



**CHECKLIST OF PRE-FILING REQUIREMENTS FOR APPLICATIONS  
FOR APPROVAL OF POWER SUPPLY AGREEMENT (PSA)**

PRE-FILING DATE/S	
APPLICANTS	

The information contained in the documents required in the list below are considered public, excluding those prayed for as confidential by Applicants. Any act of fraud or false representation in any document submitted before the Commission may be a ground for outright dismissal of the Application once filed without prejudice to all other administrative, civil, or criminal actions that may be filed against Applicants, its officers, employees, and authorized representatives responsible for such fraud or misrepresentation.

Compliance with the pre-filing requirements, as set forth below, is MANDATORY. Acceptance of the Application for filing does not estop the Commission from further determining whether Applicants have complied with all the procedural and substantial requirements of the Commission, or whether the documents submitted herein are true and correct.

\_\_\_\_\_  
Signature over Printed Name  
Representative of Applicants

\_\_\_\_\_  
Signature over Printed Name  
Technical Working Group

\_\_\_\_\_  
Signature over Printed Name  
Legal Service

**PART I  
PSA TECHNICAL WORKING GROUP**

**Classification of Supplier<sup>1</sup>:** \_\_\_\_\_

**Technology:** \_\_\_\_\_

**Term of the Contract<sup>2</sup>:** \_\_\_\_\_

**Commercial Operation Date:** \_\_\_\_\_

**Installed Capacity:** \_\_\_\_\_

**Net Dependable Capacity:** \_\_\_\_\_

**Contracted Capacity:** \_\_\_\_\_

**Minimum Energy Off-Take (MEOT):** \_\_\_\_\_

**Mode of Procurement:** \_\_\_\_\_

<sup>1</sup> Examples: IPPA, IPP, Wholesale Aggregator, Interim Supplier, etc.

<sup>2</sup> Examples: Interim, Short-term, Long-term, etc.



**I. Government Requirements**

**For Distribution Utility (DUs)**

Name of Document	Remarks/ Comments
1. Articles of Incorporation and By-Laws (Private Corp.) or document that will indicate the list of Board of Directors and Board Members (ECs)	
2. Document showing list of Board of Directors and Board Members and related to the Ultimate Parent Company, its Subsidiaries and all its affiliates	

**For Generation Company (GenCo)**

Name of Document	Remarks/ Comments
3. Articles of Incorporation and By-Laws of the Generation Company (GenCo);	
4. Shareholders' Agreement	
5. Securities and Exchange Commission (SEC) Certificate of Registration of the said Articles of Incorporation	
6. List of Shareholders (Latest GIS of GenCo- SEC Form)	
7. Document showing information related to the Ultimate Parent Company, its Subsidiaries and all its affiliates.	
8. Board of Investment (BOI) Certificate of Registration with attached Terms and Conditions	
9. Environmental Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources (DENR)	
10. Certificate of Compliance (COC) issued by the Energy Regulatory Commission pursuant to the Guidelines for the issuance of COC for Generation Companies/Facilities;	
11. Certification from Department of Energy (DOE) regarding Philippine Development Plan (PDP) or Certificate of Endorsement (CoE).	
12. Renewable Energy Service/ Operating Contract from the Department of Energy (DOE)	
13. Certificate of Registration or Certificate of Confirmation of Commerciality by an RE Developer and after due confirmation by the DOE;	
14. If the Application is filed later than two years following the effectivity of the above mentioned Guidelines, the application must include an alternative Demand Side Management (DSM) program that could be implemented by the DUs if approved by the ERC. The DU shall submit the projection costs and benefits of the DSM program;	



## II. Supply and Demand Scenario

Name of Document	Remarks/ Comments
<p>15. Certification by NPC whether Transition Supply Contract (TSC) capacity and energy is expected to be available during the contractual period. Include relevant supporting documentation, data and analysis supporting each statement;</p>	
<p>16. Details regarding the load forecast projections in accordance with the latest Distribution Development Plan of the Distribution Utility and the variability of those projections over the proposed contractual period. An estimation of the potential for a reduction in load supplied by the Distribution Utility due to retail competition. Any inconsistencies shall be supported by relevant analysis;</p> <p>Also submit the average daily load curve, supply and demand scenario of the DU in accordance with Commission Templates under Annex A of Pre-filing Checklist Requirement</p>	

