

Received:

Oct 30, 2026

2:27 AM

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

IN RE: PRIORITY PLAN FOR ELECTRIC
GRID STABILIZATION

Case No.: NEPR-MI-2024-0005

Subject: Motion in Compliance with the
October 15, 2026 Resolution and Order,
Submitting Responses to Supplemental
Requirements of Information Nos. 49
Through 53, and Request for Brief
Extension of Time

**MOTION IN COMPLIANCE WITH THE OCTOBER 15, 2026 RESOLUTION AND ORDER,
SUBMITTING RESPONSES TO SUPPLEMENTAL REQUIREMENTS OF INFORMATION NOS. 49
THROUGH 53, AND REQUEST FOR BRIEF EXTENSION OF TIME**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW, the Puerto Rico Electric Power Authority ("PREPA") through its undersigned counsel, and very respectfully STATE and PRAY as follows:

1. On October 15, 2026, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a *Resolution and Order* ("October 15 Resolution") in the above-captioned proceeding, directing PREPA and Genera PR LLC ("Genera") to submit supplemental responses to certain requirements of information concerning the temporary generation units acquired by PREPA under the March 15, 2024 Asset Purchase Agreement ("APA").

2. Specifically, the October 15 Resolution directed PREPA to submit, within fourteen (14) calendar days of its notification, responses to Supplemental Requirements of Information ("ROIs") Nos. 49 through 53, included in Attachment A thereto, together with the underlying documentation requested.

3. In compliance with the October 15 Resolution, PREPA hereby submits, as **Exhibit A** to this Motion, its *Responses to Supplemental Requirements of Information (Questions 49 through 53)*.

4. Of the Supplemental Requirements of Information ("ROIs") addressed in the October 15 Resolution, PREPA was unable to complete its responses to only two (2) within the time allotted: **ROIs Nos. 52.4 and 52.5**. With respect to these ROIs, PREPA's Environmental Protection Regulatory Compliance Division is currently conducting the necessary review and coordinating with Genera concerning the environmental compliance requirements applicable to the TM2500 units, including the status of the Prevention of Significant Deterioration ("PSD") application, any consent agreement under discussion with the United States Environmental Protection Agency ("EPA"), the basis for the estimated cost of emissions control equipment, and the potential effects of recent changes in federal environmental regulations and policies.

5. PREPA's Environmental Protection Regulatory Compliance Division requires a brief additional period to finalize its analysis. Accordingly, PREPA respectfully requests an extension of five (5) calendar days, until November 3, 2026, to allow the Division to complete its review and provide the information and documentation necessary for PREPA to submit complete and accurate responses to ROIs Nos. 52.4 and 52.5.

6. PREPA acknowledges that the October 15 Resolution provides that extensions will not be granted absent extraordinary cause, duly substantiated. PREPA respectfully submits that the circumstances described herein constitute extraordinary

cause warranting the limited relief requested. The outstanding information concerns specialized environmental and regulatory matters requiring technical analysis and coordination with Genera, which operates and maintains the TM2500 units and possesses relevant operational information. Moreover, PREPA's limited personnel and resources have been substantially devoted to gathering, reviewing, and compiling the extensive information and documentation necessary to respond to the remaining ROIs within the prescribed deadline. These efforts have been further complicated by the recent departure of Blanche González, who was responsible for the environmental matters at issue, which significantly disrupted PREPA's ability to identify, gather, and evaluate all information necessary to respond to ROIs Nos. 52.4 and 52.5 within the time allotted. Under these circumstances, PREPA respectfully submits that the requested five (5)-day extension is reasonable, narrowly tailored to allow its Environmental Protection Regulatory Compliance Division to complete the outstanding analysis and coordination, and necessary to ensure the submission of complete and accurate responses. The extension is requested in good faith and not for purposes of delay.

7. PREPA further emphasizes that it is submitting the responses presently available rather than withholding its entire submission pending completion of the outstanding analysis. PREPA remains committed to complying with the Energy Bureau's directives and providing any additional responsive information identified through its ongoing review.

