

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
AUTHORITY TO DEVELOP
AND OWN OR OPERATE
DEDICATED POINT-TO-
POINT LIMITED
TRANSMISSION
FACILITIES TO CONNECT
THE ALABAT WIND
POWER PLANT PROJECT
TO THE LUZON GRID,
WITH PRAYERS FOR
PROVISIONAL
AUTHORITY AND
CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2024-041 MC

**ALABAT WIND POWER
CORPORATION (AWPC),**
Applicant.
X-----X

Promulgated:
September 20, 2024

ORDER

On 16 August 2024, Alabat Wind Power Corporation (AWPC) filed through the Energy Virtual One-Stop Shop (EVOSS) portal, an *Application* dated 24 June 2024, seeking the Commission’s approval for authority to develop and own or operate dedicated point-to-point limited transmission facilities to connect the Alabat Wind Power Plant Project to the Luzon Grid, with prayers for provisional authority and confidential treatment of information.

The pertinent allegations in the said *Application* are hereunder quoted, as follows:

- I. The Applicant**
1. AWPC is a generation company duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with office address at Level 3B 111 Paseo de

Roxas, Paseo de Roxas, Legaspi Village San Lorenzo, Makati City. It is authorized to engage in the business of developing, constructing, operating, maintaining, buying, acquiring, investing, selling, importing and exporting renewable and clean energy equipment, systems, power plants, and technologies that produce electricity from renewable and clean energy resources including, but not limited to, solar, wind, hydro, geothermal, biomass, liquefied natural gas, and other clean and renewable energy sources resources.¹ It may be served with orders, notices, and other processes of this Honorable Commission through undersigned counsel at the address indicated below.

Copies of the documents relating to AWPC’s corporate registration are attached as follows:

Annex	Document
A	Certificate of Incorporation dated January 24, 2023
B B-1	Articles of Incorporation dated January 13, 2023 By-Laws dated January 19, 2023
C	Amended General Information Sheet submitted to the Securities and Exchange Commission on February 2, 2024

2. On December 7, 2023, the Department of Energy (“**DOE**”) issued a letter approving the assignment of *Wind Energy Service Contract No. 2019-09-134* (the “**WESC**”), covering the Alabat Wind Power Project (“**AWPP**”) located in Alabat, Quezon, from Alternergy Tanay Wind Corporation (“**ATWC**”) to AWPC. In its letter, the DOE stated that “[u]nder the Deed of Assignment, all rights and obligations of ATWC under the WESC are assigned to AWPC, and that AWPC unequivocally accepts all rights and obligations attributable to the same WESC. Further, it is also recognized that ATWC guarantees the performance by AWPC of all obligations under the WESC.”²

Copies of the documents relating to AWPC’s registration as a generation company are attached as follows:

Annex	Document
D	Certificate of Non-Coverage (“ CNC ”) No. CNC-OL-R4A-2024-02-00278 issued by the EMB on February 29, 2024 for a portion of the AWPC’s 69kV Transmission Line ³
D-1	Sworn Statement of Accountability of the Proponent in the CNC Application for the portion of the AWPC’s proposed 69kV Transmission Line located at Barangays Roma, Guites, Sta.

¹ See AWPC’s Articles of Incorporation (Annex B), Second Article.
² See DOE letter dated December 7, 2023 (Annex H).
³ Within the boundaries of Barangays Villa Jesus Weste, Camagong, Villa Jesus Este, Balungay, Pambilan Norte, Pambilan Sur, Gordon and Buenavista, Alabat, Quezon, R4A.

Annex	Document
D-2	Maria Madoog, Lourdes, Sta. Jacobe and Hondagua Lopez, Quezon Province, R4A dated January 8, 2024
D-3	Sworn Statement of Accountability of the Proponent in the CNC Application for the portion of the AWPC’s proposed 69kV Transmission Line located at Barangays Mascariña, Montaña, Guinhawa, Apad, Magsino, Cometa, Caridad, Tagkawa, and Cagbalogo Quezon, Quezon Province, R4A dated January 8, 2024
D-4	Sworn Statement of Accountability of the Proponent in the CNC Application for the portion of the AWPC’s proposed 69kV Transmission Line located at Barangay Agoho Calauag, Quezon Province, R4A dated February 6, 2024
D-4	Sworn Statement of Accountability of the Proponent in the CNC Application for the 69kV Switching Station of the AWPP located at Barangay Hondagua, Lopez, Quezon Province, R4A dated January 8, 2024
E	Certificate of Registration No. WESC 2019-09-134-AFI as a Renewable Energy Developer of Wind Energy Resources issued by the DOE on December 7, 2023
F	The WESC which took effect on December 23, 2019
G	Certificate of Award No. GEA2-W2023-10-001 issued by the DOE to AWTC dated November 10, 2023
H	DOE letter dated December 7, 2023 approving AWTC’s request for assignment/transfer of the WESC to AWPC
I	Certificate of Confirmation of Commerciality No. WCC 2024-03-024 dated March 15, 2024.

