

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE
EMERGENCY POWER SUPPLY
AGREEMENT BETWEEN
NEGROS ORIENTAL I
ELECTRIC COOPERATIVE,
INC. (NORECO I) AND FDC
MISAMIS POWER
CORPORATION (FDC
MISAMIS), WITH MOTION
FOR CONFIDENTIAL
TREATMENT OF
INFORMATION,**

ERC CASE NO. 2025-054 RC

NORECO I AND FDC MISAMIS,
Applicants.

X-----X

Promulgated:
April 30, 2025

ORDER

On 28 February 2025, Negros Oriental I Electric Cooperative, Inc. (NORECO I) and FDC Misamis Power Corporation (FDC Misamis) filed their *Joint Application (With Motion for Confidential Treatment of Information)* dated 16 January 2025, seeking the Commission’s approval of the Emergency Power Supply Agreement (PSA) between NORECO I and FDC Misamis, with motion for confidential treatment of information.

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

THE APPLICANTS

1. Applicant NORECO I is an electric cooperative duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at Tinaogan, Bindoy, Negros Oriental. NORECO I is represented here by its General Manager, Engr. Elvin A.

Dennoyo, who have been authorized by its Board of Directors to file the Joint Application.

2. NORECO I is a holder of a franchise to provide electricity distribution service in the major cities such as Bais City, Canlaon City, Guilhulgan City and following municipalities of Mabinay, Manjuyod, Bindoy, Ayungon, Tayasan, Jimalalud, La Libertad and Vallehermoso (“Franchise Area”).
3. Applicant FDC Misamis is a generation company duly organized and existing under and by virtue of the laws of the Philippines, with principal office at PHIVIDEC Industrial Estate, Villanueva, Misamis Oriental, represented in this instance by its President and CEO, Mr. Juan Eugenio L. Roxas, who has been authorized by its Board of Directors to file the Joint Application.
4. NORECO I and FDC Misamis are jointly filing this Joint Application pursuant to the Honorable Commission’s Resolution No. 02, Series of 2015 requiring distribution utilities and generation companies to jointly file applications for the approval of power supply agreements.¹ NORECO I and FDC Misamis are referred hereinafter as Joint Applicants.
5. The Joint Applicants may be served with the orders, notices, and other processes of the Honorable Commission through their respective counsel at the addresses indicated herein.

NATURE AND TIMELINESS OF THE APPLICATION

6. This is a *Joint Application* for approval of the *Emergency Power Supply Agreement* (“EPSA”) entered into by and between NORECO I and FDC Misamis dated 02 October 2024. This EPSA is submitted to the Honorable Commission for its review and approval.
7. Section 24 of Resolution No. 16, Series of 2023 entitled “*Implementing Guidelines for the Procurement, Execution and Evaluation of Power Supply Agreements Entered into by Distribution Utilities for the Supply of Electricity to Their Captive Market*” (“2023 CSP Rules”) mandates that “*the application for approval of the EPSA shall be filed with the ERC within thirty (30) calendar days after the occurrence of the Force Majeure or Fortuitous Event.*”
8. Pursuant to the foregoing provisions on the exemption from conducting a Competitive Selection Process (CSP), Applicant NORECO I is allowed to procure power supply through direct negotiation due to the occurrence of force

¹ While FDC Misamis is a co-applicant, it manifests that this Joint Application shall neither modify, diminish, nor constitute as a waiver of FDC Misamis’ rights nor expand its obligations and responsibilities as a generation company under the EPIRA

majeure or other circumstances beyond its control. As elaborated hereunder, it is essential for NORECO I to pursue this approach to ensure the cost-effective delivery of electricity to its member-consumers owners (MCO).

