

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
CONFIRMATION AND
APPROVAL OF
CALCULATIONS OF OVER OR
UNDER-RECOVERIES IN THE
IMPLEMENTATION OF
AUTOMATIC COST
ADJUSTMENTS AND TRUE-UP
MECHANISMS FOR THE
PERIOD 2021 TO 2023
PURSUANT TO ERC
RESOLUTION NO. 16, SERIES
OF 2009 AS AMENDED BY
RESOLUTION NO. 21, SERIES
OF 2010, ERC RESOLUTION
NO. 23, SERIES OF 2010, ERC
RESOLUTION NO. 02, SERIES
OF 2021, AND ERC
RESOLUTION NO. 14, SERIES
OF 2022**

ERC CASE NO. 2024-025 CF

**CAPIZ ELECTRIC
COOPERATIVE, INC.
(CAPELCO),**

Applicant.

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Promulgated:
March 28, 2025

ORDER

On 29 May 2024, Capiz Electric Cooperative, Inc. (CAPELCO) filed an *Application* dated 09 May 2024, seeking the Commission’s confirmation and approval of its calculations of over or under-recoveries in the implementation of automatic cost adjustments and true-up mechanisms for the period 2021 to 2023 pursuant to ERC Resolution No. 16, Series of 2009 as amended by ERC Resolution No. 21, Series of 2010, ERC Resolution No. 23, Series of 2010, ERC Resolution No. 02, Series of 2021, and ERC Resolution No. 14, Series of 2022.

On 26 December 2024, the Commission issued an *Order and Notice of Virtual Hearing* both of even date, setting the instant Application for the determination of compliance with jurisdictional requirements, expository presentation, and Pre-trial Conference on 01 April 2025 (Tuesday) at two o'clock in the afternoon (2:00 P.M.).

On 20 March 2025, the Office of the President issued Proclamation No. 839, declaring 01 April 2025 a regular holiday throughout the country in observance of *Eid'l Fitr* or the Feast of Ramadan.

Notwithstanding, on 21 March 2025, CAPELCO filed its *Compliance with Jurisdictional Requirements* of even date.

WHEREFORE, the foregoing premises considered, the scheduled hearing on 01 April 2025 is hereby **CANCELLED**.

However, the Commission finds CAPELCO's *Compliance with Jurisdictional Requirements* dated 21 March 2025 **SUBSTANTIALLY COMPLIANT** with its *Order* dated 26 December 2024, subject to the verification of the corresponding dry seals on the physical copies of the Certifications of Posting of local government units within CAPELCO's franchise area.

ACCORDINGLY, the Commission hereby sets anew the instant case for hearing on the **expository presentation, and Pre-Trial Conference, and Presentation of Evidence on 30 April 2025 (Wednesday) at two o'clock in the afternoon (2:00 P.M.) via Microsoft Teams Application**, as the 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).

CAPELCO is directed to host the virtual hearing at **CAPELCO's principal office located at Brgy. Timpas, Panitan, Capiz**, as the designated venue for the conduct thereof, and ensure that the same is open to the public. Moreover, CAPELCO shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

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 Practices and Procedures of the Energy Regulatory Commission.

RELATIVE THERETO, CAPELCO 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, their respective Pre-trial Briefs 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 CAPELCO 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 CAPELCO to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing.

Applicant CAPELCO 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 the 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.

Further, Applicant CAPELCO 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. CAPELCO 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.

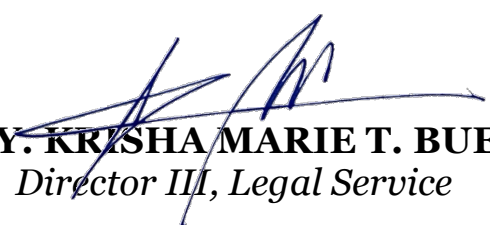
Applicant CAPELCO is further directed to submit, through personal service, registered mail, or ordinary mail/private courier, one (1) set of the original or certified true hard copies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavits of witnesses, **within 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 CAPELCO, including its authorized representatives and witnesses, are hereby directed to provide the Commission, through legal.virtualhearings@erc.ph, their 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 hearing.

SO ORDERED.

Pasig City, 28 March 2025.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ATTY. KRISHA MARIE T. BUELA
Director III, Legal Service



LS: JPM

ERC CASE NO. 2024-025 CF
ORDER /28 March 2025
PAGE 5 OF 5

COPY FURNISHED:

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