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 – DECEMBER 2020	**CASE NO**.: NEPR-MI-2021-0002 **SUBJECT**: Urgent Motion to Submit Scope of Work for San Juan Central Unit 6 Generation Project

URGENT MOTION TO SUBMIT SCOPE OF WORK FOR SAN JUAN CENTRAL UNIT 6 GENERATION PROJECT

COMES NOW the Puerto Rico Electric Power Authority (PREPA), through its counsel of record, and respectfully submits and requests as follows:

1. On March 26, 2021, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (the "Energy Bureau" or "Bureau") entered a Resolution and Order (the "March 26 Order") requiring PREPA to, among other things:

> submit to the Energy Bureau each new capital investment project. For projects to be funded with the [Federal Emergency Management Administration "FEMA"] fund and/or any other federal funds, PREPA shall submit the specific projects to the Energy Bureau at least thirty (30) calendar days prior to its submittal to the [Central Office for Recovery, Reconstruction and Resiliency "COR3"], FEMA and/or any other federal agency.

March 26 Order at pp. 18-19, ¶ 10.

2. On November 18, 2021, the Honorable Energy Bureau further stated that "[a]ll [of] PREPA's capital projects expenses require the Energy Bureau's approval." Resolution and Order entered on November 18, 2021 (emphasis in the original removed).

3. In compliance with the March 26 Order, PREPA herein submits for the review and approval of the Energy Bureau the scope of work (SOW) for permanent repair to be performed on the San Juan Central Unit 6 (the "Project"). The Project works target the repair of damages that

the referred power plant suffered as a consequence of the direct hit of Hurricane Maria. PREPA has also identified it needs to perform works of conservation, repairs, and retrofitting of its generation units and their auxiliary equipment. These works are of the utmost importance to improve the reliability of the system.

4. PREPA herein presents the background of the Project and also, the scope of work to be performed, and costs incurred for which PREPA will seek reimbursement from the Federal Emergency Management Administration ("FEMA").

5. Pursuant to the above, PREPA hereby details the works completed to repair damages sustained by the San Juan power plant as well as necessary works to improve the reliability of the system and submits them to the Energy Bureau for evaluation and approval. The damages that the power plant suffered, and the permanent works performed to address and repair the unit are listed below.

a. **San Juan Power Plant-Unit 6** (Exhibit A). The damages suffered by the plant are listed in Sec. 2.2 and the permanent works to be performed are listed in Sec. 3.1. The works performed aimed to restore the facilities to pre-disaster function and to approved codes/standards. The codes and standards are detailed in Section 4. The total costs incurred in the permanent repair works total $12,150,068. With the Energy Bureau's leave, PREPA will submit to FEMA a request for reimbursement of the entire amount spent under the Public Assistant program, pursuant Section 428 of the Stafford Act.

6. The above-listed projects are aligned with the operative IRP and Modified Action Plan approved by the Energy Bureau on August 24, 2021. *See Final Resolution and Order on the Puerto Rico Electric Power Authority's Integrated Resource Plan* entered in case no. CEPR-AP-2018-

0001, *In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*.

7. Notwithstanding, the SOW presented contains critical energy infrastructure information (CEII) that cannot be disclosed to the public. The CEII included in the SOW are global positioning system (GPS) coordinates of the power plant.

8. The following is a detailed list of the information that PREPA asserts is confidential and must be kept under seal.

Exhibit	**Description**	**Confidential Information**	**Request for Confidentiality**
Exhibit A	San Juan Power Plant Unit 6 Modules D&E HRSG Permanent Repairs	GPS Location Page 4, Sec. 2.1 Page 9, Sec 10.3	CEII

9. Article 6.15 of the *Puerto Rico Energy Transformation and RELIEF Act*, Act no. 57 of 2014, as amended ("Act 57")[1], provides that "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 [Bureau] to treat such information as such[.]" *Id.* at Sec. 6.15. "If the Energy [Bureau], after the appropriate evaluation, believes such 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.* at Sec. 6.15(a). If the Energy Bureau determines that the information is confidential, "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." *Id.* at Sec. 6.15(b). "The Energy [Bureau] shall swiftly act on any privilege and

[1] *Puerto Rico Energy Transformation and RELIEF Act,* Act no. 57 of May 27, 2014, 22 L.P.R.A. §§ 1051-1056.

confidentiality claim made by a person subject to its jurisdiction by means of a resolution to such purposes before any allegedly confidential information is disclosed." *Id.* at Sec. 6.15(c).

