

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
JOINT APPLICATION FOR
APPROVAL OF THE POWER
SUPPLY AGREEMENT (PSA)
BETWEEN SAMAR II
ELECTRIC COOPERATIVE
(SAMELCO II) AND KEPCO
SPC POWER
CORPORATION (KSPC),
WITH PRAYER FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION AND
MOTION FOR
PROVISIONAL
AUTHORITY,**

ERC CASE NO. 2024-091 RC

**SAMAR II ELECTRIC
COOPERATIVE, (SAMELCO
II) AND KEPCO SPC POWER
CORPORATION (KSPC),**
Joint Applicants.

Promulgated:
October 08, 2024

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O R D E R

On 18 July 2024, Samar II Electric Cooperative (SAMELCO II) and KEPCO SPC Power Corporation (KSPC) filed a *Joint Application* dated 28 May 2024, seeking the Commission’s Approval of their Power Supply Agreement (PSA), with Prayer for Confidential Treatment of Information and Motion for Provisional Authority.

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

THE APPLICANTS

1. Applicant **SAMAR II Electric Cooperative (“SAMELCO II”)** is an electric cooperative duly organized and existing under and by virtue of Presidential Decree No. 269 (PD 269), as amended, and other laws of the Republic of the Philippines,

with principal office at Brgy. Arado, Piranhas, Samar herein represented by its Board President Ms. Marrychan U. Pimentel and General Manager Joey L. Talon evidenced by Board Resolution No. 28 series of 2024. A copy of which is attached in the Power Supply Agreement attached as **Annex “A-32 to A-33”**.

2. Applicant **KEPCO SPC Power Corporation (“KSPC”)** is a corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal address at the 7th Floor, Cebu Holdings Center, Cebu Business Park, Cebu City, Philippines, herein represented by its Marketing Assistant Manager, Jude Francis Alphaeus Rendon, and its Market Analysis Assistant Manager, Rovel Tangkay, who has been authorized by its Board of Directors to file the Joint Application as evidenced by the Secretary’s Certificate dated February 9, 2023, attached hereto as **Annex “B.”**
3. Applicant KSPC owns and operates a 2x103 MW Circulating Fluidized Bed Combustor (CFBC) Boiler Coal-Fired base load power plant in the City of Naga, Cebu, which became operational in 2011.
4. Applicants may be served notices, orders, and other processes of the Honorable Commission through their respective counsels at their addresses indicated below.

NATURE OF THE APPLICATION

5. This is an application for the approval of the Power Sales Agreement (“PSA”) between SAMELCO II and KSPC executed on April 25, 2024. A copy of the PSA is attached hereto as **Annex “A and series”**.

STATEMENT OF FACTS

6. SAMELCO II is a duly franchised Distribution Utility engaged in the distribution of electricity with its franchise areas in the city of Catbalogan and municipalities of Jiabong, Piranhas, Motiong, Hinabangan, San Sebastian, Calbiga, Pinabacdao, Villareal, Talalora, Sta. Rita, Basey, Marabut, San Jose De Buan, Daram, Zumarraga, all in Samar.
7. The subject Energy and Capacity of the PSA is needed by SAMELCO II to meet the demand of the captive market in a least cost manner. A copy of its Supply and Demand Scenario, Details of Existing Suppliers, Contract Utilization is attached as **Annex “C”, Annex “D”, Annex “E”**, and the Average Daily Load Curve is attached as Annex **“F”**.
8. In addition, SAMELCO II Single Line Diagram is attached as **Annex “G”**, Performance Assessment is attached as **Annex “H”**, and the Estimation for Potential Reduction in Load Supplied under the RCOA is hereto attached as **Annex “ZZ”**.

