

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. 2007-262 MC  
 RE: Failure to Implement the  
 ERC's Order on PPA**

**PAMPANGA RURAL ELECTRIC SERVICE  
 COOPERATIVE, INC. (PRESCO),  
 Respondent.  
 X ----- X**

**D O C K E T E D**  
 Date: **MAR 23 2010**  
 By:

**D E C I S I O N**

The Commission takes note of the letter sent by Pampanga Rural Electric Service Cooperative, Inc. (PRESCO) on January 21, 2010, offering to pay PhP153,350.00 for the settlement of this case. The said amount represents fifty percent (50%) of the imposable penalty for the alleged violation, computed as follows:

Particulars	Amount (PhP)
<b>For Failure to Implement ERC's Order on PPA</b>	
Initial Amount	100,000.00
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: Plus: PhP100 a day for everyday of violation (May 2006 to March 22, 2009) (PhP100 X 1,067 days)	106,700.00
Pursuant to Resolution No. 03, Series of 2009 dated February 23, 2009: Additional Penalty for Any Willful Delay in the Implementation: (100% of the Basic Amount of Penalty – 3 months and above delay)	100,000.00
<b>TOTAL</b>	<b>306,700.00</b>
<b>Fifty Percent (50%) thereof</b>	<b>153,350.00</b>


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, Pampanga Rural Electric Service Cooperative, Inc. (PRESCO) is hereby directed to remit the total amount of **ONE HUNDRED FIFTY THREE THOUSAND THREE HUNDRED FIFTY PESOS (PhP153,350.00)** in the name of the Energy Regulatory Commission within thirty days (30) from receipt hereof.

**SO ORDERED.**

Pasig City, March 24, 2010.

FOR AND BY AUTHORITY OF  
THE COMMISSION:

  
**ALEJANDRO Z. BARIN**  
Commissioner *W*

  
NOC / FPG / LTF / 50% ppa refund penalty

Reference: No. 2010-D1-D013

**Copy furnished:**

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President  
Philippine Rural Electric Cooperative Association (PHILRECA)  
4<sup>th</sup> Floor Casman Building  
1198 Quezon Avenue, Quezon City
2. **MR. EFREN M. TONGOL**  
General Manager  
Pampanga Rural Electric Service Cooperative, Inc. (PRESCO)  
Aquino By-way, Anao, Mexico, Pampanga