

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. \_\_\_\_\_

Philippine Independent Power  
Producers Association (PIPPA), and  
Manila Electric Company (MERALCO),  
Visayan Electric Company (VECO),  
Davao Light & Power Co. (DLPC), Inc.,  
Clark Electric Distribution Corp.,  
Cagayan Electric Power and Light  
Company (CEPALCO), San Fernando  
Electric Light & Power Co. (SFELAPCO)  
and Panay Electric Company, Inc.  
(PECO),

Petitioners.

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## PETITION

Petitioners, through their counsel, most respectfully submit this Petition to  
this Honorable Commission for the approval of the interim implementation of  
Open Access in the Luzon and Visayas grids.

1. The Petitioners are:

a. Philippine Independent Power Producers Association  
(PIPPA), a domestic corporation with offices located at the 3<sup>rd</sup> Floor Benpres  
Bldg., Exchange Road cor. Meralco Ave., Pasig City;

b. Manila Electric Company (MERALCO), a domestic  
corporation duly organized and existing under and by virtue of the laws of  
the Republic of the Philippines, with principal office address at Meralco  
Building, Ortigas Avenue cor. Meralco Avenue, Pasig City;

c. Visayan Electric Company (VECO), a domestic corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at J. Panis Street, Banilad, Cebu City;

d. Davao Light & Power Co. (DLPC), Inc., a domestic corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at 163-165 C. Bangoy Sr. Street, Davao City;

e. Clark Electric Distribution Corp. (CEDC), a domestic corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at Building 2121 E. Quirino Ave., Clark Field, Pampanga;

f. Cagayan Electric Power and Light Company (CEPALCO), a domestic corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at the 8<sup>th</sup> Floor, Strata 100 Building, Emerald Avenue, Ortigas Center, Pasig City;  
and

g. San Fernando Electric Light & Power Co. (SFELAPCO), a domestic corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at Teopaco, San Fernando City, Pampanga.

h. Panay Electric Company, Inc. (PECO), a domestic corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at Manfred's Inn Building, 23 Gen. Luna Street, Iloilo City.

(Copies of the respective corporate authorities of the Petitioners are attached to this Petition.)

2. The Petitioners<sup>1</sup> are among the signatories to the "Terms of Reference of the Interim Implementation of Open Access" (the "Terms of Reference"), drafted and signed by certain electricity industry participants who have expressed their willingness to voluntarily implement retail competition and open access notwithstanding the non-fulfillment of the pre-conditions imposed under Section 31 of the EPIRA which provides that:

*SEC. 31. Retail Competition and Open Access. – Any law to the contrary notwithstanding, retail competition and open access on distribution wires shall be implemented not later than three (3) years upon the effectivity of this Act, subject to the following conditions:*

- (a) Establishment of the wholesale electricity spot market;
- (b) Approval of unbundled transmission and distribution wheeling charges;
- (c) Initial implementation of the cross subsidy removal scheme;
- (d) Privatization of at least seventy (70%) percent of the total capacity of generating assets of NPC in Luzon and Visayas; and
- (e) Transfer of the management and control of at least seventy percent (70%) of the total energy output of power plants under contract with NPC to the IPP Administrators.

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<sup>1</sup> Except SFELAPCO.

Upon the initial implementation of open access, the ERC shall allow all electricity end-users with a monthly average peak demand of at least one megawatt (1MW) for the preceding twelve (12) months to be the contestable market. Two (2) years thereafter, the threshold level for the contestable market shall be reduced to seven hundred fifty kilowatts (750kW). At this level, aggregators shall be allowed to supply electricity to end-users whose aggregate demand within a contiguous area is at least seven hundred fifty kilowatts (750kW). Subsequently and every year thereafter, the ERC shall evaluate the performance of the market. On the basis of such evaluation, it shall gradually reduce threshold level until it reaches the household demand level. In the case of electric cooperatives, retail competition and open access shall be implemented not earlier than five (5) years upon the effectivity of this act.

5. The Terms of Reference (attached to the Petition as Annex "A")

being presented to this Honorable Commission for approval and described in this Petition has been developed in consultation with the electricity industry participants, namely, Semiconductor and Electronics Industries in the Philippines, Inc. (SEIPI), National Competitiveness Council (NCC), Philippine Chamber of Commerce and Industry (PCCI), Federation of Philippine Industries (FPI), Philippine Exporters Confederation, Inc., The American Chamber of Commerce of the Philippines, Inc. (AMCHAM), The Canadian Chamber of Commerce of the Philippines, Inc. (CanCham), European Chamber of Commerce in the Philippines, Inc (ECCP), Japanese Chamber of Commerce & Industry in the Philippines, Inc., Korean Chamber of Commerce in the Philippines, Inc., SN Aboitiz Power Magat Incorporated, First Gen Hydro Power Corporation, PNOC Development Corporation, First Gen Corporation, Manila Electric Company (MERALCO), Clark Electric Distribution Corp., Panay Electric Company, Inc. (PECO), AES Philippines, Confederation of Garment Exporters of the Philippines (CONGEP), Textile Mills

Association of the Philippines (TMAP) and Garment Business Association of the Philippines (GBAP).

6. The said electricity industry participants created the Terms of Reference for the reasons stated in its preamble, as follows:

“Proposals to amend the Electric Power Industry Reform Act (EPIRA) were filed in both houses of Congress with the view to accelerating retail competition and open access by lowering the required privatization threshold and removing the requirement for the TRANSCO concessionaire to secure a Congressional franchise. Such efforts were opposed by power industry participants and other significant sectors in the Philippine business community. While it was conceded that the intentions underlying the foregoing legislative initiatives are indeed commendable, serious apprehensions were expressed that introducing basic legislative changes at this point in time when the positive results of the EPIRA’s reforms are beginning to take shape may only negate the momentum that has already been achieved. Moreover, the tedious and potentially disruptive process of amending the EPIRA may create considerable uncertainty among present and prospective investors which could slow down the privatization process that has picked up speed in the last 18 months, erode the gains of the last few years, and create an impression that the Philippine power sector is not serious about reforms after all.

In the meantime, industrial and other large power consumers have requested that the implementation of retail competition and open access be accelerated within the framework of the EPIRA. In response to the clamor, the option to directly choose the power supplier that can give the most reliable service at the most competitive rates was granted, initially, to large power consumers. The DOE continues to address this concern by continuing to explore other initiatives that will enable a greater number of consumers the same opportunity of choice.

During the Energy Summit held in January 2008, President Arroyo emphasized the need to take action and introduce the early implementation of open access to mitigate the high cost of electricity which is affecting Philippine competitiveness in the world market and hurting the country’s ability to attract more business. In this regard, she urged that industry players, particularly private generation companies and distribution utilities, should cooperate to find solutions to implement accelerated open access.

In answer to this call, a number of electricity industry participants have expressed their willingness to voluntarily implement retail competition and open access notwithstanding the non-fulfillment of the pre-conditions imposed under Section 31 of the EPIRA. There is an emerging view that open access can be implemented early and still be consistent with the policy intent of EPIRA. Mitigating measures and other similar safety nets

will, however, have to be established before Interim Open Access can be implemented, to ensure that there is a level-playing field with sufficient participants in a truly competitive market where no dominant player/s can enjoy undue advantage.”

7. The Petitioners fully endorse this Petition for Interim Open Access in the Luzon and Visayas grids on the ground of public interest and in response to the call of the government that interim open access is envisioned to provide lower cost of power. The Petitioners therefore call upon this Honorable Commission to exercise its powers, as provided for in Section 43 of the EPIRA:

SEC. 43. *Functions of the ERC.* -The ERC shall promote competition, encourage market development ensure customer choice and penalize abuse of market power in the restructured electricity industry. In appropriate cases, the ERC is authorized to issue cease and desist order after due notice and hearing. Towards this end it shall be responsible for the following key functions in the restructured industry:

x x x

(t) "(P)erform such other regulatory functions as are appropriate and necessary in order to ensure the successful restructuring and modernization of the electric power industry". (underscoring supplied)

7.1 In this case, given the circumstances, the implementation of interim open access could pave the way for a successful and expeditious full implementation of retail competition and open access, as mandated by the EPIRA.

7.2 As proposed in the Terms of Reference, this Honorable Commission, as the Implementing Agency, shall establish the guiding principles for the early implementation of Interim Open Access and retail competition and promulgate rules and regulations to ensure and promote competition, encourage market development and customer choice and discourage abuse of market power. The wholesale and

retail supply market will greatly benefit from such appropriate guidelines and rules that will address concerns about the effects of open access.

8. Thus, the Petitioners most respectfully pray that this Honorable Commission approve the interim implementation of the said open access in accordance with the Terms of Reference, reproduced below:

“Under this Interim Open Access it is proposed that:

**A. Eligible Contestable Customers**

1. Upon the commencement of Interim Open Access and retail competition, Eligible Contestable Customers with a monthly average peak demand of at least one megawatt (1MW) for the preceding 12 months may now be allowed by its distribution utilities to choose to purchase its electricity requirements among the Eligible Generation Companies and retail supply companies.
2. Six months thereafter, the threshold level for the contestable customers shall be reduced to seven hundred fifty kilowatts (750kW).

**B. Distribution Utilities [and Electric Cooperatives]**

3. Upon effectivity of Interim Open Access and retail competition, all Distribution Utility [Electric Cooperative] franchise holders shall immediately notify all its Eligible Contestable Customers that Interim Open access and retail competition has become effective pursuant to an Energy Regulatory Commission (ERC) resolution and that all Eligible Contestable Customers shall now have the freedom to choose their electricity supplier from among the Eligible Generation Assets and retail supply companies.
4. Each Eligible Generation Companies or retail supply company, Eligible Contestable Customer will enter into an energy wheeling agreement with the appropriate Distribution Utility/Electric Cooperative and/or Transco.

C. Eligible Generation Companies

5. All generation companies, including those that acquired the privatized National Power Corporation (NPC) Generation Assets, or their related groups, that are within the mandated market cap, i.e., owning, operating or controlling 30% or less of the installed generating capacity in a grid and/or 25% or less of the national installed capacity pursuant to Section 45 of EPIRA, will be allowed to voluntarily sell or contract directly with Eligible Contestable Customers.
6. For this purpose, all NPC Generation Assets and NPC-IPP Contracts shall be attributable to NPC, including those that may have been assigned or in anyway transferred to Power Sector Assets and Liabilities Management Corporation (PSALM) pursuant to EPIRA.
7. All Eligible Generation Companies must secure the appropriate Supplier license from the ERC before it can participate in Interim Open Access.

D. Role of NPC

8. NPC will continue to sell power into the Wholesale Electricity Spot Market (WESM), Distribution Utilities, Electric Cooperatives, and SPUG areas.
9. Once the privatization thresholds required under Section 31 of the EPIRA have been fully satisfied, NPC may participate up to the extent of its remaining capacity.

E. Transition Supply Contracts

10. All existing Transition Supply Contract (TSC) will remain valid.
11. The Implementation of Interim Open Access, being a temporary measure, will not in anyway shorten the life or effectivity of any or all existing TSCs.
12. NPC will continue to serve its existing TSCs until they are transferred to the winning bidders in the privatization of the remaining NPC Generation Assets.
13. If a Distribution Utility and/or Electric Cooperative loses a contestable customer as a result of a bilateral contract entered by a Privatized NPC Generation Asset as a result of Interim

Open Access, the TSC contracted volume will be reduced in an amount equal to the load contracted by the contestable customer without any penalty to the Distribution Utility.

