

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR THE
CONFIRMATION/APPROVAL
OF THE IMPLEMENTED
CAPITAL EXPENDITURE
PROJECTS FOR THE YEARS
2016-2023 AND APPROVAL
OF THE PROPOSED CAPITAL
EXPENDITURE PROJECTS
FOR THE YEAR 2024**

ERC CASE NO. 2024-037 RC

**COTABATO ELECTRIC
COOPERATIVE, INC.
(COTELCO),**
Applicant.

Promulgated:
March 22, 2024

X-----X

ORDER

On 14 March 2024, Cotabato Electric Cooperative, Inc. (COTELCO) filed its *Application* dated 07 February 2024, seeking the Commission's approval of its implemented capital expenditure projects for the years 2016-2023 and approval of its proposed capital expenditure projects for the year 2024.

The pertinent allegations in the said *Application* are hereunder quoted, as follows:

THE APPLICANT

1. Applicant COTELCO is an Electric Cooperative created and existing pursuant to the provisions of Presidential Decree No. 269 as amended, with principal office located at Manubuan, Matalam, North Cotabato, Philippines, represented herein by its General Manager, Joel V. De Guzman, Jr. duly authorized by virtue of Board Resolution No. 94, series of 2023 dated 17 May 2023, of the Board of Directors, copy of which is attached hereto as Annex "A" and made an integral part hereof.

The filing of the instant *Application* is likewise authorized under the aforementioned Board Resolution;

2. Applicant has been granted by the National Electrification Administration (NEA) an authority to operate and distribute electric light and power within the coverage area comprising the City of Kidapawan and the Municipalities of Makilala, Kabacan, Carmen, Mlang, Tulunan, Matalam, Pres. Roxas, Magpet, Antipas, Arakan, and Banisilan, all in the Province of North Cotabato.

THE APPLICATION AND ITS PURPOSE

3. This Application is filed in compliance with ERC Resolution No. 26, Series of 2009 (A Resolution Amending the Rules for Approval of Regulated Entities' Capital Expenditure Projects)" adopted pursuant to the mandate of Section 43 of Republic Act No. 9136 otherwise known as the Electric Power Industry Reform Act of 2001 (EPIRA) and its implementing Rules and Regulations, which categorically provides that all capital expenditure projects (CAPEX) shall be submitted to and for the approval of the Commission prior to its implementation, in relation to ERC Resolution No. 20, Series of 2011 which sets the timelines for the filing of the instant application;
4. The aforementioned amended rules was issued by the Honorable Commission to ensure that the projects are timely, appropriate, necessary and cost efficient; to ensure that the proposed capital projects are consistent with the Distribution Development Plan (DDP), the Philippine Grid Code (PGC), the Philippines Distribution Code (PDC), and other relevant government issuances; and to ensure that the procurement of equipment, materials and services are transparent, competitive and compliant with the applicable laws and regulations.
5. In accordance with the Amended CAPEX Rules, consistent with the Distribution Development Plan and the Philippine Distribution Code, Applicant shall acquire, construct and implement the following capital expenditure projects for the year 2024 and shall seek the confirmation and approval of the implemented projects for the years 2016-2023, with a total approximate cost of Six Hundred Fifty Million Five Hundred Seventy-Nine Thousand One Hundred Ninety-Nine Pesos and 16/100 (PhP650,579,199.16).

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**Summary of the Implemented and Proposed Projects with
Corresponding Costs for the Years 2016 – 2024**

