

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE
EMERGENCY ELECTRIC
POWER SUPPLY AGREEMENT
(EPSA) BETWEEN ORIENTAL
MINDORO ELECTRIC
COOPERATIVE, INC., AND GBH
POWER RESOURCES, INC.
WITH MOTION FOR
CONFIDENTIAL TREATMENT
OF INFORMATION

ERC CASE NO. 2023-024 RC

ORIENTAL MINDORO
ELECTRIC COOPERATIVE, INC.
AND GBH POWER
RESOURCES, INC.,
Applicants.

X-----X

Promulgated:
February 07, 2024

ORDER

On 29 March 2023, Oriental Mindoro Electric Cooperative, Inc. (ORMECO) and GBH Power Resources, Inc. (GPRI) filed a *Joint Application* dated 12 May 2022, seeking the Commission’s approval of their Emergency Electric Power Supply Agreement (EPSA), with motion for confidential treatment of information.

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

1. Applicant ORMECO is a non-stock, non-profit electric cooperative, duly organized and existing under the Philippine laws, with principal address at Barangay Sta. Isabel, Calapan City, Oriental Mindoro. It has the exclusive franchise to supply and distribute electricity in all the municipalities of the Province of Oriental Mindoro.

- 1.1 ORMECO is represented herein by its Acting General Manager, Regino M. Quing, Jr. whose authority to initiate, file, and pursue the instant application is evidenced by ORMECO Board Resolution No. 22-138 adopted on 13 May 2022, a copy of which is attached and made integral part hereof as Annex "A."
2. Applicant GPRI is a corporation duly organized and existing under the laws of the Republic of the Philippines, with principal address at Brgy. Papandayan, Pinamalayan, Oriental Mindoro. It owns and operates a 7.5MW diesel-fired plant in Pinamalayan, Oriental Mindoro. GPRI is duly authorized to file the instant application as shown in a Secretary's Certificate attached as Annex "B."
3. Applicants ORMECO and GPRI may be served with notices, orders and other processes of the Honorable Commission through their respective counsel at their addresses indicated below.

NATURE OF THE APPLICATION

4. This is an application for the approval of the Emergency Power Supply Agreement ("EPSA") between GPRI and ORMECO executed on 16 September 2021 and 08 October 2021, respectively. A copy of the EPSA is attached as confidential Annex "C" and ORMECO Board Resolution authorizing the execution of the EPSA as Annex "C-1."

NARRATION OF FACTS

5. On 14 January 2020, through Resolution No. 20-018, the ORMECO Board of Directors approved the Emergency Power Procurement ("EPP") of 10MW (net capacity) supplied by diesel modular power plant/s for a term of six (6) months extendible for up to one (1) year, in order to prevent the adverse implications of the impending power supply deficiency in the entire province of Oriental Mindoro. A copy of said Board Resolution is attached as Annex "D."
6. On 18 February 2020, through Board Resolution No. 20-057, the ORMECO Board of Directors approved the composition of the new Special Bids and Awards Committee ("SBAC") and Technical Working Group for the conduct of EPP of 10MW net capacity. A copy of said Board Resolution is attached as Annex "E."
7. In a letter dated 03 March 2020, ORMECO requested for the issuance of a Certificate of Exemption from the Department of Energy ("DOE"). A copy of ORMECO's letter is attached herein as Annex "F".
8. Such request for exemption was made in accordance with Section 2.2 of DOE Department Circular No. DC2018-02-0003¹ which was the governing regulation on Competitive Selection Process ("CSP") at that time. The DOE Department Circular allows exemption from

¹ Entitled "Adopting and Prescribing the Policy for the Competitive Selection Process in the Procurement by the Distribution Utilities of Power Supply Agreement for the Captive Market."

the conduct of a CSP in cases of, among others, negotiated procurement of emergency power supply, provided that the cooperation period does not exceed one (1) year and that the rate shall not be higher than the latest Energy Regulatory Commission (“ERC”) approved generation tariff for the same or similar technology in the area. Upon the grant of the COE, the DU is authorized to immediately implement the power supply agreement pursuant to Section 2.4 of the said DOE Department Circular.

