

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

NEPR Received: Mar 23, 2026 6:24 PM
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IN RE:

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

CASE NO. NEPR-MI-2021-0002

**SUBJECT: Motion Submitting Amended Area
Plan, Request for Confidentiality, and Supporting
Memorandum of Law**

**MOTION SUBMITTING AMENDED AREA PLAN, REQUEST FOR
CONFIDENTIALITY, 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, respectfully submit the following:

I. Submittal of Amended Scope of Work

1. On March 26, 2021, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order in the instant proceeding, ordering, in pertinent part, that the Puerto Rico Electric Power Authority (“PREPA”) submit to the Energy Bureau the specific transmission and distribution projects (“T&D Projects” or “Projects”) to be funded with Federal Emergency Management Agency (“FEMA”) funds or any other federal funds at least thirty (30) calendar days prior to submitting these Projects to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (“COR3”), FEMA or any other federal agency (“March 26th Order”). It also directed PREPA to continue reporting to the Energy Bureau and FEMA, within the next five years, on the progress of all ongoing efforts related to the approval of the submitted Projects that have not yet been 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 June 27, 2025, LUMA submitted a *Motion Submitting One Area Plan, Request for Confidentiality, and Supporting Memorandum of Law* (“June 27th Motion”). Therein, LUMA stated that, following extensive infrastructure damage caused by Hurricane Fiona in September 2022, it was advancing permanent restoration efforts under FEMA’s traditional Section 406 of the Stafford Act Public Assistance program. Unlike the Section 428 of the Stafford Act fixed-cost model used for Hurricane Maria (FEMA Accelerated Award Strategy [“FAASt”]), the traditional Public Assistance program process reimburses actual costs to restore eligible, disaster-damaged infrastructure. This requires rigorous documentation, damage validation, environmental review, and regulatory compliance. Therefore, LUMA adopted a structured Area Plan approach to align with the Energy Bureau's proceedings requirements and ensure transparency and regulatory coordination. In view of the above, and in accordance with the March 26th Order, LUMA filed, as *Exhibit 2* to the June 27th Motion, one (1) Area Plan for the Energy Bureau’s review and approval prior to submitting it to COR3 and FEMA: the “Fiona Permanent Work Area Plan: Mayagüez G” SOW. *See Exhibit 2* to the June 27th Motion.

3. On September 16, 2025, the Energy Bureau issued a Resolution and Order (“September 16th Order”) in which it approved the “Fiona Permanent Work Area Plan: Mayagüez G” SOW and determined it necessary to comply with applicable federal requirements, including FEMA’s Section 406 Public Assistance program, relevant environmental and historical preservation mandates, and Puerto Rico’s regulatory framework. Further, the Energy Bureau ordered LUMA to submit a copy of the approval by COR3 and/or FEMA for the projects, which shall include the costs obligated for each project, within ten (10) days of receiving such approval. *See September 16th Order, p. 2.*

4. LUMA has since identified the need to submit a revised submission of the “Fiona Permanent Work Area Plan: Mayagüez G” Area Plan, which is renamed as the “Amended Fiona Permanent Work Area Plan: Mayagüez G (Revised submission)” (“Amended Area Plan”). The Amended SOW includes: (1) language to explain the details behind the revisions, the processes behind it and the current and further anticipated results; (2) changes to the facilities list for distribution and substations facilities to reflect current status, and other smaller changes (removal of coordinates, addition of Area for each facility, streamline of facilities list by placing kV rating and naming in one column, etc.) (3) preliminary cost estimates for distribution and substations repairs, among other things.

5. Pursuant to the above, LUMA hereby submits, as *Exhibit 1* to this Motion, the “Amended Fiona Permanent Work Area Plan: Mayagüez G (Revised submission)” Area Plan.

6. LUMA respectfully requests that the Energy Bureau replace the previously approved Area Plan, as detailed in this Motion, and substitute it with the Amended Area Plan, submitted as *Exhibit 1* to this Motion. LUMA also requests that this Energy Bureau approve the Amended Area Plan submitted with this Motion, to wit, the “Amended Fiona Permanent Work Area Plan: Mayagüez G (Revised submission)” Area Plan.

