

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

**IN THE MATTER OF THE APPLICATION FOR: (1) CONFIRMATION OF TRUE-UP CALCULATIONS OF ACTUAL AVERAGE RATE PER RATE SCHEDULE VIS-À-VIS ERC-APPROVED AVERAGE RATE PER RATE SCHEDULE IMPLEMENTED FOR THE LAPSED REGULATORY YEARS; AND (2) APPROVAL OF REFUND SCHEME AND REFUND RATE PER RATE SCHEDULE, WITH PRAYER FOR PROVISIONAL AUTHORITY**

**ERC CASE NO. 2022-071 RC**

**ILIGAN LIGHT & POWER INC.,**

*Applicant.*

X-----X

**Promulgated:**  
October 10, 2022

**ORDER**

On 03 October 2022, Iligan Light & Power Inc. (ILPI) filed an *Application* dated 25 August 2022, seeking the Commission's (1) confirmation of true-up calculations of actual average rate per rate schedule vis-à-vis the Commission's approved average rate per rate schedule implemented for the lapsed regulatory years, and (2) approval of refund scheme and refund rate per rate schedule, with prayer for provisional authority.

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

1. Applicant ILPI is a Privately-Owned Distribution Utility (PDU) duly organized and existing under Philippine law, with principal office address at Bro. Jeffrey Road, Pala-o, Iligan City; franchised under Republic Act No. 8148 to distribute electricity in Iligan City, Province of Lanao del Norte; represented here by its President, Ralph B. Casiño.

2. On 25 April 2022, the Commission informed applicant ILPI that in the Commission Meeting of 09 March 2022, it deliberated on the treatment of the lapsed period for Private Distribution Utilities (PDUs) under the Performance Based Regulation (PBR).
3. Pursuant to its regulatory power under Republic Act No. 9136 (EPIRA), the Commission resolved to adopt a confirmation and true-up process in determining the rates of PDUs under the PBR to address the years during the lapsed period for the respective Entry Groups. Thus, the Commission considered the lapsed period for the Second Entry Group (Group B) under the PBR covering the period from 01 April 2013 to 31 March 2023 as the Third Regulatory Period (3<sup>rd</sup> RP) for Group B.
4. In the said process, the Commission will undertake to confirm the last approved rate of the concerned PDUs during the previous regulatory reset, to be utilized during the lapsed regulatory period. Thereafter, the confirmed rates will be subjected to a true-up mechanism as against the PDU's Actual Weighted Average Tariff (AWAT) to determine any resulting over recovery of rates charged during the lapsed period, based on the Over/Under Recovery Formula provided under Sec. 4.3.1 (a), Annex A of ERC Resolution No. 10, Series of 2021 (Revised RDWR).
5. As part of the Second Entry Group (Group B) promulgated under ERC Resolution No. 24, Series of 2007, ILPI has completed its Regulatory Reset for the Second Regulatory Period (2<sup>nd</sup> RP) covering the period from 01 April 2009 to 31 March 2013.
6. The Commission noted that ILPI continued to implement the last approved Distribution, Supply and Metering (DSM) rates for Regulatory Year (RY) 2013 of the 2<sup>nd</sup> RP under ERC Case No. 2011-176 RC. The Commission, in its letter dated 25 April 2022 (copy attached as Annex "G"), determined ILPI's Lapsed Regulatory Period to be the Third Regulatory Period from 01 April 2013 to 31 March 2023, to wit:

Under Resolution No. 10, series of 2021<sup>6</sup>, the Commission has determined ILPI's 3<sup>rd</sup> Regulatory Period:

<b>PDU</b>	<b>Lapsed Regulatory Period</b>
ILPI	3 <sup>rd</sup> RP (01 April 2013 to 31 March 2023)

7. In view of the foregoing, the Commission directed ILPI to file its AWAT application guided by the Over/Under Recovery Formula provided under Sec. 4.3.1 Article IV of the Revised Rules for Setting the Distribution Wheeling Rate (Revised RDWR) covering the period 01 April 2013 to present.
8. In compliance thereto, ILPI is applying for the Commission's confirmation of the following true-up calculations of the

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actual average rate per rate schedule vis-à-vis the ERC-  
approved average rate per rate schedule:

