

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



**IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE
EMERGENCY CAPITAL
EXPENDITURE (CAPEX)
PROJECTS FOR THE YEAR
2020, WITH PRAYER FOR
ISSUANCE OF A
PROVISIONAL APPROVAL/
INTERIM RELIEF**

ERC CASE NO. 2020-041 RC

**MORE ELECTRIC AND
POWER CORPORATION
(MORE POWER),**

Applicant.

Promulgated:

February 09, 2021

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ORDER

On 15 December 2020, More Electric and Power Corporation (MORE POWER) filed its *Application* dated 23 November 2020, seeking the Commission’s approval of its Emergency Capital Expenditure (CAPEX) Projects for the Year 2020, with prayer for issuance of a provisional approval/interim relief.

On 13 January 2021, the Commission issued an *Order* dated 06 January 2021 setting the instant case for the determination of compliance with the jurisdictional requirements and expository presentation on 05 March 2021; and the Pre-trial Conference, and presentation of evidence on 12 March 2021, through the MS Teams online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020¹ dated 24 September 2020. In the same *Order*, the Commission directed MORE POWER to host the virtual hearing in its principal office located at GST Corporate Center, Quezon St., Iloilo City.

¹ Entitled: “A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission”.

However, on 14 January 2021, MORE POWER filed *via* electronic mail a *Motion to Change Venue (For the Hosting of the Virtual Hearing on 5 and 21 March 2021)* (Motion) wherein it prayed that the venue of the virtual hearings be changed from its principal office to the new venue at the **Hotel Del Rio located at M.H. del Pilar St., Molo, Iloilo City**, which also currently serves as its satellite customer receiving office. MORE POWER manifested in the said *Motion* that the change in the venue is to assure unimpaired public participation while at the same time to ensure that public health safety protocols for the public and its personnel are observed in accordance with the community quarantine guidelines as required by the Commission.

Having found the foregoing *Motion* in order, the Commission hereby grants same. Accordingly, the venue of the virtual hearings to be hosted by MORE POWER is hereby changed from the original venue at its principal office located at GST Corporate Center, Quezon St., Iloilo City to the new venue at the **Hotel Del Rio located at M.H. del Pilar St., Molo, Iloilo City**.

IN VIEW OF THE FOREGOING, the Commission hereby reiterates the hearing of the instant *Application* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020² dated 24 September 2020:

Date	Platform	Activity
05 March 2021 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and expository presentation
12 March 2021 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Pre-Trial Conference and Presentation of Evidence

Accordingly, MORE POWER is hereby directed to host the virtual hearing at the new venue at the **Hotel Del Rio located at M.H. del Pilar St., Molo, Iloilo City**, as the designated venue for the conduct thereof, and ensure that the same is open to the public and

² *Id.*

the community quarantine guidelines are observed at all times. Moreover, Applicant shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

Relative thereto, MORE POWER is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines at its own expense, twice (2x) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart, and the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Office of the Provincial Governor of the Province of Iloilo, the City Mayor of Iloilo, and the Local Government Unit (LGU) legislative bodies within MORE POWER's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within MORE POWER's franchise area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled virtual hearing thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire to send their duly authorized representatives and attend the scheduled hearing; and
- 5) Furnish with copies of the *Application* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

Within five (5) calendar days prior to the date of the virtual hearing, MORE POWER must submit to the Commission via electronic mail (e-mail) at docket@erc.ph, and records@erc.gov.ph, copy furnish the Legal Service through legal@erc.ph, the scanned copies of its written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked, the following:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavits of the Editors or Business Managers of the newspapers where the said *Notice of Virtual Hearing* was published, and the complete issues of the said newspapers;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by MORE POWER to inform the consumers affected of the filing of the *Application*, its reasons therefor, and of the scheduled hearing thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application* and its attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, MORE POWER is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publications and certifications issued by the concerned Offices of the Provincial Governor, Mayor, and Local Legislative Bodies, and to submit proof of its posting thereof.

MORE POWER and all interested parties are also required to submit to the Commission via e-mail at docket@erc.ph, and records@erc.gov.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days before the date of the scheduled virtual hearing and Pre-trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor, which should also be attached to the Pre-trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

MORE POWER must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission at least five (5) calendar days before the date of the scheduled initial virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

Failure of MORE POWER to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings, and the resetting of which shall be six (6) months from the said date of cancellation.

MORE POWER must also be prepared to make an expository presentation of the instant *Application*, aided by whatever communication medium that it may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Application* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

MORE POWER is hereby directed to file a copy of its Expository Presentation via e-mail at docket@erc.ph, and records@erc.gov.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days prior to the scheduled virtual hearing. MORE POWER shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, at least five (5) calendar days prior to the scheduled virtual hearing.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via e-mail at docket@erc.ph, and records@erc.gov.ph, copy furnish the Legal Service through legal@erc.ph. The Commission shall give priority to the stakeholders who have duly submitted their

respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

MORE POWER is hereby directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, within five (5) working days from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

Finally, MORE POWER, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru legal.virtualhearings@erc.ph with their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

SO ORDERED.

Pasig City, 26 January 2021.

FOR AND BY AUTHORITY
OF THE COMMISSION:




AGNES VST DEVANADERA
Chairperson and CEO


LS: RCP/LSP/MCCG

ERC CASE NO. 2020-041 RC
ORDER/26 JANUARY 2021
PAGE 7 OF 7

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