II. Request for Confidentiality and Supporting Memorandum of Law

7. LUMA hereby requests that *Exhibit 1* be maintained confidential. LUMA is submitting a redacted version for public disclosure, and an unredacted non-public version under seal of confidentiality.

8. LUMA submits a Memorandum of Law 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 unredacted version of the Area Plan 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 Amended Area Plan includes personal identifying information of individuals who are LUMA staff or contractors 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.

III. 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 LPRC §1054n (2024). 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 with regard to access to 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. § D (on Access to Validated Confidential Information).

15. 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. Discussion in Support of Request for Confidential Treatment

16. The Amended Area Plan included in *Exhibit 1* contains portions of CEII that, under relevant federal law and regulations, are protected from public disclosure. LUMA stresses that the Amended Area Plan 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.¹ In at least two Data Security and Physical Security proceedings,² this Energy Bureau, *motu proprio*, has conducted proceedings confidentially, thereby recognizing the need to protect CEII from public disclosure.

17. 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.

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

¹ *See, e.g., In re Review of LUMA's System Operation Principles*, NEPR-MI-2021-0001 (Resolution and Order of May 3, 2021); *In re Review of the Puerto Rico Power Authority's System Remediation Plan*, NEPR-MI-2020-0019 (order of April 23, 2021); *In re Review of LUMA's Initial Budgets*, NEPR-MI-2021-0004 (order of April 21, 2021); *In re Implementation of Puerto Rico Electric Power Authority Integrated Resource Plan and Modified Action Plan*, NEPR MI 2020-0012 (Resolution of January 7, 2021, granting partial confidential designation of information submitted by PREPA as CEII); *In re Optimization Proceeding of Minigrad Transmission and Distribution Investments*, NEPR-MI 2020-0016 (where PREPA filed documents under seal of confidentiality invoking, among others, that a filing included confidential information and CEII); *In re Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, CEPR-AP-2018-0001 (Resolution and Order of July 3, 2019 granting confidential designated and request made by PREPA that included trade secrets and CEII. However, *see* Resolution and Order of February 12, 2021, reversing in part, grant of confidential designation).

² *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

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(c)(2), states 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”).³

³ 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;

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).⁴

22. Portions of the Amended Area Plan included as *Exhibit 1* contain CEII that, under relevant federal law and regulations, is protected from public disclosure. LUMA stresses that the unredacted version of the Amended Area Plan warrants confidential treatment to protect critical

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- (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.

⁴ 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.

infrastructure from threats that could undermine the system and negatively affect electric power services to the detriment of the interests of the public, customers, and citizens of Puerto Rico. In several proceedings, this Energy Bureau has considered and granted requests by PREPA to submit CEII under seal of confidentiality.⁵ In at least two proceedings on Data Security⁶ and Physical Security,⁷ this Energy Bureau has, *motu proprio*, conducted them confidentially, thereby recognizing the need to protect CEII from public disclosure.

23. The Amended Area Plan contains a diagram that qualifies 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 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. The pages that contain the CEII are identified within the table in Part C of this motion, which summarizes the hallmark requests for confidentiality for the Amended Area Plan. The information identified as confidential in the table 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

⁵ See e.g., *In re Review of LUMA's System Operation Principles*, NEPR-MI-2021-0001 (Resolution and Order of May 3, 2021); *In re Review of the Puerto Rico Power Authority's System Remediation Plan*, NEPR-MI-2020-0019 (order of April 23, 2021); *In re Review of LUMA's Initial Budgets*, NEPR-MI-2021-0004 (order of April 21, 2021); *In re Implementation of Puerto Rico Electric Power Authority Integrated Resource Plan and Modified Action Plan*, NEPR MI 2020-0012 (Resolution of January 7, 2021, granting partial confidential designation of information submitted by PREPA as CEII); *In re Optimization Proceeding of Minigrad Transmission and Distribution Investments*, NEPR MI 2020-0016 (where PREPA filed documents under seal of confidentiality invoking, among others, that a filing included confidential information and CEII); *In re Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, CEPR-AP-2018-0001 (Resolution and Order of July 3, 2019 granting confidential designation 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).

⁶ *In re Review of the Puerto Rico Electric Power Authority Data Security Plan*, NEPR-MI-2020-0017.

