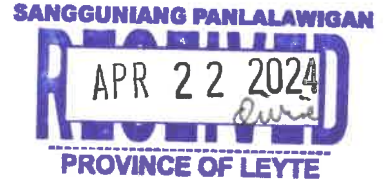


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Item No.: 09
Date: 01 2024 MAY

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 SAMAR II ELECTRIC COOPERATIVE, INC., WITH MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION,



ERC CASE NO. 2024-024 RC

ENERGY DEVELOPMENT CORPORATION (EDC) AND SAMAR II ELECTRIC COOPERATIVE, INC. (SAMELCO II),

Applicants.

x-----x

JOINT PRE-TRIAL BRIEF

Applicants **ENERGY DEVELOPMENT CORPORATION (“EDC”) AND SAMAR II ELECTRIC COOPERATIVE, INC. (“SAMELCO II”)**, by and through their respective undersigned counsels, and unto this Honorable Commission, respectfully submit the following Joint Pre-Trial Brief in connection with the above captioned application:

I.

PROPOSED STIPULATION OF FACTS

Applicants proposes the following stipulations by the parties:

1. Applicant SAMELCO II is an electric cooperative duly organized and existing under and by virtue of the laws of the Philippines, with principal office at Barangay Arado, Paranas, Samar, Philippines. It is the exclusive franchise holder to own and operate a system for the distribution of electricity in the City of Catbalogan and Municipalities of Jiabong, Motiong, Paranas, San

Sebastian, Hinabangan, Calbiga, Villareal, Pinabacdao, Sta. Rita, Talalora, Basey, Marabut, Daram, Zumarraga, San Jose de Buan, all in the Province of Samar.

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. It owns and operates the approximately 592.33 MW Unified Leyte Geothermal Power Plant located in the Ormoc City and Kananga, Leyte.

3. SAMELCO II is in immediate need of a 1MW 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 1MW, SAMELCO II decided to source the needed power at affordable and cheaper generation rates to help minimize the exposure of its customer to the volatile Wholesale Electricity Spot Market (“WESM”) prices.

4. Pursuant to Department of Energy (“DOE”) Department Circular 2018-02-003, as amended by DC 2021-09-0030, SAMELCO II 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.

5. SAMELCO II wrote to the DOE requesting for the issuance of Certificate of Exemption for a negotiated procurement of 1MW emergency power supply from EDC. The Letter expressed SAMELCO II’s urgent need for supply of electricity due to circumstances beyond the control of SAMELCO II, and the limited time to conduct the said Competitive Selection Process (“CSP”).

6. On 31 August 2022, the DOE, in response to SAMELCO II’s letter-request, issued a Certificate of Exemption, exempting it from the conduct of the CSP for the procurement of emergency electric power supply.

7. In view of SAMELCO II’s supply deficit of at least 1MW 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, SAMELCO II solicited for emergency power supply for one (1) year.

8. In response to SAMELCO II’s demand, EDC has offered to supply a portion of the emergency electric power supply requirements of SAMELCO II at a rate equivalent to or lower than the ERC-approved generation tariff for the same or similar technology in comparable areas, and SAMELCO II accepted the offer of EDC. Applicants executed the subject Emergency Power Supply Agreement (“EPSA”) for the supply of 1MW emergency power supply to SAMELCO II.

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.

II.

ISSUES TO BE RESOLVED

- i. Whether the Honorable Commission should treat Annexes “**T**”, “**S**”, “**T**”, “**U**”, “**V**”, and “**W**” as confidential in perpetuity, directing their non-disclosure to persons other than the officers and staff of the Honorable Commission, perpetually protecting the said information from public disclosure by maintaining the same separate and apart from the records of the case, and ensuring that these are not divulged to unauthorized persons, pursuant to Rule 4 of its Rules of Practice and Procedure; and
- ii. Whether the Honorable Commission, after hearing on the merits, approve the Joint Application and EPSA between EDC and SAMELCO II, including all the rates, fees, charges, and tariff adjustment mechanisms set out therein at the rates provided in the EPSA, and authorizing SAMELCO II to charge and collect such rates, fees, charges, and tariff adjustments therein from its customers reckoned from the start of the supply by EDC to SAMELCO II under the EPSA.

