

RE companies ask DoE to streamline permit process

RENEWABLE ENERGY (RE) developers asked the Department of Energy on Wednesday to review the project application process to eliminate unnecessary steps that hinder investment.

Going forward, "the Department of Energy (DoE) can make it a bit easier for developers (by) revisiting the processes (and determining) is relevant, what is less relevant. I think we can also shorten certain processes in terms of priorities," MRC Allied, Inc. Chief of Public Relations and Business Development Maria May P. Militante said at Philippine Solar PV Energy virtual summit on Thursday.

Ms. Militante noted that a typical application requires 179 signatures.

"It's a constant dialogue between the private sector and the government so a continuous revisiting of all the policies would entice participation in the industry," she said.

MRC Allied, Inc., a listed property developer, has branched out into renewables with a proposed \$16.6-million 12 megawatt (MW) solar photovoltaic park in Central Luzon.

Other developers welcomed DoE initiatives such as the Green Energy Option Program (GEOP), which gives users with power demand of 100 kilowatt-hours the option to source power from accredited RE suppliers.

Fort Pilar Energy, Inc. President Joseph Omar A. Castillo said the DoE's Green Energy Auction Program (GEAP) has the potential to jumpstart the solar industry.

Mr. Castillo added that the program also makes it easier for developers to secure financing as it offers a bankable business model.

"The micro grid law can also (spur) investment," he added.

The GEAP aims to promote RE as a primary source of energy by offering users a competitive selection option for their power providers.

Republic Act 11646 or the Microgrid Systems Act was signed into law on Jan. 21, authorizing the DoE to certain areas as unserved and underserved, paving the way for the entry of microgrid service providers.

The Philippines hopes to bring the share of RE in its power generation mix to 35% by 2030. — **Marielle C. Lucenio**

Counterfeit goods seizures in 2021 valued at record P24.9 billion

THE GOVERNMENT seized counterfeit goods valued at P24.9 billion in 2021, according to the Intellectual Property Office of the Philippines (IPOPHL).

"Our National Committee on Intellectual Property Rights (NCIPR), which IPOPHL leads as acting chair with the Department of Trade and Industry (DTI) as the chair, has recorded its biggest seizure, with a record-breaking P24.9 billion worth of counterfeit goods seized from its inspection and raid operations last year," IPOPHL Director General Rowel S. Barba said during a virtual briefing on Thursday.

Mr. Barba said the seizures were conducted in collaboration with other members of the NCIPR, such as the Bureau of Customs, Philippine National Police, and National Bureau of Investigation.

"This surpasses the P23.6 billion worth of goods in 2018. The 2021 haul is also higher by 110% than the P9.8 billion in 2020, showing a return to normal of our raid operations and search," Mr. Barba said.

"We target(ed) large warehouses and logistics centers in various cities which proved to be hotspots for counterfeit goods," he added.

IPOPHL Deputy Director General Teodoro C. Pascua said the seized goods in 2021 were led by counterfeit cigare

ttes and alcohol. Other top counterfeit items seized were handbags, wallets, and footwear.

According to Mr. Pascua, the proliferation of counterfeit items is due to demand.

"If there is no demand, there is no supply. If the demand falls, supply will also fall. That is very basic," Mr. Pascua said.

Recently, the United States Trade Representative (USTR) released its 2021 Review of Notorious Markets for Counterfeiting and Privacy report, which flagged sellers at the Greenhills Shopping Center, San Juan City.

The USTR said vendors in Greenhills Shopping Center boldly display and openly discuss "the illicit nature of the counterfeit goods, instead of discretely hiding the counterfeit goods under the table as they did in the past."

"Many of the storefronts in this mall sell counterfeit goods, including electronics, perfumes, watches, shoes, accessories, and fashion items," the USTR said.