14. NPC electricity rate will remain under ERC regulation.

**F. Implementing Agency**

15. The ERC has the authority to prescribe the qualifications for the participation in the retail or contestable market under Section 31 of EPIRA.
16. The ERC has the authority under Sections 43 and 45 of the EPIRA to promulgate rules and regulations to ensure and promote competition, encourage market development and customer choice and discourage abuse of market power.
17. ERC shall establish the guiding principles for the early implementation of Interim Open Access and retail competition. Interim Open Access shall take immediate effect upon publication of the appropriate ERC resolution.

**G. Effectivity and Scope**

18. A petition for Interim Open Access will be filed with the ERC with the endorsement of all participating Eligible Generation Companies, and participating Distribution Utilities/Electric Cooperatives.
19. Interim Open Access shall take effect only upon the transfer of the operation of the Calaca and Masinloc Privatized NPC Generation Assets to the private generation companies concerned.
20. Full privatization of NPC generation assets and IPP contracts shall be completed "not later than eight (8) years from the effectivity of the "EPIRA" or by 2009, pursuant to Sec. 47(i) of EPIRA. Thus, Interim Open Access will be implemented until the earlier of June 30, 2010 or upon the occurrence of the effectivity of retail competition and open access as declared by ERC accordance with Section 31 of EPIRA/
21. Interim Open Access shall be implemented only in the Luzon and Visayas grids."

Prayer...

PRAYER

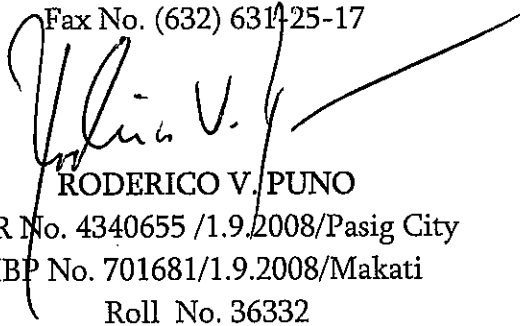
The Petitioners, therefore, most respectfully pray that this Honorable Commission approve this Petition for Interim Open Access in the Luzon and Visayas grids to be implemented in accordance with the Terms of Reference.

The Petitioners pray for such other reliefs as may be appropriate under the circumstances.


Pasig City: May 21, 2008.

PUNO AND PUNO  
Counsel for the Petitioners  
12<sup>th</sup> Floor, East Tower  
Philippine Stock Exchange Center  
Exchange Road, Ortigas Center, Pasig City  
Tel. Nos. (632) 631-12-61  
Fax No. (632) 631-25-17


By:



RODERICO V. PUNO  
PTR No. 4340655 /1.9.2008/Pasig City  
IBP No. 701681/1.9.2008/Makati  
Roll No. 36332



HELENA ROSALES-CALO  
PTR No. 4340656/01.09.2008/Pasig City  
IBP No. 729903/01.02.2008/Manila 4  
Roll No. 37262



TRINA B. SAN DIEGO  
PTR No. 4351297/01.15.2008/Pasig City  
IBP No. 738383/01.15.2008/Pasig City  
Roll No. 52563

Verification.../

**VERIFICATION**

I, **Ernesto B. Pantangco**, Filipino, of legal age, married and with office address at 3/F Benpres Building, Exchange Road, Ortigas Center, Pasig City, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:

1. I am the incumbent President of the **Philippine Independent Power Producers Association (PIPPA)** (the "Association").

2. As such, I have personal knowledge in relation to the above-entitled case, on the basis of which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand;

3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.

4. I hereby certify that PIPPA has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any other tribunal or agency.

5. To the best of my knowledge, there is no such pending action or proceeding.

6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court of that fact within five (5) days therefrom

MAY 21 2008

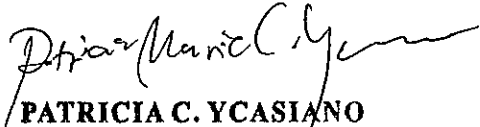
IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of May 2008, in PASIG CITY.

  
**ERNIE B. PANTANGCO**  
*Affiant*

MAY 21 2008

SUBSCRIBED AND SWORN to before me on this \_\_\_ day of May 2008, at \_\_\_\_\_, affiant exhibited to me his Community Tax Certificate No. DRABEN'S LICENSE NII-68-01817 issued in ORION CITY on SEPT. 24, 2009.

Doc No. 54;  
Page No. 12;  
Book No. 1;  
Series if 2008

  
**PATRICIA C. YCASIANO**  
Notary Public for Pasig City  
Commission No. 117 until Dec. 2009  
Roll of Atty. No. 50790  
PTR No. 4340690/01.09.08/ Pasig City  
IBP No. 729931/01.02.08/ Makati City  
12<sup>th</sup> Floor, East Tower, PSE Centre  
Exchange Road, Ortigas Center, Pasig City

REPUBLIC OF THE PHILIPPINES )  
PASIG CITY ) S.S.

**PRESIDENT'S CERTIFICATE**

I, **ERNESTO B. PANTANGCO** of legal age, Filipino, incumbent President of Philippine **Philippine Independent Power Producers Association** (PIPPA) (the "Association") with office address at 3/F Benpres Building, Exchange Road, Ortigas Center, Pasig City, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:


1. By Referendum of the Board of Directors of the Association on 20 May 2008, the following resolutions, was approved and adopted:

**"RESOLVED**, That the Board of Directors of **Philippine Independent Power Producers Association** (PIPPA), (the "Association) authorize, as it hereby authorizes, the Association to prepare, execute, deliver, file or submit to the Energy Regulatory Commission (ERC) any and all letters, certifications, petitions, motions, applications or other pleadings for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access;

**"RESOLVED FINALLY**, That, **Mr. Ernesto B. Pantangco** be authorized to (a) execute, deliver and/or verify, for and on behalf of the Association any and all letters, certifications, petitions, motions, applications or other pleadings, (b) to appoint **Puno and Puno Law Offices**, located at the 12<sup>th</sup> Floor, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, Philippines, to represent the Association as its counsel before the Energy Regulatory Commission for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access; and (c) to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of such person, to carry out the purposes and intent of these Resolutions."

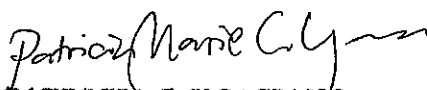
2. The foregoing is in accordance with the records of the Association as of the date hereof.

\_\_\_\_\_ **IN WITNESS WHEREOF**, I have hereunto set my hand this MAY 21 2008 day of \_\_\_\_\_ 2008 at Pasig City.

  
\_\_\_\_\_  
President

**SUBSCRIBED AND SWORN TO** before this MAY 21 2008 day of \_\_\_\_\_ 2008 at PASIG CITY by affiant who exhibited to me his Community Tax Certificate No. 111-68-018177 issued on QUEZON CITY at SEPT 24, 2009.

Doc. No. 55 ;  
Page No. 12 ;  
Book No. I ;  
Series of 2008.

  
**PATRICIA C. YCASIANO**  
Notary Public for Pasig City  
Commission No. 117 until Dec. 2009  
Roll of Atty. No. 50790  
PTR No. 4340690/01.09.08/ Pasig City  
IBP No. 729931/01.02.08/ Makati City  
12<sup>th</sup> Floor, East Tower, PSE Centre  
Exchange Road, Ortigas Center, Pasig City

**VERIFICATION**  
**AND CERTIFICATION AGAINST FORUM SHOPPING**

I, **JESUS P. FRANCISCO**, Filipino, of legal age, married and with office address at Lopez Building, MERALCO Compound, Ortigas Center, Pasig City, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:

1. I am the incumbent President and Chief Operating Officer of the Manila Electric Company.

2. As such, I have personal knowledge in relation to the above-entitled case, on the basis of which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand;

3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.

4. I hereby certify that the Corporation has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any other tribunal or agency.

5. To the best of my knowledge, there is no such pending action or proceeding.


6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court of that fact within five (5) days therefrom

IN WITNESS WHEREOF, I have hereunto set my hand this 21<sup>st</sup> day of May 2008, in Pasig City.

  
**JESUS P. FRANCISCO**  
*Affiant*

SUBSCRIBED AND SWORN to before me on this 21<sup>st</sup> day of May 2008, at Pasig City, affiant exhibited to me his Philippine Passport No. SS0003743 issued in Manila, Philippines with expiry date on 23 November' 2010 as competent proof of identity.

Doc No. 51;  
Page No. 12;  
Book No. 7;  
Series if 2008

  
**MARIA RICA N. MATUTE-DINEROS**  
Notary Public for Pasig City  
Commission 96-97 until Dec. 2009  
Reg. of Act. No. 52396  
PTR No. 4740889-01.09.08/ Pasig City  
IBF No. 729429-01.02.08/ Quezon City  
12<sup>th</sup> Floor, East Tower, PSE Centre  
Exchange Road, Ortigas Center, Pasig City



## VERIFICATION

I, Juan Antonio E. Bernad, Filipino, of legal age, married and with office address at J. Panis Street, Banilad, Cebu City, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:

1. I am the incumbent Senior Vice President of Visayan Electric Company ("Corporation.") & Regulatory Compliance Officer

2. As such, I have personal knowledge in relation to the above-entitled case, on the basis of which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand;

3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.

4. I hereby certify that the Corporation has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any other tribunal or agency.

5. To the best of my knowledge, there is no such pending action or proceeding.

6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court of that fact within five (5) days therefrom.


IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of May 2008, in City of Makati

  
**JUAN ANTONIO E. BERNAD**

*Affiant*

SUBSCRIBED AND SWORN to before me on this 21st day of May 2008, at Makati City, affiant exhibited to me his Community Tax Certificate No. 18484178 issued in Cebu City on Feb. 27, 2008

Doc No. 4/2 ;  
Page No. 84 ;  
Book No. 1V ;  
Series if 2008.

  
CYNTHIA MARISSA M. REYES  
Notary Public  
Until December 31, 2009  
PTR No. 0982726  
January 2, 2008, Makati City  
Lifetime IBP O.R. No. 576757  
January 27, 2003, Pasig City  
Roll No. 38560, IBP PPLM-Chapter

REPUBLIC OF THE PHILIPPINES)  
City of Makati ) S.S.

**SECRETARY'S CERTIFICATE**

I, Jasmine S. Oporto, of legal age, Filipino, incumbent Corporate Secretary of Visayan Electric Company (the "Corporation") with office address at J. Panis Street, Banilad, Cebu City, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:


1. During <sup>special meeting</sup> of the Board of Directors of the Corporation on May 13, 2008, the following resolutions, was approved and adopted:

**"RESOLVED**, That the Board of Directors of Visayan Electric Company, (the "Corporation) authorize, as it hereby authorizes, the Corporation to prepare, execute, deliver, file or submit to the Energy Regulatory Commission (ERC) any and all letters, certifications, petitions, motions, applications or other pleadings for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access;

**"RESOLVED FINALLY**, That, **Mr. Juan Antonio E. Bernad** be authorized to (a) execute, deliver and/or verify, for and on behalf of the Corporation any and all letters, certifications, petitions, motions, applications or other pleadings, (b) to appoint **Puno and Puno Law Offices**, located at the 12<sup>th</sup> Floor, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, Philippines, to represent the Corporation as its counsel before the Energy Regulatory Commission for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access; and (c) to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of such person, to carry out the purposes and intent of these Resolutions."


2. The foregoing is in accordance with the records of the Corporation as of the date hereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand this MAY 21 2008 day of \_\_\_\_\_ 2008 at **City of Makati**

  
**JASMINE S. OPORITO**  
Corporate Secretary

**SUBSCRIBED AND SWORN TO** before this MAY 21 2008 2008 at **City of Makati** by affiant who exhibited to me her Community Tax Certificate No. 18438475 issued on May 2, 2008 at Cebu City.

