

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE
PROPOSED CAPITAL
EXPENDITURE PROJECTS
FOR THE YEARS 2019 - 2021
WITH APPLICATION FOR
AUTHORITY TO SECURE
LOAN FROM THE NATIONAL
ELECTRIFICATION
ADMINISTRATION (NEA)
AND/OR PRIVATE
FINANCIAL INSTITUTION

ERC CASE NO. 2022-005 RC

CEBU II ELECTRIC
COOPERATIVE, INC.
(CEBECO II),

Promulgated:
June 24, 2022

Applicant.

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O R D E R

On 24 January 2022, Cebu II Electric Cooperative, Inc. (CEBECO II) filed an *Application* dated 08 November 2021, seeking the Commission's approval of its proposed Capital Expenditure projects for the years 2019 to 2021, with authority to secure loan from the National Electrification Administration (NEA) and/or private financial institution.

Subsequently, the Commission, in its *Order* and *Notice of Virtual Hearing*, both dated 28 March 2022, set the instant *Application* for the determination of compliance with the jurisdictional requirements and expository presentation, Pre-trial Conference and presentation of evidence through virtual hearings on 18 May 2022 and 25 May 2022, respectively.

However, on 02 May 2022, CEBECO II filed an electronic copy of an *Urgent Motion for Resetting* of even date, alleging its inability to comply with the requirements in the Commission's *Order* dated 28

March 2022.

Finding the said *Motion* in order, the Commission hereby grants the same. In view thereof, the hearings set on 18 May 2022 and 25 May 2022 are hereby **cancelled**.

ACCORDINGLY, the Commission hereby sets anew the instant *Application* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020¹ dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure):²

Date and Time	Platform	Activity
18 August 2022 (Thursday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with the jurisdictional requirements and Expository presentation
25 August 2022 (Thursday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Pre-trial Conference, and presentation of evidence

Applicant is hereby directed to host the virtual hearings at **CEBECO II's Principal Office in Malingin, Bogo City Cebu**, as the designated venue for the conduct thereof, and ensure that the same is open to the public and community quarantine guidelines are observed at all times. Moreover, CEBECO II shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, CEBECO II is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines at its own expense, twice (2x) within two (2)

¹ Entitled: A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

² A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

successive weeks, the dates of publication not being less than seven (7) days apart, and the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial virtual hearing;

- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the City and Municipal Mayors, and their respective Local Government Unit (LGU) legislative bodies within CEBECO II's affected franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within the affected franchise area of the filing of the *Application*, its reasons therefor, and of the scheduled virtual hearings thereon, by any other means available and appropriate;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire, to send their duly authorized representatives at the scheduled hearing; and
- 5) Furnish with copies of the *Application* and its attachments all those making requests therefor, subject to the resolution of the prayer for confidential treatment of information, if any, and reimbursement of reasonable photocopying costs.³

Within five (5) calendar days prior to the date of the virtual hearing, CEBECO II must submit to the Commission via electronic mail (e-mail) at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, the scanned copies of its written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked the following:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of the affidavit of the Editor or Business Manager of the newspapers where the said *Notice of Virtual Hearing* was published, and the complete issues of the said newspaper;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued

³ For the e-mail address of the applicant, please see page 7.

to that effect, signed by the aforementioned Governor, City and Municipal Mayors, and their respective LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;

- 3) The evidence of other means employed by CEBECO II to inform the consumers within the affected area of the filing of the *Application*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, the COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application* and its attachments by all those making requests therefor, except those covered by any motion for confidential treatment of information, if any; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, CEBECO II is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Offices of the Governor, City and Municipal Mayors and their Local Legislative Bodies, and to submit proof of its posting thereof.

CEBECO II and all interested parties are also required to submit via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days before the date of the scheduled virtual hearing and Pre-trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor, which should be attached to the Pre-trial Brief; and

- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

CEBECO II must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission at least five (5) calendar days before the date of the scheduled initial virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

Failure of CEBECO II to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from the said date of cancellation.

CEBECO II must also be prepared to make an expository presentation of the instant *Application*, aided by whatever communication medium that it may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Application* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

CEBECO II is further directed to file a copy of its Expository Presentation via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days prior to the scheduled virtual hearing. CEBECO II shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, at least five (5) calendar days prior to the scheduled virtual hearing.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph. The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

CEBECO II is further directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, within five (5) working days from the date

that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

Finally, CEBECO II, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru legal.virtualhearings@erc.ph, with their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

SO ORDERED.

Pasig City, 22 June 2022.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES VST DEVANADERA
Chairperson and CEO


LS: MSIA/BVG/MCCG



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Copy Furnished:

1. Cebu II Electric Cooperative, Inc. (CEBECO II)
Applicant
Malingin, Bogo City, Cebu
Email: cebeco2@yahoo.com
2. A.C. Gaviola Law Office
Counsel for Applicant CEBECO II
Rm. 203, 2/F Crown Port View Hotel,
3rd Ave., North Reclamation Area, Cebu City
E-mail: acgaviola_lawoffice@gaviolalaw.com
3. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
Email: docket@osg.gov.ph
4. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
Email: citizensdesk@coa.gov.ph
5. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
Email: senateenergycommittee@gmail.com
6. House Committee on Energy
Batasan Hills, Quezon City
Email: committee.energy@house.gov.ph
7. Office of the Provincial Governor
Province of Cebu
8. Office of the Local Government Unit (LGU) Legislative Body
Province of Cebu
9. Office of the Mayor
City of Danao
10. Office of the LGU Legislative Body
City of Danao
11. Office of the Mayor
City of Bogo
12. Office of the LGU Legislative Body
City of Bogo
13. Office of the Municipal Mayor
Municipality of Borbon
14. Office of the LGU Legislative Body
Municipality of Borbon
15. Office of the Municipal Mayor
Municipality of Carmen
16. Office of the LGU Legislative Body
Municipality of Carmen
17. Office of the Municipal Mayor
Municipality of Catmon
18. Office of the LGU Legislative Body
Municipality of Catmon
19. Office of the Municipal Mayor
Municipality of Compostela
20. Office of the LGU Legislative Body
Municipality of Compostela
21. Office of the Municipal Mayor
Municipality of Daanbantayan

22. Office of the LGU Legislative Body
Municipality of Daanbantayan
23. Office of the Municipal Mayor
Municipality of Medellin
24. Office of the LGU Legislative Body
Municipality of Medellin
25. Office of the Municipal Mayor
Municipality of San Remegio
26. Office of the LGU Legislative Body
Municipality of San Remegio
27. Office of the Municipal Mayor
Municipality of Sogod
28. Office of the LGU Legislative Body
Municipality of Sogod
29. Office of the Municipal Mayor
Municipality of Tabogon
30. Office of the LGU Legislative Body
Municipality of Tabogon
31. Office of the Municipal Mayor
Municipality of Tabuelan
32. Office of the LGU Legislative Body
Municipality of Tabuelan
33. Office of the Municipal Mayor
Municipality of Tuburan
34. Office of the LGU Legislative Body
Municipality of Tuburan
35. Regulatory Operations Service (ROS)
Energy Regulatory Commission
17th Floor, Pacific Center Building, San Miguel Avenue,
Ortigas Center, Pasig City