8. In light of the foregoing, PREPA respectfully requests that the Energy Bureau accept the responses submitted herewith as **Exhibit A**, take notice of PREPA's

ongoing efforts to complete the outstanding review, and grant the requested five (5)-day extension to supplement its responses to ROIs Nos. 52.4 and 52.5.

WHEREFORE, PREPA respectfully requests that the Energy Bureau **TAKE NOTICE** of the foregoing; **ACCEPT** PREPA's *Responses to Supplemental Requirements of Information (Questions 49 through 53)*, submitted herewith as **Exhibit A**, in partial compliance with the October 15 Resolution; and **GRANT** PREPA a brief extension of five (5) calendar days, until November 3, 2026, to supplement its responses to ROIs Nos. 52.4 and 52.5.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th 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; legal@genera-pr.com; regulatory@genera-pr.com; and lrn@roman-negron.com.

**GONZÁLEZ & MARTÍNEZ LAW OFFICES
P.S.C.**

Attorneys for PREPA
1509 López Landrón Bldg.
Seventh Floor
San Juan, PR 00911-1933
Tel. (787) 274-7404

s/ Mirelis Valle Cancel
Mirelis Valle Cancel
RUA No. 21,115
mvalle@gmlex.net

**Exhibit A - PREPA Responses to Supplemental Requirements of Information
(Questions 49 through 53)**

**PREPA Responses to Supplemental Requirements of Information
(Questions 49 through 53)**

PART II- QUESTIONS TO PREPA

J. Administration of the Asset Purchase Agreement and the Side Letter

Energy Bureau ROI No. 49. State who at PREPA - by name, title and office - has been responsible, since the closing of the APA on March 15, 2024, for administering the APA, including the side letter, the Purchase Option under Section 7.11, the representations and warranties, and the parent guaranty under Section 9.5, and who holds that responsibility today. State whether PREPA calendared or otherwise tracked the twelve-month period for the written major-maintenance request under the side letter, and whether PREPA ever sent the written request the side letter contemplates; if it did, provide it; if it did not, identify who decided not to send it or explain why no decision was made. Identify the PREPA engineer to whom the May 14, 2024 Power Engineering Consultants report on the condition of the units was addressed, state when PREPA received it, to whom it was circulated, and what action PREPA took on its findings, including under the side letter.

PREPA Response to Energy Bureau ROI No. 49. Eng. Jaime Umpierre, PREPA's then-Director of Operations, received the May 14, 2024 Power Engineering Consultants report by email. In connection with PREPA's investigation and efforts to respond to this ROI, Eng. Umpierre informed PREPA that, to the best of his recollection, he subsequently shared the report with Genera. PREPA is currently reviewing Eng. Umpierre's PREPA email communications and other available records to identify and locate the communication by which the report was transmitted to Genera. PREPA will supplement this response if the referenced communication is located.

Energy Bureau ROI No. 50. Genera states that the four (4) remaining major-maintenance completions under the side letter are "under negotiation" with the Seller. PREPA states that it has not identified any enforcement action under Section 9.5 of the APA. State:

Energy Bureau ROI No. 50.1. whether PREPA is aware of, has authorized or participates in the negotiation Genera describes, and who negotiates on PREPA's behalf;

Response to Energy Bureau ROI No. 50.1: PREPA first became aware of Genera's negotiations with the Seller in connection with the Energy Bureau's inquiries in this proceeding. PREPA has neither authorized nor participated in those negotiations, nor was its authorization requested by Genera. PREPA has not attended any meetings or otherwise been involved in the negotiations and is not privy to their discussions.

PREPA is not aware of the capacity in which Genera is negotiating with NFE on this topic. PREPA understands that, due to the potential risk of conflict of interest between Genera and NFE, the 3PPO should at a very minimum be participating in those meetings.

Energy Bureau ROI No. 50.2. whether PREPA, or anyone on its behalf, has sent any demand, notice or claim to NFE Power PR LLC or to New Fortress Energy Inc. under the side letter or under Section 9.5 of the APA, providing copies; if not, whether PREPA intends to do so, and when;

PREPA Response to Energy Bureau ROI No. 50.2: Based on the limited information available thus far, it is PREPA's position that Genera, on its behalf, submitted a demand, notice, or claim to NFE Power PR LLC or New Fortress Energy Inc. under the Side Letter or Section 9.5 of the APA. *See for example* communications contained in Exhibit 14 of Genera's October 27, 2026 motion filed in this case.

