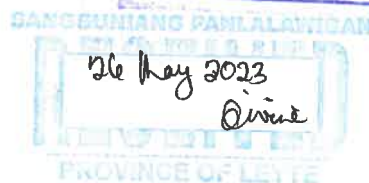


18 May 2023

Mem No.: 15  
Date: JUN 20 2023

**HON. LOENARDO M. JAVIER JR.**  
Vice Governor & Presiding Officer  
Office of the Sangguniang Panlalawigan  
Leyte Provincial Government Complex  
West Bypass Road, Brgy. Guindapunan  
6501 Palo, Leyte



Subject: **APPLICATION FOR APPROVAL OF THE ANCILLARY SERVICES PROCUREMENT AGREEMENT**

**Dear Vice Governor Javier:**

This pertains to the National Grid Corporation of the Philippines' (NGCP) Application, entitled: *"In the Matter of the Application for Approval of the Ancillary Services Procurement Agreement between the National Grid Corporation of the Philippines and Universal Power Solution, Inc. (Ormoc BESS), with Prayer for the Issuance of Provisional Authority"* to be filed with the Energy Regulatory Commission (ERC).

In accordance with the pre-filing requirements set forth in Rule 6 of the ERC Rules of Practice and Procedure, we respectfully furnish your office with a copy of the above Application, complete with annexes and supporting documents. Due to the volume of the attachments, the annexes and supporting documents may be accessed in this link: <https://bit.ly/3OxLwYg>.

May we also request your office for the issuance of a *certificate of receipt* stamped with your dry seal, which we will submit to ERC as proof of our compliance. Attached is a draft certification that you may use in issuing the request. Our staff shall return to your office after five (5) days from receipt of this letter to pick up the certification.

If you have any concerns regarding the foregoing, please feel free to reach us.

Sincerely,



**ATTY. MARK ANTHONY S. ACTUB**  
Deputy General Counsel  
Litigation and Regulatory Division  
Office of the General Counsel

**CERTIFICATE OF RECEIPT**

This is to attest to the fact that on \_\_\_\_\_, the Office of the Governor/ Vice Governor (Sangguniang Panlalawigan)/ Mayor/ Vice Mayor (Sangguniang Bayan/Lungsod) of \_\_\_\_\_ was served with and received, a copy of National Grid Corporation of the Philippines' (NGCP) Application, for filing with the Energy Regulatory Commission (ERC), captioned as **"IN THE MATTER OF THE APPLICATION FOR APPROVAL OF THE ANCILLARY SERVICES PROCUREMENT AGREEMENT BETWEEN THE NATIONAL GRID CORPORATION OF THE PHILIPPINES AND UNIVERSITY POWER SOLUTIONS, INC. (ORMOC BESS), WITH PRAYER FOR THE ISSUANCE OF PROVISIONAL AUHTORITY"**, with complete annexes and accompanying documents.

This Certificate of Receipt is issued on \_\_\_\_\_ 2023 upon the request of NGCP, for whatever legal purpose it may serve.

\_\_\_\_\_  
(Signature Over Printed Name)

\_\_\_\_\_  
(Position)

\_\_\_\_\_  
(Date)

DRY SEAL

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

**IN THE MATTER OF THE  
APPLICATION FOR APPROVAL  
OF THE ANCILLARY SERVICES  
PROCUREMENT AGREEMENT  
BETWEEN THE NATIONAL GRID  
CORPORATION OF THE  
PHILIPPINES AND UNIVERSAL  
POWER SOLUTIONS, INC.  
(ORMOC BESS), WITH PRAYER  
FOR THE ISSUANCE OF  
PROVISIONAL AUTHORITY**

**ERC CASE NO.** \_\_\_\_\_

**NATIONAL GRID CORPORATION  
OF THE PHILIPPINES AND  
UNIVERSAL POWER SOLUTIONS,  
INC,**

*Applicants*

**x ----- x**

**APPLICATION**

**(With Prayer for Immediate Issuance of Provisional Authority)**

Applicants NATIONAL GRID CORPORATION OF THE PHILIPPINES (“**NGCP**”) and UNIVERSAL POWER SOLUTIONS, INC. (“**UPSI**”) (collectively referred to as the “**Applicants**” or the “**Parties**”), by their respective counsels, respectfully state:

**NATURE OF THE CASE**

1. This Application is for the approval of the Ancillary Services Procurement Agreement (“**ASPA**” or “**Agreement**”) dated 02 May 2023,<sup>1</sup> entered into by the NGCP and UPSI, pursuant to Department of Energy (DOE) Department Circular No. DC 2021-10-0031 (the “**AS-CSP Circular**”) prescribing the conduct of Ancillary Services Competitive Selection Process (AS-CSP); in relation to the Ancillary Services – Cost Recovery Mechanism (AS-CRM) promulgated by the Energy Regulatory Commission in its Decision dated 3 October 2007 in ERC Case No. 2006-049RC.

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<sup>1</sup> A copy of the Ancillary Services Procurement Agreement (ASPA) dated 02 May 2023 is attached as Annex “A”

## THE PARTIES

2. Applicant NGCP is a corporation created and existing under the laws of the Philippines, with office address at NGCP Building, Quezon Avenue corner BIR Road, Diliman, Quezon City. It holds a congressional franchise granted under Republic Act No. 9511,<sup>2</sup> and is authorized to engage in the business of conveying or transmitting electricity through high-voltage back-bone systems of interconnected transmission lines, substations and related facilities, and for other purposes. The NGCP is authorized to conduct activities necessary to support the safe and reliable operation of the transmission system.

3. Applicant UPSI is a corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal place of business at 5th Floor, #100 Eulogio Rodriguez Jr. Avenue, C5 Road Bo. Ugong, Pasig City, 1604 Metro Manila, Philippines.

