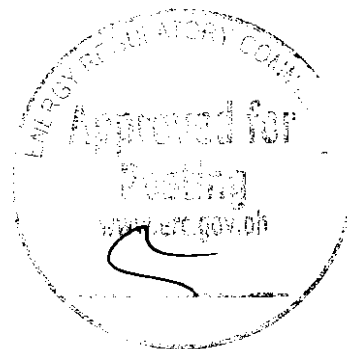


Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City

IN THE MATTER OF THE APPLICATION
FOR APPROVAL OF THE
TRANSLATION INTO DISTRIBUTION
RATES OF DIFFERENT CUSTOMER
CLASSES FOR THE FIRST
REGULATORY YEAR OF THE ERC-
APPROVED ANNUAL REVENUE
REQUIREMENT FOR DECORP UNDER
THE PERFORMANCE BASED
REGULATION (PBR) FOR THE
REGULATORY PERIOD 2011-2015



ERC CASE NO. 2011- 106 RC

DAGUPAN ELECTRIC CORPORATION
(DECORP),

Applicant.

x ----- x

DOCKETED
Date: JAN 03 2012
By: _____

DECISION

On July 28, 2011, Dagupan Electric Corporation (DECORP) filed an application for approval of the translation into distribution rates of its different customer classes for the First Regulatory Year of the Commission-approved Annual Revenue Requirement (ARR) under the Performance Based Regulation (PBR) for the Regulatory Period 2011-2015.

In the said application, DECORP alleged, among others, the following:

1. It is a corporation duly organized and existing under and by virtue of the laws of the Philippines, with principal office at AB Fernandez West, Dagupan City;
2. It is the holder of an exclusive franchise issued by the Congress of the Philippines to operate an electric light and power service in the City of Dagupan and Municipalities of Calasiao, San Fabian, Sta. Barbara, San Jacinto, Manaoag, Barangays Cruz and Bolingit of San Carlos, all in the Province of Pangasinan;
3. On June 21, 2010, it filed an application (docketed as ERC Case No. 2010-070 RC) for approval of its ARR and Performance Incentive Scheme (PIS) covering the Third Regulatory Period from July 1, 2011 to June 30, 2015 in accordance with the provisions of the Rules for Setting Distribution Wheeling Rates (RDWR);

4. On June 29, 2011, the Commission issued a Decision in ERC Case No. 2010-070 RC approving its ARR and PIS for the Third Regulatory Period from July 1, 2011 to June 30, 2015;
5. Its opening Maximum Average Price (MAP) which was approved by the Commission for the First Regulatory Year of the Third Regulatory Period as set forth in the Decision dated June 29, 2011 is **PhP1.9801/kWh**.

The calculation of the MAP for the First Regulatory Year (July 1, 2011 to June 30, 2012) of the Third Regulatory Period (MAP₂₀₁₂) is PhP2.3357/kWh. This was determined in accordance with Article IV, Sec. 4.2.1a of the RDWR, which provides:

$$\text{MAP}_{2012} = \text{SMAP}_{2012} + \text{S}_{2012} - \text{K}_{2012} + \text{ITA}_{2012}$$

SMAP2012	1.9801
S2012	0.0334
K2012	(0.3222)
ITA2012	0
MAP2012	2.3357

6. It has converted the abovementioned MAP₂₀₁₂ into a distribution rate structure in accordance with the Uniform Filing Requirements (UFR), the relevant sections of the RDWR, as amended, and the methodology described in Article V of the Distribution Services and Open Access Rules (DSOAR), as amended. It used in its calculations the information contained in the Final Determination of June 6, 2011;
7. The Side Constraint Condition for the Third Regulatory Period which was approved by the Commission is CWI_t + SC_t. The value of SC₂₀₁₂ was already set at a fixed level of 3%, while the CWI₂₀₁₂ is computed at 0.0367. The calculations for the CWI₂₀₁₂ are part of the Schedule 1 attached in the instant application.

During the conversion of the MAP for 2012 into distribution rates, it has determined that the over-all MAP for 2012, as calculated, breached the Side Constraint value for RY 2012. The calculations for this are part of Schedule 6 of the instant application;

8. It has computed the over-all MAP₂₀₁₂ with the Side Constraints in the amount of PhP1.5069/kWh. The computations for this are part of the attached Schedules 7 and 10;
9. The constrained MAP is 55% lower than the calculated MAP for Regulatory Year 2012. Further, it is 13% below the Commission's approved MAP for Regulatory Year 2011.

