

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

**RULES TO GOVERN THE
MONITORING AND
REPORTING PROCESS OF
BILL DEPOSITS**

ERC CASE NO. 2017-006 RM

X-----X

ORDER

D O C K E T E D
Date: JUN 26 2018
By: [Signature]

Notice is hereby given that the Commission shall conduct a focus group discussion on the draft "Rules to Govern the Monitoring and Reporting Process of Bill Deposits" on **July 18, 2018 at ten o'clock in the morning (10:00 A.M.) at the Benguet Electric Cooperative, Inc. (BENECO) Auditorium, #4 South Drive, Baguio City.**

The representatives of the following electric cooperatives are hereby directed to appear and participate in the said discussion:

1. Ilocos Norte Electric Cooperative, Inc. (INEC);
2. Ilocos Sur Electric Cooperative, Inc. (ISECO);
3. La Union Electric Cooperative, Inc. (LUECO);
4. Pangasinan I Electric Cooperative, Inc. (PANELCO I);
5. Pangasinan III Electric Cooperative, Inc. (PANELCO II);
6. Central Pangasinan Electric Cooperative, Inc. (CENPELCO);
7. Batanes Electric Cooperative, Inc. (BATANELCO);
8. Cagayan I Electric Cooperative, Inc. (CAGELCO);
9. Cagayan II Electric Cooperative, Inc. (CAGELCO II);
10. Isabela I Electric Cooperative, Inc. (ISELCO I);
11. Isabela II Electric Cooperative, Inc. (ISELCO II);
12. Nueva Viscaya Electric Cooperative, Inc. (NUVELCO);
13. Quirino Electric Cooperative, Inc. (QUIRELCO);
14. Abra Electric Cooperative, Inc. (ABRECO);
15. Benguet Electric Cooperative, Inc. (BENECO);
16. Ifugao Electric Cooperative, Inc. (IFELCO II);
17. Kalinga Apayao Electric Cooperative, Inc. (KAELCO); and
18. Mountain Province Electric Cooperative, Inc. (MOPRECO).

Further, the aforesaid electric cooperatives are directed to submit their respective comments on the said draft Rules within ten (10) days from receipt hereof. The draft Rules may be downloaded at the Commission's official website at www.erc.gov.ph or may be photocopied at cost, during the regular office hours at the ERC Main Office, 12th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.

SO ORDERED.

Pasig City, June 21, 2018.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES VST DEVANADERA
Chairperson and CEO 7

ERC

Office of the Chairperson



AVSTD-2018-6-516-0037

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Copy Furnished:

1. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village
Makati City, Metro Manila
2. Commission on Audit
Commonwealth Avenue
Quezon City, Metro Manila
3. Senate Committee on Energy
GSIS Bldg., Roxas Blvd., Pasay City
Metro Manila
4. House Committee on Energy
Batasan Hills, Quirino City, Metro Manila
5. Ilocos Norte Electric Cooperative, Inc. (INEC)
6. Ilocos Sur Electric Cooperative, Inc. (ISECO)
7. La Union Electric Cooperative, Inc. (LUECO)
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Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City

Resolution No. ____, Series of 2018

**RULES TO GOVERN THE MONITORING AND REPORTING
PROCESS OF BILL DEPOSITS**

WHEREAS, pursuant to the provisions of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 or EPIRA, the Energy Regulatory Commission (ERC) promulgated the Magna Carta for Residential Electricity Consumers (MREC) and the Distribution Services and Open Access Rules (DSOAR) on June 17, 2004 and January 18, 2006, respectively;

WHEREAS, on October 27, 2004, the ERC issued the "Guidelines to Implement Articles 7, 8, 14 and 28 of Chapter III of the Magna Carta" which govern, among others, the guidelines and procedures to implement the bill deposits collected from residential and non-residential consumers;

WHEREAS, on November 15, 2010, the ERC promulgated Resolution No. 2, Series of 2010, entitled "A Resolution Adopting the Amendments to the Magna Carta for Residential Electricity Consumers". The said Resolution established, among others, the rules governing the implementation of the bill deposit collected from residential and non-residential consumers;

WHEREAS, the bill deposits collected from residential and non-residential consumers are intended to guarantee the payment of electricity bills for new and/or additional service and from disconnected consumers who were previously not subject to bill deposit¹;

WHEREAS, the collection of bill deposit from consumers has been authorized by the Board of Power and Waterworks (BPW) and the then Energy Regulatory Board (ERB) pursuant to Revised Order No. 1 and ERB Resolution No. 95-21 (Standard Rules and Regulations Governing the Operation of Electrical Power Services), respectively;

¹ Article 28 of Resolution No. 28, 2010

WHEREAS, the bill deposit shall be equivalent to the estimated billing for one month based on the load schedule submitted by the consumer to guarantee payment of his bills²;

WHEREAS, after one year and every year thereafter whenever the actual average monthly bills are more or less than ten percent (10%) of the initial bill deposit, such deposit shall be correspondingly increased or decreased to approximate said billing;

