

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE
PETITION FOR DISPUTE
RESOLUTION

MAPALAD POWER
CORPORATION,
Petitioner,

-versus-

ERC CASE NO. 2022-016 DR

PHILIPPINE ELECTRICITY
MARKET CORPORATION,
and
INDEPENDENT
ELECTRICITY MARKET
OPERATOR OF THE
PHILIPPINES,
Respondents.

Promulgated:
December 07, 2022

NOTICE OF VIRTUAL HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 07 November 2022, Mapalad Power Corporation (MPC) filed a *Petition for Dispute Resolution* dated 27 September 2022 against the Philippine Electricity Market Corporation (PEMCO) and the Independent Electricity Market Operator of the Philippines (IEMOP), in relation to the unpaid receivables generated from MPC's participation in the Interim Mindanao Electricity Market (IMEM).

The pertinent portions of the said *Petition* are hereunder quoted:

Nature of the Petition

This is a *Petition for Dispute Resolution* (the "**Petition**") under **Section 43(u)** of Republic Act No. 9136, or the Electric Power Industry Reform Act of 2001 ("EPIRA"), in connection with **Section 8.3.1** of the DOE Department Circular No. DC 2013-05-008 (the "**IMEM Implementing Rules**" or "**IIR**"),² in connection with the claim of MPC against the Respondents, the Philippine Electricity Market Corporation ("PEMCO"), and Independent Electricity Market Operator Of The Philippines, Inc. ("IEMOP"), in their respective capacities as the Operators of the Interim Mindanao Electricity Market (the "**IMEM**"), as established by DOE Department Circular No. DC 2013-01-0001 (the "**IMEM Circular**"). In this *Petition*, MPC seeks a judgment from this Honorable Commission directing the PEMCO and IEMOP, as the IMEM Operator, successively, to satisfy MPC's unpaid receivables in the amount of **PhP25,638,619.73** (the "**Claimed Amount**"), generated from its participation in the IMEM from the period of December 2013 to March 2014.

The Parties

- MPC is a corporation duly organized and existing under Philippine laws, with its principal office address at 4th Floor League One (formerly Alphaland) Southgate Tower, 2258 Don Chino Roces Avenue Extension corner EDSA, Makati City, where it may be served with the notices, orders, and other processes of this Honorable Commission.
- Respondent PEMCO is a corporation duly organized and existing under Philippine laws, with its principal office address at 18F Robinsons Equitable Tower ADB Avenue, Ortigas Center, Pasig City, where it may be served with the notices, orders, and processes of this Honorable Commission.
- Respondent IEMOP is a corporation duly organized and existing under Philippine laws, with its principal office address at 9F Robinsons Equitable Tower, ADB Avenue, Ortigas Center, Pasig City, where it may be served with the notices, orders, and other processes of this Honorable Commission.

Statement of Facts

- In January 9, 2013, the Department of Energy ("DOE") promulgated the IMEM Circular,³ which directed PEMCO to develop the IMEM with the purpose of addressing the shortage of supply of power in Mindanao. Specifically, the DOE directed PEMCO to draft the IMEM Implementing Rules and the timeline for the establishment of the IMEM, a day-ahead market, where generators and market participants submit their bids and/or offers a day ahead of the actual delivery or curtailment.
- In compliance with its mandate, PEMCO submitted the proposed draft of the IMEM Implementing Rules, and was subsequently approved by the DOE.⁴ Under the approved IIR, PEMCO was appointed as the IMEM Operator, which came with the responsibility for the overall implementation of the IMEM in Mindanao.
- MPC is the operator of the 103-MW, Bunker C-Fired Diesel Power Plant located in Mapalad, Dalipuga, Iligan City. Under the provisions of the IIR, MPC, as an embedded generating plant, was classified as a **Mandatory Participant**,⁵ specifically, as an **IMEM Resource**, "capable of providing generation to or curtailing load from the Mindanao Power System."⁶
- The IIR also directed the participation of Distribution Utilities ("DUs") and Grid-Connected End Users from Mindanao as **Mandatory Participants**, specifically as **IMEM Customers**.⁷
- As a **Mandatory Participant** in the IMEM, specifically, as one of the **IMEM Resources**, MPC proceeded to offer and trade its excess generation capacities in the IMEM, for the period of December 3, 2013 to March 8, 2014. These excess generation capacities were then accordingly purchased and consumed by IMEM Customers.
- According to MPC's records, MPC's trading of its excess generation in the IMEM had generated receivables in the total amount of **PhP126,162,983.45**, as follows:

