

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

IN RE: REVIEW OF THE PUERTO RICO  
ELECTRIC POWER AUTHORITY'S 10- YEAR  
INFRASTRUCTURE PLAN

CASE NO.: NEPR-MI-2021-0002

**SUBJECT:** Partial Compliance with the  
January 4 Order and PREPA Request for  
Extension of Time. Request for Confidential  
Designation and Treatment.

**RESOLUTION AND ORDER**

**I. Introduction**

On March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("March 26 Resolution") in the instant case, through which it ordered the Puerto Rico Electric Power Authority ("PREPA") to, among other things, provide certain information related to the different projects under the categories of Transmission Line Projects, Transmission Substation Projects, and Distribution Substation Projects included in the PREPA 10-Year Infrastructure Plan.<sup>1</sup>

Through the March 26 Resolution, the Energy Bureau ordered PREPA to submit each specific capital investment project for approval to avoid potential noncompliance with the Approved Integrated Resource Plan ("IRP") and Modified Action Plan.<sup>2</sup> To streamline the process, the Energy Bureau requested PREPA to submit the specific projects to the Energy Bureau at least thirty (30) calendar days before their submittal to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR3") and the Federal Emergency Management Agency ("FEMA").<sup>3</sup>

On November 15, 2021, PREPA filed before the Energy Bureau a document titled *Motion to Submit Fourth Group of Generation Projects* ("November 15 Motion"). Through the November 15 Motion, PREPA submitted one hundred and four (104) Work descriptions. Such descriptions were included in Attachment A of the November 15 Motion, which contains a general description of works of conservation, repairs, and retrofitting of PREPA's generation units and their auxiliary equipment, including, without limitation, boilers, turbines, rotors, generators, motors, pumps, breakers, and control systems for their generation power plants. On November 18, 2021, the Energy Bureau issued a Resolution and Order ("November 18 Resolution")<sup>4</sup> through which it stated that it would issue a resolution regarding the Proposed Generation Projects.<sup>5</sup>

On November 29, 2021, PREPA filed a document titled *Motion to Clarify and Request for Technical Hearing* ("November 29 Motion") in which PREPA addresses some statements made by the Energy Bureau in the November 18 Resolution. PREPA also requested a Technical Conference with the purpose of helping the Energy Bureau in its evaluation of the Proposed Generation Projects.<sup>6</sup> PREPA states that the November 15 Motion emphasizes on

<sup>1</sup> Resolution and Order, *In re. Review of the Puerto Rico Electric Power Authority's 10- Year Infrastructure Plan*, Case No. NEPR-MI-2021-0002, March 26, 2021 ("March 26 Resolution").

<sup>2</sup> *Final Resolution and Order on the Puerto Rico Electric Power Authority's Integrated Resource Plan*, *In. re. Review of the Integrated Resource Plan of the Puerto Rico Electric Power Authority*, Case No. CEPR-AP-2018-0001, August 24, 2020 ("IRP Order").

<sup>3</sup> March 26 Resolution, pp. 14-15.

<sup>4</sup> On November 22, 2021, the Energy Bureau issued a Resolution and Order *Nunc Pro Tunc*.

<sup>5</sup> November 18 Resolution, p. 1.

<sup>6</sup> November 29 Motion, pp 2-3, ¶5.



providing a safe and reliable electric service to the people of Puerto Rico, focusing on the existing generation assets availability and its effect on the power system reliability.<sup>7</sup> The November 29 Motion illustrates in a table format the recent generation forced outages and affected customers in the thousands.<sup>8</sup>

On January 4, 2022, the Energy Bureau issued a Resolution and Order (“January 4 Order”), through which it conditionally approved the projects described in Attachments A to H of the referenced Order (“Conditionally Approved Projects”), pending the submittal by PREPA of the Statement of Work (“SOW”) of each project. The Energy Bureau also determined to defer for further evaluation several of the Generation Projects. The deferred projects are listed in Attachment I of the January 4 Order (“Deferred Projects”). Additionally, the January 4 Order provides directives regarding the Conditionally Approved Projects and the Deferred Projects including, among others, a requirement for PREPA to, on or before January 14, 2022, submit for the Energy Bureau’s evaluation, SOWs for each Conditionally Approved Projects and Deferred Projects. The January 4 Order also directed PREPA to respond to six (6) requests for information (“RFI”) on or before January 19, 2022.

On January 13, 2022, PREPA filed before the Energy Bureau a document titled *Partial Compliance with the January 4 Order and Request for Extension of Time* (“January 13 Request”), where PREPA seeks an extension of time of the January 14, 2022, deadline. Also, as part of its filing, PREPA requests confidential designation and treatment for the Global Positioning System (“GPS”) information contained on the Generation Projects Statement of Work (“SOW”).<sup>9</sup>

On January 18, 2022, PREPA filed a document titled *Request for Extension of Time to Submit Responses to RFI Included in the January 4 Order* (“January 18 Request”), where PREPA request an extension of time to respond to the RFI included in the January 4 Order.

