

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 – 445 MC
Late Remittance of Universal
Charge Collections**

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

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D O C K E T E D
Date: **FEB 12 2010**
By: *[Signature]*

DECISION

On July 4, 2007, the Commission issued a Show Cause Order directing Eastern Samar Electric Cooperative, Inc. (ESAMELCO) to submit an explanation under oath why no administrative penalty should be imposed upon it, and/or criminal action instituted against its directors and officers in view of its late remittance of universal charge collections.

On September 03, 2007, ESAMELCO submitted an "Explanation and Justification with Motion for Reconsideration" stating the following: a) it was hit several times by typhoons starting from "Milenyo" and subsequent typhoons causing damage on its electric system; b) that despite the rehabilitation of the cooperative distribution system, the same cannot immediately remit amount for the Universal Charge since it gave priority to the payment of power bills to National Power Corporation (NPC) and National Transmission Company (TRANSCO); and c) that despite the difficulty in the collection of electric bills

from its consumers, subsequent payments were made to Power Sector Assets & Liabilities Management Corporation (PSALM), although a bit delayed. Available records of the Commission confirm this.

Finding this as substantial compliance with the Commission's directive, albeit done belatedly, in the interest of justice the Commission deems it proper, at this time, to simply issue a reprimand to ESAMELCO for its failure to comply with the Commission's directive on time.

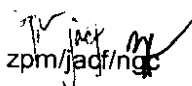
WHEREFORE, the foregoing premises considered, respondent Eastern Samar Electric Cooperative, Inc. (ESAMELCO) is hereby **REPRIMANDED** for its late remittance of universal charge collections and **WARNED** that a similar offense in the future shall be dealt with more severely.

SO ORDERED.

Pasig City, January 25, 2010.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner 4


zpm/jad/ngc

Copy furnished:

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