

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

NEPR Received: Jun 21, 2024 8:11 PM
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IN RE:

IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-
YEAR INFRASTRUCTURE PLAN-
DECEMBER 2020

CASE NO. NEPR-MI-2021-0002

**SUBJECT: Submission of One Scope of Work and
a Request for Confidentiality and Supporting
Memorandum of Law**

**MOTION SUBMITTING ONE SCOPE OF WORK AND A REQUEST FOR
CONFIDENTIALITY AND 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. Submittal of Scope of Work and Request for Confidentiality

1. On March 26, 2021, this Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order in the instant proceeding (the “March 26 Order”), ordering—in pertinent part—that the Puerto Rico Electric Power Authority (“PREPA”) submit to the Energy Bureau the specific projects to be funded with Federal Emergency Management Agency (“FEMA”) funds or any other federal funds at least thirty (30) calendar days prior to submitting these projects to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (“COR3”), FEMA or any other federal agency. *See* March 26 Order on pages 18-19. The Energy Bureau thereafter determined that this directive should be applied to both PREPA and LUMA. *See* Resolution and Order of August 20, 2021 (“August 20 Order”) on page 3.

¹ Register No. 439372.

² Register No. 439373.

2. Consequently, LUMA has submitted several Transmission and Distribution projects to this Energy Bureau beginning on July 8, 2021. LUMA has submitted 255 initial scopes of work (“SOW”) as to date. The Energy Bureau has approved all the SOWs submitted by LUMA as of April 18, 2024.

3. In accordance with the March 26 Order issued in this instant proceeding, LUMA hereby submits to the Energy Bureau one SOW for this Energy Bureau’s review and approval prior to submittal to COR3 and FEMA in thirty (30) days for the following project: “New Transmission Lines for System Resilience,” dated June 19, 2024. *See Exhibit 1.*

4. Section 428 of the Stafford Act, administered by FEMA, provides funding through grants to states, local, tribal, and territorial governments through its Public Assistance Program to help communities respond to and recover from major disasters. LUMA has presented and received approval from the Energy Bureau for 255 initial SOWs for projects under Section 428 as of this date. The Energy Bureau's approval of these SOWs allows LUMA to engage with COR3 and federal agencies to seek appropriate federal funding sources. These include FEMA Hazard Mitigation funding under Section 406 of the Stafford Act. Section 406 provides FEMA with discretionary authority to fund mitigation measures and repair disaster-damaged facilities. The application for and determination of Section 406 funding is part of the preliminary engineering phase for projects approved by the Energy Bureau and the assignment of FAASt numbers by FEMA to award Section 428 funding. At the time of submission of the initial SOW to the Energy Bureau, it is unknown whether and in what amounts funding through Section 406 will be available, if any. LUMA develops proposals for additional hazard mitigation measures consistent with the damages. The proposals are reviewed and approved by FEMA and COR3. LUMA’s efforts to add

mitigation measures under Section 406 comply with the Energy Bureau directives and are consistent with LUMA's commitment to pursue federal funding from all potential sources, maximize available funds, and efficiently execute proposed projects.

5. LUMA hereby requests that *Exhibit 1* be maintained confidential and is submitting a redacted version for public disclosure and an unredacted non-public version under seal of confidentiality. LUMA submits its Memorandum of Law below, stating the legal basis for which the unredacted version of *Exhibit 1* should be filed under seal of confidentiality. As will be explained below, the SOW in *Exhibit 1* should be protected from public disclosure as these documents contain confidential information associated with Critical Energy Infrastructure Information ("CEII") as defined in federal regulations, 18 C.F.R. §388.113; 6 U.S.C. §§ 671-674, and per the Energy Bureau's Policy on Management of Confidential Information (the "SOW with CEII"). See Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009 ("Policy on Management of Confidential Information"), issued on August 31, 2016, as amended by the Resolution dated September 20, 2016. In addition, the SOW includes personal identifying information of individuals who are LUMA staff or contractors that are protected under Puerto Rico's legal framework on privacy emanating from the Puerto Rico Constitution and should also be protected pursuant to the Energy Bureau's Policy on Management of Confidential Information.

