

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

NEPR Received: Sep 20, 2024 5:07 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: Motion Submitting One FEMA Project
Approval, Request for Confidential Treatment,
and Supporting Memorandum of Law**

**MOTION SUBMITTING ONE FEMA PROJECT APPROVAL,
REQUEST FOR CONFIDENTIAL TREATMENT 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 submits the following:

I. Submittal of One FEMA Project Approval and Request for Confidentiality

1. On March 26, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order in the instant proceeding, ordering, in pertinent part, that the Puerto Rico Electric Power Authority ("PREPA") submit to the Energy Bureau the specific transmission and distribution projects ("T&D Projects" or "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 ("March 26th Order"). It also directed PREPA to continue reporting to the Energy Bureau and FEMA, within the next five years,

¹ Register No. 439372.

² Register No. 439373.

the progress of all ongoing efforts related to the approval of the submitted Projects not yet approved by the Energy Bureau. The Energy Bureau thereafter determined that this directive should be applied to PREPA and LUMA. *See* Resolution and Order of August 20, 2021.

2. On July 29, 2022, LUMA filed a *Motion Submitting Four Scopes of Work and Updated List of Projects and Request for Confidentiality and Supporting Memorandum Thirty-Eight Scopes of Work* whereby it submitted four (4) SOWs for the Energy Bureau’s review and approval prior to submitting them to COR3 and FEMA (“July 29th Motion”). The SOWs submitted by LUMA included the “Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators” T&D Project.

3. On August 25, 2022, the Energy Bureau issued a Resolution and Order that determined that the SOWs for T&D projects submitted by LUMA were necessary to improve the system’s reliability (“August 25th Order”). Therefore, it approved most of the projects presented in the July 29th Motion, including the “Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators” T&D Project. The Energy Bureau also ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the Project, which shall contain the costs obligated for each project within ten (10) days of receiving such approval.

4. As shown in Exhibit 5 of the Motion filed on July 31, 2024, *Motion Submitting Three Amended Scopes of Work, and One Scope of Work, an Updated Project List, and Request for Confidentiality and Supporting Memorandum of Law*, the “Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators” SOW was divided by individual projects by region, which includes the:

“FAASt [Automation Program Group 18: DAR – SAN JUAN 2001- FY24] (Distribution)” T&D Project.

5. In compliance with the August 25th Order, LUMA hereby submits a copy of the approval by FEMA issued on September 18, 2024, of the “FAASt [Automation Program Group 18: DAR – SAN JUAN 2001- FY24] (Distribution)” T&D Project.³ See **Exhibit 1**⁴ to this Motion. The document contains FEMA’s approval and includes the costs obligated for each Project.

6. LUMA is submitting herein a redacted public version of the FEMA approval (**Exhibit 1**) protecting confidential information associated with Critical Energy Infrastructure Information (“CEII”). As explained in this Motion, portions of the FEMA approval of the T&D Projects are protected from disclosure as CEII, *see, e.g.*, 6 U.S.C. §§ 671-674; 18 C.F.R. § 388.113 (2020), and pursuant to the Energy Bureau’s Policy on Management of Confidential Information. *See* Energy Bureau’s Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended by Resolution dated September 20, 2016.

II. Memorandum of Law in Support of Request for Confidentiality

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

7. 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

³ It is important to note that LUMA acquires knowledge of any FEMA approval for a T&D Project once FEMA makes the information available via its grant portal.

⁴ Please note that **Exhibit 1** has digitalization and table format issues, which are found on the documents as issued by FEMA.

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).

8. 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).

9. 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 Rules of Evidence of Puerto Rico.

10. 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.

11. The Energy Bureau’s Policy on Management of Confidential Information states the following with regard to access to validated CEII:

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).

12. 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

13. The FEMA approval included in **Exhibit 1** contains portions of CEII that, under relevant federal law and regulations, are protected from public disclosure. LUMA stresses that the FEMA approval 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.⁵ In at least two Data Security and Physical Security proceedings,⁶ this Energy Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure.

⁵ *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. However, *see* Resolution and Order of February 12, 2021, reversing in part, grant of confidential designation).

⁶ *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

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

15. Similarly, the Energy Bureau has granted LUMA's requests for confidential treatment of portions of the FEMA approvals submitted for approval in the present case. Notably, the Energy Bureau has granted LUMA's request for confidential treatment of portions of FEMA Approvals of Projects submitted for consideration and authorization. Furthermore, this Energy Bureau designated portions of submitted FEMA Approvals of Projects as confidential CEII in its Resolution and Order of March 20, 2023; *see* Table 1 on pages 1-2.

16. 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.

17. CEII or critical infrastructure information is generally 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.

18. 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.*

19. 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”).⁷

⁷ 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;

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).⁸

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- (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.

