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

IN THE MATTER OF THE **PETITION FOR** THE APPROVAL **OF** THE RECOVERY **FROM** THE UNIVERSAL CHARGE OF THE SHORTFALL IN THE **MISSIONARY ELECTRIFICATION** SUBSIDY FOR CY 2015 AND **CORRESPONDING ADJUSTMENT** OF THE UNIVERSAL CHARGE FOR **MISSIONARY ELECTRIFICATION (UC-ME)**

18 APR 24 86 CZ

ERC CASE NO. 2017-006 RC

NATIONAL CORPORATION,

POWER

Petitioner.

DOCKETED
Date: APR 19 2018
Rv:

ORDER

On 27 January 2017, the National Power Corporation (NPC) filed a *Petition* dated 12 January 2017, seeking the Commission's approval of the recovery from the universal charge of the shortfall in the missionary electrification subsidy for Calendar Year (CY) 2015, and the corresponding adjustment of the Universal Charge for Missionary Electrification (UC-ME).

NPC alleged the following in its *Petition*:

- 1. National Power Corporation (NPC) is a government owned and controlled corporation created and existing under and by virtue of Republic Act No. 6395 as amended ("NPC Charter") with principal address at NPC Office Building Complex corner Quezon Avenue and BIR Road, Diliman, Quezon City where it may be served with orders and other processes of the Honorable Commission.
- 2. Pursuant to Section 70 of Republic Act No. 9136 (Electric Power Industry Reform Act or "EPIRA"), NPC shall remain as a National-Government owned and controlled corporation to perform

the missionary electrification function through its Small Power Utilities Group (SPUG) and shall be responsible for providing power generation and its associated power delivery systems in areas that are not connected to the transmission system.

- 3. NPC is filing this Petition in its capacity as the implementing agency for Missionary Electrification (ME) which function shall be funded from the revenue from sales in missionary areas and from the universal charge (UC) to be collected from all electricity end-users as determined by the Energy Regulatory Commission (ERC) and in line with Section 2 (a) of the RA 9136 Implementing Rules and Regulations or EPIRA IRR.
- 4. Pursuant to Section 4 of Republic Act No. 6395, as amended, and Executive Order No. 86¹, issued by virtue of the authority granted to the President of the Republic of the Philippines under R.A. 7684², Petitioner NPC is duly authorized to charge twelve percent (12%) return on its rate base composed of the sum of its net assets in operation plus two (2) months operating capital.
- 5. On 22 August 2011, the ERC approved and issued Resolution No. 21, Series of 20113, which provides for the guidelines for the setting and approval of electricity generation rates and subsidies for Missionary Electrification areas and for the fixing of and availment of subsidies for Missionary Electrification areas as well as the cash incentives for the Renewable Energy (RE) Developers for Missionary Electrification from the UC-ME.

Said resolution allows NPC and the New Power Providers (hereafter, NPPs) to recover the TCGR as approved by the ERC. In cases where the TCGR is higher than the SAGR, then NPC and the NPP shall be allowed to recover the difference between the TCGR and the SAGR from the UC-ME4. Further, in the same resolution, it is provided that if the reconciliation results in the NPC having a deficiency, as confirmed by the ERC, NPC shall be entitled to an increase in the UC-ME to cover the shortfall caused by several factors as therein specified (i.e. adjustments due to GRAM and ICERA, adjustments in the NPP TCGR and other analogous cases)⁵.

6. The Honorable Commission likewise issued ERC Resolution No. 22, Series of 2006 on 03 May 2006 which mandates NPC to file a quarterly application, if necessary, with the ERC to recover any shortfall in the UC-ME caused by factors such as collection shortfall, adjustments in the FCRR and other analogous cases 7. Also, it is provided therein that "if the reconciliation results in the NPC experiencing deficiency, it shall be

⁵ Article V, Section 2 (c)

 [&]quot;Fixing the Rate of Return on Rate Base of the National Power Corporation at twelve percent (12%) of the Rate Base as Defined in Section 4 of Republic Act No. 6395, as Amended"
 Electric Power Crises Act of 1993"

³ Amended Guidelines for the Setting and Approval of Electricity Generation Rates and Subsidies for Missionary Electrification Areas

⁴ Article II Section 4

 ⁶ Rules for the Regulation of the Qualified Third Parties Performing Missionary Electrification in Areas Declared Unviable by the Department of Energy.
 ⁷ Article IV, Section 3 (b)

entitled to file an application with the ERC for an increase in the UC-ME to cover the shortfall 8 ."

7. NPC is filing this petition pursuant to Rule 20 (A) of the ERC Rules of Practice of Procedure as approved by this Honorable Commission on 22 June 2006 in Resolution No. 38, Series of 2006.

ABSTRACT OF THE PROPOSED RECOVERY OF THE SHORTFALL IN THE UC-ME

- 8. **Reconciliation of Actual UC-ME.** Based on CY 2015 test period, NPC utilizes in its calculation the following documents:
 - a. Certified CY 2015 NPC Financial Statements;

b. Actual Results of Operation;

- c. The actual disbursements of UC-ME to NPPs, QTP and RED-CI;
- 9. Total UC-ME Shortfall. Based on the foregoing documents and as a result of the calculations made, the total shortfall that NPC proposes to recover from the UC-ME is equivalent to PhP1,111,902,576.28. It has an equivalent proposed monthly rate of PhP0.0134/kWh based on the twelve (12) month recovery period as summarized in Table 1 below.

Table 1: Summary of Shortfall

Table 1. Summary of Shortfall			
Particulars	TOTAL		
REVENUE REQUIREMENT Less: REVENUE FROM SALES	12,975,367,971.20 5,731,168,529.37		
REQUIRED REVENUE FROM UC-ME	7,244,199,441.82		
CY 2015 ACTUAL UC-ME REVENUE (Basic)	6,211,057,121.24		
UC-ME SHORT FALL, in PhP	1,033,142,320.58		
Add: Renewable Energy Developer's Cash Incentive Balance as of Dec 2015 UC-ME SHORT FALL, in PhP	78,760,255.70		
Rate Impact, P/kWh Projected Energy Sales, MWh (CY 2017)	0.0134 82,726,573.85		

10. In the reconciliation, the resulting shortfall in the revenue from UC-ME was calculated based on the following formula:

UC-ME True-Up Shortfall/(Surplus)

= Total UC-ME Requirement - Approved UC-ME

Where:

Total UC-ME Requirement =

(NPC Revenue Requirement – Revenue from Sales) + (NPPs, QTP and RED-CI)

11. The total revenue considered was based on the amount granted and accrued from the UC-ME as well as from the revenue

⁸ Article IV Section 3 (d)

from sales based on approved SAGR. Likewise considered were all the allowable expenses incurred by NPC as well as total UC-ME paid to NPPs, QTP and RED-CI.

- 12. In the calculation of the NPC revenue requirement, the following accounts and actual costs were considered:
 - a. Actual Fuel Costs
 - b. Other Operating Expenses, which includes Personal Services and Maintenance and Other Operating Expense

c. Depreciation

d. The foreign exchange fluctuation on debt servicing

e. Rate Base as of December 2015

- f. Revenues from Sales
- 13. The amount of UCME for NPPs, QTP and RED-CI were based on the actual disbursements and payment made consistent with the UC-Settlement Agreement (SA) between NPC and respective power providers taking into account their respective ERC-approved Power Supply Agreement (PSA).
- 14. The Projected Energy Sales Forecast under DOE's Power Development Plan (PDP) for CY 2017 was utilized to determine the proposed UC-ME true-up charges in P/kWh.
- 15. As shown in Table 1 above, the CY 2015 actual revenue received from UC-ME was not sufficient to cover the total UC-ME requirements for NPC, NPPs and QTP.
- 16. The following documents are submitted in support of the proposed recovery of shortfall in the UC-ME:

Annex "A" National Power (NP) Board Resolution No. 2016-34 dated 22 September 2016.

Annex "B" Summary of Shortfall and Adjustment Calculation

Annex "C" NPC Results of Operations (ROO)

Annex "D " NPC Income Statement and Balance Sheet

Annex "E" Discussion on Revenue Requirement and **Rate Base Components**

Annex "F" Summary of UC-ME Subsidy Fees Paid to NPPs and QTP

Annex "F-1" Summary of RED-CI Availments

Annex "G" Summary of Actual UC-ME Received from **PSALM**

Annex "H" Projected Philippines Energy Sales

RATE IMPLICATIONS OF THE PROPOSED RECOVERY OF UC-ME SHORTFALL

- 17. Under the foregoing premises, the recovery of PhP1,111,902,576.28 or an equivalent monthly rate impact of PhP0.0134/kWh is proposed to be collected from the nationwide electricity end-consumers within the period of twelve (12) months and be charged over and above the existing UC-ME rate.
- 18. The recovery of shortfall within one (1) year or twelve months would be reasonable and timely in order for NPC to augment its financial requirements and to provide up to date recovery and adjustment of the ensuing years' subsidy requirements.
- 19. The costs proposed for recovery are merely reimbursement of actual expenses made for CY 2015 and although the recovery scheme is deferred in nature, there are no carrying charges calculated and being proposed herein.

