

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

NEPR

Received:

Jan 21, 2026

2:21 PM

IN RE:

CASE NO. NEPR-MI-2021-0002

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

SUBJECT: Motion Submitting One FEMA  
Approval of Project, Request for Confidential  
Treatment, and Supporting Memorandum of Law

**MOTION SUBMITTING ONE FEMA APPROVAL OF PROJECT, REQUEST FOR  
CONFIDENTIAL TREATMENT AND SUPPORTING MEMORANDUM OF LAW**

**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 submits the following:

**I. Submittal of One FEMA 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 26<sup>th</sup> Order”). It also directed PREPA to continue reporting to the Energy Bureau and FEMA, within the next five years, 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 August 30, 2021, LUMA filed a *Motion Requesting Clarification of a Portion of the Energy Bureau’s Resolution and Order Entered on August 20, 2021, and Submitting Updated List of Transmission and Distribution Projects and Twenty-Nine Scopes of Work* (“August 30<sup>th</sup> Motion”). In the August 30<sup>th</sup> Motion, LUMA submitted twenty-nine (29) SOWs for T&D Projects for the Energy Bureau’s review and approval prior to submitting them to COR3 and FEMA. Among the twenty-nine (29) SOWs, LUMA submitted the “38 kV Transmission Priority Poles and Structures Replacements” SOW.

3. On September 22, 2021, the Energy Bureau issued a Resolution and Order that determined that most of the SOWs for T&D projects submitted by LUMA in the August 30<sup>th</sup> Motion were necessary to improve the system’s reliability (“September 22<sup>nd</sup> Order”). Therefore, it approved most of the projects presented in the August 30<sup>th</sup> Motion, including the “38 kV Transmission Priority Poles and Structures Replacements” SOW. 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*, and most recently in Exhibit 1 of the Motion filed on October 27, 2025, *Motion Submitting LUMA’s Consolidated List with Costs Incurred for Obligated Projects*, the “38 kV Transmission Priority Poles and Structures Replacements” SOW was divided into separate groups, which include the “FAAST [Priority Pole Replacement Program (Line 700 Costa Sur SP – Yauco 2 HP)] (Transmission)” T&D Project.

5. In compliance with the September 22<sup>nd</sup> Order, LUMA hereby submits a copy of the “FAAST [Priority Pole Replacement Program (Line 700 Costa Sur SP – Yauco 2 HP)]

(Transmission)” T&D Project approval by FEMA, which was obligated on January 16, 2026. *See Exhibit 1*<sup>1</sup> to this Motion. The document contains FEMA’s approval and includes the costs obligated for this 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 “FAAST [Priority Pole Replacement Program (Line 700 Costa Sur SP – Yauco 2 HP)] (Transmission)” T&D Project 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 confidentiality privilege, such person may request the [Energy Bureau] to treat such information as such [...]” 22 LPRA § 1054n (2025). 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

---

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

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

14. 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.

---

<sup>2</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 Minigrid 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).

<sup>3</sup> *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

15. 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.

16. 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.*

23. 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.*

24. 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>

---

<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;

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>

25. Portions of the FEMA approval in **Exhibit 1** qualify as CEII because this document contains 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

---

- (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
- (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.

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 approvals with CEII in **Exhibit 1** from disclosure, given the nature and scope of the details included in those portions of the Exhibit.

26. 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**

27. 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.

<b>Document</b>	<b>Name</b>	<b>Pages in which Confidential Information is Found, if applicable</b>	<b>Summary of Legal Basis for Confidentiality Protection, if applicable</b>	<b>Date Filed</b>
Exhibit 1	FAAST [Priority Pole Replacement Program (Line 700 Costa Sur SP –	Pages 1-2, 6, 11	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113;	January 21, 2026

Document	Name	Pages in which Confidential Information is Found, if applicable	Summary of Legal Basis for Confidentiality Protection, if applicable	Date Filed
	Yauco 2 HP)] (Transmission)		6 U.S.C. §§ 671-674.	