## III. Procurement Process

Name of Document	Remarks/ Comments
<p>17. Details on the procurement process used by the Distribution Utility leading to the selection of the Generation Company including but not limited to the following items:</p> <ul style="list-style-type: none"> <li>• Distribution Utilities (DUs) Invitation to Participate and Submit Proposal (e.g. Publication in newspaper, etc.)</li> <li>• DUs Term of Reference (TOR)</li> <li>• Proposal/s received by the Distribution Utility, tender offers, etc.;</li> <li>• DU's Special Bids and Awards Committee (SBAC) Evaluation Report</li> <li>• DU's Board Resolution confirming the approval of SBAC Evaluation Report</li> <li>• Notice of Award issued by the Distribution Utility</li> <li>• Matrix and type of Competitive Selection Process (CSP)</li> <li>• Certification from General Managers (for ECs) or CEO/COO (for Private Corp.) for conducting CSP.</li> </ul>	



**IV. Power Supply Agreement and other Agreements**

Name of Document	Remarks/ Comments
18. Power Supply Agreement/ Energy Conversion Agreement Contract for Application including the Original and Amended/Supplemental/Addendum, provide a Matrix to show comparison of the amendments made, if any.	
19. Details regarding transmission projects or grid connection projects necessary to complement the proposed generation capacity; Identification of the parties that will develop and/or own such facilities; any cost related to such project; and specification of the parties responsible for recovery of any costs related to such projects;  If applicable, submit a copy of Transmission Service Agreement, or application for dedicated Point to Point Limited Transmission Facility to ERC, e.g. ERC Case No. of Point to Point, Decision of Commission of the point to point application.	
20. Copy of Related Agreements (like Transmission Wheeling Contract, IPPA Agreement, EPC Contract, O&M Contract, Wholesale Aggregator Agreement, Project Feasibility Study <sup>3</sup> , etc.)	

**V. Generation/ Power Rate**

Name of Document	Remarks/ Comments
21. Details of the PSA/ECA a. Executive Summary  b. Sources of Funds/ Financial Plans; <ul style="list-style-type: none"> <li>• Debt/Equity Ratio</li> <li>• Project Cost; and</li> <li>• Computation of Return on Investment/ WACC;</li> <li>• Certification from the Bank/Lending Institution specifying the principal amortization, term and interest during the cooperation period of the loan agreement.</li> <li>• Life of Asset versus Term of Loan (Computation of levelized cost)</li> </ul> Bank Certification of Long-term Loans, including, to wit:	

<sup>3</sup> For Greenfield PSA Applications.



<p>1. Schedule of Original Loan (Principal amount, interest payable, term of the loan)</p> <p>2. Updated Balances (Principal amount, interest payable, penalties (if any), remaining term of the loan)</p> <p>c. Generation Rate and Derivation</p> <ul style="list-style-type: none"> <li>• Financial model containing the derivation of rates (excel file to be required)</li> <li>• Breakdown of the base prices; Capital Recovery Fee, Fixed and Variable O&amp;M, and Fuel Fee</li> <li>• Breakdown of Project Cost and Operations and Maintenance (O&amp;M) Cost including the description and justification/supporting of each component</li> <li>• Sample Computation of Power Rates with the supporting documents on the assumptions taken.</li> <li>• Rate impact simulation on the overall rates of the applicant-utility once the contract is approved including an explanation on assumptions and input parameters used in the derivation thereof.</li> <li>• Basis/rationale of indexation including the sources, reference date and weight of indexation</li> <li>• Basis/rationale/derivation of Other Charges such as replacement, start-up, pre-commercial, and ancillary costs</li> <li>• Equivalent PhP/kWh with assumptions for foreign denominated rates</li> </ul> <p>d. Cash Flow specifying the following:</p> <ul style="list-style-type: none"> <li>• Initial Costs;</li> <li>• Breakdown of Operating and Maintenance expenses; and</li> </ul>	
<p>22. All details on the procurement process of fuel including requests, proposals received, tender offers, etc.; Fuel Supply Agreement</p> <p>Sworn Statement detailing how the fuel was</p>	



