

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

JOHN THOMAS  
PETITIONER

vs.

LUMA ENERGY, LLC Y  
LUMA ENERGY SERVCO, LLC  
RESPONDENT

CASE NO.: NEPR-RV-2023-0066

**MATTER:** Final Resolution and Order

**FINAL RESOLUTION AND ORDER**

**I. Introduction and Procedural Background:**

On June 26, 2023, Petitioner, John Thomas filed a *Complaint* before the Puerto Rico Energy Bureau ("Energy Bureau") against LUMA Energy, LLC and LUMA Energy Servco, LLC ("LUMA"), pursuant to Article 2.02 of the Regulation 9076.<sup>1</sup> The Petitioner's *Complaint* relates to a bill dated March 18, 2023.<sup>2</sup> In the *Complaint*, the Petitioner requested a reimbursement of \$800.00 for electricity which was not received or used for several periods beginning in November 2022 till April 2023.<sup>3</sup>

On July 31, 2023, the Petitioner filed a *Motion Requesting Order for Corrected Bill and Conversion of Case to Ordinary One*. In the motion, the Petitioner requested that LUMA provide copies of the corrected bill, that covers the periods from November 2022 thru May 2023. In addition, the Petitioner requested that the case be changed to an ordinary one so that evidence of the consumption patterns of the property prior to the installation of the solar panels and thereafter be provided, to help determine the correct consumption of the property.

On September 28, 2019, the Energy Bureau held an Administrative Hearing in the above-mentioned case.

**II. Applicable Law and Analysis:**

Article 6.4(a)(2) of Act 57-2014<sup>4</sup> states that Energy Bureau shall have primary and exclusive jurisdiction over cases and disputes related to the review of the electricity bills sent by a certified electric service company to its customers.

In addition, Article 6.27 of Act 57-2014 states that "the client may object to or challenge any charges, erroneous calculation of the tariff, mathematical calculation or adjustment of the electrical service bill, and request an investigation by the certified electric service company". Furthermore, Article 6.27 also states that "before resorting to the Energy Bureau to request review of an electricity bill, every person shall exhaust, before the certified electric service company that issued the bill, the informal administrative procedure established in this section and the regulations adopted by the Energy Bureau."

Finally, Article 6.27(e) establishes that the Energy Bureau shall review *de novo* the certified electric service company's final decision on the objection and the result of the investigation.

<sup>1</sup> Amendment to Regulation 8863, Regulation on the Procedure for Bill Review and Suspension of Electric Service Due to Failure to Pay, March 15, 2019.

<sup>2</sup> Exhibit I, Administrative Hearing, Bill March 18, 2023

<sup>3</sup> Complaint, June 26, 2023.

<sup>4</sup> Act of Transformation and Energy relief, as amended.





As so, Section 5.03 of Regulation 8863<sup>5</sup>, states that the Energy Bureau “shall review the objection filed by the customer anew, from the beginning, and shall not ascribe any deference whatsoever to the final decision of the certified electric service company regarding the objection and the result of the investigation.” However, it has been maintained by the Energy Bureau that the proponent of an assertion has the burden of proof.

In this case, the Petitioner installed a solar panel system in November of 2022. However, it was not until March 27, 2023<sup>6</sup> that the Petitioner requested and signed the net metering agreement. As so, on April 12, 2023, the Petitioner’s meter was changed to a bidirectional and the net metering rate began. Therefore, LUMA was under no obligation to purchase any energy generated by Petitioner’s solar panels during the period in which the parties did not have a net metering agreement. In addition, LUMA is not responsible for the production of energy of the solar panel system.

As such, Plaintiff did not submit evidence to support the allegation that its meter reading is erroneous or malfunctioning. The mere allegation that the consumption corresponding to the disputed bill is higher than what you normally have or what you should pay, in the absence of evidence to support that the meter is not working properly or that the energy that was billed was not consumed, is not sufficient to determine that there was an error in the meter reading or that a customer is entitle to the remedy being seek.

### III. Conclusion

In light of this Final Order and Resolution, which includes Finding of Facts and Conclusions of Law, the Energy Bureau **DENIES** the complaint and **ORDERS** 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 1! 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 a copy files a petition for review before the Court of Appeals within a term of thirty (30) day copydoms the date a copy of the notice of this Final

<sup>5</sup> Regulation on the Procedure for Bill Review and Suspension of Electric Service Due to Failure to Pay, November 23, 2016.

<sup>6</sup> Exhibit III, Administrative Hearing, Case History.






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 the Rules of the Puerto Rico Court of Appeals.

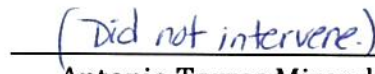
Be notified and published.

  
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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 have agreed on March 1<sup>st</sup>, 2024. I also certify that today, March 4, 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 March 4, 2024 a copy of this Final Resolution and Order was notified by electronic mail to the following: [carlos.ramirezisern@lumapr.com](mailto:carlos.ramirezisern@lumapr.com), [jt7874864803@gmail.com](mailto:jt7874864803@gmail.com).

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

**Luma Energy Servco, LLC**  
**Luma Energy, LLC**  
Lcdo. Carlos Ramírez Isern  
P.O. Box 364267  
San Juan, PR 00936-4267

**John Thomas**  
PO Box 1070  
Fajardo, PR 00738-1070

For the record, I sign this in San Juan, Puerto Rico, today March 4, 2024.

  
\_\_\_\_\_  
Sonia Seda Gaztambide  
Clerk



## ATTACHMENT

### FINDINGS

1. The Petitioner has an electric service account with LUMA whose number is 4453581000.
2. The Petitioner filed an objection to its invoice of March 18, 2023, requesting a reimbursement of \$800.00 for electricity which was not received or used for the periods of November 2022 to April 2023.
3. The Petitioner filed a complaint in the Energy Bureau on June 26, 2023.
4. The Petitioner presented no evidence to establish that the meter was not working properly.

### CONCLUSIONS OF LAW

1. The requirements of the informal invoice objection procedure before LUMA were complied with, according to the provisions of Article 6.27 of Act 57-2014 and Regulation 8863.
2. The Petitioner filed the Complaint with the Energy Bureau within the statutory term.
3. The Proponent of an assertion has the burden of proof.
4. The petitioner did not provide specific evidence of consumption patterns or remedies to support its claim.
5. The mere allegation that the consumption corresponding to a disputed bill is greater than what it should be, in the absence of evidence to support that the claim, is not sufficient to determine that there was an error in the metering or to provide a remedy.
6. The Petitioner did not provide evidence that its meter reading was erroneous or that the meter was not working properly.
7. The complaint of the Plaintiff does not proceed.