⁸ 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 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. Portions of the FEMA approval in **Exhibit 1** qualify as CEII because they contain the express coordinates and physical addresses to power transmission and distribution facilities (18 C.F.R. § 388.113(iv)), and these specific coordinates and addresses could potentially be helpful to a person planning an attack on the energy facilities listed as part of this FEMA approval. 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 FEMA approval with CEII in **Exhibit 1** from disclosure, given the nature and scope of the details included in those portions of the Exhibit.

21. Based on the above, LUMA respectfully submits that portions of the FEMA approval should be designated as CEII. This designation is a reasonable and necessary measure to protect the specific location of the energy facilities listed or discussed in the FEMA approval 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.

C. Identification of Confidential Information

22. In compliance with the Energy Bureau's Policy on Management of Confidential Information (CEPR-MI-2016-0009) below, find a table summarizing the portions of the FEMA approval for which we present 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	FAASt [Automation Program Group 18: DAR – SAN JUAN 2001- FY24] (Distribution)	Pages 1, 3, 4, 5, and 12.	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	September 20, 2024

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** the copy of the FEMA approval attached herein as **Exhibit 1**; and **grant** the request for confidential treatment of **Exhibit 1**.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau. We 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.

In San Juan, Puerto Rico, on this 20th day of September 2024.



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Exhibit 1

One (1) FEMA Approval

Department of Homeland Security Federal Emergency Management Agency

General Info

Project #	745859	PW #	11839	Project Type	Specialized
Project Category	F - Utilities			Applicant	PR Electric Power Authority (000-UA2QU-00)
Project Title	FAASt [Automation Program Group 18: DAR – SAN JUAN 2001- FY24] (Distribution)			Event	4339DR-PR (4339DR)
Project Size	Large			Declaration Date	9/20/2017
Activity Completion Date	9/20/2027			Incident Start Date	9/17/2017
Process Step	Obligated			Incident End Date	11/15/2017

Damage Description and Dimensions

The Disaster # 4339DR, which occurred between **09/17/2017** and **11/15/2017**, caused:

Damage #1374351; FAASt [Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators Group 18: DAR – SAN JUAN 2001- FY24]

DDD for this facility codified in the 136271 - MEPA078 Puerto Rico Electrical Power Authority Island Wide FAASt Project.

General Facility Information:

- **Facility Type:** Power generation, transmission, and distribution facilities
- **Facility:** Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators Group 18: DAR – SAN JUAN 2001- FY24
- **Facility Description:** Transmission and Distribution Automation - Feeders SAN JUAN 2001- FY24
- **Approx. Year Built:** 1980
- **Start GPS Latitude/Longitude:** [REDACTED]
- **End GPS Latitude/Longitude:** [REDACTED]

General Damage Information:

- **Date Damaged:** 9/20/2017
- **Cause of Damage:** High winds & wind driven rain, caused by Cat 4 Hurricane Maria

Final Scope

1374351 **FAASt [Transmission and Distribution Automation Program**

Introduction

This document is to submit for approval a Detailed Scope of Work ("SOW") to COR3 and FEMA for the Transmission and Distribution Automation Program under DR-4339-PR Public Assistance. The document provides a description of the project, including scope, schedule, and cost estimates. LUMA Energy is seeking approval from COR3 and FEMA for project funding to repair, restore, or replace the eligible facilities.

LUMA submits this detailed SOW according to the Transmission and Distribution Operations & Maintenance Agreement between Puerto Rico Electric Power Authority ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3A"), and LUMA Energy, and following the Consent to Federal Funding Letter issued by PREPA and P3A, which collectively provides the necessary consent for LUMA Energy, as agent of PREPA, to undertake work in connection with any Federal Funding requests related to the Transmission and Distribution System submitted to FEMA.

Background

In order to rebuild the entire electrical grid, the Transmission & Distribution Automation Program ("Program") installs advanced technology equipment (i.e., reclosers and communicating fault current indicators) to reduce service interruptions to the electrical grid caused by disaster-related damage. The multiple projects within this Program are designed to fortify the electrical system's resilience, safeguard its infrastructure, and enhance service reliability. The strategy is to deploy full automation equipment to the transmission and to the distribution systems. While the individual projects are interconnected and enhance each other, each can also be implemented independent of each other, and each confers benefits independently. The Program includes multiple projects being implemented across the island on both systems. Automation is one of several initiatives to complete final restoration of the transmission and distribution systems. The 3.5 million residents throughout Puerto Rico are dependent upon the successful completion of the Program and its ability to sustain the power grid in future disasters.

Project 745859 is one of the Program's distribution-level projects. It installs hardened poles, advanced technology equipment (specifically three-phase reclosers and communicating fault current indicators), and online protection devices to reduce service interruptions to the distribution grid that could be caused by disaster-related damage. Implementing the three-phase reclosers and communicating fault current indicators is critical for the Energy Management System ("EMS") and related components to function at their full capabilities and mitigate loss of service and potential damages for upcoming occurrences. This project is necessary for the EMS to maintain the continuity of the distribution power grid on Feeder 2001-02.