competitively procured, contract terms, unbundled price components (product cost, transshipment, delivery container, etc.)	
23. All relevant technical and economic characteristics of the generation capacity; Installed Capacity, Mode of Operation, Dependable Capacity; Auxiliary load; Scheduled and Unscheduled Outages; Basis/Justification of day used.	
24. All costs analysis related to the generation in support of the proposed pricing provisions of the contract;	
25. Other documentation that may be needed by the ERC in the course of the evaluation, such as, but not limited to the following:  a. Latest and Complete Set of Audited Financial Statements of the Generation Company ( Balance Sheet, Income Statement, and Statement of cash flows)  b. Certification (from the engine manufacturer or IPP) of the net heat rate (initial and every after major maintenance schedule) in liters per kWh.  c. Simulation of the no. of operating units necessary to meet the MEOT and/or additional energy/demand requirements of the DU.  d. Potential Cost (absolute amounts and PhP/kWh) of Ancillary Services as and when the IPP or the DU is connected to the main grid.	

The Pre-filing Checklist is in accordance with Resolution No. 38, Series of 2006<sup>4</sup>, Rule 20 B Section 2 of the ERC Rules of Practice and Procedures<sup>5</sup>, Article VI Sections 1 and 2 of the ERC Guidelines for the Recovery of Costs for the Generation Component of the Distribution Utilities’ (DUs) Rates, Resolution No. 13, Series of 2015<sup>6</sup> and Resolution No. 1, Series of 2016<sup>7</sup>, unless otherwise provided or considered by the Commission.

If any of the above-listed documents is alleged to be not applicable, the Applicants shall provide a written justification to support the said allegation.

Section 7 Rule 3 of ERC Rules of Practice and Procedures requires that all pleadings, together with their supporting documents, **shall be electronically filed with the submission of at least three (3) diskettes or compact**

<sup>4</sup> Resolution No. 38, Series of 2006 – A Resolution Promulgating the Energy Regulatory Commission’s Rules of Practice and Procedure

<sup>5</sup> Rule 20 B Section 2 of the ERC Rules of Practice and Procedures – Supporting Documents and Information

<sup>6</sup> Resolution No. 13, Series of 2015 entitled “A Resolution Directing All Distribution Utilities (DUs) to Conduct a Competitive Selection Process (CSP) in the Procurement of their Supply to the Captive Market.”

<sup>7</sup> Resolution No. 1, Series of 2016 entitled “ A Resolution Restating the Effectivity of ERC Resolution No. 13, Series of 2015”.



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**discs containing the electronic files thereof in file formats acceptable to the Commission such as Microsoft Office or OpenOffice.**

Thus, the Applicants shall submit the documents with the following format:

Pleadings	PDF – Signed Pleading with Verification and Certification against Forum Shopping. MS Word – Can be edited
Annexes, Exhibits and Other Evidence	PDF
Rate Computation	MS Excel which can be assessed and edited. Include links.

