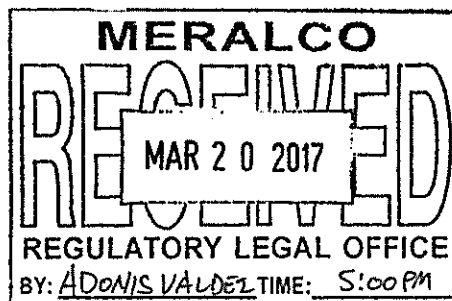


Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City

IN THE MATTER OF THE
APPLICATION FOR
AUTHORITY TO RETIRE
THE MAKATI SUBSTATION
LOCATED AT BARANGAY
STA. CRUZ, MAKATI CITY
AND TO WITHDRAW FROM
SERVICE CERTAIN
EQUIPMENT AND
MACHINERY INSTALLED
IN SAID SUBSTATION,
WITH PRAYER FOR
PROVISIONAL
AUTHORITY,



ERC CASE NO. 2016-193 RC

MANILA ELECTRIC
COMPANY (MERALCO),
Applicant.
X-----X

D O C K E T E D
Date: MAR 20 2017
By: W

ORDER

On 02 December 2016, Manila Electric Company (MERALCO) filed an *Application* seeking the Commission's authority to retire its Sta. Cruz, Makati Substation as well as withdraw from service certain equipments and machineries installed in the said substation. Applicant included therein a prayer for provisional authority.

MERALCO likewise alleged the following in its *Application*:

1. Applicant is a private corporation duly organized and existing under the laws of the Republic of the Philippines, with principal office located at Lopez Building, Ortigas Avenue, Barangay Ugong, Pasig City. It may be served with notices and other processes of this Honorable Commission through its undersigned counsel at the address indicated herein.
2. Applicant has a legislative franchise to construct, operate and maintain an electric power distribution system for the conveyance of electric power to the end-users in the cities and municipalities of Metro Manila, Bulacan, Cavite and Rizal, and

certain cities/municipalities/barangays in Batangas, Laguna, Quezon and Pampanga, pursuant to Republic Act No. 9209.

3. Applicant seeks for authority to retire the Makati Substation and withdraw certain equipment and machineries in said substation.

4. The instant Application is filed pursuant to following:

a. Distribution Services and Open Access Rules (DSOAR)

“1.7 No DU shall increase, substitute or withdraw from service any of its authorized equipment and machinery without the prior authority from the ERC, except in case of emergency whereby the ERC shall be notified not later than seventy-two (72) hours of such increase, substitution or withdrawal of authorized equipment. Provided, however, that the utility shall comply with the ERC’s application for retirement.”

b. Amendments to DSOAR

“1.7.1

xxx

The DU may increase, substitute or withdraw from service its authorized equipment and machinery in accordance with the Rules for Approval of Regulated Entities’ Capital Expenditure Projects, RDWR and other ERC Rules. If such undertaking is not covered by the RDWR or other rules, authorization shall be secured from the ERC in accordance with pertinent provision of the Rules for Approval of Regulated Entities’ Capital Expenditure Projects.”

c. Decision dated December 1, 2010¹ in ERC Case No. 2009-118 MC ² and Decision dated

¹ Decision, page 9.

“A perusal of the evidence herein showed that the retirement of the Morong, Gaya –Gaya and Mauban substations and withdrawal of the equipment and machineries installed therein in the accordance with MERALCO’s Conversion Program will redound to the benefit of the consumers in terms of continuous, reliable and efficient power supply as mandated by Republic Act 9136, or the Electric Power Industry Reform Act of 2001 (Section 2. Declaration of Policy-- (b) “to ensure the quality, reliability, security and affordability of the supply of electric power).”

² In the Matter of the Application for Authority to Retire the Morong Substation located at Morong, Province of Rizal, the Gaya-Gaya Substation located as San Jose Del Monte, Province of Bulacan and the Mauban Substation located at Mauban, Province of Quezon and to Withdraw from Service Certain Equipment and Machinery Installed in the said Substations, with Prayer for Provisional Authority.

December 12, 2011³ in ERC Case No. 2010-146 RC⁴

In both Decisions, the Honorable Commission ruled that, "A perusal of evidence showed that the retirement of substations and withdrawal of the equipment and machineries installed therein will redound to the benefit of the consumers in terms of reliable and efficient power supply as mandated by Republic Act 9136, or the Electric Power Industry Reform Act of 2001 (Section 2. Declaration of Policy – (b) "to ensure the quality, reliability, security and affordability of the supply of electric power)."

BACKGROUND

5. The Makati Substation is located at corner Kakarong St. and Pablo Ocampo Sr. Avenue extension, Barangay Sta. Cruz, Makati City. The substation has one (1) 20 MVA, 34.5 kV - 6.24 kV power transformer bank and one (1) 15 MVA 34.5kV - 6.24 kV power transformer bank.