4. UPSI is the owner and operator of a power plant composed of a Battery Energy Storage System (BESS), with a rated capacity of 40 MW continuous output at 60Hz, including required ancillaries and spare parts, located in Brgy. Milagro, Ormoc City, Leyte (the "**Generation Facility**"), which was certified and accredited by the NGCP as capable of providing Contingency Reserve (CR).

5. NGCP and UPSI may be served with orders, notices, pleadings and other legal processes through their respective counsels at the addresses indicated below.

## ANTECEDENT FACTS

6. Republic Act No. 9136, also known as the Electric Power Industry Reform Act ("**EPIRA**"), provides that it is the responsibility of NGCP to ensure and maintain the reliability, adequacy, security, stability and integrity of the nationwide electrical grid in accordance with the performance standards for its operations and maintenance, as set forth in the Philippine Grid Code ("**PGC**"),<sup>3</sup> adopted and promulgated by the Honorable Commission, and to adequately serve generation companies, distribution utilities and suppliers requiring

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<sup>2</sup> An Act Granting the National Grid Corporation of the Philippines a Franchise To Engage in the Business of Conveying or Transmitting Electricity Through High Voltage Back-Bone System of Interconnected Transmission Lines, Substations and Related Facilities, and for other Purposes.

<sup>3</sup> ERC Resolution No. 22, series of 2016, entitled "A Resolution Approving the Publication of the Approved Philippine Grid Code 2016 Edition". See also Section 9(c), EPIRA.

transmission service and/or ancillary services (“AS” or “Ancillary Services”)<sup>4</sup> through the transmission system.<sup>5</sup>

7. Similarly, the PGC provides that NGCP is responsible for determining, acquiring, and dispatching the capacity needed to supply the required Grid AS and for developing and proposing Wheeling Charges and AS tariffs of the ERC.<sup>6</sup>

8. Ancillary Services is defined in Section 4 (b) of the EPIRA as referring “to those services that are necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the transmission system in accordance with good utility practice and the Grid Code to be adopted in accordance with this Act.” These services are essential in ensuring reliability in the operation of the transmission system and consequently, in the reliability of the electricity supply in the Luzon, Visayas and Mindanao grids.

9. In order to implement and regulate the procurement of AS, the Honorable Commission approved the Ancillary Services Procurement Plan (“ASPP”) through its Order dated 9 March 2006 in ERC Case No. 2002-253 and the Ancillary Services-Cost Recovery Mechanism (“AS-CRM”) through its Decision dated 3 October 2007 in ERC Case No. 2006-049RC.

10. The NGCP certified that the units of the Generation Facility have met and complied with the Standard Ancillary Services Technical Requirements of the ASPP as capable of providing Contingency Reserve. A copy of NGCP Accreditation Certificate No. AS-2023-V006 and AS-2023-V007 in favor of UPSI, and valid from March 16, 2023 to March 15, 2025 is attached to this Application.<sup>7</sup>

### **Competitive Selection Process**

11. On 04 October 2021, the DOE issued the AS-CSP Circular providing the policy for the conduct of the Competitive Selection Process (CSP) for the procurement of Ancillary Services by the System Operator (NGCP). Among the policies set by the AS-CSP Circular was the creation of an independent Third-Party Bids and Awards Committee (TPBAC) to spearhead and manage the CSP.

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<sup>4</sup> Section 4(b), EPIRA. “Ancillary Services” refer to those services that are necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the transmission system in accordance with good utility practice and the Grid code to be adopted in accordance with this Act.

<sup>5</sup> Section 9(d), EPIRA.

<sup>6</sup> Chapter 6, Grid Operations (“GO”), GO Section 6.3.1.2, PGC.

<sup>7</sup> Copy of NGCP Accreditation Certificate No. AS-2023-V006 and AS-2023-V007 with corresponding test report/s, is attached as Annex “B”.

12. In its Letter dated 22 November 2022,<sup>8</sup> the DOE approved the Terms of Reference (TOR)<sup>9</sup> and Instruction to Bidders<sup>10</sup>, and instructed NGCP to proceed with the publication and posting of the same pursuant to Sec. 7.4 and 7.5 of the AS-CSP Circular.

13. On 26 January 2023, the TPBAC approved its Notice of Invitation to Bid<sup>11</sup> informing the public of the pending AS-CSP for Regulating Reserve (RR), Contingency Reserve (CR), Dispatchable Reserve (DR), Reactive Power Support (RPS), and Black Start Service (BSS); and inviting all interested grid-connected merchant plants and Independent Power Producers to apply for eligibility and participate in the competitive bidding for the procurement of AS. The Notice of Invitation to Bid likewise provided any interested grid-connected merchant plants a copy of the DOE approved TOR and Instruction to Bidders.

14. Subsequently, the Notice of Invitation to Bid was published on 31 January 2023 with the *Malaya Business Insight*<sup>12</sup> and the *Philippine Star*.<sup>13</sup> The same Notice was also published on 07 February 2023 with the *Business Mirror*<sup>14</sup> and the *Manila Bulletin*.<sup>15</sup>

15. UPSI was declared by the TPBAC as eligible to participate in the AS-CSP and submit its bid for the provision of Contingency Reserve.

16. Under Bid Bulletin 2023-02 issued by the TPBAC, eligible bidders may submit their bids on or before 14 March 2023.

17. Thereafter, pursuant to Bid Bulletin 2023-02, the TPBAC conducted the opening of bids timely submitted by all the eligible bidders whereby UPSI's bid/offer<sup>16</sup> for the provision of CR by its Generation Facility was considered for award after sufficiently complying with the post-qualification requirements.