II. Nature of the Application

3. Pursuant to Section 9 of Republic Act No. 9136 or the Electric Power Industry Reform Act of 2001 (“**EPIRA**”) and Rule 5, Section 5(a)(i) of the EPIRA Implementing Rules and Regulations (“**EPIRA IRR**”), a generation company may develop and own or operate dedicated point-to-point limited transmission facilities that are consistent with the Transmission Development Plan (“**TDP**”), subject to prior authorization by this Honorable Commission.⁴

⁴ SEC. 9. Functions and Responsibilities. – Upon the effectivity of this Act, the TRANSCO shall have the following functions and responsibilities:
*** *** ***

A generation company may develop and own or operate dedicated point-to-point limited transmission facilities that are consistent with the TDP: Provided, That such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC: Provided, further, That in the event that such assets are required for competitive purposes, ownership of the same shall be transferred

4. In this regard, AWPC is proposing to build the AWPP, a wind power plant with a generating capacity of 49.9 megawatts (“**MW**”) which will be located in the Municipalities of Alabat and Quezon, Province of Quezon and is targeted to be operational by the year 2025. AWPC intends to connect the AWPP to the Luzon Grid through a tapping point/switching station along the National Grid Corporation of the Philippines’ (“**NGCP’s**”) Gumaca-Lopez-Tagkawayan 69 kV Transmission Line.⁵

III. Description of AWPP and Interconnection Project

A. The AWPP

5. The AWPP has a generating capacity of 49.9 MW and shall be composed of eight (8) wind turbine generator (“**WTG**”) units. Four (4) WTG units are each connected to a power transformer rated 40 MVA, 13.2/35/69 kV, 3 phase and 60 Hz. All of the power generated by the eight (8) WTGs are stepped up to a voltage of 69 kV, through the two power transformers, which are connected to the Alabat Switchyard/Substation. The total generation output of the AWPP will be limited to 49.9 MW so as not to overload the 69 kV transmission line.
6. Each WTG unit of the AWPP has the following specifications:

Rated Output Power	8 MW
Rated Output Voltage	1.14 kV
Phase	3
Rated Frequency	60 Hz
Number of units	8

7. Each generating unit is equipped with a unit transformer, which has the following specifications:

Rated Capacity	8.80 MVA
Rated Voltage	1.14/35 kV
Phase	3
Rated Frequency	60 Hz
Number of units	8

B. The Interconnection Project

i. The Transmission Line

8. The AWPP shall tap connect to NGCP’s 69 kV Gumaca-Lopez-Tagkawayan transmission line through a Switching Station (the “**AWPP Switching Station**”) and a 37.3 km long 69 kV connection line/asset emanating from the switchyard/substation of the AWPP (the “**AWPP Take-Off**”

to the TRANSCO at a fair market price: Provided, finally, That in the case of disagreement on the fair market price, the ERC shall determine the fair market value of the asset.

⁵See SIS (Annex M), at p. 1.

SS”). The 69 kV connection line/asset shall be single circuit on steel towers/poles, using 1 – 336.4 MCM ACSR/AS conductors per phase (69 kV ST/P-SC 1-336.4 MCM ACSR/AS conductors).

