

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

NEPR
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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 to Substitute Exhibit
Submitted to the Energy Bureau on May 24, 2022,
Request Confidentiality of Portions of Such
Exhibit, and Submit Supporting Memorandum of
Law

**MOTION TO SUBSTITUTE EXHIBIT SUBMITTED TO THE ENERGY
BUREAU ON MAY 24, 2022, REQUEST CONFIDENTIALITY OF PORTIONS OF
SUCH EXHIBIT, AND SUBMIT SUPPORTING MEMORANDUM OF LAW**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC¹, and LUMA Energy ServCo, LLC², (jointly referred to as "LUMA"), through the undersigned legal counsel and respectfully submit the following:

I. Request to Substitute Exhibit that contains a FEMA Approval

1. On May 24, 2022, LUMA submitted to this Puerto Rico Energy Bureau ("Energy Bureau") a FEMA Approval for a transmission and distribution project, pursuant to the Energy Bureau's Resolution and Order of August 20 and September 22, 2021. *See* LUMA's *Motion Submitting FEMA Approval of one Project* (the "May 24 Motion"). Specifically, in the May 24 Motion, LUMA submitted the FEMA Approval for the following project: "FAASt – Catano-Rebuild 1801 (Substation)" (the "Exhibit").

2. By inadvertence the Exhibit was submitted for the record in this proceeding in unredacted form. LUMA respectfully requests the Energy Bureau to remove from the record the

¹ Register No. 439372.

² Register No. 439373.

Exhibit. Instead, LUMA is submitting an updated version of the Exhibit **under seal of confidentiality**. LUMA is also submitting herein a redacted version of the Updated Exhibit to be uploaded in the docket in substitution of the Exhibit. *See* Exhibit 1 (the “Updated Exhibit”).

3. LUMA respectfully submits that portions of the FEMA Approval included in the Updated Exhibit are confidential for the reasons indicated in the memorandum of law included in this motion. Portions of the FEMA Approval include 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, *see e.g.*, 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020), and the Bureau’s Policy on Management of Confidential Information, *see* the Energy Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009 (“Policy on Management of Confidential Information”), issued on August 31, 2016. *See* Section II below, wherein these portions and the basis for confidentiality are identified. The CEII pertains to safety systems and to vulnerabilities of critical system infrastructure that, if disclosed, would expose the electric power grid to attacks to the detriment of the public interest.

II. Memorandum of Law in Support of Request for Confidentiality.

A. Applicable Laws and Regulations to Submit Information Confidentially Before the Energy Bureau.

4. The bedrock provision on the management of confidential information filed before this Energy Bureau is Section 6.15 of Act 57-2014, known as the “Puerto Rico Energy Transformation and Relief Act.” It provides, in pertinent part, that: “[i]f any person who is required to submit information to the [Energy Bureau] believes that the information to be submitted has any confidentiality privilege, such person may request the [Energy Bureau] to treat such information

as such [...]” 22 LPRA §1054n. If the Energy Bureau determines, after appropriate evaluation, that the information should be protected, “it 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.” *Id.* §1054n(a).

5. Access to confidential information shall be provided “only to the lawyers and external consultants involved in the administrative process after the execution of a confidentiality agreement.” *Id.* §1054n(b). Finally, Act 57-2014 provides that this Energy Bureau “shall keep the documents submitted for its consideration out of public reach only in exceptional cases. In these cases, the information shall be duly safeguarded and delivered exclusively to the personnel of the [Energy Bureau] who needs to know such information under nondisclosure agreements. However, the [Energy Bureau] shall direct that a non-confidential copy be furnished for public review.” *Id.* §1054n(c).

6. Relatedly, in connection with the duties of electric power service companies, Section 1.10 (i) of Act 17-2019 provides that electric power service companies shall provide the information requested by customers, except for confidential information in accordance with the Rules of Evidence of Puerto Rico.

7. Moreover, the Energy Bureau’s Policy on Management of Confidential Information details the procedures a party should follow to request that a document or portion thereof be afforded confidential treatment. In essence, the referenced Policy requires identifying confidential information and filing a memorandum of law explaining the legal basis and support for a request to file information confidentially. *See* CEPR-MI-2016-0009, Section A, as amended by the Resolution of September 20, 2016, CEPR-MI-2016-0009. The memorandum should also include

a table that identifies the confidential information, a summary of the legal basis for the confidential designation, and why each claim or designation conforms to the applicable legal basis of confidentiality. *Id.* at ¶ 3. The party who seeks confidential treatment of information filed with the Energy Bureau must also file both “redacted” or “public version” and an “unredacted” or “confidential” version of the document that contains confidential information. *Id.* at ¶ 6.

8. The Energy Bureau’s Policy on Management of Confidential Information states the following with regards to access to validated Trade Secret Information and CEII:

1. Trade Secret Information

- B. Any document designated by the [Energy Bureau] as Validated Confidential Information because it is a trade secret under Act 80-2011 may only be accessed by the Producing Party and the [Energy Bureau], unless otherwise set forth by the [Energy Bureau] or any competent court². Critical Energy Infrastructure Information (“CEII”)

The information designated by the [Energy Bureau] as Validated Confidential Information on the grounds of being CEII may be accessed by the parties’ authorized representatives only after they have executed and delivered the Nondisclosure Agreement.

Those authorized representatives who have signed the Non-Disclosure Agreement may only review the documents validated as CEII at the [Energy Bureau] or the Producing Party’s offices. During the review, the authorized representatives may not copy or disseminate the reviewed information and may bring no recording device to the viewing room.

Id. at § D (on Access to Validated Confidential Information).

9. Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings*, also includes a provision for filing confidential information in proceedings before this Energy Bureau. To wit, Section 1.15 provides that “a person has the duty to disclose information to the [Energy Bureau] considered to be privileged pursuant to the Rules of Evidence, said person shall identify the allegedly privileged information, request

the [Energy Bureau] the protection of said information, and provide supportive arguments, in writing, for a claim of information of privileged nature. The [Energy Bureau] shall evaluate the petition and, if it understands [that] the material merits protection, proceed according to [...] Article 6.15 of Act No. 57-2015, as amended.” *See also* Energy Bureau Regulation No. 9137 on *Performance Incentive Mechanisms*, § 1.13 (addressing disclosure before the Energy Bureau of Confidential Information and directing compliance with Resolution CEPR-MI-2016-0009).

