

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



**IN THE MATTER OF THE
APPLICATION FOR
CONFIRMATION OF
OVER/UNDER-
RECOVERIES FROM
AUTOMATIC PASS-THRU
COSTS IMPLEMENTED FOR
THE BILLING PERIOD
FROM JANUARY 2014 TO
DECEMBER 2016,**

ERC CASE NO. 2017 -068 CF

**NUEVA VIZCAYA ELECTRIC
COOPERATIVE, INC.
(NUVELCO),**

Applicant.

X-----X

D O C K E T E D
Date: **MAR 07 2018**
By: **www**

ORDER

On 28 September 2017, Nueva Vizcaya Electric Cooperative, Inc. (NUVELCO) filed an *Application* dated 03 August 2017 (Application) for the confirmation of its over/under-recoveries for the billing period January 2014 to December 2016.

In its *Application*, NUVELCO alleged the following:

1. Applicant NUVELCO is an electric cooperative duly organized and existing under Philippine law, with principal office address at Gabut, Dupax del Sur, Nueva Vizcaya; franchised to construct, own, operate and maintain an electric distribution system in the municipalities of Alfonso Castaneda, Ambaguio, Aritao, Bagabag, Bambang, Bayombong, Diadi, Dupax del Norte, Dupax del Sur, Kasibu, Kayapa, Quezon, Solano, Sta. Fe and Villaverde, all in the Province of Nueva Vizcaya; represented herein by its General Manager, Engr. Narciso S. Salunat, REE, MBA.

- n. Consumer Bills of Lifeliners (per level) and Non-Lifeliners per customer class
- o. Computation of Generation Rate
- p. Computation of Transmission Rate
- q. Computation of System Loss Rate
- r. Computation of Lifeline Subsidy Rate
- s. Computation of Senior Citizen Discount Rate
- t. Monitoring of Approved Adjustments (O/U Order: ERC Case No. 2012- 001 CF)

PRAYER

WHEREFORE, applicant NUVELCO respectfully pray that the Honorable Commission render a Decision confirming NUVELCO's calculation of its over and under recoveries from automatic pass-thru costs implemented for the billing months from January 2014 to December 2016.

Applicant NUVELCO also pray for such other relief or remedy as may be just and equitable under the circumstances.

On 11 December 2017, the Commission issued an Order and a Notice of Public Hearing setting the case for hearing on 15 January 2018.

On 04 January 2018, Applicant NUVELCO filed a Motion To Reset (Motion) praying that the hearing set on 15 January 2018 be reset to another date considering that its counsel is unavailable to attend the hearing on the said date.

Finding the said Motion in order, the Commission hereby **GRANTS** the same.

Accordingly, the Commission hereby sets the instant *Application* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on **22 March 2018 (Thursday) at two o'clock in the afternoon (2:00 P.M.) at the ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.**

Accordingly, NUVELCO 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, the date of the 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 Governor, 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 *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 *Application* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, Applicant 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 the 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 Governor, 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 *Application*, its 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 *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.

Applicant 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.

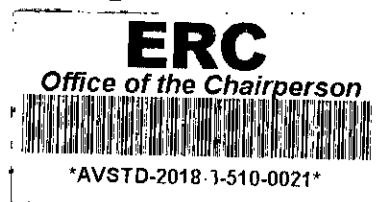
NUVELCO must also be prepared to make an expository presentation of the instant *Application*, aided by whatever communication medium that it may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, what the *Application* is all about and the reasons and justifications being cited in support thereof.

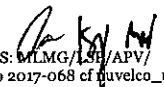
SO ORDERED.

Pasig City, 28 February 2018.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES VST DEVANADERA
Chairperson and CEO




LS: MLMG/LSP/APV/
to 2017-068 cf nuvelco_reset

COPY FURNISHED:

1. Nueva Vizcaya Electric Cooperative, Inc., Inc.
(NUVELCO)
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2. Atty. Ranulfo M. Ocampo
Counsel for NUVELCO
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Ortigas Center, Pasig City
3. Office of the Mayor
Alfonso Castañeda, Nueva Vizcaya
4. Local Government Unit (LGU) legislative body
Alfonso Castañeda, Nueva Vizcaya
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Ambaguio, Nueva Vizcaya
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29. Office of the Mayor
Sta. Fe, Nueva Vizcaya
30. Local Government Unit (LGU) legislative body
Sta. Fe, Nueva Vizcaya
31. Office of the Mayor
Villaverde, Nueva Vizcaya
32. Local Government Unit (LGU) legislative body
Villaverde, Nueva Vizcaya

33. Office of the Governor
Province of Nueva Vizcaya
34. Local Government Unit (LGU) legislative body
Province of Nueva Vizcaya
35. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
36. Commission on Audit
Commonwealth Avenue, Quezon City
37. Senate Committee on Energy
GSIS Bldg. Roxas Blvd., Pasay City
38. House Committee on Energy
Batasan Hills, Quezon City
39. 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
40. Regulatory Operations Service (ROS)
Energy Regulatory Operations