

THE ANTECEDENT FACTS

3. In 2009, the Honorable Commission promulgated the Rules for Setting the Electric Cooperatives' Wheeling Rates (RSEC-WR);

4. The RSEC-WR envisioned a regulatory framework whereby an Initial Tariff and a Tariff Glide Path shall be developed for each Electric Cooperative (EC) Group for a Regulatory Period;

5. Pursuant to the RSEC-WR, in 2009, LEYECO IV filed with the Honorable Commission an application for approval of proposed adjustment in its rates, docketed as ERC Case No. 2009-151 RC;

6. In the said application, the Honorable Commission granted the cooperative provisional authority to implement the proposed rates in three-year tranches, with the following rate caps or initial tariffs on the Distribution, Supply and Metering (DSM) Charges being implemented starting at the end of the transition period, to wit:

CHARGES	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
Distribution Charges:				
Demand Charge	PhP/kW			267.9000
Distribution System Charge	PhP/kWh	0.8449	0.9259	
Supply Charges:				
Retail Customer Charge	PhP/Customer/Mo		40.1500	40.1500
Supply System Charge	PhP/kWh	0.7732		
Metering Charges:			28.7200	28.7200
Retail Customer Charge	PhP/Meter/Mo	5.0000		
Metering System Charge	PhP/kWh	0.4569		

7. It is provided under Article 7 of the RSEC-WR that during the regulatory period, the rate of the ECs per group shall be adjusted using the following formula, to wit:

$$\text{Tariff} \times (1 + \text{index "I"} - \text{Efficiency Factor "X"} + \text{Performance Incentive "S"})$$

The Index "I", shall be an escalation factor to be used in adjusting the rates to reflect the combined impact of inflation and load factor. There shall be an efficiency factor "X" to account for the operational efficiency of the ECs in setting their rates. There shall be a performance incentive "S" which shall reward or penalize the EC for above or below standard performance, respectively.

The TGP is intended as a cap and the EC may move up to the cap, if it is a positive adjustment. If the cap is lower than the current average tariff, a reduction may be implemented.

LEGAL BASES FOR THE APPLICATION

8. On May 2, 2011, the Honorable Commission promulgated the Tariff Glide Path (TGP) Rules pursuant to Article 7

of the RSEC-WR;

9. The TGP is a rate adjustment mechanism which provides an opportunity for the ECs to adjust their rates once every three (3) years. The rate adjustments may occur at the start of the fourth year of the first Regulatory Period and every three years thereafter;

10. Under the TGP, the regulatory period is six (6) years for each entry group. For the Third Entrant Group, the first regulatory period is from January 1, 2013 to December 31, 2018. LEYECO IV belongs to the Third Entrant Group;

11. Further under the TGP Rules, the concerned EC shall use the following formula in determining the TGP for the first to third years of the Regulatory Period, to wit:

$TGP_A = TGP_n + TGP_{n+1} + TGP_{n+2}$ where

$TGP_n = I_n - X_n + S_n$

N= the first year of their Regulatory Period and succeeding Regulatory Periods

Except that for the first two years of the First Regulatory Period, "X" will be equal to zero and thereafter shall not be less than zero. The TGP calculated for each of the three years will be summed to determine the possible rate adjustment the starting on the Fourth Year of the current Regulatory Period.

THE PROPOSED RATE ADJUSTMENT

12. LEYECO IV was among the electric cooperatives whose franchise areas were severely hit by Super Typhoon Yolanda on that fateful day of November 8, 2013;

13. The typhoon brought about massive destruction to life and property, including LEYECO IV's distribution facilities;

14. The catastrophe destroyed the households and businesses of LEYECO IV's customers, and during the months that the cooperative was unable to bill and collect payment from its customers, its revenues and number of customers fell;

15. It should be noted that the number of billed customers as well amount of kilowatt hour sales during the period covered by the instant application are determinants in the computation of the TGP;

16. If the reduction in its revenues and number of billed customers brought about by the destruction of Typhoon Yolanda is considered in LEYECO IV'S calculations, the resulting rates would not be reflective of the cooperative's normal operations;

17. LEYECO IV prepared a comparative analysis utilizing historical data under normal operations as well as actual data when the cooperative's operations was being prejudiced by the effects of Typhoon Yolanda, and applying the methodology embodied in the TGP Rules, calculated the values of the "I", "X" and "S", and came up with the following results, to wit:

Utilizing data under normal operations:

	"I"	"X"	"S"	TGP A	TGP A (Excluding "S")
Year 2013	0.00%	0.00%	1.50%	1.50%	0.00%
Year 2014	0.59%	0.00%	2.30%	2.89%	0.59%
Year 2015	5.47%	6.15%	1.30%	0.62%	-0.68%
Net Results				5.01%	-0.09%

Including actual data affected by Typhoon Yolanda

	"I"	"X"	"S"	TGP A	TGP A (Excluding "S")
Year 2013	0.00%	0.00%	1.50%	1.50%	0.00%
Year 2014	6.80%	0.00%	2.30%	9.10%	6.80%
Year 2015	2.48%	36.23%	1.30%	-32.45%	-33.75%
Net Results				-21.85%	-26.95%

18. Applying the above values pursuant to the TGP Rules resulted in adjustments in LEYECO IV's DSM Rates, as follows:

A. WITH PERFORMANCE INCENTIVE "S" AND UNDER NORMAL OPERATIONS

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
Distribution Charges:				
Demand Charge	PhP/kW			281.33
Distribution System Charge	PhP/kWh	0.8873	0.9723	
Supply Charges:				
Retail Customer Charge	PhP/Customer/Mo		42.16	42.16
Supply System Charge	PhP/kWh	0.8120		
Metering Charges:				
Retail Customer Charge	PhP/Meter/Mo.	5.25	30.16	30.16
Metering System Charge	PhP/kWh	0.4798		

B. EXCLUDING PERFORMANCE INCENTIVE "S" AND UNDER NORMAL OPERATIONS

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
Distribution Charges:				
Demand Charge	PhP/kW			267.67
Distribution System Charge	PhP/kWh	0.8442	0.9251	
Supply Charges:				
Retail Customer Charge	PhP/Customer/Mo		40.12	40.12
Supply System Charge	PhP/kWh	0.7725		
Metering Charges:				
Retail Customer Charge	PhP/Meter/Mo.	5.00	28.70	28.70
Metering System Charge	PhP/kWh	0.4565		

C. WITH PERFORMANCE INCENTIVE "S" AND WITH DATA UNDER TYPHOON YOLANDA

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
Distribution Charges:				
Demand Charge	PhP/kW			209.37
Distribution System Charge	PhP/kWh	0.6603	0.7236	
Supply Charges:				
Retail Customer Charge	PhP/Customer/Mo		31.38	31.38
Supply System Charge	PhP/kWh	0.6043		
Metering Charges:				
Retail Customer Charge	PhP/Meter/Mo.	3.91	22.44	22.44
Metering System Charge	PhP/kWh	0.3571		

D. EXCLUDING PERFORMANCE INCENTIVE "S" AND WITH DATA UNDER TYPHOON YOLANDA

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
Distribution Charges:				
Demand Charge	PhP/kW			195.70
Distribution System Charge	PhP/kWh	0.6172	0.6764	
Supply Charges:				
Retail Customer Charge	PhP/Customer/Mo		29.33	29.33
Supply System Charge	PhP/kWh	0.5648		
Metering Charges:				
Retail Customer Charge	PhP/Meter/Mo.	3.65	20.98	20.98
Metering System Charge	PhP/kWh	0.3338		

19. From the foregoing, it is shown that LEYECO IV's resulting rates are lower if the extra-ordinary effects of Typhoon Yolanda is considered in the calculations;

20. However, the effects of Typhoon Yolanda is an extra-ordinary occurrence and not reflective of the normal operations of LEYECO IV. Consequently, the cooperative respectfully prays for the approval of the calculated DSM rates utilizing data during normal operations.

SUPPORTING DATA AND DOCUMENTS

21. In support of the foregoing computations, the cooperative is submitting herewith the following data and documents, which are being made integral parts hereof, to wit:

Annex	Nature of Document
A A-1 A-2	Proposed TGP Calculation and supporting documents using the prescribed templates: Index "I" Calculation Efficiency Factor "X" Calculation Performance Incentive "S" Calculation
B	Monthly Financial and Statistical Report (MFSR) – Sections B and E (2010-2014)
C	Billing Determinants Template (kWh Sales, Number of Customers, kW Demand) (2010-2104)
D	Sample Bills (per customer type) (2010-2014)
E	Regional CPI (2011-2014)
F	RFSC/Reinvestment Fund Utilization (2012-2014)
G	Consumer Complaints (Summary or Tracking Form) (2012-2014)
H	Audited Financial Statements (2010-2014)