No.	Asset Category	Title	Type	Year Implemented / Year of Implementation	Project Cost
1	Network	Compliance with PGC: Substation Primary Protection	Safety	2018	2,194,822.97
2	Network	Replacement of Defective M2-Paco Substation Power Transformer	Safety	2024	18,000,000.00
3	Other Network	Acquisition of Poles to replace Rotten/Deteriorated Poles	Safety	2020-2022; 2024	71,933,972.00
4	Non-Network	Acquisition of Lineman Tools and Personal Protective Equipment (PPE)	Safety	2022-2023; 2024	2,818,729.94
5	Network	Installation of New M9-Kalasuyan Substation	Capacity	2019	37,848,448.38
6	Network	Replacement of Defective M1-Matalam Substation Power Transformer	Capacity	2022	17,938,888.88
7	Network	Procurement of Land and Installation of New 10MVA Substation at Sibsib, Tulunan (M10)	Capacity	2023; 2024	64,336,040.03
8	Other Network	Procurement of New Distribution Transformers and related accessories to Replace Defective Transformers	Capacity	2021, 2023; 2024	21,322,000.00
9	Other Network	Acquisition of kWh-Meters and Related Accessories for New Connection of Residential Consumers	Capacity	2016-2023; 2024	191,419,895.40
10	Network	Installation of New M3-Bagonsilang Power Transformer	Power Quality	2019	11,497,161.07
11	Network	Construction of Feeder 54 Line Extension for 2MVA Jargon Asphalt Plant	Power Quality	2024	18,582,829.92
12	Other Network	Installation of Additional Distribution Transformers and other related accessories	Power Quality	2019, 2021-2023; 2024	79,740,067.27
13	Other Network	Procurement of kWh-Meters and Related Accessories for Replacement of Defective Meters and Metershop Compliance	System Loss Reduction	2016-2023; 2024	77,871,517.10
14	Non-Network	Installation of Remote Monitoring Facilities	Customer Service Efficiency	2024	28,631,326.20
15	Non-Network	Acquisition of Heavy Equipment Vehicle	Customer Service Efficiency	2021	5,780,000.00
16	Non-Network	Procurement of Computers and Desktops for Office Use	Customer Service Efficiency	2022	633,500.00
TOTAL CAPEX PROJECT COSTS					650,579,199.16

Justification of the CAPEX Projects

No.	Title	Project Type	Rationale
1	Compliance with PGC: Substation Primary Protection	Safety	This projects aims to ensure that COTELCO's substations can handle maximum short circuit currents and meeting code-specific component requirements for different voltage levels and comply with the Philippine Grid Code, specifically GCR 4.6.1.2.
2	Replacement of Defective M2-Paco Substation Power Transformer	Safety	This project shall replace the defective transformer with a new 10 MVA unit in order to enhance the reliability, safety, and operational efficiency of the M2-Paco substation.
3	Acquisition of Poles to replace Rotten/Deteriorated Poles	Safety	This project specifically focuses on the replacement of deteriorated poles with high-quality steel and concrete alternatives, addressing the safety hazards posed by rotten poles in the coverage area of COTELCO.

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4	Acquisition of Lineman Tools and Personal Protective Equipment (PPE)	Safety	This project aims to acquire essential lineman tools to enhance safety and efficiency in electrical field operations.
5	Installation of New M9-Kalasyuan Substation	Capacity	This project aims to address the capacity issues due to the significant increase of power demand in the area.
6	Replacement of Defective M1-Matalam Substation Power Transformer	Capacity	The replacement and uprating of the Matalam Substation is necessary to ensure that power demand in the area shall be met and address the safety concern due to a defective power transformer.
7	Procurement of Land and Installation of New 10MVA Substation at Sibsib, Tulunan (M10)	Capacity	The project involves two key phases: land procurement in 2023 at Sibsib, Tulunan, and installation of a new 10MVA Substation in 2024. The new substation aims to improve power quality, address undervoltage concerns, and alleviate the load on the M5-Bagonsilang Substation.
8	Procurement of New Distribution Transformers and related accessories to Replace Defective Transformers	Capacity	COTELCO's procurement of new distribution transformers is a crucial initiative focused on replacing defective transformers within its coverage area and enhance the reliability and efficiency of the distribution network, contributing to improved service delivery.
9	Acquisition of kWh-Meters and Related Accessories for New Connection of Residential Consumers	Capacity	Acquisition of kWh Meters and related accessories is necessary to address the metering requirements of new customers.
10	Installation of New M3-Bagonsilang Power Transformer	Power Quality	The urgent replacement of the 22 year old Bagonsilang 10MVA Transformer is necessary in order to address power quality issues due to voltage imbalances despite several attempts to correct the irregularity.
11	Construction of Feeder 54 Line Extension for 2MVA Jargon Asphalt Plant	Power Quality	This project aims to strategically extend Feeder 54 to meet the anticipated 2MW power demand of the Jargon Asphalt Plant in Brgy. Calunasan, Mlang, Cotabato and ensure a reliable power supply, minimizing issues such as overloading and voltage instability.
12	Installation of Additional Distribution Transformers and other related accessories	Power Quality	The project involves installing additional distribution transformers to address undervoltage issues in our electrical distribution system thereby improving system reliability, minimize downtime, and optimize energy efficiency.
13	Procurement of kWh-Meters and Related Accessories for Replacement of Defective Meters and Metershop Compliance	System Loss Reduction	The Procurement of kWh-Meters for Replacement of Defective Meters and Meter Shop Compliance aims to replace faulty kWh-meters to reduce system loss and comply with the Smart Grid Policy.
14	Installation of Remote Monitoring Facilities	Customer Service Efficiency	COTELCO's upcoming project involves implementing a SCADA System to automate outage restoration, optimize resource allocation, and enhance real-time monitoring. This initiative aims to improve operational efficiency, reduce downtime, and boost overall service reliability for the benefit of our customers.
15	Acquisition of Heavy Equipment Vehicle	Customer Service Efficiency	COTELCO acquired a crane/boom truck to improve customer service efficiency and capability to handle consumer complaints, maintenance works and other field service operation.
16	Procurement of Computers and Desktops for Office Use	Customer Service Efficiency	This project involves procuring computers and desktops to upgrade its technological infrastructure and increase office productivity thereby further improving service efficiency to the benefit of the member-consumers.

