Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE JOINT APPLICATION FOR APPROVAL OF THE EMERGENCY POWER SUPPLY AGREEMENT ENTERED INTO BY AND BETWEEN DON ORESTES ROMUALDEZ ELECTRIC COOPERATIVE, INC. AND FDC MISAMIS POWER CORPORATION, WITH PRAYER FOR PROVISIONAL AUTHORITY AND CONFIDENTIAL TREATMENT OF INFORMATION

ERC CASE NO. 2024-078 RC

DON ORESTES ROMUALDEZ ELECTRIC COOPERATIVE, INC. AND FDC MISAMIS POWER CORPORATION,
Joint Applicants.
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Promulgated:
June 25, 2024

NOTICE OF VIRTUAL HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 20 June 2024, Don Orestes Romualdez Electric Cooperative, Inc. (DORELCO) and FDC Misamis Power Corporation (FDCMPC) filed a *Joint Application,* dated 04 March 2024, seeking the Commission's approval of their Emergency Power Supply Agreement (EPSA) with prayer for provisional authority and confidential treatment of information.

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The pertinent allegations of the *Joint Application* are hereunder quoted as follows:

THE JOINT APPLICANTS

1. DORELCO is a non-stock, non-profit electric cooperative, duly organized and existing under and by the laws of the Philippines, with principal office address at National Highway, Brgy. San Roque, Tolosa, Leyte. It is authorized to distribute and provide electricity services to its member consumers in the Municipalities of Abuyog, Burauen, Dagami, Dulag, Javier, Julita, La Paz, Macarthur, Mahaplag, Mayorga, Tabon-Tabon, Tanauan, Tolosa (collectively, the "Franchise Area"). For purposes of this instant Application, DORELCO is represented herein by its Board President, MR. RYAN C. REAS, and Acting General Manager, MR. CRISTOPHER A. GARCIA, duly authorized by its Board of Directors.[1]

2. FDCMPC is a corporation duly organized and existing under and by the laws of the Republic of the Philippines, with its principal office address at the PHIVIDEC Industrial Estate, Villanueva, Misamis Oriental 9002. For purposes of this Application, FDCMPC is represented by its President and Chief Executive Officer ("CEO"), MR. JUAN EUGENIO L. ROXAS, duly authorized for the purpose by virtue of a Secretary Certificate No. 202310-01.[2]

3. The Joint Applicants may be served with the orders, notices, and other processes of the Honorable Commission through their respective undersigned counsels at the addresses indicated herein.

NATURE OF THE APPLICATION

4. The instant Joint Application for approval of the Emergency Power Supply Agreement ("EPSA") entered into by and between DORELCO and FDCMPC dated 05 October 2023 (the "*DORELCO-FDCMPC EPSA*") is being submitted to the Honorable Commission for its review and approval pursuant to Sections 25[3] and 45(b)[4] of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 (the "EPIRA"), Rule 20(B) of the Honorable Commission's Resolution No. 01, Series of 2021[5] (the "ERC Revised Rules of Practice and Procedure"), and Department of Energy ("DOE")

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1 *See* Annexes "DD" and "DD-3" of the Joint Application.
2 *See* Annex "EE" of the Joint Application.
3 SEC.25. Retail Rate. – The retail rates charged by distribution utilities for the supply of electricity in their captive market shall be subject to regulation by the ERC based on the principle of full recovery of prudent and reasonable economic costs incurred, or such other principles that will promote efficiency as may be determined by the ERC.
4 Distribution utilities may enter into bilateral power supply contracts subject to review by the ERC: xxx xxx xxx.
5 A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

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Department Circular No. 2023-06-0021 (the "DC2023-06-0021").[6]

