

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



**IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE SALE
FOR RESALE AGREEMENT
BY AND BETWEEN FIRST
BUKIDNON ELECTRIC
COOPERATIVE, INC.
(FIBECO) AND COTABATO
ELECTRIC COOPERATIVE,
INC. (COTELCO), WITH
PRAYER FOR THE ISSUANCE
OF PROVISIONAL
AUTHORITY**

ERC CASE NO. 2015-171 RC

**FIRST BUKIDNON ELECTRIC
COOPERATIVE, INC.
(FIBECO) AND COTABATO
ELECTRIC COOPERATIVE,
INC. (COTELCO),**

Applicants.

X ----- X

DOCKETED
Date: JUN 21 2016
By: *[Signature]*

ORDER

On 1 October 2015, First Bukidnon Electric Cooperative, Inc. (FIBECO) and Cotabato Electric Cooperative, Inc. (COTELCO) filed an Application for Approval of the their Sale for Resale Agreement, with Prayer for Provisional Authority.

On 12 October 2015, the Commission issued an Order and a Notice of Public Hearing setting the Application for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing on 12 November 2015.

In the same Order, FIBECO and COTELCO were directed to cause the publication of the attached Notice of Public Hearing, at their own expense, twice (2x) for two (2) successive weeks in two (2) newspapers of general circulation in the Philippines, with the date of

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the last publication to be made not later than ten (10) days before the date of the scheduled initial hearing. They are also directed to inform the consumers within their respective 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.

FIBECO and COTELCO were likewise directed to furnish copies of the Application, the Order and the attached Notice of Public Hearing the Office of the Solicitor General (OSG), the Commission on Audit (COA), the Committees on Energy of both Houses of Congress, the Offices of the Governors of the Province of Bukidnon, Lanao del Sur and North Cotabato and the Mayors of the respective cities or municipalities within the franchise areas of FIBECO and COTELCO for the appropriate posting thereof on their bulletin boards.

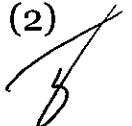
On 26 October 2015, FIBECO and COTELCO filed an "*Urgent Motion for Resetting*", praying that an Order be issued cancelling and resetting the scheduled hearing of the instant Application due to lack of material time for the Applicant to comply with the Commission's publication requirements.

On 3 February 2016, FIBECO and COTELCO filed an "*Urgent Motion for Leave to Set Cases for Hearing and Issuance of Provisional Authority*", praying, among others, the issuance of an Order setting the Application for hearing.

On 23 February 2016, FIBECO and COTELCO filed a "*Manifestation*", praying that the Applicant be allowed the urgent implementation of sale for resale agreement, having been undertaken in good faith, necessity and being the only available and feasible remedy, without being subjected to any sanctions or penalty.

Finding the said motions meritorious, the same are hereby **GRANTED**. Likewise, the Commission duly notes the Manifestation filed by the Applicant. Accordingly, the Commission hereby sets the instant Application for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing **11 July 2016 (Monday) at two o'clock in the afternoon (2:00 P.M.) at the Principal Office of FIBECO, Maramag, Bukidnon.**

FIBECO and COTELCO are hereby directed to cause the publication of the attached Notice of Public Hearing, at their own expense, twice (2x) for two (2) successive weeks in two (2)



newspapers of general circulation in the Philippines, the dates of publication not being less than seven (7) days apart, with the date of last publication made not later than ten (10) days before the date of the scheduled initial hearing. They are also directed to inform the consumers within their respective 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.

Let copies of the application, this Order and the attached Notice of Public Hearing be furnished the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire, to send their duly authorized representatives at the scheduled hearing.

Likewise, let copies of this Order and the attached Notice of Public Hearing be furnished the Offices of the Governors of the Province of Bukidnon, Lanao del Sur and North Cotabato, the Mayors of the respective cities or municipalities, and the Local Government Unit (LGU) Legislative Bodies within the franchise areas of FIBECO and COTELCO for the appropriate posting thereof on their bulletin boards.

