

[ERC RESOLUTION NO. 25, S. 2013, December 16, 2013]

A RESOLUTION PROMULGATING GUIDELINES IN EFFECTING DISCONNECTION BY DISTRIBUTION UTILITIES (DUS) AND OTHER PLAYERS IN THE ENERGY INDUSTRY OF THE ELECTRIC SERVICE OF A CONSUMER-OFFENDER DISCOVERED ILLEGALLY USING ELECTRICITY UNDER R.A. 7832

WHEREAS, Section 41 of the Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act (EPIRA) mandated the Energy Regulatory Commission (ERC) to handle consumer complaints and ensure the adequate promotion of consumer interests;

WHEREAS, Section 43 thereof required the ERC to promulgate rules, regulations and guidelines and perform such other regulatory functions as are appropriate and necessary in order to ensure the successful restructuring and modernization of the electric power industry;

WHEREAS, for clarity and guidance of distribution utilities, consumers, and other players in the energy industry, in the implementation of Republic Act No. 7832, otherwise known as the "Anti-Electricity and Electric Transmission Lines/Materials Pilferage Act of 1994", certain requisites and procedures must be observed before disconnection may be carried out against a consumer-offender;

NOW, THEREFORE, be it resolved, as this ERC hereby resolves to promulgate the following requirements that must be complied with before any distribution utility may effect disconnection of the electric service of a consumer-offender:

- 1) The discovery of the circumstances under R.A. 7832 must be personally witnessed by an officer of the law or ERC representative;^[1]
- 2) There must be due notice or prior notice of disconnection served upon the consumer-offender. Further, the consumer-offender must be given one (1) business day immediately upon receipt of the demand letter to settle the said differential billing pursuant to Section 8, Rule IV of the Implementing Rules and Regulations (IRR) of R.A. 7832;^[2]
- 3) In establishing the presence of an officer of the law, the signature of the officer of the law in the Metering Facilities Inspection Report (MFIR) is not sufficient proof thereof. The concerned distribution utility or electric cooperative must submit, as part of its evidence, the duly executed affidavit of the officer of the law who must be presented before the ERC for purposes of identifying the same and to answer clarificatory questions, if any. This requisite shall apply even if the case falls under the ERC Rules on Summary Procedure.^[3]