

Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City

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**IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE OVER /
UNDER RECOVERIES
BASED ON THE FORMULA
ON THE VARIOUS
AUTOMATIC COST
ADJUSTMENTS AND TRUE-
UP MECHANISMS AND
CORRESPONDING
CONFIRMATION PROCESS
PURSUANT TO ERC
RESOLUTION NO. 16,
SERIES OF 2009, AS
AMENDED BY RESOLUTION
NOs. 21 AND 23, SERIES OF
2010,**

ERC CASE NO. 2018-005 CF

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

Applicant.

X - - - - - X

DOCKETED
Date: OCT 12 2018
By: [Signature]

ORDER

On 19 March 2018, Cebu II Electric Cooperative Inc. (CEBECO II) filed an *Application* dated 06 March 2018, seeking the Commission's approval of the over or under-recoveries based on the formula on the various automatic cost adjustments and true-up mechanisms and corresponding confirmation process, pursuant to the Commission's Resolution No. 16, Series of 2009, as amended by Resolution No. 21, Series of 2010 and Resolution No. 23, Series of 2010.

On 14 September 2018, CEBECO II filed a *Motion to Admit Amended Application* (Motion) and *Amended Application* dated 13 September 2018 and 10 September 2018, respectively.

In its motion, CEBECO II alleged, among others that there is a discrepancy in the installed meter billing of Cebu Manila Water Development that resulted to over-billings for the period January 2015 to December 2017. Thus, the discrepancy substantially affected the results of the over/under recoveries application of CEBECO II. Hence, the need to amend the Application.

In its *Amended Application*, CEBECO II alleged, among others, the following:

1. Applicant CEBECO II is an Electric Cooperative created and existing pursuant to the provisions of Presidential Decree No. 269, as amended, with principal office located at Malingin, Bogo City, Cebu, Philippines, represented by its General Manager, Lowell O. Belciña, duly authorized by virtue of Board Resolution No. 16, series of 2018 dated February 10, 2018 of the Board of Directors.

The filing of the instant Application is likewise authorized under the aforecited Board Resolution;

2. It has been granted by the National Electrification Administration (NEA) an authority to operate and distribute electric light and power within the coverage area comprising the Cities of Danao and Bogo and the Municipalities of Borbon, Carmen, Catmon, Compostela, Daanbantayan, Medellin, San Remegio, Sogod, Tabogon, Tabuelan, and Tuburan, all in the Province of Cebu;

THE APPLICATION AND ITS PURPOSE

3. This Application was filed in compliance with Commission's Resolution No. 16, Series of 2009, otherwise known as "A Resolution Adopting the Rules Governing the Automatic Cost Adjustment and True-Up Mechanisms and Corresponding Confirmation Process for Distribution Utilities" adopted pursuant to the mandate of Section 43 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 (EPIRA), and its implementing Rules and Regulations, in relation to ERC Resolutions No. 17, and 23, all Series of 2009, and Resolution No. 21, Series of 2010, mandating the filing of consolidated application for the over/under recoveries of all distribution utilities for the approval/confirmation of the Commission;

4. The aforesaid Guidelines were adopted and issued by the Commission in the furtherance of the following reasons, to wit:
 - 4.a. The Commission has adopted several automatic cost adjustment mechanisms in separate issuances and it is deemed ideal to consolidate, update, and rationalize the requirements under all said separate issuances;
 - 4.b. The Commission finds it necessary to establish a systematized confirmation process that conform to the due process requirement of the law for the following automatic cost adjustment and true-up mechanisms:
 1. Automatic Generation Rate and System Loss Adjustment Mechanism;
 2. Transmission Rate Adjustment Mechanism;
 3. Lifeline Rate Recovery Mechanism;
 4. Local Franchise Tax Recovery Mechanism;
 5. Local Business Tax Recovery Mechanism;
 6. Guidelines for the Calculation of the Over or Under Recovery in the Implementation of Lifeline Rates by Distribution Utilities;
 7. Guidelines for a True-Up Mechanism of the Over or Under Recovery in the Implementation of the Inter-Class Cross Subsidy Removal by Distribution Utilities;
 8. ERC Resolution No. 12, Series of 2005, "A Resolution Approving a New Policy on the Treatment of Prompt Payment Discount (PPD)";
 9. Guidelines for the Calculation of the Over or Under Recovery in the Implementation of System Loss Rate by Distribution Utilities; and
 10. Rules for the Calculation of the Over or Under Recovery in the Implementation of Transmission Rates.

