

IN THE UNITED STATES COURT  
FOR THE DISTRICT OF PUERTO RICO

CAPTAIN TOMÁS BUSTO-  
ÁLVAREZ, ET AL.,

Plaintiffs,

v.

NFENERGIA LLC,

Defendant.

Civ. No.: 25-1462 (SCC)

**ORDER**

The record speaks for itself. The Court therefore turns to the latest development in this case. Based on Defendant NFEnnergia’s representation last Friday, September 26, 2026, that “the United States Coast Guard [(“USCG”)] ha[d] authorized the [AMUR River’s] entry into the San Juan Harbor[,]” Docket No. 378, pg. 1, the Court ordered it to produce such authorization, Docket No. 380. What has followed, however, is an additional flurry of motions, with the latest development being the revelation that between September 16, 2026 to September 20, 2026, the Prevention Department of [the USCG] Sector San Juan, sent “Prevention Scheduler Daily Log and Lists,” (the “Lists”) that were received by, *inter alia*, the San Juan Bay Pilots Association.<sup>1</sup> Docket No.

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<sup>1</sup> Recall that, seven out of the eight members of the Association are the

395, pgs. 7-8. Those Lists reveal that, on those days, the AMUR River was reportedly registered as “hav[ing] been screened by the [USCG],” and was therefore “cleared pending port conditions in certain areas.” *Id.* That revelation was advanced by the Plaintiffs, not by Defendant NFEnergia. So, Defendant NFEnergia now argues that Plaintiffs had in their possession, since at least September 16, 2026, documentation issued by the USCG attesting that the AMUR River had been cleared to enter the Port of San Juan. Docket No. 399. It also seeks the imposition of monetary sanctions against the Plaintiffs for their failure to disclose the Lists. *Id. Grosso modo*, Plaintiffs’ position is that the existence of those Lists change nothing because “[t]hey do not address the vessel’s dimensions, the berth, or the Letter of Recommendation [(“LOR”).” Docket No. 395, pg. 8.

The LOR in question was issued by the Captain of the Port on January 12, 2026. Docket No. 214-1. As part of his analysis complimenting the LOR, the Captain of the Port recommended, *inter alia*, “to the Federal Energy Regulatory Commission (FERC) that the San Juan Bay be considered suitable for the marine traffic proposed by the Applicant [Defendant NFEnergia] in their WSA. My recommendation is based on the future feasibility and continued effective implementation of the extraordinary precautions needed to

ensure the maneuverability of the vessels proposed by the [Defendant NFEnergia].” Docket No. 214-1, pg. 2. He specified that he conducted his analysis based on certain presumptions, including that “[t]he dimension and capacities of vessels calling on [Defendant NFEnergia’s] port facility will remain equal or less than those presented in the WSA and included below in Table 1.” *Id.* at pg. 3. The caption accompanying Table 1, in turn, states that “[Defendant NFEnergia] proposes employing larger LNG carriers at the Facility with a length overall of up to 935ft (285.1 m), a beam of up to 142.4ft (43.4 m), and a cargo capacity of up to 155,005 m.” *Id.* at pg. 10. The AMUR River’s beam, however, is reported to be 44.24 meters. Docket No. 364, pg. 5. Therefore, the Plaintiffs reason that, if the Captain of the Port based its suitability recommendations on the premise that the vessels Defendant NFEnergia intended to call would not exceed the dimensions described in the caption of Table 1, since the AMUR River’s dimensions exceed those numbers (at least as far as its beam is concerned), the Captain of the Port must have changed his assessment.

Further compounding matters is the revelation of the Lists. Taking the information contained in the LOR, vis-à-vis the Lists, the Court is unclear as to whether the clearance the Lists discuss means that the AMUR River was authorized to be berthed into and to be subsequently moored at Defendant NFEnergia’s facilities. After all, even though it has

acknowledged that it was not privy to the Lists until September 27, 2026, Defendant NFEnergia represented to the Court that USCG authorization for the AMUR River to enter the Port of San Juan had already been received since at least September 26, 2026.

At bottom, the following threshold question remains: notwithstanding the Captain of the Port's representations in the LOR regarding vessel size, did the inclusion of the AMUR River on the Lists, from September 16 to September 20, mean that she had been cleared by the USCG to be berthed and subsequently moored at Defendant NFEnergia's facilities? Simply put, what is the scope of the "clearance" mentioned in the Lists. The Court understands that this question should be answered by the Captain of the Port.

Given the outstanding matters and the AMUR River's impending return, Docket No. 404, an Emergency Hearing on Motions regarding Docket Nos. 378, 394, 401, 402 and 404 is hereby set for tomorrow, **September 30, 2026 at 9:30 a.m.** Importantly, Defendant NFEnergia's in-house technical persons with engineering knowledge of the berth are **ORDERED** to attend the Emergency Hearing and be available to testify before the Court, if necessary. The subpoena for the Captain of the Port to appear and testify will be issued separately. Service of the subpoena to the United States Coast Guard and the United States Attorney's Office for the District

of Puerto Rico to be effected by the United States Marshal Services. A copy of this order will accompany the subpoena.

Lastly, the parties are advised that, between the entry of this Order and the Emergency Hearing, absent extraordinary circumstances, no further filings will be entertained by the Court.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 29th day of September 2026.

S/ SILVIA CARREÑO-COLL  
UNITED STATES DISTRICT COURT JUDGE