- 9. On 06 May 2020, the DOE issued a Certificate of Exemption to ORMECO from the conduct of CSP for the procurement of 10MW emergency power supply for a cooperation period not exceeding one (1) year. A copy of the COE is attached as Annex “G.”
- 10. Subsequently, in a letter dated 07 January 2021, the DOE clarified that ORMECO may enter into an emergency power supply agreement with GPRI under the terms and conditions stated in the DOE Certificate of Exemption dated 06 May 2020. A copy of the DOE letter dated 07 January 2021 is attached as Annex “H.”
- 11. Hence, on 14 January 2021, through Resolution No. 21-018 dated 14 January 2021,² the ORMECO Board of Directors approved the procurement of emergency supply of power for 2.0MW from GPRI.
- 12. Thereafter, parties executed the EPSA, the salient features of which are as follows:

2. CONTRACTED CAPACITY.	GBH shall supply to ORMECO, throughout the Term of this Agreement, all available energy of the Plant up to the contracted capacity of 2.0MW from intervals 0400H to 2400H. GBH shall have no obligation to supply beyond the Contracted Capacity.
3. Source of Power	GBH shall utilize its power plant located in Pinamalayan, Oriental Mindoro to supply the contracted capacity,
4. Term of Supply	GBH shall supply energy to ORMECO under the terms stipulated in this Agreement from 26 December 2020 (the “Commercial Operation Date”) until 5 May 2021.
5. Delivery Point	The energy supplied under this Agreement shall be delivered at the 69kV lines of the National Power Corporation
7. Other Charges	In relation to GBH’s supply of energy to ORMECO, it is understood that, except as otherwise provided in this Agreement, any and all Universal Charge, Feed-in-Tariff, transmission charges, ancillary service charges, systems loss, distribution

² Attached as Annex “C-1.”

	wheeling service charges, connection charges, and other charges, costs, expenses, fees, VAT and taxes that may now or in the future be charges to, incurred and/or assumed by GBH for the supply of energy under this Agreement, and other related services in connection herewith shall be for the account of and shall be paid by ORMECO.
8. Dispatch	ORMECO shall ensure the dispatch of, and shall receive all energy dispatched from, the Plant up to the Contracted Capacity from intervals 0400H to 2400H every day. Notwithstanding the foregoing, ORMECO shall have up to five (5) calendar days per billing month where it may choose not to nominate and dispatch the Plant (hereafter as, "Zero Nomination Days"). The Zero Nomination Days cannot be split between different calendar days and shall be non-cumulative such that any unused Zero Nomination Days in a billing month shall not be carried over to another billing month.
9. Billing Determinant	<p>The monthly billing determinant shall be as follows:</p> <p>a. From 0400H to 2400H, the monthly billing determinant shall be the actual energy delivered based on metered quantity or {2.0MW x 20 hours x 26 days}, whichever is higher, per billing month. For this purpose, the formula shall use 26 days in case the calendar month has 31 days. In the case of the February to March period, 23 days shall be used in the computation of the Billing Determinant.</p> <p>b. From 0001H until 0359H, the monthly billing determinant shall be the actual energy delivered based on metered quantity.</p>

