

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City



IN THE MATTER OF THE APPLICATION FOR CONFIRMATION AND APPROVAL OF CALCULATIONS OF OVER OR UNDER RECOVERIES IN THE IMPLEMENTATION OF AUTOMATIC COST ADJUSTMENTS AND TRUE-UP MECHANISMS FOR THE PERIOD 2018 TO 2020, PURSUANT TO ERC RESOLUTION NO. 16, SERIES OF 2009 AS AMENDED BY RESOLUTION NO. 21, SERIES OF 2010 AND ERC RESOLUTION 23, SERIES OF 2010

ERC CASE NO. 2021-024 CF

NEGROS ORIENTAL II ELECTRIC COOPERATIVE (NORECO II),

Applicant.

X- ----- X

Promulgated:

May 31, 2021

O R D E R

On 04 May 2021, Negros Oriental II Electric Cooperative (NORECO II) filed an *Application* dated 23 April 2021, seeking the Commission's approval of its calculations for the automatic cost adjustment and true-up mechanisms for the period 2018 to 2020 pursuant to the Commission's Resolution No. 16, Series of 2009, as amended by Resolution No. 21, Series of 2010 and Resolution No. 23, Series of 2010.

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

THE APPLICANT

1. NORECO II is an electric cooperative duly organized and existing under and by virtue of Philippine laws, with principal office at Real St., Dumaguete City;
2. It holds an exclusive franchise from the National Electrification Commission to operate an electric light and power distribution service in the cities of Bayawan, Tanjay and Dumaguete, and the municipalities of Amlan, Bacong, Basay, Dauin, Pamplona, San Jose, Siaton, Sibulan, Sta. Catalina, Valencia and Zamboanguita, all in the province of Negros Oriental.

LEGAL BASES FOR THE APPLICATION

3. ERC Resolution No. 16, Series of 2009 as amended by Resolution No. 21, Series of 2010 establishes the procedure for the automatic recovery or refund of pass through costs and the confirmation process that would govern the automatic cost adjustment and true-up mechanisms approved by the Honorable Commission, with the objective of ensuring appropriate recovery of the pass through costs in an efficient manner and to put in place a fair and transparent process for the confirmation of the automatic cost adjustments implemented by Distribution Utilities and the true-up of other pass-through charges, involving Generation Rate, Transmission Rate, System Loss Rate and Lifeline Rate Recovery, as the case may be;
4. On the other hand, ERC Resolution 23, Series of 2010 adopts the rules implementing the discounts to qualified senior citizen end-users and subsidy from subsidizing end-users on electricity consumption;
5. Foregoing resolutions further require the distribution utilities to file their respective consolidated applications once every three (3) years.
6. Hence, the filing of the instant application, covering the period of January 2018 to December 2020.

OVER OR UNDER RECOVERIES OF ALLOWABLE COSTS

7. Applying the formulas provided under Resolution 16, Series of 2009 as amended by Resolution 21, Series of 2010 and Resolution 23, Series of 2010, herein applicant made calculations of the over recoveries charged or under-recoveries incurred as against its customers, in the implementation of certain automatic cost adjustments and true-up mechanisms, covering the period January 2018 to December 2020;

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8. The results of its calculations are presented hereunder, as follows:

Particulars	Recoverable Cost (PhP)	Actual Revenue (PhP)	(Over)/Under Recovery (PhP)
Generation Charge	4,985,869,274.12	4,983,544,655.23	2,324,618.89
Transmission Charge	894,667,583.27	890,499,032.11	4,168,551.16
Systems Loss Charge	779,628,192.02	748,572,422.66	31,055,769.36
Lifeline Subsidy/Discount Charge	64,446,761.70	(43,633,622.01)	(20,813,139.68)
Senior Citizen Subsidy/Discount Charge	469,692.30	(478,515.77)	8,819.47
Total	6,725,081,507.41	6,578,503,972.22	16,744,619.21

SUPPORTING DATA AND DOCUMENTS

9. In support of the foregoing calculations, applicant is submitting the following data and documents covering the period January 2018 to December 2020, attached hereto and made integral parts hereof, as follows:

FOLDER NO.	ANNEX MARKINGS	DESCRIPTION OF DOCUMENTS
Folder 1	Annex A	Fully accomplished Supplier and Transmission Data Sheet Per Year
	Annex B	Fully accomplished Statistical Data Sheet Per Year
	Annex C	Actual Implemented Rates Sheet Per Year
	Annex D	Lifeline Discount Sheet Per Year
	Annex E	Senior Citizen Discount Sheet Per Year
	Annex F	Summary of O/U Recoveries Computation
	Annex G	Proposed Refund/Collect Scheme
Folder 2	SUPPLIER AND TRANSMISSION DATA	
	Annex H	Power Bills from Suppliers (Power Bill; Proof of Payment; Adjusted Bill /Debit or Credit Memo)
Folder 3	STATISTICAL DATA	
	Annex I	Summary of Pilferage Cost Recoveries
	Annex J	Summary of Implemented Orders/Decisions
	Annex K	MFSR – Sections B and E
	Annex L	Demand (kW) Sales Summary Report
Folder 4	ACTUAL IMPLEMENTED RATES DATA	
	Annex M	Consumer Bills per Customer Class (Non-Lifeline)
	Annex N	Consumer Bills per Lifeline Bracket (Lifeline)
	Annex O	Senior Citizen Consumer Bills
Folder 5	OTHER DOCUMENTS	
	Annex P	Submitted Monthly URR
	Annex Q	Single Line Diagram
	Annex R	Monthly Reports under ERC Resolution No. 10, Series of 2018

10. Additionally, applicant is likewise submitting herewith the required electronic files of the Application and the supporting data and documents;
11. Further, in compliance with the pre-filing requirements under the ERC Rules of Practice and Procedure, applicant is submitting the following documents to form integral parts hereof, as follows:

ANNEX MARKINGS	NATURE OF DOCUMENT
Annex S and series	Proof of furnishing copies of the Application to the Offices of the Mayor and Sangguniang Panlungsod of Dumaguete City and Offices of the Governor and Sangguniang Panlalawigan of Negros Oriental
Annex T and series	Proof of publication of the Application in a newspaper of general within NORECO II's franchise area or where it principally operates

[12.] Considering foregoing, it is respectfully prayed that applicant's calculations of over or under recoveries in the implementation of subject automatic cost adjustments and true-up mechanisms be confirmed and approved, and the cooperative be allowed to refund the over recoveries or collect the under recoveries, as the case maybe, to or from its customers.

PRAYER

WHEREFORE, premises considered, applicant NORECO II respectfully prays of this Honorable Commission, after due notice and hearing, to confirm and approve the calculations of over or under recoveries in the implementation of subject automatic cost adjustments and true-up mechanisms covering the period of January 2018 to December 2020 made pursuant to ERC Resolution 16, Series of 2009 as amended by Resolution 21, Series of 2010 and ERC Resolution 23, Series of 2011, and allow the cooperative to refund the over recoveries or collect the under recoveries, as the case maybe, to or from its customers, as follows, *to wit*:

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PROPOSED REFUND/COLLECT				
Particulars	No. of Months	(Over)/Under Recoveries		
		In PhP	PhP/kWh	PhP/kW
GENERATION RATE	60	2,324,618.90	0.0015	
TRANSMISSION RATE	60	4,168,551.16		
Residential		2,288,592.68	0.0024	
Low Voltage		1,186,945.61	0.0024	
High Voltage		693,012.87		0.6972
SYSTEM LOSS RATE	60	31,055,769.36	0.0201	
LIFELINE RATE	60	(20,813,139.68)	(0.0135)	
SENIOR CITIZEN DISCOUNT AND SUBSIDY RATE		8,819.47	0.0000	
TOTAL		16,744,619.21		

Other reliefs, just and equitable in the premises are likewise prayed for.

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 2020¹ dated 24 September 2020:

Date	Platform	Activity
01 July 2021 (Thursday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and expository presentation
08 July 2021 (Thursday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Pre-Trial Conference and Presentation of Evidence

RELATIVE THERETO, NORECO II 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, the date of publication to be made not later than ten (10) days before the date of the scheduled initial hearing;

¹ Entitled: "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 and the Local Government Unit (LGU) legislative bodies within NORECO II's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within NORECO II's franchise area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled 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 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 virtual hearing, NORECO II 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 and LGU legislative bodies or

² For the e-mail address of the applicant, please see page 10.

their duly authorized representatives, bearing the seals of their offices;

- 3) The evidence of other means employed by NORECO II to inform the consumers within its franchise area of the filing of the *Application*, its reasons therefor, and of the scheduled hearing 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, NORECO II 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 Provincial Governor and Local Legislative Bodies, and to submit proof of its posting thereof.