III.

DOCUMENTS TO BE PRESENTED

9. Applicants will present the following documentary evidence as part of the testimonies of Applicants’ witnesses, as evidence in support of the Joint Application, and for the purposes indicated below:

EXH.	PARTICULARS	PURPOSE
A	Articles of Incorporation and By-laws of SAMELCO II	To show the following: a) SAMELCO II's legal personality and capacity in contracting the obligations under the EPSA; and b) Compliance with the ERC's documentary requirements in filing the Joint Application.
B	List of Board of Directors and Board Members and related ultimate parent company, subsidiaries, and affiliates of SAMELCO II	
B-1	Board Resolution of Authorized Representative of SAMELCO II	
C	Certificate of Incorporation of EDC and other relevant past Articles of Incorporation and By-laws	To show the following: a) EDC's legal personality and capacity in contracting the obligations under the EPSA; and b) Compliance with the ERC's documentary requirements in filing the Joint Application.
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	
E	Board of Investments Certificate of Registration	To show the following: a) that EDC is a holder of Certificate of Registration from BOI for its Power Plant; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
F	Environmental Compliance Certificate	To show the following: a) that the DENR issued an ECC for EDC's Power Plant; and b) compliance with the ERC's documentary requirements in filing the Joint Application.

G-series	Certificate of Compliance (“COC”) or Provisional Authority to Operate (“PAO”)	To show the following: a) that ERC issued a COC and/or PAO to EDC; and b) compliance with the ERC’s documentary requirements in filing the Joint Application.
H-series	DOE Certificates of Endorsement (“COE”)	To show the following: a) that DOE issued COE to EDC; and b) compliance with the ERC’s documentary requirements in filing the Joint Application.
I*	Renewable Energy Service Contract	To show EDC’s compliance with the ERC’s documentary requirements in filing the Joint Application.
J	Certificate of Registration or Certificate of Commerciality	
K	Rate Impact	To show the following: a) the Rate Impact of the EPSA; and b) compliance with the ERC’s documentary requirements in filing the Joint Application.
L	Single Line Diagram Connection	To show the following: a) SAMELCO II’s Single-Line Diagram Connection; and b) compliance with the ERC’s documentary requirements in filing the Joint Application.

M	Emergency Power Supply Agreement between SAMELCO II and EDC	To show the following: a) the existence and due execution of the EPSA entered into by and between EDC and SAMELCO II, and to prove the terms and conditions thereof; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
N	DOE Certificate of Exemption	To show the following: a) that the DOE issued to SAMELCO II a Certificate of Exemption exempting it from the conduct of the Competitive Selection Process for negotiated procurement of the EPSA with EDC; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
O	Verified Certification in relation to delivery of power in emergency circumstances	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.
P	NGCP Letter on Service Agreements Certification	To show the following: a) SAMELCO II's Transmission Service Agreement with NGCP; b) compliance with the ERC's documentary requirements in filing the Joint Application.
P-1	Transmission Service Agreement between NGCP and SAMELCO II	
Q	NGCP Certificate of Adequate Capacity	To show EDC's compliance with the

Q-1	Write up on TSC	ERC's documentary requirements in filing the Joint Application.
R	Executive Summary of EPSA	To show the following: a) summary of the terms of the EPSA between EDC and SAMELCO II; b) compliance with the ERC's documentary requirements in filing the Joint Application.
S*	Write up regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses	To show the following: a) EDC's sources of funds, generation rate and derivation, cash flow, and procurement process; and relevant technical and economic characteristics of generation capacity installed capacity, dependable capacity, and outages; b) support the Payment Structure of the PSA; and c) compliance with the ERC's documentary requirements in filing the Joint Application.
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	Estimated Load of Qualified Contestable Customers under RCOA	To show the following: a) SAMELCO II's Supply and Estimation of Potential for Reduction in Load; and b) compliance with the ERC's documentary requirements in filing the Joint Application.

Z	Latest Audited Financial Statements	To show the following: a) EDC's latest audited financial statements; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
AA	Certification of net heat rate	To show the following: a) EDC's net heat rate; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
BB	WESM Registration	To show the following: a) EDC's and SAMELCO II's WESM Registration; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
CC	Write-up on non-applicable items	To show the following: a) that certain documentary requirements are not applicable in the instant Joint Application; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
CC-1	SAMELCO II Write-up on Demand Side Management	
CC-2	EDC Sample OR	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.