Key components of this project are (1) pole replacement, (2) the installation of three-phase feeder reclosers, and (3) the installation of communicating fault current indicators. Each of these components and their benefit to the grid are described further below:

(1) Pole Replacement to Accommodate the Installation of Reclosers

The addition of three-phase reclosers imposes additional load on poles due to the weight and operational components of the devices and also increases the wind area exposed to extreme weather conditions, such as hurricanes, thereby augmenting the structural load these poles must withstand. Pole loading analysis will be used to determine whether a recloser pole and/or pole adjacent to the recloser will maintain structural integrity. If not, higher-class (strength) structures/poles made of steel or concrete will be installed to comply with codes and standards. This includes adjacent poles (i.e., poles that are on either side of the recloser pole supporting the overhead line conductors). Any new structure and foundation will be designed to LUMA design and industry standards so they can support the pole, recloser and its attachments.

In addition, LUMA is using a per-location approach to pole replacement because of the intricate dynamics of deploying three-phase reclosers. Furthermore, the integration of more connections, switches, and related infrastructure often necessitates taller poles to meet phase spacing and circuit-to-circuit spacing requirements. Therefore, Luma to replace all wood poles where three-phase reclosers are being installed, irrespective of their current condition, to address the compounded structural demands and spacing prerequisites, ensuring the resilience and reliability of the electrical grid infrastructure.

(2) Feeder Reclosers

Reclosers are sophisticated devices that remotely detect faults within distribution lines, enable the isolation of circuit breakers linked to those faults—whether due to independent failures or breakdowns—and facilitate the swift restoration of power, often within milliseconds. This project will install three-phase reclosers on a distribution feeder.

A three-phase recloser is a protection device that is used on three-phase distribution feeders with high fault currents at the location. It is a single device with three switches that can open to interrupt fault currents and automatically reclose to restore power. Three-phase reclosers are communication-ready to enable remote control and visualization.

Implementation of three-phase reclosers will preserve the continuity of electric services by pre-empting or minimizing disruptions. The three-phase reclosers can be triggered remotely and provide data back to the operations center, enabling LUMA to prioritize restoration

activities, reduce customer outage time, and minimize the potential for cascading infrastructure damage. Installation of the three-phase reclosers and associated hardware is critical for the EMS and associated components to function with full capabilities and to prevent loss of service and potential damages in future disasters.

(3) Communicating Fault Current Indicators

Install communicating fault current indicators (“cFCI”) at strategic locations to improve the outage management, restoration, and recovery process, specifically by decreasing the time required to detect and locate faults. cFCI operate independent of the feeder reclosers. cFCI help identify permanent and incipient faults in the distribution system and collect voltage and current data which can be used to detect system imbalance, prevent future issues due to harmonics and help in building a predictive failure models. That data is used by the grid operator to make decisions on operations, management and restoration. The cFCI can be programmed to send automatic notification/alarms based on user set parameters. This allows for quick dispatch of field crews to specific sections of the feeders and reduces the total restoration time during an outage event which saves. Installation of the three-phase reclosers and associated hardware, the communicating fault current indicators (communications ready) are critical for the Energy Management

System (“EMS”) and associated components to function with full capabilities and to mitigate the loss of service and potential damages in future disasters.

FEMA noted in conversation preceding submission of this DSOB that the project’s scope does not contain fiber optics or communication capability that was included in previous projects and asked how LUMA will provide full automation capabilities to the components within the scope of this project. This project is distinguishable from projects where the reclosers are installed on microgrids, such as those in Vieques and Culebra. Microgrids and require extremely fast communications that fiber optics can provide; other advanced technology such as Phasor Measurement Units may also require such high speed/bandwidth communications. That speed/bandwidth is not required on a standard feeder and would significantly increase the cost. LUMA has developed this scope for reclosers and their associated hardware only. The omission of fiber optics or communication capability from this scope does not prevent full automation capabilities, nor does it prohibit their addition at a later date.

Facilities Description

The facilities listed below are part of the electrical distribution system. All feeders originate from a substation (start) and serve customers along the route to various locations (end). The coordinates shown below represent the mainline backbone of each feeder. Please refer to **APPENDIX D – LUMA’s Active Projects** that show no duplication of scope elements.

Facilities List

Name	Damage Number	Feeder Number	GPS Start	GPS End
Fajardo (San Juan Region)	661504	2001-02	██████████	██████████

Note: Please refer to **APPENDIX C— Project Considerations** for a list of all GPS locations that this project will impact.

PROJECT SCOPE OF WORK

Below is a list of the “Proposed 428 Public Assistance Scope of Work” proposed for Feeder 2001-02.