9. Pursuant to DOE Circular No. DC2018-02-0003 as amended by DOLE Department Circular No. DC2021-09-0030 SAMELCO II entered into a Joint Competitive Selection Process (“CSP”) with other FRECOR 8 DUs. A copy of the Memorandum of Agreement between FRECOR 8 Electric Cooperatives is attached as **Annex “I”**.
10. FRECOR 8 sent a letter dated March 22, 2022 including the proposed “Captive Customer Representative for the Third Party Bids and Awards Committee (TPBAC) Selection Process”, copies of which are hereto attached as **Annex “J” and “K”**, respectively, to the Energy Virtual One-Stop Shop (“EVOSS”) portal of the Department of Energy (“DOE”).
11. The DOE issued a letter dated April 25, 2022 addressed to Mr. Joey L. Talon, President of FRECOR 8, approving the proposed selection process, a copy of which is attached as **Annex “L”**.
12. After approval of the proposed selection process, FRECOR 8 then started accepting applications for the captive customer representatives who will constitute the two (2) other members of the Joint TPBAC of which Mr. Vida O. Ureña and Atty. Kenneth B. Fabila, a member of the Philippine Institute of Certified Public Accountants (PICPA) Tacloban City Chapter, were recommended. Copies of their submitted resume are hereto attached as **Annex “DDD and series”**.
13. FRECOR 8 thereafter duly constituted its JTPBAC, the composition of which was approved by the Board of Directors of FRECOR 8 in Resolution Nos. 2021-06-001, 2022-01-003, 2022-03-002, and 2022-08-001, copies of which are also attached as **Annex “DDD and series”**.
14. FRECOR 8 JTPBAC then prepared and submitted for approval to the Department of Energy (DOE) through the National Electrification Administration (NEA) the Power Supply Procurement Plan (PSPP), Distribution Development Plan (DDP) and Bid Documents which include the Terms of Reference (TOR), Invitation to Bid (ITB) and Instructions to Bidders.
15. Finding the TOR for the procurement of power supply in accordance with the comments and recommendations of the DOE and NEA, NEA then issued a Notice to Proceed dated July 19, 2023 including the approved TOR, and Certificate of Posting issued by the DOE dated July 11, 2023, hereto attached as **Annex “EEE and series”**.
16. Copies of the issued bidding documents are attached as **Annex “FFF and Series”**.
17. With the said Notice to Proceed, the JTPBAC then proceeded with the publication of the ITB in the Philippine Daily Inquirer on July 24, 2023 and July 31, 2023. Likewise, the ITB was posted on the CSP e-based Portal of the DOE website

and NEA website on July 24, 2023 as well as in the SAMELCO II website and office premises on July 28, 2023. Copies of the pertinent pages of the Philippine Daily Inquirer were the ITB is published and the Affidavit of Publication executed by the representative of Philippine Daily Inquirer, as well as the Certificate of Posting issued by SAMELCO II including photos of the actual posting on the CSP e-based Portals of DOE, NEA, and SAMELCO II websites and office premises are hereto attached as **Annex “GGG and series” and “HHH and series”**, respectively.

18. Within 14 days from publication and posting, the JTPBAC conducted its Pre-Bid Conference on August 4, 2023 at the Summit Hotel, Tacloban City together with potential bidders and CSP Observers, copies of the attendance sheets are hereto attached as **Annex “III to III-3”**. Thereafter, several bid and supplemental bid bulletins were issued in the course of the CSP to clarify all queries and concerns raised during the Pre-Bid Conference, copies of the said bid bulletins as well as the Minutes of the Pre-Bid Conference are hereto attached as **Annex “JJJ and series”**.
19. Thereafter, the submission and opening of bids were then held on August 31, 2023 with CSP observers. Attached as **Annex “III-4 to III-12”** are the Invitation to Observers, print-out of emails confirming receipt of the invitation, and copies of the attendance sheets. Attached as **Annex “JJJ-3-a”** is the portion of the Minutes showing that representatives from NEA virtually attended the activity.
20. A total of three participants - GNPower Kauswagan Ltd. Co., KEPCO SPC Power Corp., and Sual Power Inc. - purchased bid documents and submitted complete proposals. Copies of their respective Eligibility Requirements and Submission of Bids are hereto attached as **Annex “KKK and series”** and **Annex “LLL and series”**.
21. After careful evaluation, KSPC was found to have submitted the lowest computed bid proposal and was subjected to the next stage of evaluation, which is Post Qualification and Detailed Evaluation of Technical Proposal, wherein it was found to be compliant and responsive to all the specified requirements and conditions. Copies of the Evaluation of Bids are hereto attached as **Annex “MMM and series”**, likewise copies of the JTPBAC Evaluators Report, Evaluators Post-Qualification Report and the Abstract of Bids are hereto attached as **Annex “NNN to NNN-2”**.
22. FRECOR 8 then issued a Notice of Award to KSPC which was received by the latter on September 19, 2023, a copy of which is attached as **Annex “NNN-3”**, likewise a copy of the Resolution of the JTPBAC recommending the award is hereto attached as **Annex “NNN-4”**. Attached as **Annex “M”** is a timeline of the activities conducted leading to the issuance of a Notice of Award, including the pre-bidding conferences conducted on August 4, 2023.