## II. Request for Extension of Time

In the January 13 Request, PREPA states that they have completed a total of 24 initial SOWs (“Generation Projects SOWs”) which they submitted for the review and approval of the Energy Bureau.<sup>10</sup> Also PREPA states that out of these Generation SOWs, twenty-three (23) pertain to the Conditionally Approved Projects, while one (1) pertains to the Deferred Projects.

PREPA understands that it can complete the remaining SOWs during the next month, and it is coordinating to submit the outstanding Generation Projects SOWs on a “rolling basis”. This is based on the time needed to finish the compilation of the information, and to review and sign-off. According to PREPA, it will complete the submission of the outstanding Generation Projects SOWs on or before February 14, 2022. Therefore, PREPA requests the Energy Bureau to grant until February 14, 2022, to submit the outstanding Generation Projects SOW’s.

Upon review of PREPA’s arguments, the Energy Bureau **GRANTS** PREPA’s request for an extension of time. The Energy Bureau **ORDERS** PREPA to file the required SOW for each of the Conditionally Approved Projects in compliance with the January 4 Order **on or before February 14, 2022**.

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<sup>7</sup> *Id.*, p.4, ¶8.

<sup>8</sup> *Id.*, p5, ¶10.

<sup>9</sup> January 13 Request, Attachment A, pages 4,9,10 and 13.

<sup>10</sup> *Id.*, Attachment A, pages 1-2,832.

In the January 18 Request PREPA incorporates by reference the arguments made in support for extension of time requested in the January 13 Request.<sup>11</sup> In its January 18 Request, PREPA states that its officers began working to produce responses to the RFI on the notification date of the January 4 Order but have been unable to finalize the request.<sup>12</sup> PREPA requested the Energy Bureau to grant until February 14, 2022, to submit the responses to the RFI in compliance with the January 4 Order.

Upon review of PREPA's arguments, the Energy Bureau **GRANTS** PREPA's request for an extension of time to respond to the RFI. The Energy Bureau **ORDERS** PREPA to file the responses to the RFI **on or before February 14, 2022**.

### III. PREPA's Request for Confidential Information Designation and Treatment

In the Request for Confidential Treatment, PREPA alleged that the Generation Projects Statement of Work ("SOWs") contain global positioning system ("GPS") coordinates of the power plants, which is confidential information in the form of critical energy infrastructure information or critical electric infrastructure information ("CEII") that garners protection from public disclosures pursuant to federal statutes and regulations.<sup>13</sup> To protect such confidentiality, PREPA states that it provided a redacted version excluding the GPS information from the Generation Projects SOWs submitted with the January 13 Request. PREPA requests the Energy Bureau to determine that the GPS information is confidential CEII and to maintain the provided public files with the redaction. For these reasons, PREPA requests the Energy Bureau to grant confidential designation and treatment to the referred GPS information in Attachment 1. Table 1 below details the list of the GPS information for which PREPA requested confidential designation and treatment:

**Table 1: PREPA's Request for Confidential Information Designation and Treatment**

SOW NO.	DESCRIPTION	CONFIDENTIAL INFORMATION	REQUEST FOR CONFIDENTIALITY BASIS
1001	Units 5 Cooling Tower Replacement	GPS Location Page 4, Sec. 2.1	CEII
1003	Units 5 Condenser Repair and Coating Application	GPS Location Page 4, Sec. 2.1 Pag. 9, Sec. 10.3	CEII
1004	Units 5 High Pressure Bleed Valve, Low Pressure Bleed Valve and Heat Injection Steam Valve	GPS Location Page 4, Sec. 2.1 Pag. 10, Sec. 10.3	CEII
1005	Units 5 and 6 Black Start Emergency Generator Upgrade	GPS Location Page 4, Sec. 2.1 Page 10, Sec. 10.3	CEII
1006	Units 5 Replacement of Outlet Valves and Elbow Condenser	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
1020	Control System Upgrade units 5 & 6	GPS Location Page 4, Sec. 2.1 Page 10, Sec. 10.3	CEII
1024	Installation of Modules D&E HRSG Unit 5	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
1025	Replacement of the Online Condenser Cleaner Unit 5	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII

<sup>11</sup> January 18 Request, p. 4.

<sup>12</sup> *Id.*

<sup>13</sup> 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020).



