

PROPOSED AMENDMENTS TO SECTION 4 (e) RULE 3 OF THE EPIRA IRR

1. Proposed amendments to Section 4(e) and Section 4(s) of Rule 3

(e) Any application or petition for ~~rate adjustment or for any relief affecting the consumers~~ **THE GENERAL REVISION OF A DISTRIBUTION UTILITY'S DISTRIBUTION, SUPPLY AND METERING RATES OR RELATED CHARGES; FOR THE SETTING OF NPC'S BASE GENERATION RATES AND OTHER RELATED CHARGES, INCLUDING THOSE FOR THE SPUG AREAS, AND FOR THE FIXING OF TRANSCO'S ALLOWABLE REVENUES,** must be verified, and accompanied with an acknowledgment of receipt of a copy thereof by the LGU Legislative Body of the ~~locality~~ **CITY OR MUNICIPALITY** where the applicant~~'S~~ or petitioner~~'S~~ **OFFICE IS SITUATED** ~~principally operates~~ together with the certification of the notice of publication **OF THE APPLICATION OR PETITION, EXCLUDING THE SUPPORTING DOCUMENTS ATTACHED THERETO,** ~~thereof~~ in a newspaper of general circulation in the same ~~locality~~ **CITY OR MUNICIPALITY** OR, FOR APPLICATIONS OF NPC AND TRANSCO, IN A NEWSPAPER OF NATIONWIDE CIRCULATION. UPON THE FILING OF THE SAID APPLICATION OR PETITION, THE ERC SHALL ALSO POST THE SAME ON ITS OFFICIAL WEBSITE.

The ERC may grant provisionally or deny the relief prayed for not later than seventy five (75) calendar days from the filing of the application or petition, based on the same and the supporting documents attached thereto and such comments or pleadings the consumers or the LGU concerned may have filed within thirty (30) calendar days from receipt of a copy of the application or petition or from the publication thereof as the case may be.

Thereafter, the ERC shall conduct a formal hearing~~S~~ on the **AFORESAID** application or petition, **AFTER** giving proper notices to all parties concerned, with at least one public hearing, **AS FAR AS PRACTICABLE,** in the affected locality, **OR, IF NOT PRACTICABLE, IN THE ERC OFFICE OR FIELD OFFICE THAT IS NEAREST OR MOST ACCESSIBLE TO THE AFFECTED LOCALITY. IF IT ISSUES A PROVISIONAL ORDER IN THE SAID APPLICATION OR PETITION, THE ERC** ~~and~~ shall decide the matter on the merits ~~not later than~~ **WITHIN** twelve (12) months from the issuance of the aforementioned provisional order.

This Section 4 (e) shall not apply to those applications or petitions ~~already filed as of 26 December 2001~~ in compliance with Section 36 of the Act.

THIS SECTION 4 (E) SHALL LIKEWISE NOT APPLY TO THOSE COST ADJUSTMENT MECHANISMS FOR THE PERIODIC PASS THROUGH OF INCREASES OR DECREASES IN ALLOWABLE COSTS BROUGHT ABOUT

BY FACTORS BEYOND THE CONTROL OF THE DISTRIBUTION UTILITIES, NPC, AND TRANSCO.

~~[(s) The ERC shall conduct rate application hearings in the locality where the applicant is conducting its operations; Provided, That this requirement shall not apply to applications filed pursuant to Section 36 of the Act.]~~

2. Proposed amendment to Section 7, Rule 18

“All Self-Generation Facilities whether new, existing or under construction shall not be covered by the imposition of Universal Charge for a period of **SIX (6)** ~~four (4)~~ years from its imposition: *Provided*, That, such Self-Generation Facilities shall register with ERC and PSALM.”