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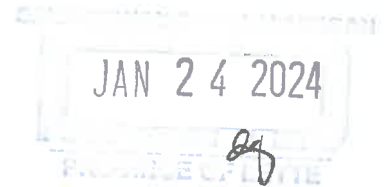
Item No.: 07

Date: 06 2024 FEB



January 4, 2024

**HON. LEONARDO JAVIER, JR.**  
 Provincial Vice Governor / Presiding Officer  
**SANGGUNIANG PANLALAWIGAN**  
 4<sup>th</sup> 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 EASTERN SAMAR 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 annexes<sup>1</sup>.

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,

A handwritten signature in black ink, appearing to read "Andy T. Duroc", written over a circular stamp or watermark.

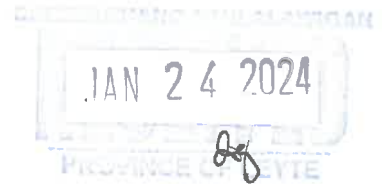
**ANDY T. DUROC**  
 Energy Development Corporation  
 Head, Unified Leyte Geothermal Power Plant

CONTACT NO : 0968 853 2499

<sup>1</sup> Due to the voluminous nature of the annexes, these have been provided in soft copies embodied in a compact disc

<sup>2</sup> 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 EASTERN  
SAMAR ELECTRIC  
COOPERATIVE, INC., WITH  
MOTION FOR CONFIDENTIAL  
TREATMENT OF INFORMATION,

ERC CASE NO. 2023 - \_\_\_\_ RC

ENERGY DEVELOPMENT  
CORPORATION (EDC) AND  
EASTERN SAMAR ELECTRIC  
COOPERATIVE, INC.  
(ESAMELCO),

Applicants.

x-----x

**JOINT APPLICATION**

**(With Motion for Confidential Treatment of Information)**

Applicants **ENERGY DEVELOPMENT CORPORATION (“EDC”) AND EASTERN SAMAR ELECTRIC COOPERATIVE, INC. (“ESAMELCO”)**, by and through their respective undersigned counsels, and unto this Honorable Commission, most respectfully state that:

**THE APPLICANTS**

1. Applicant ESAMELCO 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 Cabong, Real Street, Borongan City, Easter Samar, Philippines, where it may be served with summons and other legal processes. ESAMELCO is represented here by its Board President, Reynaldo S. Gerna, who has been authorized by its Board of Directors to file the Joint Application as evidenced by the Board Resolution dated July 21, 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 ESAMELCO is the exclusive franchise holder to own and operate a system for the distribution of electricity in the Cities/Municipalities of Arteche, Balangiga, Balangakayan, Can-Avid, Borongan City, Dolores, General Macarthur, Giporlos, Guiuan, Hernani, Jipapad, Lawaan, Llorente, Maslog, Maydolong, Mercedes, Oras, Quinapondan, Salcedo, San Julian, San Policarpo, Sulat, Taft, all in the Province of Eastern Samar.
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 ESAMELCO and EDC dated October 24, 2022, being submitted to the Honorable Commission for its review and approval.

### **STATEMENT OF FACTS**

7. ESAMELCO is in immediate need of a 2MW contracted capacity for around one (1) year<sup>1</sup>. To maintain an uninterrupted and reliable power

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<sup>1</sup> 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.

supply due to a high level of supply deficit of at least 2MW, ESAMELCO decided to source the needed power at affordable and cheaper generation rates to help 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 DC 2021-09-0030, ESAMELCO 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. ESAMELCO 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 ESAMELCO’s urgent need for supply of electricity due to circumstances beyond the control of ESAMELCO, and the limited time to conduct the said Competitive Selection Process.

10. On 31 August 2022, the DOE, in response to ESAMELCO’s letter-request, issued Certificate of Exemption No. COE-CSP-2022-08-036 exempting it from the conduct of CSP for the procurement of emergency electric power supply.

11. In view of ESAMELCO’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, ESAMELCO solicited for emergency power supply for one (1) year.

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

13. Due to circumstances beyond the control of ESAMELCO and EDC, the implementation of the EPSA was delayed such that supply only commenced on 26 December 2022. As such, on 10 May 2023, ESAMELCO requested from the DOE the amendment of the validity period of Certificate of Exemption No. COE-CSP-2022-08-036.

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 an Amended Certificate of Exemption with Certificate No. COE-CSP-2023-07-031 dated 17 August 2023 to reflect the change in the validity period from 26 August 2022 to 25 August

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<sup>2</sup> ESAMELCO and EDC executed a letter confirming that the Contracted Capacity for supply under DOE Certificate of Exemption No. COE-CSP-2022-08-036 is 2MW.

2023 to 26 December 2022 to 25 December 2023. As such, ESAMELCO and EDC entered into an Amendment Agreement to the EPSA on 24 August 2023.

