

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
PETITION FOR THE
APPROVAL OF THE
AVAILMENT FROM THE
UNIVERSAL CHARGE FOR
MISSIONARY
ELECTRIFICATION (UCME)
FOR CY 2025 WITH PRAYER
FOR THE ISSUANCE OF
PROVISIONAL AUTHORITY
OR INTERIM RELIEF**

ERC CASE NO. 2024-036 RC

**NATIONAL POWER
CORPORATION,**

Petitioner.

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Promulgated:
March 18, 2024

ORDER

On 14 March 2024, National Power Corporation (NPC) filed a *Petition*, dated 11 March 2024, seeking the Commission's approval of the availment from the Universal Charge for Missionary Electrification (UC-ME) for Calendar Year (CY) 2025, with prayer for the issuance of provisional authority or interim relief.

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

1. Petitioner NPC is a government owned and controlled corporation created and existing under Republic Act No. 6395 as amended ("NPC Charter"), with principal address at Gabriel Y. Itchon Building, Senator Miriam P. Defensor-Santiago Avenue (formerly BIR Road) corner Quezon Avenue and BIR Road, Diliman, Quezon City, where it may be served with summons and other processes of the Honorable Commission.
2. Pursuant to Section 70 of Republic Act No. 9136 (Electric Power Industry Reform Act or "EPIRA"), NPC shall remain as a National-Government Owned and Controlled Corporation to perform the Missionary Electrification function through its Small Power Utilities Group (hereafter, "NPC-SPUG") and

shall be responsible for providing power generation and its associated power delivery systems in areas that are not connected to the transmission system.

3. On 22 August 2011, the Honorable Commission approved and issued Resolution No. 21 Series of 2011 entitled “*Amended Guidelines for the Setting and Approval of Electricity Generation Rates and Subsidies for Missionary Electrification Areas*” providing for the guidelines for the setting and approval of electricity generation rates and subsidies for missionary electrification areas, for the fixing and availment of subsidies for Missionary Electrification areas, as well as the Cash Incentives for the Renewable Energy (“RE”) Developers in the missionary areas from the Universal Charge for Missionary Electrification (“UCME”). The said resolution is in accordance with Chapter VII Section 15 (b) of the Republic Act No. 9513,¹ which provides for the basis in the calculation of the Cash Incentive of the Renewable Energy Developers for Missionary Electrification, and ERC Resolution 7, series of 2014.²
4. Pursuant to Section 4 of Republic Act No. 6395, as amended, and Executive Order No. 86,³ issued by virtue of the authority granted to the President of the Republic of the Philippines under R.A. 7648,⁴ Petitioner NPC is duly authorized to include twelve percent (12%) return on its rate base composed of the sum of its net assets in operation plus two (2) months operating capital in the Revenue Requirement. Likewise, Section 43 (f) of RA No. 9136 allows the recovery of just and reasonable costs and a reasonable RORB to enable the entity to operate viably.
5. As the implementing agency for Missionary Electrification, NPC is duty-bound to ensure the provision of the estimated ME subsidy requirements needed in the missionary areas from the Universal Charge (“UC”) to be collected from all electricity end-users as determined by the Energy Regulatory Commission (“ERC”) and as provided under Section 2(a) of the EPIRA Implementing Rules and Regulations.
6. Given the apparent energy shortage especially in small island grids in the country, and with the connection of the households in these areas to the main grid not being financially feasible due to low levels of demand, low population density and geographical constraints, it is admittedly a challenge for NPC to bring these areas to their viable level. The costs involved in the off-grid electrification are also often beyond the capacity of most of the household consumers to pay because of lack of resources and opportunity or option that the progressive or viable areas could provide or are providing. Hence, NPC must endeavor

¹ Otherwise known as Renewable Act of 2008 or RE Act of 2008.

² A Resolution adopting the Rules to Govern the Availment and Disbursement of Cash Incentive to Renewable Energy (RE) Developers operating in Missionary Areas.

³ Fixing the Rate of Return on Rate Base of the National Power Corporation at twelve percent (12%) of the Rate Base as Defined in Section 4 of Republic Act No. 6395, as Amended.

⁴ Electric Power Crises Act of 1993.

to fully and efficiently meet its Missionary Electrification function in order to bring these areas to a viable and competitive level for private sector participation.

