

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

IN RE:

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

CASE NO.: NEPR-MI-2021-0002

SUBJECT: Resolution and Order for Motion
Submitting One (1) Amended FEMA
Approvals of Project and Five (5) FEMA
Approvals of Project

RESOLUTION AND ORDER

I. Introduction

On March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order requiring the Puerto Rico Electric Power Authority ("PREPA") to submit proposed transmission and distribution projects ("T&D Projects") to the Energy Bureau for review prior to submission to the Central Office for Recovery, Reconstruction, and Resiliency ("COR3"), the Federal Emergency Management Agency ("FEMA"), or any other federal agency, and to continue reporting on the status of such projects. The Energy Bureau subsequently determined that these requirements also apply to LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly, "LUMA").

On April 22, 2026, the Energy Bureau extended the applicable reporting period for an additional five (5) years, while maintaining the remaining provisions of the March 26, 2021 Resolution and Order in full force and effect.

On September 22, 2026, LUMA filed a *Motion Submitting One (1) Amended FEMA Approval of Project and Five (5) FEMA Approvals of Project, Request for Confidential Treatment, and Supporting Memorandum of Law* ("September 22 Motion").

Through the September 22 Motion, LUMA submitted an amended FEMA approval, identified as Version 1, for:

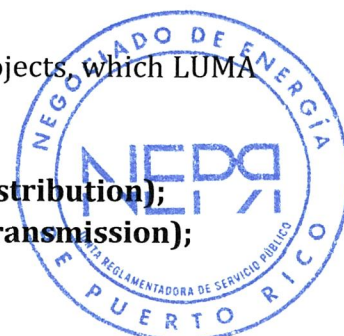
[668592] FEMA Accelerated Awards Strategy ("FAAST") [Priority Pole Replacement Program (Line 9800)] (Transmission).

The Project was formerly identified as "FAAST [Line 9800 Bayamon TC - Guaragao Sect] (Transmission)" but retained FEMA Project No. 668592 and Project Worksheet ("PW") No. 10891.

LUMA states that FEMA re-obligated Version 1 on September 12, 2026. According to LUMA, Version 1 was created to incorporate changes to scope and cost and to address FEMA guidance concerning projects involving both Section 428 Public Assistance ("Section 428") and Section 406 Hazard Mitigation ("Section 406") cost modifications. LUMA explains that FEMA's system cannot process a positive adjustment and a negative adjustment between Section 428 and Section 406 within the same Sub-FAAST project version. Accordingly, the current version addresses the applicable Section 428 adjustment, while a subsequent version is expected to address the Section 406 component.

LUMA also submitted FEMA approvals for the following five (5) T&D Projects, which LUMA states were obligated on September 12, 2026:

1. **[165226] FAAST [Automation Feeders Vieques & Culebra] (Distribution);**
2. **[756997] FAAST [Line 1900 (38kV)-Caguanas to Lares TO] (Transmission);**



3. [756999] FAASt [Line 1900 (38kV)-Lares TO to San Sebastian] (Transmission);
4. [1068646] FAASt [Region 4 Caguas 38Kv - Non-Sensitive] (Vegetation), formerly Project No. 740409; and
5. [1068649] FAASt [Region 6 Ponce 38Kv - Non-Sensitive] (Vegetation), formerly Project No. 740414

LUMA expressly states that neither the amended FEMA re-obligation nor the five (5) new FEMA obligations constitute final versions of the respective T&D Projects. LUMA anticipates subsequent FEMA versions to incorporate Section 406 costs and to finalize additions and reductions associated with the Global Architecture and Engineering ("A&E") and Equipment and Materials ("E&M") Project Worksheets.

II. Request for Confidential Treatment

In the September 22 Motion, LUMA requests confidential treatment for certain portions of Exhibits 1 and 2 as Critical Energy Infrastructure Information ("CEII").

LUMA states that the FEMA approvals contain specific infrastructure information, including coordinates, addresses, engineering information, and other details concerning electric transmission and distribution facilities. LUMA requests protection under Section 6.15 of Act 57-2014, the Energy Bureau's *Policy on Management of Confidential Information*, 18 C.F.R. § 388.113, and 6 U.S.C. §§ 671-674.

LUMA specifically identifies the following information for confidential treatment:

- **Exhibit 1 – Project No. 668592:** Pages 1-2, 7-9, and 11;
- **Exhibit 2 – Project No. 165226:** Pages 1-2, 4-5, 7, 10, 12, 15-17, and 20;
- **Project No. 756997:** Pages 1-2, 6, and 10;
- **Project No. 756999:** Pages 1-2, 5, and 8;
- **Project No. 1068646:** Pages 1 and 3; and
- **Project No. 1068649:** Pages 1 and 3.

III. Evaluation and Analysis

The September 22 Motion submits FEMA documentation for projects previously approved by the Energy Bureau and therefore responds to the Energy Bureau's prior directives requiring PREPA and LUMA to submit FEMA and/or COR3 approvals and the corresponding obligated costs after such approvals are received.

For Project No. 668592, the FEMA cost estimate identifies \$434,172.06 in Section 428 costs and \$8,744.36 in Section 406 costs, for an expected total project cost of \$442,916.42. The current FEMA version processes the applicable Section 428 adjustment, while FEMA documentation states that a subsequent version will process the Section 406 component.

Similarly, the FEMA documentation for other five (5) newly obligated Projects reflects expected Section 406 mitigation costs and Global A&E and E&M allocations that are not fully incorporated in the present obligations. Accordingly, the amounts currently obligated by FEMA do not necessarily constitute the final project costs or the final allocation among the individual Projects and the corresponding Global PWs.