5. For purposes of determining the under/over recoveries on the implementation of the afore-enumerated automatic cost adjustments and true-up mechanisms, the formula provided for under Resolution No. 16, Series of 2009, as amended by Resolutions No. 21 and 23, Series of 2010 was applied by the Applicant;
6. A summary of the amended pass true cost vis-a-vis the actual collection on the above-mentioned implementation of various automatic cost adjustments and true up mechanisms are presented hereunder, as follows:

Particulars	Allowable Cost/Pass Thru Cost (PhP)	Actual Recovery (PhP)	(Over)/Under Recoveries (PhP)
GENERATION	4,601,322,602.80	4,506,590,944.01	94,731,658.79
TRANSMISSION	732,900,324.77	775,948,459.43	(43,048,134.66)
SYSTEM LOSS	662,147,937.00	630,409,105.47	31,738,831.53
LIFELINE	51,022,923.68	52,752,778.55	(1,729,854.87)
Sr. CITIZEN	530,900.73	530,539.78	360.95
TOTAL	6,047,924,688.99	5,966,231,827.24	81,692,861.75

7. It proposes to recover/refund the foregoing amounts based on 2018 kWh sales forecast as hereunder presented:

Particulars	No. of Months	(Over)/Under Recoveries (In PhP)	(Over)/Under Recoveries (Php/kWh)	(Over)/Under Recoveries (Php/kWh)
Generation (captive consumers)	36	94,731,658.79	0.0111	-
Transmission:	36	(43,048,134.66)	-	-
Residential	-	-	(0.0042)	-
Low Voltage	-	-	(0.0026)	-
High Voltage	-	-	-	(1.6156)
Systems Loss	36	31,738,831.53	0.0041	-
Lifeline Subsidy	6	(1,729,854.87)	(0.0028)	-
Senior Citizen Subsidy	1	360.95	0.0000009	-

8. Further, in support of the foregoing, Applicant submits the following data and documents, to wit:

Folder 2 – Supplier and Transmission Data

As Annex:

- “C” - Power Supplier Data Sheet
- “D” - Power Bills from Suppliers and Transmission Provider in the following order:
 - a. Power Bill
 - b. Official Receipts issued by the Power Supplier/Transmission Provider
 - c. Debit/Credit Memo issued by the Power Supplier/Transmission Provider

Folder 3 – Statistical Data

As Annex:

- “E” - Amended Statistical Data Sheet
- “F” - Manifestation on the Pilferage Cost Recoveries
- “G” - Amended MFSR (Sections B and E)

Folder 4 – Actual Implemented Rates Data

As Annex:

- “H” - Actual Implemented Rates Sheet
- “I” - Lifeline Discount Sheet
- “J” - Senior Citizen Discount Sheet
- “K” - Two (2) Consumer Bills per customer Class(Non-Lifeline)

“L” - One (1) Consumer Bill per Lifeline
Bracket (Lifeline)

“M” - Senior Citizen consumer bills

Folder 5 – Other Documents

As Annex:

“N” - Submitted URR for the year

COMPLIANCE
WITH PRE-FILING REQUIREMENTS

9. In compliance with Section 2, Rule 6 of the Commission’s Rules of Practice and Procedure, copies of this Application together with all its annexes and accompanying documents had been furnished by Applicant to the Legislative Body of the City of Bogo where Applicant principally operates and the Legislative Body of the Province of Cebu. Likewise, the Application was published in a newspaper of general circulation within the franchise area of the Applicant;
10. As proof of compliance of the service of the copies of the Application together with all its annexes are the Certifications issued by the Authorized Representatives of the Local Government Units (LGUs) and/or the Affidavit of Service executed by an employee of the Applicant and the first page of the Application bearing the receiving stamp of the aforementioned Offices. Likewise attached to the Application are the Affidavit of Publication and the newspaper issue containing the published Application respectively;
11. Moreover, prior to the filing of the Application, a pre-filing conference with the concerned staff of the Commission was conducted pursuant to Section 4 of Rule 6, and for purposes of determining completeness of the supporting documents attached to the Application;

12. CEBECO II also prays of this Commission that:

- a) Its computations of over/under recoveries presented in the instant application be approved; and
- b) It be allowed to refund/collect said over/under recoveries.