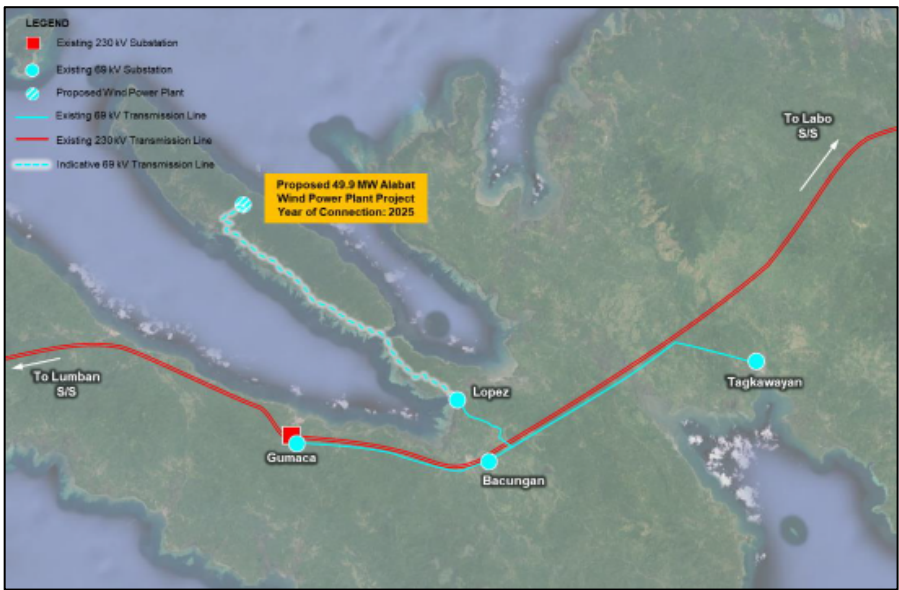


Figure 1. Geographical Location of the AWPP⁶

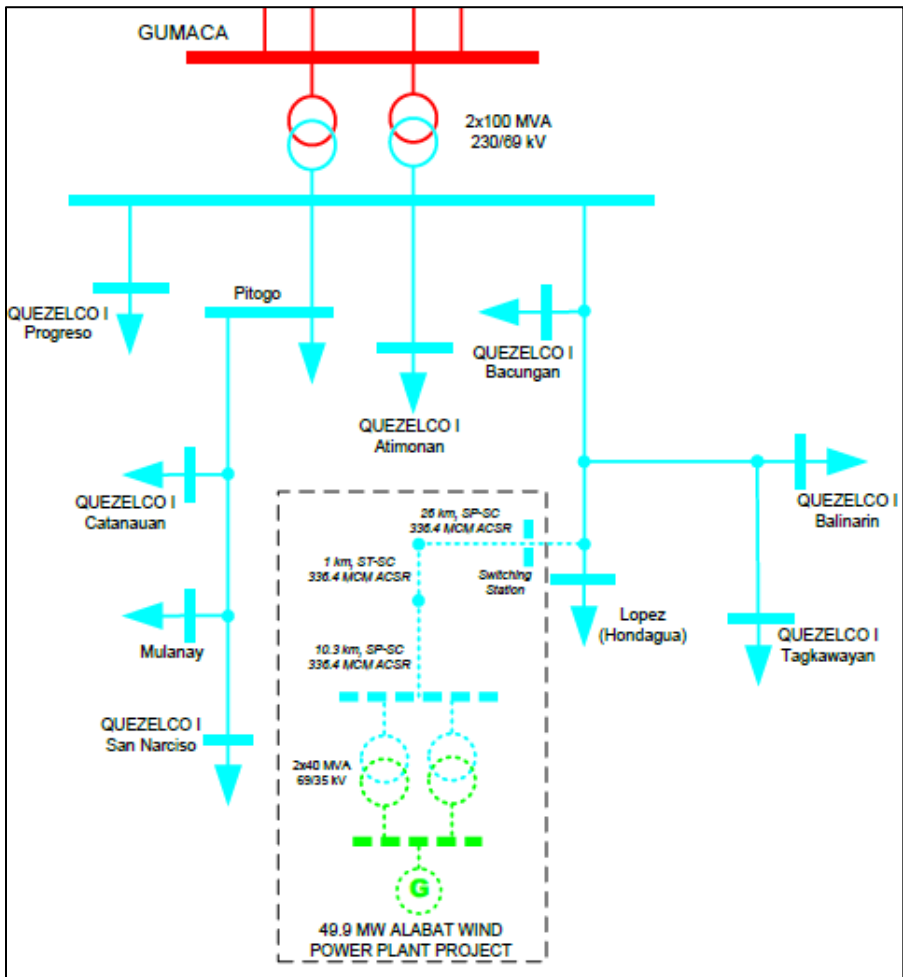


Figure 2. Proposed Connection Configuration of the AWPP⁷

⁶ See SIS (Annex M), at p. 3.
⁷ See SIS (Annex M), at p. 3.

ii. The AWPP Take-Off SS and AWPP Switching Station

9. The AWPP Take-Off SS shall be composed of two (2) buses with three (3) 69 kV Power Circuit Breakers (“**PCBs**”) and its associated Disconnect Switches (“**DS**”), connected in a ring bus configuration, where the high voltage sides of the two (2) 40 MVA 69/35/13.2 kV power transformers and the 37.3-km Alabat-Hondagua 69 kV transmission line (connection asset) are connected.
10. On the other hand, the AWPP Switching Station shall only have a single 69 kV PCB, with its associated DSs at both ends. One end is radially connected to the Alabat-Hondagua 69 kV transmission line (connection asset), while the other is connected to the tapping point at the NGCP Hondagua Substation.