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<sup>8</sup> DOE Letter dated 22 November 2022 approving the Terms of Reference and Instruction to Bidders is attached as Annex "C"

<sup>9</sup> DOE Approved Terms of Reference is attached as Annex "C-1"

<sup>10</sup> DOE Approved Instruction to Bidders is attached as Annex "C-2"

<sup>11</sup> Notice of Invitation to Bid is attached as Annex "C-3"

<sup>12</sup> The 31 January 2023 edition of the *Malaya Business Insight* and the page on which the Notice of Invitation to Bid appears are attached as Annexes "D" and "D-1", respectively. The Affidavit of Publication issued by the *Malaya Business Insight* is likewise attached as Annex "D-2".

<sup>13</sup> The 31 January 2023 edition of the *Philippine Star* and the page on which the Notice of Invitation to Bid appears are attached as Annexes "E" and "E-1", respectively. The Affidavit of Publication issued by the *Philippine Star* is likewise attached as Annex "E-2".

<sup>14</sup> The 07 February 2023 edition of the *Business Mirror* and the page on which the Notice of Invitation to Bid appears are attached as Annexes "F" and "F-1", respectively. The Affidavit of Publication issued by the *Business Mirror* is likewise attached as Annex "F-2".

<sup>15</sup> The 07 February 2023 edition of the *Manila Bulletin* and the page on which the Notice of Invitation to Bid appears are attached as Annexes "G" and "G-1", respectively. The Affidavit of Publication issued by the *Manila Bulletin* is likewise attached as Annex "G-2".

<sup>16</sup> Copy of Ormoc BESS's bid offer is attached herein as Annexes "H".

18. On 12 April 2023, the TPBAC issued and submitted to the NGCP's Board of Directors its Resolution and Evaluation Report on the conduct of the CSP<sup>17</sup> indicating UPSI as one of the winning bidders. The TPBAC's Evaluation Report was thereafter confirmed by the NGCP's Board of Directors through a resolution dated 18 April 2023.<sup>18</sup>

19. On 18 April 2023, the TPBAC issued a Notice of Award in favor of UPSI<sup>19</sup> informing the latter that it is to be awarded with a contract for the Provision of Ancillary Services in the Visayas Grid. The details of the award are as follows:

Type of AS to be provided	AS Facility/Unit	Capacity Payment Rate (P/kW/h)	Duration
Contingency Reserve	Ormoc BESS	1.25	Five (5) years

20. On 02 May 2023, NGCP and UPSI executed an ASPA pursuant to the AS-CSP Circular.

### CONTRACTED CAPACITY RATES AND IMPACT SIMULATION

21. Section 3 of the ASPA states that UPSI shall provide the AS in accordance with Schedule 1 of the ASPA, as follows:

#### Contracted Capacities:

Contingency Reserve ("CR"):

Ormoc BESS – 40 MW

04ORMOC BAT1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1	27	19	17	16	18	24	24	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	30
2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
7	40	40	37	36	35	35	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
8	40	40	40	40	40	39	37	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
9	40	38	29	26	26	32	34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
10	39	37	37	31	29	29	29	39	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
11	40	40	40	37	38	36	37	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
12	14				10	14	8	11	31	40	40	40	40	40	40	40	40	40	40	40	40	39	24	10

22. Schedule 3 of the ASPA provides for the formula for the computation of the Ancillary Service Payment, and the applicable rates for Capacity Payment:

<sup>17</sup> The TPBAC Resolution and Evaluation Report dated 12 April 2023 indicating UPSI's bid/offer for its Generation Facility as one of the winning bids is attached as Annex "I".

<sup>18</sup> NGCP Secretary's Certificate certifying the BOD's Resolution confirming the TPBAC's Evaluation Report is attached as Annex "J".

<sup>19</sup> Notice of Award in favor of UPSI is attached as Annex "K".

## A. Ancillary Service Payment

1. For CR, Ancillary Service Payment is the total of the Capacity Payment and the Incidental Energy Payment in B and C below

$$\text{Ancillary Service Payment}_{CR} = \text{Capacity Payment} + \text{Incidental Energy Payment}$$

## B. Applicable Rates for Capacity Payment:

Ormoc BESS (Contingency reserve): 1.25 PhP/kWh

Formula for Capacity Payment = Undispatched Scheduled Capacity x Capacity Payment Rate

Where:

- Undispatched Scheduled Capacity = Scheduled Capacity - G
- Capacity Payment Rate = Applicable Rate per AS type

## C. Incidental Energy Payment

The Cost of Incidental Energy ("IE") is the cost of actual energy generated for the firm Scheduled Capacity which shall be paid and computed using the formula below:

Payment of Cost of Incidental Energy (IE) computed as follows:

$$\begin{aligned} & \text{Incidental Energy Payment} \\ & = \{G \times (\text{Capacity Payment Rate} + \text{Energy Fees})\} \\ & - (\text{WESM Revenue} - \text{WESM Payment}) \end{aligned}$$

Where:

- G = summation of actual energy generated or dispatched from the Scheduled Capacity, in kWh
- Energy Fees, in PhP/kWh = Fuel Cost + Fixed and Variable O&M Cost, in PhP/kWh
  - Fuel Cost, in PhP/kWh = 0.0000
  - Fixed O&M Cost, in PhP/kWh = 0.0000
  - Variable O&M Cost, in PhP/kWh = 1.7071
- WESM Revenue = summation of WESM revenue based on market clearing price at the generator's trading node, arising from G.
- WESM Payment = summation of WESM purchases based on market clearing price at the generator's trading node, for generator's feedback power if applicable.



23. In compliance with the Honorable Commission's document checklist, NGCP submits the following:

Document	Annex
AS Rates Offered by the AS Provider during the AS-CSP	"L"
Actual AS Data on Required, Scheduled, and Dispatched (MW) for the Grid for the previous year	"M"
Implementing Guidelines of the ASPA	"N"
Locational Map of the Generation Facility	"O"
Certification from NGCP as required under item D of the ERC Checklist	"P"

24. UPSI submits that the rates represent a reasonable recovery of its opportunity cost in making available generation capacity to provide the procured AS.

