

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
Pasig City

**IN THE MATTER OF THE  
APPLICATION FOR  
AUTHORITY TO  
IMPLEMENT THE  
PROPOSED CAPITAL  
EXPENDITURE PROGRAM  
FOR REGULATORY YEAR  
(RY) 2022, WITH PRAYER  
FOR PROVISIONAL  
AUTHORITY**

**ERC CASE NO. 2021-060 RC**

**MANILA ELECTRIC  
COMPANY (MERALCO),**  
*Applicant.*

**Promulgated:**  
October 12, 2021

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**ORDER**

On 27 July 2021, Manila Electric Company (MERALCO) filed an *Application* dated 22 June 2021, seeking the Commission's approval for the authority to implement its proposed capital expenditure program for Regulatory Year (RY) 2022, with prayer for provisional authority.

On 10 August 2021, the Commission issued an *Order and Notice of Virtual Hearing*, both dated 02 August 2021, setting the instant *Application* for the determination of compliance with jurisdictional requirements and expository presentation on 15 September 2021; and Pre-trial Conference and presentation of evidence 22 September 2021.

However, on 12 August 2021, MERALCO filed its *Motion for the Issuance of a New Initial Order and Notice of Virtual Hearing* dated 11 August 2021 (Motion), wherein it alleged that due to quarantine restrictions being imposed by the government because of Corona Virus Disease 2019 (COVID-19), MERALCO would need more time to comply with the Commission's jurisdictional requirements.

Thus, on 27 August 2021, the Commission issued an *Order and Notice of Virtual Hearing*, both dated 18 August 2021, granting

MERALCO's *Motion* dated 11 August 2021, and setting anew the hearings for the instant *Application* for determination of compliance with the jurisdictional requirements and expository presentation on 20 October 2021; and Pre-trial Conference and presentation of evidence on 27 October 2021.

Subsequently, on 05 October 2021, MERALCO filed another *Motion for the Issuance of a New Initial Order and Notice of Virtual Hearing* dated 04 October 2021, wherein it alleged that due to the failure of one of the publisher engaged by MERALCO to cause the publication of the *Notice of Virtual Hearing* in its newspaper of general circulation last 03 October 2021, MERALCO will not be able to completely comply with the jurisdictional requirements set by the Commission in its *Order* dated 18 August 2021. In view thereof, MERALCO prayed that the Commission issue a new *Order and Notice of Virtual Hearing*, further resetting the hearings for the instant *Application* on 26 November 2021 and 03 December 2021, in order to give MERALCO ample time to comply with the said jurisdictional requirements.

The Commission finds MERALCO's *Motion* dated 04 October 2021 in order. Hence, the same is hereby **GRANTED**. In view thereof, the hearings set on 20 October 2021 and 27 October 2021 pursuant to the *Order* dated 18 August 2021 are cancelled.

**ACCORDINGLY**, the Commission sets anew the hearings for the instant *Application* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020<sup>1</sup> dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure)<sup>2</sup>:

<b>Date</b>	<b>Platform</b>	<b>Activity</b>
<b>26 November 2021</b> (Friday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Determination of compliance with the jurisdictional requirements and expository presentation

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<sup>1</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

<sup>2</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

<b>Date</b>	<b>Platform</b>	<b>Activity</b>
<b>03 December 2021</b> (Friday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Pre-trial Conference and presentation of evidence

**RELATIVE THERETO**, MERALCO is 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 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 Virtual Hearing* the Offices of the Provincial Governors, the 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 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 all those making requests therefor, subject to the resolution of the prayer for confidential treatment of information, if any, and reimbursement of reasonable photocopying costs.<sup>3</sup>

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<sup>3</sup> For the e-mail address of the applicant, please see page 7.

Within five (5) calendar days prior to the date of the initial virtual hearing, MERALCO must submit to the Commission via electronic mail (e-mail) at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), the scanned copies of 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 Virtual Hearing* consisting of affidavit of the Editors or Business Managers of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issue 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 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 MERALCO to inform the consumers within its franchise area of the filing of the *Application*, its 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 by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, MERALCO is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publications and certifications issued by the concerned Office of the Governors, Mayors, and Local Legislative Bodies, and to submit proof of its posting thereof.

MERALCO and all interested parties are also required to submit to the Commission via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal

Service through [legal@erc.ph](mailto:legal@erc.ph), at least five (5) calendar days before the date of the scheduled initial 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, 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.

MERALCO 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 MERALCO 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.

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.

MERALCO is hereby directed to file a copy of its Expository Presentation via e-mail at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), at least five (5) calendar days prior to the scheduled virtual hearing. MERALCO 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 scheduled virtual hearing.

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

MERALCO 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 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. 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.