Energy Bureau ROI No. 50.3. PREPA's position on whether the Seller's obligations under the side letter remain enforceable notwithstanding the twelve-month period, and the basis for that position; and

Response to Energy Bureau ROI No. 50.3: PREPA objects to this request to the extent that it seeks disclosure of information protected by the attorney-client privilege and the attorney work-product doctrine, including legal analyses, assessments, and strategies concerning the enforceability of the Seller's obligations under the Side Letter. As stated in its response to ROI No. 50.2, PREPA is currently evaluating all available legal remedies under the Side Letter, Section 9.5 of the APA, and other applicable contractual and legal provisions to determine the most appropriate course of action to pursue and secure all remedies available in connection with the TM Units. This evaluation includes an assessment of the enforceability of the Seller's obligations under the Side Letter notwithstanding the expiration of the twelve-month period referenced therein.

Subject to and without waiving the foregoing objections, PREPA informs, preliminarily, that its position is that the Seller's obligations under the side letter remain enforceable in light of Genera's demands, notices, or claims to NFE Power PR LLC or New Fortress Energy Inc. during the relevant time period. Alternatively, Genera is responsible for NFE Power PR LLC's or New Fortress Energy Inc.'s failures to fulfill the Seller's obligations under the side letter.

Energy Bureau ROI No. 50.4. PREPA's position on Genera's contention, stated at the Technical Conference, that the enforcement of the APA and of the side letter was PREPA's responsibility and not Genera's under the OMA, including whether PREPA ever instructed Genera, as operator, to identify the units for which the accommodation should be requested.

Response to Energy Bureau ROI No. 50.4: PREPA emphasizes that its position is preliminary, based on the information and documentation obtained thus far, and subject to further factual development. PREPA's investigation remains ongoing and has been complicated by the fact that the individuals who participated in the relevant decisions concerning the APA are no longer employed by PREPA, the substantial volume of historical records requiring review, the technical challenges associated with retrieving and examining electronic communications, and PREPA's limited personnel and resources.

Based on the information currently available, PREPA disputes Genera's factual assertions and legal theory concerning responsibility for the four (4) outstanding major maintenances under the APA Side Letter. Genera's position disregards its contractual obligations under the OMA, its exclusive operational control over the TM Units, the limited communications it has produced thus far, and the Energy Bureau's February 21, 2024 determination expressly recognizing Genera's responsibility for their operation and maintenance.

Moreover, Genera's assertion that it was never notified of the Side Letter raises disputed factual questions that cannot be adequately resolved on the existing record. PREPA maintains that a thorough discovery process, conducted within a reasonable timeframe consistent with the requirements of due process of law, is necessary to establish the relevant facts, evaluate Genera's assertions, and properly adjudicate the parties' respective responsibilities.

PREPA expressly reserves the right to supplement or modify its preliminary position as additional information becomes available, as well as all rights, claims, defenses, objections, and remedies under the APA, the Side Letter, the OMA, and applicable law. Nothing stated herein shall constitute an admission, concession, or waiver of any kind.

Energy Bureau ROI No. 51. PREPA's response to ROI 33 states that "[t]he 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."¹

Energy Bureau ROI No. 51.[1]. Provide Schedule 5.6 of the Disclosure Schedules to the APA and the borescope reports it references, and state, unit by unit, what those reports showed about the condition of the hot section of each unit at closing;

PREPA Response to Energy Bureau ROI No. 51.[1]. The Schedules to the APA are attached hereto as **Attachent 1**. Based on PREPA's review and understanding of its historical records to date, the borescope inspection reports referenced in Schedule 5.6 appear to be included in the Power Engineering Report, dated May 2026,

¹ The original Energy Bureau ROI No. 51.

submitted herewith as **Attachment 2**. PREPA refers the Energy Bureau to these borescope inspection reports.