DD	Water Permit from NWRB	To show the following: a) EDC's Water Permit from the NWRB; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
EE	SAMELCO II's Reliability Indices	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.
FF	PSPP and DDP	To show the following: a) SAMELCO II's PSPP and DDP; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
GG	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Office of the Mayor of Paranas	To show compliance with ERC's pre-filing requirements
GG-1	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Sangguniang Bayan of Paranas	
GG-2	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Office of the Governor of Samar	
GG-3	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Sangguniang Panlalawigan of Samar	
HH	Certification from the Office of the Mayor of Pasig City showing receipt of the Application and its annexes	
HH-1	Certification from the Sangguniang Panlungsod of Pasig City showing receipt of the Application and its annexes	

HH-2	Certification from the Office of the Mayor of Ormoc City showing receipt of the Application and its annexes		
HH-3	Certification from the Sangguniang Panlungsod of Ormoc City showing receipt of the Application and its annexes		
HH-4	Certification from the Office of the Mayor of Kananga showing receipt of the Application and its annexes		
HH-5	Certification from the Sangguniang Bayan of Kananga showing receipt of the Application and its annexes		
HH-6	Certification from the Office of the Governor of Leyte showing receipt of the Application and its annexes		
HH-7	Certification from the Sangguniang Panlalawigan of Leyte showing receipt of the Application and its annexes		
II	Affidavit of Publication showing that the Application was published in 19 October 2023 issue of The Manila Times		
JJ	Complete copy of the 19 October 2023 issue of The Manila Times		
KK	Affidavit of Publication showing that the Notice of Virtual Hearing dated 6 March 2024 was published in the 19 March 2024 and 27 March 2024 issues of "Business Mirror"		To show compliance with the Order dated 6 March 2024
LL	Complete Copy of the 19 March 2024 issue of "Business Mirror"		
LL-1	The Notice of Virtual Hearing appearing in the 19 March 2024 issue of "Business Mirror"		
MM	Complete Copy of the 27 March 2024 issue of "Business Mirror"		
MM-1	The Notice of Virtual Hearing appearing in the 27 March 2024 issue of "Business Mirror"		

NN	Affidavit of Publication showing that the Notice of Virtual Hearing dated 6 March 2024 was published in the 19 March and 27 March 2024 issues of "The Manila Times"	
OO	Complete Copy of the 19 March 2024 issue of "The Manila Times"	
OO-1	The Notice of Virtual Hearing appearing in the 19 March 2024 issue of "The Manila Times"	
PP	Complete Copy of the 27 March 2024 issue of "The Manila Times"	
PP-1	The Notice of Virtual Hearing appearing in the 27 March 2024 issue of "The Manila Times"	
QQ	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 6 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and the Sangguniang Panlalawigan of the Province of Samar, the Office of the Mayor and the Sangguniang Panlungsod of Catbalogan City, and the Office of the Mayors and Sangguniang Bayans of Jiabong, Motiong, Paranas, San Sebastian, Hinabangan, Calbiga, Villareal, Pinabacdao, Sta. Rita, Talalora, Basey, Marabut, Daram, Zumarraga, and San Jose de Buan	To show compliance with the Order dated 6 March 2024
RR	Certification from the Office of the Governor of Samar showing that the Order and Notice of Virtual Hearing dated 6 March 2024, was posted on the provincial bulletin board of the Office of the Governor of Samar	

SS	Certification from the Sangguniang Panlalawigan of Samar showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sanggunian Panlalawigan of Samar	
TT	Certification from the Office of the Mayor of Catbalogan showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the city bulletin board of the Office of the Mayor of Catbalogan City	
UU	Certification from the Sangguniang Panlungsod of Catbalogan showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Catbalogan City	
VV	Certification from the Office of the Mayor of Jiabong showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Jiabong	
WW	Certification from the Sangguniang Bayan of Jiabong showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Jiabong	
XX	Certification from the Office of the Mayor of Motiong showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Motiong	
YY	Certification from the Sangguniang Bayan of Motiong showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Motiong	

