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Received:

Jul 30, 2026

9:42 PM

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

**KENNETH H. ADLEY** Petitioner

v.

**LUMA ENERGY LLC LUMA ENERGY SERVCO, LLC** Respondents

**Case No. NEPR-QR-2026-0184**

**PETITIONER'S OPPOSITION TO RESPONDENTS' MOTION TO DISMISS**

TO THE PUERTO RICO ENERGY BUREAU:

Petitioner, **Kenneth H. Adley**, respectfully submits this Opposition to Respondents' Motion to Dismiss and states as follows:

## I. INTRODUCTION

1. Respondents seek dismissal on the premise that a purported **April 10, 2026 Reconsideration Determination** triggered the thirty-day period for seeking review before the Puerto Rico Energy Bureau.

2. The Motion must be denied because Respondents have not established the jurisdictional predicate upon which their Motion depends. The administrative record demonstrates that Respondents have not submitted competent evidence establishing that the alleged April 10, 2026 Reconsideration Determination was effectively notified in accordance with Regulation 8863.

3. Respondents' jurisdictional argument depends entirely upon the premise that the thirty-day period prescribed by Regulation 8543, Section 3.04 commenced on April 10, 2026. Because Respondents have not established that the alleged Reconsideration Determination was effectively notified in accordance with Regulation 8863, they have not established the factual predicate necessary to support dismissal for lack of jurisdiction.

## II. Respondents Did Not Properly Transmit, Address, or Deliver Any April 10 Determination

4. Petitioner's correct mailing address is: **100 Marginal F.D. Roosevelt, San Juan, PR 00917.**

5. This address is verified by the United States Postal Service (USPS) as the correct, deliverable address (Exhibit A).

6. Respondents used the incorrect **1000 Ave Franklind D. Roosevelt (00918)** address throughout the objection and investigation periods and continue using it as recently as July 22, 2026, along with other incorrect variations.

7. Respondents' Motion states that the account address **"appears correctly"** as 100 Calle Marginal Roosevelt, San Juan, PR 00901. USPS verification confirms that Petitioner's correct ZIP Code is 00917, not 00901. ZIP Code 00901 covers the Isleta de San Juan, including Old San Juan and surrounding areas, and does not match Petitioner's verified address.

8. Respondents' Motion asserts that the incorrect 00901 address "was supplied by the customer." **Petitioner never supplied this address.** All mailed and uploaded correspondence consistently bears the USPS-verified 100 Marginal F.D. Roosevelt, San Juan, PR 00917.

9. Respondents acknowledge "**some discrepancy with the address**" used in notices. That admission is corroborated by the multiple inconsistent address variations reflected in the administrative record.

10. Respondents continue to generate billing/objection notices to **incorrect addresses**, including:

    - **1000 Ave Franklind D. Roosevelt, San Juan, PR 00918 (Exhibit F)**
    - **100 Ave Franklind D. Roosevelt, San Juan, PR 00918 (Exhibit G)**
    - **100 Cal Marginal Roosevelt, San Juan, PR 00901 (Exhibit E)**
    - **100 Calle Marginal Roosevelt, San Juan, PR 00901 (Motion to Dismiss)**

11. Respondents have continued using incorrect address variations from the inception of Petitioner's service in March 2025 through the present, despite multiple correction requests and repeated correspondence bearing Petitioner's USPS-verified address.

12. The July 22, 2026 LUMA Service Request Dashboard screenshot (Exhibit E) shows that Respondents' customer portal was recently updated to display a different incorrect address — "100 Cal Marginal Roosevelt, San Juan, PR 00901." Yet on that same day, Respondents issued a notice to 1000 Ave Franklind D. Roosevelt (sic), 00918 (Exhibit F), and the following day issued a notice to 100 Ave Franklind D. Roosevelt (sic), 00918 (Exhibit G). These inconsistencies demonstrate that Respondents are drawing Petitioner's address from multiple unsynchronized internal systems, resulting in different incorrect addresses being used on consecutive days.

13. Respondents' continued use of incorrect addresses — even after updating Petitioner's address in their own system — demonstrates that Respondents' addressing defects were systemic and remain uncorrected.