Energy Bureau ROI No. 51.[2]. whether PREPA acquired units with known hot-section damage; whether that condition was reflected in the purchase price, in the side letter, or in both; and who at PREPA evaluated those disclosures before closing.

PREPA Response to Energy Bureau ROI No. 51.[2]. PREPA has been unable to obtain and review all the information necessary to provide a response to this ROI within the time allotted by the Energy Bureau. PREPA's review remains ongoing, and it reserves the right to supplement this response upon identifying additional responsive information or documentation.

Energy Bureau ROI No. 51.[3]. State whether PREPA has made, or has evaluated making, any claim under the representations, warranties or indemnities of the APA with respect to the condition of the units and, if not, why not.

PREPA Response to Energy Bureau ROI No. 51.[3]. PREPA is currently evaluating all available legal remedies under the side letter, the APA and others, to determine what is the proper legal path to obtain all available remedies for the TM Units. Among other efforts, PREPA is in communications with the P3A as Administrator.

Energy Bureau ROI No. 51.[4]. The May 14, 2024 Power Engineering Consultants report states that its authors relied on borescope inspection reports provided by PREPA: identify who provided those reports to PREPA and when, whether they are the reports referenced in Schedule 5.6, and whether PREPA transmitted them, and the May 14, 2024 report itself, to Genera when Genera assumed the operation and maintenance of the units - stating the date and the recipient, or, if it did not, why not.

PREPA Response to Energy Bureau ROI No. 51.[4]. PREPA's review of the available documentation indicates that the borescope inspection reports referenced in the May 14, 2024 report prepared by Power Engineering Consultants, LLC ("PEC") were prepared by third-party inspection providers, including PPG Energy and TransCanada Turbines, in connection with inspections conducted at the San Juan and Palo Seco power plants. The reports identify the respective inspection dates and, where applicable, the field engineers and NFE representatives involved. However, the reports do not establish the identity of the individuals who subsequently

transmitted them to PREPA or the dates on which PREPA received them. PREPA has been unable to independently confirm this information within the time allotted.

The March 15, 2024 APA and its accompanying Side Letter expressly reference borescope inspection reports disclosed by the Seller in connection with Schedule 5.6. PREPA's review indicates that the borescope inspection reports included among the attachments to the May 14, 2024 PEC report concern the generating units acquired under the APA and reflect inspections conducted before the APA's execution on March 15, 2024. These circumstances are consistent with the Side Letter's express acknowledgment that the Seller had disclosed borescope inspection reports identifying maintenance findings concerning the acquired units. Accordingly, based on the information presently available, PREPA understands that the reports referenced in Schedule 5.6 are included among the attachments to the PEC report. Nevertheless, PREPA has not yet completed an individual comparison of the reports against Schedule 5.6 to conclusively verify their correspondence.

With respect to the transmission of the PEC report to Genera, as explained in PREPA's response to ROI No. 49, Eng. Jaime Umpierre, PREPA's former Director of Operations, informed PREPA that, to the best of his recollection, he shared the May 14, 2024 PEC report with Genera after receiving it. PREPA is currently reviewing Eng. Umpierre's historical email communications and other available records to identify the corresponding transmission.

PREPA's review remains ongoing, and it reserves the right to supplement this response upon identifying additional responsive information or documentation.

Energy Bureau ROI No. 51.[5]. State whether PREPA received any other inspection report on the TM2500 units from the Seller, from the federal emergency mission or from a third party between the closing and the transfer of operation, and provide each one.

PREPA Response to Energy Bureau ROI No. 51.[5]. PREPA has reviewed its available internal records and, to date, has not identified any additional inspection reports concerning the TM2500 units received from the Seller, the federal emergency mission, or any third party during the period specified in this request.

PREPA's review remains ongoing, and it reserves the right to supplement this response upon identifying additional responsive information or documentation.