⁷ *In re Review of the Puerto Rico Electric Power Authority Physical Security Plan*, NEPR-MI-2020-0018.

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

24. Based on the above, LUMA respectfully submits that portions of the Amended Area Plan 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 *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.

25. In addition, a portion of the Amended Area Plan contains the name, signature, and role of two LUMA employees and a contractor, respectively, who reviewed the Amended Area Plan as part of LUMA's internal review and approval of the document. LUMA respectfully requests that information on the names, signatures, and roles of these individuals be maintained confidentially, in light of the fact that these details reveal their employment duties, and that their protection is in the public interest and aligned with Puerto Rico's legal framework on privacy, which protects personal information from disclosure. *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 DPR 254, 262 (2008); *Bonilla Medina v. P.N.P.*, 140 DPR 294, 310-11 (1996); *Pueblo v. Torres Albertorio*, 115 DPR 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). 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

Amended Area Plan nor interfere with processes before this Energy Bureau. Therefore, on balance, the public interest to protect privacy weighs in favor of protecting the relevant portion of the Amended Area Plan.

C. Identification of Confidential Information

26. 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	Amended Fiona Permanent Work Area Plan: Mayagüez G (Revised submission)	Page 1	Right to privacy (<i>see, e.g.,</i> Const. ELA, Art. II, Sections 8 and 10)	March 23, 2026
	Amended Fiona Permanent Work Area Plan: Mayagüez G (Revised submission)	Page 6	Critical Energy Infrastructure Information, 18 C.F.R. § 388.113; 6 U.S.C. §§ 671-674.	March 23, 2026

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **approve** the Amended Area Plan for the T&D Project submitted as *Exhibit 1* to this Motion; 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, and through its counsel of record, Natalia Zayas Godoy, nzayas@gmlex.net, Richard Cruz Franqui, rcruzfranqui@gmlex.net, and Mirelis Valle Cancel, mvalle@gmlex.net, to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboredo, jfr@sbgblaw.com, José J. Díaz Alonso, jdiaz@sbgblaw.com, Stephen Romero Valle, sromero@sbgblaw.com, and Francisco Santos, francisco-santos@genera-pr.com.

In Guaynabo, Puerto Rico, on this 23rd day of March 2026.



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Exhibit 1

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



FEMA Project Scope of Work

Project Name:

Amended Fiona Permanent Work Area Plan: Mayagüez Area G
(Revised Submission)

Revision: 3

Date: March 20, 2026

APPROVALS

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

Area Plan Owner	Signature	Date
[Redacted]	[Redacted]	3/20/2026
Grants Manager	Signature	Date
[Redacted]	[Redacted]	3/20/2026



Contents

Approvals	1
Overview	3
Introduction	3
Facilities.....	4
Project Scope	5
Scope of Work.....	8
Type of Project	9
Preliminary Engineering.....	10
Codes and Standards.....	10
Codes, Specifications, and Standards.....	10
Industry Standards.....	10
Preliminary Repair Estimate.....	10
406 Hazard Mitigation Proposal.....	11
Environmental & Historic Preservation Requirements	12



Overview

Project Name:	Amended Fiona Permanent Work Area Plan: Mayagüez Area G
Project Type:	Overview/narrative of proposed work approach for Fiona permanent repairs and hazard mitigation
Region:	Mayagüez
Damage Number:	N/A
Damaged Inventory/Asset Category:	Distribution and Substation
FEMA Project Number: <i>(formerly Project Worksheet)</i>	N/A

Introduction

This document provides the Puerto Rico Energy Bureau (PREB) with a system-level summary of the standard Federal Emergency Management Agency (FEMA) formulation process for permanent work associated with Hurricane Fiona. On September 18, 2022, Hurricane Fiona made landfall in Puerto Rico as a Category 1 hurricane. The existing moisture conditions in the area, pushed ahead of the system, brought additional rainfall to the island in advance of Hurricane Fiona. Subsoil conditions on the island were near saturation, and rivers were running at normal to above-normal levels across much of Puerto Rico. Rainfall activity intensified more than 16 inches along the Cordillera and El Yunque. Total rainfall accumulations of more than 30 inches were registered in Ponce, Caguas, and San Lorenzo. Mudslides and flooding were reported in affected areas.

