

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE
EMERGENCY POWER
SUPPLY AGREEMENT
BETWEEN ENERGY
DEVELOPMENT
CORPORATION AND DON
ORESTES ROMUALDEZ
ELECTRIC COOPERATIVE,
INC., WITH MOTION FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2024-008 RC

**ENERGY DEVELOPMENT
CORPORATION (EDC) AND
DON ORESTES ROMUALDEZ
ELECTRIC COOPERATIVE,
INC. (DORELCO),**

Applicants.

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Promulgated:

March 05, 2024

ORDER

On 15 January 2024, Energy Development Corporation (EDC) and Don Orestes Romualdez Electric Cooperative, Inc. (DORELCO) filed a *Joint Application*, dated 07 August 2023, seeking the Commission's approval of their Emergency Power Supply Agreement (EPSA), with motion for confidential treatment of information.

On 14 February 2024, the Commission issued an *Order* and a *Notice of Virtual Hearing* setting the case for hearing on the following dates: 14 March 2024 for the determination of compliance with the jurisdictional requirements and expository presentation; and 21 March 2024 for the pre-trial conference and presentation of evidence.

However, on 23 February 2023, Applicants filed a *Manifestation and Motion to Reset Initial Hearing* on the ground that Applicant EDC received the said *Order* and *Notice* only on 22 February 2024. Hence,

the Applicants would not have sufficient time to comply with the publication requirements as part of the jurisdictional requirements set forth in the said *Order*. Given the foregoing, the Applicant EDC prayed that the initial hearings be cancelled and rescheduled on a later date.

The Commission finds the *Urgent Manifestation with Motion to Reset Initial Hearing* dated 23 February 2024 filed by Applicant EDC in order. Accordingly, the same is hereby **GRANTED**.

IN VIEW THEREOF, the hearings set on 14 March 2024 and 21 March 2024 are hereby **CANCELLED**.

Consequently, 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 2020¹ and Resolution No. 01, Series of 2021² (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
22 April 2024 (Monday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and Expository Presentation
29 April 2024 (Monday) at two o'clock in the afternoon (2:00 P.M.)		Pre-trial Conference and Presentation of Evidence

Accordingly, DORELCO and EDC are hereby directed to host the virtual hearings at **DORELCO's Principal Office located at Barangay San Roque, Tolosa, Leyte, Philippines**, as the designated venue for the conduct thereof, and ensure that the same is open to the public. Moreover, DORELCO and EDC shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

¹ A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

² A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

RELATIVE THERETO, DORELCO and EDC are hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines at their own expense, twice (2x) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart, and the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the Mayors and the Local Government Unit (LGU) legislative bodies within DORELCO's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within DORELCO's franchise area, by any other means available and appropriate, of the filing of the *Joint Application*, their reasons therefor, and of the scheduled virtual hearings thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire, to send their duly authorized representatives and attend the scheduled hearings; and
- 5) Furnish with copies of the *Joint Application* and its attachments, except those subject of a motion for confidential treatment of information, all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

Within five (5) calendar days prior to the date of the initial virtual hearing, Applicants DORELCO and EDC must submit to the Commission via electronic mail (e-mail) at docket@erc.ph, and copy furnish the Legal Service through legal@erc.ph, the scanned copies of their written compliance with the aforementioned jurisdictional requirements attaching the following methodically arranged and duly marked documents:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavits of the Editors or Business Managers of the newspapers where the said *Notice of Virtual Hearing* was published, and the complete issues of the said newspapers;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayors and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by Applicants DORELCO and EDC to inform the consumers within the affected franchise area of the filing of the *Application*, their reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, the COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Joint Application* and its attachments, except those subject of a motion for confidential treatment of information, by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, Applicants DORELCO and EDC are hereby required to post on their respective bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Office of the Provincial Governor, Mayors, and Local Legislative Bodies, and to submit proof of posting thereof.

Applicants DORELCO and EDC and all interested parties are also required to submit via e-mail at docket@erc.ph, and copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days before the date of the scheduled virtual hearing and Pre-trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;

- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

Applicants DORELCO and EDC must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission **at least five (5) calendar days** before the date of the scheduled virtual hearing and Pre-trial Conference, pursuant to the preceding paragraph.

Failure of Applicants DORELCO and EDC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Applicants DORELCO and EDC must also be prepared to make an expository presentation of the instant *Joint Application*, aided by whatever communication medium that they may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Joint Application* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

Applicants DORELCO and EDC are hereby directed to file a copy of their Expository Presentations via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. DORELCO and EDC shall also be required, upon the request of any stakeholder, to provide an advance copy of their expository presentations, **at least five (5) calendar days** prior to the scheduled virtual hearing.

Applicants DORELCO and EDC are further directed to submit, either through personal service, registered mail or ordinary mail/private courier, one (1) set of the original or certified true hard copies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavits of witnesses, **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.

Finally, Applicants DORELCO and EDC, including their authorized representatives and witnesses, are hereby directed to provide the Commission, through legal.virtualhearings@erc.ph, with their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform **within five (5) working days** prior to the scheduled hearing.

SO ORDERED.

Pasig City, 05 March 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:



CATHERINE P. MACEDA
Commissioner and
Officer-in-Charge of the
Office of the Chairperson and CEO


LS: BBB/ LSP

ERC

Office of the Chairperson and CEO



MCD2024-015170

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Copy Furnished:

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5. Office of the Governor
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6. Office of the LGU Legislative Body
Province of Leyte
7. Office of the Mayor
Ormoc City
8. Office of the LGU Legislative Body
Ormoc City
9. Office of the Mayor
Kananga City
10. Office of the LGU Legislative Body
Kananga City
11. Office of the Mayor
Pasig City
12. Office of the LGU Legislative Body
Pasig City
13. Office of the Municipal Mayor
Municipality of Tolosa
14. Office of the LGU Legislative Body
Municipality of Tolosa
15. Office of the Municipal Mayor
Municipality of Tanauan
16. Office of the LGU Legislative Body
Municipality of Tanauan
17. Office of the Municipal Mayor
Municipality of Dagami
18. Office of the LGU Legislative Body
Municipality of Dagami
19. Office of the Municipal Mayor
Municipality of Tabon-Tabon
20. Office of the LGU Legislative Body
Municipality of Tabon-Tabon

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21. Office of the Municipal Mayor
Municipality of Burauen
22. Office of the LGU Legislative Body
Municipality of Burauen
23. Office of the Municipal Mayor
Municipality of Julita
24. Office of the LGU Legislative Body
Municipality of Julita
25. Office of the Municipal Mayor
Municipality of Lapaz
26. Office of the LGU Legislative Body
Municipality of Lapaz
27. Office of the Municipal Mayor
Municipality of Dulag
28. Office of the LGU Legislative Body
Municipality of Dulag
29. Office of the Municipal Mayor
Municipality of Mayorga
30. Office of the LGU Legislative Body
Municipality of Mayorga
31. Office of the Municipal Mayor
Municipality of Macarthur
32. Office of the LGU Legislative Body
Municipality of Macarthur
33. Office of the Municipal Mayor
Municipality of Javier
34. Office of the LGU Legislative Body
Municipality of Javier
35. Office of the Municipal Mayor
Municipality of Abuyog
36. Office of the LGU Legislative Body
Municipality of Abuyog
37. Office of the Municipal Mayor
Municipality of Mahaplag
38. Office of the LGU Legislative Body
Municipality of Mahaplag
39. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
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40. Commission on Audit
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41. Senate Committee on Energy
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42. House of Representatives Committee on Energy
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