**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 PREPA via Alexis Rivera, [alexis.rivera@prepa.pr.gov](mailto:alexis.rivera@prepa.pr.gov), and through its counsel of record, Natalia Zayas Godoy, [nzayas@gmlex.net](mailto:nzayas@gmlex.net), Richard Cruz Franqui, [rcruzfranqui@gmlex.net](mailto:rcruzfranqui@gmlex.net), and Mirelis Valle Cancel, [mvalle@gmlex.net](mailto:mvalle@gmlex.net), to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboreda, [jfr@sbgbaw.com](mailto:jfr@sbgbaw.com), José J. Díaz Alonso, [jdiaz@sbgbaw.com](mailto:jdiaz@sbgbaw.com), and Francisco Santos, [francisco-santos@genera-pr.com](mailto:francisco-santos@genera-pr.com).

In San Juan, Puerto Rico, on this 21<sup>st</sup> day of January 2026.



**DLA Piper (Puerto Rico) LLC**  
 500 Calle de la Tanca, Suite 401  
 San Juan, PR 00901-1969  
 Tel. 787-945-9132  
 Fax 939-697-6102

*/s/ Yahaira De la Rosa Algarín*

Yahaira De la Rosa Algarín  
RUA NÚM. 18,061  
[yahaira.delarosa@us.dlapiper.com](mailto:yahaira.delarosa@us.dlapiper.com)

*/s/ Emmanuel Porro González*  
Emmanuel Porro González  
RUA NÚM. 23,704  
[emmanuel.porrogonzalez@us.dlapiper.com](mailto:emmanuel.porrogonzalez@us.dlapiper.com)

Exhibit 1

*(public version, confidential version to be filed under seal of confidentiality)*

# Department of Homeland Security

## Federal Emergency Management Agency

### General Info

<b>Project #</b>	750151	<b>P/W #</b>	107971	<b>Project Type</b>	Specialized
<b>Project Category</b>	F - Utilities	<b>Applicant</b>	PR Electric Power Authority (000-UA2QU-00)	<b>Event</b>	4339DR-PR (4339DR)
<b>Project Title</b>	FAASt [Priority Pole Replacement Program (Line 700 Costa Sur SP – Yauco 2 HP)] (Transmission)	<b>Declaration Date</b>	9/20/2017	<b>Incident Start Date</b>	9/17/2017
<b>Project Size</b>	Large	<b>Incident End Date</b>	11/15/2017	<b>Completion Date</b>	9/20/2027
<b>Activity</b>		<b>Process Step</b>	Obligated	<b>Completion Date</b>	

### Damage Description and Dimensions

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

#### **Damage #920198; FAASt [Line 700 - Costa Sur SP – Yauco 2 HP]**

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:** Line 700 - Costa Sur SP – Yauco 2 HP
- **Facility Description:** The feeder 1118-10 (13.2kV) consists of poles and structures (including their foundations), framing and insulators, load break switches (manual and automated), capacitor banks, voltage regulators, transformers (including lightning arresters and fuse cut-outs), conductors, guy wires, anchoring, grounding assemblies, underground cable, underground cable systems, fault interrupting equipment (fuses, reclosers, and sectionalizers), and any other associated components.
- **Approx. Year Built:** 1970
- **Location Description:** The facilities listed below are part of the 11.30 circuit miles of overhead transmission for the 38kV Line 700 Costa Sur SP to Yauco 2 HP. The line segment is supported by 1 structure consisting of a wood pole. It has existing underbuilt distribution and/or third-party attachments.
- **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

920198 **FAASt [Line 700 - Costa Sur SP – Yauco 2 HP]**

#### INTRODUCTION

The purpose of this document is to submit for approval the Detailed Scope of Work (SOW) for project 750151 Transmission Priority Pole Replacement Program Line 700 Costa Sur SP – Yauco 2 HP Project under DR-4339-PR Public Assistance. The document provides a detailed description of the project including scope, schedule, and cost estimates as well as Environmental and Historical Preservation ("EHP") impacts and proposed 406 hazard mitigation work. 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 pursuant 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 in accordance with the Consent to Federal Funding Letter issued by PREPA and P3A and provided herein as Appendix D 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 T&D System submitted to FEMA.

## FACILITIES

### Facilities Description

The facilities listed below are part of the 11.30 circuit miles of overhead transmission for the 38kV Line 700 Costa Sur SP to Yauco 2 HP segment. This line is a Near-Term rebuild priority identified by LUMA. These structures were considered degraded during a High-Level Assessment (HLA) and identified as having issues pursuant to the System Remediation Plan (SRP). Due to the degraded condition of these structures, they will be replaced through the Transmission Priority Pole Replacement Program on an expedited basis.