6. With the prevailing situation in the electric power industry vis-à-vis the consumers' demand, Applicant deems it appropriate to embark on asset development and expansion in order to meet the member-consumers' growing demands;

7. The procurement and early implementation of the aforementioned projects are of great necessity in the schedules herein provided, otherwise service decline is eminent, to the prejudice of the consumers;
8. That the afore-enumerated capital projects will be implemented on staggered basis, and, if a Force Majeure or Fortuitous event, as the case may be occurs causing delay in the implementation, the Applicant shall inform the ERC of such condition and seek the latter's confirmation of the delayed implementation of the particular CAPEX;

RELATED AND INDISPENSABLE DOCUMENTS

9. Consistent with the requirement of the filing of applications for approval of capital projects, Applicant attached and made an integral part of this Application the detailed justifications, related and indispensable documents chronologically arranged, as follows:

<u>ANNEX</u>	<u>DOCUMENT</u>
"B"	CAPEX Executive Summary
"B-1"	Per Project supporting documents
"B-2"	CAPEX Forecasts
"B-3"	Performance Assessment
"B-4"	Rate Impact Analysis
"B-5"	Gantt Chart
"C"	Audited Financial Statements for the years 2016-2022
"D"	Basis of Cost Estimates
"E"	2016-2023 RFSC Utilization Report
"F"	Distribution Development Plan (DDP)

**BOARD APPROVAL
OF THE PROPOSED PROJECTS**

10. Finding the capital expenditure projects reasonable, appropriate, necessary, and ultimately redound to the benefit of the members-consumers by way of efficient, continuous and reliable service, the Board of Directors of the Applicant passed Board Resolution No. 16, Series of 2024 approving the implemented and proposed CAPEX, copy of which is attached hereto as Annex "G";

11. In compliance with Resolution No. 26, Series of 2009, information on the proposed capital projects had been widely disseminated through posting in the conspicuous places of the City of Kidapawan and the Municipalities of Makilala, Kabacan, Carmen, Mlang, Tulunan, Matalam, Pres. Roxas, Magpet, Antipas, Arakan, and Banisilan, all in the Province of North Cotabato, as certified to by Annalou B. Alcarde, an employee of the Applicant tasked to undertake such dissemination, copy of the affidavit of posting is attached hereto as Annex "H". The Notices posted in the areas aforementioned specifically contained the following:
- a. the implemented and proposed projects;
 - b. the reasons for the said projects;
 - c. the source of fund for the said projects;
 - d. indicative rate impact of the said projects;

SOURCES OF FUNDS FOR THE PROJECTS

12. COTELCO's Capital Expenditure Projects Plan is envisioned to have the least rate impact and that brings the most value to its consumers.
13. In the implementation of the proposed projects, the Applicant shall source the funds through a loan with the National Electrification Administration (NEA) and/or other Private Financing Institution that will provide the least interest rate to the benefit of the member-consumers.

