

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



14
Resolution No. ____, Series of 2017

**AMENDMENTS TO THE RULES ON TESTING AND SEALING OF
METERS IN RELATION TO THE CONDUCT OF IN-SERVICE METER
TESTING PURSUANT TO RESOLUTION NO. 12, SERIES OF 2009**

WHEREAS, Section 16 (f) of the Commonwealth Act No. 146 (C.A. 146), as amended, mandates the Energy Regulatory Commission (ERC) to establish reasonable rules, regulations, instructions, specifications and standards to secure the accuracy of all meters;

WHEREAS, Section 2 of Commonwealth Act No. 349 (C.A. 349) authorizes the ERC to inspect, examine and approve periodically all meters used by all public services to ensure their accuracy;

WHEREAS, Section 43 (t) of Republic Act No. 9136 (R.A. 9136) empower the ERC to perform such other regulatory functions as are appropriate and necessary in order to ensure the successful restructuring and modernization of the electric power industry;

WHEREAS, on June 1, 2009, the ERC adopted Resolution No. 12, Series of 2009, entitled "A Resolution Adopting the Rules and Procedures for the Test and Maintenance of Electric Meters of Distribution Utilities", as amended by Resolution No. 21, Series of 2013;

WHEREAS, the said Rules aim to ensure that all electric meters in service are tested at least once every two (2) years in accordance with the statistical sampling program approved by the ERC;

WHEREAS, on December 19, 2016, the ERC posted on its official website the proposed "Amendments to the Rules on the Testing and Sealing of Meters in Relation to the Conduct of In-Service Meter Testing";

WHEREAS, the public consultations on the proposed Rules were held on February 16, 23 and 24, 2017 in ERC's offices in Pasig, Cebu City and Davao City, respectively, to solicit comments from interested stakeholders;

WHEREAS, the revised draft Rules incorporating the comments of the stakeholders were posted on the ERC website on March 17, 2017;

NOW THEREFORE, after thorough and due deliberation, the Commission **RESOLVES**, as it is hereby **RESOLVED**, to **APPROVE** and **ADOPT** the "Amendments to the Rules on the Testing and Sealing of Meters in Relation to the Conduct of In-Service Meter Testing Pursuant to Resolution No. 12, Series of 2009", hereto attached as Annex "A" and made an integral part of this Resolution.

All Rules and Guidelines, or portion thereof, issued by the ERC, which are inconsistent with these Rules are hereby repealed or modified accordingly.

These Rules shall take effect fifteen (15) days after its publication in a newspaper of generation circulation in the country.

Let copies of these Rules be furnished the University of the Philippines Law Center-Office of the National Administrative Register (UPLC-ONAR), Philippine Electric Power Operators Association, Inc. (PEPOA), the Philippine Electric Cooperatives Association, Inc. (PHILRECA) and all distribution utilities (DUs).

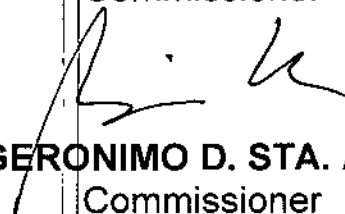
Pasig City, June 20, 2017.

JOSE VICENTE B. SALAZAR*
Chairman and CEO


GLORIA VICTORIA C. YAP-TARUC
Commissioner


JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Commissioner


ALFREDO J. NON
Commissioner


GERONIMO D. STA. ANA
Commissioner

gta/Rules Governing In Service Testing

**On preventive suspension as per Order of the Office of the President (OP-DC Case No. 17-D-094) dated May 2, 2017*

Copy Furnished:

1. All Distribution Utilities
2. All Accredited Meter Shops

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

**AMENDMENTS TO THE RULES ON THE TESTING AND SEALING
OF METERS IN RELATION TO THE CONDUCT OF IN-SERVICE
METER TESTING PURSUANT TO RESOLUTION NO. 12, SERIES OF
2009**

ARTICLE I

GENERAL PROVISIONS

Section 1.1 Objectives

The objective of these Rules is to ensure that all electric meters in service are tested at least once every two (2) years in accordance with the statistical sampling program approved by the ERC.

Section 1.2 Applicability

All Distribution Utilities (DUs), consortium of DUs and Third-Party Test Facilities authorized to implement the statistical sampling program for in-service meters should comply with these Rules and Procedures.

Section 1.3 Definition of Terms.

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| Act | Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001" or EPIRA. |
| Certificate of Authority (CA) | The authority granted by the ERC to a person or entity to undertake testing, repair, and calibration of electric meters and other auxiliary devices and equipment essential to the metering of electric power and energy. |
| Distribution Utility (DU) | Any electric cooperative, private corporation, government-owned utility or existing local government unit which has an exclusive franchise to operate a distribution system in accordance with its franchise and the Act. |

Energy Regulatory Commission (ERC)

The independent and quasi-judicial regulatory agency created under Section 38 of the Act.

