

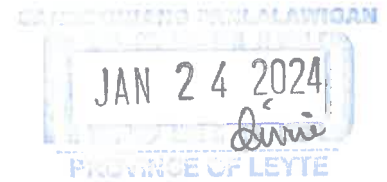
06

Item No.: 06
Date: 06 2024 FEB



January 4, 2024

HON. LEONARDO JAVIER, JR.
Provincial Vice Governor / Presiding Officer
SANGGUNIANG PANLALAWIGAN
4th Floor, Leyte Provincial Government Complex,
West-By-Pass Road, Brgy. Guindapunan,
Palo, Province of Leyte



Re: IN THE MATTER OF THE APPLICATION FOR APPROVAL OF THE EMERGENCY POWER SUPPLY AGREEMENT BETWEEN ENERGY DEVELOPMENT CORPORATION AND LEYTE V ELECTRIC COOPERATIVE, INC., WITH MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION

Ladies and Gentlemen:

In compliance with the Revised Rules of Practice and Procedure of the Energy Regulatory Commission ("ERC"), we are furnishing this Honorable Office with a complete copy of the above-captioned Application and its annexes¹².

In line with this, we are requesting for a Certification from this Honorable Office stating that a complete copy of the Application of the above-captioned case, including its annexes, was served to and duly received by this Honorable Office today.

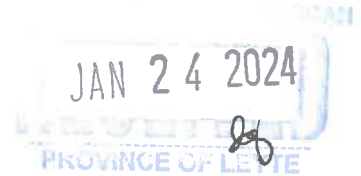
Very truly yours,

ANDY T. DUROG
Energy Development Corporation
Head, Unified Leyte Geothermal Power Plant

CSC TAN606 : 0968 853 2499

¹ Due to the voluminous nature of the annexes, these have been provided in soft copies embodied in a compact disc
² Confidential annexes have not been included in line with the ERC's Revised Rules of Practice and Procedure

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Jade Drive, Pasig City



IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF THE EMERGENCY POWER
SUPPLY AGREEMENT BETWEEN
ENERGY DEVELOPMENT
CORPORATION AND LEYTE V
ELECTRIC COOPERATIVE, INC.,
WITH MOTION FOR
CONFIDENTIAL TREATMENT OF
INFORMATION,

ERC CASE NO. 2023 - ____ RC

ENERGY DEVELOPMENT
CORPORATION (EDC) AND
LEYTE V ELECTRIC
COOPERATIVE, INC. (LEYECO V),
Applicants.

x-----x

JOINT APPLICATION

(With Motion for Confidential Treatment of Information)

Applicants **ENERGY DEVELOPMENT CORPORATION**
("EDC") AND **LEYTE V ELECTRIC COOPERATIVE, INC.**
("LEYECO V"), by and through their respective undersigned counsels, and
unto this Honorable Commission, most respectfully state that:

THE APPLICANTS

1. Applicant **LEYECO V** is a non-stock, non-profit electric cooperative duly organized and existing under and by virtue of the laws of the Philippines, with principal office at Barangay San Pablo, Ormoc City, Philippines, where it may be served with summons and other legal processes. **LEYECO V** is represented here by its President, Emmanuel S. Arpon, who has been authorized by its Board of Directors to file the Joint Application as evidenced by the Secretary's Certificate dated June 2, 2023, attached hereto as **Annex "B-1"**.

2. Applicant **EDC** is a generation company duly organized, incorporated and registered under and by virtue of the laws of the Philippines, with principal office at Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City, represented in this instance by its Vice-President, Marvin Kenneth S.

Bailon, who has been authorized by its Board of Directors to file the Joint Application as evidenced by the Secretary's Certificate dated September 21, 2023, attached hereto as **Annex "D-1"**.

