

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

NEPR  
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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,  
Request for Confidentiality and Supporting  
Memorandum of Law, and Request for Expedited  
Approval

**MOTION SUBMITTING ONE SCOPE OF WORK, REQUEST FOR  
CONFIDENTIALITY AND SUPPORTING MEMORANDUM OF LAW, AND REQUEST  
FOR EXPEDITED APPROVAL**

**TO THE PUERTO RICO ENERGY BUREAU:**

**COME NOW LUMA Energy, LLC, and LUMA Energy ServCo, LLC,** (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<sup>th</sup> 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<sup>th</sup> Order”) on page 3.

2. Consequently, LUMA has submitted several Transmission and Distribution projects to this Energy Bureau beginning on July 8, 2021. LUMA has submitted 264 initial scopes

of work (“SOW”) as to date. The Energy Bureau has approved all the SOWs submitted by LUMA as of January 21, 2025.

3. 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 264 initial SOWs for projects under Section 428 as of this date.

4. In accordance with the March 26<sup>th</sup> 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 and in alignment with the System Improvement Plan required to stabilize the electric grid while permanent work is performed under substation, transmission line, and distribution feeder rebuild projects. *See In re Priority Plan for the Stabilization of the Electric Grid*, NEPR-MI-2024-0005.

5. The SOW submitted herein as *Exhibit 1*, “System Improvements Plan (Transformers)” T&D Project, describes work under the System Improvements Plan required to stabilize the electric grid, particularly emphasizing transformer replacement, among additional works. This request expands on the initial urgent system stabilization request centered on the Costa Sur, Sabana Llana, and Monacillos substations, submitted in the January 21<sup>st</sup> Motion, and approved by the Energy Bureau in the February 6<sup>th</sup> Order.

6. LUMA also informs that major disaster declarations DR-4339-PR (Hurricane Maria) and DR-4671-PR (Hurricane Fiona) will fund the repairs and works contemplated in the

SOW. *Exhibit 2* includes further details on funding considerations and guidance on the future development of projects under the Stabilization Improvements Plan.

7. Due to the urgency of the SOW, LUMA is once again requesting that the Energy Bureau consider and **expedite approval** of the “System Improvements Plan (Transformers)” T&D Project.

8. 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.

9. In addition, the SOW includes personal identifying information of individuals who are LUMA staff or contractors, which is 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

10. 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 LPRR §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).

11. 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).

12. 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.

13. 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.

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

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).

15. 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**

16. 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.<sup>1</sup> In at least two proceedings on Data Security<sup>2</sup> and Physical Security,<sup>3</sup> this Energy Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure.

17. 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

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<sup>1</sup> *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).

<sup>2</sup> *In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

<sup>3</sup> *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.

18. 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.

19. 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.*

20. 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.*

21. 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”).<sup>4</sup> 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).<sup>5</sup>

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<sup>4</sup> 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.

<sup>5</sup> 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

22. 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.

23. 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.

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(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.

24. 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**

25. 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	System Improvement Plan (Transformers)	Pages 1 and 2	Right to privacy ( <i>see, e.g.</i> , Const. ELA, Art. II, Sections 8 and 10)	February 25, 2025
		Page 3	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	February 25, 2025

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **expeditiously approve** the SOW for the T&D Project submitted as *Exhibit 1* to this Motion; **grant** the request for confidential treatment of *Exhibit 1*; and **take notice** of the explanation provided in *Exhibit 2* to this Motion.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 25<sup>th</sup> day of February 2025.

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](mailto:arivera@gmlex.net), and to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboredo, [jfr@sbglaw.com](mailto:jfr@sbglaw.com) and Alejandro López Rodríguez, [alopez@sbglaw.com](mailto:alopez@sbglaw.com).



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Exhibit 1

*One Scope of Work*

*Redacted Version (Unredacted Version Submitted under Seal of Confidentiality)*

	<b>Document Title:</b> System Improvement Plan <b>FEMA Project Scope of Work (Initial)</b>	Project ID:
		DR-4339-PR Public Assistance

## FEMA Project Scope of Work (Initial)

Project Name: System Improvement Plan – Replacement of Eight Transformers, Metalclad Switchgear, and GIS Repair  
Revision: **0**

### APPROVALS


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

Program Brief Management Leadership (PBML)		
Program Brief Owner	Signature	Date
		02/19/2025
Grants Manager	Signature	Date
		02/19/2025

### DOCUMENT REVISION HISTORY

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

Rev.	Effective Date	Description of Change
0	February 17, 2025	Initial Release

	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>

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	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>


