

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE POWER
SUPPLY AGREEMENT
(BASELOAD) BETWEEN
CABANATUAN ELECTRIC
CORPORATION AND
MASINLOC POWER CO.
LTD., WITH PRAYER FOR
THE ISSUANCE OF
PROVISIONAL AUTHORITY
AND/OR INTERIM RELIEF
AND CONFIDENTIAL
TREATMENT OF
INFORMATION

ERC CASE NO. 2024-042 RC

CABANATUAN ELECTRIC
CORPORATION (CELCOR)
AND MASINLOC POWER CO.
LTD. (MPCL),
Applicants.

Promulgated:
March 22, 2024

NOTICE OF VIRTUAL HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 19 March 2024, Cabanatuan Electric Corporation (CELCOR) and Masinloc Power Co. Ltd. (MPCL) filed a Joint Application, dated 21 February 2024, seeking the Commission's approval of their baseload Power Supply Agreement (PSA), with prayer for the issuance of provisional authority and/or interim relief and confidential treatment of information.

The pertinent allegations in the said Joint Application are hereunder quoted as follows:

THE APPLICANTS

- 1. CELCOR is an electric distribution utility organized and existing under the laws of the Philippines, with principal office at Maharlika Highway, Brgy. Bitas, Cabanatuan City, Nueva Ecija. By virtue of Republic Act No. 9668, CELCOR has a franchise to distribute electricity in the City of Cabanatuan, a chartered city under Republic Act No. 526.

Copies of CELCOR's Amended Articles of Incorporation, Amended By-Laws, latest General Information Sheet, Wholesale Electricity Spot Market ("WESM") Registration, and Verified Certification on the members of the Board of Directors are attached hereto as Annexes "A" to "A-4", respectively.

A copy of a single-line diagram of CELCOR's distribution system, and reports on the performance of the system are attached hereto as Annexes "A-5" to "A-6", respectively.

- 2. MPCL is a partnership duly authorized and existing under the laws of the Republic of the Philippines, with business address at Barangay Bani, Masinloc, Zambales.
- 3. Joint Applicants may be served with orders and other processes through their respective undersigned counsel.

NATURE OF THE APPLICATION

- 4. Pursuant to Rule 20 (B) of the Revised Rules of Practice and Procedure ("ERC Rules"), approved by this Honorable Commission on 17 December 2020 in Resolution No. 01, Series of 2021, this Joint Application is submitted to this Honorable Commission for its review and approval of the Power Supply Agreement ("PSA") between CELCOR and MPCL for its baseload requirements.

A copy of the PSA is attached hereto as Annex "B".

APPLICABLE DOE CSP POLICY

- 5. The present Joint Application and the procurement process undertaken by CELCOR as discussed herein are governed by the Department of Energy ("DOE") Department Circular No. DC2018-02-0003 as amended and supplemented by DC No. DC2021-02-0030 ("DOE CSP Policy").
- 6. As explained later, DOE DC No. DC2023-06-0021 does not apply in the instant case. Consequently, this Honorable Commission's Resolution No. 16, Series of 2023 does not likewise apply.

STATEMENT OF FACTS

- 7. Necessity of Power Supply. Over the last five (5) years, the City of Cabanatuan registered an average system peak demand of about 63 MW, with the highest in 2023 at about 74 MW. The peak demand is estimated to reach more than 95 MW by 2034, with an annual load growth of five percent (5%).

8. CELCOR's power requirements are divided into segments of supply: baseload, mid-merit, and peaking.

9. In particular, the current baseload requirements of CELCOR are about 32 MW, which is projected to increase to about 40 MW in 2034.

10. The expected increase is indicated in CELCOR's load forecast projections in accordance with its latest Distribution Development Plan-Power Supply Procurement Plan ("DDP-PSP") and supply-demand projections. It must be noted that CELCOR's load may decrease to some extent due to retail competition.

Copies of CELCOR's DDP-PSP and Supply-Demand Scenario, and Average Daily Load Curve are attached hereto as Annexes "C" and "D", respectively. A copy of CELCOR's estimate of potential load reduction due to retail competition is attached hereto as Annex "E". Additionally, CELCOR's certification on demand side management is attached hereto as Annex "F".

11. The said power requirements are, for the most part, supplied by CELCOR's current contracted power supplier, who has been providing power to the City of Cabanatuan for ten (10) years. However, the supply contract will expire on 25 February 2024.