STATEMENT OF FACTS

9. Sometime in 2021, member-electric cooperatives (ECs) of the Negros Electric Cooperative Association (NECA), including NORECO I were severely hit by Super Typhoon Odette in December 2021. Member-ECs, inasmuch as they want to conduct its joint CSP, they were forced to prioritize the repair and restoration of the severely-destructed distribution networks.
10. After restoration works were substantially completed, NECA was able to conduct joint CSP. Unfortunately however, and without any intervention attributable to NECA's member ECs (including NORECO I), all bidders manifested that they will no longer be tendering any bids during the opening of bids for the 1st NECA CSP. NECA was thus forced to declare a failure of the 1st NECA CSP.
11. NORECO I along with other member-ECs prepares all the necessary documentary requirements and revisions for the 2nd CSP of NECA. All the member-ECs exerted efforts to expedite the process.
12. On 26 April 2024, NECA was granted the Notice to Commence with the conduct of the 2nd CSP, together with the issuance of the Certificate of Conformity issued by the National Electrification Administration (NEA).
13. On 12 August 2024, NECA conducted its 2nd CSP, which was subsequently declared as failure because no bid proposal was received by NECA.
14. On 10 September 2024, NORECO I issued Board Resolution No. 2024-97, the pertinent portion reads:
 - i. To formally acknowledge the recent failure of the NECA CSP and to invoke that such coupled with the NEA's prolonged review and evaluation of the NECA TOR and other bidding documents, as a 'Fortuitous Event or Force Majeure Event' in accordance with the EPSA requirements stipulated in ERC Resolution 16, Series of 2023, and Department of Energy (DOE) DC No. 2023-06-0021;
 - ii. To acknowledge the aforesaid official report of the PHIVOLCS on the recorded 288 volcano-tectonic earthquakes as another 'Fortuitous Event or Force Majeure Event' in accordance with the EPSA requirements stipulated in ERC Resolution 16, Series of 2023, and DOE DC No. 2023-06-0021;

- iii. To approve the Terms of Reference (TOR), and to authorize the Management to solicit proposals from generation companies for a 5MW EPSA.
15. On 11 September 2024, NORECO I notified ERC, the Department of Energy (DOE) and NEA, of its intention to enter into an EPSA.
16. On 11 September 2024, NORECO I solicited proposals from generation companies for a 5 MW EPSA. Of the five (5) companies solicited, two (2) successfully submitted offers, while the remaining three (3) formally informed NORECO I of their inability to submit proposals.
17. The Technical Working Group (TWG) of NORECO I conducted an evaluation of the offers submitted to NORECO I.
18. On 23 September 2024, the Corporate Planning Department, spearheading the evaluation, presented to the Management the results of the evaluation. The Management then approves the recommendation, subject for appropriate Board action.
19. On 24 September 2024, the Management through the Corporate Planning Department, presented and proposed to the Board its evaluation and recommended to enter into EPSA with FDC Misamis Power Corporation (FDCMPC). The Board, after due discussion and deliberations, then issued Board Resolution No. 2024-100 approving the said proposal.
20. Previously, WESM holds a significant share of 39% in the generation mix of NORECO I, and will increase to 73% if not of the execution of the subject EPSA. NORECO I's consumers are exposed to the volatile WESM rates procured by NORECO I for January to August billing periods, by as much as Php14.2246/kWh, Php9.0386/kWh, Php13.4054/kWh, Php16.8383/kWh, Php11.8332/kWh, and Php15.7034/kWh, Php8.1820/kWh, Php11.5987/kWh (inclusive of VAT), respectively. Moreover, NORECO I is burdened with the increase in the required prudential requirement that threatens NORECO I's financial operations. This worsening situation caused by factors beyond NORECO I's control compelled NORECO I to seek measures to alleviate the adverse impact of the WESM by entering into an emergency supply agreement.
21. Further, based on NORECO I's market price monitoring last 12 April 2024, WESM prices spiked to Php71,000.00/MWh during peak hours (from 1PM to 11PM) while based on the March 2024 market price monitoring, the price reached Php 65,000/MWh. NORECO I was burdened of the impact of such exposure to the volatile prices in the WESM which worsened towards the

peaking months period as further aggravated by the El Nino phenomenon.