NPC believes that through the mandated UCME subsidy, the provision of electricity becomes affordable and, at the same time, spurs economic activity, in addition to the fact that it facilitates the delivery of basic services to the off-grid consumers. Also, the UCME subsidy is an avenue to support the government's thrust of total electrification. Unelectrified, unserved, or underserved off-grid areas are given provision of electricity through this subsidy. Moreover, the UCME subsidy essentially helps NPC maintain its power plants/facilities and allow the same to remain in proper and working condition, which ensures continued and uninterrupted supply of power to the electricity consumers in the off-grid areas.

7. Hence, by and pursuant to Article V Section 2 of ERC Resolution No. 21, Series of 2011, Petitioner NPC is filing this petition to seek approval from this Honorable Commission to set the UCME for Missionary Electrification subsidy that would sufficiently cover the estimated requirements for areas served by NPC-SPUG, New Power Providers ("NPPs") and Qualified Third Parties ("QTPs") that have taken over in full or part the generation function of NPC-SPUG in certain missionary areas.

This likewise includes the operating costs in mini-grids as well as the fixed cost of transmission/substations, and the cash incentive payment to RE Developers.

**AVAILMENT FROM THE UNIVERSAL CHARGE OF THE SHARE
IN MISSIONARY ELECTRIFICATION (UCME) SUBSIDY
FOR CY 2025**

8. The calculation of the total Basic UCME Subsidy as herein proposed is based on the formula as specifically provided in Article V Section 2 of ERC Resolution No. 21, Series of 2011.
9. In view of the foregoing and in compliance with the above-cited provisions of law and ERC resolutions, particularly as regards the requirement prescribed in the determination of corresponding subsidy, NPC calculated the estimated UCME requirements for the following: A) NPC SPUG Subsidy; B) Delegated SPUG areas (NPP) Subsidy; C) Qualified Third Parties (QTP) Subsidy and D) Cash Incentive of RE Developers, to wit:

ABSTRACT OF THE PROPOSED BASIC UCME SUBSIDY

10. Consistent with the NPC Missionary Electrification Plan ("MEP"), its forecasts on the demand and sales growth, scheduled generation and transmission projects and improvement in service level as well as the expansion of coverage to other missionary areas, upgrading its services and facilities and optimizing divestment of power generation functions for private sector participation and taking into

account the afore-mentioned guidelines and provisions, NPC considered the key parameters and assumptions used in the projections in the determination of proposed UCME subsidy for the calendar year 2025, as follows:

- A. Basic UCME Subsidy for NPC SPUG
11. In the calculation of NPC revenue requirements, the following accounts and costs were considered:

- a. Fuel Cost for CY 2025 – The calculation is patterned with the Department of Budget and Management’s (“DBM”) Development and Budget Coordination Committee (“DBCC”) projection during 15 December 2023’s 186th DBCC meeting which put the Dubai Crude Oil (US\$/barrel) in the price range of 65 to 85. Petitioner NPC utilized the mid value at US\$/barrel 75.014 using the Mean of Platts Singapore (MOPS) price average with an equivalent calculated delivered fuel price of PhP62.9348/liter, and added hauling cost of PhP6.3514/liter based on NPC’s existing hauling contract plus 4% inflation rate, or a total fuel cost of PhP69.2862/liter, multiplied by the NPC’s fuel volume.

Petitioner NPC respectfully manifests that it utilized the DBCC projections, instead of its Actual Results of Operations for CY 2022 since the average price of fuel under the latter is PhP62.8442, lower than the projected price in 2025.

Thus, Petitioner NPC resolved to adopt the DBCC projections to minimize the impact in the CY 2025 True-Up Petition. In any case, Petitioner NPC’s Actual Results of Operations for CY 2022 is hereto submitted for easy reference.

- b. Maintenance & Other Operating Expenses (MOOE) for CY 2025 – MOOE of existing Power Plants based on DBM approved FY 2024 budget level;
- c. Cost of Personnel Services (PS) for CY 2025 is based on DBM Approved FY 2024 budget level;

Petitioner NPC utilized the MOOE & PS for FY 2024 DBM/GAA level, instead of the MOOE & PS indicated in the approved Financial Statements (“FS”) for CY 2022 since the latter is no longer reflective of the current level of costs for CY 2025.

Thus, Petitioner NPC utilized the MOOE & PS for FY 2024 DBM/GAA level in the calculation in the instant Petition to lessen the impact in the 2025 True-Up Petition. In any case, the MOOE and PS under FS for CY 2022 is hereto submitted for easy reference of this Honorable Commission.