10. Pursuant to its vested powers, the Energy Bureau approved the *Regulation on Adjudicative, Notices of Compliance, Rate Review and Investigations Proceedings* ("Regulation 8543").[2] Regarding the safeguards that the Energy Bureau gives to confidential information, Regulation 8543 provides that:

> [i]f in compliance with the provisions of [Regulation 8543] or any of the Energy Bureau's orders, a person has the duty to disclose to the Energy Bureau information 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 the material merits protection, proceed according to what is set forth in Article 6.15 of Act No. 57-2014, as amended.

Regulation 8543 at Sec. 1.15.

11. Federal and Puerto Rico law protect the confidentiality of CEII, the public disclosure of which may pose a security threat in that the information could be useful to a person or group in planning an attack on critical infrastructure. *See, e.g.*, 18 C.F.R. § 388.113, as amended by Federal Energy Regulatory Commission (FERC) Order No. 683, *Critical Energy Infrastructure Information* (issued September 21, 2006); *USA Patriot Act of 2001*, § 1016, creating the *Critical Infrastructures Protection Act of 2001*, including 42 U.S.C. § 5195c(e) (defining Critical infrastructure). FERC regulations subject such information to limitations on use and disclosure to "ensure that information deemed CEII stays out of the possession of terrorists." 18 C.F.R. §

[2] Energy Bureau, *Regulation on Adjudicative, Notices of Compliance, Rate Review and Investigations Proceedings*, No. 8543 (December 16, 2015).

388.113(d)(4). *Off. of People's Counsel v. Pub. Serv. Commn*., 21 A.3d 985, 991, Util. L. Rep. P 27157, 2011 WL 2473405 (D.C. App. 2011).

12. Under the Critical Infrastructures Protection Act of 2001, the term "critical infrastructure" means "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters." 42 U.S.C. § 5195c(e).

13. In 2006, FERC Order no. 683 amended the regulations for gaining access to CEII and simplified procedures for obtaining access to CEII without increasing vulnerability of the energy infrastructure and ensuring that access to CEII does not facilitate acts of terrorism.

14. A utility is not required to obtain FERC or other federal government approval in order to designate information as CEII. For example, information required by FERC's Annual Transmission Planning and Evaluation Report, Form No. 715, ("FERC No. 715"), is *de facto* considered CEII and is automatically afforded the heightened protections. FERC No. 715 requires that any transmitting utility that operates integrated (non-radial) transmission facilities at or above 100 kV must annually submit information including but not limited to: Power Flow Base Cases, Transmitting Utility Maps and Diagrams, Transmission Planning Reliability Criteria, Transmission Planning Assessment Practices, and Evaluation of Transmission System Performance. Any utility that submits the required transmission information pursuant to FERC No. 715 does so with the knowledge that, as stated in the Form's Instructions, FERC "considers the information collected by this report to be CEII and will treat it as such." *See also* 18 C.F.R. § 141.300(d) relating to the Form and CEII.

15. Mainland regulators typically do not require a utility that designates material as CEII to follow any process before the federal government in order to make or support such a designation, and, further, that the regulator, in its informed discretion, can establish limits on how information that it considers CEII can be accessed.

