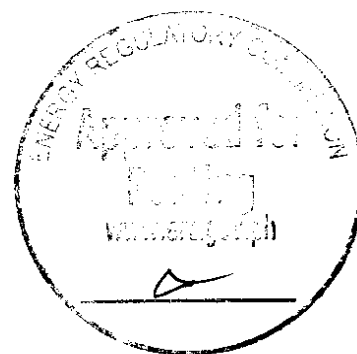


Republic of the Philippines
ENERGY REGULATORY COMMISSION
 San Miguel Avenue, Pasig City



**IN THE MATTER OF VIOLATION OF
 ERC ORDERS, RULES AND
 REGULATIONS**

**ERC CASE NO. 2007 – 300 MC
 RE: Failure to Implement the
 Energy Regulatory Board's
 Order on Purchased Power
 Adjustment (PPA)**

**EASTERN SAMAR ELECTRIC
 COOPERATIVE, INC. (ESAMELCO),
 Respondent.**

x ----- x

D O C K E T E D
 Date: JUN 18 2010
 By: _____

DECISION

The Commission takes note of the letter submitted by Eastern Samar Electric Cooperative, Inc. (ESAMELCO) dated March 18, 2010, offering to pay as settlement of the case fifty percent (50%) of the total amount of the imposable penalty for the alleged violation, computed as follows:

Particulars	Amount (PhP)
Failure to Implement the Energy Regulatory Board's Order on Purchased Power Adjustment (PPA)	
Under Commonwealth Act (C.A.) No. 146 PhP200/day of violation (October 1999 to June 17, 2002) (PhP200 x 990 days) Sub-Total	198,000.00
Under R.A. 9136 Pursuant to the "Guidelines to Govern the Imposition of Administrative Sanctions in the Form of Fines and Penalties Pursuant to Section 46 of Republic Act No. 9136" dated May 17, 2002	,
Initial Amount	100,000.00
Plus: PhP100/day for every day of violation (June 18, 2002 to Nov. 2005) (PhP100 x 1,260 days) Sub-Total	126,000.00 226,000.00
TOTAL	424,000.00
Fifty Percent (50%) thereof	212,000.00

Finding the said offer to be just and reasonable, and in accordance with the "Guidelines to Govern the Imposition of Administrative Sanctions in the Form of Fines and Penalties Pursuant to Section 46 of Republic Act No. 9136", the same is hereby **ACCEPTED** and **APPROVED**. Accordingly, Eastern Samar Electric Service Cooperative, Inc. (ESAMELCO) is hereby directed to remit the total amount of **TWO HUNDRED TWELVE THOUSAND PESOS (Php212,000.00)** in the name of the Energy Regulatory Commission within fifteen days (15) from receipt hereof.

SO ORDERED.

Pasig City, June 9, 2010

FOR AND BY AUTHORITY OF
THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner *h*


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Copy furnished:

1. **MR. RAMON C. POSADAS**
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2. **MS. MARILEN Q. REYES**
OIC-General Manager
Eastern Samar Electric Cooperative, Inc. (ESAMELCO)
Eastern Samar 6800
3. **ATTY. DIOGENES D. INCISO**
Board of Director
Eastern Samar 6800