B. Request for Confidentiality.

10. The FEMA Approval with CEII included in **Exhibit 1** in this motion contains portions of CEII that, under relevant federal law and regulations, are protected from public disclosure. LUMA stresses that the FEMA Approval with CEII warrants confidential treatment to protect critical infrastructure from threats that could undermine the system and negatively affect electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico. In several proceedings, this Energy Bureau has considered and granted requests by PREPA to submit CEII under seal of confidentiality.³ In at least two proceedings on Data Security,⁴

³ *See e.g., In re Review of LUMA’s System Operation Principles*, NEPR-MI-2021-0001 (Resolution and Order of May 3, 2021); *In re Review of the Puerto Rico Power Authority’s System Remediation Plan*, NEPR-MI-2020-0019 (order of April 23, 2021); *In re Review of LUMA’s Initial Budgets*, NEPR-MI-2021-0004 (order of April 21, 2021); *In re Implementation of Puerto Rico Electric Power Authority Integrated Resource Plan and Modified Action Plan*, NEPR MI 2020-0012 (Resolution of January 7, 2021, granting partial confidential designation of information submitted by PREPA as CEII); *In re Optimization Proceeding of Minigrid Transmission and Distribution Investments*, NEPR MI 2020-0016 (where PREPA filed documents under seal of confidentiality invoking, among others, that a filing included confidential information and CEII); *In re Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, CEPR-AP-2018-0001 (Resolution and Order of July 3, 2019 granting confidential designated and request made by PREPA that included trade secrets and CEII) *but see* Resolution and Order of February 12, 2021 reversing in part, grant of confidential designation).

⁴ *In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

and Physical Security,⁵ this Energy Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure.

11. Additionally, this Energy Bureau has granted requests by LUMA to protect CEII in connection with LUMA's System Operation Principles. *See* Resolution and Order of May 3, 2021, table 2 on page 4, Case No. NEPR-MI-2021-0001 (granting protection to CEII included in LUMA's Responses to Requests for Information). Similarly, in the proceedings on LUMA's proposed Initial Budgets and System Remediation Plan, this Energy Bureau granted confidential designation to several portions of LUMA's Initial Budgets and Responses to Requests for Information. *See* Resolution and Order of April 22, 2021, on Initial Budgets, table 2 on pages 3-4, and Resolution and Order of April 22, 2021, on Responses to Requests for Information, table 2 on pages 8-10, Case No. NEPR-MI-2021-0004; Resolution and Order of April 23, 2021, on Confidential Designation of Portions of LUMA's System Remediation Plan, table 2 on page 5, and Resolution and Order of May 6, 2021, on Confidential Designation of Portions of LUMA's Responses to Requests for Information on System Remediation Plan, table 2 at pages 7-9, Case No. NEPR-MI-2020-0019.

12. As mentioned above, the Energy Bureau's Policy on Management of Confidential Information provides for the management of CEII. It directs that the parties' authorized representatives access information validated as CEII only after executing and delivering a Non-Disclosure Agreement.

⁵ *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

13. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information which pose public security, economic, health, and safety risks. Federal Regulations on CEII, particularly, 18 C.F.R. § 388.113, state that:

Critical energy infrastructure information means specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

- (i) Relates details about the production, generation, transportation, transmission, or distribution of energy;
- (ii) Could be useful to a person in planning an attack on critical infrastructure;
- (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
- (iv) Does not simply give the general location of the critical infrastructure.

Id.

14. Additionally, “[c]ritical electric infrastructure means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters. *Id.* Finally, “[c]ritical infrastructure means existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.” *Id.*

15. The Critical Infrastructure Information Act of 2002, 6 U.S.C. §§ 671-674 (2020), part of the Homeland Security Act of 2002, protects critical infrastructure information (“CII”).⁶

⁶ Regarding protection of voluntary disclosures of critical infrastructure information, 6 U.S.C. § 673, provides in pertinent part, that CII:

- (A) shall be exempt from disclosure under the Freedom of Information Act;
- (B) shall not be subject to any agency rules or judicial doctrine regarding ex parte communications with a decision-making official;

CII is defined as “information not customarily in the public domain and related to the security of critical infrastructure or protected systems [...]” 6 U.S.C. § 671 (3).⁷

16. The FEMA Approval with CEII in **Exhibit 1** qualifies as CEII because this document contains the express coordinates to power transmission and distribution facilities (18

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- (C) shall not, without the written consent of the person or entity submitting such information, be used directly by such agency, any other Federal, State, or local authority, or any third party, in any civil action arising under Federal or State law if such information is submitted in good faith;
 - (D) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this part, except—
 - (i) in furtherance of an investigation or the prosecution of a criminal act; or
 - (ii) when disclosure of the information would be--
 - (I) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or
 - (II) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Government Accountability Office
 - (E) shall not, be provided to a State or local government or government agency; of information or records;
 - (i) be made available pursuant to any State or local law requiring disclosure of information or records;
 - (ii) otherwise be disclosed or distributed to any party by said State or local government or government agency without the written consent of the person or entity submitting such information; or
 - (iii) be used other than for the purpose of protecting critical Infrastructure or protected systems, or in furtherance of an investigation or the prosecution of a criminal act.
 - (F) does not constitute a waiver of any applicable privilege or protection provided under law, such as trade secret protection.

⁷ CII includes the following types of information:

- (A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;
- (B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
- (C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, construction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

C.F.R. § 388.113(iv)). These specific coordinates could potentially be helpful to a person planning an attack on the energy facilities listed as part of this FEMA Approval. The information identified as confidential in this paragraph is not common knowledge and is not made publicly available. Therefore, it is respectfully submitted that, on balance, the public interest in protecting CEII weighs in favor of protecting the relevant portions of the FEMA Approval with CEII in **Exhibit 1** from disclosure, given the nature and scope of the details included in those portions of the Exhibit.