II. Memorandum of Law in Support of Request for Confidentiality

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

6. 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).

7. 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).

8. 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 Puerto Rico Rules of Evidence.

9. 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 a “redacted” or “public version” and an “unredacted” or “confidential” version of the document that contains confidential information. *Id. at* ¶ 6.

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

1. Trade Secret Information

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 court.

2. 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).

11. Energy Bureau 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

12. The SOW with CEII included in Exhibit 1 contains portions of CEII that, under relevant federal law and regulations, are protected from public disclosure. LUMA stresses that the SOW 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 Security⁴ and Physical Security,⁵ this Energy Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure.

13. 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

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 Minigrad 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.

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

Responses to Requests for Information on System Remediation Plan, table 2 at pages 7-9, Case No. NEPR-MI-2020-0019.

14. 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.

15. Generally, CEII or critical infrastructure information is exempted from public disclosure because it involves assets and information that 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.

16. 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.*

17. 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 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

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;
- (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

18. The SOW contains diagrams that qualify as CEII because it contains information on the engineering and design of critical infrastructure, as existing and proposed, relating to the transmission of electricity, which is provided in sufficient detail that it could potentially be helpful to a person planning an attack on this or other energy infrastructure facilities interconnected with or served by this facility and equipment. In addition, the SOW with CEII in Exhibit 1 qualifies as CEII because each of these documents contains the express coordinates to power transmission and distribution facilities (18 C.F.R. § 388.113(iv)), and these specific coordinates could potentially be helpful to a person planning an attack on the energy facilities listed as part of this SOW. 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 SOW with CEII in *Exhibit 1* from disclosure, given the nature and scope of the details included in those portions.

19. Based on the above, LUMA respectfully submits that the SOW with CEII should be designated as CEII. This designation is a reasonable and necessary measure to protect the specific location and other engineering and design information of the energy facilities listed or discussed in this SOW 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.

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.

20. In addition, the SOW in *Exhibit 1* contains the name, signature, and role of two individuals who are LUMA employees and a contractor, respectively, who reviewed the SOW as part of LUMA's internal review and approval of each document. LUMA respectfully requests that information on the names, signatures, and roles of these individuals be maintained confidentially in the context that these reveal details of their employment duties and that their protection is in the public interest and aligned with Puerto Rico's legal framework on privacy which protects from the disclosure of personal information. *See e.g.*, Const. ELA, Art. II, Sections 8 and 10, which protect the right to control personal information and distinctive traits, which applies *ex proprio vigore* and against private parties. *See also e.g. Vigoreaux v. Quiznos*, 173 D.P.R. 254, 262 (2008); *Bonilla Medina v. P.N.P.*, 140 D.P.R. 294, 310-11 (1996), *Pueblo v. Torres Albertorio*, 115 D.P.R. 128, 133-34 (1984). *See also* Act 122-2019, Article 4(vi) (which provides, as an exception to the rule on public disclosure, information the disclosure of which could invade the privacy of third parties or affect their fundamental rights); and Article 3(c) of Act 122-2019 (stating that personnel files and similar information does not constitute public information subject to disclosure). It is respectfully submitted that the redaction of the aforementioned information does not affect the public's or the Energy Bureau's review of the SOW nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect privacy weighs in favor of protecting the relevant portions of the SOW.

C. Identification of Confidential Information

21. 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	New Transmission Lines for System Resilience	Pages 1 and 4	Right to privacy (<i>see e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	June 21, 2024
		Page 5	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	June 21, 2024

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **approve** the SOW for the T&D Project submitted as *Exhibit 1* to this Motion; and **grant** the request for confidential treatment of *Exhibit 1*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of June 2024.

We hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion to counsel for PREPA Alexis Rivera, arivera@gmlex.net, and to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboredo, jfr@sbgblaw.com and Alejandro López Rodríguez, alopez@sbgblaw.com.



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Exhibit 1

One Scope of Work

Redacted Version (Unredacted Version Submitted under Seal of Confidentiality)

	Document Title: New Transmission Lines for System Resilience FEMA Project Scope of Work (Initial)	Project ID: TBD
		DR-4339-PR Public Assistance


FEMA Project Scope of Work (Initial)

Project Name:
 New Transmission Lines for System Resilience
 Revision: 3
 Date: 6/19/2024

APPROVALS

The signatures below formally approve the FEMA Project Scope of Work.