- d. Depreciation Expense for CY 2022 of the existing power plants in service.
- e. Return on Rate Base (“RORB”) for CY 2025 – based on the Statement of Financial Position as of December 31, 2022, and Statement of Financial Performance for the Year Ended December 31, 2022, except for the Cash Working Capital comprising of fuel cost based on DBM’s DBCC projection as mentioned earlier and the PS & MOOE based on DBM Approved FY 2024 budget level.
- f. The calculated CY 2025 Revenue from Sales based on the new NPC-SPUG SAGR per ERC Case No. 2018-048 RC promulgated on 31 January 2022, multiplied by the projected energy sales.
- g. NPC-SPUG Projected Energy Sales, kWh for CY 2025 based on the CY 2025-2029 NPC MEP.
- h. NPC-SPUG Projected Results of Operations for CY 2025 shows the calculated total NPC projected revenue requirement per NPC SPUG Plants for CY 2025;
- i. Philippine Electricity Sales Forecast based on the Department of Energy’s (“DOE”) Philippine Energy Plan 2020-2040.
- j. The estimated Interest Expense and Other Charges on Short Term Loan Line (“STLL”) with LBP secured to augment the working capital requirements of NPC as approved by the National Power Board pursuant to NP Board Resolution Nos. 2023-02 and 2023-18. The interests will form part of NPC’s MOOE.

The detailed breakdown of the Basic UCME Subsidy for NPC SPUG is shown in the NPC SPUG Projected Results of Operation for CY 2025. The Summary of the Detailed Breakdown of NPC SPUG’s basic UCME Subsidy, attached as Exhibit “A-1” to the Judicial Affidavit of Petitioner NPC’s witness, shall form an integral part of this Petition.

- 12. Again, Petitioner NPC utilized the authorized RORB methodology using the year 2022 Net Electric Plants in Service, Construction Work in Progress and other allowable assets being the most recent data available during the calculation stage. Further, the twelve percent 12% RORB is also based on NPC Charter 6395, as amended, R.A. 7648 and Executive Order No. 86 and RA No. 9136 and consistent with the ERC approval on ERC Case No. 2011-074RC and ERC Case No. 2012-085RC.
- B. UCME Subsidy for Delegated NPC SPUG areas (NPP/QTP)
- 13. The amounts corresponding the NPPs and QTP subsidies considered were based on the following:

- a. Forecasted Energy Sales based on their submission of Forecasted generation and/or minimum off-take as provided in their respective ERC approved Power Supply Agreement (PSA);
- b. NPP TCGR/QTP FCRR and SAGR/SARR – TCGR/FCRR calculated based on the most recent subsidy invoice paid to each NPP and QTP claims at the time of calculation. On the other hand, the SAGR considered is based on the new NPC SPUG SAGR per ERC Case No. 2018-048 RC promulgated on 31 January 2022 and the SARR is based on the ERC approved SARR of the QTPs;
- c. Palawan Power Generation, Inc. (“PPGI”) will end its contract with Palawan Electric Cooperative, Inc. (“PALECO”) by February 2025 based on PPGI’s submitted projected energy sales. Petitioner NPC received information that PALECO already conducted a CSP for the Power Supply requirement of its franchise area. However, NPC has not received any documents to support the calculation for the UCME subsidy for the new entrant.

Thus, NPC utilized the TCGR based on the latest paid invoice of PPGI Units 3 and 4 in order to set the provision of subsidy for the new entrant while awaiting for the PSA of the winning bidder.

- d. Lastly, Powersource Philippines, Inc. (“PSPI”) operating in Poblacion, Dumarán, Palawan has no subsidy claims yet but has an existing QTP Service and Subsidy Contract (“QSSC”) with NPC. Hence, it is included in the calculation of the UCME subsidy for CY 2025.

In addition, the price of diesel for the computation for subsidy for PSPI for its operations in Port Barton was based on the latest paid invoice. The subsidy, however, for its Solar Plant, was based on the TCGR of its existing approved QSSC.

The detailed breakdown of the NPP and QTP Subsidy requirement for CY 2025 and its supporting documents, attached to the Judicial Affidavit as Exhibits “B”, “B-1” to “B-20”, shall form an integral part of this Petition.