Financing Plan

Projects Subject for Implementation in the Year 2024

PROJECT TITLE	Fund Source	Total
Replacement of Defective M2-Paco Substation Power Transformer	BANK LOAN	18,000,000.00
Acquisition of Lineman Tools and Personal Protective Equipment (PPE)	NEA LOAN	2,089,745.94
Installation of New M10-Tulunan Substation	BANK LOAN	61,866,040.03
Construction of Feeder 54 Line Extension for 2MVA Jargon Asphalt Plant	BANK LOAN	18,582,829.92
Installation of Remote Monitoring Facilities	NEA LOAN	28,631,326.20
Procurement of New Distribution Transformers and related accessories to Replace Defective Transformers	NEA LOAN	17,295,500.00
Acquisition of Poles to replace Rotten/Deteriorated Poles	RFSC	58,376,000.00
Acquisition of kWh-Meters and Related Accessories for New Connection of Residential Consumers	RFSC	51,657,045.00
Installation of Additional Distribution Transformers and other related accessories	RFSC	30,197,534.00
Procurement of kWh-Meters and Related Accessories for Replacement of Defective Meters and Metershop Compliance	RFSC	43,500,000.00
	Total	330,196,021.29

Sources of Fund of the Implemented Projects

PROJECT TITLE	Fund Source	Total
Compliance with PGC: Substation Primary Protection	GENERAL FUND	2,194,822.97
Acquisition of Poles to Replace Rotten/Deteriorated Poles	GENERAL FUND/RFSC	13,557,972.00
Acquisition of Lineman Tools and Personal Protective Equipment (PPE)	RFSC	728,984.00
Installation of New M9-Kalasyuan Substation	RFSC	37,848,448.38
Replacement of Defective M1-Matalam Substation Power Transformer	RFSC	17,938,888.88
Procurement of Land for New 10MVA Substation at Sibsib, Tulunan (M10)	RFSC	2,500,000.00
Procurement of New Distribution Transformers and related accessories to Replace Defective Transformers	RFSC	4,026,500.00
Acquisition of kWh-Meters and Related Accessories for New Connection of Residential Customers	RFSC	139,762,850.40
Installation of New M3-Bagonsilang Power Transformer	RFSC	11,497,161.07
Installation of Additional Distribution Transformers and other related accessories	RFSC	49,542,533.27
Acquisition of Heavy Equipment Vehicle	RFSC	5,780,000.00
Procurement of Computers and Desktops for Office Use	RFSC	633,500.00
Procurement of kWh-Meters and Related Accessories for Replacement of Defective Meters and Metershop Compliance	RFSC	34,371,517.10

