

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



**IN THE MATTER OF THE
APPLICATION FOR THE
AUTHORITY TO LEASE
REGULATORY ASSET BASE
(RAB) PROPERTIES WITH
PRAYER FOR PROVISIONAL
AUTHORITY**

ERC CASE NO. 2010-073 MC

**PANGASINAN I ELECTRIC
COOPERATIVE, INC.
(PANELCO-I),**

Promulgated:

June 29, 2021

Applicant.

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NOTICE OF VIRTUAL HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 30 November 2010, Pangasinan I Electric Cooperative, Inc. (PANELCO I) filed an *Application* dated 22 November 2010 (Application), seeking the Commission's approval of its authority to lease its Regulatory Asset Base (RAB) properties with prayer for provisional authority.

The pertinent allegations of the *Application* are hereunder quoted as follows:

1. The Applicant, PANGASINAN I ELECTRIC COOPERATIVE, INC. (PANELCO-I) is a rural cooperative organized and existing under Philippine laws, with principal office address at Brgy. San Jose, Bani, Pangasinan, represented by its General Manager, Dionisio O. Opolento, Jr. through Board Resolution No. 10-98 and 10-110 dated October 21, 2010 and November 4, 2010, respectively, copy of which are hereto attached as Annexes "A" and "B" and made an integral part hereof;
2. On July 19, 2010, the Honorable Commission passed Resolution No. 18, Series of 2010 adopting the Rules to Govern the Submission, Evaluation and Approval of Lease of Property by Distribution Utilities.

3. The objectives of the abovementioned rules are: (a) To provide the Distribution Utilities (DUs) with a uniform system of filing application for approval of lease of its properties, (b) To enable the DUs to maximize the utilization of their assets by allowing them to lease available spaces/properties, (c) To protect public interest as it is affected by rates and services of DUs and other providers of electric power, (d) To ensure economic, orderly and efficient development of DUs resources that concern public interest, and € To ensure that the lease of equipment, materials and properties of DUs are transparent and compliant with applicable laws and accepted industry practices and standards.
4. Resolution No. 18 is applicable to: (1) electric cooperatives, (2) privately-owned distribution utilities, (3) local government unit (LGU) owned-and-operated distribution systems, and (4) qualified third parties (QTPs) operating in waived areas of franchised DU.
5. Distribution Utilities are required by the Honorable Commission an application for authority to lease its Regulated Asset Base (RAB) Properties classified according to the following: (1) Pole space rental/pole attachment; (2) Lease of lots/space; and/or (3) Lease of other facilities/equipments/materials;
6. In compliance with the requirements, the applicant submits the following documents, to wit:
 - a. Standard Lease Contract that will govern the transactions between the DU, as lessor, and the prospective lessee specifying the standards of the DU which the lessee must comply. Copy of pro-forma lease contracts are hereto attached as Annexes “C” and “D” and made an integral part hereof;
 - b. Description of the properties to be leased is hereto attached as Annex “E”; and
 - c. Secretary’s Certificate approving the lease and the filing of the application attached hereto as Annexes “F” and “G” and made an integral part hereof;
 - d. All copies of Contract of Lease on RAB Properties of the Applicant executed prior to the effectivity of Resolution No. 18, Series of 2010.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Commission that:

1. Upon filing of the instant application, an Authority to be issued, authorizing the Applicant to lease its Regulated Asset Base (RAB) Properties.
2. After due notice and hearing, the instant Application be approved accordingly.

Other relief/s, just and equitable in the premises are likewise prayed for.

On 30 June 2011, the Commission issued an *Order* dated 21 June 2011, wherein it ruled that the *Application* is compliant with the Commission-issued Resolution No. 18, Series of 2010 and Resolution No. 25, Series of 2010.

On 03 November 2020, the Commission issued another *Order* dated 06 October 2020 wherein it directed the Applicant to submit a status update of the instant *Application*, within ten (10) days upon receipt of the said *Order*.

Consequently, on 10 December 2020, Applicant filed an electronic copy of its *Manifestation* dated 09 December 2020.

The Commission hereby sets the same for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020¹ dated 24 September 2020:

Date and Time	Platform	Activity
04 August 2021 (Wednesday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository presentation
11 August 2021 (Wednesday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Pre-trial Conference, and presentation of evidence

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via electronic mail (e-mail) at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph. The Commission shall give priority to the stakeholders who have duly submitted their respective

¹ Entitled: *A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.*

comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

Moreover, all persons who have an interest in the subject matter of the instant case may become a party by filing with the Commission via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, a verified Petition to Intervene at least five (5) calendar days prior to the date of the initial virtual hearing and subject to the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure, indicating therein the docket number and title of the case and stating the following:

- 1) The petitioner's name, mailing address and e-mail address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.

Likewise, all other persons who may want their views known to the Commission with respect to the subject matter of the case may likewise file through e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, their Opposition or Comment thereon at least five (5) calendar days prior to the initial virtual hearing and subject to the requirements under Rule 9 of the of the ERC Revised Rules of Practice and Procedure. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name, mailing address and e-mail address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

Any of the persons mentioned in the preceding paragraphs may access the copy of the *Application* on the Commission's official website at www.erc.gov.ph.

Finally, all interested persons may be allowed to join the scheduled initial virtual hearing by providing the Commission, thru

legal.virtualhearings@erc.ph, with their respective e-mail addresses and indicating therein the case number of the instant *Application*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

WITNESS, the Honorable Commissioners **ALEXIS M. LUMBATAN, CATHERINE P. MACEDA, FLORESINDA G. BALDO-DIGAL** and **MARKO ROMEO L. FUENTES**, Energy Regulatory Commission, this 22nd day of June 2021 in Pasig City.


AGNES VST DEVANADERA
Chairperson and CEO


LS: BJV/MCCG

