

Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, 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 ERC RESOLUTION NO. 21, SERIES OF 2010,

ERC CASE NO. 2015-026 CF


PROVINCE OF SIQUIJOR ELECTRIC COOPERATIVE (PROSIELCO),

Applicant.

X-----X

D O C K E T E D

Date: **AUG 21 2017**

By: 

DECISION

Before the Commission for resolution is the *Application* dated 27 March 2015 filed by Province of Siquijor Electric Cooperative (PROSIELCO) on 31 March 2015 for the approval of its over/under recoveries in the implementation of the various automatic cost adjustments and true-up mechanisms for the period 2012 to 2014, pursuant to ERC Resolution No. 16, Series of 2009 and Resolution No. 21, Series of 2010.

FACTS

In the said *Application*, PROSIELCO alleged the following:

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 at Nonoc, Larena, Siquijor, where it may be served with summons and other legal processes. Represented in this instance by its General Manager Laureen B. Malolot of legal age, Filipino, married and with office address also located at Nonoc, Larena, Siquijor;
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 municipalities of Larena, Siquijor, San Juan, Lazi, Maria and Enrique Villanueva all in the Province of Siquijor;
3. That pursuant to ERC Resolution No. 16 Series of 2009 and ERC Resolution No. 21, Series of 2010, Visayas Distribution Utilities (DUs) and Electric Cooperatives (ECs) are required to file their respective consolidated application for the approval of their confirmation filing on the Calculation of the Over or Under recovery in the implementation of various adjustment calculations covering the period from January 2012 to December 2014 as follows:
 - a. Power Supplier Data Sheet;
 - b. Statistical Data Sheet;
 - c. Implemental Rates Data Sheet;
 - d. Power Bills of Power Suppliers;
 - e. Official Receipts issued by Power Suppliers
 - f. Breakdown of Payment with OR, if payment is staggered;
 - g. Debit/Credit Memo of Power Suppliers;
 - h. DU-MO1 and DU-MO2, MFSR;
 - i. Consumer Bills of Senior Citizens;
 - j. Computation of Generation Rate;
 - k. Computation of System Loss Rate;
 - l. Computation of Lifeline Rate;
 - m. Computation of Senior Citizen Rate;
4. That in applying the 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. That in support of this application, applicant has hereby submitted and attached to this application the other requirements as follows:
 - i. Annex "A" the Computation of Over Recovery for GR estimated at PhP (57, 238.63);

- ii. Annex "B" the Computation of Over Recovery for SLR estimated at PhP 601,783.75;
- iii. Annex "D" the Computation of Under for LR estimated at PhP 686,984.45;
- iv. Annex "E" the Computation of Over Recovery for Senior Citizen estimated at PhP 45,759.17;
- v. Summary of Over/Under Recoveries estimated at PhP 1,277,288.74;

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Commission that the submitted calculation and computation 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.

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

Subsequently, having found PROSIELCO's *Application* sufficient in form and substance, the Commission issued an *Order* and a *Notice of Public Hearing*, both dated 26 November 2015, setting the case for initial hearing on 26 January 2016.

On 21 January 2016, PROSIELCO filed its *Pre-trial Brief* dated 19 January 2016 attaching therewith the *Judicial Affidavit of Ma. Nenita C. Panzo*.

During the 26 January 2016 hearing, only PROSIELCO appeared. There was no intervenor or oppositor who appeared, nor was there any intervention or opposition filed.

In the said hearing, PROSIELCO presented documents as proof of its compliance with the Commission's posting and publication requirements pursuant to the *Order* dated 26 November 2015. Finding PROSIELCO's submissions fully compliant with the Commission's jurisdictional requirements as indicated in the said *Order*, the Commission declared that it acquired jurisdiction over the instant application.

The hearing proceeded with the expository presentation wherein PROSIELCO's finance manager, Ms. Nenita C. Panzo, who was placed under oath, discussed the application.