17. Based on the above, LUMA respectfully submits that the FEMA Approval with CEII should be designated as CEII. This designation is a reasonable and necessary measure to protect the specific location of the energy facilities listed or discussed in this FEMA Approval in **Exhibit 1**. Given the importance of ensuring the safe and efficient operation of the generation assets and the T&D System, LUMA respectfully submits that these materials constitute CEII that should be maintained confidentially to safeguard their integrity and protect them from external threats.

C. Identification of Confidential Information

18. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, below, find a table summarizing the hallmarks of this request for confidential treatment.

Document	Name	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection, if applicable	Date Filed
Exhibit 1	FAASt - Catano-Rebuild 1801(Substation)	Pages 1, 2, 4, and 10	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	November 18, 2022

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** the copy of the FEMA approval attached herein as **Exhibit 1**; and **grant** the request for confidential treatment of **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, on this 18th day of November 2022.



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 Yahaira De la Rosa Algarín
 RUA NÚM. 18,061
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Exhibit 1

FEMA Approval

Department of Homeland Security Federal Emergency Management Agency

General Info

Project #	174422	PW #	10496	Project Type	Specialized	
Project Category	F - Utilities	Applicant	PR Electric Power Authority (000-UA2QU-00)			
Project Title	FAASt - Catano-Rebuild 1801(Substation)				Event	4339DR-PR (4339DR)
Project Size	Large	Declaration Date	9/21/2017			
Activity Completion Date	9/20/2027	Incident Start Date	9/17/2017			
Process Step	Obligated	Incident End Date	11/15/2017			

Damage Description and Dimensions

The Disaster # 4339DR, which occurred between **09/17/2017** and **11/15/2017**, caused:

DDD for this facility codified in the 136271 - MEPA078 Puerto Rico Electrical Power Authority Island Wide FAASt Project.

Damage #442268; FAASt - Catano-Rebuilt 1801

DDD for this facility codified in the 136271 - MEPA078 Puerto Rico Electrical Power Authority Island Wide FAASt Project.

General Facility Information:

- **Facility Type:** Power generation, transmission, and distribution facilities
- **Facility:** Catano-Rebuilt 1801
- **Facility Description:** Catano 1801 Substation is approximately 22,200 SQ. FT. The substation has four transmission lines 9500, 9700, 8200 and 6200 38/13.2 kV and five feeders. The capacity of the substation is 12/22.40 MVA.
- **Approx. Year Built:** 1980
- **GPS Latitude/Longitude:** REDACTED

General Damage Information:

- **Date Damaged:** 9/20/2017
- **Cause of Damage:** High winds & wind driven rain, caused by Cat 4 Hurricane Maria

Final Scope

442268 **FAASt - Catano-Rebuilt 1801**

Project Name	174422 Cataño Modernization and Hardening
Region	Bayamón
Damaged Inventory/Asset Category	Island Wide Substations
FEMA Project Number	174422

Work to be Completed

The Applicant provided with this Detailed SOW pursuant to the T&D O&M Agreement between Puerto Rico. Puerto Rico Electric Power Authority ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3A") and LUMA Energy, and in accordance with the Consent to Federal Funding Letter issued by PREPA and P3A and provided herein as Appendix K which collectively provides the necessary consent for LUMA Energy, as agent of PREPA, to undertake work in connection with any Federal Funding requests related to the T&D System submitted to FEMA.

Facilities

The Cataño Substation experienced substantial damages due to Hurricane Maria in September 2017. The purpose of this project is to repair damages, mitigate flooding issues and harden the substation to improve the reliability and resiliency of the Puerto Rico electrical grid.

Physical Address	Carr 5 KM 27.0 Bo. Cañas Cataño, PR
Coordinates	REDACTED
Date of Construction	1966

Project Scope of Work (Section 428)

Substation:

A.	Replace 22.4 MVA, 38/13.2 kV transformer with a new 33.6 MVA, 38/13.2 kV transformer and build a new oil containment around transformer.
B.	Relocate five 13.2 kV distribution feeders from the existing Power Distribution Substation to the new Gas Insulated Switchgear ("GIS") enclosure within the new Control Building.
C.	Removal the existing 38 kV Air Insulated Equipment including the steel lattice structure (approx. 67'x29'x 50'), lightning arrestors, insulators, copper bus bar, hardware, auxiliary systems, and disconnects switches.
D.	Removal and disposal of four 38 kV Oil Circuit Breakers and salvage two SF6 Circuit Breakers.
E.	Remove existing service transformer and install a new 100 KVA on the new elevated platform.
F.	Removal and disposal of the existing concrete control building including the relays and control panels, Remote Terminal Units, battery bank, battery charger, AC/DC distribution panels and control panels/cables and associated conduits and wiring.
G.	Salvage the existing 13.2 kV Power Distribution Switchgear and removal of foundations.
H.	Removal of the existing transformer foundation.
I.	Install a new 50 kW emergency generator that will act as a backup feed to the control building and telecom equipment.

Transmission Lines: [General fixing: Poles/structure; location; ordering]

A.	Line 9500 – Remove two 38 kV wood poles and install two new steel 38 kV poles in the same location with concrete foundations: one dead-end pole with an underground riser inside the substation perimeter and one pole located outside of the substation fenced area. Build and install underground feed from the dead-end pole to connect to the 38 kV switchgear. Install a temporary pole inside the substation perimeter and overhead conductor to the new pole location in the substation to facilitate the construction.
B.	Line 8200 – Remove one 38 kV wood dead-end pole located outside of the substation and install one new 38 kV steel pole inside the substation perimeter with concrete foundation and install a new slack span conductor over a secondary road to new power pole. Build and install underground feed to connect to the 38 kV Gas Insulated Switchgear (GIS).
C.	Line 9600 – Remove 38 kV wood dead-end pole located outside the substation and install new 38 kV Steel structure with concrete foundation inside the substation with new riser for underground feed to GIS.
D.	Line 6200 – Remove two 38 kV wood dead end poles located outside the substation and install two new steel 38kV poles in the same location with concrete foundations. Build and install underground feed to connect to the 38 kV GIS.
E.	Line 9700 – Remove two 38 kV wood dead end poles located outside the substation and install two new steel 38 kV poles in the same location with concrete foundations. Build and install underground feed to connect to the 38 kV GIS.