Proposed 428 Public Assistance Scope of Work

POLE FID	Coordinates Lat, Long	Existing (Remove)	428 Replacement	Scope of work
New Pole		None	60'-S10 Galvanized Steel Pole (CP-C6-XARM) Rec-2-2 Ver 6 (S-6) (E-1-2-3 QTY=1) (F-1-3(QTY=1)) (K-5)	<ul style="list-style-type: none"> Install new pole 60'-S-10 12-sided Galvanized Steel for mid-span. Install primary framing. Install Three-Phase Recloser 2001-02A Install (1) 1 kva Transformer (4.16/7.20-120/240v) for the source side. Use the existing secondary conductors the load side. Install (1) Anchor. Install (1) down guy.
12372741		(40'-H3 Concrete Pole) (CP-C6-XARM) (STL-10) (K-6)	50' Galvanized Steel Pole (CP-C6-XARM) (STL-10) (K-6) (REC-2-1 VER. 6)	<ul style="list-style-type: none"> Remove and dispose of a 40' concrete pole. Replace with a new 50'-S sided Galvanized Steel Pole. Install (2) 1 kva transformer (4.16/7.20 120/240v) for load side. Remove and replace the streetlight with the new pole. Install (1) Three-Phase recloser 2001-02B.
12372279		(40'-H3 Concrete Pole) (CP-C6-XARM) (S-1) (URD-3-A)	60' Galvanized Steel Pole (CP-C6-XARM) (S-1) (URD-3-A)	<ul style="list-style-type: none"> Remove and dispose of a 40' concrete pole Replace with a 60'-S-10 12-Sided Galvanized Steel. This is an adjacent pole

POLE FID	Coordinates Lat, Long	Existing (Remove)	428 Replacement	Scope of work
12372282		40'-H3 Concrete Pole) (CP-C6-XARM) (S-1) (STL-10) (K-5)	60' Galvanized Steel Pole (CP-C6-XARM) (S-6) (K-6) (STL-10)	<ul style="list-style-type: none"> Remove and dispose of a 40' concrete pole Replace with a 60'-S-10 12-S Galvanized Steel. This is an adjacent pole. Remove and Replace streetlight to the new pole. Install secondary conductor 1/0 al TPX 100ft.
Segment FID 1000283386		NONE	(LABOR, cFCI QTY=3)	<ul style="list-style-type: none"> Labor to install communication fault current indicator cFCI-A in segment 1000283386.
Segment FID 18382106		NONE	(LABOR, cFCI QTY=3)	<ul style="list-style-type: none"> Labor to install communication current indicator cFCI-B in segment 18382106.

For more detailed information about the scope of work please refer to the **APPENDIX B- LUMA Project Cost Estimate.**

Scope Notes:

- 1) This version of the project will be fully funded using PA 428 funds. A future version of this project may contain PA 406 using the one-time change waiver, as per the applicant representative's request.

- 2) The work will be performed in accordance with the notes below, the Distribution Construction Standards (Concrete Base Standard) and LUMA Overhead Electrical Distribution System Manual V4, and APPENDIX C – Project Considerations.

Pole Replacement

a. Remove and replace poles, including hardware in the same location. If unable to install the replacement in the same location, the pole will be installed within 3 feet.

b. Most pole installations are to replace existing pole locations; there is one new pole location included in this scope of work. Refer to APPENDIX C – Project Considerations, column C (soil area and depth impact) for the depths of the poles to be installed.

c. Adjacent poles will be installed, in locations noted in table above, in conformance with LUMA and industry standards.

d. New guy wire/ anchors are to be installed in compliance with the LUMA Overhead Electrical Distribution System Manual within 3ft from the existing anchor. The maximum distance an anchor will be installed for a 50ft pole is 25ft from the base of the pole, within the right-of-way.

e. The brushing of vegetation will be limited to a 10 ft radius that surrounds the surface of the pole without exceeding the width of the right-of-way. No tree removal will occur as part of this scope. Refer to **APPENDIX C- Project Considerations** for locations where vegetation brushing is anticipated. The vegetation removal process will be managed according to applicable federal and state regulations.

f. All existing overhead conductors, poles, assemblies, and attached components will be disconnected, removed, and replaced as outlined in the scope of work. When poles, assemblies, and attached components are not being replaced per the scope of work, all assemblies and components will be re-installed to the pole, with the overhead conductor re-attached to complete the installation and reconstruction of the feeder.

g. All work for this program will be performed within the current electrical right- of-way.

3) Debris will be separated and taken to an approved waste disposal facility in compliance with applicable federal and local regulations.

4) The construction of **access roads** is not required for this scope of work. Poles are close to the roads and are site accessible.