16. Furthermore, and regarding the argument made by PREPA, FERC has ruled on several occasions that global positioning system (GPS) coordinates of any project features "qualify as CEII because it provides more than just location." *See e.g.* Final Rule, Docket Nos. RM02-4-000, PL02-1-000; Order No. 630, Note 31, entered on February 21, 2003 (ruling that FERC considered the global positioning system coordinates of any project features (precise surveyed or GPS coordinates at or above two decimal points of accuracy of equipment and structures) gas information to qualify as CEII because it provides more than just location).[3]

17. The Energy Bureau, in prior dockets has accepted the Authority's designations of material as CEII, recognizing that both federal law and Puerto Rico law support such designations when applicable.[4] Accordingly, and pursuant to the above, it is respectfully requested that the Honorable Energy Bureau find that the information categorized by PREPA as CEII is confidential and that the Secretary of the Energy Bureau be directed to keep the confidential CEII under seal.

WHEREFORE, PREPA respectfully requests the Energy Bureau to approve the above-listed Projects, find that the information categorized by PREPA as CEII is confidential and order the Secretary of the Energy Bureau to keep the confidential CEII under seal.

RESPECTFULLY SUBMITTED.

In San Juan Puerto Rico, 10th day of March 2023.

[3] Federal Register: March 3, 2003 (Volume 68, Number 41); Rules and Regulations, pp. 9857-9873.
[4] *See e.g. Resolution and Order* entered on August 27, 2019, in case no. CEPR-AP-2018-0001, *In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*.

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CERTIFICATE OF SERVICE

It is hereby certified that I have filed the foregoing with the Clerk of the Energy Bureau using the electronic filing system using https://radicacion.energia.pr.gov/login and also, that I have served a copy on LUMA Energy, LLC and LUMA Energy ServCo, LLC through their counsel of record at laura.rozas@us.dlapiper.com and margarita.mercado@us.dlapiper.com.

In San Juan Puerto Rico on this 10th day of March 2023.

/s Joannely Marrero Cruz
Joannely Marrero Cruz

Exhibit A

Government of Puerto Rico

Puerto Rico Electric Power Authority

Hurricane Maria DR-PR-4339

PROJECT SCOPE OF WORK WITH COST ESTIMATES

Submittal to COR3 and FEMA

San Juan Unit 6 Modules D&E HRSG Permanent Repairs

[Pick the date]

Introduction

The purpose of this document is to present and update a Project Scope of Work (SOW) with Cost Estimates to be submitted to COR3 and FEMA for projects under DR-4339-PR Public Assistance. The completed document will be reviewed by COR3 and FEMA to create and version a specific project worksheet and post fixed-cost estimates to repair, restore, or replace eligible facilities including Section 406 hazard mitigation for a specific project.

Puerto Rico Electric Power Authority (PREPA) is the agency that provides the electric service to the entire island of Puerto Rico. As such, the facilities, sites, and systems identified in this Scope of Work are eligible as critical services facilities as defined in the PAAP (Section 428) and BBA 2018 guidance documents. Additional details may be found in Sections 3 and 4, respectively.

This document will be updated with information developed during the initial design and engineering phase through the construction phase.

The sections included in this document are:

- *Project Information*
- *Facilities*
- *Scope of Work*
- *Codes and Standards*
- *Cost Estimate*
- *406 Hazard Mitigation Proposal*
- *Environmental and Historic Preservation (EHP) Requirements*
- *Program Manager Certification*
- *PREPA Project Sponsor Comments*
- *Attachments*

Document Revision History

Version	Date	Summary of Changes

Section 1. Project Information

General Information

Recipient	Central Office for Recovery, Reconstruction and Resiliency (COR3)
Sub-Recipient	Puerto Rico Electric Power Authority (PREPA)
Project Title	San Juan Unit 6 - Installation of Modules D&E HRSG Unit 6
PREPA Project Number	<to be entered by PREPA>

Federal Information

(provided by FEMA)

Damage Number(s)	250040
Damaged Inventory/Asset Category	Island Wide Generation Plants
FEMA Project Number *(Formerly Project Worksheet)*	136271 - MEPA078 PREPA Island Wide FAASt Project, Hurricane Maria 4339DR-PR
Amendment Number	