IT/Telecom System & SCADA:

A.	Install telecom system and SCADA system inside the new control building.
B.	Install an 100ft self-supported communication antenna with a safety grated waveguide.
C.	Install conduits and new underground fiber optic cables from existing manholes to the telecom equipment inside the new control building and to the telecom antenna.
D.	Install battery bank (48 VDC) inside the new control building.

Total Project Estimate: \$17,571,074.08

Architectural & Engineering Services Deduction (Project 335168 - FAASt A&E PREPA): -\$1,211,174.91

Work to be Completed Total: \$16,359,899.17

Project Notes

1. The Applicant has identified 406 Hazard Mitigation (HM) opportunities as described in document: *10000-CP-SOW-0001Rev2.pdf* and related Appendices. HM can review this document for consideration based on applicable policies and guidelines. The Applicant has also stated the following: "A Benefit Cost Analysis will be performed and submitted to FEMA to demonstrate the future risk reduction benefits to reduce or eliminate the long-term risk to life and property from hazard events and compares those benefits to its costs. FEMA requires the Cataño Substation equipment to be elevated to the 500-year ABFE guidelines. LUMA will require confirmation from FEMA that all costs associated with the elevation of all Cataño Substation equipment will be covered under the 406 Hazard Mitigation Grant Program otherwise LUMA may be required to remove the elevation design from the project scope. Delays in the receipt of confirmation from FEMA may delay the project schedule."
2. The zip code for the subject facility is 00962, as provided by the PDMG on 21-Dec-2021.
3. WTBC costs were obtained from Applicant provided document: *Appendix M - Cataño Cost Estimate.pdf*, as applicable for the 428 SOW portion of the estimate (no 406 HM). Document was later revised into *Appendix M - Cataño Cost Estimate - Rev. 4.1.2022.xlsx*.
4. Any claim or disbursement related to Engineering or Architecture (A&E) services for this project must be claimed/dispensed from Project 335168, which was prepared to cover A&E expenses related to this Applicants FAASt Projects. The A/E funds for the amount of \$1,211,174.91 have been calculated for this project, however, the actual A&E costs will be claimed in GM project #335168. This dollar

amount will be included in this project with a negative dollar amount, to avoid duplicity of funds.

406 HMP Scope

Project number: 174422

Damage #442268; Catano Rebuilt 1801

Applicant: PR Electric Power Authority (000-UA2QU-00)

Location: Carr 5, Km 27.0, Barrio Canas, Catano, Puerto Rico

GPS Latitude/Longitude: Start: **REDACTED**

Hazard Mitigation Narrative

During the incident period from September 17, 2017, to November 15, 2017, the Commonwealth of Puerto Rico experienced hurricane-force winds, heavy rain, flooding and power outage from Hurricane Maria. The incident caused damage to the electrical system, such as power generation plants, transmission and distribution lines, substations, communication systems, buildings, among other damages to the infrastructures owned, operated, and maintained by the Puerto Rico Electric Power Authority (PREPA).

The Cataño Substation 1801 was built approximately in 1960 and is located in the Municipality of Cataño Puerto Rico. The facility is a 38KV/13.2KV substation with a 12MVA transformer feeding a modular enclosed metal clad switchgear supplying six 13.2KV distribution circuits. The 38KV switch structure has eleven air breaker switches, two gas insulated switches, four oil insulated switches, six PTs, fifteen arrestors and one support structure. This substation is supported by a control building, electro-mechanical protection relays, SCADA, battery bank, battery charger, communications, and a remote transformer. According to the information provided by the Applicant, due to the high velocity hurricane winds and prolonged heavy rain (flooding), were the main cause of the damages of the facility.

System Approach:

As per most updated ABFE Maps, the Cataño Substation 1801 is now located in a Special Flood Hazard Area (SFHA) Zone A (formerly located on a Zone X). The recommended guides stated essential facilities (Flood Design Class 4) must be elevated or protected to the base flood elevation (BFE) + 2ft or 500-year flood elevation, whichever is higher. During Hurricane Maria the control room of the substation experienced flooding damage. As a Hazard Mitigation measure the control room will be elevated 2 ft above BFE. Nevertheless, by Mitigating only this portion of the substation, the risk to the functionality of the substation facility will not be significantly reduced because critical components such as the transformers, breakers and the switchgear continue to be exposed to the flood hazard. In order to ensure continue future operation of the facility and to protect federal investments, is proposing to mitigate the risk by elevating the Control Room and the other critical components of the substations. Note: The components of the substation operate as a system and are interdependent. If one component fails, the function of the substation will be compromised resulting in the interruption of the substation causing lack of power to the customers (loss of function of the substation).

Floodplain Evaluation:

Before Hurricane Maria, according to the Flood Insurance Rate Map (FIRM), the Cataño Substation 1801 was located in a Zone X, which is a zone with a minimum or moderate flood risk. After Hurricane Maria, the Government of PR adopted the Advisory Base Flood Elevation Maps (ABFE) to determine if a facility is within a Special Flood Hazard Area (SFHA). The Policy states that the most restrictive map (FIRM or ABFE) is to be used to determine flood zone for any particular site, that in this case, is the ABFE map labeled it in Zone A. A request to determine the base flood elevation (BFE) was requested to FEMA Floodplain Management Specialist, which determined that the (BFE) + 2 ft or 500-year flood elevation for the Cataño Substation is 3.7 meters (6.8 meters - 3.1 meters) above the existing floor elevation (EFE). According to the PA Site Inspection Report, the only flood damaged was 6 inches of flooding in the control room. Although, since the other substation components were not damaged by flooding, the Applicant requested FEMA to evaluate the substation as a system. As indicated before, a System Approach analysis was granted, which

means that whole critical components (damaged and undamaged elements) will be elevated 2 feet above BFE to avoid any future damage and loss of function.