### Facilities List

The line segment is supported by 1 structure consisting of a wood pole. It has existing underbuilt distribution and/or third-party attachments. The following table identifies the GPS location of the line segments.

Line Segment	Line Number	GPS Start	GPS End	Voltage (kV)
Costa Sur SP – Yauco 2 HP	700	[REDACTED]	[REDACTED]	38

## PROJECT SCOPE OF WORK

The "Proposed 428 Public Assistance Scope of Work" and "Proposed 406 Hazard Mitigation Program Scope of Work" for Line 700 from Costa Sur SP to Yauco 2 HP will consist of the replacement of hardware, several structures, guys anchoring and foundations for TL700.

The proposed restoration includes the repairs of eligible disaster damage up to required codes and standards, and the request to upgrade undamaged infrastructure to fully effectuate the restoration of disaster-damaged components and restore the function of the system to an approved industry standard. The detailed Scope of Work consists of the repair, removal and replacement of the following infrastructure:

Line Segment	Damage Number	# of Poles to Replace	# of Poles to Reinforce	# of Poles to Reuse	# of New Poles to be added
Costa Sur SP – Yauco 2 HP	920198	2	0	0	1

\*The structure (H-frame) to be installed is composed of two 70' poles, and one 45' pole will be used to guy the structure.

### Proposed 428 Public Assistance Scope of Work

The specific tasks necessary for the completion of the scope of work for the LUMA Transmission Pole Replacement Program are detailed below:

1) Remove 1 wood structure that has 2 poles, with a new steel structure that will have two (2) 70' round steel poles.

- Install 1 - 45' steel round pole as a stub pole.
- Poles to be installed are:
  - 2 x 70' Galvanized Steel Round Pole
  - 1 x 45' Galvanized Steel (Stub Pole)

2) Poles and components will be installed per the design methodology and the Project Design Criteria. They will conform to new codes and standards that are applicable to

the infrastructure.

3) Remove and replace ceramic insulators with polymer horizontal post insulators.

- Install 6 polymer horizontal post insulators.

### Scope Notes

1) Equipment to be used include Skid Steer, Excavator, Hydrovacs, Dump trucks, Man lifts, 120-ton Motor Crane, Boom Trucks, 45-ton Crane, Zoom Boom, Air compressor, Truck Digger, Water truck, Pump Truck, Concrete Vibrator, Filtering Machine and Flatbed platform. All equipment used will comply with Tier 4 EPA Emission Standards, if available.

2) Fill, gravel, and sand materials will be obtained from a preferred vendor as referenced in the Approved Supplier List Directory PR (see Appendix A – Approved Supplier List).

3) The construction of access roads is not required for this scope of work. All work for this program will be performed within the current electrical right-of-way for each of the municipalities. Poles are near the roads and are site accessible. (Refer to Appendix F – Project Considerations).

4) All materials are stored and dispatched from the assigned LUMA Regional Warehouse. Refer to Warehouse Locations. No additional or temporary staging areas are required to store materials or disposal. The Regional Warehouse to be utilized as staging area for this project is the Yauco District Warehouse (A52), which coordinates are 18.031875, -66.851898.

5) The types of debris that will be removed during the demolition process are insulated and bare aluminum and copper cables, PVC conduits, concrete, metal scrap, construction waste, wood, etc. The debris will be separated and taken to an authorized waste disposal facility.

6) Vegetation clearance will be performed solely to the extent that it allows crews to conduct work and will be limited to a 10 ft radius surrounding the surface of the pole, but not to exceed the width of the right-of-way. This is for the exclusive purpose of gaining access to the pole to conduct repairs. The costs related to vegetation clearance procedures are covered in project [Project #727530] FASt [Region Ponce] High Density (Vegetation). The vegetation removal process will be managed in accordance with federal and state regulations.

### Specific List of Permits Required:

- Department of Transportation and Public Works ("DTOP") Endorsements & Municipality Notifications.
- Excavation and Demolition Notification in DTOP.
- LUMA will provide proof of all permits.

