

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
Pasig City



**IN THE MATTER OF THE  
APPLICATION FOR THE  
APPROVAL OF THE  
PROPOSED CAPITAL  
EXPENDITURE PROJECTS  
FOR THE YEARS 2019 –  
2021 WITH APPLICATION  
FOR AUTHORITY TO  
SECURE LOAN FROM THE  
NATIONAL  
ELECTRIFICATION  
ADMINISTRATION (NEA)  
AND/OR PRIVATE  
FINANCIAL INSTITUTION**

**ERC CASE NO. 2021-050 RC**

**ZAMBOANGA CITY  
ELECTRIC COOPERATIVE,  
INC. (ZAMCELCO),**

*Applicant.*

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**Promulgated:**  
August 23, 2021

**ORDER**

On 08 July 2021, Zamboanga City Electric Cooperative Inc. (ZAMCELCO) filed an *Application* dated 16 March 2021, seeking the Commission's approval of its Capital Expenditure (CAPEX) projects with application for authority to secure loan from the National Electrification Administration (NEA) and/or private financial institution.

In the *Order* dated 22 July 2021, the Commission has set the instant *Application* for the determination of compliance with the jurisdictional requirements and expository presentation on 25 August 2021; and the Pre-trial conference, and presentation of evidence 01 September 2021 at ZAMCELCO's Principal Office.

On 13 August 2021, ZAMCELCO filed an *Urgent Motion for Resetting* dated 12 August 2021 wherein it alleged that it would not be able to comply with the required period for publication due to the lack of time.

Having found the said *Motion* in order, the Commission granted the same. In view of thereof, the hearings set on 25 August 2021 and 01 September 2021 pursuant to the Commission's *Order* dated 22 July 2021 are cancelled.

**ACCORDINGLY**, the Commission hereby sets the instant *Application* 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 2020<sup>1</sup> dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure)<sup>2</sup>:

<b>Date</b>	<b>Platform</b>	<b>Activity</b>
<b>20 October 2021</b> (Wednesday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Determination of compliance with the jurisdictional requirements and expository presentation
<b>27 October 2021</b> (Wednesday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Pre-trial Conference and presentation of evidence

Accordingly, ZAMCELCO is hereby directed to host the virtual hearings at **ZAMCELCO's Principal Office at MCLL Highway, Putik, Zamboanga City** as the designated venue for the conduct thereof, and ensure that the same is open to the public and the community quarantine guidelines are observed at all times. Moreover, ZAMCELCO shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

**RELATIVE THERETO**, ZAMCELCO 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

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<sup>1</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filing and Virtual Hearings Before the Energy Regulatory Commission.

<sup>2</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

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 Governor, the Mayor, and the Local Government Unit (LGU) legislative body within ZAMCELCO's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within ZAMCELCO'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 hearing; and
- 5) Furnish with copies of the *Application* and its attachments all those making requests therefor, subject to the resolution of the prayer for confidential treatment of information, if any, and reimbursement of reasonable photocopying costs.<sup>3</sup>

Within five (5) calendar days prior to the date of the scheduled initial virtual hearing, ZAMCELCO must submit to the Commission via e-mail at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), its written compliance to the aforementioned directives by attaching therewith, methodically arranged and duly marked, the following:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavit 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

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<sup>3</sup> For the e-mail address of the applicant, please see page 7.

aforementioned Governor, Mayor and LGU legislative body or their duly authorized representatives, bearing the seals of their offices;

- 3) The evidence of other means employed by ZAMCELCO to inform the consumers within its 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 by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, ZAMCELCO is hereby required to post on its bulletin boards, the scanned copies of the jurisdictional requirements, together with the newspaper publications and certifications issued by the concerned Office of the Mayor, Provincial Governor and Local Legislative Body and to submit proof of its posting thereof.

ZAMCELCO and all interested parties are also required to submit to the Commission via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), at least five (5) calendar days before the date of the scheduled initial 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.

ZAMCELCO 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 initial virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

Failure of ZAMCELCO to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings, and the resetting of which shall be six (6) months from the said date of cancellation.

ZAMCELCO is hereby directed to file a copy of its Expository Presentation via e-mail at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), at least five (5) calendar days prior to the scheduled virtual hearing. ZAMCELCO 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.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via e-mail at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph). The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

ZAMCELCO is hereby directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, 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. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

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Finally, ZAMCELCO, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru [legal.virtualhearings@erc.ph](mailto:legal.virtualhearings@erc.ph), with 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, 16 August 2021.

FOR AND BY AUTHORITY  
OF THE COMMISSION:



**AGNES VST DEVANADERA**  
*Chairperson and CEO*

  
LS: SQD/LSP/MCCG

**ERC**  
Office of the Chairperson  
  
\*AVSTD-2021-08-510-0033\*

**Copy Furnished:**

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Thru: Atty. Alan C. Gaviola and Atty. Alan Byrne S. Gaviola  
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Email: [acgaviola\\_lawoffice@gaviolalaw.com](mailto:acgaviola_lawoffice@gaviolalaw.com)
2. Zamboanga City Electric Cooperative, Inc. (ZAMCELCO)  
*Applicant*  
MCLL Highway, Putik, Zamboanga City, Philippines
3. Office of the City Mayor  
Zamboanga City, Zamboanga del Sur
4. Office of the LGU legislative body  
Zamboanga City, Zamboanga del Sur
5. Office of the Provincial Governor  
Province of Zamboanga del Sur
6. Office of the LGU legislative body  
Province of Zamboanga del Sur
7. Office of the Solicitor General  
134 Amorsolo Street, Legaspi Village, Makati City
8. Commission on Audit  
Commonwealth Avenue, Quezon City
9. Senate Committee on Energy  
GSIS Bldg. Roxas Blvd., Pasay City
10. House Committee on Energy  
Batasan Hills, Quezon City
11. Regulatory Operations Service  
Energy Regulatory Commission  
17<sup>th</sup> Floor, Pacific Center, San Miguel Avenue, Pasig City