Constraining the MAP to the limitation provided in its Final Determination will result to substantial under recoveries. It wishes to avoid the build-up of said under recoveries during the Third Regulatory Period as these will result in future higher distribution rates.

It is therefore requesting the Commission to relax the Side Constraints for RY 2012 to help it minimize the under-recoveries for the same year. It proposes to relax the Side Constraints of all Customers as follows:

	SC Level	Additional SC	Relaxed SC
Residential Service (R)	0.0667	0.0545	0.1212
General Retail Service (X)	0.0667	0.2503	0.3170
General Power Service (Y)	0.0667	0.0148	0.0815
Bulk Power Service (Z)	0.0667	0.2823	0.3490
Street Lighting Service (SL)	0.0667	0.0907	0.1574

The resulting MAP for Regulatory Year 2012 at the relaxed Side Constraint is computed at PhP1.8167/kWh. This MAP is lower than the original MAP by PhP0.5190/kWh;

10. Based on the Final Determination of June 6, 2011 and the MAP for 2012 as calculated using the amended RDWR and limited by the Side Constraints, it has converted said MAP (as adjusted by the relaxed Side Constraints) into a distribution rate structure, as follows:

Proposed Rates:

		Residential Service (R)	General Retail Service (X)	General Power Service (Y)	Bulk Power Service (Z)	Street Lighting Service (S)
Distribution Charge	PhP/kWh	1.7293	1.3821	0.4187	0.2300	3.2202
	PhP/kW	-	-	242.4666	215.4513	
Supply Charge	PhP/kWh	0.4079				
	PhP/Cust/Mo	-	48.8040	397.3055	397.3055	48.8040
Metering Charge	PhP/kWh	0.2280	-	-	-	-
	PhP/Cust/Mo	5.000	65.2755	880.0465	4,287.2994	-

The conversion was effected in accordance with the UFR, the relevant sections of the RDWR, as amended, and the methodology described in Article V of the DSOAR. It used in its calculations the information contained in the Final Determination dated June 6, 2011 and the historical operational and financial data and the forecasted operational and financial data prescribed under Articles III, IV, V and VI of the amended RDWR;

11. The approval of the instant application will allow it to fulfill its obligations under PBR, to implement in a timely manner its capital expenditure program and its operating and maintenance programs for the Third Regulatory Period, specifically for RY 2012, and to avoid any irreparable losses that will ultimately result in the deterioration of its services to the damage and prejudice of the public, in general, and its consumers, in particular; and
12. It prays that after due notice and hearing, its application be approved by the Commission and that it be authorized to adopt and implement the aforesaid proposed distribution rate structure to be effective beginning July 1, 2011.

Having found said application sufficient in form and substance with the required fees having been paid, an Order and a Notice of Public Hearing, both dated August 31, 2011, were issued setting the same for initial hearing on September 22, 2011.

In the same Order, DECORP was directed to cause the publication of the Notice of Public Hearing, at its own expense, twice (2x) for two (2) successive weeks in two (2) newspapers of general circulation in the Philippines, with the date of the last publication to be made not later than ten (10) days before the date of the scheduled hearing. It was also directed to inform the consumers within its franchise area, by any other means available and appropriate, of the filing of the instant application, its reasons therefor and of the scheduled hearing thereon.

The Office of the Solicitor General (OSG), the Commission on Audit (COA) and the Committees on Energy of both Houses of Congress were furnished with copies of the Order and the attached Notice of Public Hearing and were requested to have their respective duly authorized representatives present at the aforesaid hearing.

Likewise, the Offices of the Governor of Pangasinan and the Mayors of the City and Municipalities within the franchise area of DECORP were furnished with copies of the Order and Notice of Public Hearing, for the appropriate posting thereof on their respective bulletin boards.

During the September 22, 2011 initial hearing, only DECORP appeared. No intervenor/oppositor appeared nor was there any intervention or opposition registered.



At the said hearing, DECORP presented its proofs of compliance with the Commission's posting and publication of notice requirements which were duly marked as Exhibits "A" to "L-3", inclusive. Thereafter, it conducted an expository presentation of its application. In the course thereof, the Commission and the consumers present at the hearing propounded clarificatory questions.