### Proposed 406 Hazard Mitigation Scope of Work

The transmission system's main objective is to provide efficient and reliable interconnection of generation sources with the load centers distributed throughout the island. LUMA's transmission grid connects power generation plants, transmission centers, sectionalizers, and distribution substations through a complex and extensive network of lines, all dependent upon one another.

The 406 Hazard Mitigation measures designed to increase resilience in the system include the following:

#### Poles:

Replace 2ea 70ft galvanized steel round poles of 145mph windspeed resistance ASCE/SEI 48-19 with 2ea new 70ft (12-sided) tapered shaft galvanized steel pole to increase the strength of the pole by increasing the wind tolerance by design to 160mph.

Poles to be installed are:

- 2ea 70ft (12-sided) tapered shaft galvanized steel pole.

#### Foundations:

Build a concrete-backfilled direct embedment foundation to mitigate against future structure damage from wind (160mph) and flooding.

- 4.83CY of concrete.
- 42" galvanized corrugated steel pipe (21 L.F.) will be installed as part of the foundation.

- At the base of the foundation, 6" of gravel or stone (3/4") will be placed to provide a stable and strong base (0.36 CY).

The number of poles that require concrete foundations are 2.

For more detailed information, please refer to Appendix H – Hazard Mitigation Narrative.

#### PROJECT COST ESTIMATE (“PCE”)

The estimated costs (compliant with 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 may be subject to change. LUMA has allocated 10% of the project cost to mitigate potential known risks. For more details refer to Appendix E for Detailed Cost Estimate for this project.

COST ESTIMATE			
Cost Element	428	406	PROJECT TOTAL
PLANNING	\$19,917.39	\$882.53	\$20,799.92
MANAGEMENT	\$15,230.19	\$674.84	\$15,905.03
Transmission Pole Replacement and Critical Repairs 38 KV L700	\$236,589.13	\$10,483.10	\$247,072.23
GENERAL CONDITIONS	\$11,812.57	\$523.41	\$12,335.98
COST TOTALS	\$283,549.28	\$12,563.87	\$296,113.16
DEDUCTIONS	TOTAL INSURANCE PROCEEDS RECEIVED		\$-
	DE-OBLIGATION TO FAAST IF APPLICABLE		\$-
FAAST ALLOCATIONS	FAAST PROJECT # 750151 - 428		\$243,268.16
	FAAST PROJECT # 750151 - 406HM		\$12,563.87
	FAAST PROJECT # 750151 TOTAL:		\$255,832.04
	FAAST A&E # 335168 - 428		\$23,495.18
	FAAST A&E # 335168 - 406 HM		\$1,041.06
	FAAST A&E # 335168 TOTAL		\$24,536.24
	FAAST E&M #673691 - 428		\$16,785.94

FAASt E&M #673691 - 406 HM	\$2,341.06
<b>FAASt E&amp;M #673691 TOTAL</b>	<b>\$19,127.00</b>

### Cost Summary, 428 Version 0

Work To Be completed: \$283,549.28

A&E Deduction: (\$23,495.18)

E&MDeduction: (\$16,785.94)

Total: \$243,268.16

### ATTACHMENTS

- APPENDIXA- Approved Supplier List
- APPENDIXB - General Arrangement
- APPENDIXC - Engineering Plans
- APPENDIXD - Consent to Federal Funding Letter - FEMA COR3
- APPENDIXE - Detailed Cost Estimate
- APPENDIXF - Project Considerations
- APPENDIXG - Cost Effective Hazard Mtigation Measures
- APPENDIXH - Hazard Mitigation Narrative
- APPENDIXI - Staging Area Plan TL700

### PROJECT NOTES

1. Refer to detailed SOW provided in document labeled: "750151-DR4339PR-Detailed SOW- T-Pole TL700 Costa Sur SP - Yauco 2 HP Rev 8\_signed.pdf"
2. Refer to detailed Cost Estimate provided in document labeled: "0151-DR4339PR TL 700 Costa Sur SP to Yauco HP Oct-20-2025 (FEMA).xlsx"
3. A&E costs included in this project will be reduced from this project and obligated under the FAASt Project #335168, A&E, as shown in the table above. The A&E project was obligated to track and account for costs associated with individual FAASt projects.
4. Equipment and material costs included in this project will be reduced from this project and obligated under FAASt Project #673691, Equipment and Materials, as shown in the table above.
5. This project is part of Donor FAASt 136271 – MEPA078 Puerto Rico Electrical Power Authority (PREPA) Island Wide FAASt Project.