Doc. No. 411 ;  
Page No. 84 ;  
Book No. IV ;  
Series of 2008.

  
CYNTHIA MARISSA M. REYES  
Notary Public  
Until December 31, 2009  
PTR No. 0982726  
January 2, 2008, Makati City  
Lifetime IBP O.R. No. 578757  
January 27, 2003, Pasig City  
Roll No. 38560. IBP PPLM-Chapter

**VERIFICATION**

I, Juan Antonio E. Bernad, Filipino, of legal age, married and with office address at Ponciano Office, 163-165 C. Bangoy Sr. Street, Davao City, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:

1. I am the incumbent Senior Vice President/ Chief of Davao Light and Power Company (**"Corporation."**) Finance Officer

2. As such, I have personal knowledge in relation to the above-entitled case, on the basis of which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand;

3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.

4. I hereby certify that the Corporation has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any other tribunal or agency.

5. To the best of my knowledge, there is no such pending action or proceeding.


6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court of that fact within five (5) days therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand this MAY 21 2008 day of May 2008, in City of Makati

  
**JUAN ANTONIO E. BERNAD**  
*Affiant*

SUBSCRIBED AND SWORN to before me on this MAY 21 2008 day of May 2008, at City of Makati affiant exhibited to me his Community Tax Certificate No. 18484178 issued in abu city on Feb 27, 2008

Doc No. 413 ;  
Page No. 84 ;  
Book No. 11 ;  
Series if 2008.

  
CYNTHIA MARISSA M. REYES  
Notary Public  
Until December 31, 2009  
PTR No. 0982726  
January 2, 2008, Makati City  
Lifetime IBP O.R. No. 578757  
January 27, 2003, Pasig City  
Roll No. 38560, IBP PPLM-Chapter

REPUBLIC OF THE PHILIPPINES)  
CITY OF MAKATI )S.S

SECRETARY'S CERTIFICATE

I, CATHERINE R. ATAY, of legal age, Filipino, incumbent Assistant Corporate Secretary of Davao Light & Power Company (the "Corporation") with office address at Ponciano Office, 163-165 C. Bangoy Sr. Street, Davao City, after having been duly sworn in accordance with the law, do hereby depose and state that:

1. During Regular Meeting of the Board of Directors of the Corporation on April 28, 2008, the following resolutions, was approved and adopted:

**"RESOLVED**, That the Board of Directors of Davao Light and Power Company, (the "Corporation") authorize, as it hereby authorizes, the Corporation to prepare, execute, deliver, file or submit to the Energy Regulatory Commission ("ERC") any and all letters, certifications, petitions, motions, applications or other pleadings for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access;

**"RESOLVED FINALLY**, That, **Mr. Juan Antonio E. Bernad** be authorized to (a) execute, deliver and/or verify, for and on behalf of the Corporation any and all letters, certifications, petitions, motions, applications or other pleadings, (b) to appoint **Puno and Puno Law Offices**, located at the 12<sup>th</sup> Floor, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, Philippines, to represent the Corporation as its counsel before the ERC for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access; and (c) to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of such person, to carry out the purposes and intent of these Resolutions."

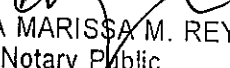
2. The foregoing is in accordance with the records of the Corporation as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 21<sup>st</sup> day of May 2008 at Makati City.

  
CATHERINE R. ATAY  
Assistant Corporate Secretary

SUBSCRIBED AND SWORN to before this 21<sup>st</sup> day of May 2008 in Makati City by affiant who exhibited to me her Community Tax Certificate No. 18475815 issued at Cebu City on February 22, 2008.

Doc. No. 414;  
Page No. 84;  
Book No. IV;  
Series of 2008

  
CYNTHIA MARISSA M. REYES  
Notary Public  
Until December 31, 2009  
PTR No. 0982726  
January 2, 2008, Makati City  
Lifetime IBP O.R. No. 578757  
January 27, 2003, Pasig City  
Roll No. 38560, IBP PPLM-Chapter

**VERIFICATION**

I, **IVANNA G. DELA PEÑA**, Filipino, of legal age, married and with office address at N 2830 Bayanihan Street, Clark Freeport Zone, Pampanga, Philippines, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:

1. I am an incumbent Director of Clark Electric Distribution Corporation.

2. As such, I have personal knowledge in relation to the above-entitled case, on the basis of which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand;

3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.

4. I hereby certify that the Corporation has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any other tribunal or agency.

5. To the best of my knowledge, there is no such pending action or proceeding.

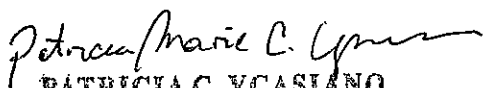
6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court of that fact within five (5) days therefrom

IN WITNESS WHEREOF, I have hereunto set my hand this 21<sup>st</sup> day of May 2008, in Pasig City.

  
**IVANNA G. DELA PEÑA**  
Affiant

SUBSCRIBED AND SWORN to before me on this 21<sup>st</sup> day of May 2008, at Pasig City, affiant exhibited to me her Philippine Driver's License No. N07-87-064310 with expiry date on 15 October 2010 as competent proof of identity.

Doc No. 57 ;  
Page No. 10 ;  
Book No. I ;  
Series if 2008

  
**PATRICIA C. YCASIANO**  
Notary Public for Pasig City  
Commission No. 117 until Dec. 2009  
Roll of Atty. No. 50790  
PTR No. 4340690/01.09.08/ Pasig City  
IBP No. 729931/01.02.08/ Makati City  
12<sup>th</sup> Floor, East Tower, PSE Centre  
Exchange Road, Ortigas Center, Pasig City



## **CLARK ELECTRIC DISTRIBUTION CORPORATION**

Bldg. N2830 Bayanihan St.  
Clark Field, Pampanga

Phone: (045) 599-3147  
(045) 599-3469  
Fax: (045) 599-3146

### **SECRETARY'S CERTIFICATE**

I, **MARIO G. SERRANO**, Corporate Secretary of the **CLARK ELECTRIC DISTRIBUTION CORPORATION (CEDC)**, a corporation duly organized and existing under and by virtue of the laws of the Philippines, with office address at N 2830 Bayanihan Street City: Clark Freeport Zone, Pampanga, do hereby certify that:

At the special board meeting of the Board of Directors of the Company duly convened and held on 21 May 2008, at which meeting a quorum was present, acted throughout and voted, the following resolutions were approved and that said resolutions are in full force and effect on the date hereof:

"RESOLVED, that the Board of Directors of CLARK ELECTRIC DISTRIBUTION CORPORATION (CEDC) authorizes, as it hereby authorizes, the filing of the case "In the Matter of the Petition for Approval of Interim Open Access in the Luzon and Visayas Grid, Philippine Independent Power Producers Association, Manila Electric Company, Visayan Electric Company, Davao Light & Power Co., Inc., Clark Electric Distribution Corp., Cagayan Electric Power and Light Company and San Fernando Electric Light & Power Co., Petitioners" with the Energy Regulatory Commission (ERC);


"RESOLVED, FURTHER, that MS. IVANNA G. DELA PEÑA, Director of the Company, be, as she hereby is empowered to (a) sign, execute, verify, and deliver on behalf of the Company the said Petition, any papers and instruments that she may deem appropriate and necessary, and to certify against any forum shopping in accordance with the rules of the Court; (b) appoint Puno and Puno Law Offices, located at the 12<sup>th</sup> Floor, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, Philippines, to represent the Company as its Counsel before the Energy Regulatory Commission for this case; and (c) perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of such person to carry out the purposes and intent of these Resolutions."

WITNESS THE SIGNATURE of the undersigned as such officer of the Company and its corporate seal hereunto affixed on this 21<sup>ST</sup> day of May 2008.

  
**MARIO G. SERRANO**  
Corporate Secretary

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of May 2008, affiant exhibiting to me his Tax Identification No. 107-667-799 as his competent evidence of identity.

Doc. No. 17 ;  
Page No. 3 ;  
Book No. 1 ;  
Series of 2008.

  
**JANELLA MARIE R. PANLILIO**  
Notary Public for Pasig City  
Commission No. 116 until Dec. 2009  
Roll of Atty. No. 50367  
PTR No. 4340683/01.09.08/Pasig City  
IBP No. 05298/04.14.05/Pampanga  
12<sup>th</sup> Floor, East Tower, PSE Centre  
Exchange Road, Ortigas Center, Pasig City

**VERIFICATION**

I, RAMON C. ABAYA, Filipino, of legal age, and with office address at 8/F, Strata 100 Bldg., Emerald Ave., Ortigas Center, Pasig City, after having been duly sworn in accordance with the law, do hereby certify, depose and state that:

1. I am the incumbent Chairman and CEO of **Cagayan Electric Power & Light Co., Inc.**

2. As such, I have personal knowledge in relation to the above-entitled case, on the basis of which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand;

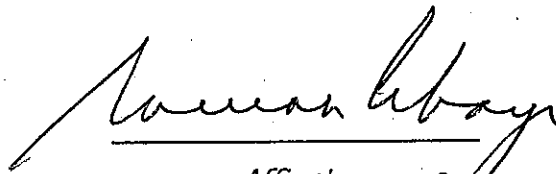
3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.

4. I hereby certify that the Corporation has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any other tribunal or agency.

5. To the best of my knowledge, there is no such pending action or proceeding.

6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court of that fact within five (5) days therefrom


IN WITNESS WHEREOF, I have hereunto set my hand this MAY 21 day of May 2008, in ~~PASIG CITY~~.



Affiant,  
MAY 21 2008

SUBSCRIBED AND SWORN to before me on this MAY 21 day of May 2008, at PASIG CITY, affiant exhibited to me his Community Tax Certificate No. 16225081 issued in Quezon City on January 14, 2008.

Doc No. 50;  
Page No. 11;  
Book No. I;  
Series if 2008.

  
**MARIA RICAN MATUTE-DINEROS**  
Notary Public for Pasig City  
Commission No. 97 until Dec. 2009  
Roll of Atty. No. 5239e  
PTE No. 43600001 09 08/ Pasig City  
ISE No. 729929 01 02 08/ Quezon City  
12<sup>th</sup> Floor, East Tower, PSE Centre  
Exchange Road, Ortigas Center, Pasig City

REPUBLIC OF THE PHILIPPINES)

) S.S.

**SECRETARY'S CERTIFICATE**

I, PAMFILO V. MONTEIRO of legal age, Filipino, Incumbent corporate Secretary of Cagayan Electric Power & Light Company, Inc. or "CEPALCO" (the "Corporation") with office address at 8<sup>th</sup> Floor, Strata 1000 Bldg., Emerald Avenue, Ortigas Center, Pasig City after having been duly sworn in accordance with the law, do hereby certify, depose and state that:

1. During the special meeting of the Board of Directors of the Corporation on May 13, 2008, the following resolutions, was approved and adopted:

"RESOLVED, That the Board of Directors of CEPALCO, (the "Corporation) authorize, as it hereby authorizes, the Corporation to prepare, execute, deliver, file or submit to the Energy Regulatory Commission (ERC) any and all letters, certifications, petitions, motions, applications or other pleadings for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access;

"RESOLVED FINALLY, That, Mr. RAMON C. ABAYA be authorized to (a) execute, deliver and/or verify, for and on behalf of the Corporation any and all letters, certifications, petitions, motions, applications or other pleadings, (b) to appoint **Puno and Puno Law Offices**, located at the 12<sup>th</sup> Floor, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, Philippines, to represent the Corporation as its counsel before the Energy Regulatory Commission for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access; and (c) to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of such person, to carry out the purposes and intent of these Resolutions."