5. In compliance with Section 2, Rule 6 of the ERC Revised Rules of Practice and Procedure, a copy of the instant Application (with all its annexes and accompanying documents, except those subject of a motion for confidential treatment of information) was furnished to the following offices:[7]

   a. Office of the Mayor of the Municipality of Villanueva;

   b. Office of the Presiding Officer of the *Sangguniang Bayan* of the Municipality of Villanueva;

   c. Office of the Governor of the Province of Misamis Oriental;

   d. Office of the Presiding Officer of the *Sangguniang Panlalawigan* of the Province of Misamis Oriental;

   e. Office of the Mayor of the Municipality of Tolosa;

   f. Office of the Presiding Officer of the *Sangguniang Bayan* of the Municipality of Tolosa;

   g. Office of the Governor of the Province of Leyte; and

   h. Office of the Presiding Officer of the *Sangguniang Panlalawigan* of the Province of Leyte.

6. Further, the Joint Application was also published in a newspaper of general circulation.[8]

STATEMENT OF FACTS

7. Necessity for Power Supply: DORELCO executed a Power Purchase and Sale Agreement ("PPSA") with GNPower Dinginin Ltd. Co. ("GNPD") for 12 MW Baseload Power Supply, which was submitted to the Honorable Commission for approval under ERC Case No. 2016-051 RC.

8. However, as will be discussed below, the Honorable Commission ultimately directed DORELCO to stop implementing the *PPSA*; thus, DORELCO was constrained to look for alternative power suppliers and eventually executed the *DORELCO-FDCMPC EPSA* subject of this Joint Application.

   8.1. On 23 September 2016, the Honorable Commission issued an Order dated 05 July 2016 granting

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6 Entitled, "*Prescribing the policy for the mandatory conduct of the Competitive Selection Process by the Distribution Utilities for the procurement of power supply for their captive market*".

7 *See* Annex "FF" and series of the Joint Application.

8 *See* Annex "GG" and series of the Joint Application.

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provisional authority to DORELCO and GNPD to implement the *PPSA*.

8.2. On 03 May 2019, the Supreme Court rendered its Decision in the case of *Alyansa Para sa Bagong Pilipinas, Inc. v. Energy Regulatory Commission, et al.* (the "*Alyansa Decision*"),[9] requiring all applications for approval of power supply agreements filed before the Honorable Commission on or after 30 June 2015 to comply with the Competitive Selection Process ("CSP") requirement provided under the DOE Department Circular No. DC2018-02-003.

8.3. In an *Order* dated 19 April 2023 for ERC Case No. 2016-051 RC, which was received by DORELCO on 21 September 2023,[10] the Honorable Commission: (i) dismissed the application filed by DORELCO and GNPD for the approval of the PPSA; (ii) terminated the provisional authority granted to DORELCO and GNPD to implement the *PPSA*; and (iii) directed DORELCO and GNPD to stop implementing their *PPSA* immediately upon receipt of the *Order*.

8.4. In compliance with the above-cited *Order* DORELCO and GNPD stopped implementing the *PPSA*.

9. With the displacement of the 12 MW dependable capacity from GNPD, DORELCO is not able to cover its total demand requirements and is forced to purchase power from the Wholesale Electricity Spot Market ("WESM"), thereby exposing itself (and its consumers) to the volatile prices in the market.

10. DORELCO intends to account for the deficit supply in its upcoming Power Supply Procurement Plan and conduct the necessary CSP to secure its energy needs. However, the CSP process will take time thereby subjecting DORELCO to prevailing WESM market prices in the interim period.

11. All these conditions resulted into an emergency situation which prompted DORELCO to immediately procure emergency supply of energy.

12. DORELCO then solicited offers from various generation companies[11] for their emergency power requirements, and FDCMPC's offer was the most advantageous given the circumstance. Accordingly, DORELCO entered into negotiations with FDCMPC for emergency power supply, and

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9 G.R. No. 227670, 03 May 2019.

10 Section 1, Rule VI of the *Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission* provides that Orders by the Honorable Commission received beyond working hours or days shall be deemed received on the next working day. Considering that DORELCO received the *Order* dated 19 April 2023 for ERC Case No. 2016-051 RC on *5:09pm*, 20 September 2023, the *Order* was deemed received by DORELCO on 21 September 2023.