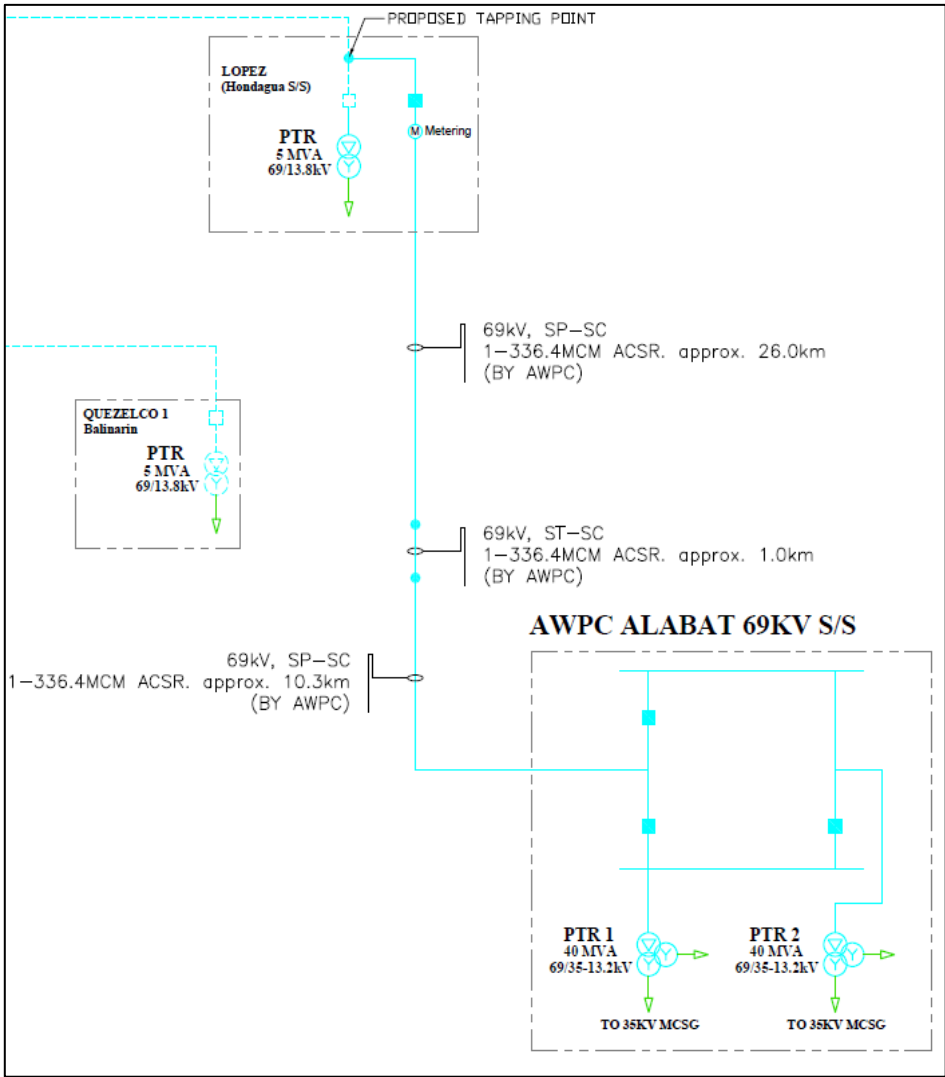


Figure 3. Overall Single Line Diagram of the Connection Scheme⁸

⁸ See Annex C of Facilities Study (Annex O); see also Overall Single Line Diagram (Annex S).



Figure 4. AWPP Take-Off SS & AWPP Switching Station⁹

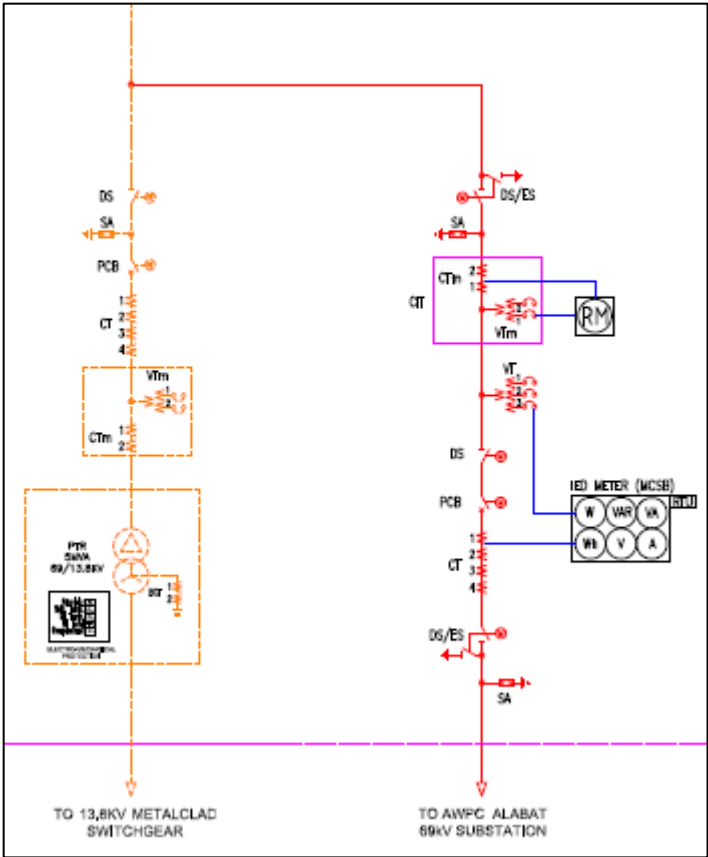


Figure 5. Proposed Tapping Point of the AWPP Switching Station¹⁰

Copies of the documents relating to the description of the AWPP and Interconnection Project are attached as follows:

Annex	Document
J	Secretary’s Certificate dated February 2, 2024 approving the Project
K	AWPP Project Rationale

⁹ See Facilities Study (Annex O), at p. 106.
¹⁰ See Facilities Study (Annex O), at p. 87; see also AWPP 69 kV Take-Off SS SLD (Annex S-1).