AS Type	Indicative Rate Impact	
	P/kW – month	P/kwh
CR	32.1875	0.0633

A copy of the Rate Impact Simulation for UPSI is attached to this Application.<sup>20</sup>

25. Consistent with the AS-CRM, all the related and incidental expenses which NGCP will incur as a result of the procurement and operation of the ancillary services shall be recovered from all the load customers in the Visayas Grid.

26. As provided under Section 2.1 of the ASPA, the same shall become effective upon the approval by the ERC, either through a Provisional Authority (PA), or Interim Relief (IR), or final Decision, whichever comes first, unless if a different effective date is provided by the ERC in its Order or Decision, and shall remain effective for a period of five (5) years, subject to Section 13 (Termination) of the ASPA.

27. UPSI, as a generation company, falls within the ambit of Section 6 of the EPIRA. Attached are copies of relevant documents proving UPSI's due registration as a generation company, relevant permits to operate the Generation Facility and audited financial statements, as well as other documents required by the Honorable Commission:

Document	Annex
Articles of Incorporation	"S"

<sup>20</sup> Rate Impact Simulation is attached as Annex "Q".

<b>Document</b>	<b>Annex</b>
Latest SEC GIS/Proof of Business Registration	“T”
Certification issued by ERC on the filing of application for Certificate of Compliance	“U”
Latest Audited Financial Statement	“V”
WESM Registration	“W”
Computation of True Cost of Generation (PhP/kW & PhP/kWh)	“X”
Summary of computed Consumer Price Index (CPI) indexation for Variable Operation and Maintenance (VOM) Cost, including their computations.	“Y”
Written Explanation on Inapplicability of Distribution Wheeling Service (DWS) Agreement and Summary of DWS Charges	“Z”
Single-Line Diagram Connection	“AA”
Written Explanation on Certification of Endorsement from the Department of Energy that the Generation Facility is included in the Power Development Plan and Transmission Development Plan	“BB”
Certification on No Existing Power Supply Agreement	“CC”

28. While UPSI is a co-applicant, it manifests that the instant Application shall neither modify, diminish nor constitute a waiver of its rights nor expand its obligations and responsibilities as a generation company under the EPIRA.

### **ALLEGATIONS IN SUPPORT OF THE PRAYER FOR CONFIDENTIAL TREATMENT OF INFORMATION**

29. Under Rule 4 of the ERC Rules of Practice and Procedure, the Honorable Commission may, upon request of a party and determination of existence of conditions that would warrant such remedy, treat certain information submitted to it as confidential.

30. The Computation of True Cost of Generation and the Summary of computed Consumer Price Index for Variable Operation and Maintenance (VOM) Cost, attached to this Application as Annex “X” and Annex “Y”, contain commercially valuable and sensitive information and data that reflect UPSI’s investments, business operations, calculations, and other trade secrets.

31. UPSI thus respectfully moves that these documents are not disclosed and treated as confidential documents in accordance with Section 1, Rule 4 of the Honorable Commission’s Rules of Practice and Procedure. Accordingly, UPSI submits one (1) copy of said documents in a sealed envelope, with the envelope and each page of the document stamped with the word “Confidential”.

## ALLEGATIONS IN SUPPORT OF THE PRAYER FOR PROVISIONAL AUTHORITY

32. It is a declared policy of the State to ensure the quality, reliability, security and affordability of the supply of electric power.<sup>21</sup> To this end, there is a need to comply with the system requirements for AS to ensure grid system security and reliability. As mentioned above, NGCP has the mandate to procure the required AS. However, the Honorable Commission must first approve the ASPA before the same can be implemented.

33. As the demand for power in Visayas increases, the requirements of the system likewise increases. Ensuring the integrity of the system is essential to protect the interests of the public. The absence of system reliability and stability will certainly discourage investments and growth.

34. Applicants respectfully submit that the immediate approval of the ASPA by this Honorable Commission is a necessity to maintain the present reliability and security of the Grid. In support of these allegations, NGCP submits a copy of the Judicial Affidavit of Ms. Lisaflor B. Kater,<sup>22</sup> which is attached to this Application.

## PRAYER

**WHEREFORE**, premises considered, Applicants respectfully pray that the Honorable Commission:

1. Immediately **ISSUE** a provisional authority to implement the subject ASPA executed on 02 May 2023; and
2. **APPROVE**, after notice and hearing, the subject ASPA.
3. **ISSUE** an Order treating the Computation of True Cost of Generation<sup>23</sup> and the Summary of computed Consumer Price Index for Variable Operation and Maintenance (VOM) Cost<sup>24</sup> as confidential information pursuant to Section 1, Rule 4 of the ERC Rules of Practice and Procedure and prescribing the guidelines for the protection thereof.

Other just and equitable reliefs are likewise prayed for.

Pasig City and Quezon City for Pasig City, 16 May 2023.

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<sup>21</sup> Section 2(b), EPIRA.

<sup>22</sup> Judicial Affidavit of Ms. Lisaflor B. Kater is attached as Annex "R"

<sup>23</sup> See Annex "X".

