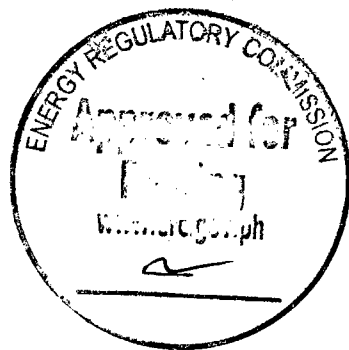


Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
San Miguel Avenue, Pasig City



IN THE MATTER OF THE  
APPLICATION FOR CONFIRMATION  
AND APPROVAL OF FORCE  
MAJEURE EVENT CAPITAL  
EXPENDITURE PROJECT, RE:  
RECONSTRUCTION, REPAIR,  
RESTORATION, REPLACEMENT  
AND/OR REHABILITATION OF  
DISTRIBUTION LINES AND  
ACCESSORIES, EQUIPMENT AND  
BUILDING STRUCTURES DAMAGED  
BY SUPER TYPHOON YOLANDA

ERC CASE NO. 2014-019 RC

AKLAN ELECTRIC COOPERATIVE,  
INC. (AKELCO),

Applicant.

X-----X

DOCKETED  
Date: FEB 04 2015  
By: [Signature]

## ORDER

On March 6, 2014, Aklan Electric Cooperative, Inc. (AKELCO) filed an application for confirmation and approval of force majeure event capital expenditure project, re: reconstruction, repair, restoration, replacement and/or rehabilitation of distribution lines and accessories, equipment and building structures damaged by Super Typhoon Yolanda.

In the said application, AKELCO alleged, among others, the following:

**THE APPLICANT**

1. It is a non-stock, non-profit electric cooperative duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office at Poblacion, Lezo, Aklan;
2. It is the holder of an exclusive franchise issued by the National Electrification Commission (NEC), to operate electric light and power distribution services in the seventeen (17) municipalities of the Province of Aklan, namely: Malay, Buruanga, Nabas, Ibajay, Tangalan, Makato, Madalag, Libacao, Malinao, Numancia, Lezo, Banga, Kalibo, New Washington, Batan, Altavas, Balete, and two (2) northern towns of the Province of Antique, namely: Pandan and Libertad;

**CAUSE OF ACTION**

**(The Force Majeure Event: Super Typhoon Yolanda)**

3. Typhoon Yolanda struck the Philippines on November 8, 2013. It has been treated as the most powerful storm to make landfall in recorded history. All the municipalities in Aklan and some parts of Antique were among the worst hit in the Visayas which experienced sustained winds of 270 kph and gustiness of up to 312 kph. In view of the enormity of its devastations, Presidential Proclamation No. 682 dated November 11, 2013 declared a State of National Calamity, affecting Samar, Leyte, Cebu, Iloilo, Capiz, Aklan, and Palawan;
4. Out of its 15,672 distribution poles, 5,165 poles were toppled and damaged by Typhoon Yolanda. These consist of 646.71 kilometers of primary and secondary lines. In the Municipalities of Altavas, Batan, New Washington, Balete, Madalag, Libacao and Banga, 90% of its distribution lines were severely damaged. Since backbone lines and lateral line sections in all of the covered municipalities and barangays were affected along with the heavy damage on the NGCP/TRANSCO transmission lines, it experienced total power blackout;







AKELCO's franchise area for the appropriate posting thereof on their respective bulletin boards.

AKELCO is hereby directed to furnish all those making requests therefor with copies of the application and its attachments, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, AKELCO must submit to the Commission its written Compliance with the jurisdictional requirements attaching therewith, methodically arranged and duly marked, the evidences on the actual posting and publication of the Notice of Public Hearing consisting of certifications issued to that effect, signed by the afore-mentioned Governors and Mayors or their duly authorized representatives, bearing the seals of their offices, and the affidavits of the Editors or Business Managers of the newspapers where the said Notice of Public Hearing were published together with the complete issues of the said newspapers, and such other proofs of compliance with the requirements of the Commission.

AKELCO and all interested parties are directed to submit, at least five (5) days before the date of initial hearing and pre-trial conference, their respective Pre-trial Briefs containing, among others:

- a) A summary of admitted facts and proposed stipulation of facts;
- b) The issues to be tried or resolved;
- c) The documents or exhibits to be presented, stating the purposes and proposed markings therefore; and
- d) The number and names of the witnesses, with their written testimonies in an individual affidavit form, to be attached to the Pre-trial Brief.

Failure of AKELCO to submit the required Pre-trial Brief and Judicial Affidavits of its witnesses within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from said date of cancellation.

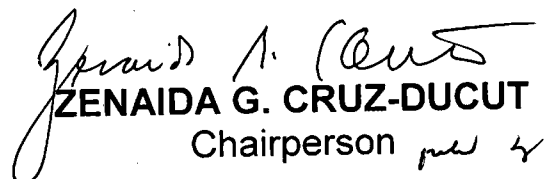
As part of the pre-trial conference, AKELCO must also be prepared to make an expository presentation of its application, aided by whatever communication medium that it may deem appropriate for

the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, what the application is all about and the reasons and justifications being cited in support thereof.

**SO ORDERED.**

Pasig City, February 2, 2015.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**ZENAIDA G. CRUZ-DUCUT**  
Chairperson *pub 4*

Copy Furnished:

1. Lerios-Amboy Pingol & Gonzales Law Offices  
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2. Aklan Electric Cooperative, Incorporated (AKELCO)  
Poblacion, Lezo, Aklan
3. Office of the Solicitor General  
234 Amorsolo Street, Legaspi Village, Makati City
4. Office of the Commission on Audit  
Don Mariano Marcos Avenue, Diliman, Quezon City
5. The Committee On Energy  
Senate of the Philippines  
GSIS Building, Roxas Blvd., Pasay City
6. The Committee On Energy  
House of Representatives  
Batasan Hills, Quezon City
7. Office of the Municipal Mayor  
Altavas, Aklan
8. Office of the Municipal Mayor  
Balete, Aklan
9. Office of the Municipal Mayor  
Banga, Aklan
10. Office of the Municipal Mayor  
Batan, Aklan
11. Office of the Municipal Mayor  
Buruanga, Aklan
12. Office of the Municipal Mayor  
Ibajay, Aklan
13. Office of the Municipal Mayor  
Kalibo, Aklan



14. Office of the Municipal Mayor  
Lezo, Aklan
15. Office of the Municipal Mayor  
Libacao, Aklan
16. Office of the Municipal Mayor  
Madalag, Aklan
17. Office of the Municipal Mayor  
Makato, Aklan
18. Office of the Municipal Mayor  
Malay, Aklan
19. Office of the Municipal Mayor  
Malinao, Aklan
20. Office of the Municipal Mayor  
Nabas, Aklan
21. Office of the Municipal Mayor  
New Washington, Aklan
22. Office of the Municipal Mayor  
Numancia, Aklan
23. Office of the Municipal Mayor  
Tangalan, Aklan
24. Office of the Municipal Mayor  
Libertad, Antique
25. Office of the Municipal Mayor  
Pandan, Antique
26. Office of the Governor  
Province of Aklan
27. Office of the Governor  
Province of Antique
28. Philippine Chamber of Commerce and Industry (PCCI)  
3<sup>rd</sup> floor, Chamber and Industry Plaza (CIP)  
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McKinley Town Center, Fort Bonifacio, Taguig City