11 *See* Annex "Q" and series of the Joint Application.

eventually executed the *DORELCO-FDCMPC EPSA* subject of the instant Joint Application.

13. Notably, on 10 August 2023, the Honorable Commission issued an Advisory approving a "Transition Period" to allow distribution utilities, like DORELCO, an opportunity to negotiate an emergency power sales agreement for their respective power requirements.[12]

ABSTRACT OF THE EMERGENCY POWER SALES AGREEMENT AND RELATED INFORMATION

14. DORELCO Power Situation. DORELCO's peak demand for its Franchise Area is 19.74 MW for 2023 to 2024 as provided in its Supply - Demand Scenario.[13]

15. Generation Facility. The power to be provided to DORELCO will be sourced from FDCMPC's 3 x 135 MW circulating fluidized bed coal fired thermal power plant in the PHIVIDEC Industrial Estate, in Villanueva, Misamis Oriental, with a rated capacity of 405 MW and net dependable capacity of 369 MW (the "Power Plant"). FDCMPC shall supply power to DORELCO under the terms stipulated in the *DORELCO-FDCMPC EPSA*.

16. Salient Features of the EPSA.

    16.1. Term: The Term of the EPSA shall be one (1) year from commencement of delivery.

    16.2. Date of Commencement of Supply: The obligation of FDCMPC to deliver electric power to DORELCO shall commence immediately following the execution of the EPSA, and more specifically on 08 October 2023.

    16.3. Contract Type: Firm

    16.4. Installed Capacity of the Power Plant: 405MW

    16.5. Net Dependable Capacity of the Power Plant: 369MW

    16.6. Contract Demand and Contract Energy: The Joint Applicants agreed to the following service specifications:

	Firm
Contracted Demand	12,000 kW
Contracted Energy (Annual)	At least 73,584,000 kWh
Customer Load Factor Per Interval	At least 70% of the Contract Demand, per interval
Delivery Point	Plant Gate FDC Misamis Power Corporation's Power Plant

[12] *See* Annex "HH" and series of the Joint Application.
[13] *See* Annex "M" of the Joint Application.

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Voltage at the Plant Gate	138 kV

16.7. Outage Allowance: FDCMPC is allowed an Outage Allowance of 32.30 days or 775.2 hours.

DORELCO shall be responsible for the procurement of Replacement Power during Outage within the Outage Allowance. While FDCMPC shall exert best efforts to procure Replacement Power beyond the Outage Allowance.

16.8. Billing and Settlement: FDCMPC shall provide a monthly Power Bill to DORELCO that shall contain the volume of energy, and the amount of money (in Philippine Peso) due and payable by DORELCO every Billing Period both reckoned from the Delivery Point.

The Billing and Settlement between the Parties shall be in accordance with Schedule 3 of the EPSA.

16.9. Termination: Either party may terminate the DORELCO-FDCMPC EPSA with immediate effect by serving written notice to the other party in the event that the other party breaches any provision of the EPSA and fails to cure such breach within a period of thirty (30) days from receipt of notice of such breach.

16.10. Generation Charge:

BASELOAD (FIRM):	RATE IN PHP/KW/MONTH	RATE IN PHP/KWH	BILLING DETERMINANT (BD)
Capital Recovery Fee (CRF), Php/kW/month	1,095.00	1.5000	Contract Demand in kW
Fixed O&M (FOM), Php/kW/month	452.09	0.6193	Contract Demand in kW
Variable O&M (VOM), Php/kWh	0.1907		Actual energy consumed or 70% of Contract Energy in kWh, whichever is higher
Fuel Cost (FC), Php/kWh	pass-through		Actual energy consumed in kWh