12. Upon the expiration of the supply contract, there will be no more contracted supply for CELCOR's energy requirements. Hence, CELCOR will be constrained to source the entirety of its power requirements from WESM, thereby exposing its customers to the risk of price volatility.

13. Lack of Supply from the National Power Corporation ("NPC"). With the privatization of its generation assets under Republic Act No. 9136, NPC, previously the country's main power supplier, no longer has sufficient capacity to provide utility-scale power supply in the Luzon grid, and thus, cannot supply CELCOR's requirements.

Copies of CELCOR's letters requesting confirmation of the foregoing are attached hereto as Annexes "G" and "H".

14. CELCOR Procurement Process. Due to the expiring supply contract, CELCOR commenced the procurement process for the supply of power to the City of Cabanatuan. It is the duty of CELCOR, as the distribution utility with the franchise over City of Cabanatuan, to ensure that its customers shall have sufficient and reliable power supply.

15. In order to procure its power supply requirements, CELCOR, through its Third-Party Bids and Awards Committee ("TPBAC"), conducted a Competitive Selection Process ("CSP") as required under the DOE CSP Policy.

16. The Invitation to Bid ("ITB") and the Terms of Reference ("TOR") for the CSP were published in a newspaper of general circulation, and posted on CELCOR's website and on the DOE's CSP E-Portal. All generation companies operating in Luzon were also informed of the ITB and TOR via email.

Copies of the ITB, the TOR, the publication, and proof of posting on CELCOR's website and the DOE portal are attached hereto as Annexes "I" to "K", respectively.

17. Despite the foregoing, the CSP resulted in a failed bid as only one bidder expressed interest to participate.

18. Following this, CELCOR conducted a second round of the CSP. As with the first round, the ITB and TOR for the second round were published in a newspaper of general circulation, and posted on CELCOR's website and on the DOE's E-Portal. All generation companies operating in Luzon and Visayas were also informed via email.

19. The second round of the CSP likewise resulted in a failed bid as only MPCL submitted a bid.

Copies of the ITB and the TOR for the second round, the publication, and proof of posting on CELCOR's website and the DOE portal are attached hereto as Annexes "L" to "O", respectively.

20. Under the DOE CSP Policy, after two failed biddings, a distribution utility may proceed to negotiated procurement through direct negotiations with interested power suppliers.

Copies of the TPBAC Evaluation Report, the CELCOR Board Resolution confirming the said Report, and Certification from the CEO for the conduct of the CSP are attached hereto as Annexes "P" to "R", respectively.

21. As a result of the direct negotiations, MPCL was awarded the contract for the supply of the baseload power requirements of CELCOR.

A copy of the Notice of Award issued to MPCL for the supply of CELCOR's baseload power requirements is attached hereto as Annex "S". A copy of the executive summary and timeline of events of the CSP is attached hereto as Annex "T", respectively.

22. Under the law, no contract for the supply of power can become legally effective unless approved by this Honorable Commission. Hence, this Joint Application.

ABSTRACT OF THE POWER SUPPLY AGREEMENT
AND RELATED INFORMATION

23. The Generation Facilities. Under the PSA, MPCL shall supply power to CELCOR from its Masinloc Coal-fired Thermal Power Plant ("Masinloc Power Plant") located in Barangay Bani, Masinloc, Zambales.

24. Salient Features of the PSA. The PSA contains the following salient features:

24.1. Supply of Power Requirements. MPCL shall supply power for CELCOR's baseload requirements based on a varying Contracted Capacity ranging from 18.32 MW to 39.01 MW, over a ten (10)-year period.

24.2. Supply Commencement Date ("SCD"). The SCD shall occur on 26 February 2024 at 00:01H, upon satisfaction of certain conditions precedent.

24.3. Contract Term. This PSA shall be effective on the date it is signed by both Parties until ten (10) years from the SCD, unless earlier terminated in accordance with the PSA.

24.4. Guaranteed Supply. MPCL shall fully guarantee availability of the Contracted Capacity to CELCOR and provide replacement power even during plant outages, whether scheduled or unscheduled.

24.5. Cost of Replacement Power. For the provision of replacement power, MPCL shall be paid by CELCOR at contract charges.

