

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. 19, WITH
PRAYER FOR PROVISIONAL
AUTHORITY

ERC CASE NO. 2003-158

EASTERN SAMAR ELECTRIC
COOPERATIVE, INC. (ESAMELCO)
Applicant.

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O R D E R

Before this Commission for resolution is the application filed on April 9, 2003 by applicant Eastern Samar Electric Cooperative, Inc. (ESAMELCO) for approval of a reduction in rates and loan condonation in compliance with Section 60 of Republic Act No. 9136 and Executive Order No. 119, with prayer for provisional authority.

In the said application, ESAMELCO prayed that the rate reduction equivalent to ₱0.4687/kWh be provisionally and immediately approved ex-parte; that it be authorized to adopt and implement it 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, ESAMELCO submitted the following documents in compliance with the requirements indicated 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 ₱146,826,911.75 as ESAMELCO'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 ESAMELCO, and found the same to be true and correct;
3. Certification executed by ESAMELCO's General Manager, Mr. Nerio T. Aberia, Jr., that the amount of ₱146,826,911.75 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.

ESAMELCO 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 LGU Legislative Bodies of the Municipalities and Cities within ESAMELCO's area of coverage; and b) the affidavit of publication executed by Mr. Dalmacio C. Grafil, Publisher of the Leyte Samar Daily Express, attesting to the publication of the Notice of Application.

I. SUMMARY OF ESAMELCO's APPLICATION

ESAMELCO's proposed rate reduction was computed as follows¹:

Annual Amortization of Assumed Loans	₱ 9,258,321.69
Divide by total kWh Sales (for the twelve months Ending June 2002)	19,750,471 kWh
Rate Reduction	₱ 0.4687/kWh

II. COMMISSION DISCUSSIONS AND CONCLUSIONS

II.A.1 Loan Profile

Mr. Nerio T. Aberia, Jr., ESAMELCO's General Manager, issued a Certification affirming that ESAMELCO's total loan to be condoned out of the loans with NEA is in the amount of ₱146,826,911.75.

The NEA Loan Profile submitted by ESAMELCO 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 ESAMELCO

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 ESAMELCO for the twelve months ending June 30, 2002:

Customer Class	Total Sales (kWh)²
Residential	14,245,768
Commercial	2,260,798
Industrial	379,243
Public Buildings	1,584,334
Street Lights	768,438
BAPA	511,890
ESAMELCO's Total	19,750,471
Add/(Deduct):	
Footing errors by ESAMELCO:	
Commercial- should be 260,802	4
Industrial- should be 379,248	5
Adjusted ESAMELCO Total	19,750,480
Less:	
Discrepancy in BAPA-December	
Per ESAMELCO - 42,638	
Per MFSR - 42,456	(182)
Rounding-off differences	(8)
Adjusted Total Sales	19,750,290

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 ESAMELCO in its regular submission of Monthly and Financial Statistical Reports (MFSRs).

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

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

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 ESAMELCO's last approved rate (₱ 326,451/mo. X 12)	₱ 3,917,412
Divide by Total Annual Sales (for the twelve months Ending June 2002)	19,750,290 kWh
Rate Reduction	₱ 0.1983/kWh

There was a discrepancy between the annual amortization as provided for in the application in the amount of P9,258,321.69 and the monthly amortization incorporated in the existing rate in the amount of P326,451 or an annual amortization in the amount of P3,917,412.

DISPOSITION

WHEREFORE, the foregoing premises considered, applicant Eastern Samar Electric Cooperative, Inc. (ESAMELCO) is hereby granted a provisional authority to reduce its rates by ₱0.1983/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 ESAMELCO 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, ESAMELCO is hereby directed to comply with the following conditions:

- 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 PSALM, if the amortization cost component of the EC's tariff is still collected from the end-users. Finally, ESAMELCO is directed to submit the following requirements:
 - 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.

ESAMELCO is further directed 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 July 10, 2003 at three o'clock (3:00 P.M.) in the afternoon at LEYECO II, Real St., Tacloban City.

Let copies of this Order and the attached Notice of Public Hearing be furnished the Municipal/City Mayors of Balangkayan, Borongan, Can-Avid, Dolores, Guiuan, Llorente, Maydolong, Taft, San Julian, Sulat, Arteche, Balangiga, Gen. MacArthur, Giporlos, Hernani, Jipadpad, Lawa-an, Maslog, Mercedes, Oras, Quinapundan, Salcedo and San Policarpio, all in the province of Eastern Samar, 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.