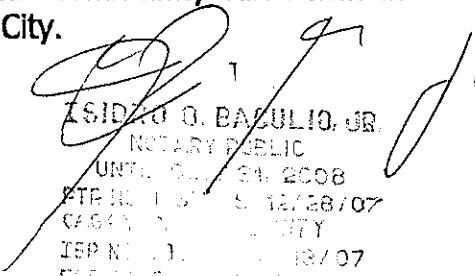
2. The foregoing is in accordance with the records of the Corporation as of the date hereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 21 day of May 2008 at Pasig City.

  
**PAMFILO V. MONTEIRO**  
Corporate Secretary

**SUBSCRIBED AND SWORN TO** before this 21 day of May 2008 at Cagayan & Co by affiant who exhibited to me his Community Tax Certificate No. 23705636 issued on January 29, 2008 at Pasig City.

Doc. No. 166 ;  
Page No. 23 ;  
Book No. XXIV ;  
Series of 2008.

  
ISIDRO O. BAZULIO, JR.  
NOTARY PUBLIC  
UNTD. No. 34, 2008  
PTR No. 13, 5, 12/28/07  
CASE No. 13/07  
ISP No. 13/07  
FOR 2008, 13/07  
TIN: 13-07-0000000000  
ROLL NO. 000000

**VERIFICATION**

I, **JOSE T. LAZATIN**, Filipino, of legal age, married and with office address at Ba. Lourdes Teopaco Subdivision, City of San Fernando, Pampanga, after having been duly sworn in accordance with law, do hereby certify, depose and state that:

1. I am the incumbent Senior Vice-President and General Manager of San Fernando Electric Light and Power Company, Inc. (the "Corporation").

2. As such, I have personal knowledge in relation to the above-entitled case, on the basis of which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand.

3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.

4. I hereby certify that the Corporation has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any other tribunal or agency.


5. To the best of my knowledge, there is no such pending action or proceeding.

6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court of that fact within five (5) days therefrom.

  
**JOSE T. LAZATIN**  
Affiant

**SUBSCRIBED AND SWORN** to before me this MAY 21 2008 day of May 2008, by JOSE T. LAZATIN, who has satisfactorily proven to me his identity through his Driver's License No. C10-86-023560 valid until 03/07/09, that he is the same person who personally signed before me the foregoing affidavit and acknowledged that he executed the same.

Doc No. \_\_\_\_\_;  
Page No. \_\_\_\_\_;  
Book No. \_\_\_\_\_;  
Series of 2008.

  
**MARIA RICA N. MATUTE-DINEROS**  
Notary Public for Pasig City  
Commission No. 97 until Dec. 3009  
Roll of Sw. No. 5238  
PTR No. 4340000-00-00-0000-00  
IBF No. 729929-00-02-00-0000-00  
12<sup>th</sup> Floor, East Tower, PSE Center  
Exchange Road, Ortigas Center, Pasig City

REPUBLIC OF THE PHILIPPINES)

**PASIG CITY**

) S.S.

## SECRETARY'S CERTIFICATE

I, **PRISCILLA F. ZABALLERO**, of legal age, Filipino, and with office address at 2602, 26<sup>th</sup> Floor The Atlanta Centre, 31 Annapolis St., Greenhills, San Juan City, after having been duly sworn in accordance with law, hereby certify that:

1. I am the Corporate Secretary of San Fernando Electric Light and Power Company, Inc. (the "Corporation"), a corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with address at Ba. Lourdes Teopaco Subdivision, City of San Fernando, Pampanga.

2. At the Special Meeting of the Board of Directors held on 21 May 2008, at which meeting a majority of the members of the Board of Directors was present and acting throughout, the following resolutions, currently in full force and effect, were unanimously approved and adopted:

**"RESOLVED**, That the Board of Directors of San Fernando Electric Light and Power Company, Inc. (the "Corporation") authorize, as it hereby authorizes, the Corporation to prepare, execute, deliver, file or submit to the Energy Regulatory Commission (ERC) any and all letters, certifications, petitions, motions, applications or other pleadings for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access;

**"RESOLVED, FINALLY**, That the Senior Vice-President and General Manager, **Mr. Jose T. Lazatin**, be hereby authorized, to (a) execute, deliver and/or verify, for and on behalf of the Corporation any and all letters, certifications, petitions, motions, applications or other pleadings, (b) to appoint **Puno and Puno Law Offices**, located at the 12<sup>th</sup> Floor, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, Philippines, to represent the Corporation as its counsel before the Energy Regulatory Commission for the purpose of obtaining the ERC's approval of the Terms of Reference of the Interim Implementation of Open Access; and (c) to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of such person, to carry out the purposes and intent of these Resolutions."

2. The foregoing is in accordance with the records of the Corporation as of the date hereof.


**IN WITNESS WHEREOF**, I have hereunto set my hand this 21<sup>st</sup> day of May 2008 in Pasig City, Metro Manila.

  
**PRISCILLA F. ZABALLERO**  
Corporate Secretary

~~MAY 2 2008~~  
**SUBSCRIBED AND SWORN** to before me in **PASIG CITY** this  
day of May 2008 by ATTY. PRISCILLA F. ZABALLERO, who has  
satisfactorily proven to me her identity through her Driver's License No. N02-  
063733 valid until 25 February 2011, that she is the same person who personally  
signed before me the foregoing affidavit and acknowledged that she executed  
the same.

Doc. No. 48 ;  
Page No. II ;  
Book No. I ;  
Series of 2008.

1,00081  
SC  
CDMZ SERVER/OLIVE


  
**MARIA RICA N. MATUTE-DINEROS**  
Notary Public for Pasig City  
Commission No. 97 until Dec. 2009  
Roll of Atty. No. 52496  
PTR No. 444444444444 Pasig City  
IBF No. 12345678901234 Pasig City  
12<sup>th</sup> Floor, Reg. Tower, PSH Centre  
Exchange Road, Ortigas Center, Pasig City

**VERIFICATION**

I, Randy S. Pastolero, Filipino, of legal age, married and with office address at 23 General Luna Street, Iloilo City, after having been duly sworn to in accordance with law hereby depose and state that:

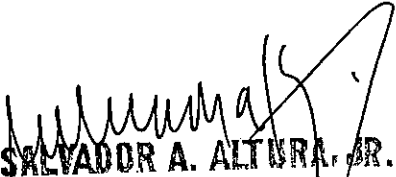
1. I am the incumbent EDP and Audit Manager and Special Assistant to the President and CEO of Panay Electric Company, Inc;
2. As such, I have personal knowledge in relation to the above-entitled case, on the basis which, I have caused the preparation of the foregoing Petition. I certify that all the allegations contained in the said Petition are true and correct of my own knowledge and based on the documents at hand;
3. I have read the contents thereof and the facts stated therein are true of my own knowledge and based on the records of the case.
4. I hereby certify that the Corporation has not commenced any other action or proceeding involving the same issues in the Supreme Court or in any tribunal or agency.
5. To the best of my knowledge, there is no such pending action or proceeding.
6. I undertake that if I should thereafter learn that a similar action or proceeding has been filed or is pending in the Supreme Court, Court of Appeals, or different divisions thereof, or any other tribunal or agency, to promptly inform this Honorable Court that fact within five (5) days therefrom.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 21<sup>st</sup> day of May 2008 at Iloilo City.

  
**RANDY S. PASTOLERO**  
Affiant

**SUBSCRIBED AND SWORN TO** before me this 21<sup>st</sup> day of May 2008 at Iloilo City by affiant who exhibited to me his Community Tax Certificate No. 20587737 issued on February 7, 2008 at Iloilo City.

Doc. No.: 207 ;  
Page No.: 43 ;  
Book No.: I ;  
Series of 2008.

  
**SALVADOR A. ALTURA, JR.**  
NOTARY PUBLIC  
PROVINCE AND CITY OF ILOILO  
COMMISSION REG. NO. 110  
COMM. EXPIRES UNTIL DEC. 31, 2008  
C/O PANAY ELECTRIC CO., INC.  
GEN. LUNA ST., ILOILO CITY  
ROLL OF ATTORNEY NO. 33292  
PTR NO. 5015368 /I.C./1-5-07  
IBP OR NO. 690964/I.C./1-5-07

REPUBLIC OF THE PHILIPPINES)  
CITY OF ILOILO )s.s.  
X-----X

**SECRETARY'S CERTIFICATE**

I, ATTY. SALVADOR A. ALTURA, JR. of legal age, Filipino, incumbent corporate secretary of PANAY ELECTRIC COMPANY, INC. with office address at 23 General Luna Street, Iloilo City after having been duly sworn to in accordance with law hereby depose and state that:

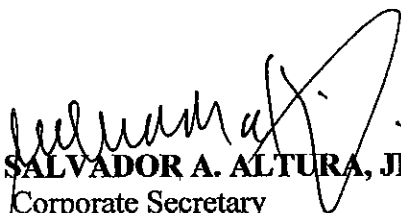
1. During the regular meeting of the Board of Directors of the Corporation on April 23, 2008, the following resolutions, was approved and adopted:

“RESOLVED, That the Board of Directors of Panay Electric Company, Inc. authorize, as it hereby authorizes, the Corporation to prepare, execute, deliver, file or submit to the Energy Regulatory Commission (ERC) any and all letters, certifications, petitions, motions, applications or other pleadings for the purpose of obtaining the ERC’s approval of the Terms of Reference of the Interim Implementation of Open Access;

“RESOLVED FINALLY, That Mr. Randy S. Pastolero be authorized to (a) execute, deliver and/or verify, for and on behalf of the Corporation any and all letters, certifications, petitions, motions, applications or other pleadings, (b) to appoint Puno and Puno Law Offices, located at the 12<sup>th</sup> Floor, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, Philippines, to represent the Corporation as its counsel before the Energy Regulatory Commission for the purpose of obtaining the ERC’s approval of the Terms of Reference of the Interim Implementation of Open Access; and (c) to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of such person, to carry out the purposes and intent of these Resolutions.”

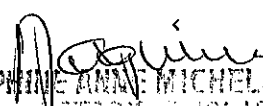
2. The foregoing is in accordance with the records of the Corporation as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this MAY 21 2008 day of May 2008 at Iloilo City.

  
ATTY. SALVADOR A. ALTURA, JR.  
Corporate Secretary

SUBSCRIBED AND SWORN TO before me this MAY 21 2008 day of May 2008 at Iloilo City by affiant who exhibited to me his Community Tax Certificate No. 11682940 issued on January 8, 2008 at Alimodian, Iloilo.

Doc. No.: 73 ;  
Page No.: 16 ;  
Book No.: X1 ;  
Series of 2008.

  
JOSEPHINE ANNE MICHELLE J. AGUIRRE  
ATTORNEY AT LAW  
PROVINCE OF ILOILO  
CORPORATE SECRETARY REG. NO. 11  
COM. EXPIRES ON 11 DEC. 31, 2008  
SAYNO LAW OFFICE  
RM. 207 2/F, LIBBYVILLE BLDG.  
DALSAC ST. ILOILO CITY  
ROLL OF CITY NO. 50037  
PTR NO. 276458 M.C. 1-02-08  
IBP NO. 724553

Terms of Reference of the Interim Implementation of Open Access

Proposals to amend the Electric Power Industry Reform Act (EPIRA) were filed in both houses of Congress with the view to accelerating retail competition and open access by lowering the required privatization threshold and removing the requirement for the TRANSCO concessionaire to secure a Congressional franchise. Such efforts were opposed by power industry participants and other significant sectors in the Philippine business community. While it was conceded that the intentions underlying the foregoing legislative initiatives are indeed commendable, serious apprehensions were expressed that introducing basis legislative changes at this point in time when the positive results of the EPIRA's reforms are beginning to take shape may only negate the momentum that has already been achieved. Moreover, the tedious and potentially disruptive process of amending the EPIRA may create considerable uncertainty among present and prospective investors which could slow down the privatization process that has picked up speed in the last 18 months, erode the gains of the last few years, and create an impression that the Philippine power sector is not serious about reforms after all.

