

Item No.: 09

Date: 04 2024 JUN

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

ERC CASE NO. 2024-017 RC

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

Applicants.

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JOINT PRE-TRIAL BRIEF

Applicants ENERGY DEVELOPMENT CORPORATION (“EDC”) AND SAMAR I ELECTRIC COOPERATIVE, INC. (“SAMELCO I”), 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 I is an electric cooperative duly organized and existing under and by virtue of the laws of the Philippines, with principal office at Barangay Carayman, Calbayog City, Samar, Philippines. It is the exclusive franchise holder to own and operate a system for the distribution of electricity in the City of Calbayog and Municipalities of Gandara, Matuguinao, San Jorge, Sta. Margarita, Tarangnan, Pagsanghan, Sto. Nino, Almagro, Tagapul-an, 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 I is in immediate need of 1MW contracted capacity for around one (1) month and 2 MW contracted capacity for the succeeding eleven (11) months . To maintain an uninterruptible and reliable power supply due to a high level of supply deficit of at least 1MW for one month and 2MW for the succeeding 11 months, SAMELCO I decided to source the needed power at affordable and cheaper generation rates to help minimize the exposure 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 I 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 I wrote to the DOE requesting for the issuance of Certificate of Exemption for a negotiated procurement of initially 1 MW and then eventual 2MW emergency power supply from EDC. The Letter expressed SAMELCO I’s urgent need for supply of electricity due to circumstances beyond the control of SAMELCO I, and the limited time to conduct the said Competitive Selection Process (“CSP”).

6. On 9 September 2022, DOE issued Certificate of Exemption No. COE-CSP-2022-08-042 in response to SAMELCO I’s letter-request exempting it from the conduct of CSP for the procurement of emergency electric power supply.

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

8. In response to SAMELCO I's demand, EDC has offered to supply a portion of the emergency electric power supply requirements of SAMELCO I at a rate equivalent to or lower than the ERC-approved generation tariff for the same or similar technology in comparable areas and SAMELCO I accepted the offer of EDC. Applicants executed the subject Emergency Power Supply Agreement ("EPSA") for the supply of 1MW for one month and 2 MW for the succeeding 11 months emergency power supply to SAMELCO I.

II.

ISSUES TO BE RESOLVED

- i. Whether the Honorable Commission should treat Annexes "I", "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 I, including all the rates, fees, charges, and tariff adjustment mechanisms set out therein at the rates provided in the EPSA, and authorizing SAMELCO I 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 I 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 I	To show the following: a) SAMELCO I's legal personality and capacity in contracting the obligations under the EPSA; b) the list of SAMELCO I's Board of Directors; and c) Compliance with the ERC's documentary requirements in filing the Joint Application.
B	Board Resolution No. 34-S-2022 of SAMELCO I	
B-1	Secretary's Certificate of SAMELCO I	
B-2	Board Resolution No. 67-S-2022 of SAMELCO I	
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	
D-2	Special Power of Attorney 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 I’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 I and EDC	To show the following: a) the existence and due execution of the EPSA entered into by and between EDC and SAMELCO I, 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 I 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.
N-1	Letters to or from SAMELCO I	
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 I and EDC's respective 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 I	
Q	NGCP Certificate of Adequate Capacity	To show SAMELCO I'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 I; 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	To show the following: a) SAMELCO I's Supply and Estimation of Potential for Reduction in Load; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
Y	Estimated Load of Qualified Contestable Customers under RCOA	

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 I'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 I 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 I'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 I'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 Calbayog City	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 Panlungsod of Calbayog City	
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	-same-
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 on 17 November 2023 issue of The Manila Times	
JJ	Complete copy of the 17 November 2023 issue of The Manila Times	
KK	Affidavit of Publication showing that the Notice of Virtual Hearing dated 5 March 2024 was published in the 13 March 2024 and 21 March 2024 issues of "Business Mirror"	To show compliance with the Order dated 5 March 2024
LL	Complete Copy of the 13 March 2024 issue of "Business Mirror"	
LL-1	The Notice of Virtual Hearing appearing in the 13 March 2024 issue of "Business Mirror"	
MM	Complete Copy of the 21 March 2024 issue of "Business Mirror"	
MM-1	The Notice of Virtual Hearing appearing in the 21 March 2024 issue of "Business Mirror"	