BASELOAD (FIRM)
Generation Charge = [CRF + FOM + VOM + FC] Charges

CRF Charge = (1,095.00PhP/kW/month)* BD

FOM Charge = [(452.09PhP/kW/month)* (PH $CPI_{CURRENT}$/PH CPI_{BASE})] * BD

VOM Charge = [(0.1907PhP/kWh)* (PH $CPI_{CURRENT}$/PH CPI_{BASE})] * BD

Fuel Cost = [(DCP * ACR or MCR, whichever is lower)/1000] * BD

WHERE:

BD	=	Billing Determinant	kW or kWh
DCP	=	Delivered Coal Price	PhP/MT

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	=	Total Coal Cost (PhP)/ Total Coal Consumption (MT)	
ACR	=	Actual Fuel Consumption Rate	kg/kWh
	=	Total Coal Consumption (MT)/ Total Metered Quantity of the Plant (kWh)	
MCR_{CAP}	=	Maximum Consumption Rate equal to 0.75, escalated at a rate of 1.5% annually	kg/kWh
Indexation:		PH CPI_{BASE}= 121.4 (January 2023)	

Other Pass-Through Charges: Market Charges and Line Rental Charges

17. Estimated Rate Impact. The indicative rate impact on DORELCO's overall generation rate with and without the additional supply from FDCMPC is as follows:[14]

Generation Rate Impact of EPSA	
With DORELCO-FDCMPC EPSA	Php5.8910/kWh
Without DORELCO-FDCMPC EPSA	Php8.4833/kWh
Rate Impact	(Php2.5923/kWh)

18. Environmental Compliance Certificate. The Department of Environment and Natural Resources – Environmental Management Bureau ("DENR-EMB") issued the Environmental Compliance Certificate No. ECC-CO-1304-0012 covering the Power Plant.[15]

19. Board of Investments ("BOI") Certificate. The Power Plant is registered with the BOI. A Certificate of Registration No. 213-177 was issued by the BOI to this effect.[16]

20. Fuel Supply. In order to ensure the supply of fuel for the operations of the Power Plant, FDCMPC solicited offers from reputable suppliers, and has contracted with the supplier that offered the best terms.[17]

21. DOE Certification. The DOE has certified that the Power Plant is consistent with the Power Development Plan. A Certificate of Endorsement No. 2015-03-010 was issued by the DOE to this effect.[18]

22. Provisional Authority to Operate ("PAO"). The Honorable Commission has issued a Certificate of Compliance No. 17-05-M-00108M ("COC") for the Power Plant, which expired. On 28 October 2021, the Honorable Commission issued a PAO for the Power Plant for a period of one (1) year until 16 October 2022. Subsequently, on 15 June 2023, the Honorable Commission issued a Certification, valid until 15 December 2023, that the PAO for the Power Plant is currently being evaluated. Finally, through a letter dated 01 December 2023 from the Honorable Commission, the validity period of

14 See Annex "KK" of the Joint Application.
15 *See* Annex "I" of the Joint Application.
16 *See* Annex "H" of the Joint Application.
17 *See* Annexes "X" and "Y" of the Joint Application.
18 *See* Annex "K" of the Joint Application.

FDCMPC's PAO was extended until 16 October 2024 subject to the same terms and conditions.[19]

23. Point-to-Point Application. In an application docketed as ERC Case No. 2015-054 MC, FDCMPC secured the authority from this Honorable Commission to develop, own, and operate dedicated point-to-point limited transmission facilities connecting the Power Plant to the Mindanao grid through the National Grid Corporation of the Philippines' Villanueva Substation.

