

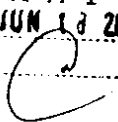
Republic of the Philippines
ENERGY REGULATORY COMMISSION
 San Miguel Avenue, Pasig City

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

**ERC CASE NO. 2007 – 381 MC
 RE: Non-inclusion of Pilferage
 Recovery in Purchased Power
 Adjustment (PPA) Computation**

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

X ----- X

DOCKETED
 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)
Non-inclusion of Pilferage Recovery in Purchased Power Adjustment (PPA) Computation	
Under Commonwealth Act (C.A.) No. 146 PhP200/day of violation (January to March 1999, February to April 2000, November 2000, March & July 2001, January 2002) (PhP200 x 303 days) Sub-Total	60,600.00
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 (April to June 2003) (PhP100 x 91 days)	9,100.00
Sub-Total	109,100.00
TOTAL	169,700.00
Fifty Percent (50%) thereof	84,850.00



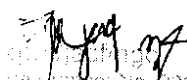
Finding the said offer to be just and reasonable, and in accordance with the “Guidelines to Govern the Imposition of Administrative Sanctions in the Form of Fines and Penalties Pursuant to Section 46 of Republic Act No. 9136”, the same is hereby **ACCEPTED** and **APPROVED**. Accordingly, Eastern Samar Electric Service Cooperative, Inc. (ESAMELCO) is hereby directed to remit the total amount of **EIGHTY FOUR THOUSAND EIGHT HUNDRED FIFTY PESOS (PhP84,850.00)** 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


Decision No. 2010 D1-D050
ESAMELCO (esamelco_decision_50%)

Copy furnished:

1. **MR. RAMON C. POSADAS**
President
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1198 Quezon Avenue, Quezon City
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 Electric Cooperative, Inc. (ESAMELCO)
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