Annex	Document
L	AWPP Project Description
M	NGCP’s System Impact Study (“ SIS ”) dated December 2023
N	NGCP’s Letter to AWPC dated January 12, 2024 (KAP-CAD-RRA-2024-01-198) Re: System Impact Study Final Report for the 49.9 MW Alabat Wind Power Plant Project
O	[Confidential] The Facilities Study of the AWPP by EAGLEngineering Solutions Corporation dated January 2024
P	Connection Agreement between NGCP and AWPC dated March 26, 2024

IV. Statement of Facts

- A. The AWPP’s capacity and proposed interconnection to the Luzon Grid through tap connection along NGCP’s Gumaca-Lopez-Tagkawayan 69kV Transmission Line
11. A comparison of interconnection options for the AWPP shows that the tap connection of the AWPP to the 69 kV NGCP Gumaca-Lopez-Tagkawayan Transmission Line in Brgy. Hondagua, Municipality of Lopez, Quezon is the best connection scheme. A copy of the table below, showing the comparison of the interconnection options for the AWPP, is attached as **Annex Q**:

Connection Scheme	Description	Advantages	Disadvantages
Connect to Quezelco 1 Distribution Line	Distance from AWPC Substation: 5km Conductor size: # 2 MCM Single Circuit Used Pole Structures: 1. Wood Poles 2. Concrete Poles 3. Steel Poles	1. Shorter Distance 2. Accessible	1. Dilapidated Distribution Line 2. Low Capacity of Distribution Line (13.2kV system) 3. Right of way
Connect to NGCP’s 69kV Gumaca-Hondagua Transmission Line in Brgy Hondagua, Lopez, Quezon.	Distance from AWPC Substation: 37km Conductor size: 336 MCM ACSR Used Pole Structures: 1. Steel Poles 2. Tower Structure	1. High Capacity 2. Accessible 3. Reliable	1. Right of Way

Connection Scheme	Description	Advantages	Disadvantages
Connect to NGCP Gumaca Substation	Distance from AWPC Substation: approx. 46km including 11km of Submarine Cable Conductor size: 336 MCM ACSR Used Pole Structures: 1. Steel Poles	1. High Capacity 2. Reliable	1. High maintenance due to long route of transmission line 2. High cost 3. Right of way issue

12. The SIS concluded that the proposed connection of the AWPP to the Luzon Grid is technically feasible. To maintain a reliable operation of the AWPP, the SIS recommended the construction of a 69 kV switching station at its tapping point (i.e., the AWPP Switching Station). The proposed connection configuration in the SIS is as follows:

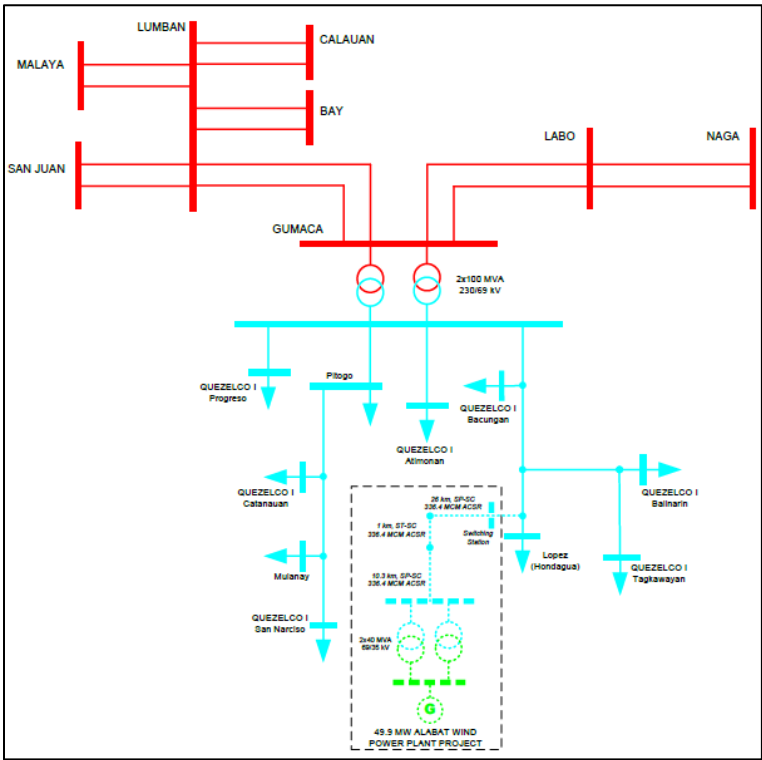


Figure 6. Proposed Connection Configuration of the AWPP¹¹

13. According to the SIS Highlights:
- (a) The thermal assessment results show that there is no observed thermal overloading at the monitored transmission facilities during normal and single-outage contingency (N-1) conditions, at peak and off-peak loading scenarios for both study years 2025 and 2030. The entry of the Project unloads the Gumaca 2x100 MVA transformers and the existing Gumaca–

¹¹ See SIS (Annex M), at p. 3.