K. Unacquired Capacity, the FEMA Balance and Environmental Compliance

Energy Bureau ROI No. 52. Approximately 70 MW of the capacity contemplated by PSP Activity No. 1 remains unacquired, and approximately \$65.7 million - \$59.1 million of it federal share - remains within the FEMA obligation for this project. RFP 2024-0607 was awarded to NFE

on January 29, 2025 and cancelled on January 20, 2026 with no contract executed. At the Technical Conference, PREPA's representatives could not state whether and when PREPA will re-procure, whether an amendment of the scope or period of the FEMA project has been requested, or whether the remaining balance will be applied to the acquisition of the remaining units or to the emission controls required to bring the units into compliance with the Prevention of Significant Deterioration ("PSD") program; and neither PREPA nor Genera had evaluated the effect of recently announced changes in federal environmental policy on the PSD requirements applicable to these units or on the cost of the catalytic controls being pursued. PREPA shall state:

Energy Bureau ROI No. 52.1: what PREPA has done since January 20, 2026 with respect to the unacquired capacity, whether it will re-procure, and when;

PREPA Response to Energy Bureau ROI No. 52.1: PREPA has been in communications with Genera regarding Genera's evaluation of the possibility of requesting an amendment to the scope of the project funded by the Federal Emergency Management Agency ("FEMA") to allocate the remaining available funds toward the acquisition of emissions control equipment (oxidation catalysts, or "OxCats"), as well as an extension of the project's period of performance.

Energy Bureau ROI No. 52.2: the period of performance and every other deadline or condition attached to the FEMA obligation, whether FEMA has been informed of the cancellation of the RFP, and the status and expected date of any request to amend the scope or period of the project, identifying the PREPA officer responsible for it;

PREPA Response to Energy Bureau ROI No. 52.2: The project's period of performance extends through December 31, 2027. FEMA has been informed of the cancellation of the RFP for the acquisition of three (3) additional TM2500 units. Genera has also informed FEMA that it is evaluating the possibility of requesting an amendment to the project's scope to allocate the remaining available funds toward the acquisition of emissions control equipment (oxidation catalysts, or "OxCats"), as well as an extension of the project's period of performance.

Energy Bureau ROI No. 52.3: the decision PREPA has made - or the process and the date by which it will decide - between applying the remaining balance to the acquisition of the remaining units and applying it to emission controls, and who at PREPA makes that decision;

PREPA Response to Energy Bureau ROI No. 52.3: The ultimate authority to determine whether the remaining funds will be allocated toward the acquisition of additional generating units or emissions control equipment rests with PREPA's Executive Director. Discussions among PREPA, the FEMA, the Central Office for Recovery, Reconstruction and Resiliency ("COR3"), and Genera remain ongoing. To date, PREPA's efforts have focused on pursuing an amendment to the project's scope to allocate the remaining

available funds toward the acquisition of emissions control equipment (oxidation catalysts, or “OxCats”), together with an extension of the project’s period of performance. No final determination has been made regarding the proposed amendment or the allocation of the remaining funds.

Energy Bureau ROI No. 52.4: in coordination with Genera, the current status of the PSD application and of any consent agreement under discussion with the United States Environmental Protection Agency (“EPA”); the basis of the \$30 million estimate - its author, date, the units covered and the control technology assumed - and whether that expenditure is a condition of the obligated funds; and

PREPA Response to Energy Bureau ROI No. 52.4: PREPA’s Environmental Protection Regulatory Compliance Division is currently conducting an analysis of the information and documentation necessary to respond to this request, including the status of the Prevention of Significant Deterioration (“PSD”) application, any consent agreement under discussion with the United States Environmental Protection Agency (“EPA”), the basis for the referenced \$30 million estimate for emissions control equipment, and whether the contemplated expenditure constitutes a condition of the federal funds obligated to the project.

PREPA respectfully requests an extension of five (5) days from the submission of these responses to allow its Environmental Protection Regulatory Compliance Division to complete its analysis, coordinate with Genera as necessary, and provide PREPA with the information and documentation required to submit a complete and accurate response to this ROI.

Energy Bureau ROI No. 52.5: whether PREPA and Genera have evaluated the effect of changes in federal environmental regulation and policy, including those recently announced by the EPA, on the PSD requirements applicable to these units and on the need for, the scope of and the cost of the catalytic controls being pursued, and how any such change would alter the intended use of the FEMA balance. If no such evaluation has been made, state when it will be made and by whom.