- 22. On 02 October 2024, NORECO I and FDCMPC executed an EPSA.
- 23. On 07 October 2024, FDCMPC started its delivery of power to NORECO I.
- 24. Prior to the execution of the EPSA with FDC Misamis, NORECO I’s MCOs were exposed to the volatile market rates for the supply it was purchasing from WESM for August to September billing periods, by as much as Php 11.5987/kWh and Php 6.5675/kWh (inclusive of VAT), respectively.

INDICATIVE RATE IMPACT

- 25. NORECO I prepared a rate impact analysis on the implementation of its EPSA with FDC Misamis subject of this instant Joint Application. Based on said analysis, the indicative rate impact on NORECO I’s overall generation rate of the implementation of the EPSA with FDC Misamis shows a decrease of about Php2.0594/kWh. The rate impact analysis prepared by NORECO I is shown below:

RATE IMPACT ANALYSIS

With FDCMPC

Supplier	Forecasted Quantity (kWh)	Amount (Php)	Percent share (%)	Resulting Capacity Utilization Factor (%)	Average Rate (Php/kWh)	Weighted Average Rate (Php/kWh)
FDC	43,800,000	242,678,280.00	35%	100%	5.5406	8.2750
PCPC	17,520,000	152,997,222.55	14%	100%	8.7327	
GCGI	17,520,000	110,745,088.00	14%	100%	6.3211	
WESM	46,331,322	529,377,821.69	37%		11.4259	
TOTAL	125,171,322	1,035,798,412.23	100%			

Without FDCMPC

Forecasted Quantity (kWh)	Amount (Php)	Percent share (%)	Resulting Capacity Utilization Factor (%)	Average Rate (Php/kWh)	Weighted Average Rate (Php/kWh)
FDC					10.3344
PCPC	17,520,000	152,997,222.55	14%	100%	
GCGI	17,520,000	110,745,088.00	14%	100%	
WESM	90,131,322	1,029,832,971.69	72%		
TOTAL	125,171,322	1,293,575,282.23	100%		

GENERATION RATE IMPACT (Php/kWh) (2.0594)

ABSTRACT OF THE POWER SUPPLY AGREEMENT
AND RELATED INFORMATION

- 26. Under the EPSA, FDC Misamis shall supply power to NORECO I for the entire Term of the contract for a Contracted Capacity of 5MW.
- 27. The power supply to be delivered to NORECO I will be sourced from FDC Misamis’ 3 x 135 MW circulating

fluidized bed coal fired thermal power plant in the PHIVIDEC Industrial Estate, in Villanueva, Misamis Oriental, with a rated capacity of 405 MW and net dependable capacity of 369 MW (the “Power Plant”). FDC Misamis shall supply power to NORECO I under the terms stipulated in their *EPSA*.

28. The following are the Salient Features of the *EPSA*:

28.1 Term: The Term of the *EPSA* shall be one (1) year from commencement of delivery.

28.2 Date of Commencement of Supply: The obligation of FDC Misamis to deliver electric power to NORECO I shall commence immediately following the execution of the *EPSA*, and more specifically on 07 October 2024.

28.3 Contract Type: 5MW Firm (Baseload)

28.4 Contract Demand and Contract Energy: The Joint Applicants agreed to the following service specifications:

	FIRM
Contracted Demand (monthly), kW	5,000
Contracted Energy (12 months), kWh	43,800,000
Customer Load Factor Per Interval	100%
Delivery Point	Plant Gate FDC Misamis Power Corporation's Power Plant
Nodal Point	11FDC Unit 1, Unit 2, Unit 3
Voltage at the Plant Gate	138kV

28.5 Outage Allowance: Planned – 360 hours, Unplanned – 360 years. NORECO I shall be responsible for the procurement of Replacement Power during the Outage Allowance. While FDC Misamis shall exert best efforts to procure Replacement Power beyond the Outage Allowance.

