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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 Supplemental Responses to Requirements of Information Nos. 52.4 and 52.5

MOTION IN COMPLIANCE WITH THE OCTOBER 15, 2026 RESOLUTION AND ORDER, SUBMITTING SUPPLEMENTAL RESPONSES TO REQUIREMENTS OF INFORMATION NOS. 52.4 AND 52.5

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. On October 29, 2026, PREPA filed a *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* ("October 29 Motion"), whereby it submitted, as Exhibit A thereto, its *Responses to Supplemental Requirements of Information (Questions 49 through 53)*, in partial compliance with the October 15 Resolution.

4. In the October 29 Motion, PREPA informed the Energy Bureau that it had been unable to complete its responses to only two (2) of the supplemental ROIs, namely, **ROIs Nos. 52.4 and 52.5**, because its Environmental Protection Regulatory Compliance Division required additional time to complete its technical and regulatory review and coordinate with Genera regarding the environmental compliance requirements applicable to the TM2500 units.

5. Accordingly, PREPA requested a brief extension of five (5) calendar days, until today, **November 3, 2026**, to complete the outstanding review and submit its supplemental responses to ROIs Nos. 52.4 and 52.5, together with the corresponding supporting information and documentation.

6. In furtherance of its compliance efforts, PREPA coordinated with its Environmental Protection Regulatory Compliance Division and Genera to gather and review the information necessary to address the outstanding ROIs.

7. PREPA hereby submits, as Exhibit A to this Motion, its supplemental responses to ROIs Nos. 52.4 and 52.5**,** thereby completing its submission of responses to Supplemental ROIs Nos. 49 through 53, as required by the October 15 Resolution.

8. PREPA respectfully submits that, with the filing of the supplemental responses included in Exhibit A hereto, it has complied with the October 15 Resolution insofar as it concerns the submission of responses to Supplemental ROIs Nos. 49 through 53. PREPA further emphasizes that its review of internal records remains ongoing and that it will continue to cooperate with the Energy Bureau by supplementing its responses, as necessary, with any additional responsive information or documentation identified through its ongoing review or otherwise required by the Energy Bureau.

9. In light of the foregoing, PREPA respectfully requests that the Energy Bureau take notice of the supplemental responses submitted herein, accept Exhibit A as part of PREPA's compliance with the October 15 Resolution, and deem PREPA to have complied with the directives concerning Supplemental ROIs Nos. 49 through 53.

WHEREFORE, PREPA respectfully requests that the Energy Bureau **TAKE NOTICE** of the foregoing; **ACCEPT** PREPA's supplemental responses to ROIs Nos. 52.4 and 52.5, submitted herewith as **Exhibit A**; and **DEEM PREPA TO HAVE COMPLIED** with the October 15 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3rd day of November 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.

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Exhibit A – PREPA Supplemental Responses to Requirements of Information Nos. 52.4 and 52.5

PREPA Supplemental Responses to Requirements of Information
Nos. 52.4 and 52.5

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. 52.4: 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: A PSD matter is currently being negotiated with the United States Environmental Protection Agency (EPA) concerning the temporary units operated by Genera. Under the terms of the Operations and Maintenance Agreement (OMA), Genera is responsible for conducting and managing these negotiations with the EPA and for providing the corresponding responses and information regarding this matter.

Regarding the Project Worksheet (PW) associated with the purchase of the temporary generators, the remaining funds originally allocated for the purchase of the three generators out of the 17 generators contemplated under the project are currently being evaluated by PREPA to determine whether they may be allocated toward the purchase of catalytic controls (catalysts) required for compliance with applicable environmental regulations.

PREPA requested a cost estimate from Genera on several occasions. The estimate was received approximately one week ago and is currently under review. PREPA is evaluating whether the remaining funds should be transferred or assigned to Genera to cover the purchase of the required catalytic controls (hot caps). This determination remains under PREPA's evaluation.

Genera Response Energy Bureau ROI No. 52.4: Genera's PSD applications for the TM2500 units at Palo Seco and San Juan remain pending before EPA Region 2. Genera and PREPA are working with EPA and the U.S. Department of Justice toward a consent decree that would provide an integrated compliance pathway for these units, including the sequencing of permitting and emission controls. The terms of that agreement are still under discussion and are subject to settlement confidentiality. The $30 million figure is a prorated estimate for installing oxidation

catalysts on a subset of the TM2500 units. It is derived from Sargent & Lundy's August–September 2026 engineering estimates for the Palo Seco and San Juan units, which assume oxidation catalysts achieving 90% CO reduction. Sargent & Lundy confirmed that installing fewer units yields no significant economies of scale, so the full-fleet estimates were scaled by number of units. The final number of units to be equipped will depend on the outcome of the discussions with EPA and DOJ. FEMA has indicated that PREPA may use all of the remaining Project 11628 funds to purchase and install the required oxidation catalysts, subject to FEMA's and EPA's approval.

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: Under the Operations and Maintenance Agreement (OMA), this matter falls under Genera's responsibility. Genera is responsible for evaluating changes in federal environmental regulations and policies, determining their applicability to the respective units, and assessing any resulting impacts on PSD requirements, as well as on the need for, scope of, and cost of the proposed catalytic controls. Accordingly, Genera is responsible for conducting this evaluation and determining how any regulatory changes may affect the intended use of the FEMA funding balance.

Genera Response to Energy Bureau ROI No. 52.5: Genera, with its environmental counsel and technical consultants, is evaluating the federal requirements that apply to these units, including the need for, scope of, and cost of oxidation catalysts or other emissions controls, as part of its ongoing negotiations with EPA and DOJ. That on-going work includes assessing recently announced changes in EPA regulation and policy and reviewing the cost estimates. Genera expects these evaluations and negotiations to clarify how many units will require controls and, in turn, how much of the FEMA balance will be needed for them. Genera will continue to coordinate with PREPA as the negotiations progress.