In the meantime, industrial and other large power consumers have requested that the implementation of retail competition and open access be accelerated within the framework of the EPIRA. In response to the clamor, the option to directly choose the power supplier that can give the most reliable service at the most competitive rates was granted, initially, to large power consumers. The DOE continues to address this concern by continuing to explore other initiatives that will enable a greater number of consumers the same opportunity of choice.

During the Energy Summit held in January 2008, President Arroyo emphasized the need to take action and introduce the early implementation of open access to mitigate the high cost of electricity which is affecting Philippine competitiveness in the world market and hurting the country's ability to attract more business. In this regard, she urged that industry players, particularly private generation companies and distribution utilities, should cooperate to find solutions to implement accelerated open access.

In answer to this call, a number of electricity industry participants have expressed their willingness to voluntarily implement retail competition and open access notwithstanding the non-fulfillment of the pre-conditions imposed under Section 31 of the EPIRA. There is an emerging view that open access can be implemented early and still be consistent with the policy intent of EPIRA. Mitigating measures and other similar safety nets will, however, have to be established before Interim Open Access can be implemented, to ensure that there is a level-playing field with sufficient participants in a truly competitive market where no dominant player/s can enjoy undue advantage.

**Under this Interim Open Access it is proposed that:**

**A. Eligible Contestable Customers**

1. Upon the commencement of Interim Open Access and retail competition, Eligible Contestable Customers with a monthly average peak demand of at least one megawatt (1MW) for the preceding 12 months may now be allowed by its distribution utilities to choose to purchase its electricity requirements among the Eligible Generation Companies and retail supply companies.
2. Six months thereafter, the threshold level for the contestable customers shall be reduced to seven hundred fifty kilowatts (750kW).

*[Handwritten signatures and marks on the left margin]*

*[Handwritten signatures and marks on the right margin]*

*[Handwritten signatures and marks at the bottom of the page]*

**B. Distribution Utilities [ and Electric Cooperatives]**

3. Upon effectivity of Interim Open Access and retail competition, all Distribution Utility [Electric Cooperative] franchise holders shall immediately notify all its Eligible Contestable Customers that Interim Open access and retail competition has become effective pursuant to an Energy Regulatory Commission (ERC) resolution and that all Eligible Contestable Customers shall now have the freedom to choose their electricity supplier from among the Eligible Generation Assets and retail supply companies.
4. Each Eligible Generation Companies or retail supply company, Eligible Contestable Customer will enter into an energy wheeling agreement with the appropriate Distribution Utility/Electric Cooperative and/or TransCo.

**C. Eligible Generation Companies**

5. All generation companies, including those that acquired the privatized National Power Corporation (NPC) Generation Assets, or their related groups, that are within the mandated market cap, i.e., owning, operating or controlling 30% or less of the installed generating capacity in a grid and/or 25% or less of the national installed capacity pursuant to Section 45 of EPIRA, will be allowed to voluntarily sell or contract directly with Eligible Contestable Customers.
6. For this purpose, all NPC Generation Assets and NPC-IPP Contracts shall be attributable to NPC, including those that may have been assigned or in anyway transferred to Power Sector Assets and Liabilities Management Corporation (PSALM) pursuant to EPIRA.
7. All Eligible Generation Companies must secure the appropriate Supplier license from the ERC before it can participate in Interim Open Access.

**D. Role of NPC**

8. NPC will continue to sell power into the Wholesale Electricity Spot Market (WESM), Distribution Utilities, Electric Cooperatives, and SPUG areas.
9. Once the privatization thresholds required under Section 31 of the EPIRA have been fully satisfied, NPC may participate up to the extent of its remaining capacity.

**E. Transition Supply Contracts**

10. All existing Transition Supply Contract (TSC) will remain valid.
11. The Implementation of Interim Open Access, being a temporary measure, will not in anyway shorten the life or effectivity of any or all existing TSCs.
12. NPC will continue to serve its existing TSCs until they are transferred to the winning bidders in the privatization of the remaining NPC Generation Assets.
13. If a Distribution Utility and/or Electric Cooperative loses a contestable customer as a result of a bilateral contract entered by a Privatized NPC Generation Asset as a result of Interim Open Access, the TSC contracted volume will be reduced in an amount equal to the load contracted by the contestable customer without any penalty to the Distribution Utility.
14. NPC electricity rates will remain under ERC regulation.

**F. Implementing Agency**

15. The ERC has the authority to prescribe the qualifications for the participation in the retail or contestable market under Section 31 of EPIRA.
16. The ERC has the authority under Sections 43 and 45 of the EPIRA to promulgate rules and regulations to ensure and promote competition, encourage market development and customer choice and discourage abuse of market power.
17. ERC shall establish the guiding principles for the early implementation of Interim Open Access and retail competition. Interim Open Access shall take immediate effect upon publication of the appropriate ERC resolution.

**G. Effectivity and Scope**

18. A petition for Interim Open Access will be filed with the ERC with the endorsement of all participating Eligible Generation Companies, and participating Distribution Utilities/Electric Cooperatives.
19. Interim Open Access shall take effect only upon the transfer of the operation of the Calaca and Masinloc Privatized NPC Generation Assets to the private generation companies concerned.
20. Full privatization of NPC generation assets and IPP contracts shall be completed "not later than eight (8) years from the effectivity of the "EPIRA" or by 2009, pursuant to Sec. 47(i) of EPIRA. Thus, Interim Open Access will be implemented until the earlier of June 30, 2010 or upon the occurrence of the effectivity of retail competition and open access as declared by ERC in accordance with Section 31 of EPIRA.
21. Interim Open Access shall be implemented only in the Luzon and Visayas grids.

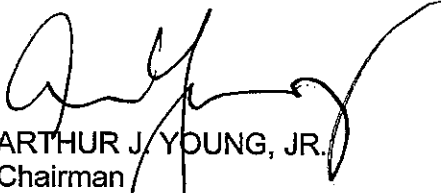
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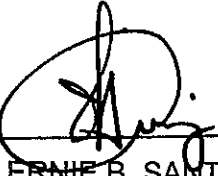
ORIGINAL


*[Handwritten signatures and initials on the left margin]*


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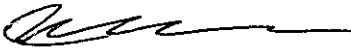
**In Agreement:**

  
ARTHUR J. YOUNG, JR.  
Chairman  
Semiconductor and Electronics Industries in the Philippines, Inc. (SEIPI)


  
ERNIE B. SANTIAGO  
President  
Semiconductor and Electronics Industries in the Philippines, Inc. (SEIPI)

  
AMBASSADOR CESAR B. BAUTISTA  
Co-Chairman  
National Competitiveness Council (NCC)

  
AMBASSADOR DONALD G. DEE  
Chairman Emeritus  
Philippine Chamber of Commerce and Industry (PCCI)

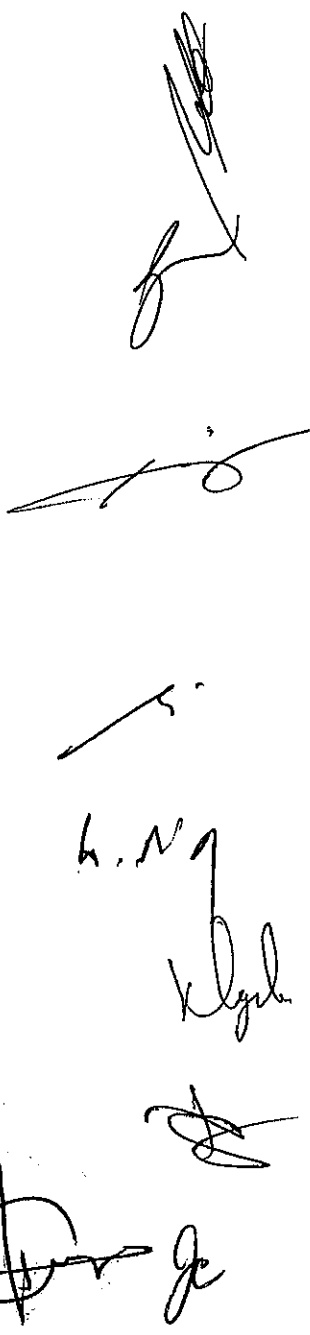
  
MENELEO J. CARLOS, JR.  
Chairman  
Federation of Philippine Industries (FPI)

  
SERGIO R. ORTIZ-LUIS, JR.  
President and CEO  
Philippine Exporters Confederation, Inc.

  
ROBERT SEARS  
Executive Director  
The American Chamber of Commerce of the Philippines, Inc. (AMCHAM)

COPY





STEWART HALL  
President  
The Canadian Chamber of Commerce of the Philippines, Inc. (CanCham)

HENRY J. SCHUMACHER  
Executive Vice President and CEO  
European Chamber of Commerce of the Philippines, Inc. (ECCP)

HUBERT D'ABOVILLE  
President  
European Chamber of Commerce of the Philippines, Inc. (ECCP)

TOSHIFUMI INAMI  
President  
Japanese Chamber of Commerce & Industry of the Philippines, Inc.

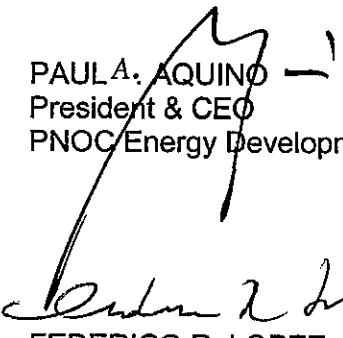
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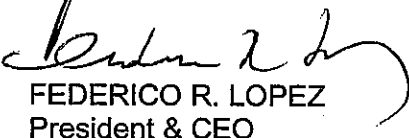
JAE J. JANG  
President  
Korean Chamber of Commerce of the Philippines, Inc.


ERNESTO B. PANTANGOO  
President  
Philippine Independent Power Producers Association (PIPPA)

EMMANUEL V. RUBIO  
Chief Executive Officer  
SN Aboitiz Power Magat Incorporated


VICTOR B. SANTOS, JR.  
Vice President  
First Gen Hydro Power Corporation


  
PAUL A. AQUINO  
President & CEO  
PNOC Energy Development Corporation

  
FEDERICO R. LOPEZ  
President & CEO  
First Gen Corporation

  
JESUS P. FRANCISCO  
President  
Manila Electric Company (MERALCO)

  
IVANNA G. DE LA PENA  
Director  
Clark Electric Distribution Corp.

  
JUAN ANTONIO E. BERNAD  
Senior Vice President  
Visayan Electric Company (VECO)

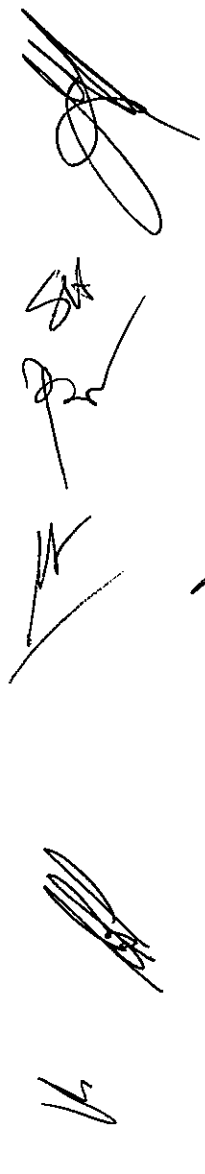
  
ERRAMON I. ABOITIZ  
Executive Vice President/Director  
Davao Light & Power Co., Inc.

