

**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 *Motion for Approval of the Scope of Work for the Bonus Facility*, presented by PREPA on March 19, 2024..

**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 new 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 ordered 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"), and any other federal agency,<sup>2</sup> and to continue reporting to the Energy Bureau and FEMA, within the next five (5) years, the progress of all ongoing efforts related to the final approval of the submitted projects not yet approved by the Energy Bureau.

On March 19, 2024, PREPA filed a document titled *Motion for Approval of the Scope of Work for the BONUS Facility* ("March 19 Motion"). As Exhibit 1<sup>3</sup> to the March 19 Motion, PREPA included a document titled *FAAST-BONUS Nuclear Power Plant Repairs* including minor repair works required at the Boiling Nuclear Superheater ("BONUS") Plant Facility, which is managed by PREPA.

Through the March 19 Motion, PREPA also requested confidential designation and treatment for certain global positioning system ("GPS") information for the projects in Exhibit 1-A. PREPA states that such GPS information is considered Critical Energy Infrastructure Information ("CEII") and is confidential.<sup>4</sup>

**II. Evaluation of the March 19 Motion**

Through the March 19 Motion, PREPA submitted the FEMA Accelerated Awards Strategy ("FAAST") for the BONUS Plant repair project for the review and approval of the Energy Bureau. PREPA indicates that the facilities were decommissioned between 1969 and 1970 from their original purpose to serve as a prototype nuclear power plant and was repurposed as a museum and educational center. PREPA indicates the project addresses minor repair works which mainly consist of repairs to fencing, electrical systems, HVAC systems, roofing and security systems as described below:<sup>5</sup>

1. **Guard House:** replacement of the elastomeric roofing on the concrete roof.

<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. 18-19.

<sup>3</sup> March 19 Motion: Exhibit 1-A includes the *Confidential version* of the SOW and Exhibit 1-B includes the *Redacted version* of the SOW.

<sup>4</sup> March 19 Motion, p.3.

<sup>5</sup> March 19 Motion, Exhibit 1, pp.5-8.



2. **Technology Museum:** replacement of elastomeric roofing, air conditioning system, lighting, resealing, and repainting of the structure, among others works.
3. **Concessions Stand:** replacement of the elastomeric roofing, replacement of lights, and repairing, sealing, and repainting of the ceiling.
4. **Exterior Site:** Removal and replacement of the chain-link perimeter fence of the facility.
5. **Dome:** Sandblasting and repainting of a metal structure, replacement and sealing of a ventilation cover and cleaning of a vent.
6. **Security System:** installation of an intercom communication system, replacement of entry gate and motor, installation of motion activated spotlights, security cameras system, and signs among other works.

After reviewing the March 19 Motion, the Energy Bureau **DETERMINES** that the project is necessary to improve and upgrade BONUS Facility.

### III. PREPA’s Request for Confidential Information Designation and Treatment of portions of Exhibit A of the March 19 Motion

In the March 19 Motion, PREPA requested confidential designation and treatment of Exhibit 1-A for certain global positioning system (“GPS”) information for the project. PREPA alleged that the Exhibit 1-A of the March 19 Motion contains GPS coordinates of the facility, which is confidential information in the form of CEII that garners protection from public disclosures pursuant to federal statutes and regulations<sup>6</sup> and the Energy Bureau policy on management of confidential information,<sup>7</sup> that therefore is also protected under Act 57-2014.<sup>8</sup> PREPA requests the Energy Bureau to grant confidential designation and treatment to the referred portion of Exhibit 1-A.

Table 1 below details the portions of 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**

File	Page in which Confidential Information is found	Legal Basis	Date Filed
Exhibit 1 FAASt-BONUS Nuclear Power Plant Repairs	GPS Location Page 4- Project Locations	CEII	March 19, 2024

### IV. Energy Bureau Determination

The Energy Bureau **APPROVES** the projects listed 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. This approval represents **\$1,670,081.23** based on the Class 5 Cost Estimates<sup>9</sup> submitted by PREPA. The Energy Bureau approves 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.

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

<sup>7</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>8</sup> Known as *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>9</sup> Refers to Class 5 level cost of the Association for the Advancement of Cost Engineering (“AACE”) providing between -50% up to +100%.



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 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>10</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>11</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>12</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>13</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 1-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 1- 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>14</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>10</sup> *Id.*

<sup>11</sup> Section 6.15 of Act 57-2014.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* (Emphasis added).

<sup>14</sup> Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.



## CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau have agreed on April 4, 2024. I also certify that on April 4, 2024 a copy of this Resolution and Order was notified by electronic mail to arivera@gmlex.net; laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com, Yahaira.delarosa@us.dlapiper.com; julian.angladapagan@us.dlapiper.com; alopez@sbgblaw.com; jfr@sbgblaw.com, legal@genera-pr.com, regulatory@genera-pr.com; and I have moved forward with filing the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today April 4, 2024.



Sonia Seda Gaztambide  
Clerk



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

<b>Region</b>	<b>Project Name</b>	<b>Proposed Scope of Work</b>	<b>Presented Estimate</b>
Rincon, PR	FAAST-BONUS Nuclear Power Plant	Repairs to fencing, lights, HVAC System, roofing, and security systems.	\$1,560,000.00
		Strengthen of the perimeter fence (Hazard Mitigation)	\$110,081.23
<b>TOTAL</b>			<b>\$1,670,081.23</b>