28.6 Billing and Settlement: The Billing and Settlement between the Parties shall be in accordance with *Schedule 3* of the *EPSA*.

28.7 Termination: Either Party may terminate the *EPSA* with immediate effect by serving written notice to the other Party in the event that the other Party breaches any provision of the *EPSA* and fails to cure such breach within a period of thirty (30) days from receipt of notice of such breach.

28.8 Prompt Payment Discount: FDC Misamis shall grant a Prompt Payment Discount, provided that:

- (i) Payment is made seven days upon receipt upon receipt of the electric copy of the Power Bill; and
- (ii) NORECO I has not incurred any delay in the payment of its bills for the past six (6) Payment Months.

The Prompt Payment Discount shall be applied in the immediately succeeding billing.

28.9 Generation Charge:

BASELOAD (FIRM):	RATE IN PHP/ Php/kW-mo.	RATE IN PHP/KWH	BILLING DETERMINANT (BD)
Capital Recovery Fee (CRF), Php/kW/month	1,460.00	2.0000	Contract Demand in kW
Fixed O&M (FOM), Php/kW/month	526.40	0.7211	Contract Demand in kW
Variable O&M (VOM), Php/kWh		0.1907	Actual energy consumed or 70% of Contract Energy in kWh, whichever is higher
Fuel Cost (FC), Php/kWh		pass-through	Actual energy consumed in kWh

BASELOAD (FIRM)

Generation Charge = [CRF + FOM + VOM + FC] Charges
CRF Charge = (1,460.00 Php/kW-mo.) * BD
FOM Charge = [(526.40 Php/kW-mo.) * BD
VOM Charge = [(0.1907 Php/kWh) * BD
Fuel Cost = [(DCP * ACR or MCR, whichever is lower)/1000] * BD

Where:

BD	=	Billing Determinant	kW or kWh
DCP	=	Delivered Coal Price	Php/MT
	=	Total Coal Cost (Php)/ Total Coal Consumption (MT)	
ACR	=	Actual Fuel Consumption Rate	kg/kWh
	=	Total Coal Consumption (MT)/ Total Metered Quantity of the Plant (kWh)	
MCR _{cap}	=	Maximum Consumption Rate equal to 0.75, escalated at a rate of 1.5% annually	kg/kWh
Indexation	=	No indexation.	
Other Pass-Thru Charges	=	Market Charges and Fees Including Line Rental Charges Value Added Tax (VAT) if applicable.	

**PRE-FILING REQUIREMENTS
AND OTHER RELATED DOCUMENTS**

29. In compliance with the Prefiling Checklist and in further support of the instant Joint Application, NORECO I and FDC Misamis most respectfully submit to the Honorable Commission the following documents:

ANNEXES	DOCUMENTS
“A”	NORECO I Board Resolution or Secretary’s Certificate (authorizing the signing of EPSA)
“A-1”	NORECO I Board Resolution or Secretary’s Certificate (Designating an Authorized Representative to sign the verification and certification, and authority of counsel)
“B”	FDC Misamis Board Resolution or Secretary’s Certificate (authorizing the signing of EPSA)
“B-1”	FDC Misamis Board Resolution or Secretary’s Certificate (authorizing the Authorized Representative to sign the verification and certification, and authority of counsel)
“C”	Emergency Power Supply Agreement
“D”	Notice of Fortuitous Event/Force Majeure to ERC
“E”	Notice of Fortuitous Event/Force Majeure to DOE
“F”	Notice of Fortuitous Event/Force Majeure to NEA
“G”	NORECO I Supply-Demand Scenario in accordance with Annex “1” of the Pre-filing Checklist
“H”	NORECO I Load Curves in accordance with Annex “2” of the Pre-filing Checklist
“I”	NORECO I Single Line Diagram Connection
“J”, series	NORECO I’s letters/invitation requesting proposal for emergency supply
“K”	NORECO I Affidavit of Fortuitous Event/Force Majeure
“L”	Executive Summary of EPSA
“M”, series	NORECO I Articles of Incorporation, NORECO I By Laws NORECO I Certificate of Franchise NORECO I Certificate of Registration
“N”, series	FDC Misamis Amended Articles of Incorporation, Amended By-Laws, and Amended General Information Sheet for 2023
“O”, series	FDC Misamis SEC Certificate of Registration with Amendments and Shareholders’ Agreement
“P”	FDC Misamis BOI Certificate of Registration with attached Terms and Conditions
“Q”	FDC Misamis DENR-EMB ECC
“R”	FDC Misamis ERC COC No. 17-05-M-00108M
“R-1”	FDC Misamis PAO Certificate dated 01 December 2023
“S”	FDC Misamis DOE Certificate of Endorsement
“T”	NORECO I Power Supply Procurement Plan (“PSPP”)
“T-1”	NORECO I Distribution Development Plan (“DDP”)
“U”	NORECO I Performance Assessment
“V”	NORECO I Industrial Customers
“W”	FDC Misamis Samuel R. Lamorena Verified Certification
“X”, series	Transmission Service Agreement (“TSA”) and Metering Services Agreement (“MSA”) of NORECO I and FDC Misamis, respectively
“Y”	FDC Misamis Sources of Funds and Financial Plans (<i>Confidential</i>)
“Z”	Bank Certifications (<i>Confidential</i>)
“AA”	FDC Misamis Generation Rate and Derivation (<i>Confidential</i>)

“BB” to “BB-3”	Basis of Other Charges; FDCMPC Fuel Supply Agreement – RUG EPSA; Certification Fuel Supply Agreement; Cost Analysis for NORECO I (<i>Confidential</i>)
“CC”	Excel File FDC Misamis Financial Model (<i>Confidential</i>)
“DD”	Project Cost and Breakdown of Cost Sample Computation of Power Rates (<i>Confidential</i>)
“EE”	FDC Misamis Cash Flow (<i>Confidential</i>)
“FF”	FDC Misamis Fuel Supply Procurement Process (<i>Confidential</i>)
“GG”	FDC Misamis Sworn Statement on Fuel Concerns
“HH”	FDC Misamis Relevant Technical and Economic Characteristics of the Generation Capacity (<i>Confidential</i>)
“II”	FDC Misamis simulation of no. of operating units to meet MEOT (<i>Confidential</i>)
“JJ”	FDC Misamis 2023 Audited Financial Statements (AFS)
“KK”	FDC Misamis WESM Registration
“LL”	NORECO I WESM Registration
“MM”	Power Bill to NORECO I
“NN”	FDC Misamis Write-Up
“OO”	Rate Impact Analysis
“PP”, series	Proof of furnishing copies of the Application to the Offices of the Mayor and Sangguniang Bayan of Bindoy and the Office of the Governor and Sangguniang Panlalawigan of Negros Oriental
“QQ”, series	Proof of furnishing copies of the Application to the Offices of the Mayor and Sangguniang Bayan of Villanueva and the Office of the Governor and Sangguniang Panlalawigan of Misamis Oriental where FDC Misamis Power Corporation operates
“RR”, series	Proof of publication of the Application in a newspaper of general circulation within NORECO I’s franchise area or where it principally operates

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

30. Under the Revised Rules of Practice and Procedure of this Honorable Commission, a party to any proceeding before the Honorable Commission may request that certain information not be disclosed and be treated as confidential.² Pursuant to this, Applicant FDC Misamis prays for the confidential treatment of the information contained in the following annexes:

Annex	Documents/Information
“Y”	FDC Misamis Sources of Funds and Financial Plans
“Z”	Bank Certifications
“AA”	FDC Misamis Generation Rate and Derivation

² Section 1, Rule 4, Rules of Practice and Procedure of the Energy Regulatory Commission.