PREPA Response to Energy Bureau ROI No. 52.5: PREPA’s Environmental Protection Regulatory Compliance Division, in coordination with Genera, is currently engaged in discussions with the EPA concerning the environmental compliance requirements applicable to the TM2500 units.

PREPA requires additional time to complete its review and determine the status of any evaluation concerning the potential effects of recent changes in federal environmental regulations and EPA policies on the PSD requirements applicable to the TM2500 units, including the necessity, scope, and estimated cost of the contemplated catalytic emissions controls, as well as any resulting implications for the proposed allocation of the remaining funds obligated by FEMA.

Accordingly, PREPA respectfully requests an extension of five (5) days from the submission of these responses to allow its Environmental Protection Regulatory Compliance Division to complete the necessary review, coordinate with Genera, and provide PREPA with the information required to submit a complete and accurate response to this ROI.

L. The Seven-Unit Accommodation

Energy Bureau ROI No. 53. The side letter provided up to seven (7) major-maintenance completions at the Seller's sole cost, each including the repair or replacement of all parts found damaged or not serviceable while hot-section major maintenance is performed, with completion certified by General Electric or a GE-qualified third party and performance guaranteed by New Fortress Energy Inc. PREPA shall describe:

Energy Bureau ROI No. 53.1. how many completions were requested in writing by PREPA, on what dates, naming which units, and provide each request;

PREPA Response to Energy Bureau ROI No. 53.1: PREPA has reviewed its available internal records and, to date, has not identified any documentation establishing that PREPA submitted written requests to NFE for major-maintenance completions under the March 15, 2024 Side Letter to the APA. However, as previously stated in PREPA Response to Energy Bureau ROI No. 50.2, Genera submitted written requests to NFE, on PREPA's behalf, for major-maintenance completions under the March 15, 2024 Side Letter to the APA during the applicable contractual period.

Energy Bureau ROI No. 53.2. how many were performed, on which units, with what completion certification, and how PREPA verified their performance;

PREPA Response to Energy Bureau ROI No. 53.2: Genera has represented to PREPA and this Energy Bureau that NFE performed three (3) major-maintenance completions under the Side Letter. According to Genera's representations, Genera directly coordinated and requested those maintenance services from NFE.

Accordingly, Genera, as the entity responsible for operating and maintaining the TM Units and coordinating the performance of the referenced maintenance activities, is the party with direct knowledge of the units on which the work was performed, the scope of the work completed, and the corresponding completion certifications. Genera is therefore in the position to provide the documentation necessary to establish whether each maintenance completion was satisfactory.

Moreover, following the transformation of Puerto Rico's electric power system, PREPA's role is not that of a direct operational supervisor of the private operators entrusted with the operation and maintenance of its generation assets. PREPA does not maintain the operational personnel or budget necessary to independently supervise and verify the execution of maintenance activities assigned to those operators.

Consistent with this allocation of operational responsibilities, PREPA has not identified documentation establishing that it independently inspected or verified the performance of the three (3) major-maintenance completions reported by Genera. PREPA therefore relies on Genera's representations regarding the performance of those activities.

Energy Bureau ROI No. 53.3. how many were not used;

PREPA Response to Energy Bureau ROI No. 53.3: Based on the information and representations provided by Genera in this proceeding, PREPA understands that three (3) of the seven (7) major-maintenance completions contemplated under the Side Letter were performed, leaving four (4) major-maintenance completions unused.

Energy Bureau ROI No. 53.4. who at PREPA decided which units to nominate, who decided to stop at three (3), and whether PREPA ever asked Genera which units should be nominated; and

PREPA Response to Energy Bureau ROI No. 53.4: PREPA has reviewed its available internal records and has not identified documentation establishing that any PREPA officer or employee selected or nominated specific TM Units for major-maintenance completions under the Side Letter or made a decision to limit the number of completions to three (3).

