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GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

KENNETH H. ADLEY Petitioner

v.

LUMA ENERGY LLC, LUMA ENERGY SERVCO, LLC Respondents

Case No. NEPR-QR-2026-0184 and **NEPR-RV-2026-0079**

PETITIONER'S OBJECTION TO THE SUBMISSION OF NEW EVIDENCE, TO IMPROPER MERITS TESTIMONY, AND TO RESPONDENTS' HYBRID HEARING REQUEST

TO THE PUERTO RICO ENERGY BUREAU:

Petitioner respectfully submits this Objection and states as follows:

I. INTRODUCTION

1. Petitioner respectfully submits this Objection to (1) any introduction of new evidence beyond the existing motion record, (2) any merits testimony at a jurisdictional hearing, and (3) Respondents' request for hybrid/videoconference testimony, and states as follows:

2. The consolidated August 26 hearing, however, is not a merits hearing. It is a jurisdictional hearing addressing threshold defects in both Case No. NEPR-QR-2026-0184 and Case No. NEPR-RV-2026-0079.

3. Because jurisdiction has not attached in either case, merits testimony is premature, outside the scope of the issues properly before the Examiner, and cannot cure the jurisdictional defects presently under adjudication.

II. PROCEDURAL POSTURE RELEVANT TO THIS OBJECTION (LIMITING RESPONDENTS TO THE EXISTING MOTION RECORD IN 0184)

4. In Case No. NEPR-QR-2026-0184, Respondents filed their Motion to Dismiss without competent evidence establishing proper notice of the alleged April 10, 2026 Determination. Respondents submitted no transmission records, no delivery confirmations, no authenticated business records, and no proof of compliance with Regulation 8863.

5. Petitioner filed a timely Opposition identifying these evidentiary defects. At that point, the motion record was complete, and adjudication of the Motion to Dismiss should proceed based solely on the filings, consistent with Regulation 8543 and 3 L.P.A.U. §§ 3.1 and 3.2.

6. Given the posture of Case No. NEPR-QR-2026-0184, any attempt by Respondents to rely on materials or information not included in the Motion to Dismiss would constitute an improper expansion of the motion record. To preserve the integrity of the administrative record and avoid prejudice to Petitioner, Respondents should be limited to the filings already submitted.

7. Petitioner respectfully requests that the Examiner limit Respondents strictly to the existing motion record in Case No. NEPR-QR-2026-0184 and prohibit any attempt to introduce new evidence at the August 26 hearing.

III. THE AUGUST 26 HEARING IS JURISDICTIONAL AND MERITS TESTIMONY IS IMPROPER

8. The consolidated August 26 hearing is a jurisdictional hearing addressing threshold defects in both Case No. NEPR-QR-2026-0184 and Case No. NEPR-RV-2026-0079. Jurisdiction has not attached in either case.

9. In Case No. NEPR-QR-2026-0184, Respondents have not established proper transmission, addressing, or delivery of the alleged April 10, 2026 Determination under Regulation 8863. Without valid notice, the thirty-day period under Regulation 8543 § 3.04 never commenced.

10. In Case No. NEPR-RV-2026-0079, Respondents' mis-docketing, failure to open the March 20 objection, erroneous duplicate classification, absence of a Determination for the January 16–February 17 period, and defective Determination for the February 17–March 19 period violate Regulation 8863 §§ 4.05, 4.07, 4.08, 4.11, 4.13, and 4.14. No properly formed administrative record exists for either consumption period.

11. Under 3 L.P.A.U. §§ 3.1 and 3.2, adjudication may proceed only on a properly formed administrative record. Under § 3.15, administrative errors cannot prejudice the Petitioner, cannot create untimeliness, and cannot deprive jurisdiction.

12. Because jurisdiction has not attached, merits testimony is premature and outside the scope of the August 26 hearing. Respondents' proposed witness, Mr. Marrero is a Low Voltage technician whose testimony concerns technical matters that fall within the merits stage and cannot be reached until jurisdiction is established.

13. Merits testimony cannot cure mis-docketing, failure to open objections, defective Determinations, or notice defects. Allowing such testimony would prejudice Petitioner and improperly shift the proceeding away from the threshold issues that must be resolved first.

IV. OBJECTION TO HYBRID/VIDEOCONFERENCE TESTIMONY

14. Even if merits testimony were procedurally appropriate—which it is not—Respondents have not demonstrated good cause for videoconference testimony.

15. The Bureau scheduled the August 26 hearing in person, and Petitioner will appear in person as ordered.

16. Respondents are large corporate entities with full resources and no hardship preventing in-person attendance.

17. Videoconference testimony introduces delays, technical issues, limitations on credibility evaluation, and risks of off-camera coaching. These concerns are heightened where Respondents seek to introduce merits evidence prematurely.

18. Respondents previously sought videoconference in another matter and were denied. A second attempt to avoid in-person appearance should not be permitted.

19. Accordingly, Respondents' request for videoconference testimony must be denied.

V. PRAYER FOR RELIEF

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

1. **DENY** Respondents' Motion requesting hybrid/videoconference testimony;

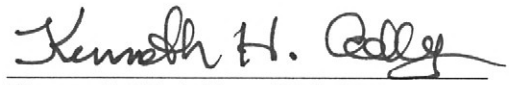
2. **FIND** that the August 26 hearing is jurisdictional only, and that merits testimony is improper and outside the scope of the issues presently before the Examiner;

3. **LIMIT** Respondents to the existing motion record in Case No. NEPR-QR-2026-0184 and prohibit any attempt to introduce new evidence;

4. **REQUIRE** Respondents to appear in person as scheduled; and

5. **GRANT** such other and further relief as the Bureau deems just and proper.

Respectfully submitted in San Juan, Puerto Rico, this 19th day of August 2026.



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