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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-RV-2026-0115, NEPR-RV-2026-0116, NEPR-QR-2026-0184, and NEPR-RV-2026-0079

PRE-HEARING PETITION TO CLARIFY CONSOLIDATED CASE POSTURE AND PRESERVE ALL ISSUES

TO THE PUERTO RICO ENERGY BUREAU:

Petitioner respectfully submits this Pre-Hearing Petition to clarify the procedural posture of seven related matters arising from the same consolidated administrative chain, to preserve all jurisdictional and procedural issues pending the Bureau's Notice ruling, and to ensure that merits adjudication proceeds on a properly formed administrative record consistent with Regulation 8863, Regulation 8543, and 3 L.P.A.U. §§ 3.1–3.2.

I. INTRODUCTION

1. Four matters are presently before the Bureau. Two are fully briefed on the jurisdictional issue of Notice under Regulation 8863 and remain pending without ruling. Two additional matters are scheduled for merits argument this week.
2. Three further matters remain in the same consolidated administrative chain but are still in LUMA's investigative

stage. No determination has yet been issued for those matters, and they have therefore not reached the Bureau. Their procedural posture will depend on the Bureau's Notice ruling once determinations are issued.

3. Because the Bureau has not yet ruled on Notice, Petitioner submits this filing to ensure that the record accurately reflects the jurisdictional posture of the consolidated chain and to preserve all issues pending the Notice ruling.

II. CONSOLIDATED CHAIN AND PROCEDURAL INTERDEPENDENCE

4. All seven matters arise from the same continuing administrative sequence and the same underlying consumption dispute. Although only four matters are presently before the Bureau, the remaining three are part of the same consolidated administrative chain because they arise from the same administrative pattern, remain dependent on the same unresolved procedural defects, and will be governed by the Bureau's Notice ruling once determinations are issued.

5. Regulation 8863 requires that statutory deadlines begin only upon the legal issuance of a determination. This requirement governs all objections arising from the same administrative sequence.

III. EFFECT OF THE PENDING NOTICE RULING

6. The Notice ruling will determine the legal-issuance status of the determinations now before the Bureau and thereby

clarify whether any deadlines began to run. It will also define the posture of the remaining matters, whose determinations have not yet been issued and must satisfy Regulation 8863 once they are.

7. Petitioner does not seek premature adjudication of the Notice issue in this filing. Petitioner seeks only to preserve jurisdictional posture and ensure that merits adjudication proceeds on a legally sufficient record.

IV. NECESSITY OF CLARIFICATION BEFORE THE MERITS HEARING

8. Two matters are scheduled for merits argument this week. Petitioner will proceed as scheduled. However, because the Notice ruling remains pending, Petitioner respectfully requests clarification of whether the merits arguments are properly before the Bureau or remain in a jurisdictional posture.

9. The Notice ruling will determine whether any determination in the consolidated chain was legally issued and therefore whether statutory deadlines commenced. Clarification is necessary to ensure orderly adjudication and to avoid inadvertent waiver of jurisdictional issues.

V. INTERPLAY BETWEEN MERITS AND NOTICE

10. All four matters arise from the same continuing administrative sequence. Petitioner will present merits arguments for the two matters placed on the merits

calendar while expressly preserving all jurisdictional objections for the two Notice-defect matters pending the Bureau's Notice ruling. The consolidated pattern will be identified without introducing new merits evidence into the closed Notice-defect matters.

11. Petitioner does so while expressly preserving all jurisdictional issues, as the Bureau's pending Notice ruling will determine whether the two Notice-defect matters were legally issued and whether statutory deadlines commenced. The Notice ruling may also affect the merits matters to the extent it clarifies legal issuance or record formation under Regulation 8863. Merits argument does not waive jurisdictional objections under 3 L.P.A.U. § 3.15.

VI. PRESERVATION OF ALL ISSUES ACROSS ALL SEVEN MATTERS

12. Petitioner expressly preserves all jurisdictional issues, procedural issues, Notice issues, merits issues, investigation-related issues, and administrative-record issues across all seven matters in the consolidated chain until the Bureau issues its Notice ruling.

13. This preservation applies equally to the matters set for merits argument and to the matters still in LUMA's investigative stage.

VII. REQUEST FOR PROMPT ISSUANCE OF NOTICE RULING

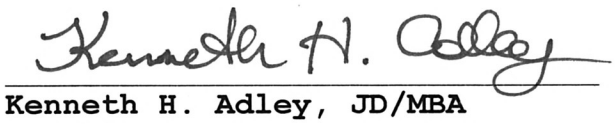
14. Petitioner respectfully urges the Bureau to issue the Notice ruling at the earliest practicable time. The ruling will clarify deadlines, posture, and the scope of the merits arguments for the matters set for hearing this week and the remaining consolidated matters.

15. This request is procedural and does not seek delay.

VIII. CONCLUSION

16. Petitioner respectfully requests clarification of the procedural posture of the consolidated matters prior to the merits hearing; preservation of all jurisdictional, procedural, and merits issues across all seven matters pending the Notice ruling; and prompt issuance of the Notice ruling to ensure orderly adjudication of the consolidated chain. Merits argument does not waive jurisdiction under 3 L.P.A.U. § 3.15.

Respectfully submitted in San Juan, Puerto Rico, this 26th day of September 2026.



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