## 1.0 OVERVIEW

<b>Project Name:</b>	System Improvement Plan – Replacement of Eight Transformers, Metalclad Switchgear, and GIS Repair
<b>Project type:</b>	Restoration to Codes/Standards: Restores the facility(s) to pre-disaster function and to approved, locally adopted codes and/or FEMA-approved industry standards.
<b>Region:</b>	Island Wide
<b>Program Brief Owner:</b>	Daniel Haughton
<b>Project Sponsor:</b>	Kenneth Peterson
<b>Damaged Inventory/Asset Category:</b>	Island Wide Substation

## 2.0 INTRODUCTION

The purpose of this document is to present an Initial Project Scope of Work (ISOW) with cost estimates to be submitted to 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 and DR-4671-PR Public Assistance. If approved by Puerto Rico Energy Bureau (PREB), more detailed project scopes of work will be reviewed by COR3 and FEMA for the purposes of formulating one or more Public Assistance project worksheets and post-obligation fixed-cost estimates for the repair, restoration, or replacement of eligible facilities, including, if applicable, § 406 hazard mitigation measures.

Pursuant to the Transmission & Distribution Operations & Maintenance Agreement, LUMA Energy (LUMA) operates and maintains the Puerto Rico Electric Power Authority’s (PREPA) Transmission and Distribution (T&D) assets. LUMA also serves as PREPA’s agent with respect to federal funding requests under FEMA’s Public Assistance Program. PREPA remains the owner of the facilities, sites, and systems identified in this Scope of Work that are eligible as critical services facilities, including as defined in the Public Assistance Alternative Procedures (PAAP) (Section 428) and Bipartisan Budget Act (BBA) 2018 guidance documents.

	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>

## 3.0 FACILITIES

### 3.1 Facilities Description


The project contemplates the replacement of power transformers, metal clad switchgear, and gas insulated substation (GIS) repair, and ancillary equipment, at various facilities in the T&D System, as described below. This project aims to restore these facilities and to improve their stability, reliability, and resiliency against future similar disasters by bringing them to LUMA and industry standards.

### 3.2 Facilities List

Below are lists describing the location and construction year of the eight power transformers, one metal clad switchgear, and one GIS repair included in this ISOW. The substations identified are a subset of projects identified in the system stabilization portion of the System Improvement Plan and are a near-term priority identified by LUMA. As noted in that plan, the replacement transformers will be installed in temporary locations to stabilize the system while permanent work is performed at the substation and interconnected facilities. The transformers will then be moved to their permanent locations within each substation at the appropriate time in the course of construction.

#### Transformers

Name	Capacity	Voltage (kV)	GPS Location	Estimated Substation Construction Year
Santa Isabel TC-4402	56 MVA	115/38 kV		2003
Bayamon TC – 230/115 kV	280 MVA	230/115 kV		1961
Caguas TC Bank 2 115/38 kV	112 MVA	115/38 kV		1969
Bayamón TC Bank 1	112 MVA	115/38 kV		1961
Guanica TC 115/38 kV	112 MVA	115/38 kV		1961
Hato Rey-1420	44.8 MVA	115/13.2 kV		1971
Factor Sect 8014	22.4 MVA	38/13.2 kV		1984
Fajardo No 2 - 2002	10.5 MVA	38/8.32 kV		1973

	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		DR-4339-PR Public Assistance

### Metalclad Switchgear

Name	Number	Voltage (kV)	GPS Location	Construction Year
Llorens Torres	1118	13.2 kV		1974

### Repair


Name	Number	Voltage (kV)	GPS Location	Construction Year
Covadonga GIS	0	38/13.2/4.16 kV		2002

## 4.0 PROJECT SCOPE OF WORK

This ISOW involves replacing damaged power transformers and ancillary equipment in various 230 kV, 115 kV, and 38 kV substations. The work also replaces damaged distribution class metalclad switchgear at Llorens Torres, damaged critical components of 4.16 kV, 13.2 kV, and 38 kV GIS substations at Covadonga, and the respective ancillary equipment for the substations. The following is a high-level list of items to be replaced. More detailed information will be submitted once architectural and design work is completed.