24.6. Prompt Payment Discount. CELCOR shall be entitled to a discount of two percent (2%) of the contract price in case of full payment within ten (10) calendar days from receipt of MPCL's invoice.

24.7. Line Rental Charges Cap. MPCL shall pay the line rental charges as billed by the market operator up to PhP0.2000/kWh. Any excess shall be for the account of CELCOR.

A copy of an executive summary of the PSA is attached hereto as Annex "U".

25. Purchased Power Rate. CELCOR shall pay the monthly payment based on the following computations and formulas:

Schedule C
Contract Price ("CP")

	Rate, PhP/kWh
Capital Recovery Fee (CRF)	1.8600
Fixed O&M Fee (FOM)	0.3200
Variable O&M Fee (VOM)	0.3000
Fuel Fee	3.1140
Contract Price (Gross)	5.6240
Less: 2% Prompt Payment Discount ("PPD")	-0.1125
Contract Price (Net)	5.5115

- Note:
- o CRF shall be non-escalating for the entire duration of the Agreement.
 - o FOM and VOM shall be subject to monthly adjustment based on Philippine Consumer Price Index.
 - o CRF and FOM shall be take-or-pay based on the Contracted Capacity.
 - o Fuel Fee shall be subject to monthly adjustment based on globalCOAL Newcastle ("NEWCC") index and foreign exchange ("FX") rate.
 - o Base NEWCC is USD100.00/MT and Base FOREX is PhP55.000/USD.
 - o Guaranteed Supply except during Events of Force Majeure, no outage allowance.
 - o Line Rental ("LR") charge up to a maximum of PhP0.2000/kWh ("LR Cap") shall be for the account of CELCOR.
 - o WESM Charges including Line Rental beyond the LR Cap, shall be for the account of the Buyer.
 - o Prevailing Contract Price shall be subject to two percent (2.0%) Prompt Payment Discount ("PPD").
 - o Prevailing Contract Price (Gross) and other Contract Charges shall be subject to applicable Value Added Tax ("VAT").

Schedule D
Monthly Billing

1. Capital Recovery Fee (CRF) Payment

The Capital Recovery Fee (CRF) Payment for the Billing Period shall be calculated as follows:

$$MCRFP = CRF * CC * (BPD - FMDT) * 24$$

Where:

- MCRFP = the Monthly Capital Recovery Fee Payment, in PhP, for the Contracted Capacity for the Billing Period
- CRF = the Capital Recovery Fee, in PhP/kWh, as contained in Schedule C
- CC = the Contracted Capacity, in kW, as contained in Schedule A
- BPD = Billing Period Days, the number of days in the relevant Billing Period
- FMDT = the Full Load Equivalent Force Majeure Days Taken for the relevant Billing Period

2. Fixed O&M Fee Payment

The Fixed O&M Fee Payment for the Billing Period shall be calculated as follows:

$$MFOP = (FOM * \frac{PCPI_n}{PCPI_0}) * CC * (BPD - FMDT) * 24$$

Where:

- MFOP = The Monthly Fixed O&M Fee Payment, in PhP, for the Billing Period
- FOM = Fixed O&M Fee, in PhP/kWh, as contained in Schedule C
- PCPI_n = The average Philippine Consumer Price Index for all Income Households in the Philippines (2018-100) for the calendar month within which the start of the Billing Period occurs
- PCPI_0 = The Base Philippine Consumer Price Index set at 123.0
- CC = As previously defined
- BPD = As previously defined
- FMDT = As previously defined

3. Variable O&M Fee Payment

The Variable O&M Fee Payment for the Billing Period shall be calculated as follows:

$$MVOP = (VOM * \frac{PCPI_n}{PCPI_0}) * DE$$

Where:

- MVOP = the Monthly Variable O&M Fee Payment, in PhP, for the Billing Period
- VOM = The Variable O&M Fee, in PhP/kWh, as contained in Schedule C
- PCPI_n = As previously defined
- PCPI_0 = As previously defined
- DE = Delivered Energy supplied by the Supplier to the Buyer for the Billing Period

4. Monthly Fuel Fee Payment

The Fuel Fee Payment for the Billing Period shall be calculated as follows:

$$MFP = FF_n * A * (\frac{NEWCC_n}{NEWCC_0}) * (\frac{FX_n}{FX_0}) * B * DE$$

Where:

- MFP = the Monthly Fuel Fee Payment, in PhP, for the Delivered Energy for the Billing Period
- FF_n = Base Fuel Fee, in PhP/kWh, as contained in Schedule C
- A = Percentage of the Base Fuel Fee, set at 60.58%
- NEWCC_n = Average posted globalCOAL Newcastle ("NEWCC") index for the calendar month within which the start of the Billing Period occurs
- NEWCC_0 = Base NEWCC index set at USD100.00/MT
- FX_n = Average of the daily Foreign Exchange ("FX") rate of the Philippine Peso to the US Dollar as posted by the Bangko Sentral ng Pilipinas for the calendar month within which the start of the Billing Period occurs
- FX_0 = Base FX rate set at PhP55.000/USD
- B = Percentage of the Base Fuel Fee, set at 39.42%
- DE = As previously defined.

COMPLIANCE WITH PRE-FILING REQUIREMENTS

26. In compliance with the ERC Rules, copies of the foregoing documents and/or information are attached to the Joint Application as annexes and made integral parts hereof:

Annex	Documents/Information
"V"	MPCL's 2007 Articles of Partnership
"V-1"	MPCL's 2023 Amended Articles of Partnership
"V-2"	Write-up/Explanation on the Requirement of By-laws
"V-3"	Write-up/Explanation on the Requirement of List of Shareholders (GIS Sheet)
"W"	Write-up/Explanation on the Shareholders Agreement
"X"	MPCL's Secretary's Certificate Re: Ultimate Parent Company
"Y"	Write-up/Explanation on the Non-applicability of Certificate of Registration with the Board of Investments ("BOI") for MPCL Units 1 and 2
"Z"	Certificate of Registration BOI of MPCL Units 3 and 4
"AA" to "AA-2"	Environmental Compliance Certificates for Units 1-3 of MPCL
"BB"	MPCL's Provisional Authority to Operate
"CC"	MPCL's DOE Certificate of Endorsement ("COE")
"DD"	Write-up/Explanation on the Non-applicability of the Requirements regarding Renewable Energy Plant
"EE"	Write-up/Explanation on the Non-applicability of Water Permit from the National Water Resources Board ("NWRB")
"FF"	Transmission Service Agreement ("TSA") between the National Grid Corporation of the Philippines ("NGCP") and MPCL

Annex	Documents/Information
"GG"	Write-up/Certification on the Non-applicability of the Requirements of Related Agreements
"HH"	Audited Financial Statements on 2018 - year of acquisition of MPCL by San Miguel Global Power Holdings Corp.
"II" and series	Rate Derivation and Supporting Documents (Confidential)
"JJ"	Affidavit of Competitive Procurement Process of Fuel
"KK" and series	Documents related to Fuel (Confidential)
"LL"	Relevant technical and economic characteristics of the generation capacity, installed capacity, mode of operation, and dependable capacity
"MM"	MPCL's Outage Hours from 2018-2023
"NN"	MPCL's latest Audited Financial Statements ("AFS"), Balance Sheet, Income Statement, and Statement of Cash Flows
"OO" to "OO-2"	Test Certifications of MPCL Units 1-3 for heat rate
"PP"	Write-up/Explanation on the capacity of Units 1-3 of MPCL to supply the energy requirements of CELCOR
"QQ"	Write-up/Explanation on the Non-applicability of the Distribution Wheeling Service
"RR"	Certification from Independent Electricity Market Operator of the Philippines ("IEMOP") on the WESM Registration of MPCL
"SS"	Write-up on the Non-applicability of ASPA
"TT"	MPCL's Secretary's Certificate re: Entering into the PSA, Filing of Joint Application and Appointment of Counsels

RATE IMPACT ANALYSIS

27. A copy of CELCOR's analysis on the impact of the subject PSA on the rates charged to its customers and the supporting computations are attached hereto as Annexes "UU" and "UU-1".

MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION

28. Rule 4 of the ERC Rules provides that CELCOR and MPCL may request that information may not be disclosed. Pursuant to this, Applicant MPCL prays for the confidential treatment of the information contained in the following annexes:

Annex	Documents and/or Information
"II" and series	Rate Derivation and Supporting Documents (Confidential)
"KK" and series	Documents related to Fuel (Confidential)

29. MPCL prays for the confidential treatment of the information contained in the Annexes "II" and series, and "KK" and series, and not disclosed except to the officers and staff of the Honorable Commission and its staff.