14. Respondents' Motion states that "the method for communicating with Mr. Adley regarding objections is electronic mail" and that the April 10, 2026 second-level determination "was notified to the customer by electronic mail." **Respondents produced no email transmission records, delivery confirmations, system metadata, authenticated business records, or other competent evidence establishing that the alleged April 10, 2026 notice was transmitted.**

15. Petitioner's sworn Declaration confirms that, after conducting a diligent search of the email account Respondents identify as the address used for objection communications, Petitioner found no April 10, 2026 email transmitting the alleged second-level Reconsideration Determination. (Exhibits C & D).

## III. RESPONDENTS HAD REPEATED ACTUAL NOTICE OF PETITIONER'S CORRECT ADDRESS

16. Respondents had actual knowledge of Petitioner's correct address through three independent correction events:

    - December 26, 2025 — Petitioner requested correction at the Service Center when filing the December objection and was told: "don't worry about it, everything is by email."

    - January 5, 2026 — Petitioner submitted a written correction request (Exhibit B).

    - May 11, 2026 — When Petitioner filed the April Billobjection, the Service Center representative appeared to enter the correct address directly into LUMA's system.

17. Respondents also received multiple mailed communications from Petitioner between December 2025 and June 2026, each bearing the correct return address of 100 Marginal F.D. Roosevelt, San Juan, PR 00917.

18. Those communications included responses to billing notices, submissions supporting Petitioner's objections, and other correspondence relating to Respondents' investigation and reconsideration process.

19. These communications are part of the administrative record and are independently verifiable by the Examiner.

20. Despite these repeated notifications, Respondents continued using multiple incorrect address variations and, in their Motion to Dismiss, do not acknowledge any of Petitioner's correction requests or the repeated correspondence bearing his correct address.

## IV. REGULATORY CONSEQUENCES UNDER REGULATION 8863 AND REGULATION 8543 § 3.04

21. Regulation 8543, Section 3.04 provides that the thirty-day period for seeking review begins on the date the electric service company issued its final determination. Respondents themselves rely upon that provision as the basis for dismissal.

22. Regulation 8863 prescribes how that final determination must be communicated to the customer. Because Respondents have not established compliance with those notice requirements, they have not established that the alleged April 10, 2026 Reconsideration Determination was effectively issued for purposes of Section 3.04.

23. Section 3.04 places the thirty-day trigger exclusively on the date "on which the PREPA or the electric service company concerned issued its final determination"—a phrase Respondents themselves quote. By using that language, the regulation makes clear that the filing period begins only after the electric service company has complied with the notice obligations imposed by Regulation 8863, including proper transmission, proper addressing, and proper delivery required by Sections 4.12 and 4.14.

24. Respondents cannot invoke Section 3.04's thirty-day filing period while failing to establish compliance with the notice requirements that make a final determination legally effective. Their position would allow the filing period to commence based solely on their own unsubstantiated assertion that a determination was issued, without competent evidence that it was ever properly transmitted, addressed, delivered to the customer as required by Regulation 8863. Neither Regulation 8863 nor Regulation 8543 permits such a result.

25. Respondents have failed to establish the jurisdictional predicate upon which their Motion to Dismiss depends. Because they have not established that the alleged April 10, 2026 Reconsideration Determination was effectively notified and issued in accordance with Regulation 8863, they likewise have not established that the thirty-day period prescribed by Regulation 8543, Section 3.04 ever commenced. Accordingly, the Motion to Dismiss must be denied.

## V. PRAYER FOR RELIEF

**WHEREFORE**, Petitioner respectfully requests that the Puerto Rico Energy Bureau:

1. Deny Respondents' Motion to Dismiss;
2. Find that Respondents have failed to establish compliance with the notice requirements of Regulation 8863 necessary to commence the thirty-day period for seeking review;
3. Find that Respondents have not established that the alleged April 10, 2026 Reconsideration Determination was effectively notified or issued for purposes of Regulation 8543, Section 3.04; and

4. Grant such other and further relief as the Bureau deems just and proper.

Respectfully submitted in San Juan, Puerto Rico, this 30th day of July 2026.

Kenneth H. Adley, JD/MBA
Petitioner
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