Improved Project:

The mitigation strategy for future damages at Cataño Substation 1801 is accomplished by replacing the previously flooded control building with an elevated control building structure, from 1 ft or 100-year above BFE flood elevation (PA MOR) to 2 ft or 500-year above BFE flood elevation. The existing 38KV air insulated equipment, 13.2KV power distribution switchgear and 38KV/13.2KV transformer do not meet the new ABFE guidelines and are also required to be elevated. The improved project Scope of Work (SOW) incorporates new 38KV switchgear equipment, new 13.2KV switchgear equipment, telecom equipment, batteries and protection equipment and all associated equipment as part of the integrated control building. The proposed mitigation approach elevates all critical interdependent equipment to the (BFE) + 2ft or 500-year flood elevation and includes the integration of a Substation Automation System, and enhanced SCADA technology.

Hazard Mitigation Proposal (HMP) Scope of Work:

In order to prevent or reduce future damages from similar events, the applicant proposed the following mitigation measures:

Mitigation Measures (*Supplement*)

1. To avoid damage in a future flood event, the Applicant is proposing as a mitigation measure, an improved project that includes the elevation of the substation above (BFE) + 2ft or 500-year flood (3.7m) and the consolidation of all substation equipment into an enclosed elevated integrated control building that is a more cost-effective solution than rebuilding and elevating the existing 38KV air insulated equipment and 13.2KV power distribution switchgear in their existing configuration. This fact will reduce the footprint of the substation and will reduce the cost in comparison to elevate the existing "in-kind" substation. On the elevated platform (elevated integrated control building), the Applicant will install the new 38KV switchgear equipment, new 13.2KV switchgear equipment, telecommunication equipment, batteries and protection equipment and all associated components.
2. On the damaged perimeter chain-link industrial fence (Ga. 6 mesh, schedule 40 post and 3-line barbed wires), change from 10 ft on center to 8 ft on center, bury posts 3 ft deep instead of 2 ft deep and change posts from 2-inch diameter to 3-inch diameter for a 10 ft fence.

Note: After a rigorous analysis and consultation with PA and HM advisors, the following items were not included as 406 Mitigation measures:

1. Power Generator - Not available in pre-disaster condition.
2. Batteries - Not PA eligible damage.
3. SCADA and Communication Equipment – Included in the PA Method of Repair (MOR).

Net Cost of 406 HMP per DI: \$3,145,301.54

Cost of 406 HMP w/factors: \$6,895,149.77

Project BCR (Benefit Cost Ratio):

BCR = (Total Hazard Mitigation Benefits / Total Hazard Mitigation Project Cost)

BCR = (\$20,347,710.00 / \$7,585,187.00) = 2.68

The FEMA BCA tool is utilized in determining the benefit, which is the present value of the sum of the expected annual avoided damages of all the mitigation actions or damage inventories over the project useful life, and the dollar amount is compared with the

total mitigation cost to obtain the benefit cost ratio (BCR). A project is considered cost-effective when the BCR is equal to or greater than (1).

*See Mitigation Profile Documents Tab for complete version of this HMP and supporting documents.

*Due to GM system constraints in the Mitigation Profile Cost Tab, there may be a discrepancy in the total dollar amount of the mitigation proposal (or, the cost effectiveness statement) cited in the Cost Tab of the project(s). Whenever a difference between the Mitigation Cost Tab and the completed HMP cost occurs, the correct dollar amount of the grant proposal will default to the amount of 406 funding cited on the actual HMP document (and the Cost Summary Spreadsheet) uploaded into the Mitigation Profile Documents Tab.

Cost

Code	Quantity	Unit	Total Cost	Section
3510 (Engineering And Design Services (A&E Deduction from Project 335168 - FAASt A&E PREPA))	1.00	Lump Sum	(\$1,211,174.91)	Completed
9201 (PAAP Fixed Estimate (No Value - Tracking Purposes Only))	1.00	Lump Sum	\$0.00	Completed
9001 (Estimated Budget for Construction & Procurement (FAASt Project 136271))	1.00	Lump Sum	\$17,571,074.08	Uncompleted

CRC Gross Cost \$16,359,899.17

Total 406 HMP Cost \$6,895,149.77

Total Insurance Reductions \$0.00

CRC Net Cost \$23,255,048.94

Federal Share (90.00%) \$20,929,544.05

Non-Federal Share (10.00%) \$2,325,504.89

Award Information

Version Information

Version #	Eligibility Status	Current Location	Bundle Number	Project Amount	Cost Share	Federal Share Obligated	Date Obligated
0	Eligible	Awarded	PA-02-PR-4339-PW-10496(11743)	\$23,255,048.94	90 %	\$20,929,544.05	5/17/2022

Drawdown History

EMMIE Drawdown Status As of Date	Obligation Number	Expenditure Number	Expended Date	Expended Amount
No Records				

Subgrant Conditions

- As described in Title 2 Code of Federal Regulations (C.F.R.) § 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. Exceptions are stated in 2 C.F.R. §200.333(a) – (f)(1) and (2). All records relative to this project are subject to examination and audit by the State, FEMA and the Comptroller General of the United States and must reflect work related to disaster-specific costs.
- In the seeking of proposals and letting of contracts for eligible work, the Applicant/Subrecipient must comply with its Local, State (provided that the procurements conform to applicable Federal law) and Federal procurement laws, regulations, and procedures as required by FEMA Policy 2 CFR Part 200, Procurement Standards, §§ 317-326.
- The Recipient must submit its certification of the subrecipient's completion of this project, the final claim for payment, and supporting documentation within 180 days from the date that the applicant completes the scope of work, or the project deadline, whichever occurs first. FEMA reimburses Large Projects (those with costs above the large project threshold) based on the actual eligible final project costs. Therefore, during the final project reconciliation (closeout), the project may be amended to reflect the reconciliation of actual eligible costs.
- When any individual item of equipment purchased with PA funding is no longer needed, or a residual inventory of unused supplies exceeding \$5,000 remains, the subrecipient must follow the disposition requirements in Title 2 Code of Federal Regulations (C.F.R.) § 200.313-314.
- The terms of the FEMA-State Agreement are incorporated by reference into this project under the Public Assistance award and the applicant must comply with all applicable laws, regulations, policy, and guidance. This includes, among others, the Robert T. Stafford Disaster Relief and Emergency Assistance Act; Title 44 of the Code of Federal Regulations; FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide; and other applicable FEMA policy and guidance.
- The DHS Standard Terms and Conditions in effect as of the declaration date of this emergency declarations or major disaster, as applicable, are incorporated by reference into this project under the Public Assistance grant, which flow down from the Recipient to subrecipients unless a particular term or condition indicates otherwise.
- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth at Title 2 Code of Federal Regulations (C.F.R.) Part 200 apply to this project award under the Public Assistance grant, which flow down from the Recipient to all subrecipients unless a particular section of 2 C.F.R. Part 200, the FEMA-State Agreement, or the terms and conditions of this project award indicate otherwise. See 2 C.F.R. §§ 200.101 and 110.
- The subrecipient must submit a written request through the Recipient to FEMA before it makes a change to the approved scope of work in this project. If the subrecipient commences work associated with a change before FEMA approves the change, it will jeopardize financial assistance for this project. See FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide.
- Pursuant to section 312 of the Stafford Act, 42 U.S.C. 5155, FEMA is prohibited from providing financial assistance to any entity that receives assistance from another program, insurance, or any other source for the same work. The subrecipient agrees to repay all duplicated assistance to FEMA if they receive assistance for the same work from another Federal agency, insurance, or any other source. If an subrecipient receives funding from another federal program for the same purpose, it must notify FEMA through the Recipient and return any duplicated funding.

