

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
San Miguel Avenue, Pasig City

**IN THE MATTER OF THE  
APPLICATION FOR THE  
APPROVAL OF THE  
STRUCTURE AND LEVEL  
OF MARKET FEES FOR  
CALENDAR YEARS 2019  
AND 2020 FOR THE  
PHILIPPINE WHOLESALE  
ELECTRICITY SPOT  
MARKET (WESM), WITH  
PRAYER FOR  
PROVISIONAL AUTHORITY**

**ERC CASE NO. 2019-088 RC**

**PHILIPPINE ELECTRICITY  
MARKET CORPORATION  
(PEMC),**

**Promulgated:**  
September 1, 2020

*Applicant.*

**X ----- X**

**ORDER**

On 20 November 2019, the Philippine Electricity Market Corporation (PEMC) filed an *Application* dated 11 November 2019, seeking the Commission’s approval of the structure and level of market fees for calendar years 2019 and 2020 for the Philippine Wholesale Electricity Spot Market (WESM), with prayer for provisional authority.

In the *Order* dated 03 December 2019, the Commission set the instant *Application* for the determination of compliance with the jurisdictional requirements, expository presentations, pre-trial conference, and presentation of evidence on the following dates and venues:

Date	Venue	Activity
<b>06 February 2020</b> (Thursday) at ten o’clock in the morning (10:00 A.M.)	<b>ERC Main Office</b> 15 <sup>th</sup> Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Jurisdictional and Expository Presentation for Luzon Stakeholders

Date	Venue	Activity
<b>12 February 2020</b> (Wednesday) at ten o'clock in the morning (10:00 A.M.)	<b>ERC Visayas Area Operations Division</b> St. Mary's Drive, Banilad, Cebu City 6000	Expository Presentation for Visayas Stakeholders
<b>14 February 2020</b> (Friday) at ten o'clock in the morning (10:00 A.M.)	<b>ERC Mindanao Area Operations Division</b> Mintrade Bldg., Monteverde Ave. cor Sales St., Davao City 8000	Expository Presentation for Mindanao Stakeholders
<b>19 February 2020</b> (Wednesday) at ten o'clock in the morning (10:00 A.M.)	<b>ERC Main Office</b> 15 <sup>th</sup> Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Pre-Trial Conference and Presentation of Evidence

During the 06 February 2020 hearing, Applicant PEMC moved to reschedule the 12, 14, and 19 February 2020 hearings on the ground of public health risks brought about by the 2019-nCoV ARD, now known as the 2019 corona virus disease (COVID-19).

The Commission granted PEMC's motion and rescheduled the hearings on the following dates and venues:

Date	Venue	Activity
<b>26 March 2020</b> (Thursday) at nine o'clock in the morning (9:00 A.M.)	<b>ERC Visayas Area Operations Division</b> St. Mary's Drive, Banilad, Cebu City 6000	Expository Presentation for Visayas Stakeholders
<b>27 March 2020</b> (Friday) at ten o'clock in the morning (10:00 A.M.)	<b>ERC Mindanao Area Operations Division</b> Mintrade Bldg., Monteverde Ave. cor Sales St., Davao City 8000	Expository Presentation for Mindanao Stakeholders
<b>07 April 2020</b> (Tuesday) at ten o'clock in the morning (10:00 A.M.)	<b>ERC Main Office</b> 15 <sup>th</sup> Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Pre-Trial Conference and Presentation of Evidence

However, when the entire Luzon was placed under Enhanced Community Quarantine, a strict work from home arrangement was implemented in the Executive Branch<sup>1</sup> and all hearings during the said period were cancelled. Due to the continuous threat to public health

<sup>1</sup> Memorandum from the Executive Secretary dated 16 March 2020 (Community Quarantine Over the Entire Luzon). The duration of which is extended until 15 May 2020.

and safety brought about by COVID-19, the Commission deemed it necessary to conduct all scheduled hearings through virtual hearings.

