

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

IN THE MATTER OF THE
APPLICATION FOR APPROVAL OF A
REDUCTION IN RATES IN
COMPLIANCE WITH SECTION 60 OF
REPUBLIC ACT NO. 9136 AND
EXECUTIVE ORDER NO. 119, WITH
PRAYER FOR PROVISIONAL
AUTHORITY

ERC CASE NO. 2003-91

FIRST BUKIDNON ELECTRIC
COOPERATIVE, INC. (FIBECO),
Applicant.

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O R D E R

Before this Commission for resolution is the application filed on March 10, 2003 by applicant First Bukidnon Electric Cooperative, Inc. (FIBECO) for approval of a reduction in rates in compliance with Section 60 of Republic Act No. 9136 and Executive Order No. 119, with prayer for provisional authority.

In the said application, FIBECO prayed that the rate reduction equivalent to ₱0.1693/kWh be provisionally and immediately approved ex-parte; that it be authorized to adopt and implement the same effective upon provisional approval; and that after notice and hearing, the rate reduction be approved permanently.

In support of its application and prayer for provisional authority, FIBECO submitted the following documents in compliance with the requirements set forth in

the Guidelines for the Implementation of the Reduction in Rate of the Electric Cooperatives Due to the Condonation of Debts, as amended, to wit:

1. Certification from the National Electrification Administration (NEA) indicating the amount of ₱84,685,941.60 as FIBECO's outstanding loan to NEA as of June 26, 2001 and that said amount has been a) recommended for assumption by the Power Sector Assets and Liabilities Management (PSALM); and b) has been used for Rural Electrification Program;
2. An Omnibus Certification from the Commission on Audit (COA) certifying that its office has verified the loan balances as of June 26, 2001 of one hundred eighteen (118) electric cooperatives, including that of FIBECO, and found the same to be true and correct;
3. Sworn Statement/Affirmation executed by FIBECO's General Manager, Engr. Jose S. dela Cruz, confirming that the amount of ₱84,685,941.60 is due and outstanding;
4. Certification from the National Power Corporation (NPC) attesting that it is current in the payment of its obligations;
5. Detailed information or report on outstanding loans applied for condonation as follows:
 - a. Amortization payments on the Rural Electrification Loans; and
 - b. Monthly kilowatthour sales covering the period July 1, 2001 to June 30, 2002.

FIBECO submitted other supporting data/documents in accordance with the aforesaid Guidelines, such as: a) the certifications of receipt of copies of the notice of application by the Local Government Units' (LGUs) Legislative Bodies of the Municipalities and City within FIBECO's area of coverage; and b) the affidavit of publication executed by Mr. Ernesto G. Chu, Publisher/President of Mindanao Gold Star Daily, attesting to the publication of the Notice of Application.

I. SUMMARY OF FIBECO's APPLICATION

FIBECO's proposed rate reduction was computed as follows¹:

Monthly Amortization of Condoned Loans	₱ 851,450.00
Divide by Average kWh Sales (for the twelve months Ending June 2002)	<u>5,029,215 kWh</u>
Rate Reduction	₱ 0.1693/kWh

II. COMMISSION DISCUSSIONS AND CONCLUSIONS

II.A.1 Loan Profile

Engr. Jose S. dela Cruz, FIBECO's General Manager, issued a Sworn Statement/Affirmation confirming that FIBECO's total loans to be condoned out of the loans with NEA is in the amount of ₱84,685,941.60.

The NEA Loan Profile submitted by FIBECO provides the information on the amortization payments on its Rural Electrification Loans as of June 26, 2001.

¹ Based on Annex "B" – Rate Calculation submitted by FIBECO

II.A.2. Monthly kilo-Watthour (kWh) sales covering the period July 1, 2001 to June 30, 2002.

The table below shows the summary of energy sales of FIBECO for the twelve (12) month ending June 30, 2002:

Customer Class	Total Sales (kWh)²
Residential	27,975,855
Commercial	17,757,796
Industrial	7,747,075
Public Building	2,982,974
Street Lights	1,281,672
COTELCO	946,681
BAPA	1,658,522
FIBECO's Total	60,350,575
Less: Sales to COTELCO	946,681
Adjusted Total	59,403,894

The data on energy sales were verified because this will serve as the billing determinant³ to be used in the calculation of the rate reduction. This was done by comparing the said data with that of the monthly kWh sales reported by FIBECO in its regular submission of Monthly and Financial Statistical Reports (MFSRs).

II.B. Calculation of the Rate Reduction for Purposes of Granting Provisional Authority

The rate reduction was computed as follows:

Annual Amortization based on the amortization cost incorporated In FIBECO's last approved rate (₱ 851,450.00 x 12)	₱ 10,217,400.00
Divide by Total Annual Sales (for the twelve months Ending June 2002)	<u>59,403,894 kWh</u>
Rate Reduction	₱ 0.1720/kWh

² Based on Annex "A" Schedule B of FIBECO's application.

³ Billing Determinants are the units divided into a class of costs to calculate a rate element.

The discrepancy between FIBECO's and the Commission's computations of the Total Annual Sales was due to FIBECO's inclusion of its sales to COTELCO.

Section 2, Rule 31 of the Implementing Rules and Regulations (IRR) of R. A. No. 9136 specifically provides that:

“This Rule shall cover all outstanding financial obligations by the ECs to NEA and other government agencies, incurred as of 26 June 2001 for the purpose of financing the Rural Electrification Program. x x x”
(underscoring supplied).

DISPOSITION

WHEREFORE, the foregoing premises considered, First Bukidnon Electric Cooperative, Inc. (FIBECO) is hereby granted a provisional authority to reduce its rates by ₱0.1720/kWh effective on the next billing cycle after receipt of this Order. Should the rate reduction provisionally authorized herein is found to be insufficient after final evaluation, the amount corresponding to the deficiency shall be reimbursed by FIBECO to its consumers by crediting the same in their electric bills covering future consumptions for a period of not more than six (6) months from the implementation of the Decision.

