



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

RESOLUTION NO. 02, Series of 2005

A RESOLUTION EXTENDING THE DEADLINE FOR ENTITIES OWNING SELF-GENERATION FACILITIES, EXISTING AND NEWLY CONSTRUCTED FACILITIES, TO SUBMIT APPLICATION FOR COC AND PRESCRIBING FINES AND PENALTIES FOR NON-COMPLIANCE, FROM MARCH 31, 2005 TO JUNE 30, 2005

WHEREAS, under Section 6 of Republic Act No. 9136 (EPIRA), Generation Companies shall, before they operate, secure from the Energy Regulatory Commission (ERC) Certificates of Compliance (COC) pursuant to the standards set forth thereunder;

WHEREAS, under Rule 5 Section 4 (a) of the Implementing Rules and Regulations (IRR) of the EPIRA, no person may engage in the Generation of Electricity unless such person has received a COC from the ERC to operate facilities used in the generation of electricity;

WHEREAS, Generation of Electricity refers to the production of electricity by a Generation Company or a Co-generation Facility pursuant to the provisions of the EPIRA;

WHEREAS, the Commission has issued Resolution No. 10-02, Series of 2004, on October 25, 2004, setting the deadline for entities owning self-generation facilities (SGF), existing or newly-constructed, to submit application for COC on March 31, 2005;

WHEREAS, the Commission has been receiving numerous requests or clamor for extension of time to file for issuance of COC;

WHEREAS, from the volume of applications for COC after the issuance of the initial deadline, the Commission is cognizant of the fact that there are

numerous entities which own generation facilities used to generate electricity, whether existing or newly constructed, for which applications have yet to be filed;

NOW, THEREFORE, pursuant to its mandate to protect the public interest and to enforce the EPIRA and its IRR, the ERC hereby extends the deadline for entities owning self-generation facilities, existing and newly constructed facilities, to submit application for COC and prescribing fines and penalties for non-compliance, from March 31, 2005 to June 30, 2005. The ERC further reiterates that an entity with SGF that fails to comply with the COC requirement shall be fined **ONE HUNDRED THOUSAND PESOS (P100,000.00)**, plus **ONE HUNDRED PESOS (P100.00)** for every day of non-compliance therewith, pursuant to Section 46 of the EPIRA and Sections 5 and 6, Article III of the Guidelines to Govern the Imposition of Administrative Sanction in the Form of Fines and Penalties Pursuant to Section 46 of EPIRA.

The Executive Director shall cause the publication of this Resolution in two (2) newspapers of general circulation in the Philippines.

SO ORDERED.

Pasig City, March 09, 2005.

FOR AND BY AUTHORITY OF THE COMMISSION


ALEJANDRO Z. BARIN
Commissioner

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