

A RESOLUTION ADOPTING THE SUPPLEMENTAL RULES TO THE “RULES GOVERNING THE TYPE APPROVAL OF METER PRODUCTS TO BE USED IN REVENUE METERING BY DISTRIBUTION UTILITIES AND REDISTRIBUTORS”

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/39066591b636/>

Adopted: 09 February 2015

Date Filed: 05 March 2015

WHEREAS, on September 27, 2010, the Energy Regulatory Commission (ERC) has issued Resolution No. 22, adopting the “Rules Governing the Type Approval of Meter Products to be Used in Revenue Metering by Distribution Utilities and Redistributors”;

WHEREAS, the ERC finds that there is a need to monitor the compliance to the terms and conditions of the Certificate of Approval issued by the ERC to a type of meter product;

WHEREAS, on October 28, 2014, the ERC posted in its website the proposed Supplemental Rules to the “Rules Governing the Type Approval of Meter Products to be Used in Revenue Metering by Distribution Utilities and Redistributors” for comment by all interested parties;

WHEREAS, on November 14, 2014, a public consultation was conducted thereon at the ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City;

WHEREAS, on December 3, 2014, the Revised Draft Rules to the “Rules Governing the Type Approval of Meter Products to be Used in Revenue Metering by Distribution Utilities (DUs) and Redistributors” Incorporating the comments of the stakeholders were posted at the ERC website for further comments by all interested parties;

NOW THEREFORE, after careful deliberation on the issues relative thereto, the ERC RESOLVED, as it hereby RESOLVES, to APPROVE and ADOPT the Supplemental Rules to the “Rules Governing the Type Approval of Meter Products to be used in Revenue Metering by Distribution Utilities and Redistributors”, hereto attached as Annex “A” and made an integral part of this Resolution.

All rules and guidelines or portions thereof issued by the ERC not consistent with these Rules are hereby repealed or modified accordingly.

This Resolution shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Let copies of this Resolution be furnished the University of the Philippines Law Center-Office of the National Administrative Register (UPLC-ONAR) and all entities engaged in the electricity metering.

Pasig City, February 9, 2015.

(SGD) ZENAIDA G. CRUZ-DUCUT

Chairperson and CEO

(SGD) ALFREDO J. NON

(SGD) GLORIA VICTORIA C. YAP-TARUC

Commissioner

Commissioner

(SGD) JOSEFINA PATRICIA A. MAGPALE-ASIRIT

Commissioner

Annex "A"

Supplement to the Rules Governing Type Approval of Meter Products Used in Revenue Metering by Distribution Utilities and Redistributors

Pursuant to Section 16 (f) of the Commonwealth Act No. 146, as amended, Section 2 of Commonwealth Act No. 349, and Section 43 (t) of Republic Act No. 9136, the Energy Regulatory Commission (ERC) hereby adopts and Promulgates the amendments to the Rules Governing the Type Approval of Meter Products to be used by Distribution Utilities and Redistributors in Revenue Metering.

Section 1. The following provisions of RULES GOVERNING THE TYPE APPROVAL OF METER PRODUCTS TO BE USED BY DISTRIBUTION UTILITIES AND REDISTRIBUTORS IN REVENUE METERING are hereby amended to read, as follows:

A. Item 1.4 Definition of Terms shall include the following definitions:

Applicant - Any meter manufacturer or its authorized dealer who submits a complete application for type approval of a particular meter product to the Energy Regulatory Commission (ERC).

Prescribed Standards - The minimum values of test levels recommended by IEC62052 and IEC62053 or ANSI C12 in relation to type approval that guarantees the proper functioning of a meter product.

Re-validation - The process of determining whether or not a meter product that was already issued a Certificate of Approval (CA) is still in compliance with the Prescribed Standards in relation to type approval and with the specifications as contained in the Applicant's submitted Specimen. Re-validation shall entail the conduct of evaluation tests on the new sample of the approved product to determine conformance with the Prescribed Standards.

