

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City



**IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE
IMPLEMENTATION OF
CAPITAL EXPENDITURE
PROGRAM FOR CALENDAR
YEARS 2021-2025 (BATCH 2),
WITH PRAYER FOR THE
ISSUANCE OF PROVISIONAL
AUTHORITY**

ERC CASE NO. 2021-031 RC

**NATIONAL GRID
CORPORATION OF THE
PHILIPPINES (NGCP),**
Applicant.

Promulgated:
June 08, 2021

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ORDER

On 27 April 2021, National Grid Corporation of the Philippines (NGCP) filed an *Application* dated 25 March 2021, seeking the Commission's approval of the implementation of its capital expenditure (CAPEX) program for calendar years 2021-2025 (batch 2), with prayer for the issuance of provisional authority.

On 18 May 2021, the Commission issued an *Order* and a *Notice of Virtual Hearing*, both dated 06 May 2021, setting the instant *Application* for determination of compliance with the jurisdictional requirements, expository presentations, pre-trial conference and presentation of evidence on 02, 09, 16, 23 and 30 July 2021.

However, on 20 May 2021, NGCP sent through electronic mail an *Urgent Motion for Clarification* dated 19 May 2021, seeking for clarification if the 02 July 2021 scheduled hearing will push through considering that the City of Pasig annually celebrates the "*Araw ng Pasig*" every 2nd day of July and in recognition of such founding anniversary, it is always declared a special non-working holiday in the entire City of Pasig. Thus, if the 02 July 2021 hearing will not continue as scheduled, NGCP prayed for the immediate issuance of a new Order

and Notice of Virtual Hearing stating the new hearing dates for the instant case.

IN VIEW OF THE FOREGOING, the prayer for the issuance of a new Order and Notice of Virtual hearing in the *Urgent Motion for Clarification* filed by NGCP is hereby granted and the virtual hearing scheduled on 02 July 2021 is cancelled. The Commission deems it proper to cancel the 02 July 2021 hearing in light of the possible declaration of the said date as a non-working holiday in the City of Pasig.

ACCORDINGLY, the Commission hereby sets anew the instant *Application* for determination of compliance with the jurisdictional requirements, expository presentations, pre-trial conference and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020,¹ dated 24 September 2020:

Date	Platform	Activity
09 July 2021 (Friday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and Expository Presentation for the Luzon Stakeholders
16 July 2021 (Friday) at two o'clock in the afternoon (2:00 P.M.)		Expository Presentation for the Visayas Stakeholders
23 July 2021 (Friday) at two o'clock in the afternoon (2:00 P.M.)		Expository Presentation for the Mindanao Stakeholders
30 July 2021 (Friday) at two o'clock in the afternoon (2:00 P.M.)		Pre-trial Conference and Presentation of Evidence
06 August 2021 (Friday) at two o'clock in the afternoon (2:00 P.M.)		Presentation of Evidence

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

RELATIVE THERETO, NGCP is hereby directed to:

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

Within five (5) calendar days prior to the date of the scheduled initial virtual hearing, NGCP must submit to the Commission via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, its written compliance to the aforementioned directives by attaching therewith, methodically arranged and duly marked, the following:

² For the e-mail address of the Applicant, please see page 7.

- 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* were 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 Governors, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by NGCP to inform the consumers affected of the filing of the *Application*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, 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, NGCP is hereby required to post on its bulletin boards, the scanned copies of the jurisdictional requirements, together with the newspaper publications and certifications issued by the concerned Office of the Mayors, Provincial Governors and Local Legislative Bodies and to submit proof of posting thereof.

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

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;

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

NGCP 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 NGCP 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.

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

NGCP 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, NGCP, 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 May 2021.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES YST DEVANADERA
Chairperson and CEO


LS: RSPV/ARG/MCCG



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Copy Furnished:

1. National Grid Corporation of the Philippines (NGCP)
Applicant
NGCP Building, Quezon Ave. cor. BIR Road, Diliman, Quezon City
corpcom@ngcp.com
2. Atty. Luis Manuel U. Bugayong and Raycell D. Baldovino
Counsels for Applicant NGCP
Office of the General Counsel
NGCP Building, Quezon Ave. cor. BIR Road, Diliman, Quezon City
lubugayong@ngcp.ph; rdbaldovino@ngcp.ph
3. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
4. Commission on Audit (COA)
Commonwealth Avenue, Quezon City 1121
citizensdesk@coa.gov.ph
5. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City 1307
senateenergycommittee@gmail.com
6. House Committee on Energy
Batasan Hills, Quezon City 1126
committee.energy@house.gov.ph
7. Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, Chamber and Industry Plaza (CIP), 1030 Campus Avenue corner
Park Avenue McKinley Town Center, Fort Bonifacio, Taguig City
secretariat@philippinechamber.com
8. Power Sector Assets and Liabilities Management Corporation (PSALM)
24th Floor Vertis North Corporate Center 1, Astra corner Lux Drives
Vertis North, Mindanao Avenue, Quezon City
infos@psalm.gov.ph
9. National Transmission Corporation (TransCo)
TransCo Main Building, Quezon Avenue corner BIR Road, Diliman, Quezon City
OVP-Legal@transco.ph
10. Office of the Mayor
Quezon City
11. Office of the Local Government (LGU) legislative body
Quezon City
12. Office of the Mayor
Cebu City
13. Office of the Local Government (LGU) legislative body
Cebu City
14. Office of the Mayor
Iligan City, Lanao del Norte
15. Office of the Local Government (LGU) legislative body
Iligan City, Lanao del Norte
16. Office of the Mayor
Davao City, Davao del Sur
17. Office of the Local Government (LGU) legislative body
Davao City, Davao del Sur

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18. Office of the Mayor
San Fernando City, La Union
19. Office of the Local Government (LGU) legislative body
San Fernando City, La Union
20. Office of the Mayor
Biñan City, Laguna
21. Office of the Local Government (LGU) legislative body
Biñan City, Laguna
22. Office of the Provincial Governor
La Union
23. Office of the Local Government (LGU) legislative body
La Union
24. Office of the Provincial Governor
Laguna
25. Office of the Local Government (LGU) legislative body
Laguna
26. Office of the Provincial Governor
Cebu
27. Office of the Local Government (LGU) legislative body
Cebu
28. Office of the Provincial Governor
Davao del Sur
29. Office of the Local Government (LGU) legislative body
Davao del Sur
30. Office of the Provincial Governor
Lanao Del Norte
31. Office of the Local Government (LGU) legislative body
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32. Regulatory Operations Service
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