23. Thereafter, NEA issued a Notice to Proceed with the signing of the power supply agreement dated February 26, 2024, a copy of which is hereto attached as **Annex “000”**. Joint Affidavits of the members of FRECOR 8 on the conduct of the CSP are likewise hereto attached as **Annex “000-1 to 000-9”**.
24. Consequently, SAMELCO II and KSPC executed a Power Supply Agreement (“PSA”), subject of this Joint Application.
25. Thus, this instant Joint Application for the approval of the PSA between SAMELCO II and KSPC.

SALIENT FEATURES OF THE PSA

26. Salient Features of the PSA.
 - a. Contracted Capacity shall mean a capacity of 3 MW reserved by the seller for SAMELCO II for the duration of the contract period.
 - b. Contract Period and Effectivity. The Agreement shall take effect immediately from execution date and shall remain in force and effect until December 25, 2026 (the “Contract Period”)
 - c. The obligation of the Seller to supply and deliver the Contracted Capacity shall commence on the date specified on the Initial “Day Ahead Nomination” issued by the Buyer and duly received by the Seller, subject to the provisions of Item 2 of the PSA.
 - d. Effective Date means the date of the execution of the agreement.
 - e. Outages and Replacement Power. The Seller shall guarantee supply and provide the Buyer with the Replacement power sourced from other generating facilities or third parties, including WESM, during Outages of the plant or facility.
 - f. A copy of the Computation of Generation Fee and Contract Price is included in the Power Supply Agreement attached as Annex “A”.
27. Estimated Rate Impact. A Rate Impact Analysis based on the latest available rates would show that there would be a decrease in the rates amounting to **P0.0779/kWh** (a decrease from a blended rate of **P6.0006/kWh** to a blended rate of **P5.9227/kWh**). A copy of the Rate Impact Simulation is hereto attached as **Annex “N”**.
28. Environmental Compliance Certificate (ECC). On 10 September 2007, the Department of Environment and Natural Resources (DENR) issued ECC Transfer of Ownership

in favor of KSPC with ECC No. 0511- 013- 206. A copy of the ECC is hereto attached as **Annex “O”**.

29. Board of Investments (BOI) Certificate. On 8 May 2008, KSPC’s plants located in Naga City, Cebu were registered with BOI with Certificate of Registration No. 2008-088. A copy of the BOI is hereto attached as **Annex “P”**.
30. Certificate of Compliance. The Honorable Commission has issued the Certificate of Compliance (“COC”) with COC no. 24-03-M-00068V dated 26 March 2024, for KSPC’s power plants. A copy of the COC is attached as **Annex “Q”**.
31. Certificate of Endorsement. The DOE has issued a Certificate of Endorsement with No. 2022- 04-160 dated 19 April 2022 for KSPC’s plant in barangay Colon, Naga City, Cebu, certifying that the Plant is consistent with the Power Development Plan of the Government. A copy of the Certificate of endorsement is hereto attached as **Annex “R”**.
32. As further support to the instant Joint Application, the Applicants most respectfully submit to the Honorable Commission the following documents in accordance with the Pre-filing Checklist in Resolution No. 38, Series of 2006¹, Rule 20 B Section 2 of the ERC Rules of Practice and Procedures:

| ANNEX | DOCUMENTS/ INFORMATION |
|--------------|--|
| S | SAMELCO II Amended Articles of Incorporation |
| T | SAMELCO II By-Laws |
| U | SAMELCO II Certificate of Franchise |
| V | SAMELCO II Certificate of Registration |
| W | SAMELCO II Verified Certification showing list of Board of Directors |
| X | SAMELCO II Write Up NPC Certification |
| Y | SAMELCO II DSM Certification |
| Z | SAMELCO II Transmission Supply Agreement |
| AA | SAMELCO II WESM Membership |
| BB | KSPC Articles of Incorporation and By-laws |
| CC | KSPC By- Laws |
| DD | KSPC Verified Certification showing list of Board of Directors |
| EE | Shareholder’s Agreement |
| FF | KSPC General Information Sheet |
| GG | KSPC Transmission Service Agreement with NGCP |
| HH | Executive Summary of the SAMELCO II and KSPC PSA |
| II** | KSPC’s Financial Model |
| JJ** | Sworn Statement on Fuel Procurement |