<sup>24</sup> See Annex "Y"

OFFICE OF THE GENERAL COUNSEL  
**NATIONAL GRID CORPORATION OF THE PHILIPPINES**  
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**LUIS MANUEL U. BUGAYONG**

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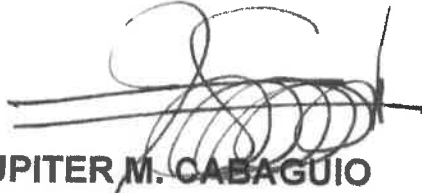


**JOY CELINE B. FERRER-JAVIER**

PTR No. 4185107 / 01.24.2023 / Quezon City  
IBP No. 266066 / 01.04.2023 / Bulacan  
MCLE Compliance No. VII-0024352 / 12.05.2022  
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**UNIVERSAL POWER SOLUTIONS, INC.**

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PTR No. 0112546 / 04 January 2023 / Pasig City  
IBP No. 06372 / Lifetime / Makati City  
MCLE Compliance No. VII – 0021509 / 17 June 2022  
Roll No. 47112



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IBP No. 010380 / Lifetime / PPLM  
MCLE Compliance No. VII - 0020279 / 02 June 2022  
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PTR No. 0112541 / 04 January 2023 / Pasig City  
IBP No. 182449 / 16 March 2023 / Central Luzon Bulacan Chapter  
MCLE Compliance No. VII-0027120 / 17 March 2023  
Roll No. 39024

REPUBLIC OF THE PHILIPPINES)  
QUEZON CITY

) S.S.

**VERIFICATION AND CERTIFICATION  
OF NON-FORUM SHOPPING**

I, **MA. CYNTHIA Y. MANRIQUE**, under oath states that:

1. I am the Vice President and Head of the Revenue Regulatory Affairs of the National Grid Corporation of the Philippines ("NGCP") with office address at NGCP Head Office, NGCP Building, Quezon Avenue corner BIR Road, Diliman, Quezon City, Philippines; and I am duly authorized to sign the Verification and Certification of Non-Forum Shopping in the above-entitled Application for and in behalf of NGCP as evidenced by the Secretary's Certificate hereto attached as Annex "A-Verification";

2. I have caused the preparation of the foregoing Application;

3. I have read the Application and I attest that the allegations in the foregoing Application are true and correct based on my personal knowledge or based on authentic documents;

4. The foregoing Application is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

5. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;

6. NGCP has not filed any other similar Application or action, involving the subject matter of this Application before any court, tribunal or quasi-judicial agency and, to the best of my knowledge, no such other Application or action is pending therein; and

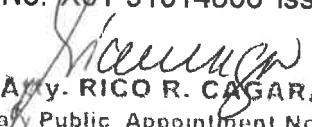
7. If I should thereafter learn that such similar Application, action or claim has been filed or is pending, I shall report that fact to this Honorable Court within five (5) calendar days therefrom.

**IN WITNESS WHEREOF**, I have hereunto affixed my signature this 16 May 2023, in Quezon City, Philippines.

  
**MA. CYNTHIA Y. MANRIQUE**  
Affiant

**SUBSCRIBED AND SWORN** to before me this 16 May 2023, in Quezon City, affiant exhibited to me her Philippine Driver's License No. X01-91014806 issued by the LTO-QC.

Doc. No. 228 ;  
Page No. 47 ;  
Book No. 37 ;  
Series of 2023.

  
**Notary Public RICO R. CAGARA**

Notary Public Appointment No. 024  
Commission Until 31 December 2023

PTR No. 3716433-01-03-2023 Quezon City

IBP Lifetime No. 08600; Bulacan

Roll of Attorneys No. 10004

MCLE Compliance VC-C0707Y1; Valid until 14 April 2024

Unit 303, J. Ross Condominium

44 Matimtiman Street, Teacher's Village East  
Diliman, Quezon City



REPUBLIC OF THE PHILIPPINES)  
CITY OF QUEZON ) S.S.

**SECRETARY'S CERTIFICATE**

I, **KAREN S. ONG**, of legal age, Filipino, and with office address at NGCP Building, Quezon Avenue corner BIR Road, Dilliman, Quezon City, Metro Manila, after having been duly sworn in accordance with law, hereby certify that:

1. I am the Corporate Secretary of NATIONAL GRID CORPORATION OF THE PHILIPPINES (the "Corporation"), a corporation duly organized and existing under the laws of the Republic of the Philippines, with office address at NGCP Building, Quezon Avenue corner BIR Road, Dilliman, Quezon City, Metro Manila;

2. The Board of Directors of the Corporation unanimously approved and adopted the following resolutions:

**"RESOLVED**, that the Corporation names, appoints and authorizes the President and Chief Executive Officer, Chief Administrative Officer, Vice President and Head of the Revenue and Regulatory Affairs, Assistant Vice President and Head of Engineering Construction, Heads of Project Division, General Counsel, Deputy General Counsel, Assistant General Counsel, and Regional Assistant General Counsel to perform the following acts:

1. Represent NGCP in any claim, complaint, petition, application, protest, suit or any case for or against NGCP before any court, prosecutor's office, regulatory body, quasi-judicial or administrative body, agency or office of the government;
2. Execute, sign and obtain any document, including verification and certification of non-forum shopping or any other document which may be required or in connection with the preceding paragraph incorporating thereto the required allegations under the 2019 Amended Rules of Civil Procedure;
3. Represent NGCP during inquest proceedings, preliminary investigation, preliminary conference, pre-trial, mediation, conciliation, arbitration, trial, execution, and all proceedings or actions and/or appoint, name and designate a representative to attend said proceedings, with authority to enter into an amicable settlement as approved by NGCP Management or Board of Directors, submit to alternative modes of dispute resolution, and enter into stipulations or submission of facts and documents; and
4. Do and perform on behalf of NGCP any act and deed necessary to be done in the premises.