Month	Total Charge (PhP)	VAT (12%)	Total Amount (PhP)
December 2013	15,041,004.35	1,804,920.52	16,845,924.87
January 2014	6,056,788.76	726,814.65	6,783,603.41
February 2014	59,345,076.26	6,041,409.15	65,386,485.41
March 2014	41,202,651.57	4,944,318.19	46,146,969.76
TOTAL			126,162,983.45

On the other hand, MPC received a monthly *Billing and Final Statement* from PEMCO, for the period of December 2013 to March 2014, as follows:⁸

Date	Capacity (MWh)	Total Charge (PhP)
December 2013 – January 2014	926.51	5,506,068.52
January 2014 – February 2014	3,139.39	56,386,485.41
February 2014 – March 2014	2,872.15	46,146,969.76
TOTAL		108,039,523.69

- However, on February 2014, the operation of the IMEM was suspended due to a "system collapse"⁹ and "to resolve operational and commercial issues."¹⁰
- Following IMEM's suspension, MPC began to receive payments from PEMCO starting on March 13, 2014 to June 22, 2018. The payments during this period accrued to a total amount of **PhP100,523,858.64**, as evidenced by the corresponding *MPC Official Receipts*.¹¹ Thereafter, MPC received no further payment from PEMCO, and thus, resulting in a total amount of **PhP25,638,619.73** remaining as MPC's unpaid receivables, now the subject of this *Petition* as the Claimed Amount.
- By January 2018, pursuant to the mandate of the EPIRA, the DOE, through *DOE Department Circular No. 2018-01-0002*, endorsed the transfer of the functions of PEMCO to IEMOP, which included PEMCO's duties over the IMEM as the IMEM Operator. This was further formalized through the execution of an *Operating Agreement* dated September 19, 2018 (the "**Operating Agreement**") between PEMCO and IEMOP.
- Pursuant to Article V and Schedule 2 of the *Operating Agreement* between PEMCO and IEMOP, IEMOP shall render "Other Services," including the task of "[facilitating] collection and payment of unpaid Interim Mindanao Electricity Market (IMEM) settlement transactions, pursuant to DOE Circular DC2017-05-0009, and other relevant issuances of the DOE on the IMEM." Accordingly, IEMOP succeeded PEMCO as the IMEM Operator.

- In view of this transfer of functions from PEMCO to IEMOP, MPC accordingly reached out to both PEMCO and IEMOP, through its *Letter to PEMCO and IEMOP* dated July 30, 2018, in their capacity as the former and current IMEM Operators, respectively, and informed both of the Respondents of the remaining unpaid Claimed Amount of **PhP25,639,124.82**, and implored the settlement of the same. MPC further suggested that PEMCO and/or IEMOP may utilize the amounts collected by the IMEM Operators as violation and interest charges to satisfy the Claimed Amount.¹²
- IEMOP responded to MPC through its *Letter to MPC* dated October 15, 2018, wherein it acknowledged, without dispute, the existence of the IMEM unpaid receivables in favor of MPC, with a gross amount of **PhP25,638,814.65** (the "**Gross Acknowledged Amount**"), which IEMOP claims to be subject to the deduction of (a) the 2% Withholding Tax, (b) the 5% Withholding VAT, and (c) the share for VAT Charged to Zero-Rated IMEM Participants from such amount of unpaid receivables, resulting to an updated net total of **PhP24,184,850.49**.¹³
- Apart from the acknowledgement of MPC's Claimed Amount, and updating its computation, IEMOP only expressed that MPC's proposal to use violation and interest charges collected to satisfy MPC's claim would not be possible as the same had already been remitted, and failed to offer any alternative sources of funding to satisfy MPC's claim.
- Thus, MPC was constrained to seek the assistance of the DOE to collect its unpaid receivables from IEMEM, through its *First Letter to the DOE* dated July 18, 2019 and its *Second Letter to the DOE* dated May 20, 2020, where MPC informed the DOE of its Claimed Amount of **PhP25,638,619.73**, as its unpaid receivables from the operation of IMEM, and requested the DOE's support in securing the proper payment from the IMEM Operator, whether PEMCO or IEMOP.¹⁴
- The DOE responded to MPC's request, through its *Letter to IEMOP* dated July 24, 2020, wherein it recommended IEMOP to "[d]irectly coordinate with the [trading participants] with outstanding obligations in order to settle all issues and concerns as regard the unpaid balances to IMEM." The DOE then provided a list of trading participants with unpaid balances to IEMOP so that IEMOP may further coordinate with them. A total of nine (9) IMEM trading participants with a total unpaid balance of **PhP40,608,190.41** were identified by the DOE.¹⁵
- IEMOP shared with the DOE, in its *Reply to the DOE* dated December 10, 2020, that it had coordinated with the identified trading participants and provided their feedback on the settlement of their unpaid balances to the IMEM.¹⁶ The feedback of three trading participants with the largest unpaid balances, as provided by IEMOP, can be summarized as follows:¹⁷