Program Brief Management Leadership (PBML)		
Program Brief Owner	Signature	Date
[REDACTED]	[REDACTED]	06/19/2024
Grants Manager	Signature	Date
[REDACTED]	[REDACTED]	06/19/2024

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DOCUMENT REVISION HISTORY

This table contains the history of the revisions made to this FEMA Project Scope of Work.

Rev.	Effective Date	Description of Change
0	18JUN2024	Initial Release

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1.0 OVERVIEW


Project Name:	New Transmission Lines for System Resilience
Project type:	Restoration to Codes/Standards: Restores the facility(s) to pre-disaster function and to approved
Region:	Island Wide
Program Brief Owner:	██████████
Project Sponsor:	██████████
Damage Number:	206253
Damaged Inventory/Asset Category:	Island Wide Transmission Line System
FEMA Project Number:	<To Be Provided By FEMA>

2.0 INTRODUCTION

The purpose of this document is to present and update an Initial Scope of Work (ISOW) with Cost Estimates to be submitted to the Central Office for Recovery, Reconstruction and Resilience for Puerto Rico (COR3) and the Federal Emergency Management Agency (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.

This document provides a description of the project including an initial scope of work, cost estimates as well as Environmental & Historical Preservation (EHP) relevant information and proposed 406 hazard mitigation work.

LUMA Energy provides the Operation and Maintenance of the Transmission and Distribution System of Puerto Rico. The Puerto Rico Power Electric Authority (PREPA) is the government agency that owns the facilities, sites, and systems identified in this Scope of Work that are eligible as critical services facilities as defined in the PAAP (Section 428) and BBA 2018 guidance documents

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3.0 FACILITIES

3.1 Facilities Description

The new facilities included in this proposed ISOW are structures (including their foundations), framing and insulators, load break switches (manual and automated), conductors, guy wires, anchoring, grounding assemblies, and any associated components required to construct transmission lines. The facilities in this program focus on potential new transmission lines across Puerto Rico.


3.2 Facilities List

The facilities in this program focus on potential new transmission lines across Puerto Rico. Some sample facilities are listed below.

<u>Name</u>	<u>Number</u>	<u>GPS Start</u>	<u>GPS End</u>	<u>Voltage (kV)</u>
Juncos T.C. to Gautier Benítez Sect	20300	██████████	██████████	38
Juncos TC to Humacao TC	20500	██████████	██████████	38
Santa Isabel TC to Tap Hamilton (Santa Isabel Sect.)	20600	██████████	██████████	38
Canas TC to Buena Vista Sect.	20800	██████████	██████████	38
Barceloneta TC to Cambalache TC (ASDA Arecibo)	20900	██████████	██████████	38
21000 Humacao TC to Arroyo Sub. # 4101	21000	██████████	██████████	38
Hatillo TC to Mora TC	39100	██████████	██████████	115

4.0 PROJECT SCOPE OF WORK

This program will consist of the construction of new transmission lines across Puerto Rico. Detailed transmission planning studies using power flow and engineering analyses, following the North American Electric Reliability Corporation (NERC) standard, adopted, and applied as industry best practices, have demonstrated operational violations or unacceptable system operating conditions when the system is subjected to credible outages, including outages experienced during hurricane Maria. These violations include equipment loading beyond their ratings and acceptable limits, cascading outages as a result of these overloads, significant load pocket outages after losing a single piece of equipment, and/or having an unacceptable voltage profile in the system. In parallel to rebuild individual lines, best engineering practices

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require the deployment of additional transmission lines to increase the redundancy of the system, thereby enhancing the resilience and reliability experienced by Puerto Rico residents, including during disruptive events such as hurricanes.

Additionally, system studies, including those conducted as part of the PR-100 study, completed by partners including National Labs as part of the Department of Energy, have identified the need for additional transmission and distribution system capabilities to integrate the renewable generation that is expected to be deployed across Puerto Rico. These transmission lines will increase the ability of the grid to integrate this generation while allowing the transmission and distribution operator to provide acceptable levels of reliability.

