



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

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

**ERC CASE NO. 2009- 077 MC
 For: Inclusion of Power Supply
 Contract Cost in the Retail
 Rates without Approval from
 the Commission**

**FIRST BUKIDNON ELECTRIC
 COOPERATIVE, INC. (FIBECO),
 Respondent.**

x ----- x

DOCKETED
 Date: **MAR 08 2010**
 By: _____

DECISION

The Commission takes note of the letter sent by First Bukidnon Electric Cooperative, Inc. (FIBECO) on March 3, 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)
Inclusion of Power Supply Contract Cost in the Retail Rates Without Approval from the Commission	
Initial Amount	100,000
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 every day of violation (April 1, 2005 to March 22, 2009) (PhP100 x 356 days)	35,600
Pursuant to the Resolution No. 03, Series of 2009 dated February 23, 2009: Additional Penalty for Any Willful Delay in the Implementation: (50% of the Basic Amount of Penalty – March 23 to May 31, 2009)	50,000
Total	185,600
Fifty Percent (50%) thereof	92,800

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, First Bukidnon Electric Cooperative, Inc. (FIBECO) is hereby directed to remit the total amount of **NINETY TWO THOUSAND EIGHT HUNDRED PESOS (PhP92,800.00)** in the name of the Energy Regulatory Commission within fifteen days (15) from receipt hereof.

SO ORDERED.

Pasig City, March 5, 2010

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner *46*

Copy furnished:

1. **ENGR. RENATO S. CORTEZANO**
OIC-Office of the General Manager
First Bukidnon Electric Cooperative, Inc. (FIBECO)
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2. **MR. RAMON C. POSADAS**
President
Philippine Rural Electric Cooperative, Inc. (PHILRECA)
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1198 Quezon Ave. Q.C