“BB”	Basis of Other Charges
“CC”	Excel File FDC MISAMIS Financial Model Project Cost and Breakdown of Cost
“DD”	Sample Computation of Power Rates
“EE”	FDC Misamis Cash Flow
“FF”	FDC Misamis Fuel Supply Procurement Process
“HH”	FDC Misamis Relevant Technical and Economic Characteristics of the Generation Capacity
“II”	FDC Misamis simulation of number of operating units to meet MEOT

31. Joint Applicants treat the above-mentioned documents, such as related agreements, sources of funds/financial plans, certifications from bank/lending institutions, generation rate and derivation, cash flow, description of power plant, and steam sales agreement, as not generally available to the public on a non-confidential basis, as the same involve trade secrets reflecting investment and business calculations and the Parties are similarly bound to third parties to keep the information and documents confidential.
32. Also, the Confidential Documents were prepared and developed for the exclusive use of FDC Misamis, and are designed for the specific use of the company in its power generation business. Consequently, should the same be disclosed to the public, they could easily be copied or used by FDC Misamis’ competitors or other entities engaged in the power business for their own benefit, and to the prejudice of FDC Misamis.
33. This request is likewise being made by virtue of Section 1 (b), Rule 4 of the ERC Rules of Practice and Procedure under which the Honorable Commission may, upon request of a party and a determination of the existence of conditions which would warrant such remedy, treat certain information submitted to it as confidential.
34. Accordingly, Joint Applicants hereby submit one (1) copy of the confidential documents in a sealed envelope, with the envelope and each page of the document stamped with the word “Confidential”.³

PRAYER

WHEREFORE, premises considered, Joint Applicants **NORECO I** and **FDC Misamis** most respectfully pray that the Honorable Commission:

1. **ISSUE AN ORDER** declaring the Confidential Documents attached hereto as Annexes “Y”, “Z”, “AA”, “BB”, “CC”, “DD”, “EE”, “FF”, “HH” and “II” as

³ Soft copies of the same to be provided to this Honorable Commission are password protected.

confidential information as well as directing that the same be treated with confidentiality and be protected from public disclosure, thereby issuing the corresponding **PROTECTIVE ORDER** in accordance with Section 2, Rule 4 of the *ERC Revised Rules of Practice and Procedure*; and

2. After due notice and hearing, **ISSUE A DECISION** (i) approving the instant *Joint Application in toto* and the EPSA which will thereby allow/authorize NORECO I to charge and collect the fees from its MCOs reckoned from the commencement of the supply to NORECO I by FDC Misamis; and (ii) directing that the rates, terms, and conditions of the *EPSA* be retroactively applied for the entire term of the EPSA.

Other kinds of relief, just and equitable under the premises, are likewise being prayed for.

Finding the said *Joint Application* to be sufficient in form 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 2020⁴ and Resolution No. 01, Series of 2021⁵ (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
05 August 2025 (Tuesday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams or Zoom Application	Determination of compliance with jurisdictional requirements, and Expository Presentation
12 August 2025 (Tuesday) at two o'clock in the afternoon (2:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, NORECO I and FDC Misamis are hereby directed to mirror the virtual hearings, to be hosted by the Commission at **NORECO I's principal office address at Tinaogan, Bindoy, Negros Oriental**, 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, NORECO

⁴ A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

⁵ A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

I and FDC Misamis shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, NORECO I and FDC Misamis 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 NORECO I's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within NORECO I's franchise area, by any other means available and appropriate, of the filing of the *Application*, the 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 *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 virtual hearings, NORECO I 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 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 NORECO I to inform the consumers within its franchise area of the filing of the *Application*, the 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 *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, NORECO I and FDC Misamis 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.

NORECO I and FDC Misamis 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.