Program Manager: ***<Name>***

<Insert title here>

PREPA Project Sponsor: ***<Name >***

<Insert title here>

Section 2. Facilities

2.1. Facilities List

Name	GPS Location
San Juan Central Plant Unit 6 HRSG	[redacted]

Note: *GPS coordinates are required for all facilities.*

2.2. Facilities Description

On September 20, 2017 the entire island of Puerto Rico was ravaged by Hurricane Maria, making landfall as high-end category 4 hurricane. As a result of severe winds, wind-driven debris, salt spray, storm surge, mudslides, flooding, and rain, all essential electrical delivery services including power generation were damaged or destroyed, resulting in a complete loss of power and the longest blackout in U.S. history.

Furthermore, PREPA needs to perform constantly works of conservation, repairs, and retrofitting of its generation units and their auxiliary equipment, including, without limitation, boilers, turbines, rotors, generators, motors, pumps, breakers, and control systems. These works are of the utmost importance as it has become more evident by the recent forced outages.

To improve the generation asset's reliability, increasing their availability, and provide continuous generation service to the People of Puerto Rico, it is crucial to keep these assets operational and in the best possible condition. Therefore, the prioritization of conservation, repairs, and retrofitting works projects is at the top priority list.

A series of inspections to the Heat Recovery System Generator (HRSG) in unit 6 in San Juan Central Plant concluded that the repeated failures of the high-Pressure components required replacement of the High-Pressure piping, specifically the following components:

i. Module D High Pressure Economizer 3 Tubes Bundles (Harps)
ii. Module D Intermediate Pressure Evaporators Tubes Bundles (Harps)
iii. Module E Intermediate Pressure Economizer Tubes Bundles (Harps)
iv. Module E High Pressure Economizer 1 Tubes Bundles (Harps)
v. Module E High Pressure Economizer 2 Tubes Bundles (Harps)

Section 3. Scope of Work

3.1. Scope of Work Description

The scope of work for the rehabilitation of San Juan Generation Complex HRSG 6 will consist of the following:

- Purchase and delivery of SJSP Unit 6 HRSG Modules D & E (IP Evaporators, IP Economizer and HP Economizer)
- PressureWave® Plus HRSG cleaning of several access lanes within the HRSG.
- Install One exhaust manifold, round expansion joint SIEMENS Westinghouse M501FC. Expansion to include bolster set with joining kit, hardware and consumables.
- Perform outlet to stack expansion joint Rehabilitation
- HRSG Remove and install Module D High Pressure Economizer 3 (HP ECO3) tube harps. HP ECO3 are composed of fifteen harps distributed in three sections of the module.
- Remove and install Module D Intermediate Pressure Evaporators (IP EVA) tube harps. IP EVA are composed of twelve harps distributed in three sections of the module.
- Remove and install Module E Intermediate Pressure Economizer (IP ECO) tubes harps. IP EVA are composed of two harps distribute in one sections of the module.
- Remove and install Module E High Pressure Economizer 2 (HP ECO 2) tube harps. HP ECO 2 are composed of four harps distribute in one section of the module.
- Remove and install Module E High Pressure Economizer 1 (HP ECO 1) tube harps. HP ECO 1 are composed of fifteen harps distributed in three sections of the module.
- Inspection by PREPA and/or authorized delegate
- Inspect the harps exterior and interior to verify that it is free of obstructions and debris.
- Dispose in PREPA supplied containers the used tubes and if necessary, cut them to fit inside containers.
- Module A pipe penetration harps rehabilitation.