Lopez-Tagkawayan 69 kV Transmission Line can accommodate its full capacity.

- (b) As regards the voltage analysis, the voltage levels of the monitored substations remain within acceptable limits during normal and N-1 conditions. The AWPP, while supplying its maximum power output, must ensure that it can provide reactive power support of +10/-10 MVAR to comply with the requirements of the PGC.
- (c) The short circuit simulation results indicate that the increased fault levels in the 69 kV and 230 kV substations associated with the entry of the AWPP are within acceptable limits and will not breach the interrupting capacity of the installed circuit breakers for both study years 2025 and 2030.
- (d) Transient stability study results show that there are no stability issues arising from normal and delayed clearance of three-phase faults considering the full dispatch of the AWPP in study years 2025 and 2030.
- (e) The result of frequency assessment shows that the sudden loss of the AWPP while supplying full capacity to the grid will not cause the frequency of the system to drop below 59.2 Hz and will not trigger Automatic Load Dropping (ALD).
- (f) To address the variability and potential ALD triggered by fluctuations of Variable Renewable Energy (VRE) power plants, the addition of a Battery Energy Storage System (BESS) is recommended in which the capacity is equivalent to the Project's capacity factor.

14. Furthermore, the construction of the Interconnection Project is consistent with the TDP. The AWPP will be included in the succeeding TDP update following its classification as a Committed Private Sector Initiated Power Project as indicated in the DOE List of 2023 Private Sector Initiated Power Projects in Luzon (Committed) as of December 31, 2023, as confirmed by the NGCP in its Certification dated March 6, 2024, herein attached as **Annex R**. The AWPP is also included in the DOE's *List of Luzon Committed Power Projects as of 30 April 2024*, herein attached as **Annex R-1**, and was issued a DOE *Certificate of Endorsement (DOE-EPIMB-ERC-P2P No. 2024-06-0023)* dated June 18, 2024 for the Interconnection Project, herein attached as **Annex R-2**.

B. The Interconnection Project's Design, Construction, Cost, and Technical Information

15. The total estimated cost of the Interconnection Project is ₱1,848,718,623.89 and shall be undertaken by GEDI Construction Development Corporation ("**GCDC**").

16. The AWPP is targeted to be operational by the year 2025.¹² Hence, there is an urgent need for the immediate issuance of a provisional authority to start the construction of the Interconnection Project.
17. AWPC intends to negotiate with NGCP regarding the operation and maintenance of the Interconnection Facility.

Copies of the documents relating to the Interconnection Project’s design, construction, cost, and technical information are attached as follows:

Annex	Document
S	AWPP Overall Single Line Diagram (“SLD”)
S-1	AWPP 69 kV Take-Off SS SLD
S-2	AWPP Switching Station SLD
T	Conceptual Engineering Design and Drawing
U	[Confidential] Dedicated Facility Project Cost
V	Gantt chart schedule of the proposed project
V-1	Relevant Dates
W	Company Profile of GCDC
X	Affidavit of Compliance with the Philippine Grid Code
Y	Sworn Statement/Manifestation dated March 1, 2024 that AWPC has secured or will secure the necessary permits, licenses, and authority from the appropriate regulatory agencies for the construction and operation of the Interconnection Project
Z	Historical and Forecasted Demand-Supply Scenario

ALLEGATIONS IN SUPPORT OF THE PRAYER FOR PROVISIONAL AUTHORITY

18. Under Rule 14, Section 1 of the *Revised Rules of Practice and Procedure of the ERC* (the “**Revised ERC Rules**”),¹³ this Honorable Commission is authorized to issue provisional authority or interim relief prior to a final decision, provided that the facts and circumstances alleged warrant such remedy.
19. The facts and circumstances in this Application warrant the issuance by this Honorable Commission of the provisional authority prayed for. Indeed, provisional authority is needed to prevent a delay in the construction of the AWPP. Republic

¹² See SIS, at p. 1.

¹³ Revised Rules of Practice and Procedure of the Energy Regulatory Commission, Resolution No. 01, Series of 2021.

Act No. 9513, otherwise known as the Renewable Energy (“**RE**”) Act of 2008 (the “**RE Act**”), aims to accelerate the development of the country’s renewable energy resources and increase the utilization of renewable energy, thus, it is in the interest of the government to help RE developers such as AWPC to achieve commerciality and commence operations at the soonest practicable time.