24. Copies of the following documents and/or information are attached to the Joint Application as annexes and made as integral parts hereof:

Annex	Documents/Information
"A"	DORELCO-FDCMPC EPSA
"B" "B-1"	DORELCO Articles of Incorporation, DORELCO By-Laws with Amendments
"C"	DORELCO Certificate of Franchise
"D"	DORELCO NEA Certificate of Registration of Amended Articles of Incorporation
"E"	DORELCO List of Board of Directors
"F" "F-1" "F-2" "F-3"	FDCMPC Amended Articles of Incorporation, FDCMPC Amended By-Laws, FDCMPC Amended General Information Sheet for 2023, and FDCMPC Verified Certification on Parent, Subsidiaries, and Affiliates Board of Directors
"G" and series	FDCMPC SEC Certificate of Registration with Amendments and Shareholders' Agreement
"H"	FDCMPC BOI Certificate of Registration with attached Terms and Conditions
"I"	FDCMPC DENR-EMB ECC
"J" "J-1" "J-2" "J-3"	FDCMPC ERC COC No. 17-05-M-00108M FDCMPC PAO valid until 16 October 2022 FDCMPC PAO Certificate of Filing dated 15 June 2023 FDCMPC Extension of Validity of PAO
"K"	FDCMPC DOE Certificate of Endorsement
"L" "L-1"	DORELCO Power Supply Procurement Plan and DORELCO Distribution Development Plan
"M" "M-1"	DORELCO Supply and Demand Scenario, Details of Existing Suppliers, and Contract Utilization DORELCO Average Daily Load Curve
"N"	DORELCO Single-line Diagram
"O"	DORELCO Performance Assessment
"P"	DORELCO Potential for Load Reduction Due to Retail Competition
"Q" and series	DORELCO Solicitation Letters to Generation Companies

[19] *See* Annexes "J" to "J-3" of the Joint Application.

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"R"	FDCMPC Samuel R. Lamorena Verified Certification
"S" and series	DORELCO Transmission Service Agreement, DORELCO Metering Services Agreement, FDCMPC Transmission Service Agreement, and FDCMPC Metering Services Agreement
"T"	DORELCO-FDCMPC EPSA Executive Summary
"U" "U-1"	FDCMPC Sources of Funds and Financial Plans and FDCMPC Bank Certifications
"V" "V-1" "V-2"	FDCMPC Generation Rate and Derivation, FDCMPC Basis of Other Charges, FDCMPC Financial Model, Project Costs, and Breakdown of Costs
"W"	FDCMPC Cash Flow
"X"	FDCMPC Fuel Supply Procurement Process
X-1	FDCMPC Certification on Spot Fuel Agreement
"Y"	FDCMPC Sworn Statement on Fuel Concerns
"Z" "Z-1" "Z-2"	FDCMPC Relevant Technical and Economic Characteristics of the Generation Capacity, FDCMPC Engineering, Procurement, and Construction Contract Certification, and FDCMPC Simulation of Operating Units to Meet Minimum Energy Off-Take
"AA"	FDCMPC 2022 Audited Financial Statements
"BB" "BB-1"	FDCMPC WESM Registration DORELCO WESM Registration
"CC" "CC-1"	FDCMPC Affidavit in Support of Prayer for Provisional Authority and DORELCO Affidavit in Support of Prayer for Provisional Authority
"DD" "DD-1" "DD-2" "DD-3"	DORELCO Board Resolution No. 2023-095; DORELCO Board Resolution No. 2023-094; DORELCO Board Resolution No. 2023-097; and DORELCO Board Resolution No. 2024-023
"EE"	FDCMPC Secretary's Certificate
"FF"	Affidavits of Service/Certifications
"GG"	Affidavit of Publication
"HH"	ERC Advisory dated 10 August 2023
"II" "II-2"	ERC Advisory dated 07 June 2023 ERC Advisory dated 23 June 2023
"JJ"	Explanation for Non-Applicability of Documents
"KK"	DORELCO Rate Impact Analysis
"LL"	FDCMPC Sample Computation with Derivation of Pass-Through Charges

The conduct of a CSP is not required and the DORELCO-FDCMPC EPSA is immediately implementable

25. DORELCO need not undergo a CSP prior to execution of the *DORELCO-FDCMPC EPSA*. Moreover, the *DORELCO-FDCMPC EPSA* is immediately implementable upon its execution consistent with prevailing regulations of the Honorable Commission and the DOE.

