

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



**IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF CONTINGENCY CAPITAL
EXPENDITURE PROJECT –
POLE RELOCATION DUE TO
ROAD WIDENING**

ERC CASE NO. 2015-094 RC

**NUEVA VIZCAYA ELECTRIC
COOPERATIVE, INC.
(NUVELCO),**

Applicant.

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D O C K E T E D

Date: AUG 26 2015

[Signature]

ORDER

On May 13, 2015, Nueva Vizcaya Electric Cooperative, Inc. (NUVELCO) filed an application for approval of contingency capital expenditure project - pole relocation due to road widening.

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

1. It is an electric cooperative duly organized under Philippine law, with principal office address at Gabut, Dupax del Sur, Nueva Vizcaya; franchised to construct, own, operate and maintain an electric light and power distribution system in the municipalities of Ambaguio, Aritao, Bagabag, Bayombong, Bambang, Diadi, Dupax del Sur, Dupax del Norte, Kasibu, Kayapa, Quezon, Santa Fe, Solano, Villaverde and Alfonso Castañeda all in the Province of Nueva Vizcaya. Its General Manager is Engr. Narciso S. Salunat;
2. It seeks authority to implement a contingency capital expenditure project, more particularly the relocation of poles and lines due to the ongoing road widening projects of the Department of Public Works and Highways (DPWH);

3. The municipalities located within the Province of Nueva Vizcaya are of late experiencing fast economic growth, such that households here can now easily own vehicles for transportation. With this development, urban areas are now more prone to traffic congestion causing inconvenience to the riding public. In order to ease the traffic situation, the DPWH has embarked on several road widening projects in the Province of Nueva Vizcaya;
4. It is thus constrained to undertake the proposed relocation of its poles and lines to be affected by the road widening projects. The benefits to be derived from these proposed projects are the following:
 - a. Proper right-of-way clearance can be observed to minimize vehicular accidents;
 - b. It will become compliant of DPWH's rules and regulations;
 - c. Traffic, as well as goods and services, can flow more freely thru the Province; and
 - d. Boost productivity and economic growth in the Province.
5. The estimated cost of the proposed relocation of poles and lines is PhP7,107,620.79, more particularly described as follows:

a.	Comon, Aritao (13.8 kV line)	2,480,478.43
b.	Darapdap, Arita to Gabut, Dupax del Sur (13.8 kV line)	356,013.85
c.	San Antonio North to Bambang Proper, Bambang (69 kV)	3,095,036.81
d.	Top Hill Bambang (13.8 kV line)	743,761.94
e.	Hilltop, Nagsabaran, Diadi (13.8 kV line)	432,329.76
TOTAL		PHP 7,107,620.79

6. It will fund the proposed projects from its Reinvestment Fund for Sustainable Capex (RFSC);
7. The Project Schedule of implementation shall be one (1) month commencing from April 6 to May 6, 2015;

8. Attached are the following supporting documents:

- a. Write-up on Project Description, Justification, Estimated Cost and Project Schedule;
- b. Estimated cost of materials & labor for the relocation of lines located at Comon, Aritao, Nueva Vizcaya;
- c. Estimated cost of materials & labor for the road widening along Darapidap, Aritao and Gabut, Dupax del Sur, Nueva Vizcaya;
- d. Estimated cost of materials & labor for the relocation of 69kV sub-transmission line along National from Tophill to San Antonio North, Bambang Proper, Nueva Vizcaya (due to Road Widening);
- e. Estimated cost of materials & labor for the relocation of 13.8 kV line located at Tophill to San Antonio North, Bambang, Nueva Vizcaya;
- f. Estimated cost of materials & labor for the relocation of line located at Hilltop, Nagsabaran, Diadi, Nueva Vizcaya;
- g. Work Program Schedule;
- h. Its letter dated 2 March 2015 addressed to the DPWH Regional Director;
- i. DPWH Summary of Complaint/Query dated 11 March 2015;
- j. DPWH letter dated 12 March 2015 addressed to it;
- k. DPWH letter dated 16 March 2015 addressed to it;
- l. DPWH letter dated 6 April 2015 addressed to it;
- m. DPWH background information and Notice of Proceed;
- n. DPWH Department Order No. 26, Series of 2011; and
- o. DPWH Department Order No. 73, Series of 2014;and

9. It prays that the proposed contingency capital project to relocate its poles and lines described above be approved. It also prays for other just or equitable relief.

