

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



IN THE MATTER OF THE
APPLICATION FOR
CONFIRMATION/APPROVAL
OF FORCE MAJEURE EVENT
CAPITAL EXPENDITURE
PROJECTS RE: REROUTING,
REPAIR, RESTORATION AND
REPLACEMENT OF
DISTRIBUTION LINES AND
FACILITIES DAMAGED BY
THE 7.2 MAGNITUDE
EARTHQUAKE AND
AUTHORITY TO SECURE
LOAN FROM THE NATIONAL
ELECTRIFICATION
ADMINISTRATION (NEA)

ERC CASE NO. 2014-023 RC

BOHOL I ELECTRIC
COOPERATIVE, INC.
(BOHECO I),
Applicant.

X ----- X

DOCKETED
Date: NOV 10 2014
By: *la*

ORDER

On March 18, 2014, Bohol I Electric Cooperative, Inc. (BOHECO I) filed an application for confirmation/approval of force majeure event capital expenditure projects re: rerouting, repair, restoration and replacement of distribution lines and facilities damaged by the 7.2 magnitude earthquake and authority to secure loan from the National Electrification Administration (NEA).

On May 19, 2014, the Commission issued an Order and a Notice of Public Hearing setting the application for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing on June 26, 2014.

In the same Order, BOHECO I was directed to cause publication twice (2x) in a newspaper of general circulation in the Philippines, with the date of the publication to be made not later than ten (10) days before the date of the scheduled initial hearing. It was 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.

BOHECO I was, likewise, directed to furnish the Office of the Solicitor General (OSG), the Commission on Audit (COA), the Committees on Energy of both Houses of Congress, the Offices of the Provincial Governor of Bohol and the Mayors of the Municipalities within its franchise area, with copies of the Application, Order and Notice of Public Hearing.

On June 18, 2014, BOHECO I, filed an "Urgent Motion to Reset Hearing" praying for the issuance of an Order cancelling and resetting the scheduled hearing of the instant application due to misinterpretation by the counsel of the rules on where the Notice of Public Hearing must be published. It also explained that a supervening event transpired wherein the calamity loan it applied to the NEA intended to finance the CAPEX was converted into subsidy and that the Memorandum of Agreement has yet to be signed by the parties.

Finding the said motion meritorious, the same is hereby **GRANTED**. Accordingly, the Commission hereby sets anew the instant application for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing on **December 4, 2014 (Thursday) at two o'clock in the afternoon (2:00 P.M.) at the Principal Office of BOHECO I, Brgy. Cabujilan, Tubigon, Bohol.**

BOHECO I is hereby directed to cause the publication of the attached Notice of Public Hearing, at its own expense, twice (2x) in a newspaper of general circulation in the Philippines, with the date of the 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 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 Provincial Governor of Bohol and the Mayors of the Municipalities within the franchise area of BOHECO I for the appropriate posting thereof on their respective bulletin boards.

BOHECO I 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 and pre-trial conference, BOHECO I 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 affidavit of the Editor or Business Manager of the newspaper where said Notice of Public Hearing was published together with the complete issue of the said newspaper, and such other proofs of compliance with the requirements of the Commission.

BOHECO I 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 thereof and proposed markings therefor; 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 BOHECO I 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, BOHECO I 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, November 4, 2014.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ZENAIDA G. CRUZ-DUCUT
Chairperson *per*


LBB/NJS

Copy Furnished:

1. **Atty. Elmer Salus B. Pozon**
Counsel for BOHECO I
315 Jose Dual St., Poooc Or.
Tubigon, Bohol
2. **BOHOL I ELECTRIC COOPERATIVE, INC. (BOHECO I)**
Brgy. Cabujilan, Tubigon, Bohol
3. **The Office of the Solicitor General**
234 Amorsolo Street, Legaspi Village, Makati City
Metro Manila
3. **The Commission on Audit**
Don Mariano Marcos Avenue
Diliman, Quezon City, Metro Manila
4. **The Senate Committee on Energy**
Senate of the Philippines
GSIS Building, Roxas Blvd., Pasay City, Metro Manila
5. **The House Committee on Energy**
House of Representatives
Batasan Hills, Quezon City, Metro Manila
6. **Office of the President of PCCI**
Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, ECC Building, Sen. Gil Puyat Avenue
Makati City
7. **Office of the Provincial Governor**
Province of Bohol
8. **Office of the Municipal Mayor**
Alburquerque, Bohol
9. **Office of the Municipal Mayor**
Antequera, Bohol
10. **Office of the Municipal Mayor**
Baclayon, Bohol
11. **Office of the Municipal Mayor**
Balilihan, Bohol

12. **Office of the Municipal Mayor**
Batuan, Bohol
13. **Office of the Municipal Mayor**
Bilar, Bohol
14. **Office of the Municipal Mayor**
Calape, Bohol
15. **Office of the Municipal Mayor**
Carmen, Bohol
16. **Office of the Municipal Mayor**
Catigbian, Bohol
17. **Office of the Municipal Mayor**
Clarin, Bohol
18. **Office of the Municipal Mayor**
Corella, Bohol
19. **Office of the Municipal Mayor**
Cortes, Bohol
20. **Office of the Municipal Mayor**
Daus, Bohol
21. **Office of the Municipal Mayor**
Dimiao, Bohol
22. **Office of the Municipal Mayor**
Inabanga, Bohol
23. **Office of the Municipal Mayor**
Lila, Bohol
24. **Office of the Municipal Mayor**
Loay, Bohol
25. **Office of the Municipal Mayor**
Loboc, Bohol
26. **Office of the Municipal Mayor**
Loon, Bohol
27. **Office of the Municipal Mayor**
Maribojoc, Bohol

- 28. Office of the Municipal Mayor
Panglao, Bohol**
- 29. Office of the Municipal Mayor
Sagbayan, Bohol**
- 30. Office of the Municipal Mayor
San Isidro, Bohol**
- 31. Office of the Municipal Mayor
Sevilla, Bohol**
- 32. Office of the Municipal Mayor
Sikatuna, Bohol**
- 33. Office of the Municipal Mayor
Tubigon, Bohol**