**"RESOLVED**, that the Corporation names, appoints and authorizes the General Counsel, Deputy General Counsel, Assistant General Counsel, and Regional Assistant General Counsel to be its true and lawful attorneys-in-fact, to appear during preliminary conference, pre-trial, court annexed mediations and judicial dispute resolution, and such other proceedings, in relation to cases filed by or against NGCP, on such date or dates as may be set by the court and/or agreed upon by the parties, with full and special power of authority to do and perform the following acts:

CERTIFIED TRUE COPY  
BY: *[Signature]*  
KAREN S. ONG  
CORPORATE SECRETARY  
2020-133

CERTIFIED TRUE COPY  
BY: *[Signature]*  
KAREN S. ONG  
CORPORATE SECRETARY

CERTIFIED TRUE COPY  
BY: *[Signature]*  
KAREN S. ONG  
CORPORATE SECRETARY

*[Handwritten initials]*



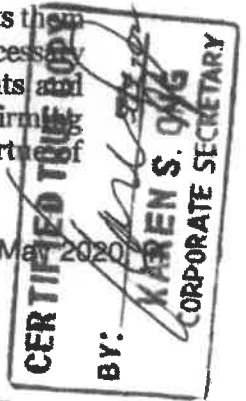
1. To discuss the possibility of an amicable settlement, negotiate, enter into, conclude, execute, sign, and deliver a compromise agreement, as approved by NGCP Management or Board of Directors;
2. To agree on the submission of the action to alternative modes of dispute resolution;
3. To agree on simplification of the issues;
4. To enter into stipulations or admission of facts and of documents to avoid unnecessary proof;
5. To identify and limit the number of witnesses and set and/or agree to the setting of trial dates;
6. To preliminarily refer issues to a commissioner;
7. To mark evidence, make stipulations, and reserve evidence not available at the pre-trial; and
8. To agree on such matters and do such things as may aid in the prompt disposition of the action.

**"RESOLVED**, that in case NGCP, as plaintiff, is authorized by the court to serve summons pursuant to the 2019 Amended Rules of Civil Procedure, the General Counsel, Deputy General Counsel, Assistant General Counsel, and Regional Assistant General Counsel are hereby authorized to serve the summons to the defendant/s on behalf of NGCP;

**"RESOLVED, FINALLY**, that the Corporation gives and grants them full power and authority to do and perform all other acts and things necessary and proper to be done in and about the premises as fully to all intents and purposes as it might or could lawfully do, and hereby ratifying and confirming all that he/she shall lawfully do or cause to be done in its behalf by virtue of these presents."

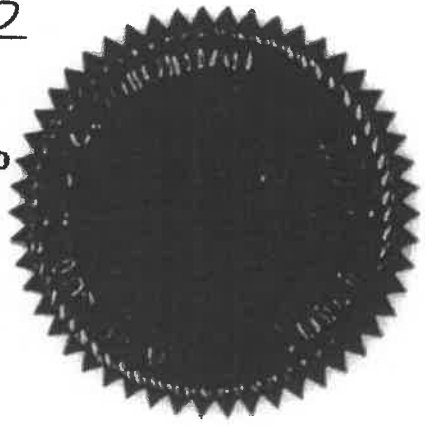
**IN WITNESS WHEREOF**, I have hereunto set my hand this 23<sup>rd</sup> day of May 2020 in Quezon City, Metro Manila.


  
**KAREN S. ONG**  
 Affiant

**CERTIFIED TRUE COPY**  
 BY:   
**KAREN S. ONG**  
 CORPORATE SECRETARY

SUBSCRIBED AND SWORN TO before me this MAY 23 2020 day of \_\_\_\_\_ in Quezon City, Metro Manila, affiant exhibiting to me her Passport No. EC5102859 issued on 27 August 2015 in Manila.

Doc. No. 420  
 Page No. 85  
 Book No. 5  
 Series of 2020



  
**LUISITO A. TRINIDAD**  
 Commission - AM No. NP076 (2020-2021)  
 Notary for Quezon City until 31 Dec 2021  
 NOCP Bldg. Quezon Ave cor BIR Road Diliman QC  
 Roll No. 38451 - 13 May 1993  
 IBP Lifetime No. 013977 - 08 July 2015  
 PTR NO. 9344646 - 01-06-2020  
 MCLE Compliance No. VI-0012042 - 07 September 2018

**VERIFICATION AND CERTIFICATION**  
**AGAINST FORUM SHOPPING**

I, **ELENITA D. GO**, Filipino, of legal age, with office address at 5th Floor, C5 Office Building Complex, #100 E. Rodriguez Jr. Ave., C5 Road, Bo. Ugong, Pasig City, after having been sworn in accordance with law, hereby depose and state that:

1. I am the duly authorized attorney-in-fact of Universal Power Solutions, Inc. ("UPSI"), as shown in the attached Secretary's Certificate hereof.

2. Pursuant to the authority vested in me, I have caused the preparation of the foregoing In the matter of the Application for Approval of the Ancillary Services Procurement Agreement between the National Grid Corporation of the Philippines and Universal Power Solutions, Inc., with Prayer for the Issuance of Provisional Authority (the "Application") for the Visayas Grid. I have read and understood the contents of the Application, and attest that the factual allegations contained therein are true and correct and based on my personal knowledge and/or on authentic documents.

3. I attest that the foregoing *Application* is not being filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation. The factual allegations therein have evidentiary support or, if specifically identified, will have evidentiary support after a reasonable opportunity for discovery.

4. I hereby certify that UPSI has not commenced any action/proceeding or filed any claim involving the same issues raised in the Application, whether in the Supreme Court, the Court of Appeals, or any other court, tribunal, or quasi-judicial agency, and, to the best of my knowledge, no such other action or claim is pending therein. Should I thereafter learn that the same or similar action/proceeding or claim has been filed or is pending before the Supreme Court, the Court of Appeals, or any other court, tribunal, or quasi-judicial agency, I shall report such fact to the Honorable Energy Regulatory Commission within five (5) days from obtaining knowledge therefrom.


IN WITNESS WHEREOF, I have hereunto set my hand this MAY 11 2023 May 2023 at Pasig City.

