

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



**SPOUSES ROBERTO U. DIAZ
AND JOSEPHINE I. DIAZ**

Complainants,

- versus -

ERC CASE NO. 2021-025 CC

**ALBAY POWER AND ENERGY
CORPORATION (APEC),**

Respondent.

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Promulgated:

September 06, 2022

PRE-TRIAL ORDER

During the 13 May 2022 virtual pre-trial hearing of this case, the counsel of the Complainant, Atty. Kimberly Joy Diaz-Cesa and the counsel of the Respondent, Atty. Julieta B. Estamo, appeared. At the said pre-trial hearing, the parties stipulated on facts and issues relative to this case, to wit:

I. Admitted facts:

- a. Complainants are registered electricity consumers of Respondent APEC under Account Number 1000-0031-1151-007 with service address at Karanghan Boulevard, Bombom, Tabaco City;
- b. Since the year 2018, Complainants' account has been billed by the Respondent on average for 428 kilowatt hours (kWh) a month;
- c. On March 2019, Complainants' kWh meter was replaced by Respondent. The newly installed kWh meter registered Complainants' total electric consumption for the months of April 2019, May 2019 and June 2019 at 3,196 kWh, 2,051 kWh and 1,065 kWh, respectively;
- d. Complainants contested as high billings bills issued for the months of April 2019, May 2019 and June 2019. Complainants requested Respondent APEC to replace again their kWh meter;

- e. On 12 July 2019, Complainants' kWh meter was replaced again by Respondent APEC. The new kWh meter recorded an initial reading of 1,266 kWh;
- f. On December 2019, the Province of Albay was affected by a typhoon and the subsequent reading on Complainants' kWh meter was made on January 2020. The said reading represents the Complainants' consumption from 25 November 2019 to 25 January 2020;
- g. Respondent APEC was informed of Complainants' Letter Protest on 15 July 2020 for alleged high billings for the months of April 2019, May 2019, June 2019, July 2019 and January 2020;
- h. Complainants' January 2020 billing was adjusted by Respondent APEC from PhP23,750.54 to PhP10,024.18;
- i. On 04 June 2021, Complainants' electric service was disconnected by Respondent APEC;
- j. On 5 June 2021, Complainants paid under protest the high billings for the months of April 2019, May 2019, June 2019, July 2019 and January 2020 for a total amount of PhP101,934.24.

II. Issues to be resolved:

- a. Whether Complainants' April 2019, May 2019, June 2019, July 2019, and January 2020 electricity bills have basis and were properly computed by Respondent APEC.

III. Witnesses to be presented:



Complainant Roberto U. Diaz will testify to support his claims and will present such number of corroborating evidence and witnesses, while Respondent APEC will present Ms. Charry Reynalyn de Ocampo and such number of witnesses and other evidence to establish its claims and defenses. Also, both parties reserved their respective rights to present additional documentary, object and testimonial evidence as may be necessary in the course of the proceedings.

As determined by the hearing officer, the case was within the scope of summary procedure, hence, parties were directed to submit their respective Position Papers, the necessary affidavits and annexes attached and marked, with no further reservations as to witnesses or documentary evidence. Both parties were then directed to submit their respective Position Papers.

SO ORDERED.

Pasig City, 06 September 2022.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEXIS M. LUMBATAN
Commissioner 


jvp/JGMR/ASG/GLD

Copy Furnished:

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