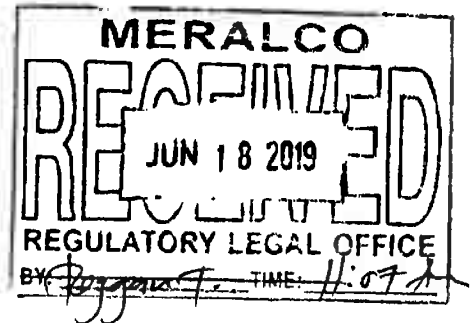


Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
AUTHORITY TO
IMPLEMENT THE
PROPOSED CAGBALETE
ISLAND MICROGRID
ELECTRIFICATION
EXPANSION CAPITAL
EXPENDITURE PROJECT,
WITH PRAYER FOR
PROVISIONAL
AUTHORITY,**



ERC CASE NO. 2019-041 RC

**MANILA ELECTRIC
COMPANY (MERALCO),**

Applicant.

X-----X

Promulgated:
JUN 18 2019

ORDER

On 31 May 2019, the Manila Electric Company (MERALCO) filed an *Application* dated 29 May 2019, seeking the Commission's authority to implement the proposed Cagbalete Island Microgrid Electrification Expansion Capital Expenditure Project, with prayer for the issuance of provisional authority.

In the said *Application*, MERALCO alleged the following, among others:

1. Applicant MERALCO 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. MERALCO 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 Laguna, Quezon, Pampanga, and Batangas, including Cagbalete Island, pursuant to Republic Act No. 9209.

3. MERALCO seeks the Honorable Commission's approval to implement the Cagbalete Island Microgrid Electrification Expansion Project ("Project").
 4. This Application is being filed pursuant to Section 20 (b) of Commonwealth Act No. 146, as amended, otherwise known as the Public Service Act, which requires any public service to seek the prior approval of the Honorable Commission before it can establish, construct, maintain, and operate new facilities or make any extension of its existing facilities.
 5. Pursuant to Section 23 of Republic Act No. 9136, a distribution utility "*shall have the obligation to provide distribution services and connections to its system for any end-user within its franchise area consistent with the distribution code. Any entity engaged therein shall provide open and non-discriminatory access to its distribution system to all users.*"
 6. Moreover, the same Section 23 of Republic Act No. 9136 mandates that "[d]istribution utilities shall provide universal service within their franchise, over a reasonable time from the requirement thereof, including unviable areas, as part of their social obligations, in a manner that shall sustain the economic viability of the utility, subject to the approval by the ERC in the case of private or government-owned utilities."
 7. The Project is in line with the mandate of the administration of President Rodrigo Duterte, in keeping with the Philippine Development Plan (PDP) 2017-2022 of the National Economic and Development Authority (NEDA) and Section 2(c) of Department of Energy's (DOE) Department Order No. DO2018-05-0010, to achieve one hundred percent (100%) electrification of the entire Philippine archipelago by 2022 as part of its program to spread the benefits of economic growth to stakeholders at the grassroots level.¹
- A. BACKGROUND AND PROJECT RATIONALE
8. Cagbalete is a 1,640-hectare island composed of two (2) barangays namely, Cagbalete I and Cagbalete II, located in the middle of Lamon Bay that falls within the territorial jurisdiction of the Municipality of Mauban in the Province of Quezon. It forms part of MERALCO's franchise area.
 9. The provision of regular electric service to Cagbalete Island has been constrained by the lack of generation facilities on

¹ Lucas, Daxim L. (2016) 'DOE aims for 100% electrification by 2020', *Inquirer.Net*, 6 October 2016. Available at: <http://business.inquirer.net/216153/doe-aims-for-100-electrification-by-2020#ixzz5741jAXrU> (Accessed: 8 April 2019).

the island itself. Further, because of the strong currents around the water surrounding Cagbalete Island and its distance from the port of the Municipality of Mauban, it is currently not feasible and viable to install submarine cables and other facilities to connect Cagbalete Island to MERALCO's distribution system.