Upon the termination of the expository presentation, the Pre-trial Conference commenced. Considering that there are no other parties in the instant case, the submissions in PROSIELCO's Pre-Trial Brief were adopted by the Commission.

Evidentiary proceedings then followed. Applicant presented its lone witness, Ms. Nenita C. Panzo, who testified in support of the instant *Application*. In the course thereof, various documents were identified and marked as exhibits.

After the direct examination, the Commission propounded clarifying questions, which were duly answered by Ms. Panzo. Before the termination of the hearing, the Commission directed PROSIELCO to submit its Formal Offer of Evidence and the required additional documents within 30 days from the date of hearing.

On 17 February 2016, PROSIELCO filed before the Commission its *Formal Offer of Evidence* dated 09 February 2016. Subsequently, on 07 September 2016, the Commission issued an *Order* admitting PROSIELCO's exhibits contained in its *Formal Offer of Evidence* and submitting the case for resolution.

On 13 September 2016 the Commission deliberated and decided the instant *Application*. However, due to supervening events¹, the *Decision* could no longer be promulgated without undergoing reconfirmation by the Commission *En Banc*. Thus, the Commission resolved to reconfirm the *Decision* on 20 June 2017.

ISSUE

The issue to be resolved is whether the Commission should grant the instant application, confirming and approving PROSIELCO's calculations of its (over)/under recoveries for the period January 2012 to December 2014, 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.

¹ The Chairman was placed on preventive suspension as per Order of the Office of the President (OP-DC Case No. 17-D-094) dated 2 May 2017 and received on 04 May 2017.

THE COMMISSION'S RULING

The Commission approves the application with modification as to the amount to be recovered.

DISCUSSION

In its *Application*, PROSIELCO sought the approval of the Commission of the following (over)/under recoveries:

Table 1. PROSIELCO's proposed (over)/under recoveries.

Particulars	Allowable Cost (PhP)	Actual Revenue (PhP)	(Over)/Under Recovery (PhP)
Generation Rate (GR)	321,270,276.18	321,327,514.81	(57,238.63)
System Loss Rate (SLR)	38,931,368.91	38,329,585.16	601,783.75
	Discount	Subsidy	
Lifeline Rate (LR)	4,400,346.16	3,713,361.71	686,984.45
Senior Citizen Discount	197,463.20	151,704.03	45,759.17
Net Results	364,799,454.45	363,522,165.71	1,277,288.74

Pursuant to Resolution No. 16, Series of 2009², as amended by Resolution No. 21, Series of 2010³, and Resolution No. 23, Series of 2010⁴, the following formulae were adopted in the computation of the following: 1) Generation Rate, 2) Transmission Rate, 3) System Loss, 4) Lifeline Subsidy, and 5) Senior Citizen Discount and Subsidy:

² A Resolution Adopting the Rules Governing the Automatic Cost Adjustment and True-Up Mechanisms and Corresponding Confirmation Process for Distribution Utilities.

³ A Resolution Amending Section 4 of Article 4 and Section 1 of Article 5 of the Rules Governing the Automatic Cost Adjustment and True-Up Mechanisms and Corresponding Confirmation Process for Distribution Utilities.

⁴ A Resolution Adopting the Rules Implementing the Discounts to Qualified Senior Citizen End-Users and Subsidy from the Subsidizing End-Users on Electricity Consumption under Sections 4 and 5 of Republic Act No. 9994.