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26. As mentioned above, the Honorable Commission granted distribution utilities affected by the *Alyansa* Decision, like DORELCO, an opportunity to negotiate an emergency power sales agreement for their respective power requirements.

27. Under Sections 2.3 and 2.3.5 of the DOE's DC2023-06-0021, the conduct of a CSP is not required for the negotiated procurement of emergency power supply, and the filing of an emergency power supply agreement with the Honorable Commission does not need any prior clearance or certification from the DOE.

28. Moreover, in an Advisory dated 07 June 2023 as amended by another *Advisory* dated 23 June 2023,[20] the Honorable Commission stated that an emergency power supply agreement shall be immediately implementable upon its execution, and the rates to be charged shall be capped at the latest ERC-approved generation tariff for the same technology in comparable areas.

ALLEGATIONS RELATIVE TO THE
PRAYER FOR CONFIDENTIAL TREATMENT OF INFORMATION

29. Section 1, Rule 4 of the ERC Revised Rules of Practice and Procedure provides that a party to a proceeding before the Honorable Commission may move for information to be treated as confidential.

30. Pursuant thereto, FDCMPC prays that the information contained in the documents enumerated below be treated as *CONFIDENTIAL* and that the same be continuously protected from public disclosure, except to the officers and staff of the Honorable Commission (collectively referred to as "Confidential Documents"):

Annex	Documents/Information
"U"	FDCMPC Sources of Funds and Financial Plans
"U-1"	FDCMPC Bank Certifications
"V"	FDCMPC Generation Rate and Derivation
"V-1"	FDCMPC Basis of Other Charges
"V-2"	FDCMPC Financial Model, Project Costs, and Breakdown of Costs
"W"	FDCMPC Cash Flow
"X"	FDCMPC Fuel Supply Procurement Process
"X-1"	FDCMPC Certification on Spot Fuel Agreement
"Z"	FDCMPC Relevant Technical and Economic Characteristics of the Generation Capacity
"Z-1"	FDCMPC Engineering, Procurement, and Construction Contract Certification
"LL"	FDCMPC Sample Computation of Power Rates

[20] *See* Annexes "II" and "II-2" of the Joint Application.

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31. The Confidential Documents contain certain non-public information, data, and calculations involving business operations and financial trade secrets reflecting FDCMPC's investment and business calculations. As such, the foregoing information, data, and calculations fall within the bounds of "trade secrets" that are entitled to protection under the law.

32. In the case *Air Philippines Corporation vs. Pennswell Inc*,[21] the Supreme Court defined "trade secret" as follows:

> "A trade secret is defined as a plan or process, tool, mechanism, or compound known only to its owner and those of his employees to whom it is necessary to confide it. The definition also extends to a secret formula or process not patented, but known only to certain individuals using it in compounding some article of trade having commercial value. 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 advantage over competitors who do not possess the information. Generally, a trade secret is a process or device intended for continuous 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."

33. Also, the Confidential Documents were prepared and developed for the exclusive use of FDCMPC, and is designed for the specific use of the company in its power generation business. Consequently, should the same be disclosed to the public, they could easily be copied or used by FDCMPC's competitors or other entities engaged in the power business for their own benefit, and to the prejudice of FDCMPC.

34. The interest of DORELCO's consumers is sufficiently protected by the review and evaluation of the rates under the EPSA by the Honorable Commission, without the need to disclose the contents of the Confidential Documents.

35. Given the foregoing, the Confidential Documents qualifies as "confidential information" and FDCMPC respectfully moves for the issuance of a Protective Order to this effect.

ALLEGATIONS IN SUPPORT FOR THE
ISSUANCE OF PROVISIONAL AUTHORITY

36. The Joint Applicants recognize the importance of the continued operation of DORELCO and its ability to

[21] G. R. No. 172835, 13 December 2007.