ESAMELCO 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 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 ESAMELCO on the date of the initial hearing.

SO ORDERED.

Pasig City, May 7, 2003.

MANUEL R. SANCHEZ
Chairman

MARY ANNE B. COLAYCO
Commissioner

OLIVER B. BUTALID
Commissioner

CARLOS R. ALINDADA
Commissioner

LETICIA V. IBAY
Commissioner

Copy furnished:

1. Atty. Zenon S. Suarez
4/F Casman Bldg.,
1198 Quezon Avenue
Quezon City
2. The Office of the Solicitor General
134 Amorsolo St., Legaspi Village,
Makati City
3. Eastern Electric Cooperative. Inc (ESAMELCO)
Borongan, Eastern Samar
4. House Committee on Energy
Batasan Hills, Quezon City
5. Senate Committee on Energy
GSIS Building, Roxas Blvd.,
Pasay City
6. Committee on Energy
House of Representative
Batasan Hill, Quezon City
7. National Electrification Administration (NEA)
NIA Road, Diliman, Quezon City
8. Power Sector Assets & Liabilities Management Corporation
2nd Floor SGV II Building
Ayala Avenue, Makati City
9. Congressman Ernesto C. Pablo
House of Representatives
Batasan Hills, Quezon City 1126
10. The Municipal Mayor
Balankayan, Eastern Samar
11. The Municipal Mayor
Borongan, Eastern Samar
12. The Municipal Mayor
Can-Avid, Eastern Samar

13. The Municipal Mayor
Dolores, Eastern Samar
14. The Municipal Mayor
Guiuan, Eastern Samar
15. The Municipal Mayor
Llorente, Eastern Samar
16. The Municipal Mayor
Maydolong, Eastern Samar
17. The Municipal Mayor
Taft, Eastern Samar
18. The Municipal Mayor
San Julian, Eastern Samar
19. The Municipal Mayor
Sulat, Eastern Samar
20. The Municipal Mayor
Arteche, Eastern Samar
21. The Municipal Mayor
Balangiga, Eastern Samar
22. The Municipal Mayor
Gen, MacArthur, Eastern Samar
23. The Municipal Mayor
Giporlos, Eastern Samar
24. The Municipal Mayor
Hernani, Eastern Samar
25. The Municipal Mayor
Jipadpad, Eastern Samar
26. The Municipal Mayor
Lawa-an, Eastern Samar
27. The Municipal Mayor
Maslog, Eastern Samar

28. The Municipal Mayor
Mercedes, Eastern Samar
29. The Municipal Mayor
Oras, Eastern Samar
30. The Municipal Mayor
Quinapundan, Eastern Samar
31. The Municipal Mayor
Salcedo, Eastern Samar
32. The Municipal Mayor
San Policarpio, Eastern Samar
33. Office of the Governor
Province of Eastern Samar

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NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given of the filing by applicant Eastern Samar Electric Cooperative, Inc. (ESAMELCO) on April 9, 2003 of an application for the 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, docketed as ERC Case No. 2003-158. The applicant proposed a reduction in rates equivalent to P0.4687/kWh.

The Commission has set the application for hearing on July 10, 2003 at three o'clock (3:00 P.M.) in the afternoon at LEYECO II, Real St., Tacloban City.

All interested parties who may wish to comment on or oppose the said application should file their comments and/or oppositions on or before the date of hearing. Such parties who may wish to have details of the application and who shall have manifested to the Commission their desire and intention to participate actively in the proceedings, may request that before the date of hearing, they be furnished with copies of the application by the applicant, which is hereby directed to furnish the parties making such request with copies of the application and its attachments. Likewise, any such interested party may examine the application and other pertinent records filed with the Commission during the usual office hours.

WITNESS, the Honorable **MANUEL R. SANCHEZ**, Chairman, and the Honorables **MARY ANNE B. COLAYCO**, **OLIVER B. BUTALID**, **CARLOS R. ALINDADA**, and **LETICIA V. IBAY** Commissioners, Energy Regulatory Commission, this 7th day of May, 2003 at Pasig City.

FRUCTUOSO C. LAGUNZAD, JR.
Executive Director III

Njs/esamelco