20.NPC's Subsidized Approved Generation Charge (SAGR), is not reflective of the TCGR or the Revenue Requirement in the island grid. It is only 67% of the total fuel cost for CY 2015.

Table 2: Actual Fuel Costs vis-a vis Revenue from Sales

Particulars	Amount	Percentage	
Actual Fuel Costs	3,041,974,066.62	100%	
Average, P/kWh	7.7277	100/0	
Actual Revenue from Sales	2,048,427,875.00	67%	
Average, P/kWh	2,5240		
Difference	993,546,191.62	33%	
PkWh Actual Energy Color L-WIL	2.5240	3370	

Actual Energy Sales, kWh

393,646,871.40

- 21. The amount proposed for recovery is already an incurred cost of NPC and within the reasonable cost of servicing the consumers in the missionary areas considering the nature of operation and the level of demand in the off-grid areas.
- 22. An additional funding thru the approval of this instant Petition will ensure an uninterrupted electricity supply as this would fully augment the funding requirements of NPC, NPPs, QTP and RED-CI. Given the increasing demand for energy and in line with the government thrust of economic development in the offgrid areas, availability of funding thru the UC-ME more particularly for fuel requirements will enable NPC, NPPs, QTP and RED-CI to optimize the use of available plant capacity.
- 23. The Department of Budget and Management (DBM) allows only NPC augmentation of its Corporate Budget if it can source guaranteed funding through the approval of the cost recoveries. The approval therefore of this Petition will enable NPC to support and meet its projected budgetary requirements for CY

2016 and 2017 especially its funding requirement for fuel and UCME to NPPs, QTP and RED-CI.

24. The corresponding Basic Rate for the CY 2015 to CY 2016 was filed under ERC Case No. 2014-135RC last September 15, 2014 where NPC proposed for the UC-ME rate adjustment from PhPo.0454/kWh to PhPo.1476/kWh and PhPo.1467/kWh including RE Cash Incentive for CY 2015 and CY 2016, respectively, to cover NPC's operating cost requirement including guaranteed sufficient subsidy payment for NPP and RE Developers.

25. With the proposed Basic UCME adjustment, the Honorable Commission on November 3, 2014 issued a Provisional Approval (PA) under ERC Case No. 2014-135 RC authorizing NPC to extend the implementation of the current CY 2014 UC-ME subsidy amounting to PhPo.1561/kWh (or PhPo.1544/kWh excluding RED-CI) from January to August 2015. On August 17, 2015, the Honorable Commission extended the PA granted as shown in its Order dated November 3, 2014.

26. In compliance with the above orders, NPC implemented the UC-ME for CY2015 of PhP927Mn per month or equivalent to PhP0.1544/kWh. The total 2015 UC-ME of PhP11.135Bn was reconciled with NPCs Corporate Operating Budget (COB) for FY 2015 and the same was presented and approved by the National Power Board on 21 April 2015. Details of the UCME rates and its corresponding amount are shown below:

Table 3: 2015 UC-ME Rates (in P/kWh)

Particulars	- Mates (III P/KWII)			
rarticulars	Jan to May 2015	Jun to Aug 2015	Sep to Dec	Remarks
Basic UCME			2015	
	0.0454	0.1163	0.1163	
CY 2010 True-up	0.0381			offortion T-
CY 2011 True-up	0.0709			effective Jan-Apr
CY 2012 True-up	0.0709			effective Jan-Mar
			0.0381	effective May-Dec
TOTAL	0.1544	0.1544		circulve May-Dec
	011344	0.1544	0.1544	

Table 4: 2015 UC-ME (in Absolute Amount)

(in ribsolute Alliouit)		
Particulars	Amount	
Basic UCME	6,211,057,121.24	
CY 2010 True-up	1,907,271,986.78	
CY 2011 True-up	1.185.655.605.22	
CY 2012 True-up	1,831,947,377.68	
TOTAL	11.135.932.090.92	

COMPLIANCE WITH PRE-FILING REQUIREMENTS

27. In Compliance with Rule 6 of the ERC Rules of Practice and Procedure, Petitioner has furnished the legislative bodies of each of the local government units where it principally operates, a copy of this petition including all its annexes and accompanying documents.

Proof of receipts by the Sangguniang Panlungsod is attached hereto as **Annex "I"**. Proof of service to the legislative bodies of

the local government units where NPC also operates is attached hereto as Annex "J".

28. Furthermore, Petitioner caused the publication of the subject Petition in its entirety in the newspaper of general circulation and copies of the newspaper and corresponding affidavit of publication are attached hereto as **Annexes** "K "and "L", respectively.

PRAYER

WHEREFORE, premises considered, petitioner NPC respectfully prays that, after notice and hearing, (1) the Honorable Commission approved the recovery of the CY 2015 shortfall in UCME of **PhP1,111,902,576.28** based on the equivalent rate of PhP0.0134/kWh; and (2) thereafter, directing PSALM to remit monthly to NPC the actual UC-ME collected from all electricity end-consumers.

Other just and equitable reliefs are likewise prayed for.

Finding the said *Petition* to be sufficient in substance with the required fees having been paid, the same is hereby set for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and venues:

Date and Time	Venue	Particulars
20 September 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Jurisdictional and Expository Presentation
27 September 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	Energy Regulatory Commission- Visayas Field Office (ERC-VFO), St. Mary's Drive, Banilad, Cebu City	Expository Presentation
O4 October 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	Energy Regulatory Commission- Mindanao Field Office (ERC-MFO), Mezzanine Floor, Mintrade Building, Monteverde Avenue cor. Sales Street, Davao City	Expository Presentation
11 October 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Pre-Trial Conference and Evidentiary Hearing

Accordingly, NPC is hereby directed to:

- 1) Cause the publication of the attached Notice of Public Hearing in two (2) newspapers of nationwide circulation in the Philippines at its own expense, twice (2x) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart and the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial hearing;
- 2) Furnish with copies of this Order and the attached Notice of Public Hearing the Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies within the affected areas for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform of the filing of the *Petition*, its reasons therefor, and of the scheduled hearing thereon, the consumers within the affected areas, by any other means available and appropriate;
- 4) Furnish with copies of this Order and the attached Notice of Public Hearing 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; and
- 5) Furnish with copies of the *Petition* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, Petitioner must submit to the Commission its written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked the following:

1) The evidence of publication of the attached Notice of Public Hearing consisting of affidavits of the Editors or Business Managers of the newspapers where the said Notice of Public Hearing was published, and the complete issues of the said newspapers;

- 2) The evidence of actual posting of this Order and the attached Notice of Public Hearing consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by Petitioner to inform of the filing of the *Petition*, its reasons therefore, and of the scheduled hearing thereon, the consumers within the affected areas;
- 4) The evidence of receipt of copies of this Order and the attached Notice of Public Hearing by the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Petition* and its attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Petitioner and all interested parties are also required 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 summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- The documents or exhibits to be presented, stating the purposes and proposed markings therefore; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pretrial Brief.

Failure of Petitioner to comply with the above requirements 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 the said date of cancellation.

NPC must also be prepared to make an expository presentation of the instant *Petition*, 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 *Petition* is all about and the reasons and justifications being cited in support thereof.

SO ORDERED.

Pasig City, 04 April 2018.

