

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

<b>NEPR</b>
<b>Received:</b>
<b>May 27, 2022</b>
<b>11:02 AM</b>

**IN RE:**

IN RE: REVIEW OF THE PUERTO RICO  
ELECTRIC POWER AUTHORITY'S 10  
YEAR INFRASTRUCTURE PLAN-  
DECEMBER 2020

**CASE NO. NEPR-MI-2021-0002**

**SUBJECT: Motion Submitting FEMA Approval of  
Three Projects**

**MOTION SUBMITTING FEMA APPROVAL OF THREE PROJECTS**

**TO THE PUERTO RICO ENERGY BUREAU:**

COME NOW LUMA Energy, LLC<sup>1</sup>, and LUMA Energy ServCo, LLC<sup>2</sup>, (jointly referred to as "LUMA"), through the undersigned legal counsel and respectfully submit the following:

1. On March 26, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order in the instant proceeding, ordering, in pertinent part, that the Puerto Rico Electric Power Authority ("PREPA") submit to the Energy Bureau the specific projects to be funded with Federal Emergency Management Agency ("FEMA") funds or any other federal funds at least thirty (30) calendar days prior to submitting these projects to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR-3"), FEMA or any other federal agency ("March 26<sup>th</sup> Order"). It also directed PREPA to continue reporting to the Energy Bureau and FEMA within the next five years, the progress of all ongoing efforts related to the approval of the submitted projects not yet approved by the Energy Bureau. This Energy Bureau thereafter

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<sup>1</sup> Register No. 439372.

<sup>2</sup> Register No. 439373.

determined this directive applied to PREPA and LUMA. *See* Resolution and Order of August 20, 2021.

2. Meanwhile, on July 8, 2021, LUMA filed a *Motion Submitting List of Projects and Twenty-Eight Scopes of Work* (“July 8th Motion”). In the July 8<sup>th</sup> Motion, LUMA submitted twenty-eight (28) Scopes of Work (“SOWs”) for federally funded Transmission and Distribution Projects (“T&D Projects”) for the Energy Bureau’s review and approval prior to submitting them to COR-3 and FEMA. The SOWs submitted by LUMA included the Distribution Feeders - Ponce Short Term Group 2 T&D Project.

3. On August 20, 2021, the Energy Bureau issued a Resolution and Order. It determined that the majority of the SOWs for T&D projects submitted by LUMA were necessary to improve the system’s reliability (“August 20th Order”). Therefore, it approved the majority of the projects presented in the July 8<sup>th</sup> Motion, including the Distribution Feeders - Ponce Short Term Group 2 T&D Project SOW. The Energy Bureau also ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the projects, which shall contain the costs obligated for each project within ten (10) days of receiving such approval.

4. On August 30, 2021, LUMA filed a *Request for Clarification of a Portion of the Energy Bureau’s Resolution and Order entered on August 20, 2021, and Submission of Updated List of Projects and Twenty-Nine Scopes of Work*. Therein, LUMA submitted twenty-nine (29) SOWs for T&D Projects for its review and approval before submitting them to COR-3 and FEMA (“August 30<sup>th</sup> Submission”). Among the SOWs submitted to this Energy Bureau was the Distribution Streetlighting T&D Project, which encompassed street lighting projects throughout different municipalities of Puerto Rico.

5. Then, on September 22, 2021, the Energy Bureau entered a Resolution and Order in which it determined that the majority of the twenty-nine (29) SOWs for T&D projects submitted by LUMA were necessary to improve the system's reliability ("September 22<sup>nd</sup> Order"). Therefore, it approved most of the projects presented in the August 30<sup>th</sup> Submission, including the Distribution Streetlighting T&D Project SOW. Further, the Energy Bureau ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the approved projects and the costs obligated for each project within ten (10) days of receiving such approval.

6. In compliance with the August 20<sup>th</sup> and September 22<sup>nd</sup> Orders, LUMA hereby submits copies of two approvals by FEMA of the Distribution Streetlighting T&D projects for the municipalities of Lajas and Luquillo and a copy of the approval by FEMA of the Distribution Feeders - Ponce Short Term Group 2 T&D Project, all received on May 19, 2022.<sup>3</sup> See **Exhibit 1** to this Motion. The documents state FEMA's approval and include the cost obligated for each project.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **accept** the copies of the FEMA approvals attached herein as Exhibit 1.

**RESPECTFULLY SUBMITTED.**

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau. We will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law, and Katuska Bolaños-Lugo, kbolanos@diazvaz.law.

In San Juan, Puerto Rico, this 27<sup>th</sup> day of May 2022.

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<sup>3</sup> It is important to note that any FEMA approval for a T&D Project is known when FEMA makes the information available via its grant's portal. The FEMA approval is made public to anyone with an account to access the grants portal.



**DLA Piper (Puerto Rico) LLC**  
500 Calle de la Tanca, Suite 401  
San Juan, PR 00901-1969  
Tel. 787-945-9132  
Fax 939-697-6102

*/s/ Yahaira De la Rosa Algarín*  
Yahaira De la Rosa Algarín  
RUA NÚM. 18,061  
[yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com)

Exhibit 1

*FEMA Approvals*

**Exhibit was substituted in October 24, 2022 for a redacted version.**