Trading Participant	IMEM Unpaid Balance	Feedback
Bukidnon Second Electric Cooperative, Inc. (BUSECO)	PhP18,889,215.71	Awaiting resolution of its <i>Petition for Dispute Resolution</i> with the ERC against PEMCO, NGCP, PSALM, and the DOE
Misamis Oriental – 1 Rural Electric Service Cooperative, Inc. (MORESCO I)	PhP14,045,288.97	Awaiting resolution of its <i>Petition for Dispute Resolution</i> with the ERC against PEMCO, NGCP, PSALM, and the DOE
Zamboanga Del Sur II Electric Cooperative, Inc. (ZAMSURECO II)	PhP7,331,399.23	Admitted non-collection of IMEM-related charges from its consumers, and thus plans to request clearance from the DOE to collect the same, for eventual payment of its IMEM receivables.

- However, as of date, IEMOP has not provided further communication on the steps it has taken to collect the unpaid balances from identified IMEM trading participants, nor has it made any further payment to satisfy MPC's Claimed Amount. Hence, the instant *Petition for Dispute Resolution*.

Grounds for the Petition

I

THE ESTABLISHMENT AND IMPLEMENTATION OF THE IMEM HAS THE FORCE AND EFFECT OF LAW, AND ALL ENTITIES UNDER ITS SCOPE ARE BOUND TO COMPLY.

II

THERE IS NO DISPUTE AS TO THE EXISTENCE OF MPC'S CLAIM FOR PAYMENT OF ITS RECEIVABLES UNDER THE IMEM, THE PAYMENT OF WHICH MUST BE ENSURED BY PEMCO AND IEMOP, AS THE IMEM OPERATORS.

Discussion

- The IMEM Circular and the IMEM Implementing Rules (IIR) have the force and effect of law, and those under its scope are bound to comply.**
 - The establishment of the IMEM and its implementation through the IIR emanates from the DOE's quasi-legislative powers, as granted through the EPIRA. Specifically, Section 37 of the EPIRA provides:

Section 37. In addition to its existing powers and functions, the DOE is hereby mandated to supervise the restructuring of the electricity industry. In pursuance thereof, Section 5 of RA 7638 otherwise known as "The Department of Energy Act of 1992" is hereby amended to read as follows:

(p). Formulate such rules and regulations as may be necessary to implement the objectives of this Act; and

(q). Exercise such other powers as may be necessary or incidental to attain the objectives of this Act. (*emphases supplied*)
 - The quasi-legislative powers of the DOE under the EPIRA have been recently confirmed and emphasized in *Alyansa Para Sa Bagong Pilipinas v. ERC*,¹⁸ where the Supreme Court explained as follows:

Under the EPIRA, it is the DOE that issues the rules and regulations to implement the EPIRA, including the implementation of the policy objectives stated in Section 2 of the EPIRA. Rules and regulations include circulars that have the force and effect of rules or regulations. (*emphases supplied*)
 - The binding force of administrative regulations has long been settled. In *ABAKADA Guro Party List v. Purisima*,¹⁹ the Supreme Court ruled:

Administrative regulations enacted by administrative agencies to implement and interpret the law which they are entrusted to enforce have the force of law and are entitled to respect. Such rules and regulations partake of the nature of a statute and are just as binding as if they have been written in the statute itself. As such, they have the force and effect of law and enjoy the presumption of constitutionality and legality until they are set aside with finality in an appropriate case by a competent court. (*emphases supplied*)

- Accordingly, with the IMEM Circular (DOE Department Circular No. DC 2013-01-0001) and the IIR (DOE Department Circular No. DC 2013-05-008) having been validly issued under the DOE's quasi-legislative powers under the EPIRA, these issuances are considered to have the force and effect of law, and must be complied with all those that are under its scope.
- PEMCO and IEMOP, as well as MPC, are some of the entities that are covered under the scope of IMEM Circular and the IIR. Consequently, the obligations imposed by these administrative regulations must be dutifully observed by covered entities such as PEMCO, IEMOP, and MPC.
- Specifically, PEMCO and subsequently, IEMOP were given the roles as the IMEM Operators. On the other hand, Mindanao generators like MPC were identified as IMEM Resources, while Mindanao DUs and grid-connected end-users were considered as IMEM Customers. The IMEM Operator, IMEM Resources, and IMEM Customers each had roles and obligations to fulfill under the framework of the IMEM, as provided in the IMEM Circular and the IIR.
- As IMEM Operators, PEMCO and IEMOP had the following specific tasks, as provided in Section 1.2.1.2 of the IIR:
 - Administer the operation of the IMEM in accordance with the IMEM Rules;
 - Allocate resources to enable it to operate and administer the IMEM on a non-profit basis;
 - Carry out the development, improvement and maintenance of systems, processes and procedures to be used in the operation of the IMEM.
 - Administer the registration, suspension and de-registration of IMEM Members;
 - Maintain and publish an up-to-date register of all IMEM Members;
 - Determine the Day-Ahead Schedule of each IMEM Resource in accordance with the IMEM Rules;
 - Determine the IMEM Merit Order Table for use by the Mindanao System Operator in correcting real-time imbalances;
 - Coordinate with the Mindanao System Operator in the implementation of the Day-Ahead Schedule of all IMEM Resources and the IMEM Merit Order Table to help ensure the reliability of the Mindanao Power System if necessary;
 - Conduct transaction billing and settlement procedures;
 - Publish and make available to the IMEM Trading Participants relevant information on the Day-Ahead Schedules, Day-Ahead IMEM Schedules and IMEM Prices in accordance with 5.6.4.4 of the IMEM Rules;
 - Monitor and report on trading activities in the IMEM; and
 - Comply with each of the requirements and obligations imposed on it under the IMEM Rules and other applicable laws or regulations. (*emphases and underscoring supplied*)

- From the foregoing provision of the IIR, it is clear that the IMEM Operator had the sole responsibility of conducting billing and settlement procedures, ensuring that the proper fees are timely collected from the IMEM Customers and that proper payments are timely made to IMEM Resources. This responsibility is in line with PEMCO and IEMOP's role as the market operator of the IMEM.
- However, from the last time MPC received a payment of its IMEM receivables from PEMCO in June 2018 to date, or for a period of more than four (4) years, MPC has yet to receive any further satisfaction of its Claimed Amount from either of the IMEM Operators, PEMCO or IEMOP.
- Respondents PEMCO and IEMOP are bound by law, specifically under the IMEM Circular and the IIR, in their capacity as IMEM Operators, to collect the unpaid balances of the identified IMEM trading participants, and remit the proceeds to IMEM Resources with unpaid receivables, such as MPC.
- Based on its legal obligation, as well as considering that the IMEM had been defunct since 2014, and that MPC had not received payment on its unpaid receivables since 2018, Respondents PEMCO and/or IEMOP should accordingly be directed to exert every effort to comply with its obligation to settle all IMEM liabilities. Furthermore, Respondents PEMCO and/or IEMOP should also be directed to regularly provide information (i.e., quarterly) to the Honorable Commission and to MPC on its progress in settling the liabilities of IMEM participants, until such time that MPC's Claimed Amount of **PhP25,638,619.73** is fully satisfied.