**Table 1: Computation of (Over) and Under Recoveries for Distribution, Supply and Metering (DSM) Charges (Annex "A")**

For the Period April 01, 2013 to June 30, 2022

Customer Class	Latest ERC-Approved Rates <sup>1</sup> PhP/kWh	Actual Weighted Average Tariff (AWAT) <sup>2</sup>						(Over) and Under Recoveries		Regulatory Intervention <sup>3</sup> PhP	Net (Over) and Under Recoveries PhP
		CR	RBR	AISDA	FISDA	CQ	AWAT	PhP/kWh	PhP		
		PhP	PhP	PhP	PhP	kWh	PhP/kWh				
Flat Rate	1.5448	13,127,486.39	228,709.78	(6,705.05)	0.00	8,501,920.22	1.5567	(0.0119)	(101,369.87)	871,610.03	770,240.15
Residential	2.2436	2,255,238,574.89	39,291,231.97	(1,151,894.73)	0.00	1,005,913,310.21	2.2604	(0.0168)	(16,865,193.35)	149,738,381.14	132,873,187.80
Commercial	1.7304	1,084,319,942.77	18,891,245.86	(553,831.62)	0.00	605,980,525.16	1.8040	(0.0736)	(44,623,033.34)	71,994,295.72	27,371,262.37
General Power	0.7962	210,915,584.40	3,674,614.85	(107,728.09)	0.00	197,675,244.82	1.0757	(0.2795)	(55,256,133.80)	14,003,910.06	(41,252,223.74)
Bulk Power	0.0934	49,956,334.62	870,349.57	(25,515.90)	0.00	208,436,828.71	0.2416	(0.1482)	(30,897,993.70)	3,316,891.06	(27,581,102.64)
<b>TOTAL</b>	<b>1.6831</b>	<b>3,613,557,923.06</b>	<b>62,956,152.03</b>	<b>(1,845,675.39)</b>	<b>0.00</b>	<b>2,026,507,829.12</b>	<b>1.7978</b>	<b>(0.5301)</b>	<b>(147,743,724.07)</b>	<b>239,925,088.01</b>	<b>92,181,363.94</b>

**Notes on Table 1 (Annex A notes):**

1. ERC Decision dated 11 June 2012 issued in the case: *In the Matter of the Application for Approval of Maximum Average Price (MAP RY 2013) and its Translation into Distribution Rates of Different Customer Classes for the Fourth Regulatory Year of the ERC-Approved Annual Revenue Requirement for Iligan Light & Power Inc. under the Performance Based Regulation (PBR) for the Regulatory Period 2010-2013*, docketed as ERC Case No. 2011-176 RC

2. The actual weighted average tariff, expressed in PhP/kWh computed as:

$$\frac{CR_{t-1} + RBR_{t-1} + AISDA_{t-1} - FISDA_{t-1}}{CQ_{t-1}}$$

$CR_{t-1}$  The amount billed to Customer of the relevant Regulated Distribution System for the provision of Regulated Distribution Services by the Regulated Entity that operates that Regulated Distribution System

$RBR_{t-1}$  Such portion of the net income derived, from each related business undertaking, which is engaged in directly or indirectly by the Regulated Entity that operates the relevant Regulated Distribution System and which utilizes assets that form part of the regulatory asset base for that Regulated Distribution System, being a portion that is determined by the ERC pursuant to Section 26 of the EPIRA and that may vary as between such business undertakings but which, for each such business undertaking, will be set at 50% of the net income that is so derived from that business undertaking

$AISDA_{t-1}$  The actual income derived by a Regulated Entity from the sale of disposed assets that were previously part of the rolled forward regulatory asset base for a Regulated Distribution System, after deducting any expenses associated with the sale but excluding the value at which the disposed assets were removed from the rolled forward regulatory asset base. This includes any income derived from the disposal of assets that were previously used beyond their Regulatory Lives

$FISDA_{t-1}$  The estimated income to a Regulated Entity that would arise from the sale of disposed assets that were previously part of the rolled forward regulatory asset base for a Regulated Distribution System

$CQ_{t-1}$  The total amount of energy delivered through the relevant Regulated Distribution System, to Distribution Connection Points in respect of that Regulated Distribution System

3. ERC Order dated 02 February 2009 issued in the case: *In the Matter of the Application for Approval of the Annual Revenue Requirement and Performance Incentive Scheme in accordance with the Provisions of the Rules for Setting Distribution Wheeling Rates*, docketed as ERC Case No. 2008-027 RC