ALLEGATIONS IN SUPPORT OF THE PRAYER FOR PROVISIONAL AUTHORITY

22. Applicant repleads the foregoing allegations as may be material herein;

23. Applicant's current DSM rates which were granted by the Honorable Commission provisionally, were implemented in three – year tranches starting way back January 2010, with the rate caps or initial tariffs being implemented only starting at the end of the three-year transition period;

24. Over the years, the cost of its operations has significantly increased, not only as a logical effect of inflation as well as certain governmental requirements, but likewise due to the inevitable expansion of its distribution network brought about by the extension of its services to remote areas. More significantly, the cooperative has been implementing the Sitio Energization Program (SEP) of the Aquino government, such that the massive expansion of its distribution lines up to the remotest areas has considerably increased its operational and maintenance costs, not to mention the increased system loss which the cooperative is likely to absorb. All these costs were not duly provided for in its current rates and the general funds being generated from its DSM revenues as granted under the RSEC-WR are no longer sufficient to cover these inevitable costs;

25. Thus, the cooperative urgently needs additional funds to be able to cope with the rising costs of its operations;

26. Further, based on the provisions of the TGP Rules, for cooperatives belonging to the Third Entrant Group, their initial tariff shall be adjusted at the start of the fourth regulatory year of the First Regulatory Period, which is January 1, 2016;

27. Considering the foregoing, applicant respectfully prays that while the instant application is pending, it be granted a provisional authority to implement the proposed rates effective January 1, 2016.

COMPLIANCE WITH PRE-FILING REQUIREMENTS

28. Finally, in compliance with the ERC Rules of Practice and Procedure, applicant is likewise submitting herewith the following documents, which are being made integral parts hereof, to wit:

Annex	Nature of Document
I	Affidavit in Support of the Prayer for Provisional Authority
J to J-1	Proof of furnishing copies of the Application to the Sangguniang Bayan of Hilongos and Sangguniang Panlalawigan of Leyte
K and series	Proof of publication of the Application in a newspaper of general circulation in LEYECO IV's franchise area or where its principally operates

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Commission that pending evaluation of the instant application or after due notice and hearing, as the case may be, LEYECO IV be allowed to implement effective January 1, 2016 either of the following two (2) alternative proposed new rates for Distribution, Supply and Metering (DSM) Charges, to wit :

A. WITH PERFORMANCE INCENTIVE "S" AND UNDER NORMAL OPERATIONS

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
Distribution Charges:				
Demand Charge	PhP/kW			281.33
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	UNITS	CUSTOMER TYPE		
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Supply System Charge	PhP/kWh	0.7725		
Metering Charges:				
Retail Customer Charge	PhP/Meter/Mo.	5.00	28.70	28.70
Metering System Charge	PhP/kWh	0.4565		

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

The Commission has set the application for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on **22 February 2017 (Wednesday) at two o'clock in the afternoon (2:00 P.M.) at LEYECO IV's Main Office in Lamak, Hilongos, Leyte.**

All persons who have an interest in the subject matter of the instant case may become a party by filing with the Commission a verified Petition to Intervene at least five (5) days prior to the initial hearing and subject to the requirements under Rule 9 of the 2006 Rules of Practice and Procedure, indicating therein the docket number and title of the case and stating the following:

- 1) The petitioner's name and address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.


All other persons who may want their views known to the Commission with respect to the subject matter of the case may file their Opposition or Comment thereon at any stage of the proceeding before applicant rests its case, subject to the requirements under Rule 9 of the 2006 Rules of Practice and Procedure. No particular form of

Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name and address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All such persons who wish to have a copy of the application may request from applicant that they be furnished with the same, prior to the date of the initial hearing. Applicant is hereby directed to furnish all those making such request with copies of the application and its attachments, subject to the reimbursement of reasonable photocopying costs. Any such person may likewise examine the application and other pertinent records filed with the Commission during the standard office hours.

WITNESS, the Honorable Chairman **JOSE VICENTE B. SALAZAR**, and the Honorable Commissioners **ALFREDO J. NON**, **GLORIA VICTORIA C. YAP-TARUC**, **JOSEFINA PATRICIA A. MAGPALE-ASIRIT**, and **GERONIMO D. STA. ANA**, **Energy Regulatory Commission**, this 30th day of January 2017 at Pasig City.


ATTY. NATHAN J. MARASIGAN
Chief of Staff
Office of the Chairman and CEO