10. On May 2011, pursuant to Energy Regulation No. 1-94, otherwise known as the Rules and Regulations Implementing Section 5 (i) of Republic Act No. 7638 (Department of Energy Act of 1992), MERALCO facilitated the purchase and transfer of four (4) diesel powered generator units (two [2] 13kVA, one [1] 15kVA, and one [1] 5kVA) to a cooperative that was formed to be responsible for the operation and maintenance of said generating facilities, including billing and collection activities relative to the provision of electric service within the said island, under the guidance of the Barangay council.
11. However, at least in the case of Cagbalete Island, the arrangement of allowing the community to operate and maintain their source of electricity proved to be unsustainable. This is exemplified by the fact that, as of October 2015, all of said generator units turned-over to the community were already found defective.
12. With this experience, MERALCO explored other possible options of energizing remote and unviable areas. One of the options considered is the use of a hybrid microgrid system. Relevant to this, MERALCO decided to implement a pilot project which promotes the use of hybrid microgrids for the electrification of households located in remote islands and far-flung areas, such as Cagbalete Island.
13. A Microgrid, as defined by the US Department of Energy, is a "group of interconnected loads and distributed energy resources with clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid and that connects and disconnects from such grid to enable it to operate in both grid-connected or island mode."² The key components of a microgrid include Distributed Energy Resources (DER) (can be conventional or non-conventional), Battery Energy Storage System (BESS), μ EMS, and grid interconnection facility.
14. MERALCO's pilot project used a hybrid generation system using solar photovoltaic panels, diesel generators, lithium-ion battery storage, and intelligent controller as main components.

² Ton, Dan T. and Smith, Merrill A. (2012), The U.S. Department of Energy's Microgrid Initiative [Electronic version]. The Electricity Journal, 25(8), 84-94. Retrieved on 8 April 2019 at: <https://www.energy.gov/sites/prod/files/2016/06/f32/The%20US%20Department%20of%20Energy%27s%20Microgrid%20Initiative.pdf>.

15. On 16 January 2019, MERALCO wrote a letter to update the Honorable Commission on its pilot implementation in Cagbalete Island and relayed that the generation plant has been completed and that the installation of the distribution network is on-going. Attached hereto as Annex "A" is a copy of MERALCO's letter dated 16 January 2019.
16. While MERALCO is ready and able to commercially operate the pilot project, the same is still awaiting the release of the necessary documentary requirements, such as the Renewable Energy Service Contract (RESC) and Certificate of Endorsement (COE) to be issued by the Department of Energy (DOE).
17. At present, a majority of Cagbalete Island's residents are reliant to households that have access to electricity, through privately-owned diesel generator units or solar home systems, selling at an exorbitant rate of as much as Ph55/kWh for a mere seven (7) hours of service per day.
18. However, despite access to electricity, the power quality in the island is low due to high voltage drops and overloading of diesel generator units.
19. Furthermore, residents in Cagbalete Island who are not covered by the pilot project have been clamoring for the immediate expansion of the microgrid system to completely energize the entire island.
20. Given the foregoing backdrop, it is imperative for MERALCO to expand its pilot project to be able to completely energize all the residents and commercial establishments in Cagbalete Island.
21. The Project will utilize a scaled-up hybrid generation system by similarly using solar photovoltaic panels, diesel generators and lithium-ion battery storage as main components.
22. The estimated cost of the Project is TWO HUNDRED NINETEEN MILLION SIXTY-ONE THOUSAND AND SEVENTY FOUR & 40/100, Philippine Currency (PhP219,061,074.4).
23. Attached as Annex "B" and made an integral part hereof is the Project Justification for the proposed Cagbalete Island Microgrid Electrification Expansion Project, which document includes a more detailed description of the Project.
24. Upon approval and implementation of this Project, MERALCO shall charge the current ERC-approved rates to the customers in Cagbalete Island. These rates consist of generation, transmission, and other charges including the blended distribution, supply, metering charges.

B. URGENT NEED TO ISSUE PROVISIONAL AUTHORITY

25. There is an urgent need for a provisional authority to be issued to allow MERALCO to immediately start the project, which is estimated to take around eight (8) months. This is necessary in order to meet the target project completion set on December 2019, and thus, allow the residents of the said island to fully enjoy and reap the benefits of the much awaited safe and reliable provision of electric service in Cagbalete Island, at the soonest possible time, consistent with the mandate of the national government.
26. The necessary activities to implement the Project, considering the magnitude, include: procurement of materials, detailed engineering design, site development, lot acquisition and civil works, installation, testing and commissioning of diesel generators, battery storages and solar PV, among other things. MERALCO cannot start any of the preparatory activities without the necessary approval of the Honorable Commission.
27. Most importantly, the benefits that will be achieved by this Project will bolster the economic potential and growth of the various industries in Cagbalete island and will promote the vast untapped potential of the island as an eco-tourism destination that has been left largely underdeveloped due to the lack of electric service which has proven to be its lynchpin.
28. Accordingly, pending final approval, there is an urgent need for a provisional authority for MERALCO to immediately implement the Project. In support of the prayer for the grant of a provisional authority, attached as Annex "C" is the Judicial Affidavit of Mr. Benjamin G. Nolasco, Assistant Vice-President and Head, HMB – South Business Area.

