

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City



**IN THE MATTER OF THE
APPLICATION FOR
RENEWAL OF CERTIFICATE
OF PUBLIC CONVENIENCE
AND NECESSITY (CPCN),
WITH PRAYER FOR THE
ISSUANCE OF PROVISIONAL
AUTHORITY**

ERC CASE NO. 2021-012 MC

**BOHOL LIGHT COMPANY,
INC. (BLCI),**

Applicant.

X-----X

Promulgated:

May 21, 2021

ORDER

On 22 April 2021, Bohol Light Company, Inc. (BLCI) filed an *Application* dated 26 February 2021, seeking the Commission's approval for the renewal of its Certificate of Public Convenience and Necessity (CPCN), with prayer for the issuance of provisional authority.

The pertinent allegations in the *Application* are hereunder quoted as follows:

1. BLCI is a Filipino corporation duly organized and existing under the laws of the Republic of the Philippines, with principal office at R. Enerio St., Poblacion III, Tagbilaran City, Province of Bohol. It may be served with notices and other processes through the undersigned counsel.
2. Pursuant to Republic Act No. 9136, the Energy Regulatory Commission (ERC) issued ERC Certificate No. CPCN-08-18, granting BLCI a Certificate of Public Convenience and Necessity (CPCN) to construct, install, operate and maintain, for commercial purposes and in the public interest, a distribution system for the conveyance of electric power to the end-users in the City of Tagbilaran, Province of Bohol. BLCI's CPCN is effective for twenty-five (25) years from the grant thereof on June 12, 1996, or until June 12, 2021.
3. The National Electrification Commission (NEC) also granted BLCI with a Certificate of Franchise with the authority to

ERC CASE NO. 2021-012 MC
ORDER/ 11 MAY 2021
PAGE 2 OF 8

operate light and power services for a period of twenty-five (25) years, valid until October 19, 2025.

4. BLCI hereby applies for the renewal of its CPCN pursuant to the Rules to Govern the Issuance of CPCN to Entities Engaged in the Transmission and Distribution of Electricity, as approved in ERC Resolution No. 05, Series of 2008.
5. In compliance with the requirements under ERC Resolution No. 05, Series of 2008 and in support of this Application, BLCI respectfully submits copies of the following documents with their respective markings, which are all made integral part hereof:

DESCRIPTION	ATTACHMENT
RA No. 9136, as amended	1
Certificate of Franchise issued by the National Electrification Commission (NEC)	2
General Information Sheet (latest)	3
Certificate of Incorporation	4
Articles of Incorporation	5
Amended Articles of Incorporation	5-A
By-Laws	6
Service Area Map	7
Total Number of Energized and Unenergized Barangays	8
Statement of Adoption of Previously Submitted Utility Practices and Procedures	9
Statement of Effective Tariff	10
List of Names and Addresses of Additional Personnel Responsible for the Design, Installation, Maintenance, and Repair of the Distribution System	11
Updated Information Re: Power Supply and Contracted Demand and Energy	12
Existing Single Line Diagram of the Distribution System	13
Statement of Compliance with PDC and PGC	14
Statement of Compliance with Technical Requirements	15
Description of New Negotiations with Telephone and/or Cable Television Utilities on the Joint Use of Pole Lines	16
Audited Financial Statements (latest) and Financial Status as contained in the Annual Report to the ERC for the Period Ending 31 December 2019	17

6. These submissions prove that BLCI possesses all the requisite legal qualifications for the renewal and grant of a CPCN: (a) it is a Filipino corporation; (b) it has a franchise; and (c) it has the technical and financial capabilities to operate the subject distribution system.
7. Considering that the franchise area covers the entire City of Tagbilaran, the issuance of a Provisional Authority, effective until the ERC finally resolves the application, is necessary so as not to disrupt BLCI's operations as a public utility and interrupt the distribution of electric services to the consumers.

8. In compliance with Section 3, Rule 14 of the Revised Rules of Practice and Procedure of the ERC, attached hereto as **Attachment 18** is the *Affidavit of Atty. Remigio Michael A. Ancheta II*, in support of the prayer for the issuance of Provisional Authority.

RELIEF

9. BLCI prays that the Honorable Commission, after due notice and hearing, RENEW its Certificate of Public Convenience and Necessity, and pending the final determination of the Application on the merits, ISSUE a Provisional Certificate of Public Convenience and Necessity.
10. BLCI prays for other just and equitable relief.

Finding the said *Application* to be sufficient in form with the required fees having been paid, the Commission hereby sets the same for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020,¹ dated 24 September 2020:

Date	Platform	Activity
24 June 2021 (Thursday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams Application	Determination of Compliance with the Jurisdictional Requirements and Expository Presentation
01 July 2021 (Thursday) at nine o'clock in the morning (9:00 A.M.)		Pre-trial Conference and Presentation of Evidence

RELATIVE THERETO, BLCI is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* once (1x) in a newspaper of nationwide circulation in the Philippines at its own expense, with the date of publication to be made not later than ten (10) days before the date of the scheduled initial hearing;

¹ A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the Mayor and the Local Government Unit (LGU) legislative bodies within BLCI's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within the franchise area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled virtual hearings 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 hearings; and
- 5) Furnish with copies of the *Application* and its attachments, all those making requests therefor, subject to the resolution of the prayer for confidential treatment of information, if any, and reimbursement of reasonable photocopying costs.²

Within five (5) calendar days prior to the date of the initial virtual hearing, Applicant must submit to the Commission via electronic mail (e-mail) at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, 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 affidavit of the Editor or Business Manager of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issue of the said newspaper;
- 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, Mayor and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;

² For the e-mail address of the applicant, please see page 8.

- 3) The evidence of other means employed by BLCI to inform the consumers within its franchise area 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, the 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 proof of compliance with the requirements of the Commission.

Moreover, BLCI is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Office of the Mayor, Provincial Governor and Local Legislative Bodies, and to submit proof of posting thereof.

BLCI and all interested parties are also required to submit via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, 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.

BLCI 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 BLCI to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings, and the resetting of which shall be six (6) months from the said date of cancellation.

BLCI 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.

BLCI is hereby directed to file a copy of its Expository Presentation via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days prior to the scheduled virtual hearing. BLCI 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 doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph. 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.

BLCI 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.

Finally, BLCI, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru legal.virtualhearings@erc.ph, with their respective e-mail addresses

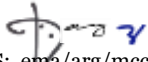
upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

SO ORDERED.

Pasig City, 11 May 2021.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES YST DEVANADERA
Chairperson and CEO


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ERC CASE NO. 2021-012 MC
ORDER/ 11 MAY 2021
PAGE 8 OF 8

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4. Commission on Audit
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5. The Senate Committee on Energy
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6. The House Committee on Energy
Batasan Hills, Quezon City
7. Office of the City Mayor
Tagbilaran City, Bohol
8. Office of the LGU Legislative Body
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9. Office of the Governor
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