Generation Rate:

$$GOUR = \frac{[(AGC - GRR) + rGOUR]}{S_{GOUR \text{ Total}}}$$

Where:

GOUR = Refers to over/under-recoveries in generation costs during the recovery period expressed in Peso/kWh

AGC = Total Allowable Generation Cost, computed as follows:

$$AGC = \sum_{i..m} \left[\left(\frac{(GC_i + GC_{ii} + \dots GC_n) - 50\%(PPD_i + PPD_{ii} + \dots PPD_n) - PCR_{GOUR}}{TPG_{GOUR}} \right) S_{GOUR} \right]$$

Transmission Rate:

For Customer classes with Transmission Rate (TR) expressed in Peso/kWh:

$$TOUR_N = \frac{[(ATC_N - TRR_N) + rTOUR_N]}{S_{TOUR_N}}$$

Customer classes with TR expressed in Peso/kW and Customer classes with TR expressed in both Peso/kWh and Peso/kW:

$$TOUR_N = \frac{[(ATC_N - TRR_N) + rTOUR_N]}{BD_{TOUR_N}}$$

Where:

TOUR_N = Refers to over/under-recoveries in transmission cost during the recovery period expressed in Peso/kWh for class N

ATC_N = Refers to the actual transmission cost during the recovery period computed as follows:

$$ATC_N = \sum_{1..m} \left[\left(\frac{TC - 50\%PFD}{TPG_{TOUR}} \right) S_{TOUR} \right] CP_N$$

System Loss:

$$SLOUR = \frac{[(ASLC - ASLR) + rSLOUR]}{S_{SLOUR}}$$

Where:

SLOUR = Refers to over/under-recoveries in system loss during the recovery period expressed in Peso/kWh

ASLC = Allowable System Loss Cost incurred during the recovery period determined as follows:

$$ASLC = ASLC_{Y1} + ASLC_{Y2} + \dots ASLC_{Yn}$$

Where:

$$ASLC_{Y1..n} = \left[\left(\frac{GTGC_Y}{TPG_Y} + \frac{TC_Y - 50\%PFD_Y}{TPG_Y} \right) U \right] S_Y$$

Lifeline Subsidy:

$$LSOUR = \frac{LD}{S_{LSOUR_{NL-TOTAL}}}$$

Where:

LSOUR = Refers to over/under-recoveries on lifeline subsidy during the recovery period expressed in Peso/kWh

LD = Difference between the Total Discounts given to lifeline customers and Total Subsidy collected from non-lifeline customers, computed as follows:

$$LD = \sum_{1..m} (TS - TD)$$

Where:

TS = Lifeline subsidy amount collected from non-lifeline customers for month 1 to m, computed as follows:

$$TS = S_{LSOUR_{NL}} \times LSR$$

Where:

$S_{LSOUR_{NL}}$ = Total kWh consumption of non-lifeline customers for the month

LSR = Lifeline subsidy rate per kWh collected from non-lifeline customers for the month

TD = Total discount amount given to lifeline customers for month 1 to m, computed as follows:

$$TD_i = \sum_{j=1..n} [(S_{LSOUR_{LL}} \times TRate) + (NCust_{LL} \times Fixed/Cust)] \times D$$

Senior Citizen Subsidy:

$$SrDSOUR = \frac{SrDiff_{S-D}}{kWh_{SrDSOUR_{SEU}}}$$

Where:

$SrDSOUR$ Refers to the over/under recoveries on senior citizen discounts and subsidy during the recovery period subject for verification expressed in Php/kWh

$SrDiff_{S-D}$ Summation of the difference between the total subsidy collected from all subsidizing end-users and the total discounts granted to senior citizen end-

users for each and every recovery month within the period covered by the verification process, computed as follows:

$$SrDiffs_{S-D} = \sum_{i=1..n} (TS_{SEU_i} - TD_{Sr_i})$$

Where:

TS_{SEU_i} = Total amount of subsidy collected from all subsidizing end-users for the recovery month, computed as follows:

$$TS_{SEU_i} = SrSR_{SEU_i} \times kWhS_{SEU_i}$$

Where:

$SrSR_{SEU_i}$ = Senior Citizen Subsidy Rate expressed in Peso/kWh implemented or collected from all subsidizing end-users for the recovery month

$kWhS_{SEU_i}$ = Total kWh Sales to all subsidizing end-users for the recovery month