**IN VIEW OF THE FOREGOING**, the Commission shall convene the virtual hearings through video conferencing and hereby sets the instant *Application* for the conduct of expository presentations, pre-trial conference, and presentation of evidence, using the **Microsoft Teams Application** on the following dates:

- a) **30 September 2020** (Wednesday) at ten o'clock in the morning (10:00 A.M.) for the expository presentation for Visayas Stakeholders;
- b)
- c) **02 October 2020** (Friday) at ten o'clock in the morning (10:00 A.M.) for the expository presentation for Mindanao Stakeholders; and
- d) **07 October 2020** (Wednesday) at two o'clock in the afternoon (2:00 P.M.) for the pre-trial conference and presentation of evidence.

**RELATIVE THERETO**, the Commission hereby directs PEMC to inform the affected stakeholders, through posting in its website/s and/or other online media platform accessible to the public, and the concerned regional offices, or by any other means available, of the new scheduled virtual hearings as well as the specific directives contained in this *Order*.

PEMC is hereby directed to file a copy of its Expository Presentation via electronic mail (e-mail) at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com), at least five (5) calendar days prior to the virtual hearings for the scheduled expository presentations. PEMC 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 virtual hearing for the scheduled expository presentations.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the virtual hearings for the scheduled expository presentations, via e-mail at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com). 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.

Moreover, all persons who have an interest in the subject matter of the instant case may become a party by filing with the Commission via e-mail at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com), a verified Petition to Intervene at least five (5) calendar days prior to the date of the virtual hearing for the scheduled Pre-trial Conference and subject to the requirements under Rule 9 of the 2006 ERC Rules of Practice and Procedure, indicating therein the docket number and title of the case and stating the following:

- 1) The petitioner's name, mailing address, and e-mail address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.

Likewise, all other persons who may want their views known to the Commission with respect to the subject matter of the case may file through e-mail at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com), their Opposition or Comment thereon at least five (5) calendar days prior to the date of the virtual hearing for the scheduled Pre-trial Conference and subject to the requirements under Rule 9 of the 2006 ERC Rules of Practice and Procedure. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name, mailing address, and e-mail address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All such persons who wish to have a copy of the *Application* may request from Applicant that they be furnished with the same prior to the date of the scheduled hearings. Applicant is hereby directed to furnish all those making such request with copies of the *Application*



and its attachments, through any of the available modes of service, upon their agreement, subject to the reimbursement of reasonable photocopying costs. Any such person may likewise examine the *Application* and other pertinent records filed with the Commission during the standard office hours. In the alternative, those persons who wish to have an electronic copy of the *Application* may request the Commission for the e-mail addresses of the Applicant by sending an e-mail to [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com). Nonetheless, any person may also access the *Application* as posted by the Commission in its official website at [www.erc.gov.ph](http://www.erc.gov.ph).

PEMC and all interested parties are also required to submit to the Commission via e-mail at [records@erc.gov.ph](mailto:records@erc.gov.ph) and [records.erc.gov.ph@gmail.com](mailto:records.erc.gov.ph@gmail.com), copy furnish the Legal Service through [legal.erc.gov.ph@gmail.com](mailto:legal.erc.gov.ph@gmail.com), at least five (5) calendar days before the date of the virtual hearing for the scheduled 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.

PEMC 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 virtual hearing for the scheduled Pre-trial Conference pursuant to the preceding paragraph.

PEMC is 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 its Expository Presentation/s, 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. Similarly, all interested parties who filed

their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

Further, Applicant PEMC and all Petitioners-Intervenors, including their respective authorized representative/s and witness/es, are hereby directed to provide the Commission, thru [legal.virtualhearings.erc.gov.ph@gmail.com](mailto:legal.virtualhearings.erc.gov.ph@gmail.com), with their respective e-mail addresses upon receipt of this *Order*. All interested persons may also be allowed to join the scheduled hearing by providing the Commission, thru the aforementioned e-mail address with their respective e-mail addresses and indicating therein the case number of the instant *Application*. 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, 17 August 2020.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**AGNES VST DEVANADERA**  
*Chairperson and CEO*

  
LS: MFD/ARG/MCCG  
*mfd*

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**ORDER/17 AUGUST 2020**  
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