13. The tariff is further discussed in the Executive Summary attached as Confidential Annex "Y."

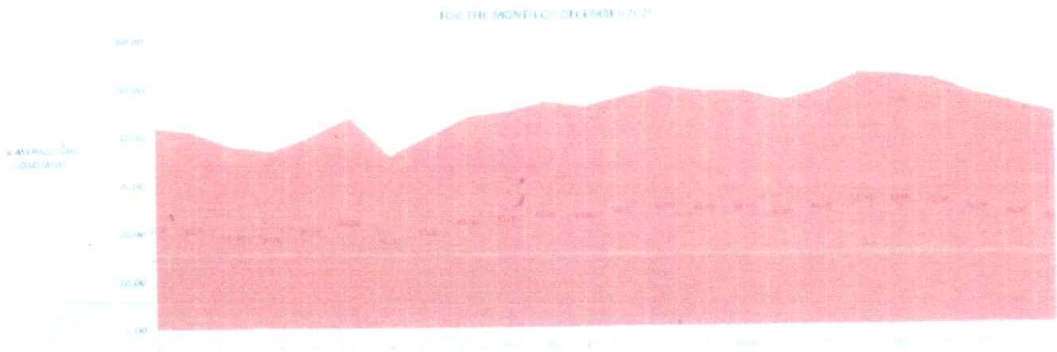
SUPPLY-DEMAND SCENARIO

14. Below is the Supply-Demand Scenario for Oriental Mindoro for the period 2020 to 2021:

	2020 Current Year	2021
Peak Demand (MW)	56.10	61.45
Suppliers		
DMCI POWER CORPORATION	15	15
ORMIN POWER INC.	7.2	8
BGH PRI RESOURCE INC	5	-
CATUIRAN HEPP	4	4
INABASAN MHPP	0.8	0.8
PHESI WEPF	2	2
LCMHPP - LOWER	0.3	0.3
MGC CALAPAN	-	-
MGC BONGABONG	5	5
MGC SOCORRO	-	-
POWER ONE CORPORATION	11.2	19
LCMHPP - UPPER	0.5	0.5
EPP1	2	-
EPP2	4	-
EPP3	4	-
Incoming Supplier (for CSP)		
Interim Power Supply	-	10
Regular Power Supply	-	-
Total Supply (MW)	61	64.6
Deficit / Surplus	4.9	3.15

Further details are found in Annex “N” (Historical and Forecasted Supply Demand Scenario)

15. On the other hand, the Average Daily Load Curve is shown in this graph:



**December 2020*

Average Daily Load Curve is further shown in Annex “N-1” to “N-3.”

RATE IMPACT ANALYSIS

16. The table in Annex Q (Rate Impact Analysis) shows in greater detail the actual rate impact of GPRI’s emergency supply of energy to ORMECO.

ALLEGATIONS IN SUPPORT OF THE EMERGENCY EPSA RATE

17. Section 2.2.2 of the CSP Rules provides that the rate for the emergency

power supply “shall not be higher than the latest ERC approved generation tariff for the same or similar technology in the area.”

18. The latest ERC-approved generation tariff for the same or similar technology in the island of Mindoro, where Applicant ORMECO’s distribution network and where Applicant GPRI’s power plants are located, is the generation rate for the supply of power between ORMECO and DMCI Power Corporation in the Honorable Commission’s Decision dated December 9, 2014 in ERC Case No. 2014-085RC.
19. Attached as Annex Y-3 is a Comparative Matrix of Suppliers (Generation Rate Comparative Matrix) showing that the total generation rate from GPRI being charged in the Applicants’ Emergency EPSA is not higher than the rate approved by the Honorable Commission in the foregoing power supply agreement.
20. The rates under Applicant’s Emergency EPPA is subject of Applicant GPRI’s motion for confidential treatment of information. The allegations in support of the said motion are provided below.
21. The applicants respectfully submit that the rates in the Emergency EPSA are compliant with the CSP Rules.

APPLICABILITY OF THE OLD CSP RULES

22. As earlier alleged, the governing CSP Rules at the time ORMECO was granted with a certificate of exemption and during the emergency supply of power by GPRI from December 2020 to May 2021, was the old CSP Rules or the DOE Department Circular No. DC2018-02-0003.³
23. Thereafter, the DOE issued Department Circular No. DC2021-09-0030 dated 24 September 2021, amending certain provisions in the old CSP Rules (“Amended CSP Rules”). One of the amendments made in the negotiated procurement of emergency power supply is that the EPSA is now required to be filed with the Honorable Commission *within the effectivity of the COE-CSP*.
24. Section 12 of the Amended CSP Rules further provide:

“Upon effectivity of this Policy, all prospective PSAs shall hereafter be procured in accordance with DC 2018-02-0003 and this Circular.

All PSAs that have been procured and executed, including those to be filed and pending before the ERC, prior to this Circular and in line with DC 2018-02-0003 shall be honored and recognized. All DUs with on-going CSP activities prior to the effectivity of this Circular shall continue to observe the 2018 CSP Policy.” (Emphasis supplied)

³ Entitled “Adopting and Prescribing the Policy for the Competitive Selection Process in the Procurement by the Distribution Utilities of Power Supply Agreement for the Captive Market.”

25. Section 15 of the Amended CSP Rules likewise provide that it shall take effect fifteen (15) calendar days upon its publication in at least two (2) newspapers of general circulation. Based on the DOE website, the publication of the rules were made on 14 October 2021, hence, the Amended CSP Rules took effect on 29 October 2021.
26. Here, the EPSA has been executed on 16 September 2021 for GPRI and 08 October 2021 for ORMECO, hence, based on the provisions above, the old CSP Rules govern this case.