II. There is no dispute as to the existence of MPC's claim for payment of its receivables under the IMEM, the payment of which must be ensured by PEMCO and IEMOP, as the IMEM operators.

- It should also be emphasized that neither PEMCO nor IEMOP has disputed MPC's claim for payment, and in fact, both have recognized the same.
- For PEMCO, MPC had been receiving its payments from March 2014, when the IMEM was suspended, until June 2018, which was the last time that MPC received payment on its IMEM unpaid receivables from PEMCO. At no point did PEMCO contest or dispute MPC's claim for payment for the excess capacities it traded through the IMEM.
- On the other hand, for IEMOP, when it entered into the *Operating Agreement* with PEMCO in September 2018 for the transfer of the market operator functions to IEMOP, it expressly and specifically undertook the task of "[facilitating] collection and payment of unpaid Interim Mindanao Electricity Market (IMEM) settlement transactions, pursuant to DOE Circular DC2017-05-0009, and other relevant issuances of the DOE on the IMEM," as provided in Article V and Schedule 2 of the *Operating Agreement*. Thus, IEMOP took on the market operator role of PEMCO with full knowledge that it would also be taking on the legal responsibility to settle pending IMEM liabilities.
- This is further reinforced by the fact that in its *Letter to MPC* dated October 15, 2018,²⁰ IEMOP recognized and confirmed the existence of the unpaid receivables to MPC, although providing a slightly reduced Gross Acknowledged Amount of **PhP25,638,814.65**.
- Accordingly, there being no dispute as to the existence of MPC's claim for its IMEM unpaid receivables, PEMCO and/or IEMOP must discharge its legal duty to settle all IMEM liabilities by ensuring the collection of all unpaid IMEM balances, and remitting the collected proceeds to IMEM Resources with unpaid IMEM receivables, such as MPC.
- In view of the foregoing, MPC respectfully prays for this Honorable Commission to direct Respondents PEMCO and IEMOP, in their capacity as IMEM Operators, to: (a) identify all IMEM trading participants with unpaid balances; (b) provide an Action Plan describing the specific collect all unpaid IMEM balances from identified IMEM Customers; (c) remit collected proceeds to IMEM Resources with unpaid IMEM receivables; and (d) submit a quarterly report to this Honorable Commission and to IMEM Resources with unpaid IMEM receivables on its progress in settling all pending IMEM liabilities.

PRAYER

WHEREFORE, Petitioner Mapalad Power Corporation respectfully prays for this Honorable Commission to DIRECT Respondents Philippine Electricity Market Corporation and/or Independent Electricity Market Operator of the Philippines, Inc., as the successive IMEM Operators, to:

- IDENTIFY all IMEM trading participants with unpaid balances;

- PROVIDE an Action Plan describing the specific remedies and actions that the IMEM Operators shall exercise on each of the identified IMEM trading participants, to enforce the collection of their unpaid balances;
 - COLLECT all unpaid IMEM balances from identified IMEM customers through the implementation of the remedies and actions specified in the Action Plan;
 - REMIT such collected proceeds to satisfy unpaid IMEM receivables of IMEM Resources, including MPC with its Claimed Amount of **PhP25,638,619.73**, within a period of not later than thirty (30) days from the collection of such proceeds; and,
 - SUBMIT a Quarterly Report to this Honorable Commission and to all IMEM Resources with unpaid IMEM receivables, including MPC, on its progress in settling all pending IMEM liabilities, until all such pending IMEM liabilities have been settled.
- Other just and equitable reliefs are also prayed for.