The expository presentation having been terminated, DECORP moved that an order of general default be issued by the Commission against those interested parties who failed to appear at the said hearing. Said motion was granted.

The Commission dispensed with the conduct of the pre-trial conference. DECORP then presented the following witnesses who testified in support of the application: a) Ms. Lilian Saralde, its Finance Manager, testified on the conversion of the Smoothed Maximum Average Price (SMAP) for Regulatory Year 2012 (RY 2012) into the distribution rate schedules of its customer classes which was derived from its Final Determination dated June 6, 2011, UFR and the data prescribed by the RDWR; b) Mr. August D. Sarmiento, its Network Operations Manager, testified on the schedules, supporting documents and calculations relative to the Quality Performance Standards, Reliability Indices, Voltage Variations and System Loss; and c) Mr. Dominador Dagot Liwag, Jr., its Retail Services Manager, testified on various allocation factors, the service time to process application and time to connect premises. In the course of their direct examinations, several documents were presented and marked as exhibits.

DECORP manifested that due to inadvertence, it erroneously stated in its application that its constrained MAP is 55% lower than the calculated MAP for Regulatory Year 2012 instead of 35%. The incorrect percentage of its



constrained MAP was also indicated in the Notice of Public Hearing dated September 6, 2011 which was published in two (2) newspapers of general circulation.

Relative thereto, DECORP was directed to file a manifestation with respect to the erroneous figure stated in its application. In compliance therewith, on September 28, 2011, it filed a "Manifestation and Compliance".

Considering the said inadvertence, another Order was issued by the Commission on October 3, 2011 setting this case for another hearing. In the same Order, DECORP was directed to cause the publication of the Notice of Public Hearing, at its own expense, once (1x) in a newspaper of general circulation in the Philippines, at least five (5) days before the scheduled date of hearing. It was also directed to inform the consumers within its franchise area, by any other means available and appropriate, of the scheduled hearing.

The OSG, the COA and the Committees on Energy of both Houses of Congress were furnished with copies of the Order and the attached Notice of Public Hearing and were requested to have their respective duly authorized representatives present at the aforesaid hearing.

Likewise, the Offices of the Governor of Pangasinan and the Mayors of the City and Municipalities within the franchise area of DECORP were furnished with copies of the Order and Notice of Public Hearing, for the appropriate posting thereof on their respective bulletin boards.

On October 10, 2011, DECORP filed its "Formal Offer of Evidence".



At the October 13, 2011 continuation of the hearing, DECORP presented its proofs of compliance with the Commission's directive in its Order dated October 3, 2011 which were duly marked as Exhibits "T" to "Y-3", inclusive.

DECORP then recalled its witness, Ms. Saralde, who testified on the correct percentage of its constrained MAP. The direct examination of the said witness having been terminated, DECORP was directed to file its supplemental formal offer of evidence. In compliance therewith, on October 25, 2011, it filed a "Supplemental Formal Offer of Exhibits and Submission".

The Commission found that the formal offer of evidence filed by DECORP is material and relevant in the final resolution of the instant application.

DISCUSSION

DECORP's Application

On the basis of the Commission's Decision dated June 29, 2011 in ERC Case No. 2010-070¹ and Article IV, Section 4.2.1a of the RDWR, DECORP calculated its MAP for the First Regulatory Year (July 1, 2011 to June 30, 2012) of the Third Regulatory Period (MAP 2012) and arrived at the amount of PhP2.3357/kWh, to wit:

$$\text{MAP}_{2012} = \text{SMAP}_{2012} + \text{S}_{2012} - \text{K}_{2012} + \text{ITA}_{2012}$$

¹ In the Matter of the Application for Approval of the Annual Revenue Requirement (ARR) and Performance Incentive Scheme (PIS) for the Third Regulatory Period Commencing on July 1, 2011 to June 30, 2015 in Accordance with the Provisions of the Rules for Setting Distribution Wheeling Rates (RDWR)



Particulars	PhP/kWh
SMAP2012	1.9801
S2012	0.0334
K2012	(0.3222)
ITA2012	0
MAP2012	2.3357

In its MAP2012 conversion into distribution rates, DECORP has determined that its over-all MAP breached the Side Constraint value for RY 2012. Thus, it proposes to relax the Side Constraints for RY 2012 to minimize the under-recoveries for the said year.