Finally, MERALCO, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru [legal.virtualhearings@erc.ph](mailto: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, o8 October 2021.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

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

  
LS: VMA/LSP/MCCG

**ERC**  
Office of the Chairperson  
  
\*AVSTD-2021-10-510-0018\*

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Copy Furnished:

1. Manila Electric Company (MERALCO)  
*Applicant*  
MERALCO Compound, Lopez Building,  
Ortigas Avenue, Pasig City  
[regulatory.legal.admin@meralco.com.ph](mailto:regulatory.legal.admin@meralco.com.ph);  
[regaffairs@meralco.com.ph](mailto:regaffairs@meralco.com.ph)
2. Attys. Francis Dino S. Antonio, Hazel Rose B. See, Adrian Rex C. Dimalanta,  
Isagani C. Coruna II, and Edgar Michael C. Robles  
7<sup>th</sup> Floor, Lopez Building,  
Ortigas Avenue, Pasig City  
[fdsantonio@meralco.com.ph](mailto:fdsantonio@meralco.com.ph); [hrbsee@meralco.com.ph](mailto:hrbsee@meralco.com.ph);  
[aredimalanta@meralco.com.ph](mailto:aredimalanta@meralco.com.ph); [iccorunaii@meralco.com.ph](mailto:iccorunaii@meralco.com.ph);  
[emcrobles@meralco.com.ph](mailto:emcrobles@meralco.com.ph)
3. Office of the Solicitor General (OSG)  
134 Amorsolo Street, Legaspi Village, Makati City  
[docket@osg.gov.ph](mailto:docket@osg.gov.ph)
4. Commission on Audit (COA)  
Commonwealth Avenue, Quezon City  
[citizensdesk@coa.gov.ph](mailto:citizensdesk@coa.gov.ph)
5. Senate Committee on Energy  
GSIS Building, Roxas Boulevard, Pasay City  
[senateenergycommittee@gmail.com](mailto:senateenergycommittee@gmail.com)
6. House Committee on Energy  
Batasan Hills, Quezon City  
[committee.energy@house.gov.ph](mailto:committee.energy@house.gov.ph)
7. Regulatory Operations Service  
Energy Regulatory Commission  
Pacific Center Building, San Miguel Avenue, Pasig City  
[ros@erc.ph](mailto:ros@erc.ph)
8. Office of the City Mayor  
City of Caloocan
9. Office of the Local Government Unit (LGU) Legislative Body  
City of Caloocan
10. Office of the City Mayor  
City of Las Pinas
11. Office of the Local Government Unit (LGU) Legislative Body  
City of Las Pinas
12. Office of the City Mayor  
City of Makati
13. Office of the Local Government Unit (LGU) Legislative Body  
City of Makati
14. Office of the City Mayor  
City of Malabon
15. Office of the Local Government Unit (LGU) Legislative Body  
City of Malabon
16. Office of the City Mayor  
City of Mandaluyong
17. Office of the Local Government Unit (LGU) Legislative Body  
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18. Office of the City Mayor  
City of Manila
19. Office of the Local Government Unit (LGU) Legislative Body  
City of Manila

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City of Muntinlupa
23. Office of the Local Government Unit (LGU) Legislative Body  
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24. Office of the City Mayor  
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25. Office of the Local Government Unit (LGU) Legislative Body  
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26. Office of the City Mayor  
City of Paranaque
27. Office of the Local Government Unit (LGU) Legislative Body  
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28. Office of the City Mayor  
City of Pasay
29. Office of the Local Government Unit (LGU) Legislative Body  
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30. Office of the City Mayor  
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31. Office of the Local Government Unit (LGU) Legislative Body  
City of Pasig
32. Office of the Municipal Mayor  
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33. Office of the Local Government Unit (LGU) Legislative Body  
Municipality of Pateros
34. Office of the City Mayor  
City of Quezon
35. Office of the Local Government Unit (LGU) Legislative Body  
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36. Office of the City Mayor  
City of San Juan
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City of Taguig
40. Office of the City Mayor  
City of Valenzuela
41. Office of the Local Government Unit (LGU) Legislative Body  
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42. Office of the Mayor  
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Bocaua, Bulacan
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51. Office of the Local Government Unit (LGU) Legislative Body  
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Bustos, Bulacan
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Dona Remedios Trinidad, Bulacan
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Hagonoy, Bulacan
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66. Office of the City Mayor  
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68. Office of the Mayor  
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69. Office of the Local Government Unit (LGU) Legislative Body

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San Jose del Monte, Bulacan
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San Pedro, Laguna
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San Pedro, Laguna
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Sta. Cruz, Laguna
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Sta. Rosa, Laguna
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Victoria, Laguna
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Candelaria, Quezon
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Candelaria, Quezon
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Dolores, Quezon
211. Office of the Local Government Unit (LGU) Legislative Body  
Dolores, Quezon
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Lucban, Quezon
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220. Office of the Mayor  
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221. Office of the Local Government Unit (LGU) Legislative Body  
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222. Office of the Mayor  
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223. Office of the Local Government Unit (LGU) Legislative Body  
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224. Office of the Mayor  
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225. Office of the Local Government Unit (LGU) Legislative Body  
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226. Office of the Mayor  
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227. Office of the Local Government Unit (LGU) Legislative Body  
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228. Office of the Mayor  
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229. Office of the Local Government Unit (LGU) Legislative Body  
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230. Office of the Mayor  
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231. Office of the Local Government Unit (LGU) Legislative Body  
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232. Office of the Mayor  
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233. Office of the Local Government Unit (LGU) Legislative Body  
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234. Office of the Mayor  
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235. Office of the Local Government Unit (LGU) Legislative Body  
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236. Office of the Governor  
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237. Office of the Local Government Unit (LGU) Legislative Body  
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