30. Annexes "II" and series, and "KK" and series, contain the details of MPCL's power rate calculations, financial model, as well as the manner by which these were derived, and the pertinent details of coal supply contracts. These information are proprietary in nature and should be protected as trade secrets as contemplated by law and jurisprudence. In the case of *Air Philippines Corporation vs. Pennswell, Inc.*, the Supreme Court defined a trade secret, as follows:

"A trade secret may consist of any formula, pattern, device, or compilation of information that **(1) is used in one's business; and (2) gives the employer an opportunity to obtain an advantage over competitors who do not possess the information.** Generally, a trade secret is a process or device intended for continuous use in the operation of the business, for example, a machine or formula, but can be a price list or catalogue or specialized customer list. It is indubitable that trade secrets constitute proprietary rights. The inventor, discoverer, or possessor of a trade secret or similar innovation has rights therein which may be treated as property, and ordinarily an injunction will be granted to prevent the disclosure of the trade secret by one who obtained the information "in confidence" or through a "confidential relationship." American jurisprudence has utilized the following factors to determine if an information is a trade secret, to wit:

- (1) the extent to which the information is known outside of the employer's business;
- (2) the extent to which the information is known by employees and others involved in the business;
- (3) the extent of measures taken by the employer to guard the secrecy of the information;
- (4) the value of the information to the employer and to competitors;
- (5) the amount of effort or money expended by the company in developing the information; and
- (6) the extent to which the information could be easily or readily obtained through an independent source." (*citations omitted, emphasis supplied*)

31. The interest of the consuming public is sufficiently protected by the review and evaluation of the rates under the PSA by the Honorable Commission, without the need to disclose the contents of Annexes "II" and series, and "KK" and series. The reasonableness and transparency of the prices of electricity is to be assured by the Honorable Commission through its own review and verification of MPCL's operating costs and expenses;

32. More importantly, MPCL's competitors, should they obtain the information contained in Annexes "II" and series, and "KK" and series, will gain undue advantage thereon and have the opportunity to use the same in their operations. The negotiating power of MPCL's parties if it plans to contract with or who it is currently doing business with, will clearly be thwarted if it is compelled to disclose such information;

33. Accordingly, MPCL submits one (1) copy of Annexes "II" and series, and "KK" and series, in a sealed envelope, with the said envelope and each page of the documents and/or information stamped with the word "Confidential".

34. Lastly and corollary to the foregoing, MPCL would like to implore the discerning wisdom of the Honorable Commission to include in its issuance for this purpose the "procedures for the handling or returning the confidential information, as appropriate, upon the close of the proceedings or at the end of the period for which the information is to be treated as confidential".

35. This is guided by the fact that MPCL will seek for the return of these sought to be declared confidential annexes after its utilization as evidence in this case and/or at the close of the proceedings hereof, so as to relieve the Honorable Commission of the burden of safekeeping the trade secrets of MPCL enclosed in the subject annexes.

ALLEGATIONS IN SUPPORT OF
THE MOTION FOR PROVISIONAL AUTHORITY

36. As mentioned, at present, CELCOR's existing power supply contract with its sole contracted power supplier for the power requirements of the City of Cabanatuan will expire on 25 February 2024. Upon such expiration, CELCOR will no longer have any contracted power supply to provide its customers, and will thus be constrained to source its entire power requirements from the WESM.

37. Sourcing the full power requirements of CELCOR from the WESM exposes the customers to the risk of greatly increased payments, given the high volatility and unpredictability of the price of electricity sold in the spot market.

38. Thus, it is imperative that the PSA subject of the present Joint Application be lawfully implemented by CELCOR on 26 February 2024, as this will prevent the exposure of the customers in the City of Cabanatuan from the risk of paying greatly increased electricity fees.

39. However, the PSA cannot be lawfully implemented on time absent a Provisional Authority or an Interim Relief from this Honorable Commission. Hence, there is an extremely urgent need for the issuance of a Provisional Authority or an Interim Relief in favor of the implementation of the PSA.

40. In view of the foregoing, Joint Applicants respectfully move for the issuance of a Provisional Authority or Interim Relief of the instant Application pursuant to Rule 14 of the ERC Rules.

A copy of an affidavit in support of the prayer for Provisional Authority or Interim Relief is attached hereto as Annex "VV".