- C. UCME Subsidy for the Cash Generation-Based Incentive for Renewable Energy (RE) Developer in the Off-grid
14. The renewable energy cash incentive (RE-CI), on the other hand, is based on the following:
 - a. Total Projected Off-grid Energy Sales – sum of the NPC SPUG and NPP/QTP Projected Energy Sales;

- b. Blended TCGR – calculated based on the average of the NPC SPUG cost of generation and NPP true cost of generation;
- c. SAGR/SARR – based on the new NPC SPUG SAGR per ERC Case No. 2018-048 RC and ERC approved SARR per QTP;
- d. Cash Incentive Rate – equivalent to 50% of the calculated UCME Subsidy Rate;

The calculation of the proposed amount required for RED-CI is shown in Exhibit “C” which is attached to the Judicial Affidavit. Likewise, attached as Exhibits “C-1” to “C-7” to the Judicial Affidavit are the submitted energy forecast and corresponding ERC Orders of RE Developers which shall likewise form an integral part of this instant petition.

PROPOSED BASIC UCME SUBSIDY PER COMPONENT

- 15. Based on the results of the calculation made, the total proposed UCME Subsidy requirement for the missionary electrification, which is attached in the Judicial Affidavit, and shall form an integral part of this Petition, as Exhibit “A” – CY 2025 Projected UCME Subsidy, will amount to PhP30,866,466,333.61 inclusive of the Cash Incentive for Renewable Energy, summary of which is shown in Table 1 below.

Table 1. Proposed UCME Requirement and Proposed UCME Subsidy Rate for CY 2025

Item	Particulars	Proposed UCME for CY 2025	Impact to UCME P/kWh	% Share in UCME
1	TOTAL ME Subsidy for NPC-SPUG	15,964,801,940.44	0.1257	51.72%
2	TOTAL ME Subsidy for New Power Providers (NPPs)	13,775,895,191.23	0.1084	44.63%
3	TOTAL ME Subsidy for Qualified Third Parties (QTPs)	399,985,783.37	0.0031	1.30%
	TOTAL UCME Subsidy for NPC, NPPs/QTPs	30,140,682,915.04	0.2372	
4	Renewable Energy Developer Cash Incentive	725,783,418.57	0.0057	2.35%
5	TOTAL UCME, PhP	30,866,466,333.61		100.00%
6	Philippine Forecasted Energy Sales, GWh	127,047		
7	Rate Impact on UCME, P/kWh		0.2429	

- 16. The Philippine Electricity Sales Forecast under DOE’s Philippine Energy Plan (“PEP”) for CY 2025 was utilized to determine the proposed UCME charges of PhPo.2429/kWh.

IMPLICATIONS OF UCME SUBSIDY AND THE PROPOSED RATES

- 17. The proposed basic UCME for CY 2025 of PhPo.2429/kWh (inclusive of Cash Incentive to RE Developer of PhPo.0057/kWh), purposely to finance the operation for the year will result to an increase of PhPo.0607/kWh in UCME from the existing provisionally approved basic UCME rate of PhPo.1805/kWh for NPC-SPUG and NPPs/QTPs and for RED-CI of PhPo.0017/kWh. Table 2 below shows the rate

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calculation of the Proposed Subsidy amount and the corresponding rates in P/kWh:

Table 2. Proposed CY 2025 UCME & Rates

PARTICULARS	NPC	NPPs	QTPs	TOTAL	REDCI	GRAND TOTAL
Revenue Requirements, PHP	19,875,416,454.58	25,603,123,838.11	590,309,114.80	46,068,849,407.49		46,068,849,407.49
Less:						
Revenue from Sales	3,910,614,514.14	11,827,228,646.88	190,323,331.43	15,928,166,492.45		15,928,166,492.45
UCME (NPC, NPP, QTP)	15,964,801,940.44	13,775,895,191.23	399,985,783.37	30,140,682,915.04	-	30,140,682,915.04
Add: Renewable Energy Developers Cash Incentive (REDCI)					725,783,418.57	725,783,418.57
TOTAL UCME SUBSIDY CY 2025	15,964,801,940.44	13,775,895,191.23	399,985,783.37	30,140,682,915.04	725,783,418.57	30,866,466,333.61
Rate Impact on UCME, P/kWh	0.1257	0.1084	0.0031	0.2372	0.0057	0.2429
Philippine Energy Sales Forecast, GWh (CY 2025)	127,047					
% Share	51.72%	44.63%	1.30%	97.65%	2.35%	100.00%