As explained in PREPA's responses to ROIs Nos. 53.1 and 53.2, Genera was and remains responsible for the operation and maintenance of the TM Units. Genera is also the entity with direct operational access to the units and the technical information necessary to determine their condition, identify their maintenance requirements, and establish the appropriate timing and scope of the required maintenance. Indeed, Genera coordinated with NFE the schedule for major-maintenance to the TM units. *See, e.g.*, the communications included in Exhibit 14 to Genera's October 27, 2026 motion filed in this proceeding.

Consequently, PREPA maintains that Genera was responsible for identifying the units requiring major maintenance and taking the necessary steps to secure the maintenance services contemplated under the Side Letter. To the extent that PREPA's intervention was required to submit a formal request to NFE in its capacity as Buyer under the APA, Genera was responsible for timely communicating the need for such intervention and providing PREPA with the necessary information.

Furthermore, Genera has represented that it directly requested and coordinated major-maintenance services with NFE, resulting in three (3) completed maintenances. PREPA has identified no evidence establishing that it instructed Genera to limit those requests to three (3) units or otherwise decided to forgo the four (4) remaining major-maintenance completions.

Energy Bureau ROI No. 53.5. what the four (4) unused completions are worth to ratepayers today, at the \$3.5to \$4 million per hot-section exchange that Genera reports.

PREPA Response to Energy Bureau ROI No. 53.5: PREPA objects to this request to the extent that it seeks an improper expert valuation of the four (4) unused major-maintenance completions, including an assessment of their present economic value to ratepayers, from PREPA.

PREPA further notes that the \$3.5 million to \$4 million estimate referenced in this request is attributed to Genera and has not been independently verified by PREPA.

PREPA reserves the right to retain an appropriate expert to evaluate these matters after it has been afforded a reasonable opportunity to complete its review of internal records and conduct discovery directed to Genera, the P3A, and any other relevant third parties possessing information or documentation concerning the maintenance obligations, the condition of the TM Units, and the value of the unused major-maintenance completions.

Energy Bureau ROI No. 53.6 If PREPA made no written request under the side letter, PREPA shall say so and explain how accommodation of that value was allowed to lapse without one.

PREPA Response to Energy Bureau ROI No. 53.6: PREPA emphasizes that its position is preliminary, based on the information and documentation obtained thus far, and subject to further factual development. PREPA's investigation remains ongoing and has been complicated by the fact that the individuals who participated in the relevant decisions concerning the APA are no longer employed by PREPA, the substantial volume of historical records requiring review, the technical challenges associated with retrieving and examining electronic communications, and PREPA's limited personnel and resources.

Based on the information currently available and as stated in PREPA's response to ROI No. 53.1, PREPA has not identified documentation establishing that it submitted written requests to NFE for major-maintenance completions under the Side Letter. However, as stated in PREPA Response to Energy Bureau ROI No. 50.2, it is PREPA's position that Genera, on its behalf, submitted a demand, notice, or claim to NFE Power PR LLC or New Fortress Energy Inc. under the Side Letter or Section 9.5 of the APA. *See for example* communications contained in Exhibit 14 of Genera's October 27, 2026 motion filed in this case. As such, PREPA disputes the premise that the absence of written requests submitted directly by PREPA establishes that PREPA allowed the contractual accommodation contemplated under the Side Letter to lapse.

As previously explained, the Energy Bureau expressly determined in its February 21, 2024 Resolution and Order, issued in Case No. NEPR-MI-2022-0003, that Genera would be responsible for the operation and maintenance of the temporary generation units as part of its generation fleet, in accordance with its contractual obligations. Consistent with that determination, Genera was the entity responsible for operating and maintaining the TM

Units, had direct operational access to the equipment, and possessed the technical and operational information.

Accordingly, PREPA maintains that Genera was responsible for taking the necessary steps to secure the completions contemplated under the Side Letter. Indeed, Genera has acknowledged that it directly requested major-maintenance services from NFE and that three (3) major maintenances were completed. This demonstrates that Genera was actively involved in coordinating the maintenance services contemplated under the Side Letter and was in a position to identify and communicate the need for additional completions.

PREPA expressly reserves all rights, claims, defenses, and remedies arising under the APA, the Side Letter, and the agreements governing Genera's operation and maintenance responsibilities, including any rights relating to the four (4) unused major-maintenance completions.