The magnitude of the damage on the island of Puerto Rico exceeded the government’s capabilities to respond to the incident. On September 21, 2022, the President of the United States of America granted a disaster declaration (DR-4671-PR) for Puerto Rico allowing FEMA to provide Public Assistance funds for an incident period of September 17, 2022 - September 21, 2022.

This narrative outlines the steps and procedures that cover various aspects, including the repair-and-replace approach, adherence to codes and standards, FEMA Section 406 mitigation, and the application of Environmental and Historic Preservation (EHP) guidelines.

The Mayagüez Area G facilities, projects and costs in this notification have been revised since the initial notification dated June 27, 2025. The original notification included all assessed damages and impacts recorded following Hurricane Fiona, regardless of disaster, and had not yet been validated by FEMA or concurred between LUMA, COR3, and FEMA as a non-duplicated scope and cost for Fiona permanent work and eligible federal funding.

The revisions to all Area planning, including those applicable to Mayagüez Area G in this notification, are driven by several factors described in the scope of work and process sections of this notification. The overall revisions to the initial scope and costs attributed to Fiona's permanent work are due to the damage adjudication and duplication analysis conducted by LUMA, COR3, and FEMA to ensure that the damages, repairs, and funding are attributed to the correct disaster between DR4339-PR Maria and DR4671-PR Fiona. Through this adjudication process and the identification of damages eligible for permanent work, the review determines where duplicate damages or duplicate federal funding may have been provided from Hurricane Maria Grant funding or may already be captured in a Maria FAASt



DR-4671-PR Public Assistance

recovery project, and those findings result in revisions to the Fiona scope and cost.

Additionally, damages, facilities and projects are revised based on FEMA damage validation criteria, wherein non-visible, latent, or damage that appears to have been repaired during the emergency period are not currently validated and approved for additional funding for permanent work at this time. In alignment with the project development, formulation and versioning processes, described later in this document, the revised projects and subsequent costs represent project Version 0 wherein LUMA would then proceed with detailed design, engineering, and construction activities to capture any additional damages or repairs necessary to identify the final recovery solution, project scope and overall costs to be accounted for in follow up Versions of the projects or accounted for once the work is completed.

Facilities

Facilities Description

The specific facilities included in this project proposal are:

Distribution Feeders that include poles and structures (with foundations), cross-arms and framing, insulators and hardware, 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.

Substations and Transmission Centers that include power, distribution, and monitoring transformers, circuit breakers, disconnects, substation bus and associated connections, capacitor banks, control houses, control and communications batteries, yard equipment and support structures, underground conduit and wiring, system protection and control devices, and physical security components to include fences, gates, and access roads.

Facilities List

The facilities listed below are part of the distribution feeder, substation, and transmission center (TC) system in the Mayagüez Region. These interconnected and interdependent distribution feeders and facilities (site) establish the electrical transmission and distribution system. The feeder originates from a Substation/Transmission Center (start) and serves customers along the route to various locations (end) for power delivery. These feeders and facilities are in the PREPA 10-Year Infrastructure Plan.

Distribution Feeders (KV)	Area
13.2 kV Distribution Line Number 6704-02	Mayagüez G
13.2 kV Distribution Line Number 6704-03	Mayagüez G
13.2 kV Distribution Line Number 6603-01	Mayagüez G
4.16 kV Distribution Line Number 6501-01	Mayagüez G



DR-4671-PR Public Assistance

Distribution Feeders (KV)	Area
4.16 kV Distribution Line Number 6501-02	Mayagüez G
4.16 kV Distribution Line Number 6501-03	Mayagüez G
4.16 kV Distribution Line Number 6501-04	Mayagüez G
4.16 kV Distribution Line Number 6401-04	Mayagüez G
13.2 kV Distribution Line Number 6406-02	Mayagüez G
13.2 kV Distribution Line Number 6406-04	Mayagüez G
4.16 kV Distribution Line Number 6404-01	Mayagüez G
4.16 kV Distribution Line Number 6404-04	Mayagüez G
4.16 kV Distribution Line Number 6401-02	Mayagüez G
4.16 kV Distribution Line Number 6404-02	Mayagüez G
4.16 kV Distribution Line Number 6404-03	Mayagüez G

