

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

lyan 3/26/09

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

**ERC CASE NO. 2008 – 091 MC
RE: Implementing Capital
Projects Without Prior Approval
from the Commission**

**TARLAC II ELECTRIC
COOPERATIVE, INC. (TARELCO II),
Respondent.**

x-----x

DOCKETED
Date: MAR 26 2009
By: *MV*

D E C I S I O N

The Commission takes note of the "Offer of Settlement" submitted by Tarlac II Electric Cooperative, Inc. (TARELCO II) on March 13, 2009, offering to pay as settlement of the case fifty percent (50%) of the total amount of the impossible penalty for the alleged violation, computed as follows:

Particulars	Amount (PhP)
Implementing Capital Projects without prior approval from the Commission	
Under R.A. 9136 Initial Amount	100,000
Plus: PhP100 a day for every day of violation (October 6, 2006 to March 13, 2008) (PhP100 x 524 days)	52,400
Total	152,400
Fifty Percent (50%) thereof	76,200

[Handwritten 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**. Accordingly, Tarlac II Electric Cooperative, Inc. (TARELCO II) is hereby directed to remit the total amount of **SEVENTY SIX THOUSAND TWO HUNDRED PESOS (PhP76,200.00)** in the name of the Energy Regulatory Commission (ERC) within fifteen (15) days from receipt hereof.

SO ORDERED.

Pasig City, March 16, 2009.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner

Copy furnished:

1. **Mr. WENDELL V. BALLESTEROS**
President
Philippine Rural Electric Cooperative Association (PHILRECA)
4th Floor Casman Building
Quezon Avenue, Quezon City 1198
2. **ATTY. ZENON S. SUAREZ**
Counsel for Petitioner
4/F Casman Building,
1198 Quezon Avenue, Quezon City
3. **ENGR. JOSE F. BOGNOT, JR.**
Officer-In-Charge
Tarlac II Electric Cooperative, Inc. (TARELCO II)
San Nicolas, Conception, Tarlac

Reference: No. 2009-D1-D0027

nbb/lpg/ncg/TARELCO II CAPEX, penalty/03.16.09