¹ Resolution No. 38, Series of 2006 – A Resolution Promulgating the Energy Regulatory Commission’s Rules of Practice and Procedure.

| | |
|-------------------------|---|
| KK** | Relevant technical and economic characteristics of generation capacity |
| LL** | KSPC's 2022 Audited Financial Statements (AFS), Balance Sheet, Income Statement, and Statement of cash Flows |
| MM | KSPC's WESM Registration Approval Form |
| NN** | KSPC Invoices for VOM |
| OO** | Narrative on Sources of Funds, Generation Rates, Cash Flow |
| PP** | Sources of Funds (Certification from Banks and Bank Certification) |
| QQ** | Sources of Funds (Project Cost, ROI, WACC, Life of Asset vs Term of Loan) |
| RR**, and RR-1** | Fuel Contract, and Amended Fuel Contract |
| SS** | Derivation of Rates (Excel File) |
| TT | MEOT Allocation to the generating units |
| UU | Certifications of Net Heat Rate |
| VV | NWRB Water Permit |
| WW | <p>WRITE UP FOR NON-APPLICABILITY OF DOCUMENTS (KSPC):</p> <ul style="list-style-type: none"> • Renewable Energy Service Contract • Certificate of Registration or Certification of Commerciality by an RE Developer and after due confirmation by the DOE • Requirements under emergency procurement • BIR Receipts • Seller's Receipts • Purchase Orders with Annotation of Acceptance or Transfers • Deeds of Sale and other Other Forms of Conveyance of Ownership • Potential Cost (absolute amounts and PhP/kWh) of Ancillary Services as and when the IPP or the DU is connected to the main grid. • Basis/rationale/derivation of Other Charges such as replacement, start-up, pre-commercial, and ancillary costs. • Distribution Wheeling Service Agreement |
| XX | SAMELCO II Certificate of Email Registration |
| YY | KSPC Certificate of Email Registration |
| ZZ | SAMELCO II Estimation of Potential Reduction of Load Supplied (RCOA) |
| AAA | SAMELCO II DDP |
| BBB | SAMELCO II PSPP |
| CCC | Sample Power Bill with Price Computation |

**Subject to the Motion For Confidential Treatment of Information

**ALLEGATIONS IN SUPPORT OF THE MOTION FOR
CONFIDENTIAL TREATMENT OF INFORMATION**

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

34. KSPC prays that the information contained in the documents attached as Annexes “II”, “JJ”, “KK”, “LL”, “NN”, “OO”, “PP”, “QQ”, “RR and RR-1” and “SS” be treated as confidential and that the same be continuously protected from public disclosure, except to the officers and staff of the Honorable Commission. In particular, these are the documents for which confidential treatment is sought as they contain trade secrets and/or commercially-sensitive data about KSPC’s plant operations and pricing strategies:

| ANNEX | DOCUMENT |
|--------------|--|
| II | KSPC’s Financial Model |
| JJ | Sworn Statement on Fuel Procurement |
| KK | Relevant technical and economic characteristics of generation capacity |
| LL | KSPC’s 2022 Audited Financial Statements (AFS), Balance Sheet, Income Statement, and Statement of cash Flows |
| NN | KSPC Invoices for VOM |
| OO | Narrative on Sources of Funds, Generation Rates, Cash Flow |
| PP | Sources of Funds (Certification from Banks and Bank Certification) |
| QQ | Sources of Funds (Project Cost, ROI, WACC, Life of Asset vs Term of Loan) |
| RR and RR-1 | Fuel Contract, and Amended Fuel Contract |
| SS | Derivation of Rates (Excel File) |

35. The competitors of KSPC will gain undue advantage and use the information in their own operation, if they obtain the information provided in the documents requested to be confidential.