FOR AND BY AUTHORITY OF THE COMMISSION:

AGNES VST DEVANADERA Chairperson and CEO

LS: ARG/GLŠ/APV

Office of the Chairperson

AVSTD-2018-4-510-0013

Copy furnished:

 Atty. Melchor P. Ridulme, Atty. Delfin L. Buenafe II, Atty. May Rose C. Pintor, and Atty. Diwa Rafael B. Bontuyan Counsels for National Power Corporation Office of the General Counsel National Power Corporation BIR Road cor. Quezon Avenue, Diliman, Quezon City

2. Office of the Solicitor General 134 Amorsolo Street, Legaspi Village Makati City

3. Commission on Audit Commonwealth Avenue Quezon City

4. Senate Committee on EnergyGSIS Building, Roxas Boulevard Pasay City

5. House Committee on Energy Batasan Hills Quezon City

6. The AdministratorNational Electrification Administration (NEA) Quezon Avenue, Quezon City

7. The General Manager Philippine Rural Electric Cooperative Association (PHILRECA) 4th Floor, Casman Building 372 Quezon Avenue, Quezon City

8. All Electric Cooperatives

9. All Distribution Utilities

10. Office of the City Mayor Quezon City

11. Office of the LGU Legislative Body Quezon City

12. The Provincial Governor Province of Batanes

13. Office of the LGU Legislative Body Province of Batanes

14. The Municipal Mayor Basco, Batanes

15. Office of the LGU Legislative Body Basco, Batanes

- 16. The Municipal Mayor Itbayat, Batanes
- 17. Office of the LGU Legislative Body Itbayat, Batanes
- **18. The Municipal Mayor** Sabtang, Batanes
- 19. Office of the LGU Legislative Body Sabtang, Batanes
- **20. The Municipal Mayor** Mahatao, Batanes
- **21. Office of the LGU Legislative Body** Mahatao, Batanes
- **22. The Municipal Mayor** Ivana, Batanes
- 23. Office of the LGU Legislative Body Ivana, Batanes
- **24. The Municipal Mayor** Uyugan, Batanes
- **25. Office of the LGU Legislative Body** Uyugan, Batanes
- **26. The Provincial Governor**Province of Ilocos Sur
- **27. Office of the LGU Legislative Body** Province of Ilocos Sur
- **28. The Provincial Governor** Province of Ilocos Norte
- **29. Office of the LGU Legislative Body**Province of Ilocos Norte
- **30. The Provincial Governor** Province of Cagayan
- 31. Office of the LGU Legislative Body Province of Cagayan
- **32. The Municipal Mayor** Calayan, Cagayan
- **33. Office of the LGU Legislative Body** Calayan, Cagayan

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 13 OF 39

34. The Provincial Governor Province of Isabela

- 35. Office of the LGU Legislative Body
 Province of Isabela
- **36. The Municipal Mayor** Palanan, Isabela
- 37. Office of the LGU Legislative Body Palanan, Isabela
- 38. The Municipal Mayor Maconacon, Isabela
- **39. Office of the LGU Legislative Body** Maconaco, Isabela
- **40. The Municipal Mayor** Dinapigue, Isabela
- 41. Office of the LGU Legislative Body Dinapigue, Isabela
- **42. The Provincial Governor** Province of Nueva Viscaya
- **43. Office of the LGU Legislative Body** Province of Nueva Viscaya
- **44. The Provincial Governor** Province of Abra
- **45. Office of the LGU Legislative Body** Province of Abra
- **46. The Provincial Governor** Province of Benguet
- **47. Office of the LGU Legislative Body**Province of Benguet
- **48. The Provincial Governor** Province of Ifugao
- **49. Office of the LGU Legislative Body**Province of Ifugao
- **50. The Provincial Governor** Province of Kalinga Apayao
- **51. Office of the LGU Legislative Body** Province of Kalinga Apayao

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 14 OF 39

- **52. The Municipal Mayor** Kabugao, Kalinga Apayao
- **53. Office of the LGU Legislative Body** Kabugao, Kalinga Apayao
- **54. The Municipal Mayor** Lubuagan, Kalinga Apayao
- **55. Office of the LGU Legislative Body** Lubuagan, Kalinga Apayao
- **56. The Provincial Governor**Mountain Province
- 57. Office of the LGU Legislative Body
 Mountain Province
- **58. The Provincial Governor** Province of Aurora
- **59. Office of the LGU Legislative Body** Province of Aurora
- **60. The Municipal Mayor** Casiguran, Aurora
- **61. Office of the LGU Legislative Body** Casiguran, Aurora
- **62. The Municipal Mayor** Dingalan, Aurora
- **63. Office of the LGU Legislative Body** Dingalan, Aurora
- **64. The Municipal Mayor** Dilasag, Aurora
- **65. Office of the LGU Legislative Body** Dilasag, Aurora
- **66. The Municipal Mayor** Dinalungan, Aurora
- **67. Office of the LGU Legislative Body** Dinalungan, Aurora
- **68. The Municipal Mayor** Dipaculao, Aurora
- **69. Office of the LGU Legislative Body** Dipaculao, Aurora

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 15 OF 39

70. The Provincial Governor Province of Tarlac

- 71. Office of the LGU Legislative Body Province of Tarlac
- **72. The Provincial Governor** Province of Nueva Ecija
- **73. Office of the LGU Legislative Body** Province of Nueva Ecija
- 74. The Provincial Governor Province of Pampanga
- **75. Office of the LGU Legislative Body** Province of Pampanga
- **76. The Provincial Governor** Province of Bataan
- 77. Office of the LGU Legislative Body Province of Bataan
- **78. The Provincial Governor** Province of Zambales
- 79. Office of the LGU Legislative Body
 Province of Zambales
- **80. The Provincial Governor** Province of Bulacan
- 81. Office of the LGU Legislative Body Province of Bulacan
- **82. The Provincial Governor** Province of Laguna
- 83. Office of the LGU Legislative Body Province of Laguna
- **84. The Provincial Governor** Province of Batangas
- **85. Office of the LGU Legislative Body**Province of Batangas
- **86. The Municipal Mayor** Tingloy, Batangas
- 87. Office of the LGU Legislative Body Tingloy, Batangas

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 16 OF 39

- 88. The Provincial Governor Province of Quezon
- 89. Office of the LGU Legislative Body Province of Quezon
- **90. The Municipal Mayor** Jomalig, Quezon
- 91. Office of the LGU Legislative Body Jomalig, Quezon
- **92. The Municipal Mayor** Patnanungan, Quezon
- 93. Office of the LGU Legislative Body Patnanungan, Quezon
- 94. The Municipal Mayor Polilio, Quezon
- **95. Office of the LGU Legislative Body** Polilio, Quezon
- **96. The Provincial Governor**Province of Occidental Mindoro
- 97. Office of the LGU Legislative Body Province of Occidental Mindoro
- 98. The Municipal Mayor Lubang, Occidental Mindoro
- **99. Office of the LGU Legislative Body** Lubang, Occidental Mindoro
- 100. The Municipal Mayor
 Mamburao, Occidental Mindoro
- 101. Office of the LGU Legislative Body Mamburao, Occidental Mindoro
- 102. The Municipal Mayor Paluan, Occidental Mindoro
- 103. Office of the LGU Legislative Body Paluan, Occidental Mindoro
- 104. The Municipal Mayor San Jose, Occidental Mindoro
- 105. Office of the LGU Legislative Body San Jose, Occidental Mindoro

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 17 OF 39

- 106. The Municipal Mayor Abra de Ilog, Occidental Mindoro
- 107. Office of the LGU Legislative Body Abra de Ilog, Occidental Mindoro
- 108. The Municipal Mayor Calintaan, Occidental Mindoro
- 109. Office of the LGU Legislative Body Calintaan, Occidental Mindoro
- 110. The Municipal Mayor Looc, Occidental Mindoro
- 111. Office of the LGU Legislative Body Looc, Occidental Mindoro
- 112. The Municipal Mayor Magsaysay, Occidental Mindoro
- 113. Office of the LGU Legislative Body Magsaysay, Occidental Mindoro
- 114. The Municipal Mayor Rizal, Occidental Mindoro
- 115. Office of the LGU Legislative Body Rizal, Occidental Mindoro
- 116. The Municipal Mayor Sablayan, Occidental Mindoro
- 117. Office of the LGU Legislative Body Sablayan, Occidental Mindoro
- 118. The Municipal Mayor Sta. Cruz, Occidental Mindoro
- 119. Office of the LGU Legislative Body Sta. Cruz, Occidental Mindoro
- **120. The Provincial Governor**Province of Oriental Mindoro
- 121. Office of the LGU Legislative Body
 Province of Oriental Mindoro
- 122. The City Mayor Calapan, Oriental Mindoro
- 123. Office of the LGU Legislative Body Calapan, Oriental Mindoro