The Commission has set the instant *Petition* for determination of compliance with 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 2020²¹ and Resolution No. 01, Series of 2021²² (ERC Revised Rules of Practice and Procedure):

Date and Time	Platform	Activity
03 February 2023 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams or Zoom Application	Determination of compliance with jurisdictional requirements and Expository presentation
10 February 2023 (Friday) at nine o'clock in the morning (9:00 A.M.)		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. 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, all persons 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:

- The petitioner's name, mailing address, and e-mail address;
- 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
- 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 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:

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

Any of the persons mentioned in the preceding paragraphs may access the copy of the *Petition* 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 indications therein the case number of the instant *Petition*. 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 Chairperson and CEO MONALISA C. DIMALANTA, and the Honorable Commissioners ALEXIS M. LUMBANTAN, CATHERINE P. MACEDA, and MARKO ROMEO L. FUENTES, Energy Regulatory Commission, this 7th day of December 2022 in Pasig City.

Floresinda G. Baldo-Digal
Oversight Commissioner
For the Legal Service

IS: CRR/ARG/MCCG

¹ EPIRA, Section 43(u). The ERC shall have the original and exclusive jurisdiction over all cases concerning rates, fees, fines and penalties imposed by the ERC in the exercise of the above-stated powers, functions and responsibilities and over all cases involving disputes between and among participants or players in the energy sector. (*Emphases supplied*)

² IIR, Section 8.3.1, Application and Guiding Principles. Pursuant to the EPIRA, the ERC has original and exclusive jurisdiction over all cases concerning rates, fees, fines and penalties imposed by the ERC in the exercise of its powers, functions and responsibilities under the EPIRA and over all cases involving disputes between and among participants or players in the energy sector. This includes such cases pertaining to the IMEM and IMEM Members. (*Emphases and underscoring supplied*)

³ See DOE Department Circular No. DC2013-01-0001.

⁴ See DOE Department Circular No. DC2013-05-0008.

⁵ IIR, Section 2.2.1.2. Entities with Generating Plants, other than Self-Generating Facilities, within the Mindanao Power System, shall be registered in the IMEM by the IMEM Operator under one of the IMEM Generator categories specified in Section 2.2.1.

⁶ IIR, Section 2.2.1. IMEM Resources

IMEM Resources are facilities capable of providing generation to or curtailing load from the Mindanao Power System and are as follows:

(a) IMEM Grid Generators;

(b) IMEM Embedded Generators; or

(c) IMEM Load Curtailment Resources.

⁷ IIR, Section 2.2.2. IMEM Customers

2.2.2.1 IMEM Customers are entities that source electric power directly from the Mindanao Grid and are as follows:

(a) Mindanao Distribution Utilities; or

(b) Grid-Connected End-Users.

⁸ A copy of the three (3) monthly *Billing Letters and Final Statements for December 2013 to March 2014* are attached as Annexes "A" to "A-2."

⁹ See Official Gazette of the Philippines, "DOE enhances measures for Mindanao power situation," May 8, 2014, < <https://www.officialgazette.gov.ph/2014/05/08/doe-enhances-measures-for-mindanao-power-situation/> >

¹⁰ Copies of the *MPC Official Receipts for Payments Made from March 13, 2014 to June 22, 2018* corresponding to the total amount of **PhP100,523,858.64**, are attached as the Annex "B" series.

¹¹ A copy of the *Letter to PEMCO and IEMOP* dated July 30, 2018 is attached as Annex "C."

¹² A copy of the *Letter to MPC* dated October 15, 2018 is attached as Annex "D."

¹³ Copies of the *First Letter to the DOE* dated July 18, 2019 and *Second Letter to the DOE* dated May 20, 2020 are attached as Annexes "E" and "E-1," respectively.

¹⁴ A copy of the DOE's *Letter to IEMOP* dated July 24, 2020 is attached as Annex "F."

¹⁵ A copy of IEMOP's *Reply to the DOE* dated December 10, 2020 is attached as Annex "G."

¹⁶ See Report on Coordination Meeting with IMEM Trading Participants as found attached in Annex G.

¹⁷ G.R. No. 227670, May 3, 2019.

¹⁸ G.R. No. 166715, August 14, 2008.

¹⁹ See again Annex "D."

²⁰ A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

²¹ A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.