The Energy Bureau further observes that the expected costs reflected in the FEMA documentation may differ from the corresponding project costs currently reflected in the Consolidated Project List. Completion of FEMA's subsequent versioning process is therefore necessary to determine the final Section 428 and Section 406 allocations and any resulting increase or decrease in available funding capacity.



The Energy Bureau **CLARIFIES** that acceptance of the FEMA approvals submitted with the September 22 Motion does not constitute authorization to increase, decrease, reallocate, or otherwise modify the amounts approved under the Consolidated Project List. Any resulting changes remain subject to the Energy Bureau's applicable allocation, reconciliation, approval, and reporting requirements.

With respect to confidentiality, the Energy Bureau determines that the portions identified by LUMA contain detailed information regarding electric infrastructure, including specific locations, coordinates, configurations, and other infrastructure-specific information and therefore qualify for confidential treatment as CEII.

IV. Conclusion

For the reasons stated above, the Energy Bureau **TAKES NOTICE OF and ACCEPTS** the amended FEMA approval submitted by LUMA for:

[668592] FAASt [Priority Pole Replacement Program (Line 9800)] (Transmission).

The Energy Bureau further **TAKES NOTICE OF and ACCEPTS** the FEMA approvals submitted for:

1. **[165226] FAASt [Automation Feeders Vieques & Culebra] (Distribution);**
2. **[756997] FAASt [Line 1900 (38kV)-Caguas to Lares TO] (Transmission);**
3. **[756999] FAASt [Line 1900 (38kV)-Lares TO to San Sebastian] (Transmission);**
4. **[1068646] FAASt [Region 4 Caguas 38Kv - Non-Sensitive] (Vegetation); and**
5. **[1068649] FAASt [Region 6 Ponce 38Kv - Non-Sensitive] (Vegetation).**

The Energy Bureau **TAKES NOTICE** of LUMA's representation that the FEMA approvals submitted with the September 22 Motion are not final project versions and that additional FEMA versions are anticipated to incorporate Section 406 Hazard Mitigation costs and finalize the treatment of Global A&E and E&M costs.

Accordingly, LUMA **SHALL CONTINUE TO SUBMIT** to the Energy Bureau a copy of any subsequent FEMA approval, amended obligation, project version, de-obligation, re-obligation, or other cost modification issued for the six (6) Projects identified herein within ten (10) calendar days of LUMA's receipt thereof.

Upon completion of FEMA's applicable versioning process for each Project, LUMA **SHALL** identify the final Section 428 and Section 406 allocations, including the corresponding amounts allocated to the Global A&E and E&M Project Worksheets, and reconcile those amounts with the applicable Consolidated Project List.

LUMA **SHALL** also identify any resulting increase or decrease in available funding capacity attributable to the final FEMA versioning. Any modification to the Consolidated Project List resulting from such reconciliation remains subject to the Energy Bureau's applicable approval, allocation, reconciliation, and reporting requirements.

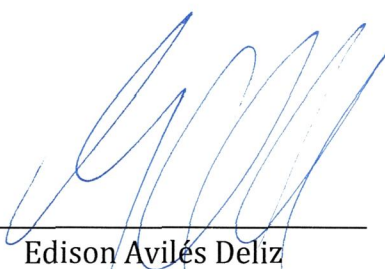
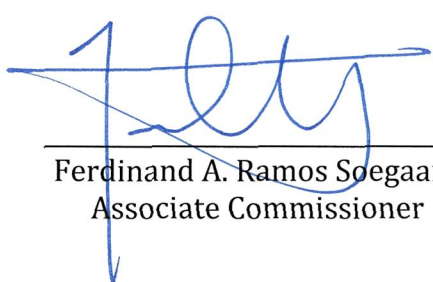
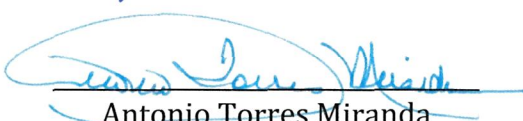
The Energy Bureau **GRANTS** LUMA's request for confidential treatment of the portions of Exhibits 1 and 2 identified in Section III of this Resolution and Order as CEII.

Except as expressly provided herein, all prior directives and reporting obligations applicable to these Projects remain in full force and effect.



The Energy Bureau **WARNS LUMA** that noncompliance with any provision of this Resolution and Order may result in the imposition of fines under Act 57-2014¹, applicable Energy Bureau regulations, and any other sanctions deemed appropriate by the Energy Bureau.

Be it notified and published.

	 _____ Edison Aviles Deliz Chairman	
 _____ Ferdinand A. Ramos Soegaard Associate Commissioner		 _____ Sylvia B. Ugarte Araujo Associate Commissioner
 _____ Antonio Torres Miranda Associate Commissioner		 _____ Omar M. Rodríguez González Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on October 15, 2026. I also certify that on October 15, 2026, I have proceeded with the filing of this Resolution and Order and was notified by email to regulatory@genera-pr.com, legal@genera-pr.com, jfernandez@ecija.com, eramos@ecija.com; jdiaz@ecija.com, sromero@ecija.com; alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net; Yahaira.delarosa@us.dlapiper.com; Emmanuel.porrogonzalez@us.dlapiper.com.

I sign this in San Juan, Puerto Rico, today October 15, 2026.

	 _____ Sonia Seda Gaztambide Clerk
	

¹ Known as the Puerto Rico Energy Transformation and RELIEF Act, as amended ("Act 57-2014").