COMPLIANCE WITH PRE-FILING REQUIREMENTS
AND SUPPORTING DOCUMENT

27. As further support to the instant Joint Application, the Applicants provide the following documents, which underwent the pre-filing conference and pre-filing marking of annexes with this Honorable Commission:

Description of Document	Annex
ORMECO Articles of Incorporation and By Laws ORMECO Amended By Laws	I and series.
List of Current Members of ORMECO's Board of Directors and Heads of Departments as of April 30, 2022	J
Audited Financial Statements	K
ORMECO's Explanation on (a) Demand Side Management Program; (b) Transmission Supply Contract with the National Power Corporation; (c) transmission projects; and (d) transmission service agreement; (e) RCOA (f) others.	L
Distribution Development Plan which includes load forecast projections in, and the variability of those projections over the proposed contractual period	M
Supply and Demand Scenario Average Daily Load Curve scenarios for 2019 to March 2021 Single Line Diagram, other reports Distribution Reliability Report, SAIDI and SAIFI	N and series
Invitation for the Supply of 10MW Emergency Power Terms of Reference for the Emergency Power Procurement	O O-1
Potential Cost (absolute amounts and PhP/kWh) of Ancillary Services as and when the IPP or the DU is connected to the main grid.	P
Rate Impact Analysis*(Confidential)	Q
GPRI's Certificate of Incorporation, Original AOI, and Original BL	R
a. 2006 Amended Articles of Incorporation	R-1
b. 2014 Amended Articles of Incorporation	R-2
c. 2011 Amended By Laws	R-3
2021 General Information Sheet	S
GPRI's Information Related to the Ultimate Parent Company, its Subsidiaries, and Affiliates *(Confidential)	T

Description of Document	Annex
Audited Financial Statements	U
Environmental Compliance Certificate (ECC) and certification on change of name to GPRI	V and V-1
GPRI Certificate of Compliance <i>*(Confidential)</i>	W
GPRI's Explanation on non-applicability of some items in the PSA Checklist.	X
Certification from the Board of Investments	X-1
Executive Summary which shows the tariff, Sources of Funds/ Financial Plans, Debt/Equity Rati, Project Cost, Computation of Return on Investment/ WACC, Life of Asset versus Term of Loan (Computation of levelized cost), Generation Rate and Derivation, Financial model containing the derivation of rates,Breakdown of the base prices; Capital Recovery Fee, Fixed and Variable O&M, and Fuel Fee; Breakdown of Project Cost and Operations and Maintenance (O&M) Cost including the description and justification/supporting of each component; Sample Computation of Power Rates with the supporting documents on the assumptions taken; Rate impact simulation on the overall rates of the applicant-utility once the contract is approved including an explanation on assumptions and input parameters used in the derivation thereof; Basis/rationale of indexation including the sources, reference date and weight of indexation; Basis/rationale/derivation of Other Charges such as replacement, start-up, pre commercial, and ancillary costs; Equivalent PhP/kWh with assumptions for foreign denominated rates; Cash Flow specifying the following: Initial Costs;Breakdown of Operating and Maintenance expenses <i>*(Confidential)</i>	Y and series
GPRI Explanation – No bank loans	Y-2
Generation Rate Comparative Matrix	Y-3
Fuel Procurement Process Fuel Supply Contracts <i>*(Confidential)</i>	Z and Z-1 Z-2 to Z-6
Engine Test Result; Simulation of the no. of operating units necessary to meet the Minimum Energy Off Take (MEOT) <i>*(Confidential)</i> Write up on Plant Technical Information; GBHPRI Certification	AA and series

**Subject to the Motion for Confidential Treatment of Information*

ALLEGATIONS IN SUPPORT OF MOTION FOR CONFIDENTIAL
TREATMENT OF INFORMATION

28. Under Rule 4 of the ERC Revised Rules of Practice and Procedure, a party to any proceeding before the Honorable Commission may request that certain information not be disclosed and be treated as confidential, by describing with particularity the information to be treated as confidential, specifying the ground for the claim of confidential treatment of the information and, if applicable,

specifying the period during which the information must not be disclosed.

29. With respect to the documents marked and attached as ANNEX/ES "C," "Q," "T," "W," and "Y" and series, "Z-2" to Z-6," and "AA" and series GPRI respectfully moves that these be treated as confidential and not be disclosed to any party for the reason that these contain non-public, proprietary information, data and calculations involving the investments, financial calculations, and business operations of GPRI. The data and information contained therein are part of the overall formula and process in arriving at the competitive rates of GPRI. These formula and process are specifically developed for the use of GPRI and are treated as trade secrets. If the information contained in these documents are unduly disclosed, it will seriously prejudice the competitiveness of GPRI. These documents are neither generally available to the public nor already in the possession of the Honorable Commission on a non-confidential basis.