Mr. Barba said a technical working group was created to solve the issue of counterfeit goods in Greenhills Shopping Center, adding that there are plans to provide alternative livelihoods to those involved. — **Revin Mikhael D. Ochave**

SEC orders halt to NWorld investment solicitations

THE Securities and Exchange Commission (SEC) has ordered AlphanetWorld Corp. to stop soliciting investments from the public via an entity known as "NWorld."

In a statement on Thursday, the regulator said the Commission, sitting en banc, issued a cease-and-desist order against AlphanetWorld and NWorld on Feb. 23.

AlphanetWorld is registered as a corporation but does not have a license to collect investments from the public, as required under the Securities Regulation Code.

"(T)he Commission holds that the act of NWorld in selling/offering unregistered securities operates as a fraud to the public which, if unrestrained, will likely cause grave or irreparable injury or prejudice to the investing public," according to the order.

AlphanetWorld was found to have offered investment programs for P4,750 to P19,000 while offering NWorld products through the company's website.

The investments carried a promise of monthly returns of up to P127,000.

Members were also entitled to 30% discounts on buying NWorld products, and can earn referral bonuses for new investors.

The SEC said securities must first be registered with the commission before being offered to the public.

AlphanetWorld President Julius Allan G. Nolasco and other representatives were also ordered to terminate their online presence.

The company has also been ordered to freeze bank transactions to ensure the preservation of client funds. — **Keren Concepcion G. Valmonte**

PRAYER

WHEREFORE, Applicant PSALM most respectfully prays that this Honorable Commission APPROVES the CSEEs duly negotiated with GUMELCO and NORSAMELCO as well as the LOA's duly negotiated with DORELCO, ESAMELCO, and MORE Power. It is likewise prayed that a PA BE ISSUED authorizing PSALM to implement the subject CSEEs and LOAs with the concerned DUs in the Visayas Grid.

Other reliefs just and equitable under the premises are likewise prayed for.

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 2020¹⁶ dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure):¹⁷

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Date	Platform	Activity
09 March 2022 (Wednesday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements, and Expository Presentation
16 March 2022 (Wednesday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Pre-Trial Conference and Presentation of Evidence

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via electronic mail (e-mail) at [doCKET@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through 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.

Moreover, any person who have an interest in the subject matter of the instant case may become a party by filing with the Commission via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, a verified Petition to Intervene at least five (5) calendar days prior to the date of the initial virtual hearing and subject to the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure, indicating therein the docket number and title of the case and stating the following:

- 1) The petitioner's name, mailing address, and e-mail address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.

Likewise, all other persons who may want their views known to the Commission with respect to the subject matter of the case may likewise file through e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, their Opposition or Comment thereon at least five (5) calendar days prior to the initial virtual hearing and subject to the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name, mailing address, and e-mail address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

Any of the persons mentioned in the preceding paragraphs may access the copy of the *Application* on the Commission's official website at www.erc.gov.ph.

Finally, all interested persons may be allowed to join the scheduled initial virtual hearing by providing the Commission, thru legal.virtualhearings@erc.ph, with their respective e-mail addresses and indicating therein the case number of the instant *Application*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

WITNESS, the Honorable Commissioners **ALEXIS M. LUMBATAN**, **CATHERINE P. MACEDA**, **FLORESINDA G. BALDO-DIGAL** and **MARKO ROMEO L. FUENTES**, Energy Regulatory Commission, this 31st day of January 2022 in Pasig City.


AGNES VST DEVANADERA
Chairperson and CEO

LS: MVM/LSP/MCCG



¹ Hereinafter referred to as "PSALM-GUMELCO CSEE."
² Hereinafter referred to as "PSALM-NORSAMELCO CSEE."
³ Hereinafter referred to as "PSALM-DORELCO LOA."
⁴ Hereinafter referred to as "PSALM-ESAMELCO LOA."
⁵ Hereinafter referred to as "PSALM-MORE Power LOA."
⁶ Resolution Clarifying the Purpose of the Adoption of the TSC Template.
⁷ See Annex "B" hereof.
⁸ Please see the latest PSALM's credit and collection policies duly approved by the PSALM Board under 6.10 a to h of the PSALM-GUMELCO CSEE.
⁹ Please see the detailed list of terms and conditions under 6.17.1 to 6.17.12 of the PSALM-GUMELCO CSEE.
¹⁰ See Annex "C" hereof.
¹¹ Section 5.2 of the PSALM-NORSAMELCO CSEE reads:

The Security Deposit may be required to be posted upon privatization of the generating asset/s to which this Contract is allocated or assigned as provided for in Section 4.8 hereof if the prospective buyer, assignee, transferee or successor-in-interest so requires. It shall be in the form of cash, cash bond, manager's or cashier's check, bank certified check, irrevocable stand-by letter of credit, performance bond or bank guarantee "callable on demand" issued by a financial institution, or any other forms of security such as but not limited to escrow account to be administered by a bank acceptable to PSALM. In the event the Security Deposit of the CUSTOMER becomes nil, the PSALM reserves the right to refuse or discontinue supply of electric energy. In cases of partial depletion of the Security Deposit, the CUSTOMER shall replace the Security Deposit not later than thirty (30) days thereafter. PSALM reserves the right to continue supply of electric energy to the extent of Security Deposit of the CUSTOMER.

¹² A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.
¹³ Dated 24 October 2017.
¹⁴ Dated 21 July 2021.
¹⁵ Entitled "Adopting and Prescribing the Policy for the Competitive Selection Process in the Procurement By the Distribution Utilities of Power Supply Agreement for the Captive Market."
¹⁶ A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.
¹⁷ A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

(cv) EFFECTIVITY

9.20 This Agreement shall be executed in counterparts and shall be effective when at least one counterpart shall have been executed by one of the parties herein, and each set of counterparts shall constitute one single and binding agreement.

9.21 This Agreement, upon signature of the Parties, shall be filed immediately with the ERC for approval.

29. The PSALM-NORSAMELCO CSEE¹⁰ contains the same provisions as above and the only substantial differences consist of (i) those found in Annex 1 of the PSALM-NORSAMELCO CSEE (which reflects the Contracted Energy and the corresponding Equivalent Demand); (ii) Section 5.2,¹¹ and (iii) the amendment of Section 3.1 on Contract Duration.

The PSALM-DORELCO LOA

30. DORELCO has an existing CSEE with PSALM covering the period from 26 December 2020 to 25 December 2021, which was submitted for approval to this Honorable Commission under ERC Case No. 2021-081 RC.

31. In its letter dated 29 July 2021, DORELCO requested for a 7-month extension of its existing CSEE effective 26 December 2021 until 25 July 2022, which PSALM agreed to. Hence, the parties executed the PSALM-DORELCO LOA.

A copy of DORELCO's 29 July 2021 letter is attached hereto as Annex "D."

32. The PSALM-DORELCO LOA amended Section 3.1 on Contract Duration of the CSEE.

33. It is further understood that the PSALM-DORELCO LOA shall be an integral part of the CSEE between PSALM and DORELCO, and the terms and conditions not otherwise affected by the above-mentioned amendment shall remain valid and effective.

The PSALM-ESAMELCO LOA

34. ESAMELCO has an existing CSEE with PSALM covering the period from 26 December 2020 to 25 December 2021, which was submitted for approval to this Honorable Commission under ERC Case No. 2021-081 RC.

35. In its letters, two dated 08 July 2021 and one dated 13 August 2021, ESAMELCO requested for a 7-month extension of its existing CSEE effective 26 December 2021 until 25 July 2022 as well as an increase in Contract Energy, which PSALM agreed to. Hence, the parties executed the PSALM-ESAMELCO LOA.

Copies of ESAMELCO's 8 July 2021 and 13 August 2021 letters are attached as Annexes "E" to "E-2," respectively.

36. The revisions introduced by the PSALM-ESAMELCO LOA consist of: (a) those found in Annex 1 of the CSEE (which reflects the Contracted Energy and the corresponding Equivalent Demand); and (b) the amendment of Section 3.1 on Contract Duration.