14. The implementation of the CAPEX shall bring forth an indicative rate impact as follows:

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Indicative Rate Impact

	2016	2017	2018	2019	2020	2021	2022	2023	2024	Entire n-years
Forecasted / Actual Energy Sales, kWh	180,713,902.19	187,639,589.78	205,760,639.62	219,220,605.81	222,287,046.37	239,568,583.95	248,206,954.09	268,922,391.80	286,233,609.38	2,058,553,322.99
RFSC Rate, Php/KWh	0.2994	0.2904	0.5067	0.5067	0.5067	0.5067	0.5067	0.5067	0.5067	0.5067
Fund Beginning balance, Php, excess/(shortfall)	66,017,763.89	6,747,917.56	74,238,588.92	111,043,821.20	105,574,042.65	105,672,610.36	74,188,977.82	47,376,765.48	78,219,762.99	66,017,763.89
FUND INFLOWS										
Forecasted / Actual RFSC Collection, Php	50,541,718.96	77,726,363.01	102,477,609.02	101,910,658.47	104,819,238.22	111,843,309.51	127,233,920.37	132,175,086.65	140,683,532.78	949,411,436.96
Loan proceeds from financial institutions for the subject application, Php	0.00	0.00	0.00	11,906,022.00	37,848,448.38	0.00	0.00	0.00	146,465,462.09	196,219,932.47
Loan proceeds from financial institutions for previous approved CAPEX application/s, Php	49,000,560.00	193,018,256.41	11,310,178.29	63,821,488.00	27,984,987.84	-	-	0.00	0.00	345,135,470.54
Borrowed funds from General Fund (Php)	16,438,646.11	0.00	62,811,314.74	30,911,003.61	0.00	0.00	4,674,667.43	0.00	0.00	114,835,631.89
Total Fund Inflows, Php	115,980,925.07	270,744,619.42	176,599,102.05	208,549,172.08	170,652,674.44	111,843,309.51	131,908,587.80	132,175,086.65	287,148,994.87	1,605,602,471.88
Available Fund for Disbursement, Php	181,998,688.96	277,492,536.98	250,837,690.97	319,592,993.28	276,226,717.09	217,515,919.87	206,097,565.62	179,551,852.11	365,364,757.85	1,671,620,235.77
FUND OUTFLOWS										
CAPEX payment for the subject case, Php - total cost incurred / total cost to be incurred)	13,180,445.00	7,299,500.00	9,582,435.47	79,897,892.72	11,891,760.00	54,435,320.00	90,083,874.88	54,231,950.00	330,196,021.09	650,579,199.16
CAPEX payment for previous approved application/s, Php - approved total cost incurred) ERC Case No. 2012-025RC	123,029,693.52	107,634,185.00	66,649,983.45	72,432,583.95	81,398,627.02	21,157,355.73	13,260,605.58			485,561,054.25
Annual loan amortization payment for the subject case, Php				237,103.96	7,684,817.58	5,694,033.32	8,144,401.74	20,586,754.34	36,366,247.29	78,715,358.23
Annual loan amortization for previous approved application/s, Php	23,614,104.67	88,320,253.06	63,242,720.39	61,164,011.39	67,174,521.39	59,239,023.63	47,098,041.64	26,517,384.78	26,381,527.68	462,751,588.63
Other fees relative to CAPEX application, Php			318,720.46	287,358.61	105,308.74		133,876.32			845,284.13
Projected ERC permit fees for the subject case, Php - from subject Application									4,879,343.99	4,879,343.99
Replenishment of the General Fund (Php)	15,446,528.21	0.00	0.00	0.00	2,501,072.00	2,801,209.37	0.00	0.00	0.00	20,748,809.58
Total Fund Outflows, Php	175,250,771.40	203,253,948.06	139,793,669.77	214,018,950.63	170,554,106.73	143,326,942.05	158,720,600.16	101,336,089.12	397,825,140.84	1,704,080,617.97
Fund Ending Balance, Php, excess/(shortfall)	6,747,917.56	74,238,588.92	111,043,821.20	105,574,042.65	105,672,610.36	74,188,977.82	47,376,765.46	78,215,762.99	(32,460,382.20)	(32,460,382.20)
Excess (Shortfall) on RFSC, Php/KWh										(0.0158)
% Rate Increase (Decrease)										3.11%

15. The current RFSC rate of COTELCO is PHP 0.5067 per kWh. In the implementation of the CAPEX projects would result in an increase of 3.11% or an additional Php.0158/kWh in order to generate additional revenue sufficient to cover the shortfall to finance CAPEX Projects as shown in the table above.

16. However, COTELCO intends not to increase its existing RFSC rate for this application. RFSC collections will be utilized in the payment for the amortization of the loans.

**COMPLIANCE
WITH PRE-FILING REQUIREMENTS**

17. In compliance with Section 2, Rule 6 of the ERC Rules of Practice and Procedure, copies of this Application together with all its annexes and accompanying documents had been furnished by Applicant the Office of the Mayor and the

Legislative Body of the Municipality of Matalam, where Applicant principally operates and the Office of the Governor and the Legislative Body of the Province of Cotabato. Likewise, the Application was published in a newspaper of general circulation within the franchise area of the Applicant.

18. As proof of compliance of the service of the copies of the Application together with all its annexes are the Certifications issued by the Authorized Representatives of the Local Government Units and/or the Affidavit of Service executed by an employee of the Applicant and the first page of the Application bearing the receiving stamp of the aforementioned Offices as Annexes "I", "J", "K" and "L", respectively. Likewise attached hereto as Annexes "M" and "N" are the Affidavit of Publication and the newspaper issue containing the published Application;
19. Moreover, prior to the filing of this Application, a pre-filing conference with the concerned staff of the Commission was conducted pursuant to Section 4 of Rule 6, and for purposes of determining completeness of the supporting documents attached to the Application.