  
**ELENITA D. GO**  
Attorney-in-Fact

SUBSCRIBED AND SWORN TO before me this MAY 11 2023 May 2023 at Pasig City, affiant exhibiting to me her Philippine Passport No. P1876103B issued on 7 June 2019 at DFA NCR East, as competent evidence of her identity.

Doc. No. 186  
Page No. 39 :  
Book No. II :  
Series of 2023.



  
**BEATRIZ IRINA DENISE C. ALAZAS**  
Appointment No. 169 (2022-2023)  
Notary Public for Pasig City  
Until December 31, 2023  
5th Floor, 100 Eulogio Rodriguez Jr. Avenue,  
C5 Road (North Bound), Pasig City 1604  
Roll No. 58448  
PTR No. 0112547 / 01-04-2023 / Pasig City  
IBP OR No. 270458 / 01-05-2023 / IBP-Makati Chapter  
MCLE Compliance No. VII - 0019554; 05-30-2022; Pasig City

REPUBLIC OF THE PHILIPPINES )  
PASIG CITY ) S.S.

### SECRETARY'S CERTIFICATE

I, **JULIE ANN B. DOMINO-PABLO**, Filipino, of legal age, and with office at the 5<sup>th</sup> Floor, C5 Office Building Complex, #100 Eulogio Rodriguez Jr. Avenue, C5 Road, Bo. Ugong, Pasig City 1604, Metro Manila, after having been sworn in accordance with law, hereby depose and state that:

1. I am the duly appointed Assistant Corporate Secretary of **UNIVERSAL POWER SOLUTIONS, INC.** (the "Corporation"), a corporation duly organized and existing under the laws of the Republic of the Philippines.

2. As Assistant Corporate Secretary of the Corporation, I have under my supervision and control the Minutes Book wherein all the minutes of the meetings of the Board of Directors (the "Board") are recorded.

3. At the Organization Meeting of the Board held on 4 April 2023, at which meeting a quorum was present and acting throughout for the valid transaction of business, the Board unanimously approved the following resolutions:

xxx

**IX. AUTHORITY TO APPOINT AND DESIGNATE REPRESENTATIVE TO PROSECUTE, DEFEND, ARBITRATE, SETTLE AND/OR COLLECT**

**RESOLVED**, that any one Group A, B, C or F signatory be, as they hereby are, authorized and empowered to represent, act, negotiate, sign, conclude and deliver for and in the name of the Corporation for the application, prosecution, defense, arbitration, conciliation, execution, collection, compromise or settlement of:

- a) Any and all claims or suits for or against the Corporation, including, but without in any manner restricting or limiting to, the acceptance of pledges, real estate or chattel mortgages, bonds or any forms of undertaking as collateral security for the payment of obligations to the Corporation, extension of credit; or any and all claims or suits for or against the Corporation arising from, or in connection with, any disputes involving any and all contracts, deeds or acts of whatever kind and nature where the Corporation is a party directly or indirectly and all disputes involving all acts and products of the Corporation;

xxx

**RESOLVED, FURTHER**, that any one Group A, B, C or F signatory be, as they are hereby, authorized to do and perform on behalf of the Corporation, whatever act such signatory may deem necessary, including, but not limited to, causing the preparation and filing of pleadings, such as, but not limited to, complaints, petitions, appeals, motions and other papers, verifying the same and the allegations therein, executing affidavits or sworn statements, giving testimonies, and making certifications against forum shopping in the cases (a), (b), (c), (d) and (e) mentioned above;

**RESOLVED, FURTHER**, that any one Group A, B, C or F signatory be, as they are hereby, authorized and empowered to engage the services of, and

designate and appoint as representatives, agents, or attorneys-in-fact of the Corporation, any individual, party, entity or firm for the application, prosecution, defense, arbitration, conciliation, execution, collection, compromise or settlement of (a), (b), (c), (d) and (e) mentioned above;

**RESOLVED, FINALLY**, that in connection with the foregoing powers and authority, the aforementioned authorized signatories of the Corporation be, as they are hereby, authorized to assign the enforcement of any of the causes of action or defense of the Corporation in favor of a trustee or plaintiff for collection or defense, and to designate, in writing, such lawyers or law firms to appear, act for, or otherwise represent the Corporation in all judicial, quasi-judicial, administrative or arbitration board hearings, incidents and other proceedings, including, but without in any manner restricting or limiting to, all pre-trial conferences and to do any and all of the following acts and deeds:

- a) To negotiate, conclude, enter into and execute a compromise or amicable settlement of the case or dispute;
- b) To agree on the simplification of the issues;
- c) To amend the pleadings;
- d) To agree to stipulations or obtain admissions of facts and of documents to avoid unnecessary proofs;
- e) To limit the number of witnesses;
- f) To undertake a preliminary reference of issues to a commissioner;
- g) To explore and/or consider alternatives modes of dispute resolution, such as but not limited to mediation proceedings; and
- h) To do and agree on such other matters as may aid the prompt disposition of the case or dispute.

xxx

**XXIII. DESIGNATION OF OFFICERS AND  
PERSONS WITH SIGNING AUTHORITIES**

**RESOLVED**, that for purposes of the implementation of the foregoing resolutions, the following officers and persons are hereby appointed as signatories under the Group appearing before their names:

<u>GROUP</u>	<u>NAME</u>
A	xxx Elenita D. Go xxx
xxx	xxx

GROUP

NAME

F

xxx

- Avelino Cedo III
- Jupiter M. Cabaguio
- Julieta B. Estamo
- Julie Ann B. Domino-Pablo
- Beatriz Irina Denise C. Alazas
- Marilen S. Vizco-Adriano
- Monalyn Ann L. Baquiran-Ong
- Kathleen Kirby P. Hipolito

**RESOLVED, FINALLY**, that these resolutions cancel and supersede, as they hereby cancel and supersede, all previous resolutions.