3.2. Type of Project

Indicate whether the intended plan is a(n):

1. **Restoration to Codes/Standards**: Restores the facility(s) to pre-disaster function and to approved codes/standards
2. **Improved Project**: Restores the pre-disaster function of the facility(s) and incorporates improvements including any:
    a. Other improvements, not required by codes and standards
    b. Changes in facility size, capacity, dimension, or footprint
3. **Alternate Project:** Does not restore the pre-disaster function of the damaged facility(s)

Choose One (Restoration, Improved or Alternate) *If improved, provide the changes in facility size, capacity, dimension, or footprint. If alternate, provide rationale for recommendation.*
Restores to Codes/Standards

Note: *If preliminary Architectural and Engineering (A&E) work has not been completed, the type of work designation is considered initial and is based on currently available information. The type of work designation may be revised based on the results of the completed preliminary A&E work.*

3.3. Preliminary Architectural and Engineering (A&E)

Is architectural and engineering funding required to help define the intended scope of work?

No

Project complexity does not require Architecture and/or Engineering services for design.

Section 4. Codes and Standards

Which of the following types of codes, specifications, and standards apply to the restoration, replacement, relocation, or alternate scope of work?

4.1. Codes, Specifications, and Standards

Yes/No. If yes, describe how incorporated below.
• (ASCE MOP 74) Guidelines for Electrical Transmission Line Structural Loading, Third Edition - American Society of Civil Engineers (ASCE) • (ASCE/SEI 7-16) Minimum Design Loads and Associated Criteria for Buildings and Other Structure - American Society of Civil Engineers (ASCE) • Distribution – 50-4, 1724D-106, 1724E-150, 1724E-151, 1724E-152, 1724E-153, 1725E-154, 1728F-700, 1728F-803, 1728F-804, 1728F-806, 1730B-121, 1730-B2 - U.S. Department of Agriculture Rural Electric Service (RUS) • International Building Code (IBC) - International Code Council (ICC) • International Energy Conservation Code (IECC) - International Code Council (ICC) • International Existing Building Code (IEBC) - International Code Council (ICC) • National Electric Safety Code (NESC) - Institute of Electrical and Electronics Engineers • National Electrical Code (NEC) - National Fire Protection Association (NFPA) • FM 4470 for Class 1 Roof Constructions - National Roofing Contractors Association (NRCA)

4.2. Industry Standards

Yes/No. If yes, describe how incorporated below.
• 2018 NFPA 101 Life Safety Code - National Fire Protection Association (NFPA) • 2010 NFPA 72 Fire Alarm and Signaling Code - National Fire Protection Association (NFPA) • ASCE.7 Section C 6.0 Wind Loads - American Society of Civil Engineers (ASCE) • International Building Code (IBC) - International Code Council (ICC) • Page 10 PREPA Standards and Specifications - Puerto Rico Electric Power Authority (PREPA) • Pattern Distribution Systems Manual - Puerto Rico Electric Power Authority (PREPA) • RUS - Applicable Bulletins for Electrical and Electronic Installations - US Department of Agriculture, Rural Utilities Service (RUS) • Underground Distribution Patterns Manual - Puerto Rico Electric Power Authority (PREPA)

Section 5. Cost Estimate

The estimate includes materials, construction labor and equipment, engineering, permitting, management, and contingencies. Cost is based historical pricing.

Cost Type	Amount ($M)
Purchase and delivery	$4,750,000.00
HRSG cleaning	$450,000.00
Install One exhaust manifold	$250,000
Perform outlet to stack expansion joint Rehabilitation	$225,068.00
Remove and install Module D & E	$6,500,000.00
Total Project Estimated Cost	**$12,150,068.00**

Section 6. 406 Hazard Mitigation Proposal

6.1. 406 Mitigation Opportunity Scope of Work

Hazard mitigation scope was not identified for this work.

6.2. 406 Mitigation Opportunity Cost Estimate

There are no costs associated with hazard mitigation.

Note: *If available, detailed engineering cost estimates will be included as an attachment.*

Section 7. EHP Requirements

EHP considerations will be detailed in PREPA's EHP scoping document and EHP Checklist. Review will be performed under FEMA's project formulation review.