### 406 HMP Scope

#### Project number:

[750151] FAASt [Transmission Priority Pole Replacement Program Line 700 Costa Sur SP – Yauco 2 HP] (Transmission)

**Damage #920198; FAASt [Line 700 - Costa Sur SP – Yauco 2 HP].**

**Applicant:** PR Electric Power Authority (000-UA2QU-00)

**Location:** Guayanilla, Puerto Rico

Start: [REDACTED], End: [REDACTED]

#### **Hazard Mitigation Narrative**

During the incident period from September 17, 2017, to November 15, 2017, the Commonwealth of Puerto Rico experienced hurricane-force winds, heavy rain, flooding and power outage from Hurricane Maria. The incident caused damage to the electrical system, such as the power generation plants, transmission and distribution lines, substations, communication systems, buildings, among other damages to the infrastructures owned, operated, and maintained by the Puerto Rico Electric Power Authority (PREPA).

The Method of Repair (MOR) included the replacement of the damaged critical distribution poles (wood, steel, and concrete), insulators, and all associated hardware needed for the new structure. The facilities listed below are part of the 11.3 circuit miles of overhead transmission for the 38kV Line 700 Costa Sur SP – Yauco 2 HP segment. This line is a Near-Term rebuild priority identified by LUMA. However, these structures were identified as having System Remediation Plan ("SRP") issues and were considered degraded during a High-Level Assessment ("HLA"). Due to the degraded condition of these structures, they will be replaced through the Transmission Priority Pole Replacement Program on an expedited basis. Later, the remainder of the line will be rebuilt, except for the structures that would already have been replaced through this project and in alignment with LUMA codes and standards.

The TL700 serves an estimated population of 23,410. PREPA Substations managed by LUMA; 5302 and 5501. TL700 serves the following critical facilities: AAA lift pump stations, City Hall, AEE Yauco among other.

In order to minimize the damages in a future event, the sub-recipient proposes as a mitigation measure to increase the strength of the poles by adding concrete foundations and strength of the poles by replacing it with steel galvanized, 12-sided, tapered shaft distribution poles to mitigate future damage due to high wind (160mph). Note: The FEMA Accelerated Award Strategy (FAASt) MOR included the PREPA distribution standards and specifications that were based on a 145mph sustained winds. However, the new PREPA Standard 2021 updates the design-criteria to a 160mph sustained winds resistant. The 160mph wind tolerance mitigation measure, will protect and make the affected infrastructure more resistant, stronger, and resilient to similar hazards.

#### **(II) Hazard Mitigation Proposal (HMP) Scope of Work:**

To prevent or reduce future damages from similar events, the applicant proposed the following mitigation measures:

##### **Mitigation Measures (Replacement)**

To avoid damage in a future event, the sub-applicant proposes as a mitigation measure to increase the strength of the poles by adding concrete foundations to mitigate future damage to the structures due to high wind (+160mph) and flooding. The above mitigation measures will protect and make the affected infrastructure more resistant, stronger, and resilient to similar hazards. Refer to Appendix J: Section VI.D.1 of the PAPPG V3.1.

- Replace 2ea 70ft round galvanized steel pole of 145mph windspeed resistance ASCE/SEI 48-19 with 2ea 70ft steel galvanized, 12-sided, tapered shaft distribution pole to increase the strength of the pole by increasing the wind tolerance by design to 160mph.

##### **Mitigation Measures (Supplement)**

To avoid damage in a future event, the sub-recipient proposes as a mitigation measure to increase the strength of the poles by adding concrete foundations to mitigate future damage to the structures due to high wind (160mph) and flooding. The above mitigation measures will protect and make the affected infrastructure more resistant, stronger, and resilient to similar hazards. Refer to Appendix J: Section VI.D.3 of the PAPPG V5.

