

[ERC, March 02, 2005]

**AMENDMENTS TO THE RULES OF PROCEDURE GOVERNING
COMPLAINTS FILED BEFORE THE CONSUMER AFFAIRS SERVICE,
ENERGY REGULATORY COMMISSION**

Pursuant to the provisions of Section 41 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act, the Energy Regulatory Commission hereby promulgates these amendments to the Rules of Procedure Governing Complaints Filed Before the Consumer Affairs Service, Energy Regulatory Commission.

Article 1. Title - This document shall be known as the amendments to the Rules of Procedure Governing Complaints Filed Before the Consumer Affairs Service, Energy Regulatory Commission.

Article 2. Rule II, Section 3 is hereby amended to read as follows:

"Section 3. Nature of Proceedings - The proceedings before the Consumer Affairs Service (CAS) shall be non-litigious and conciliatory in nature until the case is submitted for formal hearing."

Article 3. Rule IV, Section 10 is hereby amended to read as follows:

"Section 10. Termination of Pre-Hearing Conferences. - x x x

However, when it becomes apparent that no amicable settlement can be reached, the CAS Hearing Officer shall terminate the proceedings. A report shall be prepared for submission to the Commission setting forth what transpired during the proceedings, all pleadings and all other evidences submitted therein. Subject to Section 2, Rule VI, an Order shall then be issued setting the case for Hearing, stating therein whether or not the rules on summary procedure shall apply, and the issues needed to be resolved.

Article 4. Rule V, Section 3 is hereby amended to read as follows:

"Section 3. Violation of Terms and Conditions of Amicable Settlement - Whenever a party fails to observe the terms and conditions of amicable settlement, the aggrieved party may file a complaint for violation thereof before the ERC"

Article 5. New Rules VI and VII are hereby inserted to read as follows:

"RULE VI. SUMMARY PROCEDURE

SECTION 1. Coverage - This Rule may, upon the discretion of the Commission, apply to hearings of consumer complaints involving the following:

- a. The amount involved is not more than two hundred thousand pesos (P200,000.00);
- b. The only issue involved is incapable of pecuniary estimation, or is a violation of certain provisions of the Magna Carta for Residential Consumers on proper notices, meter testing and sealing, announcement of scheduled power interruptions, installation and relocation of meters, investigation by utilities of consumer complaints, and reconnections of electric service; or
- c. Other cases as may be determined by the Commission.

However, nothing shall preclude the Commission from conducting a formal hearing on complaints previously declared as subject to summary procedure.

SECTION 2. Duty of the Commission - After the Commission determines that the case falls under summary procedure, it may, from an examination of the allegations therein and such evidence as may be attached thereto, dismiss the case outright on the grounds apparent therefrom for the dismissal of administrative action.

If no ground for dismissal is found, it shall forthwith issue an Order stating that the summary procedure under this Rule shall apply, the issues to be resolved and directing the parties to submit their respective affidavits, affidavits of their witnesses, position papers and other evidences on the factual issues.