18. The UCME Subsidy for the Cash Incentive will be remitted to Power Sector Assets and Liabilities Management Corporation (“PSALM”) since it is mandated to directly disburse the same to eligible RE Developer under Article IV, Section 2 of Resolution 21, series of 2011. Hence, the Proposed UCME Subsidy Requirement that will be managed by NPC is Net of Cash Incentive.
19. The proposed UCME rate considered the commitment of NPC in ensuring that:
 - a. the required volume of fuel will be timely paid to NPC suppliers to avoid non-delivery of fuel supply;
 - b. the payment of NPPs & QTPs subsidy are timely made;
 - c. the missionary electrification functions in SPUG areas are fulfilled through continuous operation of existing generating units and implement power development plans for each island/grid by providing 24/7 power service; and
 - d. the provision of CI amount for payment to RE Developers, as mandated.
20. The National Power Board approved the filing of this instant petition as evidenced by the Secretary’s Certificate NPB-OCS-24-041 dated 27 February 2024 attached as Exhibit “D” to the Judicial Affidavit, which shall form an integral part of this Petition.
21. In further support of this Petition, the Judicial Affidavit of Ms. Margarita M. Egnisaban, Petitioner NPC’s witness is hereto attached to this Petition as Annex “A”. The said witness’ testimony shall prove that this petition, and the computations made as well as documents submitted in this Petition are all in accordance with the applicable and existing rules and guidelines. Likewise attached to the said Judicial Affidavit are the following documents which were previously mentioned by Petitioner NPC as basis in its calculations for the proposed UCME for CY 2025.

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Exhibit "A"	CY 2025 Projected UCME Subsidy
Exhibit "A-1"	Breakdown of NPC-SPUG's Basic UCME Subsidy for CY 2025
Exhibit "B" to "B-20"	New Power Providers (NPPs) and Qualified Third Parties (QTPs) Projected Subsidy for CY 2025 and its supporting documents
Exhibit "C"	Computation of Cash Incentive for Renewable Energy Developers for CY 2025
Exhibit "C-1" to "C-7"	The Energy Forecast and corresponding ERC orders of RE Developers submitted by the respective R Developers
Exhibit "D"	Secretary's Certificate NPB-OCS-24-041 dated 27 February 2024
Exhibit "E"	Actual Results of Operations for CY 2022
Exhibit "F"	Statements of Financial Position as of December 31, 2022 and Statement of Financial Performance for the Year Ended December 31, 2022
Exhibit "G"	Philippines Electricity Sales Forecast (PEP 2020-2040) used the CY 2025 Energy Sales Forecast
Exhibit "H"	NPC-SPUG Projected Energy Sales, Gross Generation and Fuel Volume for CY 2025
Exhibit "H-1"	NPC SPUG Projected Fuel Cost for CY 2025
Exhibit "H-2"	Computation of Delivered Fuel Price per liter patterned with the DBCC Projection from December 15, 2023 DBCC Meeting
Exhibit "I"	NPC SPUG Projected Results of Operations for CY 2025
Exhibit "J"	Electric Plants in Service (EPIS) (with Depreciation Expense) as of December 31, 2022
Exhibit "K"	NPC-SPUG SAGR per ERC Case No. 2018-048RC with supporting documents
Exhibit "L"	Personnel Services (PS) for FY 2024 - Budget Level
Exhibit "L-1"	Personnel Services (PS) for CY 2022 – Actual
Exhibit "M"	Maintenance and Other Operating Expense (MOOE) for FY 2024 - Budget Level
Exhibit "M-1"	Maintenance and Other Operating Expense (MOOE) for CY 2022 – Actual
Exhibit "N"	Return on Rate Base (RORB) Computation

Exhibit "N-1"	Construction Work in Progress (CWIP)
Exhibit "O"	Description of Accounts
Exhibit "P"	FY 2025 Projected Loan Amortization Schedule with Estimated Interest Expense and Other Charges on the Short-Term Loan Line with Land Bank of the Philippines
Exhibits "P-1" and "P-2"	NP Board Resolution Nos. 2023-02 and 2023-18
Exhibit "P-3"	DOJ's Opinion No. 20, S. 2022 dated 23 September 2022