- 2.1 EDC, as a generation company, falls within the ambit of Sections 6 and 29 of Republic Act No. 9136 or the Electric Power Industry Reform Act of 2001 ("EPIRA").
 - 2.2 Pursuant to the Honorable Commission's Resolution No. 02, Series of 2015 requiring distribution utilities and generation companies to jointly file applications for the approval of power supply agreements, EDC has joined in this Application as a co-applicant.
 - 2.3 While EDC is a co-applicant, it manifests that this Joint Application shall neither modify, diminish, nor constitute as a waiver of EDC's rights nor expand its obligations and responsibilities as a generation company under the EPIRA.
3. Applicant LEYECO V is the exclusive franchise holder to own and operate a system for the distribution of electricity in the City/Municipalities of Merida, Isabel, Palompon, Villaba, Tabango, San Isidro, Calubi-an, Leyte, Matag-ob, Kananga, Albuera, Ormoc City, all in the Province of Leyte.
4. Applicant EDC owns and operates the approximately 592.33 MW Unified Leyte Geothermal Power Plant located in the Ormoc City and Kananga, Leyte ("Plant").
5. The Joint Applicants may be served with the orders, notices, and other processes of the Honorable Commission through their respective undersigned counsels at the address indicated herein.

NATURE OF THE APPLICATION

6. This is a Joint Application for the approval of the Emergency Power Supply Agreement ("EPSA") entered into by and between LEYECO V and EDC dated November 7, 2022, being submitted to the Honorable Commission for its review and approval.

STATEMENT OF FACTS

7. LEYECO V is in immediate need of a 2MW contracted capacity for around one (1) year¹. To maintain an uninterrupted and reliable power supply due to a high level of supply deficit of at least 2 MW, LEYECO V decided to source the needed power at affordable and cheaper generation rates to help

¹ Under the EPSA, the term shall end on the last day of the Cooperation Period, which shall not be later than the date prescribed by the DOE in the Certificate of Exemption; both the EPSA and the Certificate of Exemption provide for the period of 26 August 2022 to 25 August 2023.

minimize the exposure of its customers to volatile Wholesale Electricity Spot Market (“WESM”) prices.

8. Pursuant to Department of Energy (“DOE”) Department Circular 2018-02-003, as amended by C 2021-09-0030, LEYECO V is allowed to enter into a negotiated procurement of emergency electric power supply agreements with a generation company for a period not exceeding one (1) year, subject to such terms and conditions provided under Section 2.2.1.2 of DC 2021-09-0030.

9. LEYECO V wrote to the DOE requesting for the issuance of Certificate of Exemption for a negotiated procurement of 2MW emergency power supply from EDC. The Letter expressed LEYECO V’s urgent need for supply of electricity due to circumstances beyond the control of LEYECO V, and the limited time to conduct the said Competitive Selection Process (“CSP”).

10. On 31 August 2022, the DOE, in response to LEYECO V’s letter-request, issued Certificate of Exemption No. COE-CSP-2022-08-031 exempting it from the conduct of CSP for the procurement of emergency electric power supply.

11. In view of LEYECO V’s supply deficit of at least 2MW for the period of 26 August 2022 to 25 August 2023, based on its Supply-Demand Scenario, and to protect its consumers from high electricity prices, LEYECO V solicited for emergency power supply for one (1) year.

12. In response to LEYECO V’s demand, EDC has offered to supply a portion of the emergency electric power supply requirements of LEYECO V at a rate equivalent to or lower than the ERC-approved generation tariff for the same or similar technology in comparable areas, and LEYECO V accepted the offer of EDC. Applicants executed the subject Emergency Power Supply Agreement (“EPSA”) for the supply of 2 MW emergency power supply to LEYECO V².

13. Due to circumstances beyond the control of LEYECO and EDC, the implementation of the EPSA was delayed such that supply only commenced on 26 December 2022. As such, on 12 May 2023, LEYECO requested from the DOE the amendment of the validity period of Certificate of Exemption No. COE-CSP-2023-08-031.

14. Recognizing that the delay in the implementation of the EPSA is considered a force majeure/fortuitous event in accordance with Section 3.30 of Department Circular 2021-09-0030, DOE issued Amended Certification COE-CSP-2023-07-032 dated 17 August 2023 to reflect the change in the validity period from 26 August 2022 to 25 August 2023 to 26 December 2022 to 25 December 2023. As such, LEYECO V and EDC entered into an Amendment Agreement to the EPSA on 24 August 2023.