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Particulars	RY 2014	RY 2015	RY 2016	RY 2017	RY 2018	RY 2019	RY 2020	RY 2021	RY 2022	RY 2023
Inflation Rate, CPI 2012 = 100		3.06%	0.45%	1.83%	3.10%	5.19%	2.20%	3.09%		
Inflation Rate, CPI 2018 = 100							2.07%	2.77%	3.75%	3.46%
Period, In months		12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	3.00
Regulatory Intervention, Year 1	49,000,000.00	50,498,712.17	50,723,519.00	51,650,354.15	53,251,609.79	56,016,339.34	57,250,804.89	59,017,707.66	61,233,484.64	61,756,307.28
Regulatory Intervention, Year 2	49,000,000.00		49,218,134.96	50,117,463.29	51,671,196.50	54,353,873.79	55,551,702.59	57,266,166.82	59,416,183.48	59,923,489.66
Regulatory Intervention, Year 3			49,000,000.00	49,895,342.51	51,442,189.57	54,112,977.22	55,305,497.24	57,012,362.96	59,152,850.73	59,657,908.53
Regulatory Intervention, Year 4				49,000,000.00	50,519,089.80	53,141,951.74	54,313,072.69	55,989,309.71	58,091,387.69	58,587,382.53
Total										239,925,088.01

9. Notably, the Commission, in its Order dated 02 February 2009 in ERC Case No. 2008-027 RC, increased the regulatory intervention to PhP49 Million per year for each year of the Second Regulatory Period in ILPI's annual revenue allowance, recoverable in the Third Regulatory Period (page 11 of Annex H) to wit:

1.3 An increased regulatory intervention of PhP49 Million per year for each year of the Second Regulatory Period in ILPI's annual revenue allowance, recoverable in the Third Regulatory Period.

10. Considering the Commission's determination that ILPI's lapsed regulatory years shall be treated as the Third Regulatory Period, ILPI respectfully submits that the regulatory intervention should accordingly be recovered in the true-up of the Third Regulatory Period.

11. In view of the foregoing premises, ILPI proposes to refund/collect the net (over) and under recoveries under the following scheme:

**Table 2: Proposed (Refund) and Collect Scheme (Annex "E")**

For the Period April 01, 2013 to June 30, 2022

Customer Class	Net (Over) and Under Recoveries	RY 2022 Sales	(Refund) and Collect Period	(Refund) and Collect Rate
	PhP	kWh	Months	PhP/kWh
Flat Rate	770,240.15	367,972.57	48.00	0.5233
Residential	132,873,187.80	128,926,757.57	48.00	0.2577
Commercial	27,371,262.37	62,241,398.29	48.00	0.1099
General Power	(41,252,223.74)	20,390,017.32	48.00	(0.5058)
Bulk Power	(27,581,102.64)	20,165,305.98	48.00	(0.3419)
<b>Total</b>	<b>92,181,363.94</b>	<b>232,091,451.73</b>	<b>48.00</b>	<b>0.0993</b>

12. Applicant ILPI submits the following documents in support of this application:

Annex	Particulars
A	Computation of (Over) and Under Recoveries for Distribution, Supply and Metering (DSM) Charges
	Annex A Notes
B1	Latest Energy Regulatory Commission Approved DSM Charges for the Period 01 April 2013 to 30 June 2022
B2a	Billing Determinants (per RY) for the Period 01 April 2013 to 30 June 2022
B2b	Billing Determinants (per Month) for the Period 01 April 2013 to 30 June 2022
B3a	Computed DSM Revenues (per RY)

B3b	Computed DSM Revenues (per Month)
B4	Uniform Reportorial Requirement (URR)
B5	Sample Power Bills per Customer Class
Ca	Related Business Revenues (RBR) per RY
Cb	Related Business Revenues (RBR) per Month
D	Actual Income from the Sales of Disposed Assets (AISDA)
E	Proposed (Refund) and Collect Scheme
F	Rate Impact Simulation to Overall Rates of Proposed (Refund) and Collect Scheme for the Period 01 April 2013 to 30 June 2022
G	ERC letter dated 25 April 2022 addressed to ILPI
H	ERC Order dated 02 February 2009 issued in ERC Case No. 2008-027 RC

**PRAYER**

WHEREFORE, premises considered, ILPI respectfully pray that the Honorable Commission render a Decision as follows:

1. CONFIRMING ILPI's true-up calculations of its actual average rate per rate schedule vis-à-vis the ERC-approved average rate per rate schedule implemented for the lapsed regulatory years covering the period 01 April 2013 to 30 June 2022, more particularly described as follows:

**Table 1: Computation of (Over) and Under Recoveries for Distribution, Supply and Metering (DSM) Charges (Annex "A")**  
For the Period April 01, 2013 to June 30, 2022