Finding the said application to be sufficient in form and in substance with the required fees having been paid, the same is hereby set for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing on **September 25, 2015 (Friday) at nine o'clock in the morning (9:00 A.M.) at NUVELCO Main Office, Gabut, Dupax del Sur, Nueva Vizcaya.**

NUVELCO is hereby directed to cause the publication of the attached Notice of Public Hearing, at its own expense, twice (2x) for two (2) successive weeks in two (2) newspapers of general circulation in the Philippines, with the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial hearing. It is also directed to inform the consumers within its franchise area, by any other means available and appropriate, of the filing of the instant application, its reasons therefor, and of the scheduled hearing thereon.

Let copies of the application, this Order and the attached Notice of Public Hearing be furnished the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire, to send their duly authorized representatives at the scheduled hearing.

Likewise, let copies of this Order and the attached Notice of Public Hearing be furnished the Offices of the Governor of the Province of Nueva Vizcaya and the Mayors of the Municipalities within the franchise area of NUVELCO for the appropriate posting thereof on their respective bulletin boards.

NUVELCO 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, NUVELCO 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 Governor 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.

NUVELCO 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 NUVELCO 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.

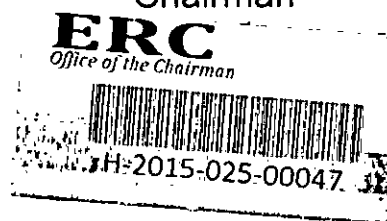
As part of the pre-trial conference, NUVELCO must also be prepared to make an expository presentation of its application, aided by whatever communication medium that it may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, what the application is all about and the reasons and justifications being cited in support thereof.

SO ORDERED.

Pasig City, August 17, 2015.

FOR AND BY AUTHORITY
OF THE COMMISSION:

JOSE VICENTE B. SALAZAR
Chairman




LBB/NJS

Copy Furnished:

1. **ATTY. RANULFO M. OCAMPO**
Counsel for the Applicant
7/F STRATA 100 Bldg. , F. Ortigas Jr. Road
Ortigas Center , Pasig City
2. **Nueva Vizcaya Electric Cooperative, Inc. (NUVELCO)**
Gabut, Dupax del Sur, Nueva Vizcaya
3. **Office of the Solicitor General**
134 Amorsolo Street, Legaspi Village
Makati City, Metro Manila
4. **Commission on Audit**
Commonwealth Avenue
Quezon City, Metro Manila
5. **Senate Committee on Energy**
GSIS Bldg., Roxas Blvd., Pasay City
Metro Manila
6. **House Committee on Energy**
Batasan Hills, Quezon City, Metro Manila
7. **Office of the Provincial Governor**
Province of Nueva Vizcaya
8. **Office of the Municipal Mayor**
Ambaguio, Nueva Vizcaya
9. **Office of the Municipal Mayor**
Aritao, Nueva Vizcaya
10. **Office of the Municipal Mayor**
Bagabag, Nueva Vizcaya
11. **Office of the Municipal Mayor**
Bayombong, Nueva Vizcaya
12. **Office of the Municipal Mayor**
Bambang, Nueva Vizcaya
13. **Office of the Municipal Mayor**
Diadi, Nueva Vizcaya
14. **Office of the Municipal Mayor**
Dupax del Sur, Nueva Vizcaya
15. **Office of the Municipal Mayor**
Dupax del Norte, Nueva Vizcaya

16. **Office of the Municipal Mayor**
Kasibu, Nueva Vizcaya
17. **Office of the Municipal Mayor**
Kayapa, Nueva Vizcaya
18. **Office of the Municipal Mayor**
Quezon, Nueva Vizcaya
19. **Office of the Municipal Mayor**
Santa Fe, Nueva Vizcaya
20. **Office of the Municipal Mayor**
Villaverde, Nueva Vizcaya
21. **Office of the Municipal Mayor**
Alfonso Castañeda, Nueva Vizcaya