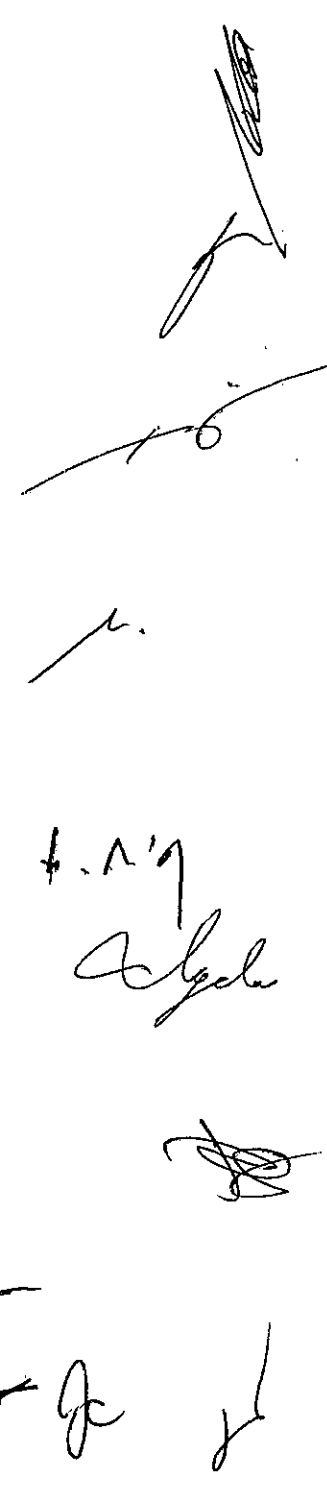
  
RAMON C. ABAYA  
Chairman & CEO  
Cagayan Electric Power and Light Company (CEPALCO)

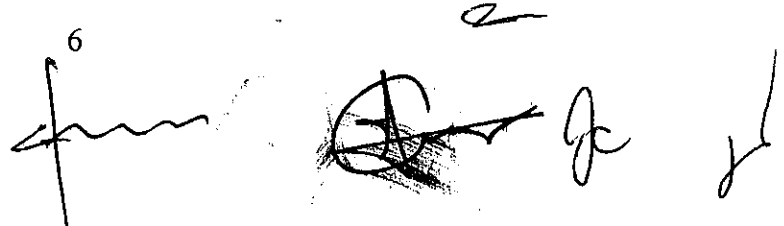
  
LUIS MIGUEL A. CACHO  
President & CEO  
Panay Electric Company, Inc. (PECO)

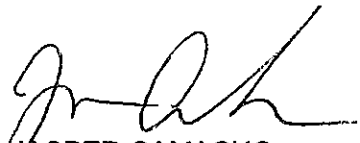
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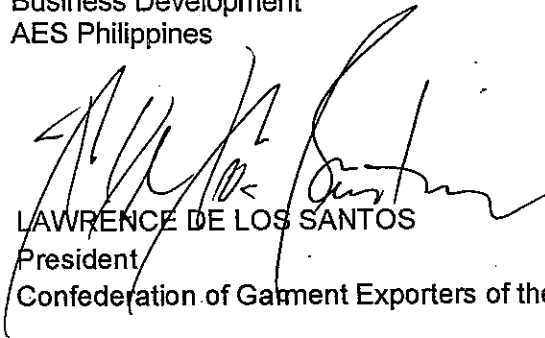




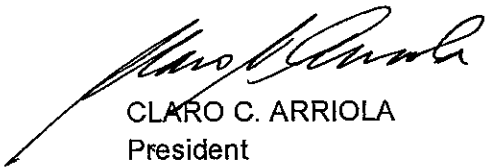




JASPER CAMACHO  
Business Development  
AES Philippines



LAWRENCE DE LOS SANTOS  
President  
Confederation of Garment Exporters of the Philippines (CONGEP)



CLARO C. ARRIOLA  
President  
Textile Mills Association of the Philippines (TMAP)

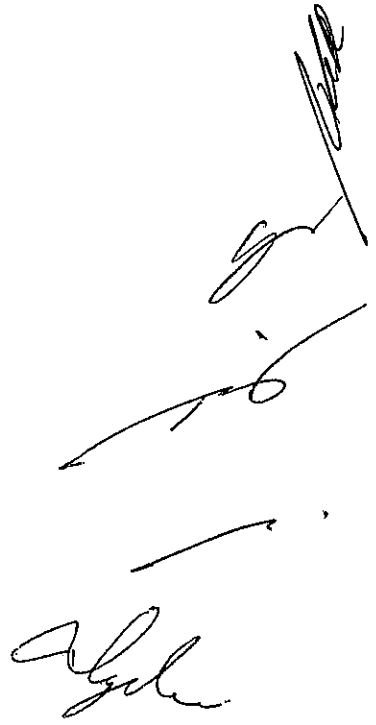


MARGARITA DELA RAMA  
President  
Garment Business Association of the Philippines (GBAP)

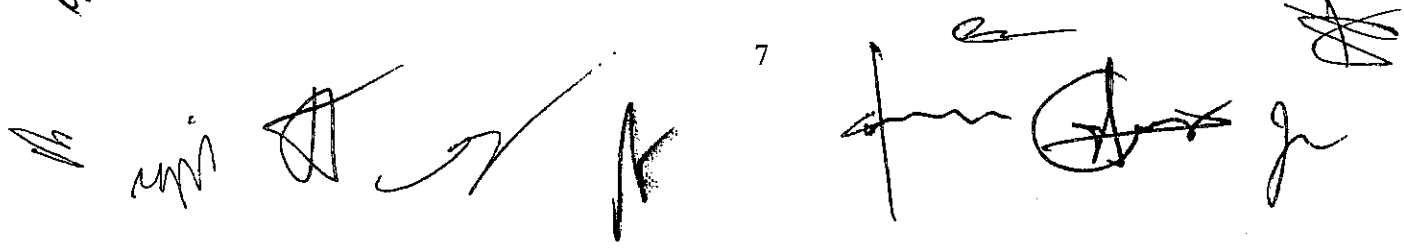
COPY

ORIGINAL

*[Vertical handwritten notes on the left margin]*



6.11.19





Republic of the Philippines  
**SANGGUNIANG PANLUNGSOD**  
Pasig City

**ACKNOWLEDGMENT**

This is to acknowledge receipt of a copy of MERALCO's verified application entitled "IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS: PHILIPPINE INDEPENDENT POWER PRODUCERS ASSOCIATION (PIPPA), AND MANILA ELECTRIC COMPANY (MERALCO), VISAYAN ELECTRIC COMPANY (VECO), DAVAO LIGHT & POWER CO. (DLPC), INC., CLARK ELECTRIC DISTRIBUTION CORP., CAGAYAN ELECTRIC ELECTRIC POWER AND LIGHT COMPANY (CEPALCO), SAN FERNANDO ELECTRIC LIGHT & POWER CO. (SFELAPCO) AND PANAY ELECTRIC COMPANY, INC. (PECO), Petitioners", prior to filing with the Energy Regulatory Commission (ERC).

This acknowledgment is being issued upon the request of MERALCO for whatever legal intents and purposes it may served.

Issued this 22<sup>nd</sup> day of May 2008 at Pasig City.

**PASIGreen  
CITY**

*(Signature)*  
**LOIDA U. VILLANUEVA**  
Acting City Council Secretary

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. \_\_\_\_\_

Philippine Independent Power  
Producers Association (PIPPA), and  
Manila Electric Company (MERALCO),  
Visayan Electric Company (VECO),  
Davao Light & Power Co. (DLPC), Inc.,  
Clark Electric Distribution Corp.,  
Cagayan Electric Power and Light  
Company (CEPALCO), San Fernando  
Electric Light & Power Co. (SFELAPCO)  
and Panay Electric Company, Inc.  
(PECO),

Petitioners.

x-----x

## PETITION

Petitioners, through their counsel, most respectfully submit this Petition to  
this Honorable Commission for the approval of the interim implementation of  
Open Access in the Luzon and Visayas grids.

1. The Petitioners are:

a. Philippine Independent Power Producers Association  
(PIPPA), a domestic corporation with offices located at the 3<sup>rd</sup> Floor Benpres  
Bldg., Exchange Road cor. Meralco Ave., Pasig City;

b. Manila Electric Company (MERALCO), a domestic  
corporation duly organized and existing under and by virtue of the laws of  
the Republic of the Philippines, with principal office address at Meralco  
Building, Ortigas Avenue cor. Meralco Avenue, Pasig City;

**RECEIVED**  
SECRETARIAT  
PASIG CITY COUNCIL  
BY: *Agnes*  
DATE: *05-22-08* TIME: *5:50 pm*



**REPUBLIC OF THE PHILIPPINES**  
**City of Mandaue**  
*Office of the Sangguniang Panlungsod Secretary*  
Tel. # 346-5556 Telefax 345-0988

---

**C E R T I F I C A T I O N**

**TO WHOM IT MAY CONCERN:**

This is to certify that this Office received today, a photocopy of the Petition for Approval of Interim Open Access in the Luzon and Visayas Grids, which will be posted at the bulletin board of the City Hall, as requested.

Issued upon the request of the Visayan Electric Company, Inc. for whatever legal purpose it may serve.

May 23, 2008, Mandaue City, Cebu, Philippines.

**CARLO PONTICO C. FORTUNA**  
Vice Mayor

By:

  
**FREILYN F. MABANAG**  
Secretary to the Sanggunian

Republic of the Philippines  
Municipality of Lilo-an

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that this Office has received on May 23, 2008 a copy of the **PETITION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS**, and had the same posted at the bulletin board of the Municipal Hall.

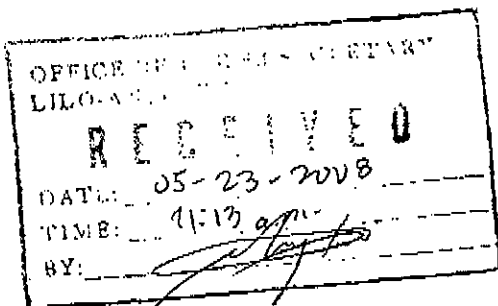
This Certification is issued upon the request of Visayan Electric Company, Inc., for whatever legal purpose it may serve.

Done this 23 day of May 2008 at Lilo-an Municipal Hall.

**Thelma L. Jordan**  
Vice-Mayor  
Lilo-an, Cebu

By:

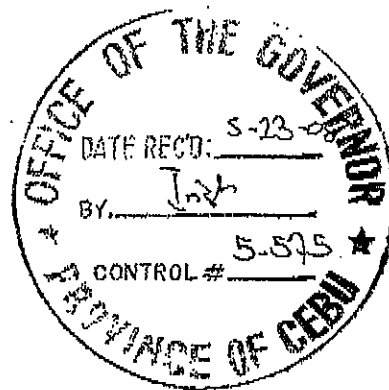
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Republic of the Philippines  
Province of Cebu

OFFICE OF THE PROVINCIAL GOVERNOR

CERTIFICATION



TO WHOM IT MAY CONCERN:

This is to certify that this Office has received on May 23, 2008 a copy of the **PETITION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS**, and had the same posted at the bulletin board of this office.

