

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



FEDERICO VICENTE HITTA
PETITIONER

CASO NÚM.: NEPR-RV-2023-0078

V.

ASUNTO: Final Resolution and Order.

LUMA ENERGY SERVCO, LLC
RESPONDENT

FINAL RESOLUTION AND ORDER

I. Introduction and Procedural Background

On August 12, 2023, Federico Vicente Hita, the petitioner, filed before the Puerto Rico Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a Complaint against LUMA Energy Servco, LLC ("LUMA") which initiated the caption case.

The petitioner did not provide much information with his initial filing. He filed a copy of the correspondence received from LUMA on August 7, 2023, denying his reconsideration of the administrative determination. From said letter we could deduce that he was objecting to his July 12, 2023, electric bill received in the amount of \$465.79. No other information was provided or reasoning behind the complaint filed before the Energy Bureau. The Complaint was filed under the summary process of the Energy Bureau and was set for an Administrative Hearing which was held on September 1, 2023. The parties appeared at the hearing and requested the same be set aside as it was moot since they had reached an agreement.

On September 11, 2023, the parties filed a Joint Motion Requesting Case Dismissal and Submitting Signed Agreements. In the motion they informed the Energy Bureau that a payment plan agreement had been reached which provided a resolution to the present complaint. The petitioner accepted the debt in the amount of \$577.49 and agreed to pay the same in four equal payments of \$144.38. Considering the above, they jointly requested the dismissal of the Complaint since all controversies were resolved.

II. Applicable Law and Analysis:

a. Jurisdiction of the Energy Bureau

Section 6.4. (a)(3) of Act 57-2014 states that the 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. To that end, Article 1.2(p) establishes as public policy that "Electricity bill or service disputes shall be resolved equitably and diligently." Section 6.4. (a)(2) further extends the primary and exclusive jurisdiction over cases and disputes related to the review of the electricity bills sent by electric power companies to their customers for electric power services.

Section 6.3 (nn) of Act 57-2014 establishes that the Bureau shall have the power and duty to "File recourses, issue orders, and seek and grant any legal remedies that may be necessary to enforce the provisions of this Act, as well as its rules, regulations, orders, and determinations". To that end subsection (4) of said Section (nn) establishes, inter alia, that the Energy Bureau can direct that all actions shall be taken in compliance with the provisions of this Act, the regulations of the Bureau, or any other legal provision whose interpretation and compliance is under the jurisdiction of the Bureau. Farther more, Section 3.01 of

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Regulation 8543¹ establishes that every person with standing may file a claim before the Energy Bureau in relation to any matter under its jurisdiction.

Also, Section 12.01 of Regulation 8543 establishes that “the Bureau may issue any order or resolution if it is necessary to give effect to the purposes of Act number 57-2014, as amended, to compel compliance with any law whose interpretation and implementation is subject to the jurisdiction of the Bureau, and to enforce its rules, regulations orders and decisions.”

b. Disputes of Electricity Bills

In Section 6.27(a)(1) of Act 57-2014, it is established that “Any customer may dispute an electricity bill and request an investigation by the certified electric power company within thirty (30) days from the date on which said bill was mailed or sent to the customer by electronic mail. In order to object to the bill and request the corresponding investigation, the customer shall pay the amount corresponding to the average of the undisputed bills corresponding to the last six (6) months. The certified electric power company shall not be required to initiate such an investigation until the amount corresponding to the average of the undisputed bills has been paid. Public entities or instrumentalities shall have forty-five (45) days to dispute their bills and request an investigation by the electric power service company.” Section 6.27(a)(2) establishes that the objection and request for investigation may be notified to the certified electric power company by certified mail, telephone, fax, or electronic mail, provided that such objection and request are submitted through the specific contacts provided therefor by the certified electric power company, and that the date of the remittal of the objection and request for investigation can be established with certainty.

c. 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, the parties jointly filed a petition for dismissal of the claim since all matters therein had been resolved.

III. Conclusion

Based on the above, the Energy Bureau **GRANTS** the request for dismissal of the complaint and **ORDERS** the closing of the present case.

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 Seaborne Building, 268 Muñoz Rivera Ave., San Juan, PR 00918. A 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 herein.

The Energy Bureau shall have fifteen (15) days from the date on which such motion is filed to consider it. If the Energy Bureau rejects it forthright or fails to consider it within said

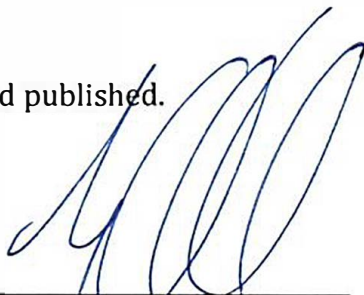
¹ Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Procedures, approved on December 18, 2014. (“Regulation 8543”).



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.

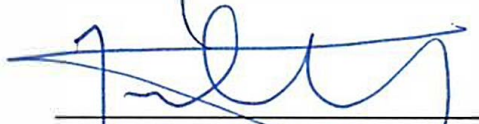
Be notified and published.



Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau have agreed on January 30, 2024. Associate Commissioner Antonio Torres Miranda did not intervene. I also certify that today, January 30, 2024, I have proceeded with the filing of the Final Resolution and Order issued by the Puerto Rico Energy Bureau. I also certify that on January 30, 2024 a copy of this Final Resolution and Order was notified by electronic mail to the following: julian.angladapagan@us.dlapiper.com; ftvicente@outlook.com; legal@lumapr.com.

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

Luma Energy Servco, LLC
Luma Legal Team
P.O. Box 364267
San Juan, PR 00936-4267

Federico Vicente Hita
Cond. Ciudadela
1511 Ave. Ponce de León, Apt. 154
San Juan, PR 00901

For the record, I sign this in San Juan, Puerto Rico, today January 30, 2024.



Sonia Seda Gaztambide
Clerk