

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

KEENAN JOROME ADAMS AND
DELISSA PADILLA NIEVES
PETITIONERS

V.

LUMA ENERGY SERVCO, LLC
RESPONDENT

CASE NO.: NEPR-RV-2023-0007

Final Resolution and Order of Formal
Revision of Electric Bill.

FINAL RESOLUTION AND ORDER

I. Introduction y Procedural Background

On January 13, 2023, the Petitioners, Keenan Jorome Adams, and Delissa Padilla Nieves, filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a Formal Revision against LUMA Energy ServCo, LLC. ("LUMA"), which initiated the instant proceeding.

The Petitioners timely objected their December 5, 2022, electric bill of \$281.54 before LUMA. LUMA denied their informal objection on December 14, 2023. Petitioners timely filed before the Energy Bureau the instant revision and alleged that low voltage fluctuations in their property cause their photovoltaic system to shut down and they were not able to use it. The instant Revision was filed under the dispositions of Act 57-2014¹ and Regulation Number 8863.²

After various administrative procedures and motion practice, on June 15, 2023, the Petitioners filed a motion for the voluntary dismissal of their claim. The basis for the dismissal request was that after an investigation by LUMA they were credited for energy exported by their photovoltaic system from May to December 2022 in the amount of \$2,543.04, resolving all the controversies before the Energy Bureau.

On July 11, 2023, LUMA filed a motion stating they had no objection to the dismissal requested.

II. Applicable Law and Analysis:

a. Dismissal

Section 4.03 of Regulation 8543 establishes the norms and requirements for voluntary dismissals in the adjudicative processes before the Bureau. Said section under subsection (A) establishes that a petitioner may renounce their claim by either:

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

Considering the above-mentioned Section 4.03 of Regulation 8543, Petitioners filed a voluntary dismissal of his claim to which Luma had no objection.

¹ Puerto Rico Energy Transformation and RELIEF Act, as amended.

² Regulation on the Procedure for Bill Review and Suspension of Electric Service Due to Failure to Pay, December 1, 2016.



III. Conclusion

Based on the above, the Energy Bureau **GRANTS** the petitioners request for voluntary dismissal of the instant case and it **ORDERS** the Clerk’s Office to proceed with the closing of this matter.

Any party adversely affected by this Final Resolution and Order may file a motion for reconsideration before the Energy Bureau, pursuant to Section 11.01 of Regulation 8543 and the applicable provisions of 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, located at the World Plaza Building, 268 Muñoz Rivera Ave., San Juan, PR 00918. Also, such request can be filed through the Energy Bureau’s electronic filing tool at: <https://radicacion.energia.pr.gov> . Copy of the motion as filed must be sent by email to all parties notified of this Final Resolution and Order within the twenty (20) days established herein.

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 said 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 commence 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 fails to take any action with respect to such motion within ninety (90) days of its filing, it shall lose jurisdiction and the term to seek judicial review shall commence upon the expiration of said 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.

In the alternative, 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 pursuant to the applicable provisions of Regulation 8543, the LPAU and the Rules of the Puerto Rico Court of Appeals.

Be it notified and published.



(Did not intervene.)
Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
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 September 14, 2023. I also certify that today, September 15, 2023, I have proceeded with the filing of the Final Resolution and Order in reference to Case No. NEPR-RV-2023-0007, and also certify that a copy of this Final Resolution and Order was notified by electronic mail to the following: juan.mendez@lumapr.com, keenanjadams@gmail.com, krivera@colonroman.com, and by regular mail to:

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For the record, I sign this in San Juan, Puerto Rico, today September 15, 2023.





Sonia Seda Gaztambide
Clerk