NORECO II 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; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

NORECO 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 NORECO 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.

NORECO 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.

NORECO II 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. NORECO 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 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.

NORECO 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, NORECO II, 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 hearing.

SO ORDERED.

Pasig City, 17 May 2021.

FOR AND BY AUTHORITY
OF THE COMMISSION:



AGNES VST DEVANADERA
Chairperson and CEO

LS: RCP/LSP/MCCG

ERC

Office of the Chairperson



AVSTD-2021-05-510-0039

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Copy Furnished:

1. Atty. Loraine B. Bobiles
DECHAVEZ LERIOS-AMBOY AND EVANGELISTA OFFICES
Counsel for Applicant NORECO II
Unit 2008, Tycoon Centre
Pearl Drive Ortigas Center, Pasig City
Email: powerlawfirm@gmail.com
2. Negros Oriental II Electric Cooperative, Inc. (NORECO II)
Applicant
Real St. Dumaguete City, Negros Oriental
3. THE OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street, Legaspi Village,
Makati City Metro Manila
Email: docket@osg.gov.ph
4. THE COMMISSION ON AUDIT
Don Mariano Marcos Avenue Diliman,
Quezon City, Metro Manila
Email: citizensdesk@coa.gov.ph
5. THE SENATE COMMITTEE ON ENERGY
Senate of the Philippines GSIS Building,
Roxas Blvd., Pasay City, Metro Manila
Email: senateenergycommittee@gmail.com
6. THE HOUSE COMMITTEE ON ENERGY
House of Representatives Batasan Hills,
Quezon City, Metro Manila
Email: committee.energy@house.gov.ph
7. OFFICE OF THE PROVINCIAL GOVERNOR
Province of Negros Oriental
8. OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Province of Negros Oriental
9. OFFICE OF THE CITY MAYOR
Bayawan City, Negros Oriental
10. OFFICE OF THE SANGGUNIANG PANLUNGSOD
Bayawan City, Negros Oriental
11. OFFICE OF THE CITY MAYOR
Tanjay City, Negros Oriental
12. OFFICE OF THE SANGGUNIANG PANLUNGSOD
Tanjay City, Negros Oriental
13. OFFICE OF THE CITY MAYOR
Dumaguete City, Negros Oriental
14. OFFICE OF THE SANGGUNIANG PANLUNGSOD
Dumaguete City, Negros Oriental
15. OFFICE OF THE MUNICIPAL MAYOR
Amlan, Negros Oriental
16. OFFICE OF THE SANGGUNIANG BAYAN
Amlan, Negros Oriental
17. OFFICE OF THE MUNICIPAL MAYOR
Bacong, Negros Oriental

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18. OFFICE OF THE SANGGUNIANG BAYAN
Bacong, Negros Oriental
19. OFFICE OF THE MUNICIPAL MAYOR
Basay, Negros Oriental
20. OFFICE OF THE SANGGUNIANG BAYAN
Basay, Negros Oriental
21. OFFICE OF THE MUNICIPAL MAYOR
Dauin, Negros Oriental
22. OFFICE OF THE SANGGUNIANG BAYAN
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24. OFFICE OF THE SANGGUNIANG BAYAN
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San Jose, Negros Oriental
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San Jose, Negros Oriental
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Siaton, Negros Oriental
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Sibulan, Negros Oriental
30. OFFICE OF THE SANGGUNIANG BAYAN
Sibulan, Negros Oriental
31. OFFICE OF THE MUNICIPAL MAYOR
Sta. Catalina, Negros Oriental
32. OFFICE OF THE SANGGUNIANG BAYAN
Sta. Catalina, Negros Oriental
33. OFFICE OF THE MUNICIPAL MAYOR
Valencia, Negros Oriental
34. OFFICE OF THE SANGGUNIANG BAYAN
Valencia, Negros Oriental
35. OFFICE OF THE MUNICIPAL MAYOR
Zamboanguita, Negros Oriental
36. OFFICE OF THE SANGGUNIANG BAYAN
Zamboanguita, Negros Oriental
37. REGULATORY OPERATIONS SERVICE
17th Floor, Pacific Center Building
San Miguel Avenue, Ortigas Center, Pasig City