**MINUTES OF MEETING:**

**ANNEX A**

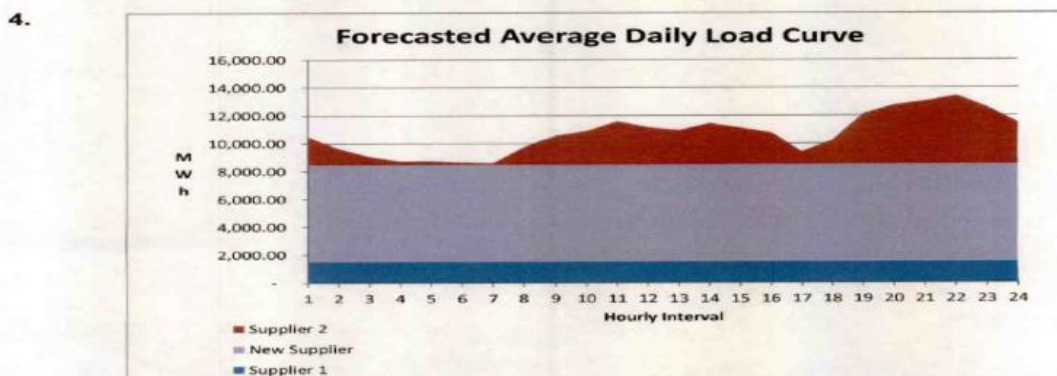
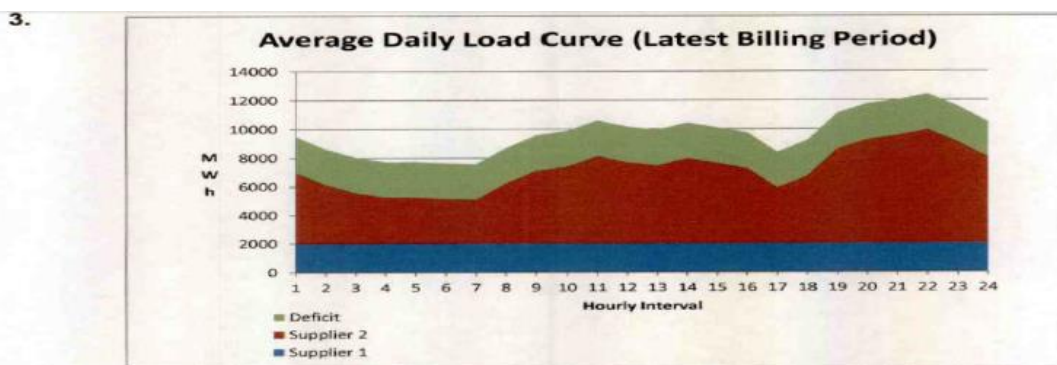
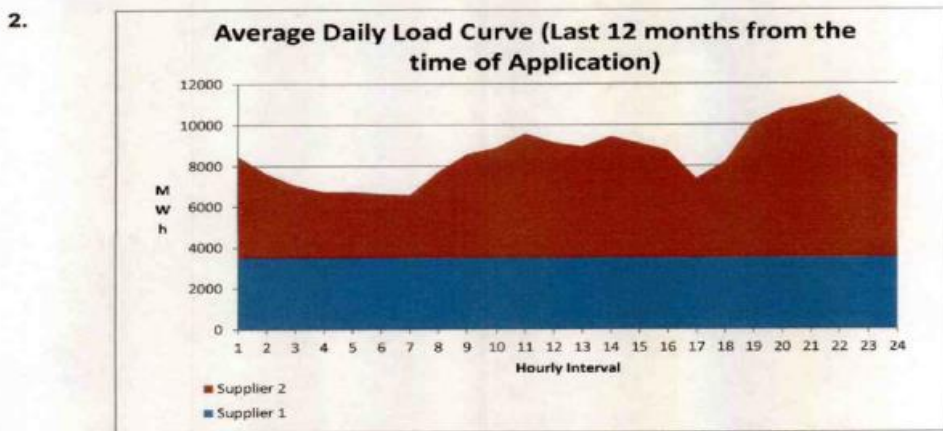
**SAMPLE SUPPLY-DEMAND SCENARIO**

**Supply-Demand Scenario (Yearly)**

1.	Historical		Forecasted					
	2013	2014	2015 (Current Year)	2016	2017	2018	2019	2020
Peak Demand (MW)								
Supplier/s:								
Supplier 1								
Supplier 2								
Supplier 3								
Total Supply (MW)								
Deficit/Surplus								

\* Please attach the supply-demand scenario per month.

**Average Daily load curve**







**PART II  
LEGAL SERVICE**

<b>REQUIREMENT</b>	<b>DETAILS</b>	<b>REMARKS</b>
<b>1. APPLICATION</b>	DATE	
	SIGNED BY COUNSEL OF GENCO (Y/N)	
	SIGNED BY COUNSEL OF DU (Y/N)	
	NO. OF HARD COPIES	
	NO. OF SOFT COPIES	
<b>2. VERIFICATION</b>	<b>GENCO</b>	
	DATE	
	NOTARIZED (Y/N)	
	• ID PRESENTED	
	<b>DU</b>	
	DATE	
	NOTARIZED (Y/N)	
• ID PRESENTED		
<b>3. CERTIFICATION AGAINST FORUM SHOPPING</b>	<b>GENCO</b>	
	DATE	
	NOTARIZED (Y/N)	
	• ID PRESENTED	
	<b>DU</b>	
	DATE	
	NOTARIZED (Y/N)	
• ID PRESENTED		
<b>4. AUTHORITY OF COUNSEL TO FILE THE APPLICATION</b>	<b>GENCO</b>	
	BOARD RESO. (Y/N); or	
	SEC. CERT. (Y/N)	
	<b>DU</b>	
	BOARD RESO. (Y/N); or	
	SEC. CERT. (Y/N)	
<b>5. AUTHORITY TO EXECUTE VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING</b>	<b>GENCO</b>	
	BOARD RESO. (Y/N); or	
	SEC. CERT. (Y/N)	
	<b>DU</b>	
	SEC. CERT. (Y/N)	
<b>6. SERVICE TO LGUs</b>	<b>A) CERTIFICATION FROM PRESIDING OFFICER, SECRETARY OF THE LGU OR THEIR DULY AUTHORIZED REPRESENTATIVE</b>	
	LGU OF:	
	LGU OF:	
	LGU OF:	