Finding CEBECO II's Motion in order, the same is hereby GRANTED. Accordingly, its *Amended Application* is hereby ADMITTED.

Having found the *Amended Application* to be sufficient in form and substance, the same is hereby set for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on **14 November 2018 (Wednesday) at ten o'clock in the morning (10:00 A.M.), at the ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.**

Accordingly, CEBECO II is hereby directed to:

- 1) Cause the publication of the attached Notice of Public Hearing once (1x) in a newspaper of nationwide circulation in the Philippines at its own expense, with the date of publication to be made not later than ten (10) days before the date of the scheduled initial hearing;
- 2) Furnish with copies of this Order and the attached Notice of Public Hearing the Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies within the affected franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform of the filing of the *Amended Application*, its reasons therefor, and of the scheduled hearing thereon, the consumers within the affected franchise area, by any other means available and appropriate;

- 4) Furnish with copies of this Order and the attached Notice of Public 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 *Amended Application* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, CEBECO II must submit to the Commission 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 Public Hearing consisting of affidavit of the Editor or Business Manager of the newspaper where the said Notice of Public Hearing was published, and the complete issue of the said newspaper;
- 2) The evidence of actual posting of this Order and the attached Notice of Public Hearing consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by Applicant to inform of the filing of the *Amended Application*, the reasons therefore, and of the scheduled hearing thereon, the consumers within the affected franchise area;
- 4) The evidence of receipt of copies of this Order and the attached Notice of Public Hearing by the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Amended Application* and its attachments by all those making requests therefor, if any; and

- 6) Such other proofs of compliance with the requirements of the Commission.

CEBECO II and all interested parties are also required to submit, at least five (5) days before the date of initial 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 therefore; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

Failure of Applicant 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 *Amended 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, what the *Amended Application* is all about and the reasons and justifications being cited in support thereof.

SO ORDERED.

Pasig City, 17 September 2018.



FOR AND BY AUTHORITY
OF THE COMMISSION:

AGNES VST DEVANADERA
Chairperson and CEO

Copy Furnished:

1. A.C. Gaviola Law Office
Atty. Alan Byrne S. Gaviola
Counsel for Applicant CEBECO II
Rm. 203, 2/F Crown Port View Hotel
3rd Ave., North Reclamation Area, Cebu City
2. Cebu II Electric Cooperative, Inc. (CEBECO II)
Applicant
Malingin, Bogo City, Cebu, Philippines
3. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
4. Commission on Audit
Commonwealth Avenue, Quezon City
5. Senate Committee on Energy
GSIS Bldg. Roxas Blvd., Pasay City
6. House Committee on Energy
Batasan Hills, Quezon City
7. Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, Chamber and Industry Plaza (CIP), 1030 Campus Avenue corner
Park Avenue, McKinley Town Center, Fort Bonifacio, Taguig City
8. Office of the Governor
Province of Cebu
9. Office of the Sangguniang Panlalawigan
Province of Cebu
10. Office of the Mayor
Danao City, Cebu
11. Office of the Sangguniang Panglungsod
Danao City, Cebu
12. Office of the Mayor
Bogo City, Cebu
13. Office of the Sangguniang Panglungsod
Bogo City, Cebu
14. Office of the Mayor
Borbon, Cebu
15. Office of the Sangguniang Bayan
Borbon, Cebu
16. Office of the Mayor
Carmen, Cebu