ZZ	Certification from the Office of the Mayor of Paranas showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Paranas	
AAA	Certification from the Sangguniang Bayan of Paranas showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Paranas	
BBB	Certification from the Office of the Mayor of San Sebastian showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of San Sebastian	
CCC	Certification from the Sangguniang Bayan of San Sebastian showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of San Sebastian	
DDD	Certification from the Office of the Mayor of Hinabangan showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Hinabangan	
EEE	Certification from the Sangguniang Bayan of Hinabangan showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Hinabangan	

FFF	Certification from the Office of the Mayor of Calbiga showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Calbiga	
GGG	Certification from the Sangguniang Bayan of Calbiga showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Calbiga	
HHH	Certification from the Office of the Mayor of Villareal showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Villareal	
III	Certification from the Sangguniang Bayan of Villareal showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Villareal	
JJJ	Certification from the Office of the Mayor of Pinabacdao showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Pinabacdao	
KKK	Certification from the Sangguniang Bayan of Pinabacdao showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Pinabacdao	
LLL	Certification from the Office of the Mayor of Sta. Rita showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Sta. Rita	

MMM	Certification from the Sangguniang Bayan of Sta. Rita showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Sta. Rita	
NNN	Certification from the Office of the Mayor of Talalora showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Talalora	
OOO	Certification from the Sangguniang Bayan of Talalora showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Talalora	
PPP	Certification from the Office of the Mayor of Basey showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Basey	
QQQ	Certification from the Sangguniang Bayan of Basey showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Basey	
RRR	Certification from the Office of the Mayor of Marabut showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Marabut	
SSS	Certification from the Sangguniang Bayan of Marabut showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Marabut	

TTT	Certification from the Office of the Mayor of Daram showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Daram	
UUU	Certification from the Sangguniang Bayan of Daram showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Daram	
VVV	Certification from the Office of the Mayor of Zumarraga showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Zumarraga	
WWW	Certification from the Sangguniang Bayan of Zumarraga showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Zumarraga	
XXX	Certification from the Office of the Mayor of San Jose de Buan showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of San Jose de Buan	
YYY	Certification from the Sangguniang Bayan of San Jose de Buan showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of San Jose de Buan	

ZZZ	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 6 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and the Sangguniang Panlalawigan of the Province of Leyte, the Office of the Mayor and the Sangguniang Panlungsod of Ormoc City, and the Office of the Mayor and Sangguniang Bayan of Kananga	
AAAA	Certification from the Office of the Governor of Leyte showing that the Order and Notice of Virtual Hearing dated 6 March 2024, was posted on the provincial bulletin board of the Office of the Governor of Leyte	
BBBB	Certification from the Sangguniang Panlalawigan of Leyte showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sanggunian Panlalawigan of Leyte	
CCCC	Certification from the Office of the Mayor of Ormoc showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the city bulletin board of the Office of the Mayor of Ormoc City	
DDDD	Certification from the Sangguniang Panlungsod of Ormoc showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Ormoc City	
EEEE	Certification from the Office of the Mayor of Kananga showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Kananga	

FFFF	Certification from the Sangguniang Bayan of Kananga showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Kananga	
GGGG	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 6 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Mayor and the Sangguniang Panlungsod of Pasig City	
HHHH	Certification from the Office of the Mayor of Pasig showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the city bulletin board of the Office of the Mayor of Pasig City	
IIII	Certification from the Sangguniang Panlungsod of Pasig showing that the Order and Notice of Virtual Hearing dated 6 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Pasig City	
JJJJ	Affidavit of Posting from SAMELCO II showing that the Order and Notice of Virtual Hearing dated 6 March 2024 were posted at the company's website and Facebook page	To show a) compliance with the Order dated 6 March 2024; and b) the other means undertaken by the Applicants EDC and SAMELCO II to inform their consumers within their franchise area/area of the Joint Application, its reasons for filing, and the scheduled hearings.
KKKK	Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 6 March 2024 were posted at the company's website and Facebook page	
LLLL	Certificate of Broadcast from Aksyon Radyo DYMS informing the consumers within SAMELCO II's Franchise Area of the filing of the Joint Application, their reasons therefor and of the scheduled hearings thereon	