Meter Shop (MS)

A place where meters are inspected, repaired, tested and adjusted.

Third-Party Meter Shop

Any facility owned by a person or entity other than a DU which has the required equipment that will qualify it as a Meter Shop and has the qualified personnel capable of testing and calibrating electric meters.

Watt-hour meters

A device that measures and records the consumption or production of electricity.

ARTICLE II

IN-SERVICE TESTING

Section 2.1 Statistical Sampling Program for In-Service Meters

A statistical sampling program shall be used to comply with the regulatory requirement of conducting periodic testing of all in-service meters that are connected to the distribution system. The program shall use ANSI Z1.4-1993 "Sampling Procedures and Tables for Inspection Attributes" as the basis for random statistical quality control and random sample selection of meters simplified in Table 4 of Resolution No. 21, Series of 2013.

Section 2.2 Sampling Plan Application

DUs are required to submit a sampling plan to the ERC for its approval on or before the first quarter of the year preceeding the sample testing year.

All sampling plans must contain all the information enumerated in Section 6.2 of Resolution No. 12, Series of 2009, as amended. The prototype of the said sampling plan can be dowloaded from the ERC website.

Section 2.3 Sampling Inspection Procedures for In-Service Meters

All DUs must comply with the sampling inspection procedures set by the Commission under Section 6.3 of ERC Resolution No. 12, series of 2009.

In the course of the sampling inspection, sample meters that were pulled-out for testing at the Meter Shop should be replaced with meters calibrated and certified by the ERC. Similarly, sample meters tested at the customers' premises which were found not conforming with the standards set by the Commission should be replaced with meters calibrated and certified by the ERC.

All meters in the accepted lot may be retained in-service, including those conforming sample meters tested at the customers' premises, without further accuracy adjustments.

In cases where in-service meters belonging to the accepted lot are found to have no ERC seals or questionable seals, these meters shall be replaced with meters calibrated and certified by the ERC.

All meters that belong to the rejected lot should be removed and replaced with new or rehabilitated meters within the period prescribed by the DU in its meter replacement program submitted to the ERC; Provided, that such period shall, in no case, be more than one (1) year. However, the DU, upon justifiable reason and due notice to the ERC, may be allowed to complete the said requirements in the succeeding year. All meters removed from service may be rehabilitated or permanently removed from service.

Section 2.4 ERC Evaluation of Sample Testing Program

The progress report of the sample testing program submitted by the DU, as prescribed under Section 6.3.13 of ERC Resolution No. 12, Series of 2009, as amended, shall be evaluated by the ERC. The ERC may increase or reduce the validity period for each type of meter.

Sample meters pulled-out for testing at the Meter Shop shall be preserved by the DU for ERC's validation purposes. Sample meters tested at the customers' premises shall be retained in service and shall likewise be subject to ERC validation.

Twenty five percent (25%) of the sample meters will be subjected to retesting by the ERC; Provided, however, that the sample meters shall, in no case, be less than thirty two (32) units. Meters in lots with sizes of 32 meters and below shall be tested individually. Whenever necessary, the ERC may opt to test another set of sample meters in accordance with Table 4 of Resolution No. 21, Series of 2013.¹

¹ A Resolution Adopting the Amendments to Sections 5.3, 5.4 and 6.1 of the Rules and Procedures for the Test and Maintenance of Electric Meters of Distribution Utilities as adopted in Resolution No. 12, Series of 2009.

Section 2.5 Extension of the Validity Period of Meter Certification

The ERC shall issue a certification extending the validity of the meters' conformity for another two (2) years in lieu of in-service meter stickers. The approved fee prescribed under Article IX of Resolution No. 12, Series of 2009², equivalent to Five Pesos (PhP5.00) per meter in the lot for validity extension of meter certification, shall be applied.

ARTICLE III

FINAL PROVISIONS

Section 3.1 Imposition of Fines and Penalties

Violation of any of these Rules shall be subject to the imposition of fines and penalties in accordance to the "Rules to Govern the Imposition of Administrative Sanctions in the Form of Fines and Penalties Pursuant to Section 46 of Republic Act No. 9136, As Amended."

Section 3.2 Exception Clause

Where good reason appears, the ERC may allow an exception from any provision of these Rules, if such exception is found to be in the public interest and is not contrary to law or any other pertinent rules and regulations.

Section 3.3 Separability Clause

If any of the foregoing amendments is declared unconstitutional or invalid, the other provisions which are not affected thereby shall remain in force and effect, unless such declaration would render the whole rules unenforceable or non-implementable.

Section 3.4 Repealing Clause

All Rules and Guidelines, or portion thereof, issued by the ERC, which are inconsistent with these Rules are hereby repealed or modified accordingly.

Section 3.5 Effectivity

These Amendments shall take effect fifteen (15) days after its publication in a newspaper of generation circulation in the country.

² A Resolution Adopting the Rules and Procedures for the Test and Maintenance of Electric Meters of Distribution Utilities.