

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



IN THE MATTER OF
THE APPLICATION FOR
CONFIRMATION AND
APPROVAL OF
CALCULATIONS OF
OVER/UNDER RECOVERIES IN
THE IMPLEMENTATION OF
AUTOMATIC COST
ADJUSTMENTS AND TRUE-
UP MECHANISMS FOR THE
PERIOD 2011 TO 2013,
PURSUANT TO ERC
RESOLUTION NO. 16, SERIES
OF 2009 AS AMENDED BY
RESOLUTION NO. 21, SERIES
OF 2010 AND ERC
RESOLUTION 23, SERIES OF
2010

ERC CASE NO. 2014-015 CF

BATANGAS II ELECTRIC
COOPERATIVE, INC.
(BATELEC II),

Applicant.

x-----x

DUCKETT
Date: JAN 26 2015

ORDER

On March 25, 2014, the Batangas II Electric Cooperative, Inc. (BATELEC II) filed an application for confirmation and approval of its calculations of over/under recoveries in the implementation of Automatic Cost Adjustments and True Up Mechanisms for the period 2011 to 2013, 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.

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 4, 2014.

In the same Order, BATELEC II was directed to cause publication once (1x) 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.

BATELEC II 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 Batangas and the Mayors of the Municipalities/Cities within its franchise area, with copies of the Application, Order and Notice of Public Hearing.

On May 28, 2014, BATELEC II, 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 lack of material time to comply with the Commission's publication requirements.

Finding the said motion meritorious, the same is hereby **GRANTED**. Accordingly, the Commission hereby sets the instant application for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing on **February 9, 2015 (Monday) at two o'clock in the afternoon (2:00 P.M.) at the ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.**

BATELEC II is hereby directed anew to cause the publication of the attached Notice of Public Hearing, at its own expense, once (1x) 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 Batangas and the Mayors of the Municipalities/Cities within the franchise area of BATELEC II for the appropriate posting thereof on their respective bulletin boards.

BATELEC II 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, BATELEC II 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.

BATELEC II 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 BATELEC II 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, BATELEC II 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, January 12, 2015.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ZENAIDA G. CRUZ-DUCUT
Chairperson *per 4*


LBB/NJS

Copy Furnished:

1. **LERIOS-AMBOY PINGOL & GONZALES LAW OFFICES**
Counsels for BATELEC II
Units 1609-1610, Tycoon Centre
Pearl Drive, Ortigas Avenue, Pasig City
2. **BATANGAS II ELECTRIC COOPERATIVE, INC. (BATELEC II)**
Barangay Antipolo del Norte, Lipa City
3. **The Office of the Solicitor General**
134 Amorsolo Street, Legaspi Village, Makati City
Metro Manila
4. **The Commission on Audit**
Don Mariano Marcos Avenue
Diliman, Quezon City, Metro Manila
5. **The Senate Committee on Energy**
Senate of the Philippines
GSIS Building, Roxas Blvd., Pasay City, Metro Manila
6. **The House Committee on Energy**
House of Representatives
Batasan Hills, Quezon City, Metro Manila
7. **Office of the President of PCCI**
Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, ECC Building, Sen. Gil Puyat Avenue
Makati City
8. **Office of the City Mayor**
Lipa City, Batangas
9. **Office of the City Mayor**
Tanauan City, Batangas
10. **Office of the Municipal Mayor**
San Jose, Batangas
11. **Office of the Municipal Mayor**
Alitagtag, Batangas

12. **Office of the Municipal Mayor**
Cuenca, Batangas
13. **Office of the Municipal Mayor**
Mataas na Kahoy, Batangas
14. **Office of the Municipal Mayor**
Mabini, Batangas
15. **Office of the Municipal Mayor**
Tingloy, Batangas
16. **Office of the Municipal Mayor**
Rosario, Batangas
17. **Office of the Municipal Mayor**
San Juan, Batangas
18. **Office of the Municipal Mayor**
Padre Garcia, Batangas
19. **Office of the Municipal Mayor**
Lobo, Batangas
20. **Office of the Municipal Mayor**
Taysan, Batangas
21. **Office of the Municipal Mayor**
Malvar, Batangas
22. **Office of the Municipal Mayor**
Balete, Batangas
23. **Office of the Municipal Mayor**
Laurel, Batangas
24. **Office of the Municipal Mayor**
Talisay, Batangas
25. **Office of the Governor**
Province of Batangas