² LEYECO and EDC executed a letter confirming that the Contracted Capacity for supply under DOE Certificate of Exemption No. COE-CSP-2023-08-031 is 2MW.

ABSTRACT OF THE POWER SUPPLY AGREEMENT AND RELATED INFORMATION

15. Under the EPSA, EDC shall supply power to LEYECO V for the term of the Cooperation Period, or unless sooner terminated pursuant to the EPSA, with a Contracted Capacity of 2 MW.³

- 15.1 **Supply of Electricity** – EDC shall make available to LEYECO V the Contracted Capacity from the Power Plant and/or Other Sources throughout the duration of the Cooperation Period, subject to Section 2.2.1 of the EPSA. The Parties agree that EDC shall have no obligation to supply more than the Contracted Capacity to LEYECO V. LEYECO V shall submit to EDC the week-ahead and day-ahead Daily Generation Schedule. LEYECO V shall purchase and EDC shall supply, for each Billing Month in accordance with Nomination and Dispatch Protocol.
- 15.2 **Purchase of Electricity** – LEYECO V is obliged to purchase the Minimum Contracted Energy throughout the duration of the Cooperation Period.
- 15.3 **Start of Supply of Electricity** – The supply of electricity by EDC and acceptance by LEYECO V shall start no later than Initial Delivery Date which shall mark the beginning of the Cooperation Period or such earlier date as the Parties may mutually agree upon in writing, and the satisfaction of the conditions precedent under Section 11 of the EPSA.
- 15.4 **Electricity Fees** – Electricity fees shall refer to 5.8798 PhP/kWh for the billing period August 26, 2022 to December 25, 2022. Beginning January 2023 billing period, the Electricity Fee shall be in accordance with the formula in Schedule 3, multiplied by (a) the Minimum Contracted Energy corresponding for the applicable billing period or (b) BCQ, whichever is higher. In relation to the supply of electricity, it is understood that any charges, costs, expenses, and fees that may be charged to, incurred and/or assumed by EDC or otherwise imposed by NGCP, any Governmental Authority or any third party, for transmission and/or Ancillary Services and other related services in connection with the delivery of electricity under the EPSA shall be paid by LEYECO V.

³ Unless otherwise defined herein, capitalized terms shall have the meaning ascribed to them in the EPSA.

RATE IMPACT ANALYSIS

16. LEYECO V simulated a rate impact analysis which resulted in a Php 0.2164/kWh decrease with the execution of the EPSA with EDC, as can be seen below:

	Average Blended Rate (Php/kW)
LEYECO V Blended rate: Existing Suppliers WITHOUT EDC EPSA	9.4178
LEYECO V Blended rate: Existing Suppliers WITH EDC EPSA	9.2014
Generation Impact: Increase /(Decrease)	(0.2164)

OTHER RELATED DOCUMENTS

17. To substantiate the instant application, Applicants most respectfully submit to the Honorable Commission the following documents:

ANNEX	DOCUMENTS
A	Articles of Incorporation and By-laws of LEYECO V
B	List of Board of Directors and Board Members and related ultimate parent company, subsidiaries and affiliates of LEYECO V
B-1	Board Resolution of LEYECO V
C-series	Certificate of Incorporation of EDC and relevant past Articles of Incorporation and By-laws
C-1	Latest Amended Articles of Incorporation of EDC
C-2	Latest Amended By-laws of EDC
D	General Information Sheet of EDC
D-1	Secretary's Certificate of EDC
D-2	Special Power of Attorney of EDC
E	Board of Investments Certificate of Registration
F	Environmental Compliance Certificate