Section 8. Program Manager Lead Certification

Based on my knowledge and information available to date, I certify that the contents of this document accurately reflect the project scope of work and cost estimates.

Program Manager's Printed Name	Date
Title	Signature

Section 9. PREPA Project Sponsor Comments

Comments
<Insert any comments here>

PREPA Project Sponsor's Printed Name	Date
Title	Signature

Section 10. Attachments

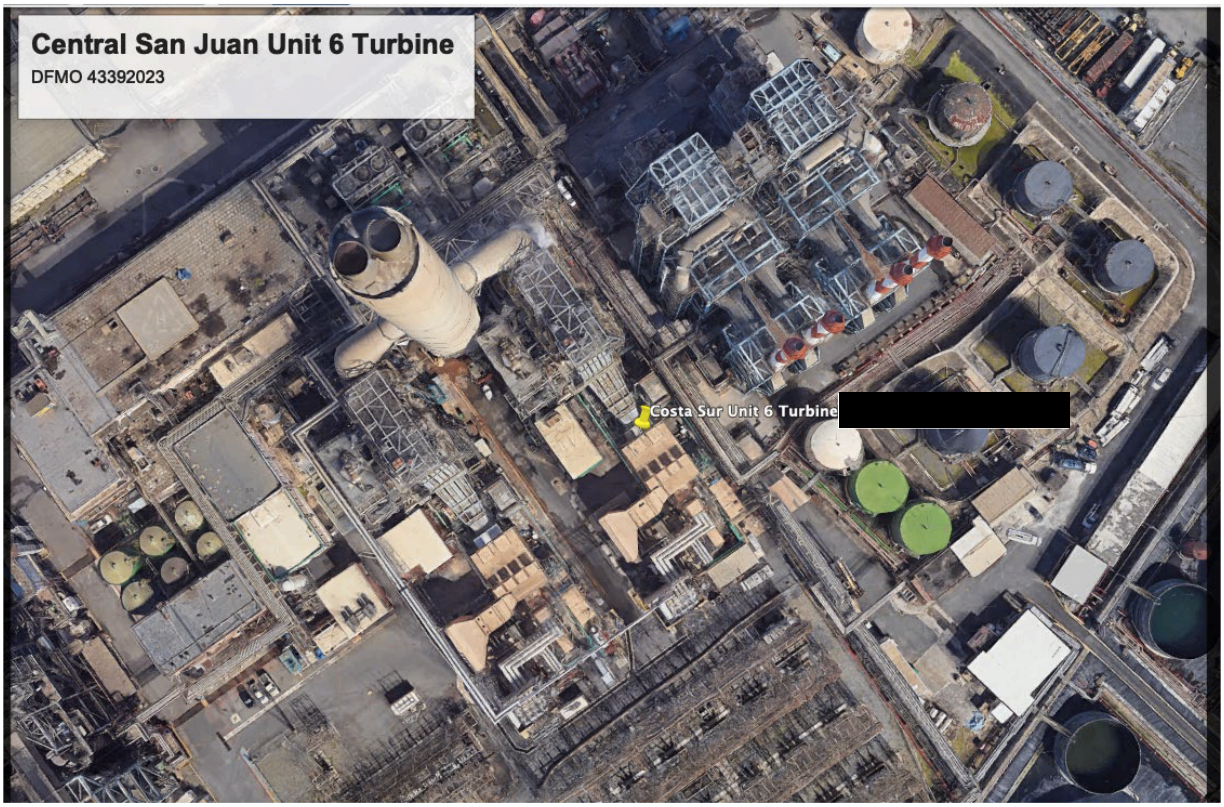
10.1. Project Detailed Cost Estimates

- Please see attached to executed contracts 87179, 88799, 85364,85463 and Technical specifications included in RFP and PREPAs Fund certifications

10.2. Engineering Studies and Designs

N/A

10.3. Location Maps and Site Pictures



10.4. Other: (Please Describe)

N/A