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 18 OF 39

- 124. The City Mayor
 Baco, Oriental Mindoro
- 125. Office of the LGU Legislative Body Baco, Oriental Mindoro
- 126. The City Mayor
 San Teodoro, Oriental Mindoro
- 127. Office of the LGU Legislative Body San Teodoro, Oriental Mindoro
- **128. The City Mayor**Puerto Galera, Oriental Mindoro
- 129. Office of the LGU Legislative Body Puerto Galera, Oriental Mindoro
- 130. The City Mayor Naujan, Oriental Mindoro
- 131. Office of the LGU Legislative Body Naujan, Oriental Mindoro
- 132. The City Mayor
 Victoria, Oriental Mindoro
- 133. Office of the LGU Legislative Body Victoria, Oriental Mindoro
- **134. The City Mayor** Socorro, Oriental Mindoro
- 135. Office of the LGU Legislative Body Socorro, Oriental Mindoro
- **136. The City Mayor**Pola, Oriental Mindoro
- 137. Office of the LGU Legislative Body Pola, Oriental Mindoro
- 138. The City Mayor
 Pinamalayan, Oriental Mindoro
- **139. Office of the LGU Legislative Body** Pinamalayan, Oriental Mindoro
- **140. The City Mayor**Gloria, Oriental Mindoro
- 141. Office of the LGU Legislative Body Gloria, Oriental Mindoro

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 19 OF 39

- 142. The City Mayor
 Bansud, Oriental Mindoro
- 143. Office of the LGU Legislative Body Bansud, Oriental Mindoro
- 144. The City Mayor Bongabong, Oriental Mindoro
- 145. Office of the LGU Legislative Body Bongabong, Oriental Mindoro
- 146. The City Mayor Roxas, Oriental Mindoro
- 147. Office of the LGU Legislative Body Roxas, Oriental Mindoro
- 148. The City Mayor
 Mansalay, Oriental Mindoro
- **149. Office of the LGU Legislative Body**Mansalay, Oriental Mindoro
- **150. The City Mayor** Bulalacao, Oriental Mindoro
- **151. Office of the LGU Legislative Body** Bulalacao, Oriental Mindoro
- **152. The Provincial Governor** Province of Marinduque
- **153. Office of the LGU Legislative Body** Province of Marinduque
- **154. The Municipal Mayor** Boac, Marinduque
- **155. Office of the LGU Legislative Body** Boac, Marinduque
- **156. The Municipal Mayor** Mogpog, Marinduque
- **157. Office of the LGU Legislative Body** Mogpog, Marinduque
- **158. The Municipal Mayor** Santa Cruz, Marinduque
- 159. Office of the LGU Legislative Body Santa Cruz, Marinduque

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 20 OF 39

- **160. The Municipal Mayor** Torrijos, Marinduque
- 161. Office of the LGU Legislative Body Torrijos, Marinduque
- 162. The Municipal Mayor Buenavista, Marinduque
- 163. Office of the LGU Legislative Body Buenavista, Marinduque
- **164. The Municipal Mayor** Gasan, Marinduque
- 165. Office of the LGU Legislative Body Gasan, Marinduque
- 166. The Provincial Governor
 Province of Romblon
- 167. Office of the LGU Legislative Body
 Province of Romblon
- **168. The Municipal Mayor** Banton, Romblon
- 169. Office of the LGU Legislative Body Banton, Romblon
- 170. The Municipal Mayor Concepcion, Romblon
- 171. Office of the LGU Legislative Body Concepcion, Romblon
- 172. The Municipal Mayor Corcuera, Romblon
- 173. Office of the LGU Legislative Body Corcuera, Romblon
- **174. The Municipal Mayor** Odiongan, Romblon
- 175. Office of the LGU Legislative Body Odiongan, Romblon
- **176. The Municipal Mayor** Romblon, Romblon
- 177. Office of the LGU Legislative Body Romblon, Romblon

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 21 OF 39

- 178. The Municipal Mayor San Fernando, Romblon
- 179. Office of the LGU Legislative Body San Fernando, Romblon
- **180. The Municipal Mayor** San Jose, Romblon
- 181. Office of the LGU Legislative Body San Jose, Romblon
- **182. The Municipal Mayor** Alcantara, Romblon
- 183. Office of the LGU Legislative Body Alcantara, Romblon
- **184. The Municipal Mayor** Calatrava, Romblon
- 185. Office of the LGU Legislative Body Calatraya, Romblon
- **186. The Municipal Mayor** Ferrol, Romblon
- 187. Office of the LGU Legislative Body Ferrol, Romblon
- **188. The Municipal Mayor** Looc, Romblon
- 189. Office of the LGU Legislative Body Looc, Romblon
- **190. The Municipal Mayor** San Agustin, Romblon
- 191. Office of the LGU Legislative Body San Agustin, Romblon
- **192. The Municipal Mayor** San Andres, Romblon
- 193. Office of the LGU Legislative Body San Andres, Romblon
- 194. The Municipal Mayor Santa Fe, Romblon
- 195. Office of the LGU Legislative Body Santa Fe, Romblon

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 22 OF 39

- **196. The Municipal Mayor** Sta. Maria (Imelda), Romblon
- 197. Office of the LGU Legislative Body Sta. Maria (Imelda), Romblon
- **198. The Municipal Mayor** Magdiwang, Romblon
- 199. Office of the LGU Legislative Body Magdiwang, Romblon
- **200. The Municipal Mayor** Cadidiocan, Romblon
- 201. Office of the LGU Legislative Body Cadidiocan, Romblon
- 202. The Provincial Governor Province of Palawan
- 203. Office of the LGU Legislative Body Province of Palawan
- 204. The City Mayor
 Puerto Princesa, Palawan
- 205. Office of the LGU Legislative Body Puerto Princesa, Palawan
- **206. The Municipal Mayor** Agutaya, Palawan
- 207. Office of the LGU Legislative Body Agutaya, Palawan
- 208. The Municipal Mayor Araceli, Palawan
- 209. Office of the LGU Legislative Body Araceli, Palawan
- 210. The Municipal Mayor Balabac, Palawan
- 211. Office of the LGU Legislative Body Balabac, Palawan
- **212. The Municipal Mayor** Busuanga, Palawan
- 213. Office of the LGU Legislative Body Busuanga, Palawan

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 23 OF 39

- 214. The Municipal Mayor Coron, Palawan
- 215. Office of the LGU Legislative Body Coron, Palawan
- **216. The Municipal Mayor** Cagayancillo, Palawan
- 217. Office of the LGU Legislative Body Cagayancillo, Palawan
- **218. The Municipal Mayor** Culion, Palawan
- 219. Office of the LGU Legislative Body Culion, Palawan
- **220. The Municipal Mayor** Cuyo, Palawan
- **221. Office of the LGU Legislative Body** Cuyo, Palawan
- **222. The Municipal Mayor** El Nido, Palawan
- **223.** Office of the LGU Legislative Body El Nido, Palawan
- **224. The Municipal Mayor** Linapacan, Palawan
- 225. Office of the LGU Legislative Body Linapacan, Palawan
- **226. The Municipal Mayor** Magsaysay, Palawan
- **227. Office of the LGU Legislative Body** Magsaysay, Palawan
- **228. The Municipal Mayor** Narra, Palawan
- **229.** Office of the LGU Legislative Body Narra, Palawan
- **230. The Municipal Mayor** Rizal, Palawan
- 231. Office of the LGU Legislative Body Rizal, Palawan

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 24 OF 39

- **232. The Municipal Mayor** Roxas, Palawan
- **233.** Office of the LGU Legislative Body Roxas, Palawan
- **234. The Municipal Mayor** San Vicente, Palawan
- 235. Office of the LGU Legislative Body San Vicente, Palawan
- **236. The Municipal Mayor** Taytay, Palawan
- **237. Office of the LGU Legislative Body** Taytay, Palawan
- **238. The Municipal Mayor** Aborlan, Palawan
- **239.** Office of the LGU Legislative Body Aborlan, Palawan
- **240. The Municipal Mayor** Brooke's Point, Palawan
- **241. Office of the LGU Legislative Body** Brooke's Point, Palawan
- **242. The Municipal Mayor** Española, Palawan
- 243. Office of the LGU Legislative Body Española, Palawan
- **244. The Municipal Mayor** Quezon, Palawan
- **245. Office of the LGU Legislative Body** Quezon, Palawan
- **246. The Municipal Mayor** Bataraza, Palawan
- **247. Office of the LGU Legislative Body** Bataraza, Palawan
- **248. The Municipal Mayor** Dumaran, Palawan
- **249. Office of the LGU Legislative Body** Dumaran, Palawan