Specimen - A sample of a meter product being applied for type approval which; shall be sealed by the ERC after issuance of the CA, shall be kept by the Applicant as a certification proof, and shall be made available during the Re- validation.

B. Article VI (Final Provisions) is hereby modified to read as follows:

6.1

Assistance from Other Government Agencies

To achieve the objectives of these Rules, the ERC may coordinate with other government agencies, including but not limited to the Department of Trade and Industry and Bureau of Customs, for additional assistance.

6.2

Approval of Application

Any application for the approval of any meter product shall be decided by the ERC within sixty (60) days from the time it was filed.

6.3

Conditions for the Issuance of a Certificate of Approval (CA) and Revalidation of Approval Types of Meter Products

All Certificates of Approval issued by the Energy Regulatory Commission (ERC) before and after the effectivity of the Supplemental Rules shall be subject to the following conditions:

a.

The approved meter product shall be subject to Re-validation every five (5) years to determine if the approved type of meter product continues to conform to the Prescribed Standards in relation to type approval. Submission of a meter product for Re-validation should be made at least sixty (60) days prior to the end of the five-year period from the ERC's issuance of the CA.

b.

The specifications of the approved meter product, based on the Specimen kept by the Applicant, and as specified in the CAs to be issued by the ERC upon effectivity of the Supplemental Rules, should remain the same. For any material changes of modifications to an approved meter product, such that the accuracy and/or mechanical operation of the meter have been affected, thus, causing such meter should type to fail the Prescribed Standards, such modified meter product already be considered as a new meter type, and hence, shall be subject to type approval as a new type of meter.

c.

The Applicant shall be required to properly secure the ERC sealed Specimen of the approved type of meter product. This sealed Specimen shall be made available to the ERC during the Applicant's submission for Re-validation, together with a newly produced meter of the same type.

6.4

Undertaking

Upon the approval of the application but prior to the issuance of the Certificate of Authority, the applicant shall execute an Undertaking expressing that he shall maintain in his custody the Specimen meter, duly sealed by the ERC, intended for presentation at the time of revalidation. He shall undertake that the ERC-sealed Specimen meter shall not, in any way, be altered or tampered with by the applicant and/or its representatives. Any alteration or tampering shall tantamount to the rejection of the meter type- revalidation application. This may also be a ground for the imposition of fines and penalties upon the said applicant.

6.5

Cancellation or Revocation of CA

A Certificate of Approval may be cancelled or revoked on any of the following grounds:

a.

Material changes or modifications to the approved meter product have been made, such that the accuracy and/or mechanical operation of the meter have been affected, thus, causing such meter product type to fail the Prescribed Standards;

b.

The applicant of a type approved meter product has violated a condition in the CA; or

c.

The Applicant failed to submit its approved meter product type/s to the require Re-validation.

6.6

Valid Types of meters

a.

All meters in service and rehabilitated for which a CA was valid during the time of their purchase shall remain valid types of meters, provided they have not failed any Prescribed Standards in relation to type approval, without evidence of any tampering and without prejudice to in- service testing, or until said CA is cancelled/revoked, pursuant to Section 4.

b.

All new meter types should have a valid CA before the same can be eligible for acceptance testing by the ERC.

6.7

Exceptional Clause

Where good reason appears, the ERC may allow an exception from any provision of three Rules, if such exception is found be in the public interest and is not contrary to the law or any other pertinent rules and regulations.

Section 2. All other articles of the Rules Governing Type Approval of Meter

Products shall remain valid and effective.

Section 3. If any of the foregoing amendments is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in force and effect.

Section 4. All rules, regulations, guidelines and other issuances not expressly revised herein shall remain in force and effect.

Section 5. These amendments shall take effect within fifteen (15) days from publication in a newspaper of general circulation.

Pasig City. February 9, 2015

(SGD) ZENAIDA G. CRUZ-DUCUT

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