20. The construction of the Interconnection Project is a prerequisite for the testing and commissioning, and ultimately, the commercial operations of the AWPP. A provisional authority is, thus, urgently needed to enable AWPP to achieve the target COD and avoid adverse consequences to AWPC.
21. In fact, the RE Act has declared it the policy of the State to “[a]ccelerate the exploration and development of renewable energy resources such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the country’s dependence on fossil fuels and thereby minimize the country’s exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy.”¹⁴ It is in support of this policy that AWPC was established to generate, transmit, and distribute power derived from wind energy resources.
22. Moreover, generation of electricity from renewable energy resources, such as wind energy, contributes to the reduction of carbon and greenhouse gas emissions to the atmosphere through lessened usage of power generated from bunker and other fossil fuels.
23. AWPC is one with DOE’s vision of boosting the generation of electricity from renewable sources and reducing the environmental impact brought by use of traditional fossil fuels. The issuance of a provisional authority will allow AWPC to immediately start construction of the Project, thus, preventing any delay in the AWPP’s commercial operations.
24. As early as January of 2022, the NGCP already issued warnings of thinning power reserves due to the increased demand brought by the new normal.¹⁵
25. In fact, on May 8, 2023, the Luzon Grid was placed under red alert despite the DOE’s earlier forecast that no red alert was foreseen in the Luzon Grid in 2023.¹⁶ The NGCP issued both

¹⁴ RE Act, Section 2(a); *underscoring supplied*.

¹⁵ *See: NGCP warns of thin supplies during summer season, appeals for efficient energy use*, published by NGCP on January 18, 2022, available at: <https://www.ngcp.ph/article?cid=16516> (last accessed 29 February 2024).

¹⁶ *See: No red alerts seen in Luzon grid in 2023: DOE*, published by the Philippine News Agency on January 9, 2023, available at:

red and yellow alert notices that day following the tripping of Bolo-Masinloc 230kV Line 2 which forced outages and de-rating of power plants.¹⁷

26. On July 12, 2023, the NGCP issued another yellow alert notice to the Luzon Grid because the modules of one of the power plants tripped causing a decline in grid frequency. In turn, this caused service interruption to MERALCO's customers in parts of Metro Manila, Bulacan, Cavite, Laguna, Rizal, and Quezon.¹⁸
27. On December 18, 2023, in an Executive Committee Meeting by the DOE with its attached agencies, it was agreed to map out vital infrastructures of the country that could be affected by the supply of electricity to be able to quickly provide interventions. These infrastructure areas include government hospitals, blood banks, banks, and water pumping stations among others.¹⁹
28. The construction of the AWPP, together with the Interconnection Project which will connect it to the Luzon Grid, will help alleviate possible power shortages in the future. Considering the foregoing, AWPC respectfully submits that there is basis for this Honorable Commission to grant a provisional authority for AWPC to develop and own or operate the Interconnection Project.

A copy of the Judicial Affidavit executed by Charles Flores in support of the prayer for issuance of provisional authority is attached as **Annex DD**.

ALLEGATION IN SUPPORT OF THE PRAYER FOR CONFIDENTIAL TREATMENT OF INFORMATION

29. AWPC respectfully requests that the information contained in the Facilities Study (**Annex O**) and Dedicated Facility Project

<https://www.pna.gov.ph/articles/1192332> (last accessed 29 February 2024). See also: *Plants' forced outages plunge Luzon grid to 'red alert'* published by Manila Bulletin on May 8, 2023, available at: <https://mb.com.ph/2023/5/8/plants-forced-outages-plunge-luzon-grid-to-red-alert> (last accessed 29 February 2024).

¹⁷ See: *NGCP calls for holistic solution, better coordination within energy supply chain*, published by NGCP on May 12, 2023, available at: <https://ngcp.ph/article?cid=16645> (last accessed 29 February 2024). See also: *Luzon grid placed on red alert after 5-plant outage*, published by BusinessWorld on May 8, 2023, available at: <https://www.bworldonline.com/economy/2023/05/08/521594/luzon-grid-placed-on-red-alert-after-5-plant-outage/> (last accessed 29 February 2024).

¹⁸ See: *Luzon grid placed on yellow alert*, published by the Philippine Star on July 12, 2023, available at: <https://www.philstar.com/nation/2023/07/12/2280408/luzon-grid-placed-yellow-alert> (last accessed 29 February 2024). See also: *'Yellow alert' in Luzon as San Lorenzo power plant trips* published by the Philippine News Agency on July 11, 2023, available at: <https://www.pna.gov.ph/articles/1205358> (last accessed 29 February 2024).

¹⁹ See: *Expand and deepen the practice of energy and conservation, DOE urges households and business sector amid El Nino* published by the DOE on December 20, 2023, available at: <https://www.doe.gov.ph/press-releases/expand-and-deepen-practice-energy-and-conservation-doe-urges-households-and-business> (last accessed 29 February 2024).