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 25 OF 39

- **250. The Provincial Governor**Province of Camarines Sur
- **251. Office of the LGU Legislative Body**Province of Camarines Sur
- **252. The Municipal Mayor** Caramoan, Camarines Sur
- **253.** Office of the LGU Legislative Body Caramoan, Camarines Sur
- **254. The Municipal Mayor**Garchitorena, Camarines Sur
- **255. Office of the LGU Legislative Body** Garchitorena, Camarines Sur
- **256. The Municipal Mayor** Sagnay, Camarines Sur
- **257. Office of the LGU Legislative Body** Sagnay, Camarines Sur
- **258. The Provincial Governor**Province of Camarines Norte
- **259. Office of the LGU Legislative Body**Province of Camarines Norte
- **260. The Provincial Governor** Province of Catanduanes
- **261. Office of the LGU Legislative Body**Province of Catanduanes
- **262. The Municipal Mayor** Bato, Catanduanes
- **263. Office of the LGU Legislative Body**Bato, Catanduanes
- **264. The Municipal Mayor** Caramoran, Catanduanes
- **265. Office of the LGU Legislative Body** Caramoran, Catanduanes
- **266. The Municipal Mayor** Viga, Catanduanes
- **267. Office of the LGU Legislative Body** Viga, Catanduanes

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 26 OF 39

- **268. The Municipal Mayor** Pandan, Catanduanes
- **269. Office of the LGU Legislative Body** Panadan, Catanduanes
- **270. The Municipal Mayor** Bagamanoc, Catanduanes
- **271. Office of the LGU Legislative Body** Bagamanoc, Catanduanes
- **272. The Municipal Mayor**Panganiban (Payo), Catanduanes
- **273. Office of the LGU Legislative Body** Panganiban (Payo), Catanduanes
- **274. The Municipal Mayor** Gigmoto, Catanduanes
- 275. Office of the LGU Legislative Body Gigmoto, Catanduanes
- **276. The Municipal Mayor**San Miguel, Catanduanes
- 277. Office of the LGU Legislative Body San Miguel, Catanduanes
- **278. The Municipal Mayor** San Andres, Catanduanes
- 279. Office of the LGU Legislative Body San Andres, Catanduanes
- **280. The Municipal Mayor** Virac, Catanduanes
- **281. Office of the LGU Legislative Body** Virac, Catanduanes
- **282. The Municipal Mayor** Baras, Catanduanes
- **283. Office of the LGU Legislative Body** Baras, Catanduanes
- **284. The Provincial Governor**Province of Albay
- 285. Office of the LGU Legislative Body
 Province of Albay

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 27 OF 39

- **286. The Municipal Mayor** Rapu-Rapu, Albay
- **287. Office of the LGU Legislative Body** Rapu-Rapu, Albay
- **288. The Provincial Governor**Province of Sorsogon
- 289. Office of the LGU Legislative Body Province of Sorsogon
- **290. The Provincial Governor**Province of Masbate
- 291. Office of the LGU Legislative Body Province of Masbate
- **292. The City Mayor** Masbate, Masbate
- **293.** Office of the LGU Legislative Body Masbate, Masbate
- **294. The Municipal Mayor** Aroroy, Masbate
- 295. Office of the LGU Legislative Body Aroroy, Masbate
- 296. The Municipal Mayor Baleno, Masbate
- **297. Office of the LGU Legislative Body**Baleno, Masbate
- **298. The Municipal Mayor** Balud, Masbate
- 299. Office of the LGU Legislative Body Balud, Masbate
- **300. The Municipal Mayor** Batuan, Masbate
- 301. Office of the LGU Legislative Body Batuan, Masbate
- **302. The Municipal Mayor** Cataingan, Masbate
- 303. Office of the LGU Legislative Body Cataingan, Masbate

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 28 OF 39

- **304. The Municipal Mayor** Cawayan, Masbate
- 305. Office of the LGU Legislative Body Cawayan, Masbate
- **306. The Municipal Mayor** Dimasalang, Masbate
- 307. Office of the LGU Legislative Body Dimasalang, Masbate
- 308. The Municipal Mayor Esperanza, Masbate
- 309. Office of the LGU Legislative Body Esperanza, Masbate
- **310. The Municipal Mayor** Mandaon, Masbate
- 311. Office of the LGU Legislative Body Mandaon, Masbate
- 312. The Municipal Mayor Milagros, Masbate
- 313. Office of the LGU Legislative Body Milagros, Masbate
- 314. The Municipal Mayor Mobo, Masbate
- 315. Office of the LGU Legislative Body Mobo, Masbate
- 316. The Municipal Mayor Monreal, Masbate
- 317. Office of the LGU Legislative Body Monreal, Masbate
- **318. The Municipal Mayor** Palanas, Masbate
- 319. Office of the LGU Legislative Body Palanas, Masbate
- **320. The Municipal Mayor** Pio V. Corpuz, Masbate
- **321. Office of the LGU Legislative Body** Pio V. Corpuz, Masbate

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 29 OF 39

- **322. The Municipal Mayor** Placer, Masbate
- 323. Office of the LGU Legislative Body Placer, Masbate
- **324. The Municipal Mayor** San Fernando, Masbate
- 325. Office of the LGU Legislative Body
 San Fernando, Masbate
- **326. The Municipal Mayor** San Jacinto, Masbate
- 327. Office of the LGU Legislative Body San Jacinto, Masbate
- **328. The Municipal Mayor** San Pascual, Masbate
- **329. Office of the LGU Legislative Body**San Pascual, Masbate
- **330. The Municipal Mayor** Uson, Masbate
- **331. Office of the LGU Legislative Body** Uson, Masbate
- **332. The Provincial Governor** Province of Aklan
- 333. Office of the LGU Legislative Body Province of Aklan
- **334. The Provincial Governor**Province of Antique
- **335. Office of the LGU Legislative Body** Province of Antique
- **336. The Municipal Mayor** Caluya, Antique
- **337. Office of the LGU Legislative Body** Caluya, Antique
- **338. The Municipal Mayor** Culasi, Antique
- **339. Office of the LGU Legislative Body** Culasi, Antique

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 30 OF 39

- **340. The Provincial Governor**Province of Capiz
- 341. Office of the LGU Legislative Body Province of Capiz
- **342. The Provincial Governor**Province of Guimaras
- 343. Office of the LGU Legislative Body Province of Guimaras
- 344. The Municipal Mayor Nueva Valencia, Guimaras
- 345. Office of the LGU Legislative Body Nueva Valencia, Guimaras
- **346. The Provincial Governor**Province of Iloilo
- 347. Office of the LGU Legislative Body Province of Iloilo
- **348. The Municipal Mayor** Carles, Iloilo
- 349. Office of the LGU Legislative Body Carles, Iloilo
- **350. The Provincial Governor** Province of Bacolod
- 351. Office of the LGU Legislative Body
 Province of Bacolod
- **352. The Provincial Governor**Province of Negros Occidental
- **353. Office of the LGU Legislative Body** Province of Negros Occidental
- **354. The Provincial Governor**Province of Negros Oriental
- **355. Office of the LGU Legislative Body**Province of Negros Oriental
- **356. The Provincial Governor**Province of Cebu
- 357. Office of the LGU Legislative Body Province of Cebu

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 31 OF 39

- **358. The Municipal Mayor** Bantayan, Cebu
- **359. Office of the LGU Legislative Body** Bantayan, Cebu
- **360. The Municipal Mayor** Pilar, Cebu
- **361. Office of the LGU Legislative Body** Pilar, Cebu
- **362. The Municipal Mayor** Poro, Cebu
- 363. Office of the LGU Legislative Body Poro, Cebu
- **364. The Municipal Mayor** Santa Fe, Cebu
- **365. Office of the LGU Legislative Body** Santa Fe, Cebu
- **366. The Provincial Governor**Province of Siquijor
- **367. Office of the LGU Legislative Body** Province of Siquijor
- **368. The Municipal Mayor** Larena, Siquijor
- **369. Office of the LGU Legislative Body** Larena, Siquijor
- **370. The Municipal Mayor** Lazi, Siquijor
- 371. Office of the LGU Legislative Body Lazi, Siquijor
- **372. The Municipal Mayor** Siquijor, Siquijor
- **373. Office of the LGU Legislative Body** Siquijor, Siquijor
- **374. The Provincial Governor**Province of Biliran
- 375. Office of the LGU Legislative Body Province of Biliran