This Certification is issued upon the request of Visayan Electric Company, Inc., for whatever legal purpose it may serve.

Done this 23 day of May 2008 at the Office of the Provincial Governor.

Gwendolyn F. Garcia  
Provincial Governor

By:

*[Handwritten Signature]*  
**TERESITA V. VILLANORA**  
ADMINISTRATIVE OFFICER

*[Handwritten Initials]*

Republic of the Philippines  
Province of Cebu  
Municipality of Consolacion  
OFFICE OF THE SANGGUNIANG BAYAN

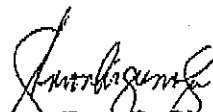
**CERTIFICATION**

TO WHOM IT MAY CONCERN:

This is to certify that this Office has received today a photocopy of the **PETITION FOR APPROVAL OF INTERIM ACCESS IN THE LUZON AND VISAYAS GRIDS** which is requested to be posted in the bulletin board of the municipality.

Issued upon the request of Visayan Electric Company, Inc. for whatever legal purpose it may serve.

Done this 23<sup>rd</sup> day of May, 2008 at Consolacion, Cebu, Philippines.

  
Sharon Rose P. Gigremosa  
Clerk

Republic of the Philippines  
Municipality of Minglanilla

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that this Office has received on \_\_\_\_\_ a copy of the **PETITION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS**, and had the same posted at the bulletin board of the Municipal Hall.

This Certification is issued upon the request of Visayan Electric Company, Inc., for whatever legal purpose it may serve.

Done this \_\_\_\_ day of May 2008 at Minglanilla Municipal Hall.

Elanito A. Pena  
Vice-Mayor  
Minglanilla, Cebu

By:

RECEIVED  
By: Anthony P. Gordon  
Date: 5/23/08  
Time: 9:40am

By: \_\_\_\_\_  
Signature  
Time: \_\_\_\_\_

Republic of the Philippines  
City of Naga

OFFICE OF THE SANGGUNIANG PANGLUNSOD

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that this Office has received on \_\_\_\_\_ a copy of the **PETITION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS**, and had the same posted at the bulletin board of the City Hall .

This Certification is issued upon the request of Visayan Electric Company, Inc., for whatever legal purpose it may serve.

Done this \_\_\_\_ day of May 2008 at Naga City Hall.

Delfin R. Senor  
Vice-Mayor  
Naga City

By: \_\_\_\_\_  
**OFFICE OF THE SANGGUNIANG PANGLUNSOD**  
**RECEIVED**  
DATE: May 23, 2008 10:20 AM  
BY: [Signature]  
JOYZA T. ARBUJANO  
SP Secretary

**Republic of the Philippines  
Municipality of San Fernando**

**OFFICE OF THE SANGGUNIANG BAYAN**

*CERTIFICATION*

TO WHOM IT MAY CONCERN:

This is to certify that this Office has received on \_\_\_\_\_ a copy of the **PETITION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS**, and had the same posted at the bulletin board of the Municipal Hall.

This Certification is issued upon the request of Visayan Electric Company, Inc., for whatever legal purpose it may serve.

Done this \_\_\_\_ day of May 2008 at San Fernando Municipal Hall.

**Antonio L. Canoy**  
Vice-Mayor  
San Fernando, Cebu

By:

**RECEIVED**  
**OFFICE OF THE MUNICIPAL ENGINEER**  
**SAN FERNANDO, CEBU.**  
TIME: 10:45 DATE: 5-23-08  
BY: \_\_\_\_\_

Republic of the Philippines  
City of Talisay

OFFICE OF THE SANGGUNIANG PANGLUNSOD

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that this Office has received on \_\_\_\_\_ a copy of the **PETITION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS**, and had the same posted at the bulletin board of the City Hall.

This Certification is issued upon the request of Visayan Electric Company, Inc., for whatever legal purpose it may serve.

Done this \_\_\_\_ day of May 2008 at Talisay City Hall.

Lani Z. Abarquez  
Vice-Mayor  
Talisay City

*Lani Z. Abarquez*  
By-RECEIVED BY: MARAH ABARQUEZ  
DATE : 5/23/08  
TIME : 11:38 am

Republic of the Philippines  
City of Cebu

OFFICE OF THE SANGGUNANG PANGLUNSOD

CERTIFICATION



TO WHOM IT MAY CONCERN:

This is to certify that this Office has received on \_\_\_\_\_ a copy of the **PETITION FOR APPROVAL OF INTERIM OPEN ACCESS IN THE LUZON AND VISAYAS GRIDS**, and had the same posted at the bulletin board of the City Hall .

This Certification is issued upon the request of Visayan Electric Company, Inc., for whatever legal purpose it may serve.

Done this \_\_\_\_ day of May 2008 at Cebu City Hall.

**Michael L. Rama**  
Vice-Mayor  
Cebu City

By:

\_\_\_\_\_



Republic of the Philippines  
CITY OF DAVAO  
OFFICE OF THE SANGGUNIANG PANLUNGSOD



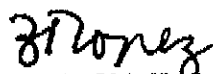
23 May 2008

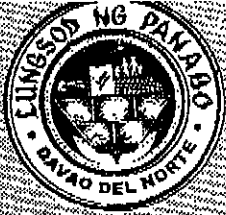
**C E R T I F I C A T I O N**

This is to certify that this office received a photocopy of the **PETITION FOR INTERIM OPEN ACCESS** and its **ANNEXES** on May 22, 2008.

This certification is issued upon the request of Mr. Manuel M. Orig of the Davao Light & Power Company (DLPC) for whatever legal purpose/s it may serve him best.

Done this 23<sup>rd</sup> day of May, 2008.

  
**ATTY. ZULEIKA T. LOPEZ**  
*Secretary to the Sangguniang Panlungsod*  
(City Government Department Head II)



Republic of the Philippines  
Province of Davao  
CITY OF PANABO

## OFFICE OF THE CITY VICE MAYOR

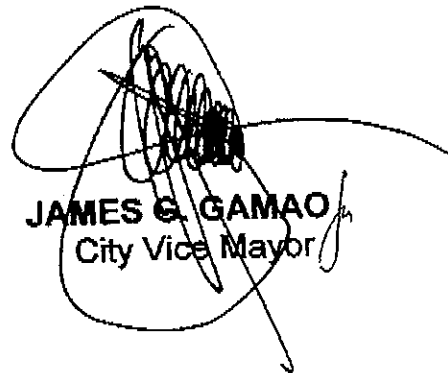
### CERTIFICATION

#### TO WHOM IT MAY CONCERN:

This is to certify that this Office received a copy of the **PETITION FOR INTERIM OPEN ACCESS AND ITS ANNEXES** from the Davao Light & Power Company, Panabo Branch Office, Panabo City, and had it posted in the Bulletin Board at the entrance of the City Hall, this City.

This certification is issued Davao Light and Power Company, Panabo City.

Done this 21<sup>st</sup> day of May, 2008.

  
**JAMES G. GAMAO**  
City Vice Mayor

Official Seal

Republic of the Philippines  
Province of Davao del Norte  
Municipality of Sto. Tomas  
-oOo-

**OFFICE OF THE SANGGUNIANG BAYAN**

**CERTIFICATION**

TO WHOM IT MAY CONCERN:

This is to certify that this office received a photocopy of the **PETITION FOR INTERIM OPEN ACCESS and its ANNEXES on May 21, 2008**, and had them posted at the bulletin board of the City/Municipal Hall.

This certification is issued upon the request of Mr. Manuel M. Orig of the Davao Light & Power Company.

Done this 21<sup>st</sup> day of May 2008.



**BIENVENIDA L. DIMAYA, MPA**  
(Mun. Government Department Head I)  
Secretary to the Sanggunian

Official Seal



Republic of the Philippines  
Province of Davao del Norte  
**Office of the Secretary to the Sanggunian**  
*Tugue City, Davao del Norte*

May 21, 2008

## CERTIFICATION

To Whom It May Concern:

This is to certify that this office received a photocopy of the **PETITION FOR INTERIM OPEN ACCESS** and its **ANNEXES** on **May 21, 2008**, and had them posted at the bulletin board of the Legislative Hall.

This certification is issued upon the request of Mr. Manuel M. Orig of Davao Light and Power Company.

Done this 21<sup>st</sup> day of May 2008.

**EDEN J. LUMBRE**  
(Asst. P.G. Department Head)  
OIC – Secretary to the Sanggunian

Republic of the Philippines  
Province of Davao del Norte  
Municipality of Braulio E. Dujali

-oOo-

OFFICE OF THE SECRETARY TO THE SANGGUNIANG

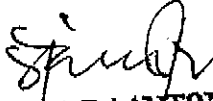
CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that this office received a photocopy of the PETITION FOR INTERIM OPEN ACCESS and its ANNEXES on May 21, 2008, and had them posted at the bulletin board of the municipal hall.

This certification is issued upon the request of Mr. Manuel M. Orig of the Davao Light & Power Company.

Done this 21<sup>st</sup> day of May 2008 at Braulio E. Dujali, Davao del Norte.

  
JULIET E. DAANTON  
Secretary to the Sanggunian

Paid per OR # 1672822  
Amount: P30.00  
Date: May 23, 2008



Republic of the Philippines  
Province of Davao del Norte  
Municipality of Carmen  
-000-

## OFFICE OF THE VICE MAYOR

### CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that this office received a photocopy of the **PETITION FOR INTERIM OPEN ACCESS** and its **ANNEXES** on **May 21, 2008**, and had them posted at the bulletin board of the Municipal Hall.

This certification is issued upon the request of Mr. Manuel M. Orig of the Davao Light & Power Company.

Done this 21<sup>st</sup> day of May 2008.

  
HON. ALBERTO L. SARIN  
Municipal Vice-Mayor

*Official Seal*



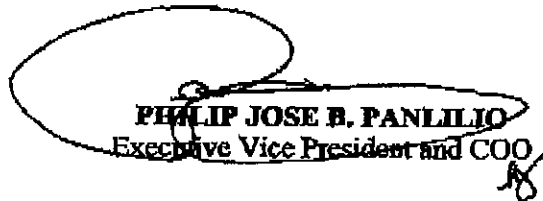
May 23, 2008

## CERTIFICATION

To Whom It May Concern:

This is to certify that a copy of the petition captioned, "*In the matter of the Petition for Approval of Interim Open Access in the Luzon and Visayas Grids: Philippine Independent Power Producers Association (PIPPA), and Manila Electric Company (MERALCO), Visayan Electric Company (VECO), Davao Light and Power Co. (DLPC), Inc., Clark Electric Distribution Corp., Cagayan Electric Power and Light Company (CEPALCO), San Fernando Electric Light and Power Co. (SFELAPCO) and Panay Electric Company, Inc. (PECO), Petitioners*", dated 21 May 2008, with annex and accompanying documents, had been received by our office.

This Certification is being issued at the request of one of the petitioners, Clark Electric Distribution Corporation.

