

**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 June 22,  
2023, Motion.

**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 submit each specific capital investment project for approval to avoid potential noncompliance with the Approved Integrated Resource Plan ("IRP") and Modified Action Plan.<sup>1</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>2</sup>

On June 22, 2023, PREPA filed a document titled *Motion to Submit Scope of Work for IT-OT System Upgrades* ("June 22 Motion"). As Exhibit A to the June 22 Motion, PREPA included one (1) FEMA Projects Scope of Work ("SOW") with Cost Estimates for: "IT/OT System Upgrade for: Aguirre Power Plant, Aguirre Combined Cycle, Cambalache, Mayaguez, Costa Sur, San Juan and Palo Seco" dated 06/22/2023.

Through the June 22 Motion, PREPA also requested confidential designation and treatment for certain global positioning system ("GPS") information for the projects in Exhibit A. PREPA states that such GPS information is considered Critical Energy Infrastructure Information ("CEII") and is therefore confidential<sup>3</sup>.

**II. Evaluation of the June 22 Motion**

Through the June 22 Motion, as Exhibit A, PREPA submitted one (1) SOW for: IT/OT System Upgrade for: Aguirre Power Plant, Aguirre Combined Cycle, Cambalache, Mayaguez, Costa Sur, San Juan, and Palo Seco.

The SOW projects target the repair of damages that the power plants suffered due to the direct hit of Hurricane Maria in their Telecommunication Infrastructure and, the improvements to the systems by upgrading critical equipment for the information technology (IT) systems with the operational technology (OT) systems ("IT/OT") for the data server rooms and the infrastructure, including supply, installation, and commissioning of hardware and software for all the PREPA's plants.

PREPA informs that *Telecommunication* is the central nerve of their operations, and the network is essential for the safety, monitoring, control, operation & management, resilience, and reliability of the generation plants. Also, that improvements to the systems must comply with the industry standards and to improve the Critical Infrastructure Cyber Security.

The SOW for the project includes: (i) Server Room Infrastructure and Hardware Labor (removal and installation of components, infrastructure, and hardware), (ii) Plant Information ("PI") System Engineering Services (preparation of virtual machines on new physical server, installation and configuration of servers, migration of existing data, systems backups, firewalls rules configuration, and systems configurations), and (iii) IT/OT Rooms and Data Centers

<sup>1</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>2</sup> March 26 Resolution, pp. 14-15.

<sup>3</sup> June 22 Motion, pp 3-7.



Equipment and Materials ( battery banks, switches, panels, servers, telecom towers, cameras, fire protection systems, among others).

The repair and/or replacement of the infrastructure and the systems must meet applicable codes and standards.

The estimated cost for the projects represents **\$11,423,825.00** (\$1,631,975.00 for each of the seven (7) facilities) and are based on a Class 5 estimates that includes materials, construction labor and equipment, engineering, permitting, management, and contingencies.

After a review of the Exhibit A of the June 22 Motion, the Energy Bureau **DETERMINES** that the project is necessary to improve and upgrade IT/OT critical equipment's for the data center rooms and the telecommunication infrastructure for PREPA's generation plants. The Energy Bureau **APPROVES** the projects in **Attachment A** to this Resolution and Order. This approval represents **\$11,423,825.00** based on the Class 5 Cost Estimates submitted by PREPA.

**III. PREPA's Request for Confidential Information Designation and Treatment of portions of Exhibit A of the June 22 Motion**

In the June 22 Motion, PREPA requested confidential designation and treatment of Exhibit A for certain global positioning system ("GPS") information for the projects. PREPA alleged that the SOWs in Exhibit A of the June 22 Motion contains GPS coordinates of the power plants, which is confidential information in the form of CEII that garners protection from public disclosures pursuant to federal statutes and regulations<sup>4</sup> and the Energy Bureau policy on management of confidential information,<sup>5</sup> that therefore is also protected under Act 57-2014.<sup>6</sup> PREPA requests the Energy Bureau to grant confidential designation and treatment to the referred portion of Exhibit A.

Table 1 below details the portions of Exhibit A which PREPA requested confidential designation and treatment.

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

Document	Project Description	Confidential Information	Legal Basis	Date Filed
Exhibit A	IT/OT System Upgrade for: Aguirre Power Plant, Aguirre Combined Cycle, Cambalache, Mayaguez, Costa Sur, San Juan, and Palo Seco	GPS Location Page 4, Sec. 2.1	CEII	June 22, 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 on 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 projects in **Attachment A**, which shall contain the costs obligated for each project, **within ten (10) days of receipt of the approval**; (ii) provide the Energy Bureau the actual contracted cost to construct each project in **Attachment A, within**

<sup>4</sup> 6 U.S.C. §§ 671-674; 18 C.F.R. §388.113 (2020).

<sup>5</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>6</sup> Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.



**ten (10) days from the execution of the contract;** and (iii) inform the Energy Bureau once the projects are completed.

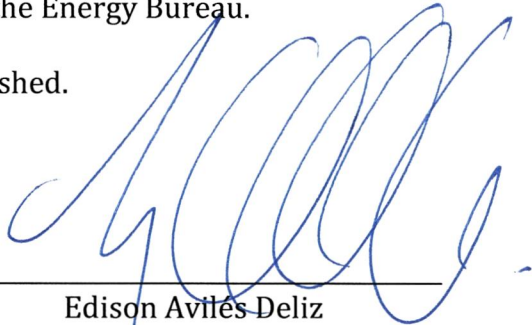
The directive established in the March 26 Resolution regarding the submission of projects before the Energy Bureau at least thirty (30) calendar days before submitting such projects to FEMA and/or COR3 remains unaltered.

Act 57-2014<sup>7</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>8</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>9</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>10</sup>

After a 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>11</sup> and applicable Energy Bureau’s regulations and any other appropriate administrative sanctions, as considered appropriate by the Energy Bureau.

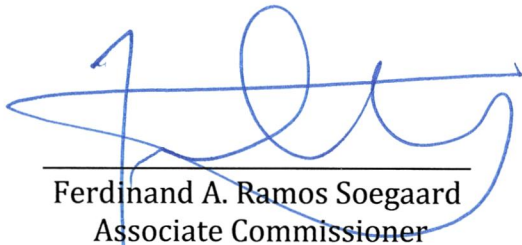
Be it hereby notified and published.



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>7</sup> *Id.*

<sup>8</sup> Section 6.15 of Act 57-2014.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* (Emphasis added).

<sup>11</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 July 6, 2023. I also certify that in July , 2023 a copy of this Resolution and Order was notified by electronic mail to laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com, Yahaira.delarosa@us.dlapiper.com; jmarrero@diazvaz.law; mvazquez@diazvaz.law. I also certify that today, July 6, 2023, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today July 6, 2023.

  
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Sonia Seda Gaztambide  
Clerk



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

Damage Number	Region	Project Name	Presented Estimate
250040	Island Wide Generation Plants	Aguirre Power Plant, Aguirre Combined Cycle, Cambalache, Mayaguez, Costa Sur, San Juan, and Palo Seco- PI System Upgrade.	\$11,423,825.00
Total			\$11,423,825.00