SOW NO.	DESCRIPTION	CONFIDENTIAL INFORMATION	REQUEST FOR CONFIDENTIALITY BASIS
2031	Replacement of Load Center 1-4 Condenser Circulating Water Pump	GPS Location Page 4, Sec. 2.1 Page 8, Sec. 10.3	CEII
2032	Sea Water Intake Structural Repairs Work	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 1.03	CEII
2033	Rehabilitation Fuel Tank Farm Liners	GPS Location Page 4, Sec. 2.1 Page 8, Sec. 10.3	CEII
2034	Two New Condenser Discharge Water Pumps Motors	GPS Location Page 4, Sec. 2.1 Page 8, Sec. 10.3	CEII
2035	Two New BCWP Motors	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
2039	Aguirre Combined Cycle Plant Permanent Repairs	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
2040	Hot Gas Path Inspection Work Units 1-1 and 1-2	GPS Location Page 4, Sec. 2.1 Page 13, Sec. 10.3	CEII
2042	Unit 1 - Major Inspection (Replacement Turbo-Generator)	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
2043	Unit 2 Excitation System	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
2045	Design Fire Pump for Aguirre Power Complex	GPS Location Page 4, Sec. 2.1	CEII
3050	Procurement of Air-Preheaters Baskets, Unit 5	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
3052	Procurement of Condenser Circulating Water Pump (CCWP) and Boiler Circulating Water Pump (BCWP) Spare Motors for Units 5 and 6	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
3055	Replacement of Unit 5 Electric Load Center	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
3063	BFWP Inner Barrel Bundle	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
4069	PS 3 Procurement and Delivery of Water Wall Boiler Tubes and Economizer Unit PS3	GPS Location Page 4, Sec. 2.1 Page 9, Sec. 10.3	CEII
4077	Mega-Gens Environmental Commissioning	GPS Location Page 4, Sec. 2.1 Page 10, Sec. 9.3	CEII
7092	Unit 1A, 1B and 4A Rehabilitation	GPS Location Page 4, Sec. 2.1 Page 10, Sec. 10.3	CEII

*[Handwritten signatures and initials in blue ink, including 'JAS', 'AI', and 'Jm']*

Act 57-2014<sup>14</sup> establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.<sup>15</sup> Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information provided that “the Energy Bureau, after the appropriate evaluation, believes such information should be

<sup>14</sup> *Id.*

<sup>15</sup> Section 6.15 of Act 57-2014.



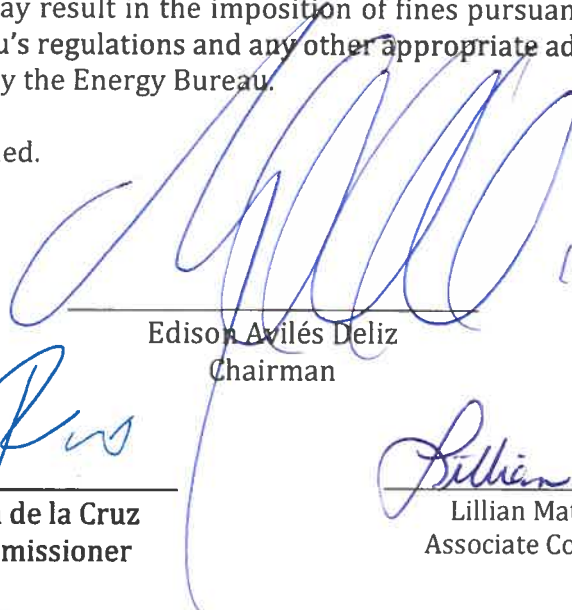


protected”.<sup>16</sup> In such case, the Energy Bureau “shall grant such protection in a manner that least affects the public interest, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.”<sup>17</sup>

Upon review of PREPA’s arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to the GPS information as described in Table 1 above, pursuant to the provisions of Article 6.15 of Act 57-2014, since they are CEII. The Energy Bureau **TAKE NOTICE** that PREPA has submitted a revised redacted (i.e., public) version of the documents described in Table 1.

The Energy Bureau **WARNS** PREPA that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014<sup>18</sup> and applicable Energy Bureau’s regulations and any other appropriate administrative sanctions, as deemed appropriate by the Energy Bureau.

Be it notified and published.



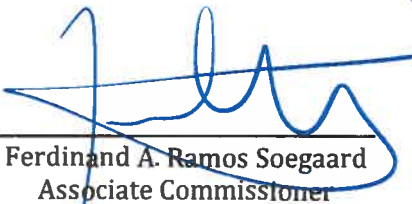
Edison Avilés Deliz  
Chairman



Ángel R. Rivera de la Cruz  
Associate Commissioner



Lillian Mateo Santos  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner

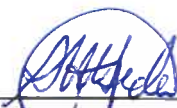


Sylvia B. Ugarte Araújo  
Associate Commissioner

### CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 21, 2022. I also certify that on January 21, 2022 a copy of this Resolution and Order was notified by electronic mail to the following: [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com); [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com); [mvazquez@diazvaz.law](mailto:mvazquez@diazvaz.law) and [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law). I also certify that today, January 21, 2022, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today January 21, 2022.



Sonia Seda Gaztambide  
Clerk

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* (Emphasis added).

<sup>18</sup> *The Puerto Rico Energy Transformation and RELIEF Act, as amended.*