30. In addition to the foregoing, pursuant to GPRI's agreement with its counterparties, "Z-2 to Z-6" (information relative to fuel supply agreements) likewise contain certain non-public information involving its lender's and counterparties' financial trade secrets. Hence, the confidentiality of those documents should be maintained.

31. In the case of *Air Philippines Corporation vs. Pennswell Inc.*,⁴ 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." (*Emphasis ours.*)

32. The protection of trade secrets is likewise recognized by the Honorable Commission in its Decision in ERC Case No. 2015-111 RC:

"In the case of PNOC RC, the documents sought to be protected from disclosure contains formula and pricing structures used in arriving at their proposed tariff. The prices cited in the documents were components of the proposed tariff. In fact, all three (3) documents were used by the Commission in evaluating the reasonableness of the proposed rate. In electric power industry

⁴ G. R. No. 172835, 13 December 2007.

[where] prices is a major consideration in selecting one's supplier, it is apparent that the assumption used in arriving at one's proposed tariff is considered a competitive leverage by one player against its competitors.

Thus, the Commission resolved to treat the said documents confidential and may not be publicly disclosed.⁵

33. It is respectfully submitted therefore that ANNEX/ES "C," "Q," "T," "W," "Y and series, "Z-2" to Z-6," and "AA" and series fall within the bounds of proprietary "trade secrets" which are entitled to protection under the Constitution, statutes, and rules and regulations of this Honorable Commission.
34. Thus, Applicants hereby submits one (1) copy of each of the foregoing confidential documents in sealed envelopes, with the envelopes and each page of the documents marked "Confidential."
35. The interest of the consumers of ORMECO is sufficiently protected by the review and evaluation of the rates under the Emergency EPSA by the Honorable Commission, without the need to disclose the contents of the confidential information. The reasonableness and transparency of the prices of electricity is to be assured by the Honorable Commission through its own review and verification of the foregoing documents sought to be afforded confidential treatment in the evaluation and handling thereof.
36. Lastly and corollary to the foregoing, GPRI would like to implore the discerning wisdom of the Honorable Commission to include in its issuance for this purpose the *"procedures for the handling or returning the confidential information, as appropriate, upon the close of the proceedings or at the end of the period for which the information is to be treated as confidential"*⁶.
37. This is guided by the fact that GPRI will seek for the return of these sought to be declared confidential annexes after its utilization as evidence in this case and/or at the close of the proceedings hereof, so as to relieve the Honorable Commission of the burden of safekeeping the trade secrets of GPRI enclosed in the subject annexes.

PRAYER

WHEREFORE, premises considered, Applicants respectfully pray that the Honorable Commission:

- a) Issue an Order TREATING ANNEX/ES "C," "Q," "T," "W," "Y and series, "Z-2" to Z-6," AND "AA" and series and all other information contained therein as CONFIDENTIAL, directing their non-disclosure to persons other than officers and staff of this Honorable Commission,

⁵In the Matter of the Application for the Approval of the Power Supply Agreement Between Nueva Ecija II Electric Cooperative, Inc. – Area 2 (NEECO II – Area 2) and PNOC Renewables Corporation (PNOC RC) with Prayer for Provisional Authority, ERC Case No. 2015-111 RC, Decision dated 30 May 2017, p. 26.

⁶ Letter (d), Section 4, of the ERC Rules and Practice and Procedure.

continuously protecting the said information from public disclosure by maintaining the same separate and apart from the records of the case, and ensuring that these are not divulged to unauthorized persons, pursuant to Rule 4 of the ERC Revised Rules of Practice and Procedure; and

- b) After hearing on the merits, render a Decision APPROVING THE EPSA between GPRI and ORMECO and the terms and conditions thereunder, including the price.

Other relief just and equitable under the circumstances are likewise prayed for.