APPLICABILITY OF THE DOE CSP POLICY AND ERC
RESOLUTION NO. 16, SERIES OF 2023

41. The TPBAC commenced the CSP activities and was issued a Certificate of Posting by the DOE before the effectivity of DOE Department Circular No. DC2023-06-0021. Hence, in the conduct of the CSP, CELCOR observed the DOE CSP Policy in accordance with DC No. 2018-02-0003, as amended and supplemented by DC No. DC2021-09-0030.

42. Consequently, this Honorable Commission's Resolution No. 16, Series of 2023 issued on 3 October 2023 and providing for the implementing guidelines for the procurement, execution, and evaluation of PSAs entered into by DUs for the supply of electricity does not apply to the said CSP and the subject PSA. This is pursuant to Section 47 of the said Resolution, which states:

"Section 47. Transitory Period. - All DUs with ongoing CSP activities and have been issued with Certificates of Posting (COP), prior to the effectivity of the DOE CSP Policy, shall continue to observe the CSP policy in accordance with DC No. DC2018-02-0003, as amended and supplemented by DC No. DC2021-09-0030."

INAPPLICABILITY OF CERTAIN REQUIREMENTS

43. Certain documentary requirements contained in this Honorable Commission's Checklist of Pre-Filing Requirements for Applications for Approval of Power Supply Agreement are not applicable to the present Joint Application.

Written explanation on the inapplicability of the said requirements to CELCOR is attached hereto as Annex "WW".

PRAYER

WHEREFORE, premises considered, Joint Applicants CELCOR and MPCL respectfully pray that this Honorable Commission:

1. Issue an Order treating Annexes "II" and series, and "KK" and series as confidential in perpetuity, directing their non-disclosure to persons other than the officers and staff of the Honorable Commission, perpetually protecting the said information from public disclosure by maintaining the same separate and apart from the records of the case, ensuring that these are not divulged to unauthorized persons, and that these confidential documents are returned to MPCL after the termination of this case pursuant to Rule 4 of the ERC Rules; and
 2. Immediately issue a Provisional Authority or Interim Relief Order approving the PSA subject of the instant Joint Application as well as the generation rate and adjustment mechanisms indicated therein; and
 3. After due hearing, render a decision approving with finality and in toto the instant Joint Application, as well as the generation rate and adjustment mechanisms indicated therein.
- Joint Applicants pray for other just and equitable relief under the premises.

The Commission hereby sets the instant Joint Application for determination of compliance with the 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 2020 and Resolution No. 01, Series of 2021 (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
24 May 2024 (Friday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and Expository Presentation
31 May 2024 (Friday) at two o'clock in the afternoon (2:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, CELCOR and MPCL are hereby directed to host the virtual hearings at CELCOR's Principal Office located at Maharlika Highway, Brgy. Bitas, Cabanatuan City, Nueva Ecija, as the designated venue for the conduct thereof, and ensure that the same is open to the public. Moreover, CELCOR and MPCL shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled initial virtual hearing, via electronic mail (e-mail) at docket@erc.ph, and 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 docket@erc.ph, and copy furnishing 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. The verified Petition to Intervene must follow the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure, indicate therein the docket number and title of the case, and state 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 file through e-mail at docket@erc.ph, and 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. Rule 9 of the ERC Revised Rules of Practice and Procedure shall govern. 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.

All interested parties filing their Petition to Intervene, Opposition or Comment are required to submit the hard copies thereof through personal service, registered mail or ordinary mail/private courier, within five (5) working days from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission.

Any of the persons mentioned in the preceding paragraphs may access the copy of the Joint 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 hearings by providing the Commission, thru legal.virtualhearings@erc.ph, their respective e-mail addresses and indicating therein the case number of the instant Joint Application. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

WITNESS, the Honorable Commissioners ALEXIS M. LUMBATAN, CATHERINE P. MACEDA, FLORESINDA G. BALDO-DIGAL, and MARKO ROMEO L. FUENTES, Energy Regulatory Commission, this 22nd day of March 2024 in Pasig City

Medinalanta
MONALISA C. DIMALANTA
Chairperson and CEO



At file by
LS: CAB/MCC/LSF

³ A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.
⁴ A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

¹ G.R. No. 172835, December 13, 2007
² Letter (d), Section 4, of the ERC Revised Rules and Practice and Procedure.