  
**PHILIP JOSE B. PANLILIO**  
Executive Vice President and COO



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**

(08822) 724854; (088) 857-4029; 857-4035; 857-2258

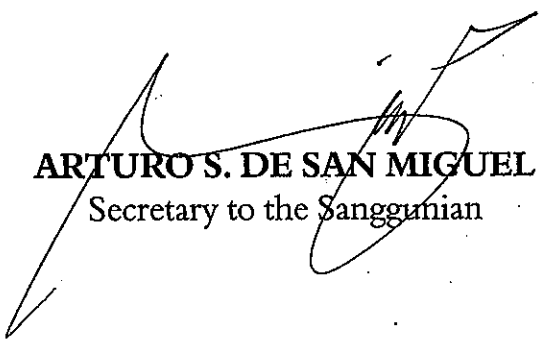


## CERTIFICATION

Know All Men by These Presents:

This is to CERTIFY that this Office has received the copy of the Petition captioned "In the Matter of the Petition for Approval of Interim Open Access in the Luzon and Visayas Grids", including all its annexes, to be filed by Philippine Independent Power Producers Association (PIPPA), and Manila Electric Company (MERALCO), Visayan electric Company (VECO), Davao Light and Power Co., Inc. (DLPC), Clark Electric Distribution Corp., Cagayan electric Power and Light Company, Inc. (CEPALCO), San Fernando Electric Light & power Co. (SFELAPCO), and Panay Electric Company, Inc. (PECO), with the Energy Regulatory Commission (ERC).

ISSUED this 22<sup>nd</sup> day of May 2008 in Cagayan de Oro City.

  
**ARTURO S. DE SAN MIGUEL**  
Secretary to the Sanggunian

Republic of the Philippines  
PROVINCE OF MISAMIS ORIENTAL  
Municipality of Villanueva

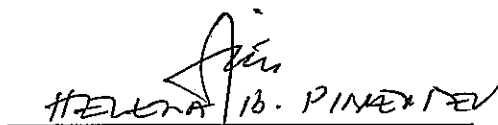
OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

Know All Men by these Presents:

This is to CERTIFY that this office has received the copy of the Petition captioned "*In the Matter of the Petition for Approval of Interim Open Access in the Luzon and Visayas grids*", including all of its annexes, to be filed by Philippine Independent Power Producers Association (PIPPA), and Manila Electric Company (MERALCO), Visayan Electric Company (VECO), Davao Light & Power Co., Inc. (DLPC), Clark Electric Distribution Corp., Cagayan Electric Power & Light Co., Inc. (CEPALCO), San Fernando electric Light & Power Co. (SFELAPCO) and Panay Electric Company, Inc. (PECO), with the Energy Regulatory Commission.

May \_\_\_\_\_, 2008. Villanueva, Misamis Oriental.

  
HELENA B. PIMENTEL  
Secretary of the Sanggunian  
(pls. print name and sign)

cc: file

Republic of the Philippines  
PROVINCE OF MISAMIS ORIENTAL  
Municipality of Tagoloan

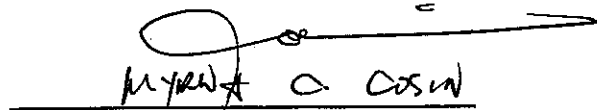
**OFFICE OF THE SANGGUNIANG BAYAN**

**CERTIFICATION**

Know All Men by these Presents:

This is to CERTIFY that this office has received the copy of the Petition captioned "*In the Matter of the Petition for Approval of Interim Open Access in the Luzon and Visayas grids*", including all of its annexes, to be filed by Philippine Independent Power Producers Association (PIPPA), and Manila Electric Company (MERALCO), Visayan Electric Company (VECO), Davao Light & Power Co., Inc. (DLPC), Clark Electric Distribution Corp., Cagayan Electric Power & Light Co., Inc. (CEPALCO), San Fernando electric Light & Power Co. (SFELAPCO) and Panay Electric Company, Inc. (PECO), with the Energy Regulatory Commission.

May 22, 2008. Tagoloan, Misamis Oriental.



Myra A. Cosin

Secretary of the Sanggunian  
(pls. print name and sign)

cc: file



REPUBLIKA NG PILIPINAS  
LALAWIGAN NG KAPAMPANGAN  
LUNGSOD NG SAN FERNANDO

**TANGGAPAN NG SANGGUNIANG PANLUNGSOD**

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**CERTIFICATION**


THIS IS TO CERTIFY that this Office has received on May 22, 2008

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

**PHILIPPINE INDEPENDENT POWER PRODUCERS ASSOCIATION  
(PIPPA), and MANILA ELECTRIC COMPANY (MERALCO) et. al,  
Petitioners,**

THIS CERTIFICATION is issued upon the request of SAN FERNANDO ELECTRIC LIGHT & POWER CO., INC. and was issued by the Office of the Sangguniang Panlungsod of San Fernando, Pampanga for whatever legal intent and purpose it may deem fit.

ISSUED this 22<sup>ND</sup> day of May, 2008 at the City of San Fernando, Pampanga.

  
**VIOLETA B. REYES**  
Stenographic Reporter IV  
Office of the Sangguniang Panlungsod

Republic of the Philippines  
PROVINCE OF MISAMIS ORIENTAL  
Municipality of Jasaan

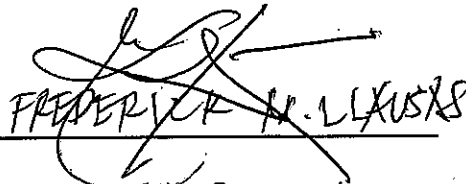
**OFFICE OF THE SANGGUNIANG BAYAN**

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May 22, 2008. Jasaan, Misamis Oriental.



FREDERICK N. LAXUS

Secretary of the Sanggunian  
(pls. print name and sign)

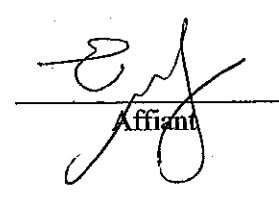
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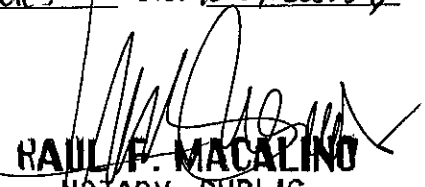
**AFFIDAVIT OF SERVICE**

I, Edilberto Mandalang Jr, of legal age, with address at San Antonio, Mexico Pampanga, after having been duly sworn in accordance with law, depose and say, that:

On May 22, 2008, I personally served a copy of the PETITION FOR INTERIM OPEN ACCESS pursuant to Section 3 Rule 6 of the Energy Regulatory Commission to CARUTO P. BAGANI at Florida Blanca, Pampanga, as evidenced by the copy of the page of the petition bearing the stamp "received" or acknowledgment of receipt, herein attached. This affidavit is being issued after a request for certification has returned unanswered.

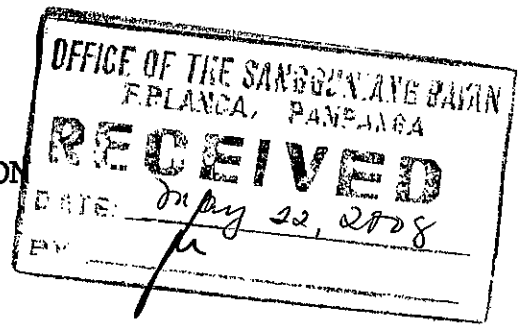
  
Affiant

SUBSCRIBED AND SWORN to before me this MAY 22 2008 day of \_\_\_\_\_ 2008 at \_\_\_\_\_, affiant exhibited to me his Driver's Lic. No. 90-64-661387, issued on \_\_\_\_\_ at \_\_\_\_\_.

  
**RAUL F. MACALINO**  
NOTARY PUBLIC  
NOT COMMISSION NO. 17-07  
UNTIL DEC. 31, 2008  
PTR NO. 1079913-01-02-08  
ROLL NO. 368405-8-91  
IBP NO. 692064-01-02-08  
CITY OF SAN FERNANDO CP

Doc. No. 3257;  
Page No. 672;  
Book No. 11;  
Series of 2008.

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. \_\_\_\_\_

Philippine Independent Power  
Producers Association (PIPPA), and  
Manila Electric Company (MERALCO),  
Visayan Electric Company (VECO),  
Davao Light & Power Co. (DLPC), Inc.,  
Clark Electric Distribution Corp.,  
Cagayan Electric Power and Light  
Company (CEPALCO), San Fernando  
Electric Light & Power Co. (SFELAPCO)  
and Panay Electric Company, Inc.  
(PECO),

Petitioners.

x-----x

## PETITION

Petitioners, through their counsel, most respectfully submit this Petition to  
this Honorable Commission for the approval of the interim implementation of  
Open Access in the Luzon and Visayas grids.

1. The Petitioners are:

a. Philippine Independent Power Producers Association  
(PIPPA), a domestic corporation with offices located at the 3<sup>rd</sup> Floor Benpres  
Bldg., Exchange Road cor. Meralco Ave., Pasig City;

b. Manila Electric Company (MERALCO), a domestic  
corporation duly organized and existing under and by virtue of the laws of  
the Republic of the Philippines, with principal office address at Meralco  
Building, Ortigas Avenue cor. Meralco Avenue, Pasig City;

REPUBLIC OF THE PHILIPPINES)  
CITY OF ILOILO )  
X-----X

AFFIDAVIT OF SERVICE

I, NELSON H. BARRAMEDA, of legal age, with address at c/o Panay Electric Co., Inc. Manfred's Inn Building, Gen. Luna Street, Iloilo City, having been duly sworn in accordance with law, depose and say:

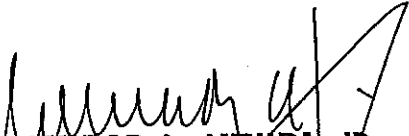
That I am a messenger of Panay Electric Co., Inc.,

That on May 22, 2008, I personally served a copy of the PETITION FOR INTERIM OPEN ACCESS pursuant to Section 3 Rule 6 of the Energy Regulatory Commission Rules of Practice and Procedure to the Office of the City Council, Iloilo City, through the Vice Mayor and Presiding Officer, Hon. Jed Patrick Mabilog at the Office of the City Council, Iloilo City, as evidenced by the copy of the page of the petition bearing the stamp "received" or acknowledgment of receipt, herein attached. This affidavit is being issued after a request for certification has not been immediately acted upon.

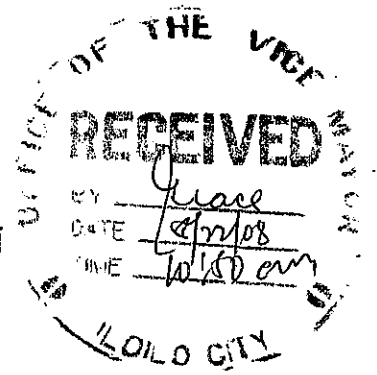
  
**NELSON H. BARRAMEDA**  
Affiant

SUBSCRIBED AND SWORN TO before me this 22<sup>nd</sup> day of May 2008, affiant exhibited to me his Social Security Identification No. 07-130574085 issued on \_\_\_\_\_, at Iloilo City Social Security System Office.

Doc. No. 208 ;  
Page No. 43 ;  
Book No. J ;  
Series of 2008.

  
**SALVADOR A. ALTURA, JR.**  
NOTARY PUBLIC  
PROVINCE AND CITY OF ILOILO  
COMMISSION REG. NO. 110  
COMM. EXPIRES UNTIL DEC. 31, 2008  
C/O PANAY ELECTRIC CO., INC.  
GEN. LUNA ST., ILOILO CITY  
ROLL OF ATTORNEY NO. 33292  
PTR NO. 5015368 / I.C./1-6-07  
ISP OR NO. 690964 / I.C./1-5-07

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. \_\_\_\_\_

Philippine Independent Power  
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Manila Electric Company (MERALCO),  
Visayan Electric Company (VECO),  
Davao Light & Power Co. (DLPC), Inc.,  
Clark Electric Distribution Corp.,  
Cagayan Electric Power and Light  
Company (CEPALCO), San Fernando  
Electric Light & Power Co. (SFELAPCO)  
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Petitioners.

x-----x

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the Republic of the Philippines, with principal office address at Meralco  
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