<p>MMMM to MMMM- 3</p>	<p>Letters showing that a complete copy of the Application and the Order and Notice of Virtual Hearing dated 6 March 2024 were sent to and duly received by:</p> <ul style="list-style-type: none"> a) Office of the Solicitor General; b) Commission on Audit; c) Committee on Energy, House of Representatives; and d) Committee on Energy, Senate of the Philippines 	<p>To show a) compliance with the Order dated 6 March 2024; and b) that the i) Office of the Solicitor General; ii) Commission on Audit; iii) Committee on Energy of the House of Representatives; and iv) Committee on Energy of the Senate of the Philippines received a complete copy of the Application and the Order and Notice of Virtual Hearing dated 6 March 2024</p>
<p>NNNN</p>	<p>Affidavit of Posting from SAMELCO II showing that the Order and Notice of Virtual Hearing dated 6 March 2024, along with all jurisdictional requirements, were posted at the company's bulletin board</p>	<p>To show compliance with the Order dated 6 March 2024</p>
<p>O000</p>	<p>Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 6 March 2024, along with all jurisdictional requirements, were posted at the company's bulletin board</p>	

<p style="text-align: center;">PPPP</p>	<p>Judicial Affidavit of Joey L. Talon</p>	<p>The testimony of the witness is being offered for the following purposes:</p> <ul style="list-style-type: none"> a) To prove that he is the General Manager of Samar II Electric Cooperative, Inc. or SAMELCO II with office address at SAMELCO II Main Office, Brgy. Arado, Paranas, Samar; b) To prove that Board President Marrychan U. Pimentel was authorized by the Board of Directors of SAMELCO II to file the Instant Application for Approval of the Emergency Power Supply Agreement between SAMELCO II and EDC; c) To prove the allegations in the application for approval of the Emergency Power Supply Agreement (EPSA) between SAMELCO II and EDC; d) To prove the necessity and approval of the Emergency Power Supply Agreement
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		<p>between SAMELCO II and EDC to ensure continuous and reliable electricity for SAMELCO II's member-consumer-owners (MCOs) during the said emergency power situation;</p> <p>e) To prove that he caused the compliances to the jurisdictional requirements of the Honorable Commission; and</p> <p>f) The witness will likewise identify documents and testify on such other matters relevant and pertinent to this Joint Application.</p>
PPPP-1	Signature of Joey L. Talon	To authenticate Exhibit "PPPP"

<p>QQQQ</p>	<p>Judicial Affidavit of Gemil M. Longara, Jr.</p>	<p>The testimony of the witness is being offered for the following purposes:</p> <ul style="list-style-type: none"> a) To prove that he is an employee of the Samar II Electric Cooperative, Inc. (SAMELCO II); b) To prove that he is the Corporate Planning Department Manager of SAMELCO II; c) The existence and details of the Emergency Power Supply Agreement ("EPSA") executed between SAMELCO II and EDC on 10 November 2022; d) The necessity and approval of the emergency power supply agreement between SAMELCO II and EDC to ensure continuous and reliable electricity for SAMELCO II's member-consumer- owners (MCOs) during the said emergency power situation; e) The correctness and accuracy of the EPSA rate impact;
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		<p>f) SAMELCO II's compliance with DOE Department Circular No. DC2021-09-0030 ("DOE CSP Rules") particularly on the negotiated procurement of emergency power supply;</p> <p>g) He will testify that Board President Marrychan U. Pimentel was duly authorized by the Board of Directors of SAMELCO II to file the instant application with the Honorable Commission;</p> <p>h) He caused the compliances to the jurisdictional requirements of the Honorable Commission; and</p> <p>i) The witness will identify documents and testify on such other matters relevant and pertinent to this Joint Application.</p>
<p>QQQQ-1</p>	<p>Signature of Gemil M. Longara, Jr.</p>	<p>To authenticate Exhibit "QQQQ"</p>