**ALLEGATIONS IN SUPPORT OF THE MOTION FOR
PROVISIONAL AUTHORITY**

36. SAMELCO II and KSPC plead, by reference, all the foregoing allegations.

37. SAMELCO II and KSPC pray for the issuance of a provisional authority prior to final decision pursuant to *Section 1, Rule 14* of the *ERC Revised Rules of Practice and Procedure*, which provides:

Section 1. Provisional Authority or Interim Relief. – For applications or petitions covered by Section 1, Rule 6 of these Rules, the Commission may grant either a provisional authority or an interim relief, upon motion included in the application or petition and indicated in the caption thereof that such relief is requested x x x.

38. In view of the foregoing, there is a need for the issuance of a Provisional Authority in the meantime that this Joint Application is still pending evaluation and resolution of Honorable Commission, for the immediate implementation of this PSA for the benefit of SAMELCO II's members-consumers.

39. An Affidavit of Merit in support of the prayer for provisional authority is hereto attached as **Annex "PPP"**.

PRAYER

WHEREFORE, the foregoing premises considered, it is respectfully prayed that this Honorable Commission:

1. Give due course to the instant application.
2. Issue an Order:
 - a. Treating the Confidential Documents and the information contained therein as confidential
 - b. Directing their non-disclosure pursuant to Rule 4 of the ERC Rules, and
 - c. Prescribing guidelines for the protection of the said documents.
3. Upon initial review of this Application and pending hearing on the merits, issue an Order provisionally approving the PSA between SAMELCO II and KSPC, thereby authorizing KSPC to charge and collect from SAMELCO II electricity fees based on rates that this Honorable Commission may provisionally approve, and authorizing SAMELCO II to pass the full amount thereof to its customers; and.
4. After trial on the merits, issue a Decision approving the PSA, thereby confirming the compliance by SAMELCO II and KSPC to the rules governing power supply, and further confirming the effective rate charged, collected, and paid in connection with this PSA.
5. To authorize KSPC to charge and collect from SAMELCO II the electricity fees based on the final rates approved by this Honorable Commission, and authorizing SAMELCO II to pass the full amount thereof to its customers.

Other relief and remedies consistent with law, justice, and equity 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 hearing 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 2020² and Resolution No. 01, Series of 2021³ (ERC Revised Rules of Practice and Procedure):

| Date | Platform | Activity |
|---|------------------------------------|--|
| 29 December 2024 (Friday) at one o'clock in the afternoon (01:00 P.M.) | Microsoft Teams Application | Determination of compliance with jurisdictional requirements and expository presentation |
| 06 December 2024 (Friday) at one o'clock in the afternoon (01:00 P.M.) | | Pre-Trial Conference and Presentation of Evidence |

Accordingly, SAMELCO II and KSPC are hereby directed to host the virtual hearings at **SAMELCO II's Principal Office located at Brgy. Arado, Paranas, Samar** as designated venue for the conduct thereof and ensure that the same is open to the public. Moreover, SAMELCO II and KSPC shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, SAMELCO II and KSPC 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 Governors, the City and Municipal Mayors, and their respective Local Government Unit (LGU) legislative bodies within SAMELCO II's franchise area for the appropriate posting thereof on their respective bulletin boards;

² A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

³ A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

- 3) Inform the consumers within SAMELCO II'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 at the scheduled hearing; 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, SAMELCO II and KSPC must submit to the Commission via electronic mail (e-mail) at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, the scanned copies of their written compliance with the aforementioned jurisdictional requirements, attaching therewith, methodically arranged and duly marked, the following:

- 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 SAMELCO II and KSPC to inform the consumers within SAMELCO II'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, if any, by all those making requests therefor; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, SAMELCO II and KSPC are hereby required to post on their respective 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 Local Legislative Bodies, and to submit proof of their posting thereof.

Applicants SAMELCO II and KSPC 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; 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 SAMELCO II and KSPC 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 Applicants SAMELCO II and KSPC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings, and the resetting of which shall be six (6) months from the said date of cancellation.

Applicants SAMELCO II and KSPC 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*. Relevant information and pertinent details substantiating the reasons and justifications for the *Joint Application* must be cited in support thereof.