Insurance

Additional Information

4/6/2022

GENERAL INFORMATION

Event: DR4339-PR

Project: SP 174422

Category of Work: Cat F - Utilities

Applicant: PR Electric Power Authority

Event Type: Hurricane / Hurricane Maria

Cause of Loss: Wind / Wind Driven Rain

Incident Period: 9/17/2017 to 11/15/2017

Total Public Assistance Amount: \$23,255,048.94 (Repairs Amount \$16,359,899.17 + Mitigation Amount \$6,895,149.77)

COMMERCIAL INSURANCE INFORMATION

Does the applicant have a Commercial Policy that extends coverage for this facility: Yes

Policies Issued by: Willis Towers Watson, Multinational Insurance Company and Mapfre

Policy Numbers: Willis Towers Watson (B0804Q1966F17, B0804Q14312F17, B0804Q19673F17, B0804Q19672F17, B0804Q18529F17, B0804Q14312F17, B0804Q19674F17, B0804Q18411F17, B0804Q14310F17, B0804Q11038F17, B0804Q14507F17, B0804Q14312F17)

Mapfre Praico Insurance Company (1398178000644)

Multinational Insurance Company (88-CP-000307831-2, 88-CP-000318673-0, 88-CP000318674-0, 88-CP-000318675-0, 88-CP-000318676-0, 88-CP-000318677-0)

Policy Period: From: 5/15/2017 To: 5/15/2018

Policy Limits: \$300,000,000.00

RCV or ACV: Replacement Cost Value

Deductible Amount \$25,000,000.00 each and every occurrence property damage and 30 days each and every occurrence business interruption in respect of Named Windstorm.

Does the Applicant's Commercial Policy extend coverage for the damage described in this project: Yes

The amount of the deductible being funded in this project is \$0.00

The amount of the deductible previously funded in other projects is \$25,000,000.00

Final Insurance Settlement Status: Insurance proceeds for this project are anticipated

The amount of Anticipated Insurance Reduction applied for Project: \$0.00

NUMBER OF DAMAGED LOCATIONS INCLUDED IN THIS PROJECT: (1)

Damaged Inventory (DI) #442268:

FAASt – Catano-Rebuilt 1801

Location Description: Catano 1801 Substation is approximately 22,200 SQ. FT. The substation has four transmission lines 9500, 9700, 8200 and 6200 38/13.2 kV and five feeders. The capacity of the substation is 12/22.40 MVA.

GPS Coordinates: **REDACTED**

Cause of Loss: Wind / Wind Driven Rain

SOV / Schedule #: N/A

SOV / Schedule Amount: N/A

Applicable Deductible Amount: N/A

Damage Inventory Amount: \$23,255,048.94 (Repairs Amount \$16,359,899.17 + Mitigation Amount \$6,895,149.77)

-
Prior Obtain and Maintain Requirement:

No prior insurance requirements were found for this facility. _

-
Reduction(s):

No insurance reduction will be applied to this project. An anticipated insurance reduction of \$193,746,436.00 was applied to FFAST project # 136271 for anticipated insurance proceeds for Hurricane Maria losses. For ease of reference, please see table of insurance allocations: "PREPA Allocation Plan – All Disasters" file.

-
Obtain and Maintain Requirement:

An Obtain & Maintain Requirement is being required for Equipment, for the peril of Wind (all wind associated losses including "wind driven rain" for the FFAST – Catano-Rebuilt 1801 in the amount of \$19,703,262.28 (Repairs Amount \$16,359,899.17 – Uninsurable Items Amount \$3,438,257.69 + Insurable Mitigation Amount \$6,781,620.80). Please see "SP174422 – Cost Estimate - Insurance" file.

Under Section 311 of the Stafford Act, the Recipient or the Subrecipient is required to obtain and maintain insurance in the amount of eligible disaster assistance to protect against future loss to such property from the types of hazard which caused the damage in the major disaster. Section 428 Projects under the Public Assistance Alternative Procedures (PAAP) are subject as well to Section 311 insurance requirements. Section 311 requirements apply to all insurable facilities for which FEMA PA funds are used (including excess funds).

Note that this insurance requirement is based on current eligible estimates. The final insurance requirement will be determined by the agreed-upon fixed cost estimate with the actual scope of work for the repair, restoration, or replacement of the insurable facility. 44 CFR § 206.253(b) (1) § 206.252 (d).

Insurance Proceeds Statement:

FEMA acknowledges that the Applicant is in negotiations with their insurance carrier at the time of the FEMA insurance review and might have received partial settlements. In accordance with 44 CFR §206.250-253, in the absence of an actual settlement, anticipated insurance recoveries will be deducted from this project based on Applicant's insurance policy limits. FEMA subsequently adjusts the eligible costs based on the actual amount of insurance proceeds the Applicant receives after a final settlement.