Substations/ Transmission Centers	Area
Combate 6704	Mayagüez G
Sabana Grande TC 6501	Mayagüez G
San German TC 6401	Mayagüez G
San German TC 6404	Mayagüez G
San German TC 6406	Mayagüez G

Project Scope

Scope of Work Description (e.g., Plan for Repair)

Permanent Repairs Area Strategy – Mayagüez Area G

LUMA’s project permanent formulation strategy is based on Area Planning for a more systematic approach. LUMA has been conducting Area Planning studies across 71 areas within 6 Regions (Mayagüez, Ponce, Caguas, San Juan, Bayamón, and Arecibo) to assess the adequacy of capacity for each substation transformer and feeder in a planning area under normal operation and contingencies.



The Area Planning will identify damage that prevents the substation/TCs and distribution feeders from safely and reliably supplying electrical service to customers and define a scope of work (SOW) and objectives. Evaluating all damages as a system will ensure that all components are safe and efficient and meet all applicable codes and regulations. Electric power systems are a prime example of the interdependence of the overall system on its components. Each component of the system should be evaluated in conjunction with expected hazards and by understanding how each interrelated component affects the others. The studies will show the need to increase reliability and resilience to improve the functionality and ultimately restore the distribution system's functionality.

The holistic design and implementation will take into account all factors that threaten the electrical system, such as flooding, measures to reduce risks from high-wind events, and fire protection.

The first Area selected for study, design, codes, standards, and mitigation was the Mayagüez Area G. Damage in all Regions and Areas has been inspected and documented, and it includes all emergency repairs executed and the damages and impacts that still require permanent repairs. This strategy and approach will also extend into all Regions and Areas.

Permanent Damages Per Area Strategy

LUMA has requested FEMA to include Architectural and Engineering (A&E) Services in the formulation of permanent repairs for DR-4671. This allocation of A&E resources is not only justifiable but necessary due to the location, topographical complexities, integration of specific components, and existing systems, all of which will require on-site visits with design professionals to develop a detailed scope of work. These services are essential to meeting FEMA's compliance requirements, ensuring cost-effective project management, enhancing the resilience of our infrastructure, and restoring the confidence of the people of Puerto Rico.



DR-4671-PR Public Assistance

Due to the complexity of the system, all damaged facilities will be treated as individual projects, which, upon completion, will be integrated into an integrated system to create a more resilient infrastructure that monitors, protects, and automatically optimizes the operation of its interconnected elements.

As part of the system reconstruction, and to incorporate all DR-4671 damages and emergency repairs into the Public Assistance Process, LUMA developed a Final Damage Summary Report.

This report will guide all stakeholders in understanding and analyzing every emergency repair executed during the incident and in identifying damage between disasters, so FEMA will be able to carry out the Adjudication of damage between DR-4671 and DR-4339.

LUMA Final Damage Summary

The FEMA formulation process begins with the identification and documentation of disaster-related damage to the electrical system resulting from the declared event. The Final Damage Summary Report is the consolidation and analysis of all electrical facility repairs executed during the emergency period. The result of this analysis compares damages captured via Work Order Packages (WOP), LUMA Damage Assessments Reports, Survey 123, and Site Inspections with FEMA.

Damage Assessment

LUMA engineers and crews assessed the facilities, documenting all damage and repairs during the emergency period. These reports were submitted to FEMA as part of the initial eligibility determination and recommendation for federal disaster assistance.

Damage Inventory List – (DILI)

The report identifies that the facilities claimed for permanent work were listed in LUMA's first report of Damages to the Central Office for Recovery, Reconstruction and Resiliency (COR3) and FEMA

Work Order Packages (WOP)

This report contains the list of facilities with documented damages that LUMA assessed during the emergency period and documents all repairs and materials required to restore the facility during the emergency period.

Survey 123

Survey 123 is an internal LUMA program used to capture damage assessments and repair data. Field crews use it to document damages and repairs seen in the field, which then populates a database. Survey 123 integrates with GIS to provide maps and reports summarizing historical damage and repair records.

Site Inspections

Teams conducted on-site evaluations of damaged energy infrastructure to assess the extent of the damage and to eventually determine eligibility for FEMA assistance under DR-4671.