5) **Staging area** requirements were considered for the new equipment to be installed and the equipment to be retired. All materials will be stored and dispatched from the assigned LUMA's Regional Warehouse. The warehouse assigned is the Fajardo District Warehouse, whose address is Marcelino Gotay Avenue, Union Corner, Fajardo, PR. Coordinates are [REDACTED]. Refer to document *Warehouse Locations*

6) Fill, Gravel, and Sand **materials** will be obtained from an approved supplier as referenced in the document *LUMA Vendor Directory List*.

7) The **equipment** to be used is a *Skid Steer, Excavator, Dump truck, Manlift, 120- ton Motor Crane, Boom Trucks, 45-ton Crane, Zoom Boom, Air compressor, Truck Digger, Water truck, Pump Truck, Concrete Vibrator, Oil Tanker, Filtering Machine, and Flatbed platform*. **Vegetation** will be removed utilizing a *machete, chainsaw, electric pruner, telescopic pole pruner, bucket truck, and/or chipper*. All equipment used will comply with Tier 4 EPA Emission

Standard, if available.

8) Specific List of Permits Required:

- a. Department of Transportation and Public Works - (“DTOP”) Endorsements & Municipality Notifications
- b. Excavation and Demolition Notification in the Department of Transportation and Public Works Agency - (“DTOP”)
- c. LUMA will provide proof of all permits.

PROJECT COST ESTIMATE (PCE)

The estimated costs (Class 3 Accuracy +/-30%) to complete the project are captured in the table(s) below. The cost estimate was developed utilizing preliminary Architectural and Engineering design information and is subject to being updated. LUMA has allocated 10% of the project cost to mitigate potential known risks. For more details refer to **APPENDIX B- LUMA Project Cost Estimate.**

COST ESTIMATE SUMMARY			
COST ELEMENT	428	406	PROJECT TOTAL
PLANNING	\$38,273.65	\$0.00	\$38,273.65
MANAGEMENT	\$22,564.00	\$0.00	\$22,564.00
Distribution Automation Group 18	\$379,735.90	\$0.00	\$379,735.90
GENERAL CONDITIONS	\$31,141.70	\$0.00	\$31,141.70
CONTINGENCY	\$56,409.99	\$0.00	\$56,409.99
COST TOTALS	\$528,125.24	\$0.00	\$528,125.23
DEDUCTIONS	TOTAL INSURANCE PROCEEDS RECEIVED		\$ 0
FAASt ALLOCATIONS	FAASt PROJECT # 745859 TOTAL		\$467,287.59
	FAASt A&E # 335168 TOTAL		\$60,837.64

Work To Be Completed (WTBC): \$528,125.23

A&EDeduction (Global A&E FAASt 335168): -\$60,837.64

Project Total Cost: \$467,287.59

For detailed cost estimate, please refers to document labeled: 745859- DR4339-PR- APPENDIX B- Cost Estimate LPCE Rev 3.xlsx

Project Notes:

1. Refer to detailed SOW provided in document 745859-DR4339PR- Group 18- DAR -SAN JUAN 2001- FY24 Detailed Scope of Work Rev8 - signed.pdf.
2. Due to a correction in the cost refer to the files: 745859- DR4339-PR- APPENDIX B- Cost Estimate LPCE Rev 3.1.xlsx and 745859-DR4339PR- Cost clarification email.pdf.
3. For reference documents Appendix A thru D, see file labeled:

745859-DR4339PR-APPENDIX A - Initial Scope of Work

745859-DR4339PR-APPENDIX B - LUMA Project Cost Estimate

745859-DR4339PR-APPENDIX C - Project Considerations

745859-DR4339PR-APPENDIX D - LUMA Active Project

4. Architectural and Engineering (A&E) costs are deducted given previously obligated Global A&E Project for the subject FAASt PREPA work (see project: 335168 - FAASt A&E PREPA).

406 HMP Scope

406 Hazard Mitigation measures were not requested by the sub-applicant for this project in Version 0. However, the mitigation opportunities will be applied in a future version (V1) of the Permanent Work Project. The project is ready for Insurance completion

Cost

Code	Quantity	Unit	Total Cost	Section
3510 (V0 Engineering and Design Services (Deduction - PREPA FAASSt Global A&E 335168))	1.00	Lump Sum	(\$60,837.64)	Uncompleted
9201 (PAAP Fixed Estimate (No Value - Tracking Purposes Only))	1.00	Lump Sum	\$0.00	Completed
9001 (V0 Contract (PREPA FAASSt Project 136271))	1.00	Lump Sum	\$528,125.23	Uncompleted

CRC Gross Cost \$467,287.59

Total 406 HMP Cost \$0.00

Total Insurance Reductions \$0.00

CRC Net Cost \$467,287.59

Federal Share (90.00%) \$420,558.84

Non-Federal Share (10.00%) \$46,728.75

Award Information

Version Information

Version #	Eligibility Status	Current Location	Bundle Number	Project Amount	Cost Share	Federal Share Obligated	Date Obligated
0	Pending	In Review		\$467,287.60	90%	\$0.00	