RRRR	Judicial Affidavit of Mr. Bryan C. Carbajal	<p>The testimony of the witness is being offered for the following purposes:</p> <p>a) To testify on the allegations made in the Application, and that he participated in the preparation of the Application and some of the supporting documents;</p> <p>b) To identify the documentary evidence mentioned in his Affidavit in support of the Application; and</p> <p>c) To testify on the i) terms and conditions of the Emergency Power Supply Agreement (“EPSA”) entered into on 10 November 2022; ii) the basis of the tariff/fees under the EPSA and how they are computed; iii) the technical specifications of the power plant.</p>
RRRR-1	Signature of Mr. Bryan C. Carbajal	To authenticate Exhibit “RRRR”
SSSS and SSSS-1	Hard copy of the expository presentations of EDC and SAMELCO II	To a) show Compliance with the Order dated 6 March

<p style="text-align: center;">TTTT and TTTT-1</p>	<p>Soft copy of the expository presentations of EDC and SAMELCO II</p>	<p>2024 and b) explain in simple terms to the Applicant's consumers and other concerned parties what the Application is all about</p>
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10. Applicants respectfully reserve the right to present additional documents, exhibits as shall become available for the purposes stated herein and/or for such other purposes necessary or proper in the course of trial or as the exigencies of the proceedings may require.

IV.

WITNESSES TO BE PRESENTED

A. Witness: Bryan C. Carbajal
Power Marketing Officer
First Gen Energy Solutions – Affiliate of EDC

Gist of Testimony

1. To testify on the allegations made in the Application, and that he participated in the preparation of the Application and some of the supporting documents;
2. To identify the documentary evidence mentioned in his Affidavit in support of the Application; and
3. To testify on the i) terms and conditions of the Emergency Power Supply Agreement (“EPSA”) entered into on November 10, 2022; ii) the basis of the tariff/fees under the EPSA and how they are computed; iii) the technical specifications of the power plant.

B. Witness: Joey L. Talon
General Manager
SAMELCO II

Gist of Testimony

1. To prove that he is the General Manager of Samar II Electric Cooperative, Inc. or SAMELCO II with office address at SAMELCO II Main Office, Brgy. Arado, Paranas, Samar;

2. To prove that Board President Marrychan U. Pimentel was authorized by the Board of Directors of SAMELCO II to file the Instant Application for Approval of the Emergency Power Supply Agreement between SAMELCO II and EDC;
3. To prove the allegations in the application for approval of the Emergency Power Supply Agreement (EPSA) between SAMELCO II and EDC;
4. To prove the necessity and approval of the Emergency Power Supply Agreement between SAMELCO II and EDC to ensure continuous and reliable electricity for SAMELCO II's member-consumer-owners (MCOs) during the said emergency power situation;
5. To prove that he caused the compliances to the jurisdictional requirements of the Honorable Commission; and
6. The witness will likewise identify documents and testify on such other matters relevant and pertinent to this Joint Application.

C. Witness: Gemil M. Longara Jr.
 Corporate Planning Department Manager
 SAMELCO II

Gist of Testimony

1. To prove that he is an employee of the Samar II Electric Cooperative, Inc. (SAMELCO II);
2. To prove that he is the Corporate Planning Department Manager of SAMELCO II;
3. The existence and details of the Emergency Power Supply Agreement ("EPSA") executed between SAMELCO II and EDC on 10 November 2022;
4. The necessity and approval of the emergency power supply agreement between SAMELCO II and EDC to ensure continuous and reliable electricity for SAMELCO II's member-consumer- owners (MCOs) during the said emergency power situation;
5. The correctness and accuracy of the EPSA rate impact;
6. SAMELCO II's compliance with DOE Department Circular No. DC2021-09-0030 ("DOE CSP Rules") particularly on the negotiated procurement of emergency power supply;

7. He will testify that Board President Marrychan U. Pimentel was duly authorized by the Board of Directors of SAMELCO II to file the instant application with the Honorable Commission;
8. He caused the compliances to the jurisdictional requirements of the Honorable Commission; and
9. The witness will identify documents and testify on such other matters relevant and pertinent to this Joint Application.

RESPECTFULLY SUBMITTED.

Samar and Pasig City for Pasig City, 19 April 2024.


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EXPLANATION

Due to the volume of pleadings, motions and other correspondence filed/sent by the Firm daily, the Firm is constrained to cause the service of the copy of the foregoing pleading to the other parties by registered mail/ordinary mail/private courier and/or electronic mail instead of by personal service.


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