

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

<b>NEPR</b>  <b>Received:</b>  <b>May 24, 2022</b>  <b>1:45 PM</b>
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**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  
Project**

**MOTION SUBMITTING FEMA APPROVAL OF PROJECT**

**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 April 14, 2021, PREPA filed a *Motion in Compliance with the Resolution and Order Entered on March 26, 2021*, which included a list of projects under the categories of transmission, distribution, and substations. PREPA submitted the list of projects to the Energy Bureau at least thirty (30) calendar days before their submittal to COR-3 and/or FEMA, aligning with the March 26<sup>th</sup> Order. The list of projects submitted by PREPA included the Substations-Cataño-Rebuilt 1801 federally funded Transmission and Distribution Project (“T&D Project”).

3. On April 22, 2021, the Energy Bureau issued a Resolution and Order (“April 22<sup>nd</sup> Order”). It determined that additional information was required to thoroughly evaluate the projects submitted by PREPA and evaluate its compliance with the March 26<sup>th</sup> Order. The Energy Bureau ordered PREPA to provide detailed information: (i) on or before April 28, 2021, for each project already submitted to COR-3 and/or FEMA; and (ii) on or before May 21, 2021, for each project in that will be submitted to COR-3 and/or FEMA under the different project categories. It also ordered PREPA to include a list of all the substations to be relocated to mitigate possible future flooding damages.

4. In compliance with the April 22<sup>nd</sup> Order, on April 28, 2021, PREPA filed a *Motion in Compliance with the Resolution and Order entered on April 22, 2021*. PREPA submitted the Scopes of Work (“SOW”) provided to COR-3 and FEMA in compliance with the April 22<sup>nd</sup> Order. Among the SOWs submitted to this Energy Bureau was the Substations-Cataño-Rebuilt 1801 T&D

Project, which encompasses repairs in the Cataño substation and associated distribution feeders to modernize and harden them.

5. On June 8, 2021, the Energy Bureau entered a Resolution and Order in which it determined that the majority of the SOWs for T&D projects submitted by PREPA were necessary to improve the system's reliability ("June 8th Order"). Therefore, it approved the majority of the projects presented in the April 28<sup>th</sup> Submission, including the Substations-Cataño-Rebuilt 1801 T&D Project SOW. Further, the Energy Bureau ordered PREPA 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.

6. In compliance with the June 8<sup>th</sup> Order, LUMA hereby submits a copy of approval by FEMA of the FAAS<sup>t</sup> - Cataño-Rebuilt 1801(Substation) project received on May 18th, 2022.<sup>3</sup> See **Exhibit 1** to this Motion. The document state FEMA's approval and includes the cost obligated for the project.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **accept** the copy of the FEMA approval 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](mailto:jmarrero@diazvaz.law), and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law).

In San Juan, Puerto Rico, this 24th 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 grants portal. The FEMA approval is made public to anyone with an account to access the grants portal.



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*Exhibit 1*

*FEMA Approval*

**Exhibit was substituted in November 18, 2022 for a redacted version.**