DECORP's proposed MAP for RY 2012 with a relaxed Side Constraint is **PhP1.8167/kWh**, which is lower than the original MAP by PhP0.5190/kWh, as provided for in its Final Determination.

Consistent with the methodology prescribed under the UFR and using updated scenarios and values, DECORP converted its proposed MAP2012 into distribution rates, as follows:



Table 1. Comparison of Proposed and Current Rates of DECORP

Customer Class	Current Rates (FCRk,t/FQk,t)	DECORP's Proposed Rates (CRk,t/AQk,t)	Difference
RESIDENTIAL SERVICE			
Distribution (Php/kWh)	1.5646	1.7293	0.1647
Supply (Php/kWh)	0.3033	0.4079	0.1046
Metering (Php/kWh)	0.4562	0.2280	(0.2282)
Metering (Php/Meter)	5.00	5.00	-
Total Php/kWh	2.3241	2.3652	0.0411
Total Php/customer/month	5.00	5.00	-
Street Lighting			
Distribution (Php/kWh)	2.6344	3.2202	0.5858
Supply (Php/customer)	34.33	48.80	14.4782
Metering (Php/meter)	-	-	-
Total Php/kWh	2.6344	3.2202	0.5858
Total Php/customer/month	34.33	48.80	14.4782
General Retail (X)			
Distribution (Php/kWh)	1.0917	1.3821	0.2904
Distribution (Php/kW)	-	-	-
Supply (Php/customer)	34.33	48.80	14.4782
Metering (Php/meter)	89.67	65.28	(24.3896)
Total Php/kWh	1.0917	1.3821	0.2904
Total Php/kW	-	-	-
Total Php/customer/month	123.99	114.08	(9.9114)
General Retail (Y)			
Distribution (Php/kWh)	0.3654	0.4187	0.0533
Distribution (Php/kW)	219.77	242.47	22.6979
Supply (Php/customer)	34.33	397.31	362.9797
Metering (Php/meter)	829.89	880.05	50.1540
Total Php/kWh	0.3654	0.4187	0.0533
Total Php/kW	219.77	242.47	22.6979
Total Php/customer/month	864.22	1,277.35	413.1337
Bulk Power			
Distribution (Php/kWh)	0.1767	0.2300	0.0533
Distribution (Php/kW)	132.14	215.45	83.3138
Supply (Php/customer)	34.33	397.31	362.9797
Metering (Php/meter)	4,045.89	4,287.30	241.4064
Total Php/kWh	0.1767	0.2300	0.0533
Total Php/kW	132.14	215.45	83.3138
Total Php/customer/month	4,080.22	4,684.60	604.3861
Average Rate	1.7100	1.8167	0.1067

Side Constraints

Under the RDWR, Side Constraints apply to annual rate increases for any single rate category based on the CWI-factor and an allowance made in the Final Determination.

The Commission calculated the increase in rates for RY 2012 using the CWI plus 3.00% in accordance with the Final Determination. For DECORP, the Side Constraints set in the Final Determination breached all customer categories except its Bulk Power customers. Based on its current sales forecasts, the

overall expected revenue from these rates breached the MAP₂₀₁₂ as shown below:

$$\frac{((FCR_{k,t} / FQ_{k,t}) - S_t) - ((CR_{k,t-1} / AQ_{k,t-1}) - S_{t-1})}{(CR_{k,t-1} / AQ_{k,t-1}) - S_{t-1}} \leq (CWI_t + SC_t)$$

$$\leq (0.0368 + 0.03)$$

$$\leq 6.6800\%$$

CUSTOMER CLASS	RATE SCHEDULE	(FCR _{k,t} / FQ _{k,t}) - S _t	(CR _{k,t-1} / AQ _{k,t-1}) - S _{t-1}	% Increase	STATUS
Residential	R	2.7674	2.1709	27.47%	Side Constraints Breached
Street Lights	S	3.7008	2.6159	41.47%	Side Constraints Breached
General Retail	X	1.5270	1.2324	23.90%	Side Constraints Breached
General Power	Y	1.6288	1.3898	17.19%	Side Constraints Breached
Bulk Power	Z	0.6783	0.6386	6.22%	Within Side Constraints
TOTAL		1.9901	1.6267	21.72%	Side Constraints Breached