6. Makati Substation is one of the oldest MERALCO odd voltage substations (with voltage other than 34.5 kV or 13.8 kV) and has been in service for more than forty five (45) years.

7. Applicant has programmed the gradual conversion of odd- voltage systems (distribution system with voltages other than 34.5 kV or 13.8 kV) to the ultimate standardized 20 kV/34.5 kV (line-to-neutral/line to line) distribution voltage system within its franchise area. The voltage standardization will reduce technical system loss, improve flexibility and reliability of electric service by phasing out isolated odd voltage systems and minimize equipment inventory types. Applicant continuously implements the Odd-Voltage Conversion Program with the aim of having standard voltage systems for its entire franchise area.

8. Hence, Applicant seeks authority from the Honorable Commission to retire the Makati Substation and withdraw from service the equipment and machinery installed therein in line with the said program.

³ Decision, page 9.

A perusal of the evidence presented herein showed that the retirement of substations in Cavite, Lucena II, Pagbilao, Forbes Park and Tondo as well as the withdrawal of the equipment and machineries installed therein, will redound to the benefit of the consumers in terms of continuous, reliable and efficient power supply as mandated by Republic Act 9136, or the Electric Power Industry Reform Act of 2001 (Section 2. Declaration of Policy – (b) "to ensure the quality, reliability, security and affordability of the supply of electric power.)"

⁴ In the Matter of the Application for Authority to Retire (1) The Cavite Substation located at Cavite City, (2) The Lucena II Substation located at Lucena City, Quezon Province, (3) Pagbilao Substation located at Pagbilao, Quezon Province, (4) Forbes Park Substation.

9. With the retirement of the Makati Substation, the 6.24 kV loads will be transferred to 34.5 kV circuits New Rockwell 436VV, 424VV/425VV, Paco 416VY, Kamagong 48VK, 49VK and 51VK. The transfer of said loads will eliminate the redundant 34.5 kV-6.24 kV step-down stage.

10. The retirement of the said power transformer banks and the complete conversion to 34.5 kV of the circuits in the Makati Substation, will result in technical system loss reduction of approximately 939, 146 KWHR annually.

11. Currently, Makati Substation is part of Applicant's Regulatory Asset Base (RAB). Upon its retirement, some of the equipment and machinery will be reused for distribution services and others will be withdrawn from service. The total amount for equipment and machinery that will be withdrawn from service is Five Million Two Hundred Six Thousand One Hundred Seventy Eight Pesos, (PhP 5,206,178).

12. In further support of the Application, attached hereto are the following documents:

Annex "A" – Schematic Diagram showing the exact location of Makati Substation and pictures thereof.

Annex "B" – Detailed List of Equipment and Machinery to be re-used and/or retired in Makati Substation, with corresponding specifications and values.

Annex "C" – Load Simulation/study conducted on the effect of withdrawal from service of said equipment and machinery.

ISSUANCE OF PROVISIONAL AUTHORITY

13. The issuance of Provisional Authority is warranted under the circumstances considering that there is no reason to continue energizing the Makati substation as the loads thereof may be transferred to adjacent source circuits. More importantly, the conversion of the loads of Makati Substation to 34.5 kV will result in the reduction of technical system loss and improvement of the electric service by phasing out isolated odd-voltage system. The immediate retirement of Makati Substation is also necessary in preparation for the development of Makati 115 kV-34.5 kV GIS Substation in RY2017 using the same lot. The development of the aforesaid GIS Substation is intended to augment capacity deficiency in Makati City by 2017.⁵

14. In further support of the Application and prayer for issuance of provisional authority, attached as Annex "D" is the Judicial Affidavit of Engr. Roberto D. Isip Jr., Manager of Applicant's Network Asset Planning Office.

PRAYER

⁵ See Annex "B-6" of MERALCO's Application for Authority to Implement the Proposed Capital Expenditure Program for Regulatory Year (RY) 2017 with prayer for provisional authority, (ERC Case 2016-017 RC).

WHEREFORE, it is respectfully prayed to this Honorable Commission that: (1) Application for Retirement of Makati Substation and withdrawal from service of equipment and machinery installed in said substation be APPROVED; and (2) Applicant be ALLOWED to re-use equipment in said substation that will not be retired.

Pending hearing, it is further prayed that a provisional authority be issued to Applicant.

Other relief just and equitable under the premises are likewise prayed for.