### A. Power Transformer Work Description:

- Replace 8 existing power transformers. See table of transformers in section 3.2, above.
- Replace the old control cables between the control cabinet of the new power transformers and the control room. Add, modify, or replace junction box, as required.
- Replace the transformer high / low side circuit breaker.
- Replace the old control cables between the control cabinet of the high / low side breakers and the control room. Add, modify, or replace junction box, as required.
- Replace instruments transformer (Voltage Transformers (VT)).
- Replace the instrument transformer junction box.
- Replace the old control cables between the instrument transformer junction box and the control room.
- Upgrade existing protection and control system with new protection relays or PAC cabinets, including wiring from breaker to protection.
- Upgrade the existing automation and Supervisory Control and Data Acquisition (SCADA) infrastructure.
- Repair/ replace existing Heating, Ventilation and Air Conditioning (HVAC) system.
- Replace damaged disconnect switches associated with the power transformer and breakers.
- Replace damaged insulators, surge arresters, and damaged hardware.
- Install wildlife protection, as per LUMA standard, on transformer and switches, as required.
- Perform modification to the existing foundations for the bus structures, transformers, and breakers.
- Design and install spill prevention.

	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>

- Assess the existing grounding system for the entire yard against the post-upgrade fault currents. Evaluate if the existing site grounding system is sufficient or upgrade to maintain adequate personnel safety and proper protection system operation.

**B. Distribution Metalclad Work Description:**


- Replace existing metalclad switchgear with new 15 kV metal clad switchgear per LUMA specification.
- New switchgear includes a protection and control system in the breakers' cubicles.
- Perform significant modification to the existing foundations for the transformers and breakers.
- Replace medium voltage underground cables between transformer and switchgear and risers.
- Replace damaged disconnect switches, insulators, and surge arresters in the riser.
- Replace metalclad connection to power transformer hardware.
- Replace connection(s) for remote metering transformers (MTU) and existing station service transformers including rigid bus and cable connections, and existing poles, metal structures, fuses, arresters, and disconnecting switches.
- Replace protection, control, and communications wiring between the new metalclad switchgear and the existing control house.
- Replace existing Alternating Current / Direct Current (AC/DC) power wiring between the new metalclad switchgear and the existing control house distribution panels.

**C. GIS work description:**

- Recover SF6 gas from 4.16 kV, 13.2 kV, and 38 kV GIS's.
- Replace corroded elements.
- Replace all gaskets and rupture disks.
- Replace all damaged internal elements.
- Replace damaged breakers.
- Replace damaged instrument transformers (Current Transformers (CT) & VTs).
- Replace the old control cables between the GISes' CTs & VTs control box and the terminal blocks in the protection racks.
- Fill SF6 gas the 4.16 kV, 13.2 kV, & 38 kV GIS.
- Replace the existing HVAC system.

The proposed program includes the replacement of eligible disaster damage up to required codes and standards and the request to upgrade undamaged infrastructure that must be addressed to fully effectuate the replacement of disaster-damaged components to restore the function of the system to an approved resilient industry standard.

## 5.0 TYPE OF PROJECT

	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>

<b>Choose One (Restoration, Improved or Alternate)</b>
Restoration to Codes/Standards: Restores the facility(s) to pre-disaster function and to approved, locally adopted codes and/or FEMA-approved industry standards.
This work will follow FEMA's Public Assistance Alternative Procedures (Section 428) Guide for Permanent Work FEMA-4339-DR-PR (February 2020) and FEMA's Public Assistance Program and Policy Guide Version 4 (June 2020) for FEMA-4671-DR-PR.

**Note:** Since preliminary Architecture & 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.

## 6.0 PRELIMINARY ENGINEERING

**Is architectural and engineering (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
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## 7.0 CODES AND STANDARDS

The following will be referenced or considered 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.
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**Industry Standards**

Yes: applicable industry standards will be identified and incorporated into the plans and specifications.
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	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>

## 8.0 COST ESTIMATE

Cost estimates for this work are prepared in conformance with class 5 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.

### **Santa Isabel TC – 56MVA**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$200,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$1,800,000.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$2,000,000.00</b>

### **Bayamon TC – 280MVA**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$300,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$16,382,473.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$16,682,473.00</b>

### **Bayamon TC – 112MVA**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$700,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$3,418,032.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$4,118,032.00</b>

### **Caguas TC – 112MVA**


<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$400,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$3,599,118.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$3,999,118.00</b>

### **Guanica TC – 112MVA**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$500,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$3,606,335.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$4,106,335.00</b>

### **Llorens Torres – Metal Clad Switchgear**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$300,000.00
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	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>

<b>Estimated Budget for Procurement &amp; Construction:</b>	\$2,700,000.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$3,000,000.00</b>

**Hato Rey TC – 44MVA**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$250,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$3,778,907.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$4,028,907.00</b>

**Covadonga GIS**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$0.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$2,500,000.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$2,500,000.00</b>

