the remaining four (4) unused major maintenance completions may be invoked, The outcome of these conversations may also resolve the controversy that exists between the parties regarding the response to ROI (i).

September 14 Resolution ROI (iv): [Identify] the status, participants, and subject of the negotiation with the Seller referenced in Genera’s response to ROI 24(a).

Supplemental Response to the *September 14 Resolution ROI (iv):*

- **PREPA:** PREPA has neither participated in nor been privy to the negotiations with NFE referenced by Genera in its response to ROI 24(a).
- **Genera:** The conversations have been ongoing and involve NFE Management and Genera Management, and involve whether, when, and how the remaining four (4) unused major maintenance completions may be invoked.

WHEREFORE, PREPA and Genera respectfully request that the Energy Bureau **TAKE NOTICE** of the foregoing, **ACCEPT** the joint responses and supporting documentation submitted herein, and **DEEM** PREPA and Genera in compliance with the *September 14 Resolution*.

RESPECTFULLY SUBMITTED.

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

CERTIFICATE OF FILING AND SERVICE: It is hereby certified that this Joint Motion was filed with the Office of the Clerk of the Energy Bureau through its electronic filing system. It is further certified that a copy of the foregoing was served upon the parties in the above-captioned proceeding at the following email addresses: margarita.mercado@us.dlapiper.com; Emmanuel.porrogonzalez@us.dlapiper.com; laura.rozas@us.dlapiper.com; RegulatoryPREBOrders@lumapr.com.

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