Finding the said *Application* sufficient in substance with the required fees having been paid, the same is hereby set for determination of compliance with jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on **24 May 2017 at ten o'clock in the morning (10:00 A.M.), at the ERC Hearing Room, 15th Floor, Pacific Center, San Miguel Avenue, Pasig City.**

Accordingly, MERALCO is hereby directed to:

- 1) Cause the publication of the attached Notice of Public 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 hearing;
- 2) Furnish the Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies within the affected franchise area with copies of this Order and the attached Notice of Public Hearing for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within the affected franchise area of the filing of the *Application*, the reasons therefor, and of the scheduled hearing thereon, by any other means available and appropriate;
- 4) Furnish the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress with copies of this Order and the attached Notice of Public Hearing. They are

hereby requested, if they so desire to send their duly authorized representatives at the scheduled hearing; and

- 5) Furnish all those making requests with copies of the *Application* and the attachments therefor, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, Applicants must submit to the Commission its 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 Public Hearing consisting of affidavits of the Editors or Business Managers of the newspapers where the said Notice of Public 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 Public Hearing consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by Applicant to inform of the filing of the *Application*, the reasons therefore, and of the scheduled hearing thereon, the consumers within the affected franchise area;
- 4) The evidence of receipt of copies of this Order and the attached Notice of Public Hearing by the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application*, and the attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Applicants and all interested parties are also required to submit, at least five (5) days before the date of initial 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 therefore; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

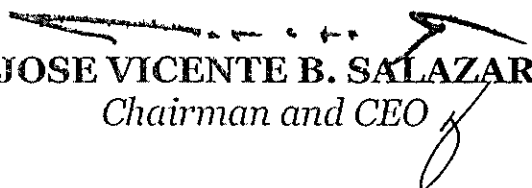
Failure of Applicant to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from the said date of cancellation.

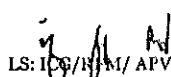
Applicant must also be prepared to make an expository presentation of the instant *Application* aided by whatever communication medium that they may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, what the *Application* is all about and the reasons and justifications being cited in support thereof.

SO ORDERED.

Pasig City, 06 March 2017.

FOR AND BY AUTHORITY
OF THE COMMISSION:


JOSE VICENTE B. SALAZAR
Chairman and CEO


LS: ICC/NM/APV

Copy furnished:

1. Atty. Francis Dino S. Antonio
Counsels for Applicant MERALCO
7th Floor, Lopez Building, Ortigas Avenue, Barangay Dugong, Pasig City

ERC



Office of the Chairman and CEO



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2. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village
Makati City, Metro Manila
3. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
4. Senate Committee on Energy
GSIS Bldg. Roxas Blvd., Pasay City
5. House Committee on Energy
Batasan Hills, Quezon City
6. Philippine Chamber of Commerce and Industry (PCCI)
Campus Avenue corner Park Avenue,
McKinley Town Center, Fort Bonifacio, Taguig City
7. The City Mayor
City of Manila
8. LGU Legislative Body
City of Manila
9. The City Mayor
Quezon City
10. LGU Legislative Body
Quezon City
11. The City Mayor
City of Caloocan
12. LGU Legislative Body
City of Caloocan
13. The City Mayor
City of Makati
14. LGU Legislative Body
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15. The City Mayor
City of Malabon
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17. The City Mayor
City of Mandaluyong
18. LGU Legislative Body
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19. The City Mayor
City of Muntinlupa
20. LGU Legislative Body
City of Muntinlupa
21. The City Mayor
City of San Jose del Monte, Bulacan
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23. The City Mayor
City of Valenzuela
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25. The City Mayor
City of Pasig
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27. The City Mayor
Pasay City
28. LGU Legislative Body
Pasay City

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29. The City Mayor
City of Parañaque
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Biñan, Laguna

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57. The City Mayor
Navotas, Metro Manila
58. LGU Legislative Body
Navotas, Metro Manila
59. The Municipal Mayor
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General Aguinaldo, Cavite
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Magallanes, Cavite
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83. The Municipal Mayor
Maragondon, Cavite
84. LGU Legislative Body

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- Maragondon, Cavite
85. The Municipal Mayor
Ternate, Cavite
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Gen. Trias, Cavite
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Cardona, Rizal

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112. LGU Legislative Body
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Angat, Bulacan

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167. The Municipal Mayor

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- Baliwag, Bulacan
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Rizal, Laguna
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Rizal, Laguna

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195. The Municipal Mayor
Los Baños, Laguna
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San Simon, Pampanga
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San Simon, Pampanga
233. The Municipal Mayor
Apalit, Pampanga
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Apalit, Pampanga
235. Office of the Governor
Province of Rizal
236. LGU Legislative Body
Province of Rizal
237. Office of the Governor
Province of Laguna
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239. Office of the Governor
Province of Batangas
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Province of Cavite
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Province of Pampanga
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Province of Pampanga
245. Office of the Governor
Province of Quezon
246. LGU Legislative Body
Province of Quezon
247. Office of the Governor
Province of Bulacan
248. LGU Legislative Body
Province of Bulacan
252. ROS SCMD
Energy Regulatory Commission
17th Floor, Pacific Center, San Miguel Avenue
Pasig City