CUSTOMER CLASS	RATE SCHEDULE	FCR _{k,t}	FQ _{k,t}	S _t	(FCR _{k,t} / FQ _{k,t}) - S _t
Residential	R	333,082,254.78	120,361,140.00		2.7674
Street Lights	S	10,906,911.40	2,947,202.00		3.7008
General Retail	X	91,397,827.78	59,855,023.00		1.5270
General Power	Y	71,314,353.97	43,784,427.00		1.6288
Bulk Power	Z	29,865,825.33	44,032,044.00		0.6783
TOTAL		536,567,173.26	270,979,836.00		1.9901

CUSTOMER CLASS	RATE SCHEDULE	CR _{k,t-1}	AQ _{k,t-1}	S _{t-1}	(CR _{k,t-1} / AQ _{k,t-1}) - S _{t-1}
Residential	R	257,776,669.88	118,740,999.00		2.1709
Street Lights	S	8,440,999.96	3,226,852.00		2.6159
General Retail	X	70,733,962.38	57,395,403.00		1.2324
General Power	Y	55,191,101.95	39,710,770.00		1.3898
Bulk Power	Z	23,113,548.94	36,194,900.00		0.6386
TOTAL		415,256,283.11	255,268,924.00	-	1.6267

The breach is due to the abrupt increase in the MAP brought about by the P₀ value as approved in the Final Determination which affected the Smoothed Price Path.

The RDWR provides the flexibility to expeditiously adjust the rates between regulatory resets subject to a MAP. The Commission shall ensure that such flexibility adheres to the policies set forth in the EPIRA. Specifically, all DUs shall only charge distribution retail rates that reflect the cost-based unbundled structure set forth in the UFR. In no case should the costs or revenues to be

recovered from one unbundled function be shifted to other unbundled functions. Similarly, the rate design shall be free of inter-class subsidies and the costs or revenues that should be recovered from one customer segment should not be shifted to other customer segments. It is significant to note that the Side Constraints set forth in Section 4.21 of the RDWR should not be used to justify the shifting of revenues from one customer segment to another.

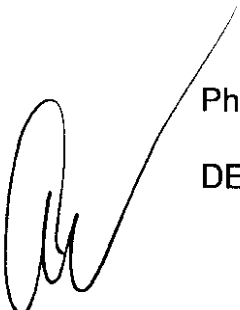
Moreover, Section 4.6.2 of the RDWR allows the leniency of Side Constraints for one or more customer segments in situations where major under-recovery is experienced by a regulated entity.

The strict application of the Side Constraints would prevent DECORP from implementing its approved capital and operating expenditures for the RY 2012 due to the reduction of the required revenue set forth in its Final Determination. It will also cause a substantial build-up of its under-recoveries during the Third Regulatory Period since it may not be able to adequately address these under-recoveries in its subsequent annual rate applications.

Shown below is the proposed Side Constraints calculation of DECORP for RY2012:

Customer Class	Side Constraints Level	Additional Side Constraints	Relaxed Side Constraints
Residential Service (R)	0.0667	0.0545	0.1212
General Retail Service (X)	0.0667	0.2503	0.3170
General Power Service (Y)	0.0667	0.0148	0.0815
Bulk Power Service (Z)	0.0667	0.2823	0.3490
Street Lighting Service (SL)	0.0667	0.0907	0.1574

Based on the relaxed Side Constraint, there will be an overall decrease of PhP0.1634/kWh or 8.25% lower than the approved MAP of PhP1.9801/kWh in DECORP's Final Determination.



