

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



**IN THE MATTER OF THE PETITION
FOR APPROVAL OF INTERIM
OPEN ACCESS IN THE LUZON
AND VISAYAS GRIDS**

ERC CASE NO. 2008-026 RC

**PHILIPPINE INDEPENDENT
POWER PRODUCERS
ASSOCIATION (PIPPA), MANILA
ELECTRIC COMPANY (MERALCO),
VISAYAN ELECTRIC COMPANY
(VECO), CLARK ELECTRIC
DISTRIBUTION CORP. (CEDC),
DAVAO LIGHT & POWER CO. INC.
(DLPC), CAGAYAN ELECTRIC
POWER AND LIGHT COMPANY
(CEPALCO), SAN FERNANDO
ELECTRIC LIGHT & POWER CO.
(SFELAPCO) and PANAY
ELECTRIC COMPANY, INC.
(PECO),**

Petitioners.

X----- X

D O C K E T E D
Date: MAR 01 2010
By: [Signature]

ORDER

Before this Commission for resolution is the "Petition for Intervention" dated February 5, 2010 filed by the Sem-Calaca Power Corporation (SCPC) seeking permission to intervene in the proceedings in this case and praying for a one (1)-year extension in the implementation of the Power Supply Option Program (PSOP).

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In support of its petition, SCPC alleges, among others, that it needs additional time to completely rehabilitate and upgrade the prevailing condition of the Calaca Power Plant and to develop a marketing strategy for the marketing of its energy to eligible customers since other participants has had longer periods to prepare for the PSOP.

The Commission finds the petition bereft of merit.

Section 2 of the ERC's Rules of Practice and Procedure permits the filing of petitions for intervention *not less than five (5) days prior to the time the proceeding is called for hearing or for good cause shown, at the time the proceeding is called for hearing*. In this case, the period to intervene has long lapsed. Thus, any intervention at this time is no longer legally permissible.

Moreover, the Commission's Decision dated November 10, 2008 and Order dated September 14, 2009 have long become final and executory, thus, may no longer be disturbed.

Finally, the Commission is convinced that the ninety (90) – day period, reckoned from the complete transfer of the Calaca NPC Generation Assets to SCPC on December 2, 2009, is more than sufficient time to ensure SCPC's participation in the PSOP.

WHEREFORE, premises considered, the "Petition for Intervention" of the Sem-Calaca Power Corporation (SCPC) is hereby **DENIED** for lack of merit.

SO ORDERED.

Pasig City, February 22, 2010.

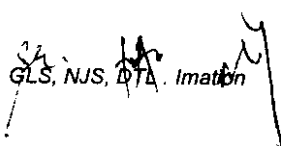

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Chairperson *gadr*


RAUF A. TAN
Commissioner


ALEJANDRO Z. BARIN
Commissioner


MARIA TERESA A.R. CASTAÑEDA
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GLS, NJS, DTL, Imation

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