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 32 OF 39

- 376. The Municipal Mayor Maripipi, Biliran
- **377. Office of the LGU Legislative Body** Maripipi, Biliran
- **378. The Provincial Governor**Province of Leyte
- 379. Office of the LGU Legislative Body
 Province of Leyte
- 380. The Municipal Mayor Limasawa, Southern Leyte
- **381. Office of the LGU Legislative Body** Limasawa, Southern Leyte
- **382. The Provincial Governor**Province of Samar
- 383. Office of the LGU Legislative Body
 Province of Samar
- **384. The Municipal Mayor** Almagro, Samar
- **385. Office of the LGU Legislative Body** Almagro, Samar
- **386. The Municipal Mayor** Santo Niño, Samar
- **387. Office of the LGU Legislative Body** Santo Niño, Samar
- **388. The Municipal Mayor** Tagapul-an, Samar
- **389. Office of the LGU Legislative Body** Tagapul-an, Samar
- **390. The Municipal Mayor** Zumarraga, Samar
- **391. Office of the LGU Legislative Body** Zumarraga, Samar
- **392. The Municipal Mayor** Biri, Northern Samar
- 393. Office of the LGU Legislative Body Biri, Northern Samar

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 33 OF 39

- **394. The Municipal Mayor** Capul, Northern Samar
- **395. Office of the LGU Legislative Body** Capul, Northern Samar
- **396. The Municipal Mayor**San Antonio, Northern Samar
- 397. Office of the LGU Legislative Body San Antonio, Northern Samar
- **398. The Municipal Mayor**San Vicente, Northern Samar
- **399. Office of the LGU Legislative Body**San Vicente, Northern Samar
- **400. The Provincial Governor**Province of Bohol
- 401. Office of the LGU Legislative Body
 Province of Bohol
- **402. The Municipal Mayor** Baclayon, Bohol
- **403. Office of the LGU Legislative Body** Baclayon, Bohol
- **404. The Municipal Mayor** Calape, Bohol
- 405. Office of the LGU Legislative Body Calape, Bohol
- **406. The Municipal Mayor** Inabanga, Bohol
- **407. Office of the LGU Legislative Body** Inabanga, Bohol
- **408. The Municipal Mayor** Loon, Bohol
- 409. Office of the LGU Legislative Body Loon, Bohol
- **410. The Municipal Mayor** Panglao, Bohol
- **411. Office of the LGU Legislative Body** Panglao, Bohol

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 34 OF 39

- **412. The Municipal Mayor** Tubigon, Bohol
- 413. Office of the LGU Legislative Body Tubigon, Bohol
- **414. The Provincial Governor**Province of Zamboanga del Norte
- **415. Office of the LGU Legislative Body**Province of Zamboanga del Norte
- **416. The Provincial Governor**Province of Zamboanga del Sur
- **417. Office of the LGU Legislative Body**Province of Zamboanga del Sur
- **418. The City Mayor**Zamboanga City, Zamboanga del Sur
- **419. Office of the LGU Legislative Body** Zamboanga City, Zamboanga del Sur
- **420. The Provincial Governor**Province of Davao Oriental
- **421. Office of the LGU Legislative Body**Province of Davao Oriental
- **422. The Provincial Governor**Province of Davao del Sur
- **423. Office of the LGU Legislative Body**Province of Davao del Sur
- **424. The Municipal Mayor**Jose Abad Santos, Davao del Sur
- **425. Office of the LGU Legislative Body** Jose Abad Santos, Davao del Sur
- **426. The Municipal Mayor** Sarangani, Davao del Sur
- **427. Office of the LGU Legislative Body** Sarangani, Davao del Sur
- **428. The Provincial Governor**Province of Davao del Norte
- **429. Office of the LGU Legislative Body**Province of Davao del Norte

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 35 OF 39

- **430. The City Mayor** Samal City, Davao del Norte
- **431. Office of the LGU Legislative Body**Samal City, Davao del Norte
- **432. The Provincial Governor**Province of Misamis Occidental
- **433. Office of the LGU Legislative Body**Province of Misamis Occidental
- **434. The Provincial Governor**Province of Misamis Oriental
- 435. Office of the LGU Legislative Body Province of Misamis Oriental
- **436. The Provincial Governor**Province of Bukidnon
- **437. Office of the LGU Legislative Body** Province of Bukidnon
- **438. The Provincial Governor**Province of Lanao del Norte
- **439. Office of the LGU Legislative Body** Province of Lanao del Norte
- **440. The Provincial Governor**Province of North Cotabato
- **441. Office of the LGU Legislative Body** Province of North Cotabato
- **442. The Provincial Governor** Province of South Cotabato
- 443. Office of the LGU Legislative Body
 Province of South Cotabato
- **444. The Provincial Governor**Province of Sultan Kudarat
- 445. Office of the LGU Legislative Body Province of Sultan Kudarat
- **446. The Municipal Mayor** Kalamansig, Sultan Kudarat
- **447. Office of the LGU Legislative Body** Kalamansig, Sultan Kudarat

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 36 OF 39

- **448. The Municipal Mayor** Lebak, Sultan Kudarat
- **449. Office of the LGU Legislative Body** Lebak, Sultan Kudarat
- **450. The Municipal Mayor** Palimbang, Sultan Kudarat
- **451. Office of the LGU Legislative Body** Palimbang, Sultan Kudarat
- **452. The Municipal Mayor**Sen. Ninoy Aquino, Sultan Kudarat
- **453. Office of the LGU Legislative Body** Sen. Ninoy Aquino, Sultan Kudarat
- **454. The Provincial Governor**Province of Basilan
- **455. Office of the LGU Legislative Body** Province of Basilan
- **456. The City Mayor** Isabela City, Basilan
- **457. Office of the LGU Legislative Body** Isabela City, Basilan
- **458. The Provincial Governor**Province of Sulu
- **459. Office of the LGU Legislative Body** Province of Sulu
- **460. The Municipal Mayor** Jolo, Sulu
- **461. Office of the LGU Legislative Body** Jolo, Sulu
- **462. The Municipal Mayor** Luuk, Sulu
- **463. Office of the LGU Legislative Body** Luuk, Sulu
- **464. The Municipal Mayor** Siasi, Sulu
- **465. Office of the LGU Legislative Body** Siasi, Sulu

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 37 OF 39

- **466. The Municipal Mayor** Bangulngi (Tongkil), Sulu
- **467. Office of the LGU Legislative Body** Bangulngi (Tongkil), Sulu
- **468. The Municipal Mayor** Hadji Panglima Tahil, Sulu
- **469. Office of the LGU Legislative Body** Hadji Panglima Tahil, Sulu
- **470. The Municipal Mayor** Lugus, Sulu
- **471. Office of the LGU Legislative Body** Lugus, Sulu
- **472. The Municipal Mayor** Pangutaran, Sulu
- **473. Office of the LGU Legislative Body** Pangutaran, Sulu
- **474. The Municipal Mayor** Pata, Sulu
- **475. Office of the LGU Legislative Body** Pata, Sulu
- **476. The Municipal Mayor** Tapul, Sulu
- **477. Office of the LGU Legislative Body** Tapul, Sulu
- **478. The Provincial Governor**Province of Tawi-Tawi
- **479. Office of the LGU Legislative Body**Province of Tawi-Tawi
- **480. The Municipal Mayor** Bongao, Tawi-Tawi
- **481. Office of the LGU Legislative Body** Bongao, Tawi-Tawi
- **482. The Municipal Mayor** Mapun, Tawi-Tawi
- **483. Office of the LGU Legislative Body** Mapun, Tawi-Tawi

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 38 OF 39

- **484. The Municipal Mayor**Panglima Sugala, Tawi-Tawi
- **485. Office of the LGU Legislative Body** Panglima Sugala, Tawi-Tawi
- **486. The Municipal Mayor** Simunul, Tawi-Tawi
- 487. Office of the LGU Legislative Body Simunul, Tawi-Tawi
- **488. The Municipal Mayor** Sitangkai, Tawi-Tawi
- **489. Office of the LGU Legislative Body** Sitangkai, Tawi-Tawi
- **490. The Municipal Mayor** Tandubas, Tawi-Tawi
- **491. Office of the LGU Legislative Body** Tandubas, Tawi-Tawi
- **492. The Municipal Mayor** Sapa-sapa, Tawi-Tawi
- **493. Office of the LGU Legislative Body** Sapa-sapa, Tawi-Tawi
- **494. The Municipal Mayor** South Ubian, Tawi-Tawi
- **495. Office of the LGU Legislative Body** South Ubian, Tawi-Tawi
- **496. The Provincial Governor**Province of Dinagat Island
- 497. Office of the LGU Legislative Body
 Province of Dinagat Island
- **498. The Municipal Mayor**San Jose, Dinagat Island
- **499.** Office of the LGU Legislative Body San Jose, Dinagat Island
- **500. The Municipal Mayor** Loreto, Dinagat Island
- 501. Office of the LGU Legislative Body Loreto, Dinagat Island