**Factor Sectionalizer – 22MVA**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$500,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$3,500,000.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$4,000,000.00</b>


**Fajardo Transformer**

<b>Estimated Budget for Architectural &amp; Engineering Design:</b>	\$500,000.00
<b>Estimated Budget for Procurement &amp; Construction:</b>	\$3,500,000.00
<b>Estimated Overall Budget for the Project:</b>	<b>\$4,000,000.00</b>

**9.0 406 HAZARD MITIGATION PROPOSAL**

**9.1 406 Mitigation Opportunity Scope of Work**

LUMA will develop 406 Hazard Mitigation proposals during the preliminary engineering phase that are consistent with the damages.

	<b>Document Title: System Improvement Plan FEMA Project Scope of Work (Initial)</b>	Project ID:
		<b>DR-4339-PR Public Assistance</b>

## 10.0 ENVIRONMENTAL & HISTORIC PRESERVATION INFORMATION

Environmental and historical information evaluated and considered by LUMA in its preliminary design will be provided to FEMA as part of a forthcoming Project Considerations appendix.

Exhibit 2

## System Improvement Plan Initial Scopes of Work

On July 19, 2024, LUMA submitted to the Puerto Rico Energy Bureau (Energy Bureau) its System Improvement Plan, which included provisions for urgent system stabilization work. Subsequently, on January 21, 2025, LUMA submitted, and the Energy Bureau approved on February 6, 2025, an Initial Scope of Work (ISOW) for urgent stabilization work at the Costa Sur, Sabana Llana, and Monacillos substations. The work covered in this approved ISOW was submitted prior to this request because the equipment at those substations is in an extremely fragile state and based on the expectation that the transformers associated with those locations would be the first to arrive on-island. LUMA continues to work with the Federal Emergency Management Agency (FEMA) and the Central Office for Recovery, Reconstruction and Resiliency (COR3) on project approvals so that we are ready to begin installation upon their arrival.

LUMA has now developed and seeks approval of a second ISOW outlining the remaining substation stabilization work as part of the System Improvement Plan. Subject to this approval, LUMA will then submit a third ISOW for additional stabilization work focusing on the transmission system.

This ISOW includes the repair of damages caused by disasters funded by major disaster declarations DR-4339-PR (Hurricane Maria) and DR-4671-PR (Hurricane Fiona). LUMA understands that eight of the identified repairs are eligible for FEMA assistance under Hurricane Maria while three of the identified repairs, those in Bayamón and Caguas, are eligible for FEMA assistance under Hurricane Fiona.

It is important to provide clarity over the FEMA processes that are tied to ISOWs under Hurricane Maria versus Hurricane Fiona as the request and obligation process differs for each. Hurricane Maria projects follow FEMA's Accelerated Awards Strategy (FAASt) project formulation process, leveraging capped fixed-cost estimate funds obligated in the 2020 FAASt settlement between FEMA, COR3, and the Puerto Rico Power Electric Authority (PREPA). LUMA expects that work to be performed under Hurricane Maria will be divided into substation-specific sub-FAASt project scopes and submitted to COR3 and FEMA for review and approval. Once the project scope and estimated cost to complete that scope is obligated, funds are released to PREPA for draw-down from the amounts available in the Hurricane Maria FAASt settlement.

Meanwhile, FEMA's traditional Public Assistance process applies to Hurricane Fiona projects. Under the traditional process, LUMA, COR3, and FEMA must work to confirm that the identified repairs are required as a direct result of Hurricane Fiona rather than pre-existing damage, or damage caused by any other event. LUMA expects to demonstrate that Hurricane Fiona caused the damage requiring the three Hurricane Fiona system stabilization repairs using testing and reliability data, and other evidence. FEMA has developed a standard operating procedure to adjudicate damages between Hurricanes Maria and Fiona which should guide this process.

Should FEMA and COR3 agree that the three repairs are required as a direct result for Hurricane Fiona, FEMA, COR3, and LUMA will work to define an eligible scope of work to repair the Hurricane Fiona damaged items to pre-disaster condition and design in accordance with applicable local codes and standards and FEMA nationally recognized standards. After agreeing to the scope, FEMA, COR3, and LUMA would work to agree upon the estimated cost to complete that scope. If the scope and estimated costs are approved, the project would be funded by a Hurricane Fiona grant to COR3, and subgrant to PREPA. The eligible funding is provided directly from the Federal Government's Disaster Relief Fund and would not affect or be limited by the Hurricane Maria fixed cost settlement.