

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

JESSICA PASTILHA MARON
PETITIONER

CASO NÚM.: NEPR-QR-2021-0034

V.
PUERTO RICO ELECTRIC POWER
AUTHORITY
RESPONDENT

ASUNTO: Final Resolution and Order
regarding a Billing Revision.

FINAL RESOLUTION AND ORDER

I. Introduction and Procedural Background

On April 19, 2021, petitioner, Jessica Pastilha Maron, filed before the Puerto Rico Energy Bureau ("Energy Bureau") a complaint against the Puerto Rico Electric Power Authority ("PREPA") which initiated the captioned case. Petitioner alleged in the complaint filed that PREPA had not reimbursed her for the energy produced by the solar system installed in her property which entered the PREPA grid (net metering).

The case was scheduled for an administrative hearing which took place on January 20, 2022. During the hearing the parties requested an opportunity to dialogue, which was granted. When the hearing reconvened, the parties jointly informed the Energy Bureau they had reached an agreement which ended the controversy between them and jointly requested the dismissal, with prejudice, as all claims between them were settled.

II. Applicable Law and Analysis

a. Jurisdiction of the Puerto Rico Energy Bureau

Section 6.4 (a)(3) of Act 57-2014¹ establishes that the Energy Bureau shall have primary and exclusive jurisdiction over cases and disputes regarding noncompliance with the public policy on energy of the Commonwealth of Puerto Rico; considering this, Section 1.2 (p) of the Act 57-2014 institutes as public policy that "electricity bill or service disputes shall be resolved equitably and diligently."

b. Dismissal

Section 4.03 of Regulation 8543² establishes the following:

A) Petitioners may renounce their claim:

1. by submitting a motion for voluntary dismissal before respondent files an answer to the complaint, motion to dismiss or motion for summary judgment, whichever occurs first, or
2. by stipulation signed by all the parties to the case at any time during the proceedings.

B) Voluntary dismissal shall be without prejudice unless the motion or stipulation states otherwise.

¹ known as the *Puerto Rico Energy Transformation and RELIEF Act*.

² *Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Procedures*, December 18, 2014.



- C) Voluntary dismissal shall be with prejudice if petitioner had filed for dismissal of the same claim or respondent has fulfilled his obligation.

III. Conclusion

The Energy Bureau **GRANT** the joint request for dismissal, with prejudice, of the complaint and **ORDER** the complaint closed.

Any party adversely affected by this Final Resolution and Order may move for reconsideration before the Energy Bureau, under Section 11.01 of Regulation 8543 and Act 38-2017, as amended, known as the Uniform Administrative Procedure Act of the Government of Puerto Rico ("LPAU", for its Spanish acronym). Said motion must be filed within twenty (20) days from the date in which copy of this Final Resolution and Order is notified and such notice is filed in the case docket by the Energy Bureau's Clerk. Any motion for reconsideration must be filed at the Energy Bureau Clerk's Office, at the World Plaza Building, 268 Muñoz Rivera Ave., San Juan, PR 00918. The motion for reconsideration can also be submitted using the electronic filing system of the Energy Bureau at the following address <https://radicacion.energia.pr.gov>. Copy of the motion as filed must be sent by email to all the parties notified of this Final Resolution and Order within the twenty (20) days established.

The Energy Bureau shall have fifteen (15) days from the date in which such motion is filed to consider it. If the Energy Bureau rejects it forthright or fails to consider it within the period of fifteen (15) days, the term to seek judicial review shall begin on the date in which the Energy Bureau notifies its rejection or the date in which said fifteen (15) days expire, whichever occurs first. If the Energy Bureau considers the motion, the term to seek judicial review shall begin from the date a copy of the notice of the Energy Bureau's resolution definitively resolving the motion for reconsideration is notified and copy of such notice is filed by the Energy Bureau Clerk. The Energy Bureau shall have ninety (90) days from the date the motion for reconsideration was filed to issue a final determination. If the Energy Bureau considers the motion for reconsideration but takes no action regarding such motion within ninety (90) days of its filing, it shall lose jurisdiction and the term to seek judicial review shall begin upon the expiration of the ninety (90) day term, unless the Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

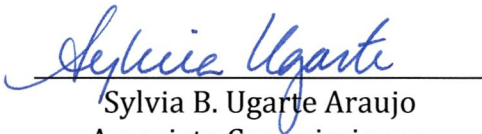
Any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date a copy of the notice of this Final Resolution and Order was notified and copy of such notice was filed by the Energy Bureau's Clerk. Filing and notice of a petition for review before the Court of Appeals shall be made under Regulation 8543, the LPAU and the Rules of the Puerto Rico Court of Appeals.

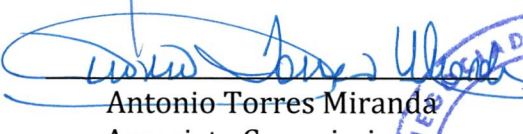
Be it notified and published.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 23, 2023. I also certify that today, January 24, 2023, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau. I also certify that on January 24, 2023 a copy of this Resolution and Order was notified by electronic mail to the following: jeffreysmaron@gmail.com, gvilanova@diazvaz.law.

I also certify that a copy of this Order was sent to:


Puerto Rico Electric Power Authority

Díaz & Vázquez Law Firm, PSC
Lcdo. Giuliano Vilanova Feliberti
PO Box 11689
San Juan, PR 00922-1689

Jessica Pastilha Maron

40 Loop Road
Bedford, New York 10506

For the record, I sign this in San Juan, Puerto Rico, today January 24, 2023.



Sonia Seda Gaztambide
Clerk

