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

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

Y

**ERC CASE NO. 2008 – 013 MC  
 RE: Failure to Implement the  
 ERC's Order on PPA**

**ALBAY ELECTRIC COOPERATIVE, INC.  
 (ALECO),**

**Respondent.**

X ----- X

**D O C K E T E D**  
 Date: **SEP 15 2008**  
 By: *[Signature]*

**DECISION**

The Commission takes note of the "Manifestation of Offer to Settle" filed by Albay Electric Cooperative, Inc. (ALECO) on September 8, 2008, 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)
<b>For Failure to Implement the ERC's Order on PPA</b>	
Under R.A. 9136 Initial Amount	100,000
Plus Php100 a day for every day of violation (October 13, 2006 to August 31, 2008) (Php100 x 689 days)	68,900
<b>TOTAL</b>	<b>168,900</b>
<b>Fifty Percent (50%) thereof</b>	<b>84,450</b>

*[Signature]*

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**. The Commission however, notes that the acceptance of ALECO's offer of settlement in ERC Case No. 2008 - 013 MC is without prejudice to the additional penalty that would be imposed upon it on account of its continued failure to implement the directed refund on over-recoveries which it enjoyed in its PPA Charge.

Accordingly, Albay Electric Cooperative, Inc. (ALECO) is hereby directed to remit the total amount of **EIGHTY FOUR THOUSAND FOUR HUNDRED FIFTY PESOS (Php84,450.00)** in the name of the Energy Regulatory Commission within fifteen days (15) from receipt hereof.


**SO ORDERED.**

Pasig City, September 9, 2008.

FOR AND BY AUTHORITY OF  
THE COMMISSION:

  
**ALEJANDRO Z. BARIN**  
Commissioner

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[initials]/ngc/50% settlement aleco

Reference: No. 2008-D1-D246

Copy furnished:

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