

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



**IN THE MATTER OF THE APPLICATION FOR APPROVAL OF THE OVER/UNDER RECOVERIES BASED ON THE FORMULA FOR THE VARIOUS AUTOMATIC COST ADJUSTMENTS AND TRUE-UP MECHANISMS AND CORRESPONDING CONFIRMATION PROCESS PURSUANT TO ERC RESOLUTION NO. 16, SERIES OF 2009 AND RESOLUTION NO. 21, SERIES OF 2010**

**ERC CASE NO. 2021-030 CF**

**BOHOL I ELECTRIC COOPERATIVE, INC. (BOHECO I),**  
*Applicant.*

**Promulgated:**  
June 02, 2021

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**ORDER**

On 19 May 2021, Bohol I Electric Cooperative, Inc. (BOHECO I) filed an *Application* seeking the Commission's approval of its over/under recoveries based on the formula for the various automatic cost adjustment and true-up mechanisms and corresponding confirmation process pursuant to the Commission's Resolution No. 16, Series of 2009 and Resolution No. 21, Series of 2010.

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

1. That applicant is an electric cooperative duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at National Hiway, Brgy. Cabulijan, Tubigon, Bohol 6329 where it may be served with summons and other legal processes, represented in this instance by its General Manager, Engr. Dino Nicolas T. Roxas of legal age, Filipino, marriage and with office address also

located at National Hiway, Brgy. Cabulijan, Tubigon, Bohol per Board Resolution No. 36-2021;

2. Herein applicant is the exclusive franchise holder issued by the National Electrification Administration (NEA) to operate an electric light and power services in the (26) municipalities, namely the municipalities of Albuquerque, Antequera, Baclayon, Balilihan, Batuan, Bilar, Calape, Carmen, Catigbian, Clarin, Corella, Cortes, Daus, Dmiao, Inabanga, Lila, Loay, Loboc, Loon, Maribojoc, Panglao, Sagbayan, San Isidro, Sevilla, Sikatuna, and Tubigon, all in the province of Bohol;
3. Pursuant to ERC Resolution No. 16, Series of 2009 as amended by ERC Resolution No. 21 Series of 2010, more specifically Article 5, Section 1 thereof, all Visayas Distribution Utilities (DUs) shall file their respective consolidated applications on or before March 31, 2021 for the over/under recoveries on their implementation of various automatic cost adjustment and true-up mechanisms;
4. That in applying various formulae in the determination of the adjustments and the recovery or refund of Over or Under Recoveries herein applicant hereby adopts the respective formula as provided for in ERC Resolution No. 16, Series of 2009 and ERC Resolution No. 21, Series of 2010 together with the specific definitions and sub-formula for each item thereof;
5. In support of this application, herein applicant attached the following required documents contained in the guidelines issued by the Honorable Energy Regulatory Commission, to wit:

- 1 Supplier & Transmission Data Sheet
- 2 Statistical Data Sheet
- 3 Actual Implemented Rates Sheet
- 4 Lifeline Discount Sheet
- 5 Senior Citizen Discount Sheet
- 6 Additional Statistical Data
- 7 Summary of O/U Recoveries Computation
- 8 Proposed Refund/Collect Scheme
- 9 Power Bills from Suppliers & Official Receipts
- 10 Summary of Pilferage Cost Recoveries/Manifestation
- 11 MFSR – Sections B & E
- 12 Demand (kW) Sales Summary Report
- 13 Consumer Bills per Customer Type (Non-Lifeline)
- 14 Consumer Bills per Lifeline Bracket (Lifeline)
- 15 Senior Citizen Consumer Bill
- 16 Submitted Mo. URR as per ERC Reso. 17, Series of 2009
- 17 Single Line Diagram
- 18 Submitted Mo. Reports as per ERC Reso. 10, Series of 2018

6. That the Summary of pass true-cost vis-à-vis the actual billing on estimated Generation, Transmission, System Loss, Lifeline Subsidy rates of the mainland and 11 islands barangays are as follows, to wit:

A. SUMMARY OF UTILITY (OVER)/UNDER RECOVERIES  
MAINLAND (2018-2020)

	<b>Pass True-Cost</b>	<b>Actual Billing</b>	<b>Difference</b>
<b>Generation</b>	3,391,108,498.25	3,395,840,880.14	(4,732,381.90)
<b>Transmission</b>	496,617,140.82	509,524,098.11	(12,906,957.29)
<b>System Loss</b>	259,443,080.31	254,459,784.41	4,983,295.90
<b>Lifeline</b>	9,818,684.80	9,926,455.97	(107,771.17)
<b>Senior Citizen</b>	158,335.79	154,823.55	3,512.24
<b>GRAND TOTAL</b>	4,157,145,739.97	4,169,906,042.18	(12,760,302.22)

B. SUMMARY OF UTILITY (OVER)/UNDER RECOVERIES  
11 ISLAND BARANGAYS (2018-2020)

	<b>Pass True-Cost</b>	<b>Actual Billing</b>	<b>Difference</b>
<b>Generation</b>	15,218,704.38	15,219,075.28	(370.91)

7. BOHECO I has duly complied with the pre-filing requirements in accordance with the Rules of Practice and Procedure of the Energy Regulatory Commission.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Commission that the submitted calculation prepared by applicant be approved; That upon receipt of the Order of Approval, herein applicant be allowed to propose the scheme of refund/recovery as the case may be;

All other relief which are deemed just and equitable 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 2020<sup>1</sup>, dated 24 September 2020:

*(This space is intentionally left blank.)*

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

<b>Date</b>	<b>Platform</b>	<b>Activity</b>
<b>14 July 2021</b> (Wednesday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Determination of compliance with the jurisdictional requirements and expository presentation
<b>21 July 2021</b> (Wednesday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Pre-trial Conference and presentation of evidence

**RELATIVE THERETO**, BOHECO I 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;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the Mayors and the Local Government Unit (LGU) legislative bodies within its 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 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 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.<sup>2</sup>

Within five (5) calendar days prior to the date of the initial virtual hearing, BOHECO I must submit to the Commission via electronic mail (e-mail) at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto: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, Mayors and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by BOHECO I to inform the consumers within the 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, BOHECO I is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and

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<sup>2</sup> For the e-mail address of the applicant, please see page 8.

certifications issued by the concerned Office of the Mayors, Governor and Local Legislative Bodies, and to submit proof of its posting thereof.

BOHECO I and all interested parties are also required to submit via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto: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.

BOHECO I 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 BOHECO I 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.

BOHECO I 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.

BOHECO I is hereby directed to file a copy of its Expository Presentation via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal

Service through [legal@erc.ph](mailto:legal@erc.ph), at least five (5) calendar days prior to the scheduled virtual hearing. BOHECO I 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](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto: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.

BOHECO I 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, BOHECO I, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru [legal.virtualhearings@erc.ph](mailto: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.

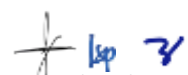
**SO ORDERED.**

Pasig City, 24 May 2021.

FOR AND BY AUTHORITY  
OF THE COMMISSION:



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

  
LS: MVM/LSP/MCCG

**ERC**  
Office of the Chairperson  
  
\*AVSTD-2021-05-510-0053\*

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**COPY FURNISHED:**

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6. House Committee on Energy  
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7. Office of the Provincial Governor  
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8. Office of the LGU legislative body  
Bohol
9. Office of the Municipal Mayor  
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Albuquerque, Bohol
11. Office of the Municipal Mayor  
Antequera, Bohol
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18. Office of the LGU legislative body  
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Bilar, Bohol
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21. Office of the Municipal Mayor  
Calape, Bohol
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Lila, Bohol

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41. Office of the Municipal Mayor  
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43. Office of the Municipal Mayor  
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57. Office of the Municipal Mayor  
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58. Office of the LGU legislative body  
Sikatuna, Bohol
59. Office of the Municipal Mayor  
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60. Office of the LGU legislative body  
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