

**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:** Determination on PREPA's March 10 Motion and Request for Confidential Designation and Treatment of the Scope of Work for San Juan Central Unit 6 Generation Project.

**RESOLUTION AND ORDER**

**I. Introduction**

On March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("March 26 Resolution") in the instant case, through which it ordered the Puerto Rico Electric Power Authority ("PREPA") to provide certain information related to the different projects under the categories of Transmission Line Projects, Transmission Substation Projects, and Distribution Substation Projects in the PREPA 10 -Year Infrastructure Plan.<sup>1</sup> The Energy Bureau ordered PREPA to submit each specific capital investment project for approval to avoid potential noncompliance with the Approved Integrated Resource Plan ("IRP") and Modified Action Plan.<sup>2</sup> To streamline the process, the Energy Bureau requested PREPA to submit the specific projects to the Energy Bureau at least thirty (30) calendar days before their submittal to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR3") and the Federal Emergency Management Agency ("FEMA").<sup>3</sup>

On March 10, 2023, PREPA filed a document titled *Urgent Motion to Submit Scope of Work for San Juan Central Unit 6 Generation Project* ("March 10 Motion"). As Exhibit A to the March 10 Motion, PREPA included the Project Scope of Work ("SOW") with Cost Estimates for the *San Juan Unit 6 Modules D&E HRSG Permanent Repairs*.

As part of its filing, PREPA request confidential designation and treatment to some parts of Exhibit A.<sup>4</sup>

**II. Evaluation of the March 10 Motion**

Through the March 10 Motion, PREPA submitted one (1) SOW for the San Juan Unit 6 Modules D&E Heat Recovery System Generator (HRSG) in unit 6 of the San Juan Central Plant (SJCP).

PREPA stated in their SOW that through a series of inspections to the HRSG in unit 6 of the SJCP, it was concluded that the repeated failures of the High-Pressure components required replacement of the High-Pressure piping, specifically the following components:

- (1) Module D High Pressure Economizer 3 Tubes Bundles (Harps)
- (2) Module D Intermediate Pressure Evaporators Tubes Bundles (Harps)
- (3) Module E Intermediate Pressure Economizer Tubes Bundles (Harps)
- (4) Module E High Pressure Economizer 1 Tubes Bundles (Harps)
- (5) Module E High Pressure Economizer 2 Tubes Bundles (Harps)

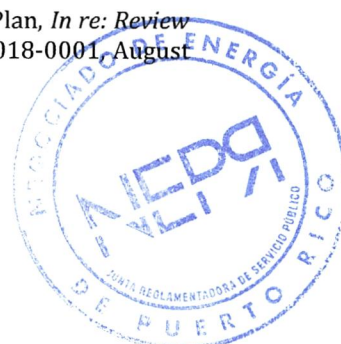
The description of the scope of work to be performed includes purchase and delivery of SJCP Unit 6 HRSG Modules D & E (IP Evaporators, IP Economizer and HP Economizer), HRSG cleaning

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

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

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

<sup>4</sup> March 10 Motion, p. 3.





of several access lanes within the HRSG, installation of exhaust manifold w/round expansion joint including bolster set w/ joining kit, hardware and consumables, perform outlet to stack expansion joint rehabilitation, removal and installation of: (i)Module D HP Economizer 3 tube harps, (ii) Module D IP Evaporators tube harps, (iii) Module E IP Economizer tubes harps, (iv) Module E HP Economizer 1 and 2 tubes harps, inspection of the harps exterior and interior , disposal of the used tubes, and Module A pipe penetration harps rehabilitation.

The project described in the SOW of the March 10 Motion was evaluated and is aligned with the goal of repair, improve, and sustain the reliability of the Puerto Rico electric system. All the reconstruction efforts on the island need to be aligned with local and federal regulations, and actual codes and standards, and this project as described, complies with Codes, Specifications and Industry Standards. The execution of this project will aim to restore the facilities to pre-disaster function.

Upon review of the project in the March 10 Motion SOW, the Energy Bureau **DETERMINES** that the project is necessary to improve the reliability of the system. The Energy Bureau **APPROVES** the project in Attachment A to this Resolution and Order. This approval represents **\$12,150,068.00** based on the Cost Estimates submitted by PREPA.

**III. PREPA’s Request for Confidential Information Designation and Treatment of portions of Exhibit A of the March 10 Motion**

In the March 10 Motion, PREPA alleges that the SOW in **Exhibit A** contain: confidential information in the form of critical energy infrastructure information (“CEII”) that garners protection from public disclosures pursuant to federal statutes and regulations;<sup>5</sup> and the Energy Bureau policy on management of confidential information,<sup>6</sup> that therefore is also protected under section 6.15 of Act 57-2014.<sup>7</sup> PREPA states that the SOW includes global positioning system (GPS) coordinates of the power plant. PREPA requests the Energy Bureau to grant confidential designation and treatment to the referred portion of Exhibit 1. Table 1 below details the portions of the Exhibit 1 which PREPA requested confidential designation and treatment.