G-series	Certificates of Compliance and/or Provisional Authority to Operate
H-series	DOE Certificates of Endorsement
I*	Renewable Energy Service Contracts
J	Certificate of Registration or Certificate of Commerciality
K	Rate Impact
L	Single Line Diagram Connection
M	Emergency Power Supply Agreement between LEYECO V and EDC
M-1	Letter of LEYECO V and EDC clarifying items in the Emergency Power Supply Agreement
M-2	Amendment Agreement to the Emergency Power Supply Agreement between LEYECO V and EDC
N	DOE Certificate of Exemption
N-1	Letters to or from LEYECO V
N-2	DOE Amended Certificate of Exemption
O	Verified Certification in relation to delivery of power in emergency circumstances
P	NGCP Certification on Service Agreements
Q	Write up on TSC
Q-1	NGCP Certificate of Adequate Capacity
R	Executive Summary of EPSA
S*	Write up regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
T*	Excel computations regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
U*	Bank Certifications
V*	Sworn statement on fuel procurement
W*	Relevant technical and economic characteristics of generation capacity
X	Supply Demand Scenario

Y	Estimation of Potential for Reduction in Load
Z	Latest Audited Financial Statements
AA	Certification of net heat rate
BB	WESM Registration
CC	Write-up on non-applicable items
CC-1	LEYECO V Write-up on Demand Side Management
CC-2	EDC Sample OR
DD	Water Permits from NWRB
EE	LEYECO V's Reliability Indices
FF	PSPP and DDP

** Subject to Motion for Confidential Treatment of Information*

COMPLIANCE WITH PRE-FILING REQUIREMENTS

18. In Compliance with the ERC Rules of Practice and Procedure, Applicants have furnished the Office of the Mayor and Governor and the legislative bodies of the municipality and province wherein the principal place of business of LEYECO V is located, a copy of the present Joint Application with all its annexes and accompanying documents. Copies of the Affidavits of Service or Certifications issued by the Presiding Officer or Secretary of the legislative body and the Office of the Mayor of Ormoc City and the Presiding Officer or Secretary of the legislative body and the Office of the Governor of Leyte, or from their duly authorized representatives, attesting to the fact of service of the Application are attached hereto as **Annexes "GG" to "GG-3"**, respectively.

19. Likewise, a copy of the present Joint Application with all its annexes and accompanying documents was furnished to the City of Pasig where EDC's principal place of business is located and to Kananga, Leyte. Copies of the certification of receipt from and/or affidavits of service to the Presiding Officer or Secretary of the legislative body and the Office of the Mayor of the City of Pasig City and the Kananga, Leyte, or from their duly authorized representatives attesting to the fact of service are attached hereto as **Annexes "HH" to "HH-3"**.

20. Applicants have also caused the publication of the present Joint Application in a newspaper of general circulation within the Franchise Area of LEYECO V. Copies of the corresponding duly notarized Affidavit of Publication and the newspaper publication are attached hereto as **Annexes "II" and "JJ"**, respectively.

REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION

21. Applicants respectfully request that the information in the following documents be treated as confidential in nature:

ANNEX	DOCUMENTS
I	Renewable Energy Service Contracts
S	Write up regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
T	Excel computations regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
U	Bank Certifications
V	Sworn statement on fuel procurement
W	Relevant technical and economic characteristics of generation capacity

22. Applicants treat the above-mentioned documents, such as related agreements, sources of funds/financial plans, certifications from bank/lending institutions, generation rate and derivation, cash flow, description of power plant, and steam sales agreement, as not generally available to the public on a non-confidential basis, as the same involve trade secrets reflecting investment and business calculations and the Parties are similarly bound to third parties to keep the information and documents confidential.

23. This request is likewise being made by virtue of Section 1 (b), Rule 4 of the ERC Rules of Practice and Procedure under which the Honorable Commission may, upon request of a party and a determination of the existence of conditions which would warrant such remedy, treat certain information submitted to it as confidential.

PRAYER

WHEREFORE, premises considered, Applicants **EDC AND LEYECO V** respectfully pray of this Honorable Commission the following:

- a. After due hearing, render a decision approving with finality the EPSA subject of the instant Joint Application, thereby confirming the rates in the EPSA as implemented by the Applicants; and
- b. Issue an Order declaring the documents, and the information therein, duly marked as Annexes “I”, “S”, “T”, “U”, “V” and “W” as confidential information, within the purview of Rule 4 of the ERC Rules, thereby directing the same to be treated with confidentiality and be protected from public disclosure.