FEMA's Recovery Policy FP 206-086-1, Public Assistance Policy on Insurance (June 29, 2015), requires applicants to take reasonable efforts to recover insurance proceeds that it is entitled to receive from its insurers. FEMA will consider final insurance settlements that may be less than the insurance policy limits when an applicant demonstrates that it has taken reasonable efforts to recover insurance proceeds that it is entitled on a case-by-case basis.

Standard Insurance Comments

FEMA Policy 206-086-1

PART 2: Other Insurance-Related Provisions. (Sections 312 and 406(d) of the Stafford Act)

A. Duplication of Benefits. FEMA cannot provide assistance for disaster-related losses that duplicate benefits available to an applicant from another source, including insurance.

1. Before FEMA approves assistance for a property, an applicant must provide FEMA with information about any actual or anticipated

insurance settlement or recovery it is entitled to for that property.

2. FEMA will reduce assistance to an applicant by the amount of its actual or anticipated insurance proceeds.
3. Applicants must take reasonable efforts to recover insurance proceeds that they are entitled to receive from their insurer(s).

FEMA Policy 206-086-1

H. Subsequent Assistance. When a facility that received assistance is damaged by the same hazard in a subsequent disaster:

1. If the applicant failed to maintain the required insurance from the previous disaster, then the facility is not eligible for assistance in any subsequent disaster.
2. Upon proof that the applicant maintained its required insurance, FEMA will reduce assistance in the subsequent disaster by the amount of insurance required in the previous disaster regardless of:
 - a. The amount of any deductible or self-insured retention the applicant assumed (i.e., "retained risk").

Obtain and Maintain Requirements:

44 CFR § 206.253 Insurance requirements for facilities damaged by disasters other than flood.

(a) Prior to approval of a Federal grant for the restoration of a facility and its contents which were damaged by a disaster other than flood, the recipient shall notify the Regional Administrator of any entitlement to insurance settlement or recovery for such facility and its contents. The Regional Administrator shall reduce the eligible costs by the actual amount of insurance proceeds relating to the eligible costs.

(b)

(1) Assistance under section 406 of the Stafford Act will be approved only on the condition that the recipient obtain and maintain such types and amounts of insurance as are reasonable and necessary to protect against future loss to such property from the types of hazard which caused the major disaster. The extent of insurance to be required will be based on the eligible damage that was incurred to the damaged facility as a result of the major disaster. The Regional Administrator shall not require greater types and extent of insurance than are certified as reasonable by the State Insurance Commissioner.

(2) Due to the high cost of insurance, some applicants may request to insure the damaged facilities under a blanket insurance policy covering all their facilities, an insurance pool arrangement, or some combination of these options. Such an arrangement may be accepted for other than flood damages. However, if the same facility is damaged in a similar future disaster, eligible costs will be reduced by the amount of eligible damage sustained on the previous disaster.

(c) The Regional Administrator shall notify the recipient of the type and amount of insurance required. The recipient may request that the State Insurance Commissioner review the type and extent of insurance required to protect against future loss to a disaster-damaged facility, the Regional Administrator shall not require greater types and extent of insurance than are certified as reasonable by the State Insurance Commissioner.

(d) The requirements of section 311 of the Stafford Act are waived when eligible costs for an insurable facility do not exceed \$5,000.00. The Regional Administrator may establish a higher waiver amount based on hazard mitigation initiatives which reduce the risk of future damages by a disaster similar to the one which resulted in the major disaster declaration which is the basis for the application for disaster assistance.

(e) The recipient shall provide assurances that the required insurance coverage will be maintained for the anticipated life of the restorative work or the insured facility, whichever is the lesser.

(f) No assistance shall be provided under section 406 of the Stafford Act for any facility for which assistance was provided as a result of a previous major disaster unless all insurance required by FEMA as a condition of the previous assistance has been obtained and maintained.

Final Obtain and Maintain requirement amount will be determined during the closeout process after the final actual eligible costs to repair or replace the insurable facility have been determined.

FEMA Policy 206-086-1

F. Timeframes for Obtaining Insurance. FEMA will only approve assistance under the condition that an applicant obtains and maintains the required insurance.

The applicant must document its commitment to comply with the insurance requirement with proof of insurance.

If an applicant cannot insure a facility prior to grant approval (for example, if a building is being reconstructed), the applicant may provide a letter of commitment stating that they agree to the insurance requirement and will obtain the types and extent of insurance required, followed at a later date by proof of insurance once it is obtained. In these cases, the applicant should insure the property:

- a. When the applicant resumes use of or legal responsibility for the property (for example, per terms of construction contract or at beneficial use of the property); or

b. When the scope of work is complete.

FEMA and the recipient will verify proof of insurance prior to grant closeout to ensure the applicant has complied with the insurance requirement.

An applicant should notify FEMA—in writing through the recipient—of changes to their insurance which impact their ability to satisfy the insurance requirement after it provides proof of insurance to FEMA. This includes changes related to self-insurance. If an applicant fails to do this, FEMA may de-obligate assistance and not provide assistance in a future disaster.

Jean-Carlo Echevarria, PA Insurance Specialist, CRC Atlantic, Guaynabo, PR

O&M Requirements

Insured Peril	Item Type	Description	Required Coverage Amount
Wind	Equipment	An Obtain & Maintain Requirement is being required for Equipment, for the peril of Wind (all wind associated losses including "wind driven rain" for the FAASt – Catano-Rebuilt 1801 in the amount of \$19,703,262.28.	\$19,703,262.28

406 Mitigation

There is no additional mitigation information on **FAASt - Catano-Rebuild 1801(Substation)**.

Environmental Historical Preservation

Is this project compliant with EHP laws, regulations, and executive orders?