Relative thereto, FIBECO is hereby directed to comply with the following conditions:

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- a) Reflect the approved reduction in rates as a separate item in the consumers' electric bills;
- b) Inform its consumers of the said approved rate reduction not later than thirty (30) days after receipt of this Order;
- c) Submit five (5) sample bills for each customer class for verification and confirmation purposes on or before the twentieth (20th) day of the month following the effectivity of the approved rate reduction and every month thereafter; and
- d) Continue its payment to NEA with respect to all outstanding obligations assumed by the PSALM, if the amortization cost component of the EC's tariff is still collected from the end-users;

Finally, FIBECO is directed to submit the following requirements on or before the scheduled hearing:

- a. Certification from PSALM provisionally acknowledging the amount of loans applied for condonation subject to the final results of an audit to be performed by an independent body commissioned for such purpose;
- b. Detailed information or report on outstanding loans applied for condonation, to wit:
 - i. List of outstanding loans obtained from creditors under Article II, Section 1 of the Amended Guidelines;

- ii. Purpose for each loan;
- iii. Date of approval of each loan;
- iv. Total Releases from each loan granted and date of such releases;
- v. Principal and interest payments made for each loan;
- vi. Outstanding balance for each loan;
- vii. Data pertaining to its last approved rate adjustment whether provisional or final;
- viii. Proceeds from Benefits to Host Communities in the form of grants or technical assistance pursuant to Chapter II, Sections 289 to 294 of the Local Government Code, if applicable;
- ix. Statement on debt restructuring of any loan, if any;
- x. Revenues generated from amortization portion of approved rates channelled to payments of purchased power cost, if applicable; and
- xi. Other documents that may be needed by the ERC in the course of the evaluation.

FIBECO is reminded to furnish the legislative body of the Local Government Unit of the locality where it principally operates with a copy of its accomplished application form.

In the meantime, finding the application sufficient in form and in substance, with the required fees having been paid, the same is hereby set for hearing on May 29,

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2003 at nine o'clock (9:00 A.M.) in the morning at the NEA Regional Office, 128 Saturnina M. Ramos Street, APOVEL, Bulua, Cagayan de Oro City.

Let copies of this Order and the attached Notice of Public Hearing be furnished the Municipal/City Mayors of Damulog, Danggagan, Don Carlos, Kadingilan, Kalilangan, Kibawe, Kitao-tao, Maramag, Pangantocan, Quezon, San Fernando, Valencia, Wao and Lanao Sur, all in the Province of Bukidnon, for the appropriate posting thereof on their respective bulletin boards.

Likewise, let copies of this Order and the attached Notice of Public Hearing be furnished the Office of the Solicitor General (OSG), the Commission on Audit (COA), the NEA, the PSALM and the Committees on Energy of both Houses of Congress who are hereby requested to have their respective duly authorized representatives present at the aforesaid initial hearing.

FIBECO is hereby directed to publish, at its own expense, the attached Notice of Public Hearing at least twice (2) for two (2) successive weeks in two (2) newspapers of nationwide circulation in the country, the last date of publication to be made not later than two (2) weeks before the scheduled date of initial hearing.

The evidence on the posting and publication of the Notice of Public Hearing consisting of the certifications of the abovementioned Mayors or their duly authorized representatives, bearing the seals of their offices and the affidavits of the Editors or

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Business Managers of the newspapers wherein the said Notice of Public Hearing would be published, together with the complete copies of the issues of the said newspapers, should be submitted to the Commission by FIBECO on the date of the initial hearing.

SO ORDERED.

Pasig City, April 1, 2003.

(Sgd) LETICIA V. IBAY
Acting Chairman

(ON OFFICIAL BUSINESS)

(Sgd) MARY ANNE B. COLAYCO
Commissioner

OLIVER B. BUTALID
Commissioner

(Sgd) CARLOS R. ALINDADA
Commissioner

/CCC

Copy furnished

1. Atty. Zenon S. Suarez
Counsel for Applicant
4/F Casman Building
1198 Quezon Avenue, Quezon City 1100
2. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village
City of Makati 1229
3. Commission on Audit
Commonwealth Avenue
Quezon City 0880
4. Senate Committee on Energy
GSIS Building, Roxas Boulevard
Pasay City 1307

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5. House Committee on Energy
Batasan Hills, Quezon City 1126
6. The City Mayor
Valencia City 8709
7. The Municipal Mayor
Damulog, Bukidnon 8721
8. The Municipal Mayor
Dangcagan, Bukidnon 8719
9. The Municipal Mayor
Don Carlos, Bukidnon 8712
10. The Municipal Mayor
Kadingilan, Bukidnon 8713
11. The Municipal Mayor
Kalilangan, Bukidnon 8718
12. The Municipal Mayor
Kibawe, Bukidnon 8720
13. The Municipal Mayor
Kitao-tao, Bukidnon 8716
14. The Municipal Mayor
Maramag, Bukidnon 8714
15. The Municipal Mayor
Pangantocan, Bukidnon 8717
16. The Municipal Mayor
Quezon, Bukidnon 8715
17. The Municipal Mayor
San Fernando, Bukidnon 8711
18. The Municipal Mayor
Wao, Lanao del Sur 9716
19. First Bukidnon Electric Cooperative, Inc.
Anahawon, Maramag, Bukidnon 8714

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20. National Electrification Administration
NIA Road, Diliman, Quezon City 1128

21. Congressman Ernesto C. Pablo
House of Representatives
Batasan Hills, Diliman, Quezon City 1126

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