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continuously supply electricity to the consumers within its franchise area. While DORELCO intends to account for the deficit supply, this process will take time and DORELCO's consumers will need the assurance of seamless, stable and reliable power while it prepares for the CSP.

37. Consequently, DORELCO was compelled to enter into the *DORELCO-FDCMPC EPSA* to ensure an adequate power supply at a rate advantageous to its consumers. In order to ensure the sustainability of their operations, DORELCO should be permitted to collect the rates, fees, and charges provided in the *DORELCO-FDCMPC EPSA* from its customers, as accordingly charged by FDCMPC against DORELCO pursuant to the same agreement. Any rate lower than the one specified in the *DORELCO-FDCMPC EPSA* is not economically feasible and goes against the regulatory principle of enabling generation companies to recover fair and reasonable costs along with a reasonable return.

38. The provisional approval of the EPSA will enable both DORELCO and FDCMPC to fulfill their obligations without compromising the viability of their operations.

39. The Affidavits of Juan Eugenio L. Roxas, President and CEO of FDCMPC, and Allan L. Laniba, General Manager of DORELCO, attesting to the truth of the above matters and in support of the prayer for provisional authority are attached as Annexes "CC" and "CC-1".

40. Pursuant to the ERC Rules of Practice and Procedure, the Honorable Commission may exercise its discretion by granting a provisional authority or an Interim Relief prior to a final decision. It is understood that the provisional authority or Interim Relief sought by the Joint Applicants shall be subject to adjustments and other conditions that the Honorable Commission may impose.

PRAYER

WHEREFORE, premises considered, Joint Applicants DORELCO and FDCMPC most respectfully pray that the Honorable Commission:

1. ISSUE AN ORDER declaring the Confidential Documents attached hereto as Annexes "U", "U-1, "V", "V-1", "V-2", "W", "X", "X-1" "Z", "Z-1", and "LL" as confidential information as well as directing that the same be treated with confidentiality and be protected from public disclosure;

2. ISSUE the corresponding PROTECTIVE ORDER in accordance with Section 2, Rule 4 of the ERC Revised Rules of Practice and Procedure;

3. Pending trial on the merits, GRANT PROVISIONAL AUTHORITY to implement the *DORELCO-FDCMPC EPSA* and allow DORELCO to collect such rates, fees, and charges

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as provided in the EPSA from its customers reckoned from the start of the supply by FDCMPC to DORELCO; and

4. After due notice and hearing, ISSUE A DECISION (i) approving the instant Joint Application *in toto* which will thereby allow/authorize DORELCO to charge and collect the fees from its consumers reckoned from the commencement of the supply to the latter by FDCMPC; and (ii) directing that the rates, terms, and conditions of the *DORELCO-FDCMPC EPSA* be retroactively applied for the entire term of the EPSA.

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

The Commission hereby sets the instant *Joint Application* for hearing 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 2020[22] and Resolution No. 01, Series of 2021[23] (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
01 August 2024 (Thursday) at two o'clock in the afternoon (02:00 P.M.)	**Microsoft Teams Application**	Determination of compliance with jurisdictional requirements and expository presentation
08 August 2024 (Thursday) at two o'clock in the afternoon (02:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

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

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

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

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Any interested stakeholder may submit its comments and/or clarifications **at least one (1) calendar day** prior to the scheduled virtual hearing, via 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 e-mail at docket@erc.ph, and 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. 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.

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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, through 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 hearing.

WITNESS, the Honorable Commissioners **ALEXIS M. LUMBATAN, CATHERINE P. MACEDA, FLORESINDA G. BALDO-DIGAL,** and **MARKO ROMEO L. FUENTES,** Energy Regulatory Commission, this 25th day of June 2024 in Pasig City.

MONALISA C. DIMALANTA
Chairperson and CEO

ERC
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MCD2024-017930

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