

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



ATTY. ISABELO JOSEPH P. TOMAS II, In His Capacity as the Investigating Officer of The Investigatory Unit Constituted By the Honorable Commission Pursuant To His Office Order No. 38, Series of 2013 Dated December 26, 2013,

Complainant,

-versus-

ERC CASE NO. 2015-034MC

POWER SECTOR ASSETS AND LIABILITIES MANAGEMENT CORPORATION (PSALM) for Malaya Thermal Power Plant,
Respondent.

DOCKETED
Date: JUN 20 2016
By: [Signature]

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NOTICE OF PRE-TRIAL CONFERENCE

On 9 June 2015, Petitioner filed a Complaint against Respondent for Violation of Section 45 of Republic Act No. 9136, otherwise known as EPIRA, and of Rule 11, Sections 1 and 8(E) of the Implementing Rules and Regulations (IRR) of the EPIRA. On 7 September 2015, Respondent filed its Answer thereto. There being no other pleading filed thereafter, the issues are now joined.

The Commission has set the Pre-Trial Conference on **8 August 2016 (Monday) at two o'clock in the afternoon (02:00 P.M.) at the ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City**. The parties, or their duly-authorized representatives, and their respective counsels are required to be present at the hearing.

TEN (10) DAYS before the date of the hearing, the parties shall submit to the Commission, **in eight (8) original copies**, their respective Pre-Trial Briefs, which shall contain, among other matters, the following:

- (a) Theory/Version of the parties;

ERC CASE NO. 2015-034MC
NOTICE OF PRE-TRIAL CONFERENCE
Page 2 of 3

- (b) A summary of admitted facts and proposed stipulation of facts;
- (c) The issues to be tried or resolved;
- (d) The documents or exhibits to be presented, stating the purposes thereof and proposed markings therefore (No evidence shall be allowed to be presented and offered during the trial in support of party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the Commission for good cause shown);
- (e) The number and names of the witnesses, with their written testimonies in judicial affidavit form, to be attached to the Pre-Trial Brief; and
- (f) Other matters as may aid in the prompt disposition of the case.

The parties shall serve on the adverse party their respective Pre-Trial Briefs, at least ten (10) days before the hearing.

Failure of the parties to file their Pre-Trial Briefs within the prescribed period shall have the same effect as failure to appear at the Pre-Trial Conference.

The parties are reminded that the *ERC Rules of Practice and Procedure* (ERC Rules) shall apply, in so far as they are practicable.

Resolution No. 14, Series of 2016 was promulgated by the Commission on May 24 2016 for the purpose of dividing the Commission into two core groups for the conduct of hearings and to designate Commissioners as presiding officers in anti- competition cases in order to secure an orderly, efficient and expeditious disposition of these cases. All final orders, resolutions and decisions in this case shall be rendered by the Commission subject to the pertinent requirements of Section 38 of Republic Act No. 9136. The Commission also authorized the Chairman to issue any and all necessary orders in pursuance of the aforesaid resolution.

In the Raffle held on June 15, 2016 the above entitled case was raffled to the Second Division headed by **Chairman Jose Vicente B. Salazar, Commissioner Gloria Victoria C. Yap-Taruc and Commissioner Geronimo Sta.Ana.**

Let a copy of this Notice of Pre-Trial Conference be posted on the ERC website.

SO ORDERED.

Pasig City, 16 June 2016.

FOR AND BY AUTHORITY
OF THE COMMISSION:


JOSE VICENTE B. SALAZAR
Chairman and CEO

Copy furnished:

- 1. Atty. Isabelo Joseph P. Tomas II**
In his capacity as Investigating Officer
Energy Regulatory Commission
18th Floor, Pacific Center Building
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Pasig City
- 2. Atty. Cecilio B. Gellada, Jr.**
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ERC
Office of the Chairman



E-2016-006-OC-03374