FIBECO and COTELCO are hereby directed to furnish all those making requests therefor with copies of the application and its attachments, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, FIBECO and COTELCO must submit to the Commission their written Compliance with the jurisdictional requirements attaching therewith, methodically arranged and duly marked, the evidences on the actual posting and publication of the Notice of Public Hearing consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors and LGU Legislative Bodies or their duly authorized representatives, bearing the seals of their offices, and the affidavits of the Editors or Business Managers of the newspapers where the said Notice of Public Hearing were published together with the complete issues of the said newspapers, and such other proofs of compliance with the requirements of the Commission.

FIBECO and COTELCO and all interested parties are directed to submit, at least five (5) days before the date of initial hearing and Pre-trial Conference, their respective Pre-trial Briefs containing, among others:



- a. A summary of admitted facts and proposed stipulation of facts;
- b. The issues to be tried or resolved;
- c. The documents or exhibits to be presented, stating the purposes and proposed markings therefore; and
- d. The number and names of the witnesses, with their written testimonies in an individual affidavit form, to be attached to the Pre-trial Brief.

Failure of FIBECO and COTELCO to submit the required Pre-trial Brief and Judicial Affidavits of their witnesses within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from said date of cancellation.

As part of the Pre-trial Conference, FIBECO and COTELCO must also be prepared to make an expository presentation of their Application, aided by whatever communication medium that they may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, what the Application is all about and the reasons and justifications being cited in support thereof.

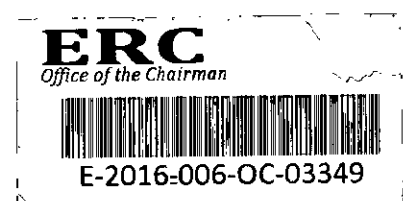
SO ORDERED.

Pasig City, 02 June 2016.

FOR AND BY AUTHORITY
OF THE COMMISSION:

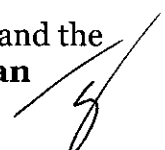

JOSE VICENTE B. SALAZAR
Chairman


ISP/APV/ERC CASE No.2015-171 RC.IO



Copy Furnished:

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Makati City, Metro Manila
3. **Commission on Audit**
Commonwealth Avenue
Quezon City, Metro Manila
4. **Senate Committee on Energy**
GSIS Bldg. Roxas Blvd., Pasay City
Metro Manila
5. **House Committee on Energy**
Batasan Hills, Quezon City, Metro Manila
6. **Office of the President**
Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, Chamber and Industry Plaza (CIP)
1030 Campus Avenue corner Park Avenue
McKinley Town Center, Fort Bonifacio, Taguig City
7. **Cotabato Electric Cooperative, Inc. (COTELCO)**
Matalam, North Cotabato
8. **Office of the Provincial Governor and the**
Office of the Sangguniang Panlalawigan
Province of North Cotabato
9. **Office of the Municipal Mayor and the**
Office of the Sangguniang Bayan
Banisilan, North Cotabato
10. **First Bukidnon Electric Cooperative, Inc., (FIBECO)**
Maramag, Bukidnon
11. **Office of the City Mayor and the**
Office of the Sangguniang Panglungsod
Valencia, Bukidnon
12. **Office of the Municipal Mayor and the**
Office of the Sangguniang Bayan
San Fernando, Bukidnon
13. **Office of the Municipal Mayor and the**
Office of the Sangguniang Bayan



Maramag, Bukidnon

14. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Quezon, Bukidnon
15. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Don Carlos, Bukidnon
16. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Kitaotao, Bukidnon
17. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Dangcagan, Bukidnon
18. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Kibawe, Bukidnon
19. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Kadingilan, Bukidnon
20. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Damulog, Bukidnon
21. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Pangantucan, Bukidnon
22. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Kalilangan, Bukidnon
23. **Office of the Municipal Mayor and the Office of the Sangguniang Bayan**
Wao, Lanao del Sur
24. **Office of the Provincial Governor and the Office of the Sangguniang Panlalawigan**
Province of Bukidnon
25. **Office of the Provincial Governor and the Office of the Sangguniang Panlalawigan**
Province of Lanao del Sur