TD_{Sr_i} = Total amount of discounts implemented or granted to all qualified senior citizen end-users for the recovery month, computed as follows:

$$TD_{Sr_i} = \sum TD_{SrResl_i} + \sum TD_{SrInst_i}$$

Where:

$\sum TD_{SrResl_i}$ = Total amount of discount implemented or granted to all qualified residential senior citizens customer for the recovery month

$\sum TD_{SrInst_i}$ = Total amount of discount implemented

or granted to all qualified senior citizen centers and residential care facilities/institutions or group homes for the recovery month

After a thorough evaluation of the instant *Application*, the following considerations were adopted by the Commission in determining the resulting (over)/under recoveries of PROSIELCO:

Table 2. Comparison of resulting (over)/under recoveries.

Particulars	PROSIELCO's Basis	Commission's Basis
1. Generation Cost	Generation cost is based on the invoices issued by National Power Corporation Small Power Utilities Group (NPC-SPUG) for the whole period of confirmation (January 2012 to December 2014)	Same documents were used in the evaluation
2. Discounts: Prompt Payment Discount (PPD)	50% of PPD availed from power suppliers were deducted from generation cost	Same policy was applied during the evaluation Consistent with the Commission's policy of sharing the equivalent 50% of the discounts availed by the DU to its end-users
3. kWh Purchased	kWh purchased from NPC-SPUG for the whole period of confirmation (January 2012 to December 2014)	Same documents were used in the evaluation
4. kWh Sales	Actual kWh Sales for the previous months	Total kWh sales of the current month
5. System Loss	Actual system loss for the 12-months, or the cap of 13%, whichever is lower	Actual annual system loss or the cap of 13%, whichever is lower for the period
6. Company Use	Company Use is included in sales during the	Company Use was included in the

	confirmation period of 2012-2014	Commercial customers
7. Lifeline Rate	Computed monthly using previous month's data	Computed monthly using the current month's data
8. Senior Citizen Subsidy	Computed monthly using previous month's data	Computed monthly using the current month's data

In summary, the main reason for PROSIELCO's under-recovery is its use of the one-month lag approach, contrary to the Commission's current-month approach in the confirmation process.

Given the above, the Commission hereby confirms the current total under-recovery of **PhP1,088,286.54** for the period January 2012 to December 2014.

Based on PROSILECO's May 2016 annualized data on kWh sales, the confirmed (over)/under-recoveries and its equivalent refund/collect rates to be refunded/collected to/from its customers over the period specified are as follows:

Table 3. Confirmed (over)/ under-recoveries to be refunded to/collected from customers over the specified period.

Particulars	Kwh Sales	No. of Months	Current (Over)/Under Recoveries	
			PhP	PhP/kWh
Generation	1,951,745.40	36	(251,753.65)	(0.0036)
System Loss	1,951,745.40	36	1,329,585.57	0.0189
Lifeline	1,850,733.40	12	(35,294.44)	(0.0016)
Sr. Cit. Subsidy	1,866,414.40	12	45,749.05	0.0020
TOTAL			1,088,286.54	

The resulting Over-All Tariff Adjustment (OATA) on the net amount collected by PROSIELCO based on the computed total current under-recovery of **PhP1,088,286.54** is **PhP0.0155/kWh** for **36 months**.

WHEREFORE, premises considered, the *Application* filed by Province of Siquijor Electric Cooperative (PROSIELCO) is hereby **APPROVED WITH MODIFICATION**.

Accordingly, PROSIELCO is hereby directed TO REFUND the following (over)-recoveries:

- a) **GENERATION** over-recoveries amounting to PhP(251,753.65), or an equivalent refund rate of PhP(0.0036)/kWh over the period of 36 months, or until the said amount shall have been fully refunded to its customers; and
- b) **LIFELINE SUBSIDY** (over)-recoveries amounting to PhP(35,294.44), or an equivalent refund rate PhP(0.0016)/kWh over the period of 12 months, or until the said amount shall have been fully refunded to its customers.