37. It is further understood that the PSALM-ESAMELCO LOA shall be an integral part of the CSEE between PSALM and ESAMELCO, and the terms and conditions not otherwise affected by the above-mentioned amendment shall remain valid and effective.

The PSALM-MORE Power LOA

38. MORE Power has an existing CSEE with PSALM covering the period from 26 February 2021 to 25 July 2022, which was submitted for approval to this Honorable Commission under ERC Case No. 2021-078 RC.

39. In its letters dated 23 February 2021 and 29 April 2021, MORE Power requested for an increase in Contract Energy, which PSALM agreed to. Hence, the parties executed the PSALM-MORE Power LOA.

Copies of MORE Power's 23 February 2021 and 29 April 2021 letters are attached as Annexes "F" and "F-1," respectively.

40. The revisions introduced by the PSALM-MORE LOA are those found in Annex 1 of the CSEE (which reflects the Contracted Energy and the corresponding Equivalent Demand).

41. It is further understood that the PSALM-MORE Power LOA shall be an integral part of the CSEE between PSALM and MORE Power, and the terms and conditions not otherwise affected by the above-mentioned amendment shall remain valid and effective.

42. A summary of the Contracted Energy, Equivalent Demand, and Load Factor of the CSEEs and LOAs subject of this Application is attached hereto as Annexes "G" and series.

43. Further, in compliance with Section 2, Rule 6 (Pre-Filing Requirements) of this Honorable Commission's Resolution No. 01, Series of 2021,¹² and in support of the instant Application for the CSEEs' approval, a copy of the instant Application (including Annexes) was furnished to the offices of the City Mayor and the Sangguniang Panlungsod of Quezon City (Annexes "H" and series). The Application (excluding Annexes) was also published in a newspaper of general circulation (Annex "I" and series).

PSALM is exempted from joining the mandatory CSP in the procurement of power supply

44. This Honorable Commission recognized that PSALM is exempted from joining the mandatory Competitive Selection Process ("CSP") in the procurement of power supply. In a letter dated 20 September 2016 (Annex "J"), this Honorable Commission said that PSALM need not participate in the CSP due to the nature of its operations.

45. Notably, this Honorable Commission recognized PSALM's exemption from joining the CSP in its Decisions in ERC Case No. 2016-186 RC¹³ and ERC Case No. 2019-040 RC.¹⁴ Moreover, in its Decision in ERC Case No. 2019-040 RC, this Honorable Commission referred to Section 2 of the Department of Energy's Department Circular No. 2018-02-0003¹⁵ to further justify PSALM's exemption from joining the CSP.

ALLEGATIONS IN SUPPORT FOR THE ISSUANCE OF PROVISIONAL AUTHORITY

46. PSALM acknowledges that the continued operation of the DUs is indispensable to the economic efficiency of the franchise area they service, not to mention the ripple effect of that efficiency to the economic growth of the entire country. In order for these DUs to continue lawfully drawing electricity from the grid, it is imperative that they enter into agreement/s with PSALM as Supplier for the supply of electricity, through a contract of sale for electricity, hence the respective CSEEs and LOAs.

47. A grant of Provisional Authority ("PA") to execute the CSEEs and LOAs subject of this Application will ultimately redound to the benefit of end consumers[.]

48. Attached as Annex "K" is the Judicial Affidavit of Engr. James Marvin A. Mamaradlo, the Corporate Staff Officer B of the Electricity Trading Department under PSALM's Privatization and Asset Management Group, attesting to the truth of the above matters.

49. Pursuant to ERC Rules of Practice and Procedure, this Honorable Commission may exercise its discretion by granting a PA or an Interim Relief prior to a final decision.

50. It is understood that the PA or Interim Relief sought by Applicant PSALM, which may be granted by this Honorable Commission, shall be subject to adjustments and other conditions that this Honorable Commission may impose after its hearing and final determination.