



Republic of the Philippines
DEPARTMENT OF ENERGY

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DEPARTMENT CIRCULAR NO. DC 2013-07-0018

**ADOPTING FURTHER AMENDMENTS TO THE WESM RULES
(Exceptions to Confidentiality)**

WHEREAS, Section 37 of the Electric Power Industry Reform Act provides that the DOE, jointly with the electric power industry participants, shall establish the Wholesale Electricity Spot Market (WESM) and formulate the detailed rules governing the operations thereof;

WHEREAS, on 28 June 2002, the DOE, upon the joint endorsement of the electric power industry participants, promulgated the WESM Rules through Department Circular No. 2002-06-003;

WHEREAS, any changes, amendments, and modifications to the WESM Rules shall be undertaken in accordance with the provisions of Chapter 8 thereof;

WHEREAS, on 20 March 2013, Aboitiz Power Corporation (APC), a Generation Company, submitted its proposed amendment to Clause 5.3 (Exceptions to Confidentiality) of the WESM Rules to the Rules Change Committee (RCC) for consideration and approval;

WHEREAS, the proposal aims to extend the exception on confidential information so that the WESM net sellers will obtain the necessary information regarding their uncollected spot sales from the WESM;

WHEREAS, on 03 April 2013, the RCC and APC thoroughly discussed the proposed amendments during the 73rd RCC Meeting;

WHEREAS, on the same meeting, the RCC agreed to published the proposal in the WESM website to solicit comments from participants and other interested parties;

WHEREAS, on 15 May 2013, the RCC in its 74th Meeting deliberated upon the comments submitted, and agreed to adopt the proposed amendments, with revisions, for endorsement to the PEM Board;

WHEREAS, on 20 June 2013, after due evaluation and deliberation, the PEM Board has resolved to approve for endorsement to the DOE the above stated amendment to the WESM Rules;

WHEREAS, on 01 July 2013, the above stated amendment was endorsed to the DOE for approval, consistent with Chapter 8 of the WESM Rules;

NOW THEREFORE, pursuant to its authority under the WESM Rules, the DOE hereby issues, adopts and promulgates the following amendment to the WESM Rules:

Section 1. Amendment to the WESM Rules.

1.1 Clause 5.3.2 under Exceptions concerning Confidentiality is amended to read -

Subject to clause 5.3.3.1, this clause 5.3 does not prevent:

(a) The disclosure of information (confidential or otherwise) between any one or more of the following:

xxx xxx xxx

(i) The disclosure of information to the *ERC* and *DOE* and any other government authority having jurisdiction over a *WESM member*, pursuant to the *WESM Rules* or otherwise.

(j) The disclosure of: (i) settlement amounts unpaid by the end of the month, and (ii) the specific *WESM member* that failed to pay the settlement amounts.

Section 2. Separability Clause. If for any reason, any section or provision of this Circular is declared unconstitutional or invalid, such parts not affected shall remain in full force and effect.

Section 3. Effectivity. This Circular shall take into effect immediately following its publication in at least two (2) newspapers of general circulation and shall remain in effect until otherwise revoked.

Issued this 26 July 2013 at the DOE, Energy Center, Rizal Drive, Bonifacio Global City, Taguig City, Metro Manila.


CARLOS JERICHO L. PETILLA
Secretary



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IN REPLYING PLS CITE:

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