

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. 2008 – 029 MC
 RE: Implementing Capital
 Projects Without Prior
 Approval from the Commission**

**DAVAO DEL NORTE ELECTRIC
 COOPERATIVE, INC. (DANECO),**

Respondent.

x ----- x

DOCKETED
 Date: APR 13 2010
 By: _____

DECISION

The Commission takes note of the submitted "Resolution No. 73, Series of 2010" by Davao Del Norte Electric Cooperative, Inc. (DANECO) on March 25, 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)
Implementing Capital Projects Without Prior Approval from the Commission	
A. Construction of 1.838 kms 69kV Transmission Line at Apokon Road, Tagum City	
Under R.A. 9136	
Initial Amount	100,000.00
Plus: PhP100 a day for every day of violation (May 6, 2006 to February 27, 2008) (PhP100 x 662 days)	66,200.00
Sub-Total	166,200.00
B. Installation of 20 MVA Substation at Apokon Road, Tagum City.	
Under R.A. 9136	
Initial amount	100,000.00
Plus: PhP100 a day for every day of violation (May 6, 2006 to February 6, 2008) (PhP100 x 662 days)	66,200.00
Sub-Total	166,200.00

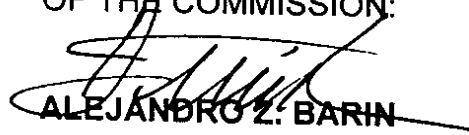
PARTICULARS	AMOUNT (PhP)
C. Construction of Six (6) Feeders of 13.2 kV Lines Under R.A. 9136 Initial Amount	100,000.00
Plus: PhP100 a day for every day of violation (May 6, 2006 to February 27, 2008) (PhP100 x 662 days)	66,200.00
Sub-Total	166,200.00
Grand Total	498,600.00
Fifty Percent (50%) thereof	PhP 249,300.00

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, Davao del Norte Electric Cooperative, Inc. (DANECO), is hereby directed to remit the total amount of **TWO HUNDRED FORTY NINE THOUSAND THREE HUNDRED PESOS (PhP249,300.00)** in the name of the Energy Regulatory Commission within fifteen (15) days from receipt hereof.

SO ORDERED.

Pasig City, April 6, 2010

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner *4/*

Copy furnished:

1. RAMON C. POSADAS

President

Philippine Rural Electric Cooperative Association (PHILRECA)

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2. MR. ALLAN L. LANIBA, MM, MPA

OIC-General Manager

Davao del Norte Electric Cooperative, Inc. (DANECO)

Km100, Montevista, Compostela Valley Province,

Davao del Norte 8801



ngc/lapf/sadr
decision-50% DANECO

Reference: No. 2010-D1-D049