Cost (**Annex U**) be treated as confidential information pursuant to Rule 4 of the Revised ERC Rules.²⁰

30. These documents should not be disclosed to any other party or third person because the information contained therein are confidential and proprietary to AWPC. AWPC has an actual and valuable proprietary interest to protect the information contained in these documents, which are not generally available to the public. These details are part of AWPC's competitive advantage in the power generation industry with an economic value (actual or potential) derived from not being generally known to, and not being readily ascertainable by, other persons such as AWPC's competitors, who can obtain economic value from the disclosure of the pieces of information to the detriment of AWPC.
31. These documents pertain to sensitive information regarding AWPP's technologies and technical specifications, as well as the Interconnection Project's cost breakdown, which, if disclosed to the public, might adversely affect AWPC's competitiveness in future projects. Furthermore, the information contained in these documents are in the possession of this Honorable Commission only on a confidential basis and have not been declared as non-confidential in nature in any previous decision or policies by the Commission.
32. Considering the foregoing, AWPC hereby respectfully asks that **Annexes O and U** be treated as confidential during the pendency of this Application and any time thereafter, and that these be used solely for the purpose of evaluating this Application. AWPC also respectfully moves that these documents be the subject of a Protective Order pursuant to Rule 4, Section 2 of the Revised ERC Rules.
33. AWPC hereby submits one (1) copy each of the foregoing confidential documents in a sealed envelope, with the envelope and each page of the documents marked with the word "*Confidential*."

PRAYER

Wherefore, in view of the foregoing, AWPC respectfully prays that this Honorable Commission:

- (a) Upon initial review of the Application and pending trial on the merits, GRANT AWPC PROVISIONAL AUTHORITY to develop and own or operate the Interconnection Project;
- (b) After trial on the merits, GRANT AWPC PERMANENT AUTHORITY to develop and own or operate the Interconnection Project;

²⁰ Revised Rules of Practice and Procedure of the Energy Regulatory Commission, Resolution No. 01, Series of 2021.

- (c) DECLARE **Annexes O and U** as CONFIDENTIAL INFORMATION within the purview of Rule 4 of the Revised ERC Rules; and
- (d) ISSUE A PROTECTIVE ORDER treating **Annexes O and U** as confidential information pursuant to Rule 4, Section 2 of the Revised ERC Rules and prescribing the guidelines for the protection thereof.

Other just and equitable reliefs are likewise prayed for.

Finding the said *Application* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for hearing for determination of compliance with the jurisdictional requirements, expository presentation, and Pre-trial Conference²¹ on **29 October 2024 (Tuesday) at nine o'clock in the morning (9:00 A.M.)**, through **MS Teams Application** as the online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020²² and Resolution No. 01, Series of 2021 (ERC Revised Rules of Practice and Procedure).²³

RELATIVE THERETO, AWPC is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* once (1x) in a newspaper of nationwide circulation in the Philippines at its own expense, at least ten (10) days before the date of the scheduled initial hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Governor, the Mayors, and Local Government Unit (LGU) legislative bodies of the area affected by the project for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the stakeholders within the affected area, by any other means available and appropriate, of the filing of the

²¹ In the Commission's *Advisory* dated 26 July 2023, the Commission adopted the Summary Proceedings in accordance with Rule 17 of the Commission's Revised Rules of Practice and Procedure (ERC Revised RPP) in the filing, processing and evaluation of the applications for authority to develop and own or operate dedicated point-point limited transmission facilities, in the following instances: (1) Applications without intervenors, or uncontested applications; and (2) Applications with intervenors, provided all parties have agreed to subject the application to summary proceedings. Under the said summary proceedings and in accordance with Rule 17 of the ERC Revised RPP, the Applicant's presentation of evidence is through the submission and offering of the affidavits of its witnesses and other pieces of evidence within the time allowed by the Commission.

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.

Application, its reasons therefor, and of the scheduled hearing 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 hearing; and
- 5) Furnish with copies of the *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.

No later than ten (10) calendar days prior to the date of the initial virtual hearing, AWPC must submit to the Commission through the EVOSS portal and via electronic mail (e-mail) at docket@erc.ph, 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:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavit of the Editor or Business Manager of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issue of the said newspaper;
- 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 AWPC to inform the stakeholders within the affected area of the filing of the *Application*, its reasons therefor, and of the scheduled hearing 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 *Application* and its attachments, except those subject of a motion for confidential treatment of information, by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, AWPC 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 Governor, Mayors, and LGU legislative bodies, and to submit proof of posting thereof.

Applicant AWPC and all interested parties are also required to submit via e-mail at docket@erc.ph, 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, 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.

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

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

Applicant AWPC must also be prepared to make an expository presentation of the instant *Application*, 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 *Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Application* must be cited in support thereof.

Applicant AWPC 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. Applicant 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 virtual hearing.

Applicant AWPC is further directed to submit, 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.

Moreover, the National Grid Corporation of the Philippines (NGCP) is hereby impleaded as a necessary party to this *Application*. Accordingly, NGCP is hereby directed to submit its **Verified Comment** via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** before the date of the scheduled virtual hearing.

NGCP is further directed to submit, through personal service, registered mail, or ordinary mail/private courier, one (1) set of the original or certified true hard copies of its **Verified Comment**, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgement receipt e-mail sent by the Commission.

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

SO ORDERED.

Pasig City, 20 September 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ATTY. KRISHA MARIE T. BUELA
Director III, Legal Service


LS: JPM/IHH

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