4. The foregoing resolutions cover the authority of Ms. Elenita D. Go, a Group A signatory of the Corporation, to issue, on behalf of the Corporation, a Special Power of Attorney appointing **JUPITER M. CABAGUIO, AVELINO G. CEDO III, JULIETA B. ESTAMO, KEEL ACHERNAR R. DINOY, and JANELLE L. GOMENDOZA**, as attorneys-in-fact to represent the Corporation in connection with the application for the approval of the Ancillary Services Procurement Agreement between the Corporation and the National Grid Corporation of the Philippines before the Energy Regulatory Commission.

5. The foregoing resolutions have not been revoked, amended, or in any manner modified. Accordingly, the same may be relied upon until written notice to the contrary is issued by the Corporation.

6. The foregoing matters are in accordance with the records of the Corporation.

**IN WITNESS WHEREOF**, I have hereunto signed these presents MAY 14 2023 at Pasig City.

**JULIE ANN B. DOMINO-PABLO**  
*Assistant Corporate Secretary*

**SUBSCRIBED AND SWORN** to before me on MAY 14 2023 at Pasig City, affiant exhibiting to me her Philippine Passport No. P7558433B issued on September 9, 2021, at DFA Manila.

Doc. No. 104  
Page No. 23  
Book No. III  
Series of 2023.



**BEATRIZ IRINA DENISE C. ALAZAS**

Appointment No. 169 (2022-2023)  
Notary Public for Pasig City  
Until December 31, 2023  
5th Floor, 100 Eulogio Rodriguez Jr. Avenue,  
C5 Road (North Bound), Pasig City 1604  
Roll No. 58448  
PTR No. 0112547 / 01-04-2023 / Pasig City  
IBP OR No. 270458 / 01-05-2023 / IBP-Makati Chapter  
MCLE Compliance No. VII - 0019554-05-30-2022; Pasig City

**SPECIAL POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:**

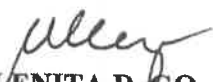
That **UNIVERSAL POWER SOLUTIONS, INC.** (the "Corporation"), a corporation duly organized and existing under and by virtue of the laws of the Philippines, with office address at 5th Floor, C5 Office Building Complex, #100 Eulogio Rodriguez Jr. Avenue, C5 Road, Bo. Ugong, Pasig City 1604, has named, constituted and appointed, as it hereby names, constitutes and appoints **JUPITER M. CABAGUIO, AVELINO G. CEDO III, JULIETA B. ESTAMO, KEEL ACHERNAR R. DINOY, and JANELLE L. GOMENDOZA**, to be its true and lawful Attorneys-in-Fact and to represent the Corporation in connection with the application for the approval of the Ancillary Services Procurement Agreement between the Corporation and the National Grid Corporation of the Philippines before the Energy Regulatory Commission, including any original action, appeal, incident or petition that may arise therefrom, having full authority to do and perform any and all acts necessary and required in relation to the foregoing, including signing, verifying and causing the preparation and filing of pleadings, comments, petitions, motions, submissions, and other documents, verifications which may be required by law and the rules of procedure of the pertinent court, tribunal or agency, and to do and perform the following:

- a) To negotiate, conclude, enter into and execute a compromise or amicable settlement of the case or dispute;
- b) To agree on the simplification of the issues;
- c) To amend the pleadings;
- d) To agree to stipulations or obtain admissions of facts and of documents to avoid unnecessary proofs;
- e) To limit the number of witnesses;
- f) To undertake a preliminary reference of issues to a commissioner;
- g) To explore and/or consider alternatives modes of dispute resolution, such as but not limited to mediation proceedings; and
- h) To do and agree on such other matters as may aid the prompt disposition of the application, case or dispute.

**HEREBY GIVING AND GRANTING** unto the mentioned Attorneys-in-Fact full power and authority to do and perform any and all other acts and things necessary and proper to be done in and about the premises as full to all intents and purposes as it might or could lawfully do if personally present, and **HEREBY RATIFYING AND CONFIRMING** all that its said Attorneys-in-Fact shall lawfully do or cause to be done in its behalf by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand this      <sup>MAY 03 2023</sup> May 2023 at Pasig City.

**UNIVERSAL POWER SOLUTIONS, INC.**

  
**ELENITA D. GO**  
Authorized Signatory

**SIGNED IN THE PRESENCE OF:**

\_\_\_\_\_  
REPUBLIC OF THE PHILIPPINES )  
PASIG CITY ) S.S.

**ACKNOWLEDGEMENT**

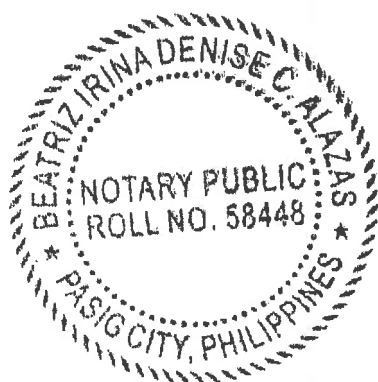
**BEFORE ME**, a Notary Public in and for PASIG CITY, on this day personally appeared the affiant with the following competent evidence of identity:

Name	Government-Issued I.D.	Issue Date/Place Issued
Elenita D. Go	Philippine Passport No. P1876103B	7 June 2019 / DFA NCR East

known to me and to me known to be the same person who executed the foregoing instrument and who acknowledged to me that the same is her own free and voluntary act and deed and that of the corporation she is authorized to represent.

WITNESS MY HAND AND SEAL, this MAY 03 2023 at PASIG CITY.

Doc. No. 101 ;  
Page No. 22 ;  
Book No. III ;  
Series of 2023.



**BEATRIZ IRINA DENISE C. ALAZAS**  
Appointment No. 169 (2022-2023)  
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