ERC CASE NO. 2017-006 RC ORDER/ 04 April 2018 PAGE 39 OF 39

- **502. The Provincial Governor** Province of Agusan del Norte
- 503. Office of the LGU Legislative Body Province of Agusan del Norte
- **504. The Provincial Governor**Province of Agusan del Sur
- 505. Office of the LGU Legislative Body Province of Agusan del Sur
- **506. The Provincial Governor**Province of Surigao del Norte
- 507. Office of the LGU Legislative Body Province of Surigao del Norte
- **508. The City Mayor**Surigao City, Surigao del Norte
- **509. Office of the LGU Legislative Body** Surigao City, Surigao del Norte
- **510. The Provincial Governor** Province of Surigao del Sur
- 511. Office of the LGU Legislative Body Province of Surigao del Sur
- 512. Regulatory Operations Service (ROS)
 Energy Regulatory Commission
 17th Floor, Pacific Center Building, San Miguel Avenue, Pasig City

Republic of the Philippines ENERGY REGULATORY COMMISSION

San Miguel Avenue, Pasig City

IN THE MATTER OF THE **PETITION** FOR THE APPROVAL OF THE RECOVERY **FROM** THE UNIVERSAL CHARGE OF THE SHORTFALL IN THE **MISSIONARY ELECTRIFICATION SUBSIDY** FOR \mathbf{CY} 2015 AND THE **CORRESPONDING ADJUSTMENT** OF THE UNIVERSAL CHARGE FOR **MISSIONARY ELECTRIFICATION (UC-ME)**

ERC CASE NO. 2017-006 RC

NATIONAL CORPORATION,

POWER

Petitioner.

DOCKETED Date: APR 19 2018

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 27 January 2017, the National Power Corporation (NPC) filed a *Petition* dated 12 January 2017, seeking the Commission's approval of the recovery from the universal charge of the shortfall in the missionary electrification subsidy for Calendar Year (CY) 2015, and the corresponding adjustment of the Universal Charge for Missionary Electrification (UC-ME).

NPC alleged the following in its Petition:

1. National Power Corporation (NPC) is a government owned and controlled corporation created and existing under and by virtue of Republic Act No. 6395 as amended ("NPC Charter") with principal address at NPC Office Building Complex corner Quezon Avenue and BIR Road, Diliman, Quezon City where it may



be served with orders and other processes of the Honorable Commission.

- 2. Pursuant to Section 70 of Republic Act No. 9136 (Electric Power Industry Reform Act or "EPIRA"), NPC shall remain as a National-Government owned and controlled corporation to perform the missionary electrification function through its Small Power Utilities Group (SPUG) and shall be responsible for providing power generation and its associated power delivery systems in areas that are not connected to the transmission system.
- 3. NPC is filing this Petition in its capacity as the implementing agency for Missionary Electrification (ME) which function shall be funded from the revenue from sales in missionary areas and from the universal charge (UC) to be collected from all electricity end-users as determined by the Energy Regulatory Commission (ERC) and in line with Section 2 (a) of the RA 9136 Implementing Rules and Regulations or EPIRA IRR.
- 4. Pursuant to Section 4 of Republic Act No. 6395, as amended, and Executive Order No. 86¹, issued by virtue of the authority granted to the President of the Republic of the Philippines under R.A. 7684², Petitioner NPC is duly authorized to charge twelve percent (12%) return on its rate base composed of the sum of its net assets in operation plus two (2) months operating capital.
- 5. On 22 August 2011, the ERC approved and issued Resolution No. 21, Series of 20113, which provides for the guidelines for the setting and approval of electricity generation rates and subsidies for Missionary Electrification areas and for the fixing of and availment of subsidies for Missionary Electrification areas as well as the cash incentives for the Renewable Energy (RE) Developers for Missionary Electrification from the UC-ME.

Said resolution allows NPC and the New Power Providers (hereafter, NPPs) to recover the TCGR as approved by the ERC. In cases where the TCGR is higher than the SAGR, then NPC and the NPP shall be allowed to recover the difference between the TCGR and the SAGR from the UC-ME4. Further, in the same resolution, it is provided that if the reconciliation results in the NPC having a deficiency, as confirmed by the ERC, NPC shall be entitled to an increase in the UC-ME to cover the shortfall caused by several factors as therein specified (i.e. adjustments due to GRAM and ICERA, adjustments in the NPP TCGR and other analogous cases)⁵.

6. The Honorable Commission likewise issued ERC Resolution No. 22, Series of 2006 on 03 May 2006 which

⁵ Article V, Section 2 (c)

¹ "Fixing the Rate of Return on Rate Base of the National Power Corporation at twelve percent (12%) of the Rate Base as Defined in Section 4 of Republic Act No. 6395, as Amended"

 ² "Electric Power Crises Act of 1993"
 ³ Amended Guidelines for the Setting and Approval of Electricity Generation Rates and Subsidies for Missionary Electrification Areas

⁴ Article II Section 4

⁶ Rules for the Regulation of the Qualified Third Parties Performing Missionary Electrification in Areas Declared Unviable by the Department of Energy

mandates NPC to file a quarterly application, if necessary, with the ERC to recover any shortfall in the UC-ME caused by factors such as collection shortfall, adjustments in the FCRR and other analogous cases 7. Also, it is provided therein that "if the reconciliation results in the NPC experiencing deficiency, it shall be entitled to file an application with the ERC for an increase in the UC-ME to cover the shortfall8."

7. NPC is filing this petition pursuant to Rule 20 (A) of the ERC Rules of Practice of Procedure as approved by this Honorable Commission on 22 June 2006 in Resolution No. 38, Series of 2006.

ABSTRACT OF THE PROPOSED RECOVERY OF THE SHORTFALL IN THE UC-ME

- 8. Reconciliation of Actual UC-ME. Based on CY 2015 test period, NPC utilizes in its calculation the following documents:
 - a. Certified CY 2015 NPC Financial Statements;
 - b. Actual Results of Operation;
 - c. The actual disbursements of UC-ME to NPPs, QTP and RED-CI;
- 9. Total UC-ME Shortfall. Based on the foregoing documents and as a result of the calculations made, the total shortfall that NPC proposes to recover from the UC-ME is equivalent to PhP1,111,902,576.28. It has an equivalent proposed monthly rate of PhP0.0134/kWh based on the twelve (12) month recovery period as summarized in Table 1 below.

Table 1: Summary of Shortfall

- and at Dummary of Shortian				
Particulars	TOTAL			
REVENUE REQUIREMENT Less: REVENUE FROM SALES	12,975,367,971.20 5,731,168,529.37			
REQUIRED REVENUE FROM UC-ME	7,244,199,441.82			
CY 2015 ACTUAL UC-ME REVENUE (Basic)	6,211,057,121.24			
UC-ME SHORTFALL, in PhP	1,033,142,320.58			
Add: Renewable Energy Developer's Cash Incentive Balance as of Dec 2015	78,760,255.70			
UC-ME SHORT FALL, in PhP	1,111,902,576.28			
Rate Impact, P/kWh Projected Energy Sales, MWh (CY 2017)	0.0134 82,726,573.85			

10. In the reconciliation, the resulting shortfall in the revenue from UC-ME was calculated based on the following formula:

UC-ME True-Up Shortfall/(Surplus)

= Total UC-ME Requirement - Approved UC-ME

Where:



⁷ Article IV, Section 3 (b)

⁸ Article IV Section 3 (d)

Total UC-ME Requirement =

(NPC Revenue Requirement – Revenue from Sales) + (NPPs, QTP and RED-CI)

- 11. The total revenue considered was based on the amount granted and accrued from the UC-ME as well as from the revenue from sales based on approved SAGR. Likewise considered were all the allowable expenses incurred by NPC as well as total UC-ME paid to NPPs, QTP and RED-CI.
- 12. In the calculation of the NPC revenue requirement, the following accounts and actual costs were considered:
 - a. Actual Fuel Costs
 - b. Other Operating Expenses, which includes Personal Services and Maintenance and Other Operating Expense
 - c. Depreciation
 - d. The foreign exchange fluctuation on debt servicing
 - e. Rate Base as of December 2015
 - f. Revenues from Sales
- 13. The amount of UCME for NPPs, QTP and RED-CI were based on the actual disbursements and payment made consistent with the UC-Settlement Agreement (SA) between NPC and respective power providers taking into account their respective ERC-approved Power Supply Agreement (PSA).
- 14. The Projected Energy Sales Forecast under DOE's Power Development Plan (PDP) for CY 2017 was utilized to determine the proposed UC-ME true-up charges in P/kWh.
- 15. As shown in Table 1 above, the CY 2015 actual revenue received from UC-ME was not sufficient to cover the total UC-ME requirements for NPC, NPPs and QTP.
- 16. The following documents are submitted in support of the proposed recovery of shortfall in the UC-ME:
 - Annex "A" National Power (NP) Board Resolution No. 2016-34 dated 22 September 2016.
 - Annex "B" Summary of Shortfall and Adjustment Calculation
 - Annex "C" NPC Results of Operations (ROO)
 - Annex "D " NPC Income Statement and Balance Sheet
 - Annex "E" Discussion on Revenue Requirement and Rate Base Components
 - Annex "F" Summary of UC-ME Subsidy Fees Paid to NPPs and QTP
 - Annex "F-1" Summary of RED-CI Availments