Other reliefs, just and equitable under the premises, are likewise prayed for.

Pasig City, 25 September 2023.

**QUIASON MAKALINTAL BAROT
TORRES IBARRA SISON & DAMASO**


Counsel for the Applicant EDC
21st Floor, Robinsons-Equitable Tower
4 ADB Avenue corner Poveda Street
1605 Ortigas Center, Pasig City
Tel. No. 8631-0981
qmbti@qmbti.com


By:



MIGUEL K. MATHAY


ROLL OF ATTORNEYS NO. 43982
MCLE COMPLIANCE NO. VI-0010308; 4/14/2022
PTR NO. 0173065; 01/05/2023
PASIG CITY
IBP NO. 26095; 01/05/2023
RIZAL (RSM)

GIANNA MARIA C. COMSTI
ROLL OF ATTORNEYS NO. 63071
MCLE COMPLIANCE NO. VII-0015472; 4/14/2025
PTR NO. 0173084; 01/06/2023
PASIG CITY
IBP NO. 260958; 01/05/2023
RIZAL (RSM)


JOSE ANTONIO S. REYES
ROLL OF ATTORNEYS NO. 62581
MCLE COMPLIANCE NO. VII-0011907; 4/14/2025
PTR NO. 0173085; 01/06/2023
PASIG CITY
IBP Lifetime No. 011794; RSM


REM JOSHUA T. SERRANO
ROLL OF ATTORNEYS NO. 77963
ADMITTED TO THE BAR ON MAY 11, 2022
PTR NO. 0173111; 01/06/2023
PASIG CITY
IBP NO. 260964; 01/05/2023
RIZAL (RSM)


BEATRIZ RAINE L. BAYUDAN
ROLL OF ATTORNEYS NO. 77792
ADMITTED TO THE BAR MAY 10, 2022
PTR NO. 0173112; 01/06/2023
PASIG CITY
IBP NO. 260965; 01/05/2023
RIZAL (RSM)


MERVIN KIM P. CAPILA
ROLL OF ATTORNEYS NO. 79616
ADMITTED TO THE BAR ON MAY 17, 2023
PTR NO. 0173117; 01/06/2023
PASIG CITY
IBP NO. 260969; 01/05/2023
QUEZON

Counsels for LEYECO V:



EDSON G. PICZON

Unit 2, 2nd Flr. Tacloban Convention Center,
Real St., Tacloban City 6500

Contact No. 09778375329

Email Address: atypiczon@gmail.com

Roll of Attorneys No. 62018

PTR No. 8342658 / 01-17-23; Tac. City

Lifetime IBP No. 18202 / Leyte Chapter

MCLE Compliance No. VII-0005018

Valid until 14 April 2025



TYRONE JAN G. ALBAO

Unit 2, 2nd Flr. Tacloban Convention Center,
Real St., Tacloban City 6500

Contact No. 09176321822

Email Address: attyteejalbao@gmail.com

Roll of Attorneys No. 66859

PTR No. 7689990 / 02-01-2023; Tac. City

IBP No. 303613 / 01-24-2023; Leyte Chapter

MCLE Compliance No. VII-0002803

Valid until 14 April 2025



PETER JOVEN Y. DE OÑO

0977 R. Mendiola St., Brgy. Sta Cruz,
Palo, Leyte 6501

Contact No. 09171358090

Email address: power8lawyers@gmail.com

Roll of Attorneys No. 72478

PTR No. 8334457 / 01-06-23; Tacloban City

IBP No. 169902 / 12-7-21; Leyte Chapter

MCLE Compliance No. VII-0001147

Valid until 14 April 2025

Republic of the Philippines)
_____) S.S.