Drawdown History

EMMIE Drawdown Status As of Date	IFMIS Obligation #	Expenditure Number	Expended Date	Expended Amount
No Records				

Obligation History

Version #	Date Obligated	Obligated Cost	Cost Share	IFMIS Status	IFMIS Obligation #
0	9/18/2024	\$420,558.84	90%	Accepted	4339DRPRP00118391

Subgrant Conditions

- As described in Title 2 Code of Federal Regulations (C.F.R.) § 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. Exceptions are stated in 2 C.F.R. §200.333(a) – (f)(1) and (2). All records relative to this project are subject to examination and audit by the State, FEMA and the Comptroller General of the United States and must reflect work related to disaster-specific costs.
- In the seeking of proposals and letting of contracts for eligible work, the Applicant/Subrecipient must comply with its Local, State (provided that the procurements conform to applicable Federal law) and Federal procurement laws, regulations, and procedures as required by FEMA Policy 2 CFR Part 200, Procurement Standards, §§ 317-326.
- The Recipient must submit its certification of the subrecipient's completion of this project, the final claim for payment, and supporting documentation within 180 days from the date that the applicant completes the scope of work, or the project deadline, whichever occurs first. FEMA reimburses Large Projects (those with costs above the large project threshold) based on the actual eligible final project costs. Therefore, during the final project reconciliation (closeout), the project may be amended to reflect the reconciliation of actual eligible costs.
- When any individual item of equipment purchased with PA funding is no longer needed, or a residual inventory of unused supplies exceeding \$5,000 remains, the subrecipient must follow the disposition requirements in Title 2 Code of Federal Regulations (C.F.R.) § 200.313-314.
- The terms of the FEMA-State Agreement are incorporated by reference into this project under the Public Assistance award and the applicant must comply with all applicable laws, regulations, policy, and guidance. This includes, among others, the Robert T. Stafford Disaster Relief and Emergency Assistance Act; Title 44 of the Code of Federal Regulations; FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide; and other applicable FEMA policy and guidance.
- The DHS Standard Terms and Conditions in effect as of the declaration date of this emergency declarations or major disaster, as applicable, are incorporated by reference into this project under the Public Assistance grant, which flow down from the Recipient to subrecipients unless a particular term or condition indicates otherwise.
- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth at Title 2 Code of Federal Regulations (C.F.R.) Part 200 apply to this project award under the Public Assistance grant, which flow down from the Recipient to all subrecipients unless a particular section of 2 C.F.R. Part 200, the FEMA-State Agreement, or the terms and conditions of this project award indicate otherwise. See 2 C.F.R. §§ 200.101 and 110.
- The subrecipient must submit a written request through the Recipient to FEMA before it makes a change to the approved scope of work in this project. If the subrecipient commences work associated with a change before FEMA approves the change, it will jeopardize financial assistance for this project. See FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide.
- The Subrecipient provided the estimate for this PW. FEMA validated the estimate and found it to be reasonable for the work to be performed.
- Pursuant to section 312 of the Stafford Act, 42 U.S.C. 5155, FEMA is prohibited from providing financial assistance to any entity that receives assistance from another program, insurance, or any other source for the same work. The subrecipient agrees to repay all duplicated assistance to FEMA if they receive assistance for the same work from another Federal agency, insurance, or any other source. If an subrecipient receives funding from another federal program for the same purpose, it must notify FEMA through the Recipient and return any duplicated funding.

Insurance

Additional Information

8/5/2024

No adjustments to be made to the previous insurance coverage determination, no revisions to narrative needed, updated applicant tracker if needed, providing administrative function and forwarding project for completion.

Jesus M. Vela Ayala, PA Senior Insurance Specialist - CRC Atlantic, Guaynabo, PR

6/14/2024

GENERAL INFORMATION

Event: DR4339-PR

Project: SP 745859

Category of Work: Cat F - Utilities

Applicant: PR Electric Power Authority

Event Type: Hurricane / Hurricane Maria

Cause of Loss: Wind / Wind Driven Rain

Incident Period: 9/17/2017 to 11/15/2017

Total Public Assistance Amount: CRC Gross Cost \$467,287.60

COMMERCIAL INSURANCE INFORMATION

Does the applicant have a Commercial Policy that extends coverage for this facility: Yes

Policies Issued by: Willis Towers Watson, Multinational Insurance Company and Mapfre

Policy Numbers: Willis Towers Watson (B0804Q1966F17, B0804Q14312F17, B0804Q19673F17, B0804Q19672F17, B0804Q18529F17, B0804Q14312F17, B0804Q19674F17, B0804Q18411F17, B0804Q14310F17, B0804Q11038F17, B0804Q14507F17, B0804Q14312F17)

Mapfre Praico Insurance Company (1398178000644)

Multinational Insurance Company (88-CP-000307831-2, 88-CP-000318673-0, 88-CP000318674-0, 88-CP-000318675-0, 88-CP-000318676-0, 88-CP-000318677-0)

Policy Period: From: 5/15/2017 To: 5/15/2018

Policy Limits: \$300,000,000.00

RCV or ACV: Replacement Cost Value

Deductible Amount \$25,000,000.00 each and every occurrence property damage and 30 days each and every occurrence business interruption in respect of Named Windstorm.