Further, Applicants SAMELCO II and KSPC 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. Applicants 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.

Any interested stakeholder may submit its comments and/or clarifications **at least one (1) calendar day** prior to the scheduled virtual hearing, via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph. The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

SAMELCO II and KSPC are 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 their 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. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard copy thereof within the same period through any of the available modes of service.

Finally, SAMELCO II and KSPC, 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, 08 October 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:


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


LS: KAA

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Copy furnished:

1. KEPCO SPC Power Corporation
Co-Applicant
7th Floor, Cebu Holdings Center,
Cebu Business Park, Cebu City
2. Atty. Samantha Dawn F. Baluma
Garcia Quijano and Associates Law Office
Counsel for KSPC
Suite #703, 7th Floor One Equicom Tower
Mindanao Ave., cor. Biliran Rd.,
Cebu Business Park, Cebu City, 6000
Email: gq.kepco@gmail.com
Email: Samantha_baluma@yahoo.com
3. Samar II Electric Cooperative
Co-Applicant
Brgy. Arado, Paranas, Samar
4. Attys. Tyron Jan G. Albao
Counsel for SAMELCO II
Unit 2, 2ND Flr. Tacloban Convention Center
Real St., Tacloban City 6500
Email: attyteejalbao@gmail.com
5. Atty. Peter Joven Y. de Oño
Counsel for SAMELCO II
0977 R. Mendiola St., Brgy. Sta. Cruz, Palo, Leyte 6501
Email: power8lawyers@gmail.com
6. Office of the City Mayor
Cebu City
7. Office of the LGU Legislative Body
Cebu City
8. Office of the Municipal Mayor
Municipality of Paranas
9. Office of the LGU Legislative Body
Municipality of Paranas
10. Office of the Governor
Province of Samar
11. Office of the LGU Legislative Body
Province of Samar
12. Office of the City Mayor
Catbalogan City
13. Office of the LGU Legislative Body
Catbalogan City
14. Office of the Municipal Mayor
Municipality of Jiabong
15. Office of the LGU Legislative Body
Municipality of Jiabong
16. Office of the Municipal Mayor
Municipality of Motiong
17. Office of the LGU Legislative Body
Municipality of Motiong
18. Office of the Municipal Mayor
Municipality of Hinabangan
19. Office of the LGU Legislative Body
Municipality of Hinabangan

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20. Office of the Municipal Mayor
Municipality of San Sebastian
21. Office of the LGU Legislative Body
Municipality of San Sebastian
22. Office of the Municipal Mayor
Municipality of Calbiga
23. Office of the LGU Legislative Body
Municipality of Calbiga
24. Office of the Municipal Mayor
Municipality of Pinabacdao
25. Office of the LGU Legislative Body
Municipality of Pinabacdao
26. Office of the Municipal Mayor
Municipality of Villareal
27. Office of the LGU Legislative Body
Municipality of Villareal
28. Office of the Municipal Mayor
Municipality of Tallalora
29. Office of the LGU Legislative Body
Municipality of Tallalora
30. Office of the Municipal Mayor
Municipality of Sta. Rita
31. Office of the LGU Legislative Body
Municipality of Sta. Rita
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Municipality of Basey
33. Office of the LGU Legislative Body
Municipality of Basey
34. Office of the Municipal Mayor
Municipality of Marabut
35. Office of the LGU Legislative Body
Municipality of Marabut
36. Office of the Municipal Mayor
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Municipality of San Jose de Buan
38. Office of the Municipal Mayor
Municipality of Daram
39. Office of the LGU Legislative Body
Municipality of Daram
40. Office of the Municipal Mayor
Municipality of Zumarraga
41. Office of the LGU Legislative Body
Municipality of Zumarraga
42. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
Email: docket@osg.gov.ph
43. Commission on Audit
Commonwealth Avenue, Quezon City 1121
Email: citizensdesk@coa.gov.ph

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44. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City 1307
Email: senateenergycommittee@gmail.com
45. House of Representatives Committee on Energy
Batasan Hills, Quezon City 1126
Email: committee.energy@house.gov.ph
46. Regulatory Operations Service
Energy Regulatory Commission
14F Exquadra Tower, Jade 1 Drive, Pasig City
Email: ros@erc.ph