NORECO I and FDC Misamis 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 NORECO I and FDC Misamis 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.

NORECO I and FDC Misamis must also be prepared to make an expository presentation of the instant *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 *Application* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

NORECO I and FDC Misamis are hereby directed to file a copy of their **Expository Presentation** 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. NORECO I shall also be required, upon the request of any stakeholder, to provide an advance copy of their expository presentation, at least five (5) calendar days prior to the scheduled virtual hearing.

NORECO I and FDC Misamis are hereby directed to submit, either through personal service, registered or ordinary mail/private

courier, one (1) set of the original or certified true hard/printed copy/ies of their Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, 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, NORECO I and FDC Misamis, including their authorized representative/s and witness/es, are hereby directed to provide the Commission, thru 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, 30 April 2025.

FOR AND BY AUTHORITY
OF THE COMMISSION:



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


LS: KACF/JGGW

Copy Furnished:

1. Negros Oriental I Electric Cooperative, Inc. (NORECO I)
 Applicant
 Tinaogan, Bindoy, Negros Oriental
 Email address: noreco1@yahoo.com

2. Attys. Carl Stephen A. Guzman and Brian P. Ceniza
 Counsels for Applicants NORECO I and FDC Misamis
 Unit 1706, One San Miguel Building,
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 Email Address: sglaw@sglaw.com.ph

3. Office of the Solicitor General (OSG)
 134 Amorsolo Street, Legaspi Village, Makati City
 Email Address: docket@osg.gov.ph

4. Commission on Audit (COA)
 Commonwealth Avenue, Quezon City 1121
 Email Address: citizensdesk@coa.gov.ph

5. Senate Committee on Energy
 GSIS Building, Roxas Boulevard, Pasay City 1307
 Email Address: senateenergycommittee@gmail.com

6. House Committee on Energy
 Batasan Hills, Quezon City 1126
 Email Address: committee.energy@house.gov.ph

7. Office of the Governor
 Province of Negros Oriental

8. Office of the Sangguniang Panlalawigan
 Province of Negros Oriental

9. Office of the Mayor
 Mabinay, Negros Oriental

10. Office of the Sangguniang Bayan
 Mabinay, Negros Oriental

11. Office of the Mayor
 Manjuyod, Negros Oriental

12. Office of the Sangguniang Bayan
 Manjuyod, Negros Oriental

13. Office of the Mayor
 Bindoy, Negros Oriental

14. Office of the Sangguniang Bayan
 Bindoy, Negros Oriental

15. Office of the Mayor
 Ayungon, Negros Oriental

16. Office of the Sangguniang Bayan
 Ayungon, Negros Oriental

17. Office of the Mayor
 Tayasan, Negros Oriental

18. Office of the Sangguniang Bayan
 Tayasan, Negros Oriental

19. Office of the Mayor
 Jimalalud, Negros Oriental

- 20. Office of the Sangguniang Bayan
Jimalalud, Negros Oriental
- 21. Office of the Mayor
La Libertad, Negros Oriental
- 22. Office of the Sangguniang Bayan
La Libertad, Negros Oriental
- 23. Office of the Mayor
Vallehermoso, Negros Oriental
- 24. Office of the Sangguniang Bayan
Vallehermoso, Negros Oriental
- 25. Office of the Mayor
City of Guihulngan, Negros Oriental
- 26. Office of the Sangguniang Panlungsod
City of Guihulngan, Negros Oriental
- 27. Office of the Mayor
City of Bais, Negros Oriental
- 28. Office of the Sangguniang Panlungsod
City of Bais, Negros Oriental
- 29. Office of the Mayor
City of Canlaon, Negros Oriental
- 30. Office of the Sangguniang Panlungsod
City of Canlaon, Negros Oriental
- 31. Regulatory Operations Service (ROS)
Energy Regulatory Commission
14th Floor, Exquadra Tower
1 Jade Drive, Ortigas Center, Pasig City