PRAYER

WHEREFORE, it is most respectfully prayed to this Honorable Commission that the instant application for Authority to implement MERALCO's proposed Cagbalete Island Microgrid Electrification Expansion Project be APPROVED, and MERALCO be allowed to charge the Honorable Commission's approved rates consisting of generation, transmission, and other charges including the blended distribution, supply, metering charges to the residents of Cagbalete Island.

Pending approval, MERALCO further prays for the immediate issuance of a provisional authority or interim relief to allow MERALCO to implement the Cagbalete Island Microgrid Electrification Expansion Project.

Applicant MERALCO prays for such other relief as are deemed just and equitable under the premises.

Finding the said *Application* to be sufficient in form and in substance with the required fees having been paid, the same is hereby set for determination of compliance with the jurisdictional requirements, expository presentation, Pre-Trial Conference, and presentation of evidence on **14 August 2019 (Wednesday) at one o'clock in the afternoon (1:00 P.M.), at the ERC Hearing Room, 15th Floor, Pacific Center Building, 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 its 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 with copies of this *Order* and the attached *Notice of Public Hearing* the Offices of the Provincial Governor, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies within MERALCO's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within MERALCO's franchise area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled hearing thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Public 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 *Application* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, MERALCO 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 were 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 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 MERALCO to inform the consumers affected of the filing of the *Application*, its reasons therefor, and of the scheduled hearing thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Public Hearing* by the OSG, COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application* and its attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

MERALCO and all interested parties are also required to submit, at least five (5) days before the date of the 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 MERALCO 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.

MERALCO must also be prepared to make an expository presentation of the instant *Application*, aided by whatever communication medium that it 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.

SO ORDERED.

Pasig City, 14 June 2019.

FOR AND BY AUTHORITY
OF THE COMMISSION:


JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Commissioner *JK*

LS: SSI/LSP/GLO

Copy Furnished:

1. Manila Electric Company (MERALCO)
Applicant
Lopez Building, Ortigas Avenue,
Barangay Ugong, Pasig City
2. Attys. Francis Dino S. Antonio, Hazel Rose B. See, Adrian Rex C. Dimalanta, Isagani C. Coruña II
and Edgar Michael C. Robles
Counsel for Applicant MERALCO
7th Floor, Lopez Building
Ortigas Avenue, Barangay Ugong, Pasig City
3. Office of the City Mayor
City of Manila
4. Office of the Local Government Unit (LGU) Legislative Body
City of Manila
5. Office of the City Mayor
Quezon City
6. Office of the LGU Legislative Body
Quezon City

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7. Office of the City Mayor
City of Caloocan
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City of Caloocan
9. Office of the City Mayor
City of Makati
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City of Malabon
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City of San Jose del Monte, Bulacan
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City of Cavite
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Trece Martires City
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Trece Martires City
31. Office the City Mayor
Las Piñas City

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33. Office the City Mayor
San Juan City
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Taguig, Metro Manila
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Taguig, Metro Manila

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General Aguinaldo, Cavite
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82. Office of the LGU Legislative Body
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Candaba, Pampanga
226. Office of the LGU Legislative Body
Candaba, Pampanga
227. Office of the Municipal Mayor
San Simon, Pampanga
228. Office of the LGU Legislative Body
San Simon, Pampanga
229. Office of the Municipal Mayor
Apalit, Pampanga
230. Office of the LGU Legislative Body
Apalit, Pampanga
231. Office of the Governor
Province of Rizal

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232. Office of the LGU Legislative Body
Province of Rizal
233. Office of the Governor
Province of Laguna
234. Office of the LGU Legislative Body
Province of Laguna
235. Office of the Governor
Province of Batangas
236. Office of the LGU Legislative Body
Province of Batangas
237. Office of the Governor
Province of Cavite
238. Office of the LGU Legislative Body
Province of Cavite
239. Office of the Governor
Province of Pampanga
240. Office of the LGU Legislative Body
Province of Pampanga
241. Office of the Governor
Province of Quezon
242. Office of the LGU Legislative Body
Province of Quezon
243. Office of the Governor
Province of Bulacan
244. Office of the LGU Legislative Body
Province of Bulacan
245. Office of the LGU legislative body
Province of Nueva Ecija
246. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
247. Commission on Audit
Commonwealth Avenue, Quezon City
248. Senate Committee on Energy
GSIS Bldg., Roxas Boulevard, Pasay City
249. House Committee on Energy
Batasan Hills, Quezon City
250. Office of the President of PCCI
Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, Chamber and Industry Plaza (CIP)
1030 Campus Avenue corner Park Avenue
McKinley Town Center, Fort Bonifacio
Taguig City
251. Regulatory Operations Service
17th Floor, Pacific Center Building, San Miguel Avenue,
Ortigas Center 1600, Pasig City