

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
Pasig City



**IN THE MATTER OF  
THE APPLICATION FOR  
APPROVAL OF PROPOSED  
UNPLANNED ELECTRIC  
CAPITAL EXPENDITURE  
PROJECTS FOR THE YEAR  
2019 AND FOR PRAYER  
FOR PROVISIONAL  
AUTHORITY**

**ERC CASE NO. 2020-003 RC**

**TARLAC II ELECTRIC  
COOPERATIVE,  
INC. (TARELCO II),  
*Applicant.***

**Promulgated:**  
August 28, 2020

**X ----- X**

**ORDER**

On 17 January 2020, the Tarlac II Electric Cooperative, Inc. (TARELCO II) filed an *Application* dated 25 October 2019 (Application), seeking the Commission's approval of its proposed unplanned electric Capital Expenditure (CAPEX) projects for the year 2019, with prayer for provisional authority.

In the *Order* dated 03 July 2020, the Commission has set the instant *Application* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on 10 September 2020 at TARELCO II's main office.

However, due to the continuous threat to public health and safety brought about by the coronavirus disease 2019 (COVID-19), the Commission deemed it necessary to conduct all previously scheduled physical hearings through virtual hearings.

**IN VIEW OF THE FOREGOING**, the Commission hereby cancels the physical hearing scheduled on 10 September 2020 and shall convene the virtual hearing through video conferencing, subject to certain limitations as set forth herein.

**ACCORDINGLY**, the Commission hereby sets anew the instant *Application* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on **10 September 2020 (Thursday) at half past ten o'clock in the morning (10:30 A.M.)**, through a virtual hearing using the **Zoom Application** as the online platform for the conduct thereof.

TARELCO II is hereby directed to host the virtual hearing **at its Main Office in Brgy. San Nicolas Poblacion, Concepcion, Tarlac** as the designated venue, and ensure that the same is open to the public and that the community quarantine guidelines are observed at all times. Moreover, TARELCO II shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

**RELATIVE THERETO**, TARELCO II is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines at their own expense, twice (2X) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart, and the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the Municipal Mayors, and the Local Government Unit (LGU) legislative bodies within TARELCO II's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within TARELCO II's franchise area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled virtual hearing thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, 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 and attend the scheduled hearing; and

- 5) Furnish with copies of the *Application* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

Within five (5) days prior to the date of the virtual hearing, TARELCO II must submit to the Commission via electronic mail (e-mail) at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com), the scanned copies of its written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked the following:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavits of the Editors or Business Managers of the newspapers where the said *Notice of Virtual Hearing* were published, and the complete issues of the said newspapers;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by TARELCO II to inform the consumers affected of the filing of the *Application*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application* and its attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, TARELCO II is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication/s and certifications issued by the concerned Office of the Mayors, or

Provincial Governor and Local Legislative Bodies, and to submit proof of its posting thereof.

TARELCO II and all interested parties are also required to submit via e-mail at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com), at least five (5) calendar days before the date of the scheduled virtual hearing and Pre-trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor, which should also be attached to the Pre-trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

TARELCO II must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission at least five (5) calendar days before the date of the scheduled initial virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

Failure of TARELCO II to comply with the above requirements 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 the said date of cancellation.

TARELCO II must also be prepared to make an expository presentation of the instant *Application*, aided by whatever communication medium that it 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, the nature of the *Application* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

TARELCO II is hereby directed to file a copy of its Expository Presentation via e-mail at [records@erc.gov.ph](mailto:records@erc.gov.ph) and

[records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com), at least five (5) calendar days prior to the scheduled virtual hearing. TARELCO II shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, at least five (5) calendar days prior to the scheduled virtual hearing.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via e-mail at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com). The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

TARELCO II is hereby directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, within five (5) working days from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

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Finally, TARELCO II, including its authorized representative/s and witness/es, is hereby directed to provide the Commission, thru [legal.virtualhearings.erc.gov.ph@gmail.com](mailto:legal.virtualhearings.erc.gov.ph@gmail.com), with its respective e-mail address upon receipt of this *Order*. The access link/s to the aforementioned hearing platform shall be sent by the Commission within five (5) working days prior to the scheduled hearing.

**SO ORDERED.**

Pasig City, 18 August 2020.

FOR AND BY AUTHORITY  
OF THE COMMISSION:



**AGNES VST DEVANADERA**  
*Chairperson and CEO*

  
LS: KPF/MCC/MCCG

**Copy Furnished:**

1. Tarlac II Electric Cooperative, Inc. (TARELCO II)  
*Applicant*  
Barangay San Nicolas Poblacion, Concepcion, Tarlac  
Email Address: webmail@tarelco2.com; tarelco2@pltdtssl.net
2. Atty. Zenon S. Suarez  
Counsel for Applicant TARELCO II  
No. 19 Bulacan St. 10<sup>th</sup> Avenue, West Grace Park,  
Caloocan City  
Email Address: suarezzenon.41240@gmail.com
3. Office of the Solicitor General  
134 Amorsolo Street, Legaspi Village, Makati City
4. Commission on Audit  
Commonwealth Avenue, Quezon City
5. Senate Committee on Energy  
GSIS Bldg. Roxas Blvd., Pasay City
6. House Committee on Energy  
Batasan Hills, Quezon City
7. Philippine Chamber of Commerce and Industry (PCCI)  
3<sup>rd</sup> Floor, Chamber and Industry Plaza (CIP), 1030 Campus Avenue corner Park Avenue,  
McKinley Town Center, Fort Bonifacio, Taguig City

8. Office of the Governor  
Province of Tarlac
9. Office of the Local Government Unit (LGU) Legislative Body  
Province of Tarlac
10. Office of the Governor  
Province of Nueva Ecija
11. Office of the LGU Legislative Body  
Province of Nueva Ecija
12. Office of the Municipal Mayor  
Bamban, Tarlac
13. Office of the LGU Legislative Body  
Bamban, Tarlac
14. Office of the Municipal Mayor  
Capas, Tarlac
15. Office of the LGU Legislative Body  
Capas, Tarlac
16. Office of the Municipal Mayor  
La Paz, Tarlac
17. Office of the LGU Legislative Body  
La Paz, Tarlac
18. Office of the Municipal Mayor  
Zaragoza, Nueva Ecija
19. Office of the LGU Legislative Body  
Zaragoza, Nueva Ecija