Customer Class	Latest ERC-Approved Rates PhP/kWh	Actual Weighted Average Tariff (AWAT)						(Over) and Under Recoveries		Regulatory Intervention PhP	Net (Over) and Under Recoveries PhP
		CR	RBR	AISDA	FISDA	CQ	AWAT	PhP/kWh	PhP		
		PhP	PhP	PhP	PhP	kWh	PhP/kWh				
Flat Rate	1.5448	13,127,486.39	228,709.78	(6,705.05)	0.00	8,501,920.22	1.5567	(0.0119)	(101,369.87)	871,610.03	770,240.15
Residential	2.2436	2,255,238,574.89	39,291,231.97	(1,151,894.73)	0.00	1,005,913,310.21	2.2604	(0.0168)	(16,865,193.35)	149,738,381.14	132,873,187.80
Commercial	1.7304	1,084,319,942.77	18,891,245.86	(553,831.62)	0.00	605,980,525.16	1.8040	(0.0736)	(44,623,033.34)	71,994,295.72	27,371,262.37
General Power	0.7962	210,915,584.40	3,674,614.85	(107,728.09)	0.00	197,675,244.82	1.0757	(0.2795)	(55,256,133.80)	14,003,910.06	(41,252,223.74)
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<b>TOTAL</b>	<b>1.6831</b>	<b>3,613,557,923.06</b>	<b>62,956,152.03</b>	<b>(1,845,675.39)</b>	<b>0.00</b>	<b>2,026,507,829.12</b>	<b>1.7978</b>	<b>(0.5301)</b>	<b>(147,743,724.07)</b>	<b>239,925,088.01</b>	<b>92,181,363.94</b>

2. APPROVE ILPI's proposed refund/collect scheme, more particularly described as follows:

**Table 2: Proposed (Refund) and Collect Scheme (Annex "E")**  
For the Period April 01, 2013 to June 30, 2022

Customer Class	Net (Over) and Under Recoveries	RY 2022 Sales	(Refund) and Collect Period	(Refund) and Collect Rate
	PhP	kWh	Months	PhP/kWh
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Bulk Power	(27,581,102.64)	20,165,305.98	48.00	(0.3419)
<b>Total</b>	<b>92,181,363.94</b>	<b>232,091,451.73</b>	<b>48.00</b>	<b>0.0993</b>

3. ISSUE a *Provisional Authority (PA)* pending final resolution of the above-captioned case directing the immediate implementation of the proposed refund and collection scheme.
4. DECLARE, after due notice and hearing, that all issues pertaining to ILPI's *Lapsed Regulatory Years* covering the period 01 April 2013 to 30 June 2022 as finally resolved, closed and terminated.

Finally, ILPI also prays for such other relief or remedy as may be just and equitable under the circumstances.

Finding the said *Application* to be sufficient in form 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 platforms 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>23 November 2022</b> <b>(Wednesday)</b> at nine o'clock in the morning (9:00 A.M.)	<b>Microsoft Teams or Zoom Application</b>	Determination of compliance with the jurisdictional requirements and expository presentation
<b>29 November 2022</b> <b>(Tuesday)</b> at nine o'clock in the morning (9:00 A.M.)		Pre-trial Conference and presentation of evidence

Accordingly, ILPI is hereby directed to host the virtual hearing at **ILPI's Principal Office located at Bro. Jeffrey Road, Pala-O, Iligan City, Lanao del Norte**, 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, ILPI shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

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<sup>1</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings 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.

**RELATIVE THERETO**, ILPI 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 Governor, the Mayor, and the Local Government Unit (LGU) Legislative Bodies within ILPI 's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within ILPI 's franchise area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled hearing 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, if any, all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

**Within five (5) calendar days** prior to the date of the initial virtual hearing, ILPI must submit to the Commission via electronic mail (e-mail) at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), the scanned copies of 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 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 Governor, Mayor and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by ILPI 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, except those subject of a motion for confidential treatment of information, if any, by all those making requests therefor; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, ILPI 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 the concerned Office of the Governor, Mayor and Local Legislative Bodies, and to submit proof of its posting thereof.

ILPI 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.

ILPI 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 ILPI 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.

ILPI 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* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

ILPI 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. ILPI 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.

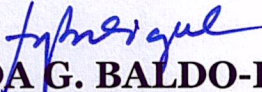
ILPI is hereby directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, **within 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 mode of service.

Finally, ILPI, 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 hearing.

**SO ORDERED.**

Pasig City, 10 October 2022.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**FLORESINDA G. BALDO-DIGAL**  
*Oversight Commissioner*  
*For the Legal Service*

  
LS: VMA/LSP/MCCG

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**Copy Furnished:**

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7. Office of the City Mayor  
Iligan City, Lanao del Norte
8. Office of the LGU Legislative Body  
Iligan City, Lanao del Norte
9. Office of the Governor  
Province of Lanao del Norte
10. Office of the LGU Legislative Body  
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