**Table 1: PREPA’s Request for Confidential Information Designation and Treatment, of portions of Exhibit 1**

Exhibit	Description	Confidential Information	Request for Confidentiality	Date Filed
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	March 10, 2023

**IV. Energy Bureau Determination**

The Energy Bureau **APPROVES** the projects in **Attachment A** to this Resolution and Order, which shall be presented to FEMA and COR3 to finalize their approval process for the request of federal funds. The Energy Bureau approved these projects based upon the information provided by PREPA. Should the scope of the project change or the request for the federal funds are not approved for such projects, PREPA **SHALL** immediately seek the Energy Bureau’s approval of such changes.

The Energy Bureau **ORDERS** PREPA to (i) submit to the Energy Bureau copy of the approval by COR3 and/or FEMA of the project in Attachment A, which shall contain the cost obligated for the project, **within ten (10) days of receipt of such approval**; (ii) provide the Energy Bureau the actual contracted cost to construct the project in attachment A, **within ten (10)**

<sup>5</sup> 18 C.F.R. §388.113 *Critical Energy Infrastructure Information* (2006); USA Patriot Act of 2001, §1016; *Critical Infrastructure Protection Act of 2001* 42 U.S.C. § 5195c(e).

<sup>6</sup> See, Resolution, *In re: Política sobre Manejo de Información Confidencial en los Procedimientos ante la Comisión*, Case No. CEPR- MI-2016-0009, issued on August 31, 2016.

<sup>7</sup> Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.



**days from the execution of the contract;** and (iii) inform the Energy Bureau once the project is completed.

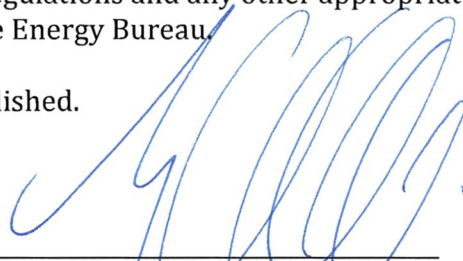

The directive established in the March 26 Resolution regarding the submission of projects before the Energy Bureau at least thirty (30) calendar days before submitting such projects to FEMA and/or COR3 remains unaltered.

Act 57-2014<sup>8</sup> establishes that any person having the duty to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.<sup>9</sup> Specifically, Act 57-2014 requires the Energy Bureau to treat as confidential the submitted information stated that “the Energy Bureau, after the appropriate evaluation, believes such information should be protected”.<sup>10</sup> In such case, the Energy Bureau “shall grant such protection **in a manner that least affects the public interest, transparency,** and the rights of the parties involved in the administrative procedure in which the allegedly confidential document is submitted.”<sup>11</sup>

Upon review of PREPA’s arguments and the applicable law, the Energy Bureau **GRANTS** confidential designation and treatment to the parts of Exhibit A as described in Table 1 above, pursuant to Article 6.15 of Act 57-2014. The Energy Bureau **TAKE NOTICE** that PREPA already submitted a redacted (*i.e.*, public) version of Exhibit A as described in Table 1.

The Energy Bureau **WARNS** PREPA that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014<sup>12</sup> and applicable Energy Bureau’s regulations and any other appropriate administrative sanctions, as deemed appropriate by the Energy Bureau.

Be it hereby notified and published.

  
\_\_\_\_\_  
Edison Avilés Deliz  
Chairman  
\_\_\_\_\_  
Lillian Mateo Santos  
Associate Commissioner  
\_\_\_\_\_  
Ferdinand A. Ramos Soegaard  
Associate Commissioner  
\_\_\_\_\_  
Sylvia B. Ugarte Araujo  
Associate Commissioner  
\_\_\_\_\_  
Antonio Torres Miranda  
Associate Commissioner

<sup>8</sup> *Id.*

<sup>9</sup> Section 6.15 of Act 57-2014.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* (Emphasis added).

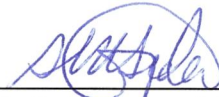
<sup>12</sup> Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.



## CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on March 20, 2023. I also certify that in March 20, 2023 a copy of this Resolution and Order was notified by electronic mail to the following: Yahaira.delarosa@us.dlapiper.com; laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law; mvazquez@diazvaz.law. I also certify that today, March 20, 2023, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today March 20, 2023.



Sonia Seda Gaztambide  
Clerk



**Attachment A**  
**Project Approved by the Energy Bureau**

**136271 – MEPA078 PREPA Island Wide FAASt Project Hurricane Maria 4339-DR-PR**  
**Island Wide Generation Plants**  
**(Damage Number 250040)**

Number	Region	Project Name	Presented Estimate
1	San Juan	San Juan Unit 6 – Installation of Modules D&E HRSG Unit 6	\$ 12.150,068.00

