

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
THE APPROVAL OF THE
EMERGENCY ELECTRIC
POWER PURCHASE
AGREEMENT
(EPPA) BETWEEN CEBU I
ELECTRIC COOPERATIVE,
INC. AND PANAY ENERGY
DEVELOPMENT
CORPORATION WITH
MOTION FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2023-103 RC

**CEBU I ELECTRIC
COOPERATIVE, INC.
(CEBECO I) AND PANAY
ENERGY DEVELOPMENT
CORPORATION (PEDC),
*Applicants.***

Promulgated:
[March 05, 2024](#)

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ORDER

On 18 September 2023, Cebu I Electric Cooperative, Inc. (CEBECO I) and Panay Energy Development Corporation (PEDC) filed a *Joint Application*, dated 04 July 2023, seeking the Commission's approval of the Emergency Electric Power Purchase Agreement (EPPA) between CEBECO I and PEDC, with motion for confidential treatment of information.

On 28 September 2023, the Commission issued an *Order* and a *Notice of Virtual Hearing*, both of even date, setting the same for determination of compliance with the jurisdictional requirements and expository presentation on 27 October 2023, and Pre-Trial Conference and presentation of evidence on 03 November 2023.

However, on 13 October 2023, Applicants CEBECO I and PEDC filed an *Urgent Manifestation with Motion to Reset Initial Hearing* dated 12 October 2023 (Manifestation with Motion to Reset), wherein they requested that the virtual hearings for the subject case previously set on 27 October 2023 and 03 November 2023 be cancelled and a new Order be issued resetting the public hearing of the instant case on a different date. Applicants alleged that due to the proximity of the initial hearing set on 27 October 2023, and the belated receipt of the *Order* dated 28 September 2023 only on 11 October 2023, they would not be able to comply with the publication and posting requirements, as stated in the *Order*.

During the 27 October 2023 hearing, the Commission called the case and addressed the *Manifestation with Motion to Reset* filed by CEBECO I and PEDC. Acting upon the said *Manifestation with Motion to Reset*, the Commission ruled that a new *Order* and *Notice of Virtual Hearing* will be issued resetting the hearings for this case.

IN VIEW OF THE FOREGOING, 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
04 April 2024 (Thursday) at nine o'clock in the morning (9:00 A.M)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and expository presentation
11 April 2024 (Thursday) at nine o'clock in the morning (9:00 A.M)		Pre-Trial Conference and Presentation of Evidence

Accordingly, CEBECO I and PEDC are hereby directed to host the virtual hearings at **CEBECO I's Principal Office located at Bitoon, Dumanjug, Cebu**, as the designated venue for the conduct

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.

thereof, and ensure that the same is open to the public. Moreover, CEBECO I and PEDC shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, CEBECO I and PEDC 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 virtual hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the Mayors, the Local Government Unit (LGU) legislative bodies, within CEBECO I's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within CEBECO I'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, CEBECO I and PEDC 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 newspaper 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 CEBECO I and PEDC to inform the consumers within its franchise area of the filing of the *Joint 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 proof of compliance with the requirements of the Commission.

Moreover, CEBECO I and PEDC are hereby required to post on their 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 CEBECO I, PEDC, 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 CEBECO I and PEDC 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 virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

Failure of CEBECO I and PEDC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing.

Applicants CEBECO I and PEDC 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 CEBECO I and PEDC 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. CEBECO I and PEDC 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 CEBECO I and PEDC 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 CEBECO I and PEDC, 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: EDR/LSP

ERC

Office of the Chairperson and CEO



CFM2024-015159

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6. Office of the Local Government Unit (LGU) Legislative Body
Province of Cebu
7. Office of the Mayor
City of Iloilo
8. Office of the Local Government Unit (LGU) Legislative Body
City of Iloilo
9. Office of the Municipal Mayor
Municipality of Barili, Cebu
10. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Barili, Cebu
11. Office of the Municipal Mayor
Municipality of Dumanjug, Cebu
12. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Dumanjug, Cebu
13. Office of the Municipal Mayor
Municipality of Ronda, Cebu
14. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Ronda, Cebu
15. Office of the Municipal Mayor
Municipality of Alcantara, Cebu
16. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Alcantara, Cebu
17. Office of the Municipal Mayor
Municipality of Moalboal, Cebu
18. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Moalboal, Cebu
19. Office of the Municipal Mayor

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Municipality of Badian, Cebu

20. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Badian, Cebu
21. Office of the Municipal Mayor
Municipality of Alegria, Cebu
22. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Alegria, Cebu
23. Office of the Municipal Mayor
Municipality of Malabuyoc, Cebu
24. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Malabuyoc, Cebu
25. Office of the Municipal Mayor
Municipality of Ginatilan, Cebu
26. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Ginatilan, Cebu
27. Office of the Municipal Mayor
Municipality of Samboan, Cebu
28. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Samboan, Cebu
29. Office of the Municipal Mayor
Municipality of Santander, Cebu
30. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Santander, Cebu
31. Office of the Municipal Mayor
Municipality of Sibonga, Cebu
32. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Sibonga, Cebu
33. Office of the Municipal Mayor
Municipality of Argao, Cebu
34. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Argao, Cebu
35. Office of the Municipal Mayor
Municipality of Dalaguete, Cebu
36. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Dalaguete, Cebu
37. Office of the Municipal Mayor
Municipality of Alcoy, Cebu
38. Office of the Local Government Unit (LGU) Legislative Body
Municipality of Alcoy, Cebu
39. Office of the Municipal Mayor
Municipality of Boljo-on, Cebu
40. Office of the Local Government Unit (LGU) Legislative Body
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41. Office of the Municipal Mayor
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