Shown below are the comparisons between the Commission's approved rates and DECORP's existing distribution rates:

Customer Class	DECORP's Current Rates	Commission's Approved Rates	Difference
RESIDENTIAL SERVICE			
Distribution (PhP/kWh)	1.5646	1.7293	0.1647
Supply (PhP/kWh)	0.3033	0.4079	0.1046
Metering (PhP/kWh)	0.4562	0.2280	(0.2282)
Metering (PhP/Meter)	5.00	5.00	-
Total PhP/kWh	2.3241	2.3652	0.0411
Total PhP/customer/month	5.00	5.00	-
Street Lighting			
Distribution (PhP/kWh)	2.6344	3.2202	0.5858
Supply (PhP/customer)	34.33	48.80	14.4782
Metering (PhP/meter)	-	-	-
Total PhP/kWh	2.6344	3.2202	0.5858
Total PhP/customer/month	34.33	48.80	14.4782
General Retail (X)			
Distribution (PhP/kWh)	1.0917	1.3821	0.2904
Distribution (PhP/kW)	-	-	-
Supply (PhP/customer)	34.33	48.80	14.4782
Metering (PhP/meter)	89.67	65.28	(24.3896)
Total PhP/kWh	1.0917	1.3821	0.2904
Total PhP/kW	-	-	-
Total PhP/customer/month	123.99	114.08	(9.9114)
General Retail (Y)			
Distribution (Php/kWh)	0.3654	0.4187	0.0533
Distribution (Php/kW)	219.77	242.47	22.6979
Supply (Php/customer)	34.33	397.31	362.9797
Metering (Php/meter)	829.89	880.05	50.1540
Total Php/kWh	0.3654	0.4187	0.0533
Total Php/kW	219.77	242.47	22.6979
Total Php/customer/month	864.22	1,277.35	413.1337
Bulk Power			
Distribution (Php/kWh)	0.1767	0.2300	0.0533
Distribution (Php/kW)	132.14	215.45	83.3138
Supply (Php/customer)	34.33	397.31	362.9797
Metering (Php/meter)	4,045.89	4,287.30	241.4064
Total Php/kWh	0.1767	0.2300	0.0533
Total Php/kW	132.14	215.45	83.3138
Total Php/customer/month	4,080.22	4,684.60	604.3861
Average Rate	1.7100	1.8167	0.1067

WHEREFORE, the foregoing premises considered, the application for approval of the translation into distribution rates of its different customer classes for the First Regulatory Year of the Commission-approved Annual Revenue Requirement (ARR) under the Performance Based Regulation (PBR) for the Regulatory Period 2011-2015 is hereby **APPROVED**.

Accordingly, DECORP is hereby directed to implement the following approved Distribution, Supply and Metering (DSM) Charges on the next billing cycle upon receipt hereof:

Customer Class	Commission's Approved Rates
RESIDENTIAL SERVICE	
Distribution (PhP/kWh)	1.7293
Supply (PhP/kWh)	0.4079
Metering (PhP/kWh)	0.2280
Metering (PhP/Meter)	5.00
Total PhP/kWh	2.3652
Total PhP/customer/month	5.00
Street Lighting	
Distribution (PhP/kWh)	3.2202
Supply (PhP/customer)	48.80
Metering (PhP/meter)	-
Total PhP/kWh	3.2202
Total PhP/customer/month	48.80
General Retail (X)	
Distribution (PhP/kWh)	1.3821
Distribution (PhP/kW)	-
Supply (PhP/customer)	48.80
Metering (PhP/meter)	65.28
Total PhP/kWh	1.3821
Total PhP/kW	-
Total PhP/customer/month	114.08
General Retail (Y)	
Distribution (PhP/kWh)	0.4187
Distribution (PhP/kW)	242.47
Supply (PhP/customer)	397.31
Metering (PhP/meter)	880.05
Total PhP/kWh	0.4187
Total PhP/kW	242.47
Total PhP/customer/month	1,277.35

Bulk Power	
Distribution (PhP/kWh)	0.2300
Distribution (PhP/kW)	215.45
Supply (PhP/customer)	397.31
Metering (PhP/meter)	4,287.30
Total PhP/kWh	0.2300
Total PhP/kW	215.45
Total PhP/customer/month	4,684.60
Average Rate	1.8167

SO ORDERED.

Pasig City, November 14, 2011.


ZENAIDA G. CRUZ-DUCUT
Chairperson


MARIA TERESA A.R. CASTAÑEDA
Commissioner


JOSE C. REYES
Commissioner

(On Official Travel)
GLORIA VICTORIA C. YAP-TARUC
Commissioner

(On Official Travel)
ALFREDO J. NON
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10. **The Municipal Mayor**
San Jacinto, Pangasinan
11. **The Municipal Mayor and Heads of Barangay**
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