- Install ten (2ea) new concrete base foundation for ten (2ea) 70ft 12-sided galvanized steel pole = 4.96 CY.
  - $[(3.5/2)^2 * 3.14 * 10.5] - [(2.08/2)^2 * 3.14 * 10] = (67.01/27) = 2.48 \text{ CY} \times 2 \text{ base} = 4.96 \text{ CY.}$

#### **(III) Hazard Mitigation Proposal (HMP) Cost**

Total Net Hazard Mitigation Cost (Base Cost) = \$10,030.85

+ HM (Applicant A&E, Management & General Conditions) = \$ 2,533.02

Hazard Mitigation Total Cost = \$12,563.87

#### **(IV) Hazard Mitigation Proposal (HMP) Cost Distribution**

Equipment and Materials (E&M) =	\$ 2,341.06
Architecture and Engineering (A&E) =	\$ 1,041.06
Construction Cost =	<u>\$ 9,181.75</u>
Hazard Mitigation Total Cost =	<b>\$ 12,563.87</b>

#### **(V) HMP Cost-Effectiveness Calculations**

FEMA's Benefit-Cost Analysis (BCA), methodology evaluates expected risk reduction benefits of a hazard mitigation project and compares those benefits to the cost of the mitigation project. FEMA Public Assistance Program and Policy Guide (PAPPG) Chapter 2. Section VII. C. defines cost effective mitigation as: The Hazard Mitigation Measure is cost effective through an acceptable Benefit Cost Analysis (BCA) with a resulting Benefit Cost Ratio equal to or greater than (1).

The Island Wide Benefit Cost Analysis (IWBCA) created for the PREPA infrastructure defines a maximum potential benefit using the incurred costs of the PREPA FEMA Accelerated Award Strategy (FAASt) fixed cost estimate, the mission assignments utilized for the reconnection effort, and the costs associated with loss of service. This maximum benefit has been developed to fund all mitigation projects from both Public Assistance Hazard Mitigation and the Hazard Mitigation Grant program.

It is the applicant's responsibility to maintain a record of approved IWBCA related projects to avoid running out of funds for their Mitigation portion projects.". Please see attached IWBCA Package.

The cost of the Hazard Mitigation Proposal (HMP) described herein is **\$12,563.87 (Hazard Mitigation Total Cost)**. The cost of this HMP combined will all other proposals (both PA and HMGP) does not exceed the maximum potential benefit and is therefore deemed cost effective per FEMA Public Assistance Program and Policy Guide (PAPPG) V3.1 April 2018, Chapter 2, VII, Section C, BCA Rule. This Hazard Mitigation Proposal meets eligible repair and restoration cost-effective requirements.

\*\*See Mitigation Profile Documents Tab in Grants Manager for complete version of this HMP and supporting documents (HMP, HMP cost estimate, Supporting documents file).

## Cost

Code	Quantity	Unit	Total Cost	Section
3510 (PREPA FAAS Global A&E 335168)	1.00	Lump Sum	(\$23,495.18)	Uncompleted
9001 (PREPA FAAS Global E&M 673691)	1.00	Lump Sum	(\$16,785.94)	Uncompleted
9201 (PAAP Fixed Estimate (No Value - Tracking Purposes Only))	1.00	Lump Sum	\$0.00	Completed
9001 (PREPA FAAS Donor Project 136271)	1.00	Lump Sum	\$283,549.28	Uncompleted

CRC Gross Cost	\$243,268.16
Total 406 HMP Cost	\$12,563.87
Total Insurance Reductions	\$0.00
<hr/>	
CRC Net Cost	\$255,832.03
Federal Share (90.00%)	\$230,248.83
Non-Federal Share (10.00%)	\$25,583.20

## Award Information

### Version Information

Version #	Eligibility Status	Current Location	Bundle Number	Project Amount	Cost Share	Federal Share Obligated	Date Obligated

### 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	1/16/2026	\$230,248.83	90%	Accepted	4339DRPRP01079711

## 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 a 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

11/14/2025

#### GENERAL INFORMATION

Event: DR4339-PR

Project SP 750151

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

### **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) #920198:**

##### **FAASt [Line 700 - Costa Sur SP – Yauco 2 HP]**

Location: The facilities listed below are part of the 11.30 circuit miles of overhead transmission for the 38kV Line 700 Costa Sur SP to Yauco 2 HP.

GPS Coordinates: [REDACTED]

Cause of Loss: Wind / Wind Driven Rain

Damage Inventory Amount: \$255,832.03 (CRC Gross Cost \$243,268.16 + HMP Cost \$12,563.87)

#### **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 FAASt 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.