WHEREAS, the distribution utilities shall pay interest on cash bill deposits equivalent to the peso savings account interest rate of the Landbank of the Philippines on the first working day of the year, or other government banks subject to the approval of ERC;

WHEREAS, the bill deposit shall be refunded to the consumers within one month from the termination of service provided all bills have been paid³;

WHEREAS, a customer who has paid his electric bills on or before its due date for three (3) consecutive years may, however, demand for the full refund of the deposit even prior to the termination of his service. An application for this purpose shall be filed with the concerned distribution utility which must refund the deposit within one month from receipt of such application;⁴

NOW THEREFORE, after thorough and due deliberation, the Commission **RESOLVES**, as it hereby **RESOLVED**, to **APPROVE** and **ADOPT** the "Rules to Govern the Monitoring and Reporting Process of Bill Deposits":

Section 1. Guiding Principles. It is hereby declared the policy of the State to protect the public interest as it is affected by the rates and services of electric utilities and other providers of electric power.⁵ Pursuant to Section 41 of the Electric Power Industry Reform Act of 2001 (EPIRA), the Commission is mandated to ensure the adequate promotion of consumer interests.

Section 2. Coverage. These rules shall apply to the provisions of Articles 7 and 28 of the Magna Carta for Residential Electricity

² Ibid

³ Article 7 of MREC

⁴ Ibid

⁵ Section 2 (f) of R.A. 9136

Consumers, the Guidelines to Implement Articles 7 and 28 of the Magna Carta and the relevant provisions of Distribution Service and Open Access Rules (DSOAR).

Section 3. Reportorial Requirements. For monitoring and audit purposes, all distribution utilities (DUs) shall submit the following documents, under oath, within ninety (90) days from the effectivity of this Resolution:

- a. The total amount of bill deposits collected and interest earned at the end of the following month that this Resolution becomes effective;
- b. The total amount of interest earned on bill deposits collected and the corresponding interest earned on said bill deposits for the last five (5) years as set out in the Audited Financial Statement of the distribution utility including the current year from the effectivity of this Resolution;
- c. The total amount of bill deposits and interest already refunded for the last five (5) years as set out in the Audited Financial Statement of the distribution utility including the current year from the effectivity of this Resolution; and
- d. Sample electricity bills of residential and non-residential consumers showing the refund of bill deposit and/or the amount of interest credited to their monthly bills.

Section 4. Periodic Review of Bill Deposits. The distribution utility shall prepare and submit a periodic report, under oath, on or before May 31 of every year, regarding the details of the total amount of bill deposit collected including interest earned and the amount credited or refunded to its consumers as of December 31 of the preceding year.

Section 5. In order to effectively implement the above-mentioned policy and for purposes of transparency, the distribution utility shall maintain and develop in its official website a consumer information disclosing all important terms and conditions, systems and procedures on bill deposits in clear and simple language comprehensible to the consumers, to wit:

- a. The nature of bill deposit;
- b. The rules and regulations governing bill deposit;
- c. The obligation of consumers to pay bill deposit;
- d. The requirements to pay a bill deposit;
- e. The computation of bill deposit including interest;
- f. The procedures on bill deposit refund;
- g. Annual updates on the total amount of bill deposit collected and refunded;
- h. Prompt response to refund applications, inquiries and complaints; and
- i. Other relevant information.

Immediately upon the effectivity of these Rules, the distribution utility shall inform its consumers within its franchise area, by any other means available and appropriate, of the issuance of these Rules and the rules and regulations governing the imposition and refund of bill deposit.

Section 6. Pursuant to Article 28 of the MREC, as amended, the interests on bill deposit shall be credited yearly to the bills of the registered customers. Thus, within six (6) months from the effectivity of these Rules, all DUs shall issue a statement of account to their consumers showing the total amount of bill deposit and the accrued interest.

After six (6) months from the effectivity of these Rules, all DUs should reflect the bill deposit and the corresponding interests as a separate line item on the electricity bills using the phrase "Bill Deposit".

However, distribution utilities that already have in their existing annual update of bill deposit program a process to regularly notify their consumers of the latest information on their bill deposits and accrued interests shall be deemed compliant with the aforementioned requirements.

Section 7. Imposition of Interest. If the DU failed to credit the interest to the electricity bills of the registered customers, the accrued interest shall be added to the principal amount of bill deposit and the same shall earn interest, compounded on the basis of the prevailing interest rate for savings account of the Land Bank of the Philippines on the first working day of the year or other government banks subject to the approval of ERC.

Section 8. Imposition of Fines and Penalties. Violation of any of the provisions 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". Provided, That this Section shall not apply in case the failure of the distribution utility to credit the interest under Section 6 hereof is: (i) upon the request of the customer; or (ii) not due to the fault or negligence of the distribution utility.

Section 9. 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 10. 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 11. 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 12. Effectivity. 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, _____.

AGNES VST DEVANADERA
Chairperson

GLORIA VICTORIA C. YAP-TARUC
Commissioner

ALFREDO J. NON
Commissioner

JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Commissioner

GERONIMO D. STA. ANA
Commissioner