Finding the said *Joint Application* 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 online platforms for the conduct thereof, pursuant to Resolution No. 09, Series of 2020⁷ and Resolution No. 01, Series of 2021⁸ (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
11 March 2024 (Monday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams Applications	Determination of compliance with jurisdictional requirements, and Expository Presentation
18 March 2024 (Monday) at two o'clock in the afternoon (2:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, ORMECO and GPRI are hereby directed to host the virtual hearings at **ORMECO's Principal Office located at Barangay Sta. Isabel, Calapan City, Oriental Mindoro, Philippines**, as the designated venue for the conduct thereof, and ensure that the same is open to the public and the community quarantine guidelines are observed at all times. Moreover, ORMECO and GPRI shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

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

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

RELATIVE THERETO, ORMECO and GPRI 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 ORMECO's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within ORMECO'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, ORMECO and GPRI 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 ORMECO and GPRI to inform the consumers within ORMECO's 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, ORMECO and GPRI 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 ORMECO and GPRI 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 ORMECO and GPRI 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 ORMECO and GPRI to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from the said date of cancellation.

Applicants ORMECO and GPRI 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 ORMECO and GPRI 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. ORMECO and GPRI 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 ORMECO and GPRI 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 ORMECO and GPRI, 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, 07 February 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:


MONALISA C. DIMALANTA
Chairperson and CEO


LS: MCC/LSP

ERC
Office of the Chairperson and CEO

MCD2024-014175

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Copy Furnished:

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2. Atty. Venus A. Torbela-Tio
c/o Surtida & Hernandez Torbela
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3. GBH Power Resources, Inc. (GPRI)
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4. Attys. Irving N. Chua, Miguel A. Robillo, Jacqueline Kate Saliente-Tamayo
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5. Office of the Provincial Governor
Province of Oriental Mindoro
6. Office of the LGU Legislative Body
Province of Oriental Mindoro
7. Office of the City Mayor
Calapan, Oriental Mindoro
8. Office of the LGU Legislative Body
Calapan, Oriental Mindoro
9. Office of the Municipal Mayor
Baco, Oriental Mindoro
10. Office of the LGU Legislative Body
Baco, Oriental Mindoro
11. Office of the Municipal Mayor
Bansud, Oriental Mindoro
12. Office of the LGU Legislative Body
Bansud, Oriental Mindoro
13. Office of the Municipal Mayor
Bongabong, Oriental Mindoro
14. Office of the LGU Legislative Body
Bongabong, Oriental Mindoro
15. Office of the Municipal Mayor
Bulalacao, Oriental Mindoro
16. Office of the LGU Legislative Body
Bulalacao, Oriental Mindoro
17. Office of the Municipal Mayor
Gloria, Oriental Mindoro
18. Office of the LGU Legislative Body
Gloria, Oriental Mindoro

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19. Office of the Municipal Mayor
Mansalay, Oriental Mindoro
20. Office of the LGU Legislative Body
Mansalay, Oriental Mindoro
21. Office of the Municipal Mayor
Naujan, Oriental Mindoro
22. Office of the LGU Legislative Body
Naujan, Oriental Mindoro
23. Office of the Municipal Mayor
Pinamalayan, Oriental Mindoro
24. Office of the LGU Legislative Body
Pinamalayan, Oriental Mindoro
25. Office of the Municipal Mayor
Pola, Oriental Mindoro
26. Office of the LGU Legislative Body
Pola, Oriental Mindoro
27. Office of the Municipal Mayor
Puerto Galera, Oriental Mindoro
28. Office of the LGU Legislative Body
Puerto Galera, Oriental Mindoro
29. Office of the Municipal Mayor
Roxas, Oriental Mindoro
30. Office of the LGU Legislative Body
Roxas, Oriental Mindoro
31. Office of the Municipal Mayor
San Teodoro, Oriental Mindoro
32. Office of the LGU Legislative Body
San Teodoro, Oriental Mindoro
33. Office of the Municipal Mayor
Socorro, Oriental Mindoro
34. Office of the LGU Legislative Body
Socorro, Oriental Mindoro
35. Office of the Municipal Mayor
Victoria, Oriental Mindoro
36. Office of the LGU Legislative Body
Victoria, Oriental Mindoro
37. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
38. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
citizensdesk@coa.gov.ph
39. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
senateenergycommittee@gmail.com

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- 40. House Committee on Energy
Batasan Hills, Quezon City
committee.energy@house.gov.ph

- 41. Regulatory Operations Service
Energy Regulatory Commission
17th Floor, Pacific Center Building, San Miguel Avenue,
Ortigas Center 1600, Pasig City
ros@erc.ph