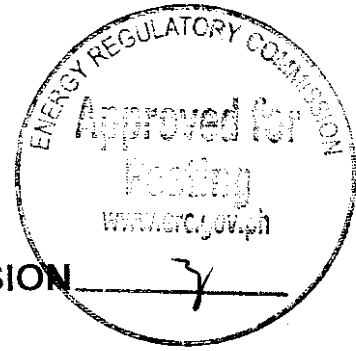


Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City



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

ERC CASE NO. 2007 – 293 MC
RE: Failure to Implement ERB's
Order on Purchased Power
Adjustment (PPA)

ERC CASE NO. 2006 – 146 MC
RE: Failure to Implement ERC's
Order on Purchased Power
Adjustment (PPA)

ABRA ELECTRIC COOPERATIVE,
INC. (ABRECO),

Respondent.

x ----- x

D O C K E T E D

Date: FEB 20 2009

By: 

D E C I S I O N

The Commission takes note of the letter sent by Abra Electric Cooperative, Inc. (ABRECO) on February 4, 2009, offering to pay as settlement of the case fifty percent (50%) of total amount of the imposable penalty for the alleged violations, computed as follows:



ERC Case No. 2007- 293 MC

| Particulars | Amount (PhP) |
|---|----------------|
| For Failure to Implement ERB's Order on PPA | |
| Under C.A. 146 | |
| PhP200 per day of violation (June 2000 – June 17, 2002) (PhP200 x 747 days) | |
| Sub-total | 149,400 |
| Under R.A. 9136 | |
| Initial Amount | 100,000 |
| Plus: PhP100 a day for every day of violation (June 18, 2002 to December 6, 2005) (PhP100 x 1,268 days) | 126,800 |
| Sub-total | 226,800 |
| Total | 376,200 |
| Fifty Percent (50%) thereof¹ | 188,100 |

ERC Case No. 2006- 146 MC

| Particulars | Amount (PhP) |
|--|----------------|
| For Failure to Implement ERC's Order on PPA | |
| Under R.A. 9136 | |
| Initial Amount | 100,000 |
| Plus: PhP100 a day for every day of violation (March 1, 2006 to February 28, 2009) (PhP100 x 1,095 days) | 109,500 |
| Total | 209,500 |
| Fifty Percent (50%) thereof | 104,750 |
| Grand Total | 292,850 |

¹ Partial computation only. PPA confirmation Order dated December 7, 2005 under ERC Case No. 2001-339 (ERB Case No. 96-36) were not yet implemented as of February 2009 billing.



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, Abra Electric Cooperative, Inc. (ABRECO) is hereby directed to remit the total amount of **TWO HUNDRED NINETY TWO THOUSAND EIGHT HUNDRED FIFTY PESOS (PhP292,850.00)** in the name of the Energy Regulatory Commission (ERC) within fifteen (15) days from receipt hereof.

SO ORDERED.

Pasig City, February 13, 2009.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner

Copy furnished:

1. **MR. PEDRITO BACULIO**
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3. **MR. LORETO P. SEARES, JR.**
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