VERIFICATION AND CERTIFICATE OF NON-FORUM SHOPPING

I, **Emmanuel S. Arpon**, of legal age, Filipino, and with office address at P. Liporada, Brgy. Poblacion, Merida, Leyte, Philippines, subscribing under oath, hereby deposes and states, THAT:

1. I am the Board President and the authorized representative of Leyte V Electric Cooperative, Inc. in the *Application for the Approval of Emergency Power Supply Agreement* with the Energy Regulatory Commission (ERC);
2. I have caused the preparation of the foregoing *Application*; That I have read the same, and that the contents of which are true and correct based on my personal knowledge and authentic records in my possession.
3. The *Application* is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
5. (a) I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his or her knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he or she should thereafter learn that the same or similar action or claim has been filed or is pending, he or she shall report that fact within five (5) calendar days therefrom to the court wherein his or her aforesaid complaint or initiatory pleading has been filed.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 05 DEC 2023 at _____, Philippines.


EMMANUEL S. ARPON
Affiant

SUBSCRIBED AND SWORN to before me, this 05 DEC 2023 in _____ Affiant exhibited to me his competent proof of identity UMID-ID CRN-0006-1391773-9.

WITNESS MY HAND AND SEAL on the date and place first above written.

Doc. No. 208 ;
Page No. 42 ;
Book No. 10 ;
Series of 2023.

Atty. ARI G. LARRAZAEL
Notary Public for Leyte
Until December 31, 2024
Notarial Commission No. ORM-22-12-41-NC
PTR NO. 7450144 01/03/2023: Ormoc City
Roll No. 38867
IBP No. 654778
MCL: Complexed No. Vindocan 10/11/2024
2024
Notary Public for Leyte

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

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

I, **MARVIN KENNETH S. BAILON**, of legal age, Filipino, and with office address at the Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City after having been duly sworn in accordance with law, depose and state that:


1. I am the Vice President and authorized representative of Energy Development Corporation ("Corporation"), one of the Applicants in this case;
2. I have read the foregoing Application, the factual allegations of which are true and correct based on my personal knowledge and on authentic records and/or documents;
3. The foregoing Application is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support or, if specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. The Corporation has not commenced any action or proceeding involving the same issues before the Supreme Court, the Court of Appeals, or different divisions thereof, or the Regional Trial Court, Metropolitan Trial Court, or any tribunal or agency, and to the best of my knowledge, no such action or proceeding is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or the Regional Trial Court, Metropolitan Trial Court, or any tribunal or agency; and
6. Should I thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or the Regional Trial Court, Metropolitan Trial Court, or any tribunal or agency, I hereby undertake to promptly inform the aforementioned courts and this Honorable Commission within five (5) calendar days from knowledge therefrom.


MARVIN KENNETH S. BAILON
Affiant

SEP 25 2023

SUBSCRIBED AND SWORN to before me this _____ day of _____
2023 at CITY OF MAKATI City, affiant who is personally known to me, exhibiting to me
his Passport No. P1923214B issued on sept. 4, 2021 at
DFA Manila and expiring on Sept. 3, 2031 as competent
evidence of identity.

Doc. No. 370;
Page No. 77;
Book No. 190;
Series of 2023.


ATTY. JOSHUA P. LAPUZ
Notary Public for Makati City
Appointment #M-019/Um61 12-31-23
Roll No. 45790/IBP Lifetime #04897/07-03-03
PTR No. 9563523/01-03-2023/Makati City
MCLE No. VII-0016370/04-26-2022
G/F Fedman Suites 199, Salcedo Street
Legaspi Village, Makati City



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

SECRETARY'S CERTIFICATE

I, **BERNADETTE ANN V. POLICARPIO**, Filipino, of legal age, with office address at the 10th Floor, Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City, being the duly elected Corporate Secretary of **ENERGY DEVELOPMENT CORPORATION** (the "Company"), a corporation organized and existing under Philippine laws with principal office at Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City, hereby certify that:

1. During the regular meeting of the Board of Directors (the "Board") held on 19 May 2022, the Board approved the following resolution:

Resolution No. 21, Series of 2022

"RESOLVED, amending Resolution No. 30, Series of 2021 and all previous resolutions to the contrary, that the following officers of Energy Development Corporation (the "Company"), acting singly: the **President and Chief Operating Officer, Senior Vice-President/Chief Financial Officer and Treasurer, and any of its Senior Vice Presidents or Vice-Presidents**, be as they are hereby authorized and empowered to represent the Company in any and all actions, suits, or cases to be filed for or against the Company, including appellate and/or special proceedings, whether civil, criminal, or administrative, with authority to prepare (or cause the preparation of), sign, and file (or cause the filing of) all pleadings, motions, and other legal documents related to such actions, suits, or cases, including verifications and certifications of non-forum shopping, and to appear in all hearings, pre-trials, mediation conferences, and all other conferences set in connection with the same, with full power and authority to consider and do the following:

1. The possibility of entering into an amicable settlement and/or submitting to alternative modes of dispute resolution;
2. The simplification of the issues;
3. The necessity or desirability of obtaining stipulations or amendments to the pleadings;
4. The possibility of obtaining, and entering into, stipulations or admissions of facts and documents to avoid unnecessary proof;
5. The limitation of the number and identification of witnesses and the setting of trial dates;
6. The advisability of a preliminary reference of issues to a commissioner;



7. The propriety of rendering judgment on the pleadings or summary judgment or of dismissing the action should a valid ground therefor be found to exist;
8. The marking of evidence if not yet marked in the judicial affidavits of witnesses;
9. The examination and comparison of evidence *vis-à-vis* the copies to be marked;
10. The manifestation for the record of stipulations regarding the faithfulness of the reproductions and the genuineness and due execution of evidence;
11. The reservation of testimonial and documentary evidence;
12. The advisability or necessity of suspending the proceedings; and
13. Such other matters as may aid in the prompt disposition of the action.

"RESOLVED FURTHER that the foregoing officers of the Company be authorized to appoint or designate the Company's attorney-in-fact and/or legal counsel, through a Special Power of Attorney, granting such attorney-in-fact and/or legal counsel, acting singly or jointly as may be specified in the appointment or designation, the authorities given to the foregoing officers of the Company by virtue of this resolution;

"RESOLVED FURTHER, that the Company authorizes, as it hereby authorizes, the **President and Chief Operating Officer, Senior Vice-President/Chief Financial Officer and Treasurer, and any of its Senior Vice Presidents or Vice-Presidents**, or such other person as they may designate in writing, acting singly, to act for or on behalf of the Company, to meet and negotiate with all parties in any such action, suit, case, or proceeding with a view to seeking the termination or amicable settlement of the same, and if necessary, to enter into compromise or resort to such other legal proceedings that they may deem necessary to protect the Company's interests, in accordance with Company policies and guidelines."

2. Pursuant to the foregoing Board Resolution, **MR. MARVIN KENNETH S. BAILON, Vice President of the Company**, is authorized to represent the Company in the joint application for the approval of the Emergency Power Supply Agreement between the Company and **LEYTE V ELECTRIC COOPERATIVE, INC.** with the Energy Regulatory Commission.

3. The foregoing is in accordance with the record of the Company and is in full force and effect.



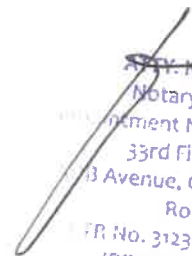
IN WITNESS WHEREOF, I have hereunto signed this Secretary's Certificate this 21st day of September, 2023 at Mandaluyong City.


BERNADETTE ANN V. POLICARPIO
Corporate Secretary

SUBSCRIBED AND SWORN TO before me this 21st day of September, 2023 at Mandaluyong City by Bernadette Ann V. Policarpio, with Passport No. P7343464A, expiring on 25 May 2028, issued by DFA NCR East, who is personally known to me, and who is the same person who personally signed before me the foregoing Secretary's Certificate and acknowledged that she executed the same.

Doc. No. 117
Page No. 33
Book No. I
Series of 2023.




IGNATIUS DOMINIC C. ORTEGA
Notary Public for Mandaluyong City
Office No. 0664-23 (until December 31, 2023)
33rd Floor, The Podium West Tower
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Roll of Attorneys No. 81227
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