On the other hand, PROSIELCO is directed TO COLLECT the total under-recoveries enumerated as follows:

- a) **SYSTEM LOSS** under-recoveries amounting to PhP1,329,585.57, or an equivalent collect rate of PhP0.0189/kWh over the period of 36 months, or until the said amount shall have been fully collected from its customers; and
- b) **SENIOR CITIZEN** under-recoveries amounting to PhP45,749.05, or an equivalent collect rate of PhP0.0020/kWh for a period of 12 months, or until the said amount shall have been fully collected from its consumers.

In connection therewith, PROSIELCO is hereby directed to:

- a) **SUBMIT** within ten (10) days from its implementation a sworn statement indicating its compliance with this Decision;
- b) **REFLECT** the (over)/under recoveries in the monthly computations of Generation Rate, Transmission Rate, System Loss Rate, Lifeline Subsidy Rate and Senior Citizen Subsidy Rate as "OGA" for Generation, "OTCA" for Transmission, "OSLA" for System Loss, "OLRA" for Lifeline Subsidy, and "OSrRA" for Senior Citizen Subsidy; and
- c) **ACCOMPLISH AND SUBMIT A REPORT** in accordance with the attached prescribed format, as well

as the monthly reportorial requirement, on or before the 30th day of the following month, and every month thereafter, until the amounts have been fully refunded/collected.

PROSIELCO is hereby directed TO CONTINUE to implement the outstanding balance from the previously confirmed (over)/under recoveries in ERC Case No. 2012-031 CF, until the said amount is fully collected/refunded.

SO ORDERED.

Pasig City, 20 June 2017.

JOSE VICENTE B. SALAZAR *
Chairman and CEO

(On-Leave)
ALFREDO J. NON
Commissioner


GLORIA VICTORIA C. YAP-TARUC
Commissioner


JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Commissioner


GERONIMO D. STA. ANA
Commissioner

IED: JTF/CLSG/NDC

LS: JAO/JC/LS/APV

* The Chairman was placed on preventive suspension as per Order of the Office of the President (OP-DC Case No. 17-D-094) dated 2 May 2017 and received on 04 May 2017.

Copy Furnished:

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Province of Siquijor
9. Office of LGU Legislative Body
Province of Siquijor
10. Office of the Municipal Mayor
Siquijor, Siquijor
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Siquijor, Siquijor
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Other Generation Rate Adjustment (OGA) Charge

Name of DU: _____
 ERC Case No.: _____
 Order Date: _____
 Total Amount to be Collected: _____
 Rate per kWh (PhP/kWh): _____

This report should be submitted on or before the 30th of the following month, together with the monthly reportorial requirement, and every month thereafter until the amount shall have been fully recovered.

Other Generation Rate Adjustment (OGA) Charge
Amount Collected/Refund
 For the Period Covering _____

Month	Rate/kWh	kWh Sold ¹	Amount Collected	Balance in Amount
Beginning Balance				0.00
Customer Class				
1.				
2.				
3.				
4.				
5.				
TOTAL				
Ending Balance				0.00

¹ / Indicate the kWh sold used in the calculation of collect.

Prepared by:

Reviewed by:

Certified True and Correct:

 (Name & Position)

 Finance/Billing Manager

 General Manager

OATH
 SUBSCRIBED AND SWORN to before me this _____ day of _____, 201__ at _____
 The affiant exhibited to me his/her CTC No. _____ issued on _____ at _____.

 Notary Public

Other Transmission Cost Adjustment (OTCA) Charge

Name of DU: _____
 ERC Case No.: _____
 Order Date: _____
 Total Amount to be Collected: _____
 Rate per kWh (PhP/kWh): _____

This report should be submitted on or before the 30th of the following month, together with the monthly reportorial requirement, and every month thereafter until the amount shall have been fully recovered.