**ALLEGATIONS IN SUPPORT OF THE PRAYER FOR THE
ISSUANCE OF A PROVISIONAL AUTHORITY OR INTERIM
RELIEF**

22. The issuance of a provisional authority or interim relief under the instant petition is appropriate based on the following justifications:
- a. The recovery of the proposed Basic UCME rate of PhP0.2429/kWh inclusive of RE Cash Incentive for CY 2025 is vital to NPC's subsidy requirements to maintain a reliable and stable funding source for its operating costs requirements and to ensure sufficient subsidy for payment to NPPs/QTPs and RE Developers.
 - b. The availment of STLL with LBP is in accordance with the Department of Justice's affirmation in Opinion No. 20, series of 2022 dated September 23, 2022 on NPC's legal authority to borrow funds or contract indebtedness to fulfill its missionary electrification function in the off-grid areas under NPC-SPUG.
 - c. The aim to further improve and guarantee sustainable economic development in the off-grid areas.
 - d. The existing UCME rate of PhP0.1805/kWh for NPC and NPPs/QTPs cannot sustain NPC's operation and payment of NPPs/QTPs UCME subsidy due to the fuel price hike in the global market.
 - e. The proposal, when approved, will allow NPC to deliver its commitment to provide a reliable and sufficient power supply and efficient operation of its plants and its associated power delivery systems consistent with the specific programs in the missionary areas that NPC is currently serving. NPC operates numerous small power plants, and it is widely known that electricity in Small Islands and Isolated Grids ("SIIGs") is relatively very expensive.

- f. The provision of electricity to unelectrified, unserved and underserved off-grid areas will enable NPC to perform its mandate and fulfill the government's objective of total electrification.
23. The issuance of a provisional authority is authorized under Section 3 Rule 14 of the Rules of Practice and Procedure. Likewise, the authority of the Honorable Commission to issue a provisional authority is confirmed by the Supreme Court in the case of *Freedom from Debt Coalition, et. al. vs. ERC, et. al.*,⁵ when it held that "the power to approve provisional rate increases is included among the powers transferred to the ERC by virtue of Section 44 since the grant of that authority is not inconsistent with the EPIRA; rather, it is in full harmony with the thrust of the law which is to strengthen the ERC as the new regulatory body."
24. Petitioner NPC is thus imploring the kind consideration of this Honorable Commission and respectfully prays for the issuance of a provisional authority or an interim relief under the foregoing premises.

COMPLIANCE

25. In support of this petition and in compliance with Rule 6 of the ERC Rules of Practice and Procedures under ERC Resolution No. 01, Series of 2021 as well as Section 4(e) Rule 3 of the EPIRA Implementing Rules and Regulations, Petitioner NPC attaches and submits the following:
- a. Proof of Publication of the Petition once published in a newspaper of general circulation together with Affidavit of Publication, hereto attached as Annex "B"
- b. Proof of service of this Petition to the Legislative Bodies of the Local Government Units where NPC principally operates, hereto attached as Annex "C".

PRAYER

WHEREFORE, premises considered, Petitioner National Power Corporation respectfully prays that:

- a. Pending the hearing on the merits, an Order be issued granting PROVISIONAL APPROVAL OR INTERIM RELIEF to the proposed Basic UCME for CY 2025 amounting to PhP30,866,466,333.61 or equivalent rate of PhP0.2429/kWh.
- b. Pursuant to Article V, Section 2(a) of ERC Resolution 21, Series of 2011, the approval of the proposed Basic UCME for CY 2025 be on a per item basis as identified in Table 2, to wit:

⁵ G.R. No. 161113, 15 June 2004.

	ABSOLUTE AMOUNT	P/KWh
NPC	15,964,801,940.44	0.1257
NPPs	13,775,895,191.23	0.1084
QTPs	399,985,783.37	0.0031
REDCI	725,783,418.57	0.0057
TOTAL UCME	30,866,466,333.61	0.2429

- c. After the hearing on the merits, the instant petition be GRANTED by the Honorable Commission.

Other reliefs, just and equitable, are likewise prayed for.

Finding the said *Petition* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and venues, or online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020⁶ and Resolution No. 01, Series of 2021⁷ (ERC Revised Rules of Practice and Procedure):

Date and Time	Venue/Platform	Activity
14 May 2024 (Tuesday) at two o'clock in the afternoon (2:00 P.M)	Energy Regulatory Commission Hearing Room, 11th Floor, Exquadra Tower, 1 Jade Drive, Ortigas Center, Brgy. San Antonio, Pasig City	Determination of compliance with jurisdictional requirements and Expository Presentation for Luzon Stakeholders
21 May 2024 (Tuesday) at two o'clock in the afternoon (2:00 P.M)	Energy Regulatory Commission, Visayas Area Operations Division (VAOD), 7th Floor, Kepwealth Building, Samar Loop, Cebu Business Park	Expository Presentation for Visayas Stakeholders
28 May 2024 (Tuesday) at two o'clock in the afternoon (2:00 P.M)	Energy Regulatory Commission, Mindanao Area Operations Division (MAOD),	Expository Presentation for Mindanao Stakeholders