Does the Applicant's Commercial Policy extend coverage for the damage described in this project: No

NUMBER OF DAMAGED LOCATIONS INCLUDED IN THIS PROJECT: (1)

Damaged Inventory (DI) #1374351:

FAAst [Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators Group 18: DAR – SAN JUAN 2001- FY24]

Location: Power generation, transmission, and distribution facilities

GPS Coordinates: Start [REDACTED] to [REDACTED] End

Cause of Loss: Wind / Wind Driven Rain

SOV / Schedule #: Not insured

SOV / Schedule Amount: Not insured

Applicable Deductible Amount: N/A

Damage Inventory Amount: CRC Gross Cost \$467,287.60

-

Prior Obtain and Maintain Requirement:

No prior insurance requirements were found for this facility.

-

Reduction(s):

No insurance reduction will be applied to this project as coverage is not anticipated. An anticipated insurance reduction of \$193,746,436.00 was applied to FFAST project # 136271 for anticipated insurance proceeds for Hurricane Maria losses. For ease of reference, please see table of insurance allocations: "PREPA Allocation Plan – All Disasters" file_

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Obtain and Maintain Requirement:

No Obtain & Maintain Requirement is being mandated for the FFAST [Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators Group 18: DAR – SAN JUAN 2001- FY24] because the facility does not meet the definition of building, equipment, contents, or vehicle.

Insurance Proceeds Statement:

FEMA acknowledges that the Applicant is in negotiations with their insurance carrier at the time of the FEMA insurance review and might have received partial settlements. In accordance with 44 CFR §206.250-253, in the absence of an actual settlement, anticipated insurance recoveries will be deducted from this project based on Applicant's insurance policy limits. FEMA subsequently adjusts the eligible costs based on the actual amount of insurance proceeds the Applicant receives after a final settlement.

FEMA's Recovery Policy FP 206-086-1, Public Assistance Policy on Insurance (June 29, 2015), requires applicants to take reasonable efforts to recover insurance proceeds that it is entitled to receive from its insurers. FEMA will consider final insurance settlements that may be less than the insurance policy limits when an applicant demonstrates that it has taken reasonable efforts to recover insurance proceeds that it is entitled on a case-by-case basis.

Standard Insurance Comments

FEMA Policy 206-086-1

PART 2: Other Insurance-Related Provisions. (Sections 312 and 406(d) of the Stafford Act)

A. Duplication of Benefits. FEMA cannot provide assistance for disaster-related losses that duplicate benefits available to an applicant from another source, including insurance.

1. Before FEMA approves assistance for a property, an applicant must provide FEMA with information about any actual or anticipated insurance settlement or recovery it is entitled to for that property.
2. FEMA will reduce assistance to an applicant by the amount of its actual or anticipated insurance proceeds.
3. Applicants must take reasonable efforts to recover insurance proceeds that they are entitled to receive from their insurer(s).

...

5. If an applicant has an insurance requirement from a previous event:

- a. FEMA will reduce assistance by the actual or anticipated insurance proceeds, or the amount of insurance required in the previous disaster, whichever is greater.
- b. FEMA will only consider insolvent insurers, legal fees, or apportionment of proceeds as described in Section VII, Part 2(A)(3) and (4) when the applicant's anticipated or actual insurance proceeds are higher than the amount of insurance required in the previous disaster.

Jean-Carlo Echevarria, PA Insurance Specialist, CRC Atlantic, Guaynabo, PR

O&M Requirements

There are no Obtain and Maintain Requirements on **FAAST** [Automation Program Group 18: DAR – SAN JUAN 2001-FY24] (Distribution).

406 Mitigation

There is no additional mitigation information on **FAAST** [Automation Program Group 18: DAR – SAN JUAN 2001-FY24] (Distribution).

Environmental Historical Preservation

Is this project compliant with EHP laws, regulations, and executive orders?