Internal Adjudication Analysis

The Adjudication Analysis involves analyzing Fiona's inspection results and cross-referencing them with Maria's detailed SOWs (DSOWs) data and the 428 Settlement. This process aims to determine which damages reported in Fiona were previously claimed in the Maria Project, to support the formulation of permanent work and avoid duplication.



Damage Analysis

The Damage Analysis is a final summary that cross-references all damages and repairs to demonstrate to FEMA that LUMA has conducted a thorough review and there is no duplication of damage or benefits between disasters, ensuring that all damages are accurately captured and validated for Fiona. The damage will eventually be used to create permanent work projects, with an SOW and cost estimate for the repairs.

Reliability Report

LUMA's records on all maintenance executed carried out on the facilities prior to DR-4671 and supporting documentation of the island-wide electrical outage suffered in 2022 as a result of the storm.

Scope of Work

Scope of Work Version Zero (V0)

LUMA will provide the Final Damage Summary to FEMA for the creation of the SOW V0. This first version of the SOW focuses on the repair methods and costs to restore the facility to its pre-disaster condition. FEMA will be developing this version of the project scope and cost in collaboration with LUMA to ensure all repairs are captured and appropriate costs are applied.

Repair and Replace Approach

When returning to the pre-disaster state, infrastructure is restored to its previous design, function, and standards.

A&E Funds

FEMA will estimate the A&E funds required as a percentage of the facility's total damage. Additionally, A&E funds to bring the facility up to codes & standards, including emergency repairs that stabilized the system can be included at this stage.

Obligation - Permanent Work Individual Facilities

Once all facilities projects are obligated per area as V0, following the LUMA Planning Strategy, all damaged facilities will be evaluated, and an SOW will be developed incorporating Industry Standards and Mitigation opportunities.

Version 1 Permanent Repairs Projects

With obligated A&E funds, LUMA Engineering will work on the design, including codes and standards and mitigation proposals for SOW Version 1. This process will take into consideration all facilities for the area evaluated independently by FEMA but designed and integrated as an interconnected system.

Damage, Description, and Dimensions

A more thorough and accurate assessment of disaster-related damage is often informed by additional inspections, engineering assessments, and expert input. This includes structural damage, functionality losses, and the condition of specific components of infrastructure or facilities.

Scope of Work Version 1

LUMA SOW Version 1 is a refined and detailed version of the SOW V0 developed by FEMA in the first permanent work evaluation. It builds on preliminary assessments and damage documentation to outline a comprehensive plan for permanent work.



DR-4671-PR Public Assistance

Specific details regarding the repair or replacement of damaged infrastructure. Unlike SOW V0, which focuses on immediate, basic restoration, SOW Version 1 incorporates detailed engineering designs, specifications, and a clear plan for restoring or replacing the infrastructure.

Codes and Standards

All repairs and new construction outlined must meet updated local, state, and federal codes and standards. This includes energy-related regulations, building codes, safety protocols, and industry-specific infrastructure standards.

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 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 for most of the consensus-based codes, specifications, and standards listed in FEMA Recovery Interim Policy 104-009-11 Version 2.1 (December 20, 2019).

Hazard Mitigation Proposal

These measures are aimed at reducing future damage and risks from similar disasters. Mitigation measures may include upgrading materials, reinforcing structures, and implementing flood, wind, or seismic protections. The goal is to enhance the resilience of the restored infrastructure and consider the interconnected engineering attributes of the Mayagüez Region's infrastructure.

Cost Estimate

The cost estimate considers all permanent repairs to pre-disaster conditions, implementation of codes and standards, and the mitigation proposal.

Environmental and Historic Preservation (EHP) Compliance

Compliance with FEMA's Environmental and Historic Preservation (EHP) regulations will be presented to FEMA. This includes detailed environmental assessments and any necessary consultations or approvals regarding potential impacts on protected species, habitats, water quality, air quality, and historic sites.

Type of Project

Choose One (Restoration, Improved or Alternate)
If improved, provide changes in facility size, capacity, dimension, or footprint. If alternate, provide rationale for recommendations.
Restoration Project
This work will be in compliance with FEMA Public Assistance Procedures (Section 406) Guide for Permanent Work.

Note: If preliminary 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.