Other Transmission Cost Adjustment (OTCA) Charge
Amount Collected
 For the Period Covering _____

Month	Rate/kWh	kWh Sold ¹	Amount Collected	Balance in Amount
Beginning Balance				0.00
Customer Class				
1.				
2.				
3.				
4.				
5.				
TOTAL				
Ending Balance				0.00

^{1/} Indicate the kWh sold used in the calculation of collect.

Prepared by:

Reviewed by:

Certified True and Correct:

 (Name & Position)

 Finance/Billing Manager

 General Manager

OATH

SUBSCRIBED AND SWORN to before me this _____ day of _____, 201__ at _____
 The affiant exhibited to me his/her CTC No. _____ issued on _____ at _____.

 Notary Public

Other System Loss Cost Adjustment (OSLA) Charge

Name of DU: _____
 ERC Case No.: _____
 Order Date: _____
 Total Amount to be Collected: _____
 Rate per kWh (PhP/kWh): _____

This report should be submitted on or before the 30th of the following month, together with the monthly reportorial requirement, and every month thereafter until the amount shall have been fully recovered.

Other System Loss Cost Adjustment (OSLA) Charge
Amount Collected/Refund
 For the Period Covering _____

Month	Rate/kWh	kWh Sold ¹	Amount Collected	Balance in Amount
Beginning Balance				0.00
Customer Class				
1.				
2.				
3.				
4.				
5.				
TOTAL				
Ending Balance				0.00

^{1/} Indicate the kWh sold used in the calculation of collect.

Prepared by: _____
 (Name & Position)

Reviewed by: _____
 Finance/Billing Manager

Certified True and Correct: _____
 General Manager

OATH
 SUBSCRIBED AND SWORN to before me this _____ day of _____, 201____ at _____
 The affiant exhibited to me his/her CTC No. _____ issued on _____ at _____.

 Notary Public

Other Lifeline Rate Cost Adjustment (OLRA) Charge

Name of DU: _____
 ERC Case No.: _____
 Order Date: _____
 Total Amount to be Collected: _____
 Rate per kWh (PhP/kWh): _____

This report should be submitted on or before the 30th of the following month, together with the monthly reportorial requirement, and every month thereafter until the amount shall have been fully recovered.

Other Lifeline Rate Cost Adjustment (OLRA) Charge
Amount Collected/Refund
 For the Period Covering _____

Month	Rate/kWh	kWh Sold ¹	Amount Collected	Balance in Amount
Beginning Balance				0.00
Customer Class				
1.				
2.				
3.				
4.				
5.				
TOTAL				
Ending Balance				0.00

¹/ Indicate the kWh sold used in the calculation of collect.

Prepared by:

Reviewed by:

Certified True and Correct:

 (Name & Position)

 Finance/Billing Manager

 General Manager

OATH
 SUBSCRIBED AND SWORN to before me this _____ day of _____, 201__ at _____
 The affiant exhibited to me his/her CTC No. _____ issued on _____ at _____.

 Notary Public

Senior Citizen Discount & Subsidy Over Under Recovery

Name of DU: _____
 ERC Case No.: _____
 Order Date: _____
 Total Amount to be Collected: _____
 Rate per kWh (PhP/kWh): _____

This report should be submitted on or before the 30th of the following month, together with the monthly reportorial requirement, and every month thereafter until the amount shall have been fully recovered.

**Senior Citizen Discount & Subsidy Over Under Recovery
 Amount Collected/Refund
 For the Period Covering _____**

Month	Rate/kWh	kWh Sold ¹	Amount Collected	Balance in Amount
Beginning Balance				0.00
Customer Class				
1.				
2.				
3.				
4.				
5.				
TOTAL				
Ending Balance				0.00

¹ / Indicate the kWh sold used in the calculation of collect.

Prepared by: _____ Reviewed by: _____ Certified True and Correct: _____
 (Name & Position) Finance/Billing Manager General Manager

OATH

SUBSCRIBED AND SWORN to before me this _____ day of _____, 201__ at _____
 The affiant exhibited to me his/her CTC No. _____ issued on _____ at _____

 Notary Public