#### **Obtain and Maintain Requirement:**

No Obtain & Maintain Requirement is being mandated for the FAASt [Line 700 - Costa Sur SP – Yauco 2 HP] 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.

Jorge Parrilla, PA Insurance Specialist

CRC Atlantic, Guaynabo, PR

#### **O&M Requirements**

There are no Obtain and Maintain Requirements on **FAASt [Priority Pole Replacement Program (Line 700 Costa Sur SP – Yauco 2 HP)] (Transmission)**.

#### **406 Mitigation**

There is no additional mitigation information on **FAASt [Priority Pole Replacement Program (Line 700 Costa Sur SP – Yauco 2 HP)] (Transmission)**.

#### **Environmental Historical Preservation**

## 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.
- ESA #1: The Sub-recipient must provide documentation at close-out that proves completion of required Conservation Measures.
- ESA #2: For Line 700: 1. Puerto Rican boa (*Chilabothrus inornatus*) a. Inform all project personnel about the potential presence of the PR boa in areas where the proposed work will be conducted. A pre-construction meeting should be conducted to inform all project personnel about the need to avoid harming the species as well as penalties for harassing or harming PR boas. An educational poster or sign with photo or illustration of the species should be displayed at the project site. b. Prior to any construction activity, including removal of vegetation and earth movements, the boundaries of the project and areas to be excluded and protected should be clearly marked in the project plan and in the field in order to avoid further habitat degradation into forested and conservation areas. c. Once areas are clearly marked, and prior to the use of heavy machinery and any construction activity (including removal of vegetation and earth movement), a biologist or project personnel with experience on this species should survey the areas to be cleared to verify the presence of any PR boa within the work area. d. If a PR boa is found within any of the working or construction areas, activities should stop at that area and information recorded (see #e). Do not capture the boa. If boas need to be moved out of harm's way, designated personnel shall immediately contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal: (787) 999-2200 ext. 2911. If immediate relocation is not an option, project-related activities at that area must stop until the boa moves out of harm's way on its own. Activities at other work sites, where no boas have been found after surveying the area, may continue. e. For all boa sightings (dead or alive), record the time and date of the sighting and the specific location where it was found. PR boa data should also include a photo of the animal (dead or alive), site GPS coordinates, the time and date, and comments on how the animal was detected and its behavior. f. If a PR boa is captured by PRDNER personnel, record the name of that person and information on where the PR boa will be taken. This information should be reported to the Service. g. Measures should be taken to avoid and minimize PR boa casualties by heavy machinery or motor vehicles being used on site. Any heavy machinery left on site (staging) or near potential PR boa habitat (within 50 meters of potential boa habitat), needs to be thoroughly inspected each morning before work starts to ensure that no boas have sheltered within engine compartments or other areas of the equipment. If PR boas are found within vehicles or equipment, do not capture the animal, and let it move on its own or call PRDNER Rangers for safe capture and relocation of the animal (see #d). If not possible, the animal should be left alone until it leaves the vehicle on its own. h. PR boas may seek shelter in debris piles. Measures should be taken to avoid and minimize boa casualties associated with sheltering in debris piles as a result of project activities. Debris piles should be placed far away from forested areas. Prior to moving, disposing or shredding, debris piles should be carefully inspected for the presence of boas. If debris piles will be left on site, we recommend they be placed in areas that will not be disturbed in the future. i. If a dead PR boa is found, immediately cease all work in that area and record the information accordingly (see #e). If the PR boa was accidentally killed as part of the project actions, please include information on what conservation measures had been implemented and what actions will be taken to avoid further killings. A dead boa report should be sent by email to the Service at [Caribbean\\_es@fws.gov](mailto:Caribbean_es@fws.gov), within 48 hours of the event. j. Projects must comply with all state laws and regulations. Please contact the PRDNER for further guidance.
- ESA #3: For Line 700: 11. Puerto Rican harlequin butterfly (*Atlantea tulita*) *Atlantea tulita* is endemic to Puerto Rico, occurring in the western portion of the island, in the northern karst region, and in the west-central volcanic-serpentine region. The following measures apply to the Puerto Rican harlequin butterfly through its current range: a. The contractor must inform all personnel about the potential presence of the Puerto Rican harlequin butterfly and its host plant, prickly bush (*Oplonia spinosa*), in the project areas. A pre-work meeting should inform all project personnel about the need to avoid harming this butterfly and its occupied host plant. All personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing species protected under the ESA. Educational material (e.g., posters, flyers, or signs with photos or illustrations of all the life stages of the Puerto Rican harlequin butterfly (i.e., eggs, caterpillar, chrysalids, and adult, and its host plant) should be prepared and available to all personnel for reference. b. Before starting any project activity, including removal of vegetation and earth movement, the contractor must clearly delineate the boundaries of the working area in the field to avoid unnecessary habitat impacts. Once the project areas are clearly marked, and before any work activity, including site preparation, personnel with knowledge and ability to identify the Puerto Rican harlequin butterfly (all life stages) and the prickly bush must survey the areas where the work will be performed for the presence of the species and its host plant. It is important to note that the Puerto Rican harlequin butterfly can be observed year-round in all life stages; thus, oviposition (egg-laying) may occur at any time during the year. c. If the prickly bush is present on the project site, try to avoid cutting the plant, even if no eggs, caterpillars, or chrysalids are present. d. If there is no prickly bush within the project area, but the butterfly is observed flying within the project area, do not harass, harm, pursue, wound, kill, trap, capture, collect, or attempt to engage in any such conduct, the species. e. Adult butterflies are often observed flying near the host plant as