<b>6. SERVICE TO LOCAL GOVERNMENT UNIT (LGU) LEGISLATIVE BODY OF THE CITY OR MUNICIPALITY WHERE APPLICANTS PRINCIPALLY OPERATE</b>	<b>B) IN THE ABSENCE OF CERTIFICATION</b>	
	LGU OF:	
	AFFIDAVIT OF SERVICE	
	APPLICATION WITH STAMP "RECEIVED"/ ACKNOWLEDGEMENT	
	LGU OF:	
	AFFIDAVIT OF SERVICE	
	APPLICATION WITH STAMP "RECEIVED"/ ACKNOWLEDGEMENT	
	LGU OF:	
	AFFIDAVIT OF SERVICE	
	APPLICATION WITH STAMP "RECEIVED"/ ACKNOWLEDGEMENT	
	<b>C) IF NOT RECEIVED, REASON AND/OR PROOF OF REFUSAL</b>	
	LGU OF:	REASON/PROOF:
	LGU OF:	REASON/PROOF:
	LGU OF:	REASON/PROOF:
<b>7. PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN APPLICANT'S FRANCHISE AREA</b>	AFFIDAVIT OF PUBLICATION	
	• NEWSPAPER	
	• DATE OF PUBLICATION	
	NEWSPAPER ISSUE CONTAINING THE PUBLICATION	
	• APPLICATION	
	• VERIFICATION	
	• CERTIFICATION AGAINST FORUM SHOPPING	
	RANDOM REVIEW	RATE: OTHERS: PAR.
<b>8. COMPETITIVE SELECTION PROCESS<sup>8</sup></b>	<b>PROOF OF CONDUCT OF CSP</b>	
	BRIEF DESCRIPTION OF CSP CONDUCTED: PARS. _____ OF THE APPLICATION	1 <sup>ST</sup> CSP SUCCESSFUL (Y/N):
		2 <sup>ND</sup> CSP SUCCESSFUL (Y/N):
		2 FAILED CSPs, DIRECT NEGO (Y/N):
		OTHERS:
	DOCUMENTS PERTAINING THE CSP UNDERTAKEN: ANNEX _____ OF THE APPLICATION	INVITATION TO BID (Y/N):
		PROCUREMENT PROCESS (Y/N):
		PROPOSALS/OFFERS RECEIVED (Y/N):
		BAC'S EVALUATION REPORT (Y/N):
		BOARD RESO. CONFIRMING EVAL. (Y/N):
		NOTICE OF AWARD (Y/N):
		OTHERS:

<sup>8</sup> Pursuant to Secs. 1 and 2 of Resolution No. 13, Series of 2015 and Paragraph 2 of Resolution No. 1, Series of 2016.



<b>8. COMPETITIVE SELECTION PROCESS</b>	<b>PROOF OF TERMS OF REFERENCE OF DU</b>	
	A) REQUIRED/ CONTRACTED CAPACITY AND/OR ENERGY VOLUMES	
	B) GENERATION SOURCE	
	C) METHOD OF PROCUREMENT FOR FUEL, IF APPLICABLE	
	D) COOPERATION/ CONTRACT PERIOD	
	E) TARIFF STRUCTURE UNBUNDLED TO (INCLUDING DERIVATION):	
	• CAPACITY RECOVERY FEE	
	• VARIABLE AND FIXED O&M FEE	
	• FUEL FEE	
	• OTHERS	
	• BASE FEE ADJUSTMENT FORMULA, IF ANY	
	F) FORM OF PAYMENT	CURRENCY:
	G) PENALTIES, IF APPLICABLE	
	H) IF APPLICABLE, COMPLEMENTARY TRANSMISSION OR GRID CONNECTION PROJECTS	
	• PARTIES THAT WILL DEVELOP AND/OR OWN SAID FACILITIES	
	• RELATED COSTS	
• PARTIES RESPONSIBLE FOR RECOVERY OF ANY RELATED COST		
I) OTHER KEY PARAMETERS		

**OTHER REMARKS:**