Annex "G"

Summary of Actual UC-ME Received from

PSALM

Annex "H"

Projected Philippines Energy Sales

RATE IMPLICATIONS OF THE PROPOSED RECOVERY OF UC-ME SHORTFALL

- 17. Under the foregoing premises, the recovery of PhP1,111,902,576.28 or an equivalent monthly rate impact of PhP0.0134/kWh is proposed to be collected from the nationwide electricity end-consumers within the period of twelve (12) months and be charged over and above the existing UC-ME rate.
- 18. The recovery of shortfall within one (1) year or twelve months would be reasonable and timely in order for NPC to augment its financial requirements and to provide up to date recovery and adjustment of the ensuing years' subsidy requirements.
- 19. The costs proposed for recovery are merely reimbursement of actual expenses made for CY 2015 and although the recovery scheme is deferred in nature, there are no carrying charges calculated and being proposed herein.

20.NPC's Subsidized Approved Generation Charge (SAGR), is not reflective of the TCGR or the Revenue Requirement in the island grid. It is only 67% of the total fuel cost for CY 2015.

Table 2: Actual Fuel Costs vis-a vis Revenue from Sales

Particulars	Amount	Percentage	
Actual Fuel Costs	3,041,974,066.62		
Average, P/kWh	7.7277	20070	
Actual Revenue from Sales	2,048,427,875.00	67%	
Average, P/kWh	2,5240		
Difference	993,546,191.62	33%	
PkWh Actual Engrav Salas Lyazh	2.5240	33/0	

Actual Energy Sales, kWh

393,646,871.40

- 21. The amount proposed for recovery is already an incurred cost of NPC and within the reasonable cost of servicing the consumers in the missionary areas considering the nature of operation and the level of demand in the off-grid areas.
- 22. An additional funding thru the approval of this instant Petition will ensure an uninterrupted electricity supply as this would fully augment the funding requirements of NPC, NPPs, QTP and RED-CI. Given the increasing demand for energy and in line with the government thrust of economic development in the offgrid areas, availability of funding thru the UC-ME more particularly for fuel requirements will enable NPC, NPPs, QTP and RED-CI to optimize the use of available plant capacity.

23. The Department of Budget and Management (DBM) allows only NPC augmentation of its Corporate Budget if it can source guaranteed funding through the approval of the cost recoveries. The approval therefore of this Petition will enable NPC to support and meet its projected budgetary requirements for CY 2016 and 2017 especially its funding requirement for fuel and UCME to NPPs, QTP and RED-CI.

24. The corresponding Basic Rate for the CY 2015 to CY 2016 was filed under ERC Case No. 2014-135RC last September 15, 2014 where NPC proposed for the UC-ME rate adjustment from PhPo.0454/kWh to PhPo.1476/kWh and PhPo.1467/kWh including RE Cash Incentive for CY 2015 and CY 2016, respectively, to cover NPC's operating cost requirement including guaranteed sufficient subsidy payment for NPP and RE Developers.

25. With the proposed Basic UCME adjustment, the Honorable Commission on November 3, 2014 issued a Provisional Approval (PA) under ERC Case No. 2014-135 RC authorizing NPC to extend the implementation of the current CY 2014 UC-ME subsidy amounting to PhPo.1561/kWh (or PhPo.1544/kWh excluding RED-CI) from January to August 2015. On August 17, 2015, the Honorable Commission extended the PA granted as shown in its Order dated November 3, 2014.

26. In compliance with the above orders, NPC implemented the UC-ME for CY2015 of PhP927Mn per month or equivalent to PhP0.1544/kWh. The total 2015 UC-ME of PhP11.135Bn was reconciled with NPCs Corporate Operating Budget (COB) for FY 2015 and the same was presented and approved by the National Power Board on 21 April 2015. Details of the UCME rates and its corresponding amount are shown below:

Table 3: 2015 UC-ME Rates (in P/kWh)

Particulars Jan to May Jun to Aug Sep to Dog Bonnales				
Jan to May	Jun to Aug	Sep to Dec	Remarks	
2015	2015	2015		
0.0454	0.1163			
0.0381			effective Jan-Apr	
0.0709			effective Jan-Mar	
		0.0281	effective May-Dec	
0.1544	0.1544		chective May-Dec	
	Jan to May 2015 0.0454	Jan to May Jun to Aug 2015 2015 0.0454 0.1163 0.0381 0.0709	Jan to May Jun to Aug Sep to Dec 2015 2015 2015 0.0454 0.1163 0.1163 0.0381 0.0709 0.0381	

Table 4: 2015 UC-ME (in Absolute Amount)

Particulars	Amount	
Basic UCME	6,211,057,121.24	
CY 2010 True-up	1,907,271,986.78	
CY 2011 True-up	1.185.655.605.22	
CY 2012 True-up	1,831,947,377.68	
TOTAL	11.135.932.090.92	

COMPLIANCE WITH PRE-FILING REQUIREMENTS

27. In Compliance with Rule 6 of the ERC Rules of Practice and Procedure, Petitioner has furnished the legislative bodies of each of the local government units where it principally operates, a

copy of this petition including all its annexes and accompanying documents.

Proof of receipts by the Sangguniang Panlungsod is attached hereto as **Annex** "I". Proof of service to the legislative bodies of the local government units where NPC also operates is attached hereto as **Annex** "J".

28. Furthermore, Petitioner caused the publication of the subject Petition in its entirety in the newspaper of general circulation and copies of the newspaper and corresponding affidavit of publication are attached hereto as Annexes "K "and "L", respectively.

PRAYER

WHEREFORE, premises considered, petitioner NPC respectfully prays that, after notice and hearing, (1) the Honorable Commission approved the recovery of the CY 2015 shortfall in UCME of PhP1,111,902,576.28 based on the equivalent rate of PhP0.0134/kWh; and (2) thereafter, directing PSALM to remit monthly to NPC the actual UC-ME collected from all electricity end-consumers.

Other just and equitable reliefs are likewise prayed for.

The Commission has set the *Petition* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and venues:

Date and Time	Venue	Particulars
20 September 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Jurisdictional and Expository Presentation
27 September 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	Energy Regulatory Commission- Visayas Field Office (ERC-VFO), St. Mary's Drive, Banilad, Cebu City	Expository Presentation
O4 October 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	Energy Regulatory Commission- Mindanao Field Office (ERC-MFO), Mezzanine Floor, Mintrade Building, Monteverde Avenue cor. Sales Street, Davao City	Expository Presentation
11 October 2018 (Thursday) at ten o'clock in the morning (10:00 A.M.)	ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Pre-Trial Conference and Evidentiary Hearing

All persons who have an interest in the subject matter of the instant case may become a party by filing with the Commission a verified Petition to Intervene at least five (5) days prior to the initial hearing and subject to the requirements under Rule 9 of the ERC's 2006 Rules of Practice and Procedure, indicating therein the docket number and title of the case and stating the following:

- 1) The petitioner's name and 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.

All other persons who may want their views known to the Commission with respect to the subject matter of the case may file their Opposition or Comment thereon at any stage of the proceeding before Petitioner rests its case, subject to the requirements under Rule 9 of the ERC's 2006 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 and address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All such persons who wish to have a copy of the *Petition* may request from Petitioner that they be furnished with the same, prior to the date of the initial hearing. Petitioner is hereby directed to furnish all those making such request with copies of the *Petition* and its attachments, subject to the reimbursement of reasonable photocopying costs. Any such person may likewise examine the *Petition* and other pertinent records filed with the Commission during the standard office hours.

WITNESS, the Honorable Chairperson and CEO AGNES VST DEVANADERA, and the Honorable Commissioners ALFREDO J. NON, GLORIA VICTORIA C. YAP-TARUC, and GERONIMO D. STA. ANA, Energy Regulatory Commission, this 4th day of April 2018 in Pasig City.

FOR AND BY AUTHORITY OF THE COMMISSION:

JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Oversight Commissioner for Legal

LS: ARG/GLS/APV