Yes

EHP Conditions

- Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize funding.
- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archaeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
- Executive Order 11988 - Floodplains - Applicant must obtain any required permits from the Planning Board prior to initiating work and comply with any conditions of the permit. All coordination (emails, letters, documented phone calls) pertaining to these activities and compliance must be provided and maintained in the Applicant's permanent files.
- Endangered Species Act (ESA) - The Applicant must provide documentation at close-out that proves completion of required Conservation Measures for the Puerto Rican boa (*Epicrates inornatus*): 1. Inform all personnel about the potential presence of the PR boa and the VI boa in areas where the proposed work will be conducted. Photographs of the PR and VI Boa are to be prominently displayed at the site. The recipient must ensure that project personnel is able to correctly identify a PR or VI boa. For information on PR boa, please visit: <https://ecos.fws.gov/ecp/species/6628>. 2. Prior to any construction activity, including removal of vegetation and earth movement, the boundaries of the project area must be delineated, buffer zones, and areas to be excluded and protected, should be clearly marked in the project plan and in the field to avoid further habitat degradation into forested areas. Once areas are clearly marked, and prior to any construction activity, including site preparation, project personnel able to correctly identify a PR or VI boa must survey the areas to be cleared to ensure that no boas are present within the work area. Vehicle and equipment operation must remain on designated access roads/paths

and within rights-of way. 3. If a PR boa is found within any of the working or construction areas, activities should stop in the area where the boa was found. Do not capture the boa. If boas need to be moved out of harm's way, project personnel designated by the recipient shall immediately contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #: 787-724-5700, 787-230-5550, 787-771-1124). If immediate relocation is not an option, project-related activities at this area must stop until the boa moves out of harm's way on its own. Activities at other work sites, where no boas have been found after surveying the area, may continue. 4. Measures should be taken to avoid and minimize PR boa casualties by heavy machinery or motor vehicles being used on site. Any heavy machinery left on site (staging) or near potential PR boa habitat (within 50 meters of potential boa habitat), needs to be thoroughly inspected each morning before work starts to ensure that no boas have sheltered within engine compartments or other areas of the equipment. If PR boas are found within vehicles or equipment, do not capture the animal and let it move on its own or call PRDNER Rangers for safe capture and relocation of the boa (PRDNER phone #: 787-724-5700, 787-230-5550, 787-771-1124). If not possible, the animal should be left alone until it leaves the vehicle on its own. 5. PR boas may seek shelter in debris piles. Measures should be taken to avoid and minimize boa casualties associated with sheltering in debris piles as a result of project activities. Debris piles should be placed far away from forested areas. Prior to moving, disposing or shredding, debris piles should be carefully inspected for the presence of boas. If PR boas are, found within debris piles, do not capture the animal and let it move on its own or call PRDNER Rangers for safe capture and relocation of the animal. If debris piles will be left on site, we recommend they be placed in areas that will not be disturbed in the future. 6. For all boa sightings (dead or alive), personnel designated by the recipient must record the time and date of the sighting and the specific location where the boa was found. Data should also include a photo of the animal dead or alive, and site GPS coordinates, and comments on how the animal was detected and its behavior. If the PR boa was accidentally killed as part of the project actions, please include information on what conservation measures had been implemented and what actions will be taken to avoid further killings. All boa-sighting reports should be sent to the USFWS Caribbean Ecological Services Field Office, Marelisa Rivera - Deputy Field Supervisor, 787- 851-7297 extension 206, 787-510-5207, marelisa_rivera@fws.gov.

- Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA) - 1. The applicant is responsible to ensure damaged transformers are handled, managed and disposed of in accordance with all federal and state laws and requirements. Downed electrical equipment may contain toxic and hazardous materials, such as polychlorinated biphenyls (PCBs), and may spill these materials if a rupture occurs. Applicant is responsible for screening transformers that do or may contain PCBs and the area where any related spill occurred. The applicant is then responsible to handle, manage, dispose of, or recycle damaged equipment and contaminated soil as appropriate. Where possible, temporary measures should be implemented to prevent, treat, or contain further releases or mitigate the migration of PCBs into the environment. If damaged equipment or material storage containers must be stored temporarily, containers should be placed on hardened surface areas, such as a concrete or an asphalt for no more than 90 days. Excavated contaminated material should be disposed of in accordance with federal and state laws and requirements. 2. The Applicant shall handle, manage, and dispose of all types of hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances. In addition, the Applicant shall ensure that all debris is separated and disposed of in a manner consistent with the PR DNER guidelines at a permitted site or landfill. The contractor/applicant will be responsible for the proper disposition of construction debris in authorized landfills providing the name, location, coordinates and permits of the facility to the corresponding authorities. 3. Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location. In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage and dispose petroleum products, hazardous materials and toxic waste in accordance to the requirements of the local and federal agencies. Noncompliance with these requirements may jeopardize receipt of federal funds.

EHP Additional Info

There is no additional environmental historical preservation on **FAASt - Catano-Rebuild 1801(Substation)**.

Final Reviews

Final Review

Reviewed By MARTINEZ SANTIAGO, ISRAEL

Reviewed On 05/04/2022 2:42 PM AST

Review Comments

FEMA final review completed. Project ready for Recipient Final Review.

Recipient Review

Reviewed By Salgado, Gabriel

Reviewed On 05/04/2022 2:45 PM AST

Review Comments

Recipient review completed. Project ready for Applicant Final Review.

Fixed Cost Offer

As a Public Assistance (PA) Subrecipient PR Electric Power Authority (000-UA2QU-00), in accordance with Section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Applicant agrees to accept a permanent work subaward based on a Fixed Cost Offer in the amount of \$23,255,048.94 for subaward number 10496 under Disaster # 4339. The Applicant accepts responsibility for all costs above the Fixed Cost Offer.

The Applicant understands that by participating in this pilot program they will be reimbursed for allowable costs in accordance with 2 CFR Part 200, and the reimbursement will not exceed the Fixed Cost Offer. The Applicant also understands that by agreeing to this Fixed Cost Offer, they will not receive additional funding related to the facilities or sites included in the subaward. The Applicant also acknowledges that failure to comply with the requirements of applicable laws and regulations governing assistance provided by FEMA and the PA Alternative Procedures Pilot Program Guidance (such as procurement and contracting; environmental and historic preservation compliance; and audit and financial accountability) may lead to loss of federal funding.

Project Signatures

Signed By Nieves, Ezequiel

Signed On 05/10/2022