## **ABSTRACT OF THE POWER SUPPLY AGREEMENT AND RELATED INFORMATION**

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

- 15.1 **Supply of Electricity** – EDC shall make available to ESAMELCO 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 ESAMELCO. ESAMELCO shall submit to EDC the week-ahead and day-ahead Daily Generation Schedule. ESAMELCO shall purchase and EDC shall supply, for each Billing Month in accordance with Nomination and Dispatch Protocol.
- 15.2 **Purchase of Electricity** – ESAMELCO 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 ESAMELCO 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

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

services in connection with the delivery of electricity under the EPSA shall be paid by ESAMELCO.

### RATE IMPACT ANALYSIS

16. ESAMELCO simulated a rate impact analysis which resulted in a Php0.4235/kWh decrease with the execution of the EPSA with EDC, as can be seen below:

	<b>Average Blended Rate (Php/kW)</b>
<b>ESAMELCO Blended rate: Existing Suppliers WITHOUT EDC EPSA</b>	12.033
<b>ESAMELCO Blended rate: Existing Suppliers WITH EDC EPSA</b>	11.6095
<b>Generation Impact: Increase /(Decrease)</b>	(0.4235)

### OTHER RELATED DOCUMENTS

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

<b>ANNEX</b>	<b>DOCUMENTS</b>
<b>A</b>	Articles of Incorporation and By-laws of ESAMELCO
<b>B</b>	List of Board of Directors and Board Members and related ultimate parent company, subsidiaries and affiliates of ESAMELCO
<b>B-1</b>	Board Resolution of ESAMELCO
<b>C-Series</b>	Certificate of Incorporation of EDC and relevant past Articles of Incorporation or By-laws
<b>C-1</b>	Latest Amended Articles of Incorporation of EDC
<b>C-2</b>	Latest Amended By-laws of EDC

<b>D</b>	General Information Sheet of EDC
<b>D-1</b>	Secretary's Certificate of EDC
<b>D-2</b>	Special Power of Attorney of EDC
<b>E</b>	Board of Investments Certificate of Registration
<b>F</b>	Environmental Compliance Certificate
<b>G-Series</b>	Certificates of Compliance or Provisional Authority to Operate
<b>H-Series</b>	DOE Certificates of Endorsement
<b>I*</b>	Renewable Energy Service Contracts
<b>J</b>	Certificate of Registration or Certificate of Commerciality
<b>K</b>	Rate Impact
<b>L</b>	Single Line Diagram Connection
<b>M</b>	Emergency Power Supply Agreement between ESAMELCO and EDC
<b>M-1</b>	Letter of ESAMELCO and EDC clarifying items in the Emergency Power Supply Agreement
<b>M-2</b>	Amendment Agreement to the Emergency Power Supply Agreement between ESAMELCO and EDC
<b>N</b>	DOE Certificate of Exemption
<b>N-1</b>	DOE Amended Certificate of Exemption
<b>O</b>	Certification in relation to delivery of power in emergency circumstances
<b>P</b>	NGCP Certification on Service Agreements
<b>P-1</b>	Transmission Service Agreement between NGCP and ESAMELCO
<b>Q</b>	Write up on TSC
<b>R</b>	Executive Summary of EPSA
<b>S*</b>	Write up regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
<b>T*</b>	Excel computations regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses

<b>U*</b>	Bank Certifications
<b>V*</b>	Sworn statement on fuel procurement
<b>W*</b>	Relevant technical and economic characteristics of generation capacity
<b>X</b>	Supply Demand Scenario
<b>Y</b>	Estimation of Potential for Reduction in Load
<b>Z</b>	Latest Audited Financial Statements
<b>AA</b>	Certification of net heat rate
<b>BB</b>	WESM Registration
<b>CC</b>	Write-up on non-applicable items
<b>CC-1</b>	ESAMELCO Write-up on Demand Side Management and Transmission Supply Contract
<b>CC-2</b>	EDC Sample OR
<b>DD</b>	Water Permits from NWRB
<b>EE</b>	ESAMELCO's Reliability Indices
<b>FF</b>	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 ESAMELCO is located, a copy of the present Joint Application with all its annexes and accompanying documents. Copies of the Affidavits of Service to or Certifications issued by the Presiding Officer or Secretary of the legislative body and the Office of the Mayor of Borongan City and the Presiding Officer or Secretary of the legislative body and the Office of the Governor of Easter Samar, 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 Ormoc City, Kananga, and Province of Leyte as EDC's place of operation. 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 place of operation in Ormoc City and Kananga, and the Province of Leyte, or



from their duly authorized representatives attesting to the fact of service are attached hereto as Annexes “HH” to “HH-7”.

