

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
Pasig City



**SPC ISLAND POWER  
CORPORATION AND SPC  
POWER CORPORATION,**  
*Complainants,*

**-versus-**

**ERC CASE NO. 2020-002 DR**

**PHILIPPINE ELECTRICITY  
MARKET CORPORATION  
(PEMC) AND INDEPENDENT  
ELECTRICITY MARKET  
OPERATOR OF THE  
PHILIPPINES (IEMOP)<sup>1</sup>,**  
*Respondents.*

**Promulgated:**  
March 31, 2022

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**ORDER**

On 20 January 2020, SPC Island Power Corporation (SIPC) and SPC Power Corporation (SPC) filed a *Complaint* against Philippine Electricity Market Corporation (PEMC) and Independent Electricity Market Operator of the Philippines (IEMOP).

On 11 March 2020, the Commission issued an *Order and Notice of Public Hearing*, both dated 27 February 2020, setting the case for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on 16 April 2020.<sup>2</sup>

On 18 May 2020, SIPC and SPC filed a *Manifestation and Motion for Resetting of Hearing*.

On 25 June 2020, SIPC and SPC filed their *Manifestation and Motion (to Rule on the Manifestation and Motion for Resetting of Hearing dated 18 May 2020)*.

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<sup>1</sup> Notwithstanding that IEMOP is impleaded as one of the respondents in the instant case, this is without prejudice to any final determination of IEMOP's personality as the independent market operator of the Wholesale Electricity Spot Market (WESM).

<sup>2</sup> The Order dated 27 February 2020 setting the case for public hearing on 02 April 2020 was cancelled due to the declaration of the Enhanced Community Quarantine in the entire Luzon.

On 10 July 2020, the Commission issued an *Order and Notice of Public Hearing*, both dated 03 July 2020, setting the case for public hearing for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on 10 September 2020.

However, due to the continuous threat to public health and safety brought about by the coronavirus disease 2019 (COVID-19), the Commission deemed it necessary to conduct the previously scheduled physical hearings through virtual hearings.

Thus, on 25 August 2020, the Commission issued an *Order and Notice of Virtual Hearing*, both dated 17 August 2020, setting the case for virtual hearing for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on 10 September 2020.

During the 10 September 2020 hearing, SIPC and SPC submitted their compliance with the Commission's posting and publication requirements. However, upon perusal of the submissions of the Complainants, the Commission found that they failed to comply with the publication requirements. In view thereof, the Commission did not acquire jurisdiction over the instant case and cancelled the said hearing. Accordingly, the Commission ruled that another *Order* shall be issued setting the instant case for hearing.

**ACCORDINGLY**, the Commission hereby sets the instant case 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 2020<sup>3</sup> dated 24 September 2020 and Resolution No. 01, Series of 2021 dated 17 December 2020 (ERC Revised Rules of Practice and Procedure):<sup>4</sup>

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<sup>3</sup> Entitled: A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission, promulgated on 17 November 2020.

<sup>4</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

<b>Date</b>	<b>Platform</b>	<b>Activity</b>
<b>19 April 2022</b> (Tuesday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Determination of compliance with the jurisdictional requirements and expository presentation
<b>26 April 2022</b> (Tuesday) at two o'clock in the afternoon (2:00 PM)	<b>Microsoft Teams</b>	Pre-trial Conference and presentation of evidence

**RELATIVE THERETO**, Complainants are hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* once (1x) in a newspaper of nationwide circulation in the Philippines at their own expense, at least ten (10) days before the date of the scheduled initial hearing; and
- 2) 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.

Moreover, pursuant to Section 6, Rule 5 of the Commission's Revised Rules of Practice and Procedure<sup>5</sup> (Revised RPP), Respondents are hereby directed to file their *Answer* within fifteen (15) days from receipt of this *Order* via electronic mail (e-mail) at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph).

Likewise, within five (5) calendar days prior to the date of the initial virtual hearing, Complainants must submit to the Commission via e-mail at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), the scanned copies of their written compliance with the aforementioned jurisdictional requirements attaching therewith methodically arranged and duly marked the following:

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<sup>5</sup> *Id.*

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavit of the Editor or Business Manager of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issue of the said newspaper; and
- 2) 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.

Complainants and Respondents are also required to submit via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), at least five (5) calendar days before the date of the scheduled 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.

Complainants 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 Complainants 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.

Complainants must also be prepared to make an expository presentation of the instant *Complaint*, aided by whatever communication medium that they 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 *Complaint* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

Complainants are hereby directed to file a copy of their Expository Presentation via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), at least five (5) calendar days prior to the scheduled virtual hearing. Complainants shall also be required, upon the request of any stakeholder, to provide an advance copy of their 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](mailto:doCKET@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto: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.

Complainants and Respondents are 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 their 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. Respondents are also directed to submit, through any of the available mode of service, one (1) set of the original hard/printed copy of their *Answers* within the same period provided. 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.

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Finally, Complainants and Respondents, including their authorized representative/s and witness/es, are hereby directed to provide the Commission, thru [legal.virtualhearings@erc.ph](mailto: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, 08 March 2022.

FOR AND BY AUTHORITY  
OF THE COMMISSION:



**AGNES VST DEVANADERA**  
*Chairperson and CEO*

LS: RCP/LSF/MCCG

**ERC**

*Office of the Chairperson*



\*AVSTD-2022-03-510-0064\*

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Copy Furnished:

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