⁶ A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

⁷ A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

Date and Time	Venue/Platform	Activity
	6th Floor, BIZ Bldg., c/o BORMAHECO, Inc., 209 J.P. Laurel Avenue, Bajada, Davao City	
04 June 2024 (Tuesday) at two o'clock in the afternoon (2:00 P.M)	Microsoft Teams Application	Pre-trial Conference and Presentation of Evidence
11 June 2024 (Tuesday) at two o'clock in the afternoon (2:00 P.M)		Presentation of Evidence
18 June 2024 (Tuesday) at two o'clock in the afternoon (2:00 P.M)		Presentation of Evidence

Petitioner NPC is hereby directed to attend the said hearings at the designated venues.

RELATIVE THERETO, NPC is hereby directed to:

- 1) Cause the publication of the attached *Notice of Public/Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines at its 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 Public/Virtual Hearing*, the Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) Legislative Bodies within the affected areas and the City Mayor and LGU legislative body of Quezon City for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within the affected areas, by any other means available and appropriate, of the filing of the

Petition, its reasons therefor, and of the scheduled virtual hearings thereon;

- 4) Furnish with copies of this *Order* and the attached *Notice of Public/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 *Petition* 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 hearing, NPC 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 its 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 Public/Virtual Hearing* consisting of affidavits of the Editor or Business Manager of the newspapers where the said *Notice of Public/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 Public/Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by NPC to inform the consumers affected of the filing of the *Petition*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Public/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 *Petition* and its attachments, except those subject of a motion for

confidential treatment of information, if any, by all those making requests therefor; and

- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, NPC is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Offices of the Governors, Mayors and Local Legislative Bodies, and to submit proof of posting thereof.

Petitioner NPC and all interested parties are also required to submit to the Commission 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 initial 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, which should also be attached to the Pre-trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

Petitioner NPC 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 initial hearing and Pre-trial Conference pursuant to the preceding paragraph.

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

Petitioner NPC must also be prepared to make an expository presentation of the instant *Petition*, aided by whatever communication medium that it 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 *Petition*. Relevant information and pertinent details substantiating the reasons and justifications for the *Petition* must be cited in support thereof.

Petitioner NPC is hereby directed to file a copy of its Expository Presentation via e-mail at docket@erc.ph, and copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. NPC shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, **at least five (5) calendar days** prior to the scheduled hearing.

Petitioner NPC is further directed to submit, either through personal service, registered 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, NPC, including its authorized representatives and witnesses, are hereby directed to provide the Commission, thru legal.virtualhearings@erc.ph, 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, 18 March 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:


MONALISA C. DIMALANTA
Chairperson and CEO


LS: VMA/MVM/LSP

ERC

Office of the Chairperson and CEO



MCD2024-015748

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Copy Furnished:

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Quezon City
9. Office of the Provincial Governor
Province of Bulacan
10. Office of the Legislative Government Unit (LGU) Legislative Body
Province of Bulacan
11. Office of the Mayor
San Jose del Monte, Bulacan
12. Office of the Legislative Government Unit (LGU) Legislative Body
San Jose del Monte, Bulacan
13. Office of the Provincial Governor
Province of Cebu
14. Office of the Legislative Government Unit (LGU) Legislative Body
Province of Cebu
15. Office of the Mayor
Mandaue City, Cebu
16. Office of the Legislative Government Unit (LGU) Legislative Body
Mandaue City, Cebu
17. Office of the City Mayor
Cebu City
18. Office of the Legislative Government Unit (LGU) Legislative Body
Cebu City
19. Office of the Provincial Governor
Province of Zamboanga del Sur
20. Office of the Legislative Government Unit (LGU) Legislative Body
Province of Zamboanga del Sur