Preliminary Engineering

Is architectural and engineering funding required to help define the intended scope of work?

Yes

Codes and Standards

Which of the following types of codes, specifications, and standards apply to the restoration, replacement, relocation, or alternate scope of work?

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

1. Consensus-based codes, per FEMA (Public Assistance Alternative Procedures (Section 428) Guide for Permanent Work FEMA-4339-DR-PR February 2020).
2. Industry standards per FEMA Recovery Policy FP-104-009-5, Version 2, Implementing Section 20601 of the 2018 Bipartisan Budget Act 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 If yes, describe how incorporated below.
Applicable codes and standards will be identified and incorporated into the plans and specifications.

Industry Standards

Yes If yes, describe how incorporated below.
Applicable industry standards will be identified and incorporated into the plans and specifications.

Preliminary Repair Estimate

Cost estimates to complete the work have been generated at a class 5 level, which is between -50% and +100% of the final project cost. The estimate encompasses both permanent work repair and anticipated hazard mitigation costs including materials, construction labor and equipment, engineering, management, and contingencies.

A&E Costs are included in the forecasted estimate and anticipated at ten percent (10%) of the Total Repair Cost per Standard FEMA Public Assistance Guidance. 4

Estimated Distribution Repair Cost:	\$ 3,403,120.82
Estimated Substations Repair Cost:	\$ 1,728,870.00
Estimated Total Repair Cost:	\$ 5,131,990.82



406 Hazard Mitigation Proposal

406 Mitigation Opportunity Scope of Work

In addition to the developed project scope and cost to address the direct repair of damage and impacts from Hurricane Fiona, each individual facility will have proposed hazard mitigation added to those repairs to prevent future similar infrastructure damage and to harden the facilities to withstand tropical-force impacts and other natural disasters.

For Distribution assets and infrastructure, the mitigation proposals include but are not limited to pole and structure upgrades to meet applicable codes and standards to harden against hurricane-force winds. Conductor replacements and upgrades, hardware and insulator upgrades and hardening will also be standard measures to mitigate damage from Fiona. Additional support and hardening proposals may also include the addition of guywires and anchoring systems and/or increased foundation installations to further harden the overall infrastructure.

Additionally, expanded hazard mitigation proposals to upgrade and harden interconnected and interdependent structures and components are being explored specifically for facilities and structures adjacent to and impacted by the recorded and validated damages. Current FEMA policy does not allow the repair and replacement of “undamaged” infrastructure, but to preserve overall functionality, improve system-level resilience, and prevent future damage, LUMA, in collaboration with FEMA, will propose opportunities to further harden the system and its interconnected components.

In relation to Substation and Transmission Center (TC) repairs, the approaches to hazard mitigation and hardening of the facilities and associated components take much the same direction as those for Transmission and Distribution assets. Fiona’s permanent work eligibility is derived directly from the recorded and validated damages in implementing the repair to those damages “in kind”. HM proposals will also be directly related to the damage and enhance the repairs in preventing future and similar damage. Opportunities within the Substations and TCs to expand the HM proposals will be explored and proposed whenever interconnected or dependent components function together as a system, including receiving impacts and damages from natural events and disasters such as hurricanes, earthquakes, and flooding.

Hazard mitigation proposals and scope of work associated with Substations and TCs will include, but not be limited to, equipment replacement and hardening, support structure replacement and hardening, and yard repairs and enhancements to prevent future damage and to harden against impacts from wind-blown debris and flooding hazards. Mitigation proposals may also include system protection and control upgrades and hardening due to direct damage and impacts or to facilitate other repairs where required functionality and operability drive the need to mitigate to meet system needs and reduce future risks of damage or protect life and property.

Overall, the combination of repairing damage and hardening the repairs through hazard mitigation will improve system reliability, safety, and performance at the facility level and, in large part, is anticipated to improve those functions at the system level as well. While the grid overall still retains large portions of vulnerable and fragile areas of infrastructure, the implementation of Fiona PA repairs and mitigations aligned to the recovery solution currently being driven by the Maria FAASt recovery will continue to repair, replace, and harden the system as a whole as both disasters and their recovery efforts are combined and concentrated into a one recovery solution execution.



Environmental & Historic Preservation Requirements

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