20. Applicants have also caused the publication of the present Joint Application in a newspaper of general circulation within the Franchise Area of ESAMELCO. 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 nonconfidential 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 ESAMELCO** 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 “T”, “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*

21<sup>st</sup> Floor, Robinsons-Equitable Tower

4 ADB Avenue corner Poveda Street

1605 Ortigas Center, Pasig City

Tel. No. 8631-0981

[qmbti@qmbti.com](mailto: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)

  
**KEANNA DARRAH A. GRAN**  
ROLL OF ATTORNEYS NO. 85918  
ADMITTED TO THE BAR ON MAY 2, 2023  
PTR NO. 0173619; 06/14/2023  
PASIG CITY  
IBP NO. 349690; 05/31/2023  
QUEZON CITY

*Counsels for ESAMELCO:*



**EDSON G. PICZON**

Unit 2, 2<sup>nd</sup> Flr. Tacloban Convention Center,  
Real St., Tacloban City 6500

Contact No. 09778375329

Email Address: [attypiczon@gmail.com](mailto:attypiczon@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 J. G. ALBAO**

Unit 2, 2<sup>nd</sup> Flr. Tacloban Convention Center,  
Real St., Tacloban City 6500

Contact No. 09176321822

Email Address: [attytecjalbao@gmail.com](mailto:attytecjalbao@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 6101

Contact No. 09171358090

Email address: [power8lawyers@gmail.com](mailto: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)

MAKATI CITY

) 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

SUBSCRIBED AND SWORN to before me this SEP 21 2023 day of \_\_\_\_\_  
2023 at CITY OF MAKATI City, affiant who is personally known to me, exhibiting to me  
his Passport No. P752324B issued on Sept. 4, 2021 at  
DFA Manila and expiring on Sept. 3, 2031 as competent  
evidence of identity.

Doc. No. 381;  
Page No. 78;  
Book No. 190;  
Series of 2023.

  
**ATTY. JOSHUA P. LAPUZ**  
Notary Public for Makati City  
Appointment #M-019/Until 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

## VERIFICATION/CERTIFICATION OF NON-FORUM SHOPPING

I, **REYNALDO S. GERNA**, of legal age, Filipino, married and with office address at Brgy. Cabong, Borongan City, Eastern Samar, after having been duly sworn to in accordance with law, hereby deposes and states: THAT –

1. I am the Board President of Eastern Samar Electric Cooperative, Inc. (“ESAMELCO”) and I caused the preparation of the foregoing Application for submission and approval of the Honorable Commission;

2. The allegations therein are true and correct based on my personal knowledge, or based on authentic documents;

3. The foregoing 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. I hereby certify that 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 our knowledge, no such other action or claim is pending therein; if I should thereafter learn that the same or similar action or claim has been filed or is pending, I shall report that fact within five (5) calendar days therefrom to the court wherein my aforesaid Petition or initiatory pleading has been filed.

IN WITNESS WHEREOF, I have hereunto affixed my signature this


DEC 20 2023

Borongan City, E. Samar Philippines.

  
REYNALDO S. GERNA

SUBSCRIBED AND SWORN TO before me this  
DEC 20 2023 at Borongan City, E. Samar, by affiant who exhibited to me his Voter’s ID no. 2604-004A-B1069RSG10000 issued by COMELEC as his competent evidence of identity.

Doc. No. 25 ;  
Page No. 44 ;  
Book No. 82 ;  
Series of 2023.

  
ATTY. RHODA MONTES CELARIUS  
Notary Public until December 31, 2023  
Not. Comm. No. 12-21-2021-RTC-SR-3  
TIN 187-193-178  
Roll No. 59979 / 03-22-2012  
PTR No. 841990; 01-03-2023 Borongan City  
IBP Lifetime Member ID No. 013482; E. Samar Chapter  
MCLE Compliance No. VII-0003243 valid until 04/14/2026



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 10<sup>th</sup> 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 EASTERN SAMAR 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.



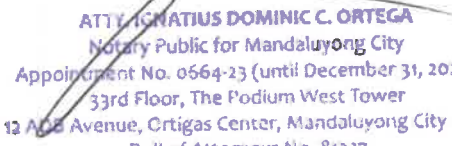
IN WITNESS WHEREOF, I have hereunto signed this Secretary's Certificate this 21<sup>st</sup> day of September, 2023 at Mandaluyong City.

  
BERNADETTE ANN V. POLICARPIO  
Corporate Secretary

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> 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.

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Book No. I  
Series of 2023.



  
ATTY. IGNATIUS DOMINIC C. ORTEGA  
Notary Public for Mandaluyong City  
Appointment No. 0664-23 (until December 31, 2024)  
33rd Floor, The Podium West Tower  
12 Arca Avenue, Ortigas Center, Mandaluyong City 1550  
Roll of Attorneys No. 81227  
PTR No. 3123942/01.04.2023/Mandaluyong City  
IBP No. 292790/01.09.2023/ Rizal (RSM)