To that end, LUMA has identified the need for a program to study, design and deploy these transmission lines. In this ISOW, LUMA has identified some initial lines which need to be prioritized, however, additional lines may be included in this program as operational realities change, budgets and/or funding sources are made available. This proposal originated from a detailed transmission planning study, using power flow and engineering analysis.

Each individual transmission line project will undergo a feasibility assessment, modeling, and analysis to validate design criteria, including electrical clearances and mechanical loading requirements. The results of this modeling and analysis will be used to further define the scope of work. Field surveys, geotechnical investigations, and environmental studies may also be performed to assist in refining the scope of work. A new right-of-way will be required to construct each line, which will comply with all local and federal environmental and historical preservation requirements, as do all LUMA's projects.


Vegetation removal and disposal will be considered in the scope of work to comply with clearance codes and standards and to allow for construction access. The scope of vegetation removal will be defined during the preliminary engineering phase, which may also dictate a need for soil boring or testing to evaluate suitability for installation of structures/poles or underground cable systems.

The final SOW (*i.e.*, plans and specifications) and cost estimate is expected to be completed by 9/03/2025 and construction is estimated to be completed by 12/06/2029.

5.0 TYPE OF PROJECT

Choose One (Restoration, Improved or Alternate)
Restoration to Codes/Standards: Restores the facility(s) to pre-disaster function and to approved
This work will follow FEMA (Public Assistance Alternative Procedures (Section 428) Guide for Permanent Work FEMA-4339-DR-PR February 2020).

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.

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6.0 PRELIMINARY ENGINEERING

Is A&E funding required to help define the intended scope of work?

Yes, architectural and engineering funding required to help define the intended scope of work

7.0 CODES AND STANDARDS

The following will be referenced when applying specific codes, specifications, and standards to the project design:

1. Consensus-based codes, per FEMA (Public Assistance Alternative Procedures (Section 428) Guide for Permanent Work FEMA-4339-DR-PR February 2020).
2. Industry standards per FEMA Recovery Policy FP-104-009-5, Version 2, Implementing Section 20601 of the 2018 Bipartisan Budget Act (BBA) through the Public Assistance Program.
3. FEMA Recovery Interim Policy FP-104-009-11 Version 2.1, Consensus-Based Codes, Specifications, and Standards for Public Assistance.
4. LUMA's latest Design Criteria Document (DCD) which aggregates the design considerations of the vast majority of the consensus-based codes, specifications, and standards listed in FEMA Recovery Interim Policy 104-009-11 Version 2.1 (December 20, 2019).

Codes, Specifications, and Standards

Yes, applicable codes and standards will be identified and incorporated into the plans and specifications.


Industry Standards

Yes: applicable industry standards will be identified and incorporated into the plans and specifications.

8.0 ESTIMATE

Cost estimates to complete the work have been generated at a class 5 level accuracy, which is between - 50% and +100% of the final project cost. The estimate includes and is not limited to materials, construction labor and equipment, engineering, management, and contingencies.

Estimated Budget for Architectural & Engineering Design:	\$23.66 M
Estimated Budget for Procurement & Construction:	\$298.13 M
Estimated Overall Budget for the Project:	\$321.79 M

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9.0 406 HAZARD MITIGATION PROPOSAL

9.1 406 Mitigation Opportunity Scope of Work

During the preliminary engineering phase, LUMA will develop 406 Hazard Mitigation proposals consistent with the damages.

9.2 406 Mitigation Opportunity Cost Estimate

Estimated Budget for Architectural & Engineering to Design:	Unknown at this time.
Estimated Budget for Procurement:	Unknown at this time.
Estimated Budget for Construction:	Unknown at this time.
Estimated Overall Budget for the Project:	Unknown at this time.

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

10.0 ENVIRONMENTAL & HISTORIC PRESERVATION REQUIREMENTS

EHP considerations will be identified and evaluated during the preliminary design phase and submitted to FEMA for review. Requirements will be incorporated into the final design and construction documents, which must be approved by FEMA prior to construction activities.

END OF DOCUMENT