part of their mating behavior and for laying eggs. Project-related activities must stop if the prickly bush is found in the project area and the Puerto Rican harlequin butterfly is observed flying in that same area. A temporary 5-meter (16 feet) buffer zone of no activity or human disturbance should be established and clearly marked around that prickly bush until the butterfly moves out on its own.

- ESA #4: f. Once the Puerto Rican harlequin butterfly has moved away, within a period of 24 to 36 hours, a search of the prickly bush that has been buffered should be conducted to determine the presence of any eggs, caterpillars, or chrysalids of the butterfly on the plant. The contractor or the Applicant should send a report of the observation and its findings to caribbean\_es@fws.gov after the 36-hour search is concluded. g. If, after the initial search or after the 24 to 36-hour search, any life stage of the Puerto Rican harlequin butterfly is found in the prickly bush, take the following actions: \*. Clearly mark the host plant with flagging tape. \*. Establish a 5-meter (16-foot) buffer zone around the bush for its protection. \*. Eggs are typically found on the prickly bush's newly grown, tender branches. Once the egg hatch, the caterpillar moves and feeds throughout the bush. Therefore, avoid cutting off the prickly bush within the project site even if no eggs, caterpillars, or chrysalids are present. \*. Work within the 10-meter buffered area may resume when no signs of any live life stage of the butterfly are detected, which usually takes approximately 60 to 120 days. h. For all Puerto Rican harlequin butterfly sightings (all life stages), the time and date of the sighting and the specific location where the butterfly was found must be recorded. Data should also include a photo of the butterfly (if possible) and the habitat where it was observed, site GPS coordinates, and comments on how the butterfly was detected and its behavior. All Puerto Rican harlequin butterfly sighting reports should be sent to the Service's Caribbean Ecological Service Field Office at caribbean\_es@fws.gov.
- 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. 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.
- The Subrecipient and/or Subrecipient's contractor must follow the Low Impact Debris Removal Stipulations (LIDRS) outlined in Appendix E of the Project-Specific Programmatic Agreement Among FEMA, the SHPO, ACHP, COR3, and PREPA (PSPA), executed on August 2, 2022.
- 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.
- Additional staging areas and/or work pads within work site area haven't been identified yet. The 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 [Priority Pole Replacement Program (Line 700 Costa Sur SP – Yauco 2 HP)] (Transmission)**.

## Final Reviews

### Final Review

**Reviewed By** LEFRANC-GARCIA, CARLOS L.

**Reviewed On** 12/30/2025 10:27 AM EST

#### Review Comments

Project reviewed, found eligible and reasonable. Subrecipient is responsible for complying with all grants and subgrant conditions. CLG 12/30/2025

### Recipient Review

**Reviewed By** Mulero, Noel

**Reviewed On** 01/07/2026 2:28 PM EST

#### Review Comments

Recipient review completed. Applicant must ensure to compliance with all regulatory requirements, Record of Environmental Consideration (REC) Special Conditions 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 \$255,832.03 for subaward number 107971 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** 01/08/2026