17. Office of the Sangguniang Bayan
Carmen, Cebu
18. Office of the Mayor
Catmon, Cebu
19. Office of the Sangguniang Bayan
Catmon, Cebu
20. Office of the Mayor
Compostela, Cebu
21. Office of the Sangguniang Bayan
Compostela, Cebu
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Daanbantayan, Cebu
23. Office of the Sangguniang Bayan
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24. Office of the Mayor
Medellin, Cebu
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33. Office of the Sangguniang Bayan
Tabuelan, Cebu
34. Office of the Mayor
Tuburan, Cebu

35. Office of the Sangguniang Bayan
Tuburan, Cebu

36. Regulatory and Operations Service (ROS)
Investigation and Enforcement Division (IED)
Energy Regulatory Commission
17th Floor, Pacific Center Bldg., San Miguel Avenue, Pasig City

Republic of the Philippines
ENERGY REGULATORY COMMISSION
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Applicant.

X - - - - - X

DOCKETED
Date: **OCT 12 2018**
By: 

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 14 September 2018, Cebu II Electric Cooperative Inc. (CEBECO II) filed an *Amended Application* dated 10 September 2018, seeking the Commission's approval of the over or under-recoveries based on the formula on the various automatic cost adjustments and true-up mechanisms and corresponding confirmation process, pursuant to the Commission's Resolution No. 16, Series of 2009, as amended by Resolution No. 21, Series of 2010 and Resolution No. 23, Series of 2010.

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8. Further, in support of the foregoing, Applicant submits the following data and documents, to wit:

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As Annex:

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- “D” - Power Bills from Suppliers and

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Folder 5 – Other Documents

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COMPLIANCE
WITH PRE-FILING REQUIREMENTS

9. In compliance with Section 2, Rule 6 of the Commission's Rules of Practice and Procedure, copies of this Application together with all its annexes and accompanying documents had been furnished by Applicant to the Legislative Body of the City of Bogu where Applicant principally operates and the Legislative Body of the Province of Cebu. Likewise, the Application was published in a newspaper of general circulation within the franchise area of the Applicant;
10. As proof of compliance of the service of the copies of the Application together with all its annexes are the Certifications issued by the Authorized Representatives of the Local Government Units (LGUs) and/or the Affidavit of Service executed by an employee of the Applicant and the first page of the Application bearing the receiving stamp of the aforementioned Offices. Likewise attached to the Application are the Affidavit of Publication and the newspaper issue containing the published Application respectively;
11. Moreover, prior to the filing of the Application, a pre-filing conference with the concerned staff of the Commission was conducted pursuant to Section 4 of Rule 6, and for purposes of determining completeness of the supporting documents attached to the Application;
12. CEBECO II also prays of this Commission that:
 - a) Its computations of over/under recoveries presented in the instant application be approved; and
 - b) It be allowed to refund/collect said over/under recoveries.

The Commission has set the *Amended Application* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on **14 November 2018 (Wednesday) at ten o'clock in the morning (10:00 A.M.), at the ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.**

All persons who have an interest in the subject matter of the instant case may become a party by filing with the Commission a verified Petition to Intervene at least five (5) days prior to the initial hearing and subject to the requirements under Rule 9 of the 2006 ERC Rules of Practice and Procedure, indicating therein the docket number and title of the case and stating the following:

- 1) The petitioner's name and address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.

All other persons who may want their views known to the Commission with respect to the subject matter of the case may file their Opposition or Comment thereon at any stage of the proceeding before Applicant rests its case, subject to the requirements under Rule 9 of the 2006 ERC Rules of Practice and Procedure. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name and address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All such persons who wish to have a copy of the *Amended Application* may request from Applicant that they be furnished with the same, prior to the date of the initial hearing. Applicant is hereby directed to furnish all those making such request with copies of the *Amended Application* and its attachments, subject to the reimbursement of reasonable photocopying costs. Any such person may likewise examine the *Amended Application* and other pertinent records filed with the Commission during the standard office hours.

Pasig City, 17 September 2018.

FOR AND BY AUTHORITY
OF THE COMMISSION:



AGNES VST DEVANADERA
Chairperson and CEO

LS: CRC/LSR/GLO/nph 2018-005 cebeco II ou amended