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25. Office of the City Mayor
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26. Office of the Legislative Government Unit (LGU) Legislative Body
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27. Office of the Municipal Mayor
Itbayat, Batanes
28. Office of the Legislative Government Unit (LGU) Legislative Body
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29. Office of the Municipal Mayor
Sabtang, Batanes
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31. Office of the Municipal Mayor
Mahatao, Batanes
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33. Office of the Municipal Mayor
Uyugan, Batanes
34. Office of the Legislative Government Unit (LGU) Legislative Body
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35. Office of the Municipal Mayor
Ivana, Batanes
36. Office of the Legislative Government Unit (LGU) Legislative Body
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37. General Manager
Batanes Electric Cooperative, Inc. (BATANELCO)
38. Office of the Provincial Governor
Province of Cagayan
39. Office of the Legislative Government Unit (LGU) Legislative Body
Province of Cagayan
40. Office of the Municipal Mayor
Calayan, Cagayan
41. Office of the Legislative Government Unit (LGU) Legislative Body
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42. General Manager
Cagayan II Electric Cooperative, Inc. (CAGELCO II)
43. Office of the Provincial Governor
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50. Office of the Legislative Government Unit (LGU) Legislative Body
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51. General Manager
Kalinga-Apayao Electric Cooperative, Inc. (KAELCO)
52. Office of the Provincial Governor
Province of Isabela
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54. Office of the Municipal Mayor
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Dinapigue, Isabela
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60. General Manager
Isabela II Electric Cooperative, Inc. (ISELCO II)
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 80. Office of the Municipal Mayor
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 82. General Manager
Quezon II Electric Cooperative, Inc. (QUEZELCO II)
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 84. Office of the Legislative Government Unit (LGU) Legislative Body
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 85. Office of the Municipal Mayor
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 86. Office of the Legislative Government Unit (LGU) Legislative Body
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 87. General Manager
Batangas II Electric Cooperative, Inc. (BATELEC II)
 88. Office of the Provincial Governor
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102. General Manager
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128. General Manager Lubang Island Electric Cooperative (LUBELCO)
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 159. Office of the Municipal Mayor
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 161. General Manager
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208. Office of the Municipal Mayor
Dumaran, Palawan
209. Office of the Legislative Government Unit (LGU) Legislative Body
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210. General Manager
Main Office
Palawan Electric Cooperative, Inc. (PALECO)
211. General Manager
Sub-Office
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212. General Manager
Busuanga Island Electric Cooperative, Inc. (BISELCO)
213. Office of the Provincial Governor
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229. Office of the Municipal Mayor
Alcantara, Romblon
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Calatrava, Romblon
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Ferrol, Romblon
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Sta. Maria (Imelda), Romblon
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251. Provincial Governor
Province of Camarines Sur
252. Office of the Legislative Government Unit (LGU) Legislative Body
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253. Office of the Municipal Mayor
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255. Office of the Municipal Mayor
Garchitorena, Camarines Sur
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258. Office of the Legislative Government Unit (LGU) Legislative Body
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259. General Manager
Camarines Sur IV Electric Cooperative, Inc. (CASURECO IV)
260. Provincial Governor
Province of Catanduanes
261. Office of the Legislative Government Unit (LGU) Legislative Body
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262. Office of the Municipal Mayor
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282. Office of the Municipal Mayor
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283. Office of the Legislative Government Unit (LGU) Legislative Body
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284. General Manager
First Catanduanes Electric Cooperative, Inc. (FICELCO)
285. Provincial Governor
Province of Albay
286. Office of the Legislative Government Unit (LGU) Legislative Body
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287. Office of the Municipal Mayor
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289. General Manager
Albay Power and Energy Corp. (APEC)/Albay Electric Cooperative, Inc. (ALECO)
290. Provincial Governor
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291. Office of the Legislative Government Unit (LGU) Legislative Body
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307. Office of the Legislative Government Unit (LGU) Legislative Body
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308. Office of the Municipal Mayor
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309. Office of the Legislative Government Unit (LGU) Legislative Body
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310. Office of the Municipal Mayor
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311. Office of the Legislative Government Unit (LGU) Legislative Body
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312. Office of the Municipal Mayor
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313. Office of the Legislative Government Unit (LGU) Legislative Body
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314. Office of the Municipal Mayor
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315. Office of the Legislative Government Unit (LGU) Legislative Body
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316. Office of the Municipal Mayor
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317. Office of the Legislative Government Unit (LGU) Legislative Body
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318. Office of the Municipal Mayor
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319. Office of the Legislative Government Unit (LGU) Legislative Body
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320. Office of the Municipal Mayor
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321. Office of the Legislative Government Unit (LGU) Legislative Body
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322. Office of the Municipal Mayor
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- 568. General Manager
Surigao del Norte Electric Cooperative, Inc. (SURNECO)
- 569. Regulatory Operations Service (ROS)
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