

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City



**IN THE MATTER OF THE
APPLICATION FOR
AUTHORITY TO RETIRE THE
QUEZON CITY SUBSTATION
LOCATED AT SCOUT
SANTIAGO COR. SCOUT
RALLOS, LAGING HANDA,
QUEZON CITY AND TO
WITHDRAW FROM SERVICE
CERTAIN EQUIPMENT AND
MACHINERY INSTALLED IN
SAID SUBSTATION, WITH
PRAYER FOR PROVISIONAL
AUTHORITY**

ERC CASE NO. 2021-079 RC

**MANILA ELECTRIC
COMPANY (MERALCO),**
Applicant.

Promulgated:
November 05, 2021

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ORDER

On 30 September 2021, Manila Electric Company (MERALCO) filed an *Application* dated 01 September 2021, seeking the Commission's approval to retire the Quezon City substation located at Scout Santiago cor. Scout Rallos, Laging Handa, Quezon City and to withdraw from service certain equipment and machinery installed in said substation, with prayer for provisional authority.

On 18 October 2021, the Commission issued an *Order and Notice of Virtual Hearing*, both dated 06 October 2021, setting the instant *Application* for hearing on the following dates: (a) 16 November 2021 for determination of compliance with jurisdictional requirements and Expository Presentation; and (b) 23 November 2021 for Pre-trial Conference and presentation of evidence.

However, on 20 October 2021, MERALCO filed a *Motion for the Issuance of a New Initial Order and Notice of Virtual Hearing*. In the said *Motion*, MERALCO alleged that it would not be feasible for it to comply with the Commission's jurisdictional requirements as directed

in the *Order* dated 06 October 2021, due to insufficient time to secure the required *Certifications* from all the Local Government Units (LGUs) both from the executive and legislative branches and logistical constraints in movement brought about by the various degrees of quarantine restrictions. Thus, MERALCO prayed that the hearings be reset on 06 January 2022 and 13 January 2022 to give it sufficient time to comply with the Commission's jurisdictional requirements.

Finding the said *Motion* in order, the Commission grants the same. In view thereof, the virtual hearings scheduled on 16 November 2021 and 23 November 2021 pursuant to the *Order* dated 06 October 2021 are hereby cancelled.

ACCORDINGLY, the Commission hereby sets anew the instant *Application* for 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 2020¹ dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure)²:

Date	Platform	Activity
06 January 2022 (Thursday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and Expository Presentation
13 January 2022 (Thursday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams Application	Pre-trial Conference and Presentation of Evidence

RELATIVE THERETO, MERALCO 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

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

² A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

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 Governor, the City and the Municipal Mayors, and the Local Government Unit (LGU) legislative bodies within MERALCO's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within MERALCO's franchise area, 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.³

Within five (5) calendar days prior to the date of the virtual hearing, MERALCO must submit to the Commission via electronic mail (e-mail) at doCKET@erc.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 affidavit 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

³ For the e-mail address of the applicant, please see page 7.

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 MERALCO to inform the consumers within its franchise area 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, MERALCO 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 Office of the Governors, Mayors, and Local Legislative Bodies, and to submit proof of its posting thereof.

MERALCO and all interested parties are also required to submit 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 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.

MERALCO 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 MERALCO 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.

MERALCO 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.

MERALCO 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. MERALCO 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.

MERALCO 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 mode of service.

Finally, MERALCO, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, through 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, 29 October 2021.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES VST DEVANADERA
Chairperson and CEO

ksp lsp 7
LS: K/P/LSP/MCCG



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Copy Furnished:

1. Manila Electric Company (MERALCO)
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Counsel for Applicant MERALCO
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3. Office of the Solicitor General (OSG)
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Email: docket@osg.gov.ph
4. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
Email: citizensdesk@coa.gov.ph
5. Senate Committee on Energy
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Email: senateenergycommittee@gmail.com
6. House Committee on Energy
Batasan Hills, Quezon City
Email: committee.energy@house.gov.ph
7. Office of the City Mayor
City of Caloocan
8. Office of the Local Government Unit (LGU) Legislative Body
City of Caloocan
9. Office the City Mayor
City of Las Piñas
10. Office of the LGU Legislative Body
City of Las Piñas
11. Office of the City Mayor
City of Makati
12. Office of the LGU Legislative Body
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13. Office of the City Mayor
City of Malabon
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City of Mandaluyong
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17. Office of the City Mayor
City of Manila
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City of Manila
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City of Marikina
20. Office of the LGU Legislative Body
City of Marikina
21. Office of the City Mayor
City of Muntinlupa

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City of Muntinlupa
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City of Navotas
24. Office of the LGU Legislative Body
City of Navotas
25. Office of the City Mayor
City of Parañaque
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31. Office of the Municipal Mayor
Municipality of Pateros
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City of Quezon
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35. Office the City Mayor
City of San Juan
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City of Taguig
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39. Office of the City Mayor
City of Valenzuela
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City of Valenzuela
41. Office of the Municipal Mayor
Angat, Bulacan
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Angat, Bulacan
43. Office of the Municipal Mayor
Balagtas, Bulacan
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Balagtas, Bulacan
45. Office of the The Municipal Mayor
Baliwag, Bulacan
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Doña Remedios Trinidad, Bulacan
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Guiguinto, Bulacan
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Obando, Bulacan
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San Ildefonso, Bulacan
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San Jose del Monte, Bulacan
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San Miguel, Bulacan
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San Rafael, Bulacan
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Sta. Maria, Bulacan
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Alfonso, Cavite
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Amadeo, Cavite
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101. Office of the Municipal Mayor
General Emilio Aguinaldo, Cavite
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General Emilio Aguinaldo, Cavite
103. Office of the Municipal Mayor
General Mariano Alvarez, Cavite
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Kawit, Cavite
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Teresa, Rizal
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171. Office of the Municipal Mayor
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233. Office of the Municipal Mayor
San Simon, Pampanga
234. Office of the LGU Legislative Body
San Simon, Pampanga
235. Office of the Governor
Province of Bulacan
236. Office of the LGU Legislative Body
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237. Office of the Governor
Province of Cavite
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245. Office of the Governor
Province of Quezon
246. Office of the LGU Legislative Body
Province of Quezon

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- 247. Office of the Governor
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- 248. Office of the LGU Legislative Body
Province of Pampanga
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