Yes

EHP Conditions

- Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize funding.
- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archaeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
- National Historic Preservation Act (NHPA) - a. The Subrecipient and/or Subrecipient's contractor shall follow the Low Impact Debris Removal Stipulations (LIDRS) as stated in Appendix E of the Project-Specific Programmatic Agreement Among FEMA, the SHPO, ACHP, COR3, and PREPA (PSPA), executed on August 2, 2022. b. Unexpected Discoveries: Pursuant to Stipulation III.B of the PSPA, if, in the course of implementing this Individual Undertaking(s), previously unidentified structures, sites, buildings, objects, districts, or archaeological deposits, that may be eligible for listing in the National Register, or human remains are uncovered, or if it appears that an Individual Undertaking has affected or will affect a previously identified historic property in an unanticipated manner, the contractor must notify Subrecipient who will immediately notify the Recipient. Work must stop in the vicinity of the discovery and measures must be taken to protect the discovery and avoid additional harm. c. Additional staging areas and/or work pads within work site area haven't been identified yet. The Recipient/Subrecipient and/or private operator must provide the information of any additional staging areas or work pads for EHP evaluation as soon as available specially if any construction activity will be necessary to prepare the site(s). Information for staging areas and/or work pads confined to previously disturbed or hardened surfaces can be provided at close-out.
- Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA) - 1. The Applicant shall handle, manage, and dispose of all types of hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances. In addition, the Applicant shall ensure that all debris is separated and disposed of in a manner consistent with the PR

DNER guidelines at a permitted site or landfill. The contractor/applicant will be responsible for the proper disposition of construction debris in authorized landfills providing the name, location, coordinates and permits of the facility to the corresponding authorities. 2. Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location. In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage, and dispose petroleum products, hazardous materials, and toxic waste in accordance with the requirements of the local and federal agencies. Noncompliance with these requirements may jeopardize receipt of federal funds. 3. If transformers: The applicant is responsible to ensure damaged transformers are handled, managed, and disposed of in accordance with all federal and state laws and requirements. Downed electrical equipment may contain toxic and hazardous materials, such as polychlorinated biphenyls (PCBs), and may spill these materials if a rupture occurs. Applicant is responsible for screening transformers that do or may contain PCBs and the area where any related spill occurred. The applicant is then responsible to handle, manage, dispose of, or recycle damaged equipment and contaminated soil as appropriate. Where possible, temporary measures should be implemented to prevent, treat, or contain further releases or mitigate the migration of PCBs into the environment. If damaged equipment or material storage containers must be stored temporarily, containers should be placed on hardened surface areas, such as a concrete or an asphalt for no more than 90 days. Excavated contaminated material should be disposed of in accordance with federal and state laws and requirements.

- NEPA Determination - 1. All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches (provided the designed width or depth of the ditch is not increased), or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g., a new pit, agricultural fields, road ROWs, etc.) in whole or in part, regardless of cost, the Applicant must notify FEMA and the Recipient prior to extracting material. FEMA must review the source for compliance with all applicable federal environmental planning and historic preservation laws and executive orders prior to a Sub-recipient or their contractor beginning to borrow extraction. Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation of borrow sources utilized is required at close-out and must include fill type (private, commercial, etc.), name, fill site GPS coordinates (not of the company/governmental office), address, and type of material. 2. Additional staging areas and/or work pads within work site area haven't been identified yet. The Recipient/Subrecipient and/or private operator must provide the information of any additional staging areas or work pads for EHP evaluation as soon as available specially if any construction activity will be necessary to prepare the site(s). Information for staging areas and/or work pads confined to previously disturbed or hardened surfaces can be provided at close-out.

EHP Additional Info

There is no additional environmental historical preservation on **FAASt [Automation Program Group 18: DAR – SAN JUAN 2001- FY24] (Distribution)**.

Final Reviews

Final Review

Reviewed By Amaro, Luis N.

Reviewed On 08/22/2024 1:00 PM PDT

Review Comments

LNA 08/22/24. This project has been reviewed, found eligible and cost reasonable, and it is ready to continue the award process.

Recipient Review

Reviewed By Salgado, Gabriel

Reviewed On 08/22/2024 1:35 PM PDT

Review Comments

Recipient review completed. Applicant must ensure to compliance with all regulatory requirements and PA policy. Project is ready for applicant review.

Fixed Cost Offer

As a Public Assistance (PA) Subrecipient PR Electric Power Authority (000-UA2QU-00), in accordance with Section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Applicant agrees to accept a permanent work subaward based on a Fixed Cost Offer in the amount of \$467,287.59 for subaward number 11839 under Disaster # 4339. The Applicant accepts responsibility for all costs above the Fixed Cost Offer.

The Applicant understands that by participating in this pilot program they will be reimbursed for allowable costs in accordance with 2 CFR Part 200, and the reimbursement will not exceed the Fixed Cost Offer. The Applicant also understands that by agreeing to this Fixed Cost Offer, they will not receive additional funding related to the facilities or sites included in the subaward. The Applicant also acknowledges that failure to comply with the requirements of applicable laws and regulations governing assistance provided by FEMA and the PA Alternative Procedures Pilot Program Guidance (such as procurement and contracting; environmental and historic preservation compliance; and audit and financial accountability) may lead to loss of federal funding.

Project Signatures

Signed By Miller, Thomas

Signed On 08/22/2024