PRAYER

WHEREFORE, foregoing considered, Applicant respectfully prays that the Honorable Commission after due hearing and evaluation of the Application, an Order be issued:

1. Approving the proposed capital expenditures projects for the year 2024;
2. Confirming/approving the implemented projects for the years 2016-2023; and
3. Declaring that the CAPEX Projects for 2024 and 2016-2023 are just, reasonable, and equitable pursuant to the provisions of ERC Resolution No. 26, Series of 2009, and other related laws, rules and regulations.

Other reliefs just and equitable are likewise prayed for.

Finding the said *Application* to be sufficient in form and with the required fees having been paid, 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 and Resolution No. 01, Series of 2021² (ERC Revised Rules of Practice and Procedure):

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

² A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

Date	Platform	Activity
16 May 2024 (Thursday) at two o'clock in the afternoon (2:00 PM)	Microsoft Teams Application	Determination of compliance with the jurisdictional requirements and expository presentation
23 May 2024 (Thursday) at two o'clock in the afternoon (2:00 PM)		Pre-Trial Conference and presentation of evidence

Accordingly, Applicant COTELCO is hereby directed to host the virtual hearings at **COTELCO's Principal Office at Manubuan, Matalam, North Cotabato**, as the designated venue for the conduct thereof, and ensure that the same is open to the public. Moreover, Applicant COTELCO shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, Applicant COTELCO is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual 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 Virtual Hearing* the Offices of the Provincial Governors, the Mayors and the Local Government Unit (LGU) legislative bodies within Applicant COTELCO's franchise area for the appropriate posting thereof on its respective bulletin boards;
- 3) Inform the consumers within Applicant COTELCO's franchise area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled virtual hearings thereon;

- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual 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 and attend the scheduled hearings; and
- 5) Furnish with copies of the *Application* and its attachments, except those subject of a motion for confidential treatment of information, all those making requests therefor, if any, subject to reimbursement of reasonable photocopying costs.

Within five (5) calendar days before the date of the initial virtual hearing, Applicant COTELCO must submit to the Commission via electronic mail (e-mail) at docket@erc.ph, and copy furnish the Legal Service through legal@erc.ph, the scanned copies of its written compliance with the aforementioned jurisdictional requirements, attaching the following methodically arranged and duly marked documents:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavits of the Editors or Business Managers of the newspapers where the said *Notice of Virtual 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 Virtual 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 Applicant COTELCO to inform the consumers within COTELCO's franchise area of the filing of the *Application*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, the COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application* and its attachments, except those subject of a motion for

confidential treatment of information, by all those making requests therefor, if any; and

- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, Applicant COTELCO is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publications and certifications issued by concerned Offices of the Governors, Mayors, and Local Legislative Bodies, and to submit proof of posting thereof.

Applicant COTELCO, and all interested parties are also required to submit via e-mail at docket@erc.ph, and copy furnish the Legal Service through legal@erc.ph, at **least five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference, its Pre-Trial Brief containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor, which should also be attached to the Pre-Trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

Applicant COTELCO must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission **at least five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference, pursuant to the preceding paragraph.

Failure of Applicant COTELCO to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Applicant COTELCO must also be prepared to make an expository presentation of the instant *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 consumers

and other concerned parties, the nature of the *Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Application* must be cited in support thereof.

Applicant COTELCO is hereby directed to file a copy of its Expository Presentation via e-mail at doCKET@erc.ph, and copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. Applicant COTELCO shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, **at least five (5) calendar days** prior to the scheduled virtual hearing.

Applicant COTELCO is further directed to submit, through personal service, registered mail or ordinary mail/private courier, one (1) set of the original or certified true hard copies of its Jurisdictional Compliance, Expository Presentation, Pre-Trial Brief, and Judicial Affidavits of witnesses, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission.

Finally, Applicant COTELCO, including its authorized representatives and witnesses, are hereby directed to provide the Commission, through legal.virtualhearings@erc.ph, their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

SO ORDERED.

Pasig City, 22 March 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:


MONALISA C. DIMALANTA
Chairperson and CEO


LS: NMK/ARG/LSP

ERC

Office of the Chairperson and CEO



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Copy Furnished:

1. Cotabato Electric Cooperative, Inc. (COTELCO)
Applicant
Manubuan, Matalam, North Cotabato
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