NN	Affidavit of Publication showing that the Notice of Virtual Hearing dated 5 March 2024 was published in the 13 March and 21 March 2024 issues of "The Manila Times"	-same-
OO	Complete Copy of the 13 March 2024 issue of "The Manila Times"	
OO-1	The Notice of Virtual Hearing appearing in the 13 March 2024 issue of "The Manila Times"	
PP	Complete Copy of the 21 March 2024 issue of "The Manila Times"	
PP-1	The Notice of Virtual Hearing appearing in the 21 March 2024 issue of "The Manila Times"	
QQ	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 5 March 2024 with a request for posting on their respective bulletin 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 Calbayog City, and the Office of the Mayors and Sangguniang Bayans of Gandara, Matuguinao, San Jorge, Sta. Margarita, Tarangnan, Pagsanghan, Sto. Nino, Almagro, and Tagapul-an	
RR	Certification from the Office of the Governor of Samar showing that the Order and Notice of Virtual Hearing dated 5 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 5 March 2024 was posted on the Sangguniang bulletin board of the Sanggunian Panlalawigan of Samar	

TT	Certification from the Office of the Mayor of Calbayog City showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the city bulletin board of the Office of the Mayor of Calbayog City	-same-
UU	Certification from the Sangguniang Panlungsod of Calbayog City showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Calbayog City	
VV	Certification from the Office of the Mayor of Gandara showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Gandara	
WW	Certification from the Sangguniang Bayan of Gandara showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Gandara	
XX	Certification from the Office of the Mayor of Matuguinao showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Matuguinao	
YY	Certification from the Sangguniang Bayan of Matuguinao showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Matuguinao	

ZZ	Certification from the Office of the Mayor of San Jorge showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of San Jorge	-same-
AAA	Certification from the Sangguniang Bayan of San Jorge showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of San Jorge	
BBB	Certification from the Office of the Mayor of Sta. Margarita showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Sta. Margarita	
CCC	Certification from the Sangguniang Bayan of Sta. Margarita showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Sta. Margarita	
DDD	Certification from the Office of the Mayor of Tarangnan showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Tarangnan	
EEE	Certification from the Sangguniang Bayan of Tarangnan showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Tarangnan	

FFF	Certification from the Office of the Mayor of Pagsanghan showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Pagsanghan	-same-
GGG	Certification from the Sangguniang Bayan of Pagsanghan showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Pagsanghan	
HHH	Certification from the Office of the Mayor of Sto. Nino showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Sto. Nino	
III	Certification from the Sangguniang Bayan of Sto. Nino showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Sto. Nino	
JJJ	Certification from the Office of the Mayor of Almagro showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Almagro	
KKK	Certification from the Sangguniang Bayan of Almagro showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Almagro	
LLL	Certification from the Office of the Mayor of Tagapul-an showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Tagapul-an	

MMM	Certification from the Sangguniang Bayan of Tagapul-an showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Tagapul-an	-same-
NNN	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 5 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	
OOO	Certification from the Office of the Governor of Leyte showing that the Order and Notice of Virtual Hearing dated 5 March 2024, was posted on the provincial bulletin board of the Office of the Governor of Leyte	
PPPP	Certification from the Sangguniang Panlalawigan of Leyte showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sanggunian Panlalawigan of Leyte	
QQQ	Certification from the Office of the Mayor of Ormoc City showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the city bulletin board of the Office of the Mayor of Ormoc City	
RRR	Certification from the Sangguniang Panlungsod of Ormoc showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Ormoc City	

SSS	Certification from the Office of the Mayor of Kananga showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Kananga	-same-
TTT	Certification from the Sangguniang Bayan of Kananga showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Kananga	
UUU	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 5 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	
VVV	Certification from the Office of the Mayor of Pasig showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the city bulletin board of the Office of the Mayor of Pasig City	
WWW	Certification from the Sangguniang Panlungsod of Pasig showing that the Order and Notice of Virtual Hearing dated 5 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Pasig City	
XXX	Affidavit of Posting from SAMELCO I showing that the Order and Notice of Virtual Hearing dated 5 March 2024 were posted at the company's website and Facebook page	
YYY	Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 5 March 2024 were posted at the company's website and Facebook page	

ZZZ	Certificate of Broadcasting from Talent City Studio (Radyo Natin 104.9 FM) informing the consumers within SAMELCO I's Franchise Area of the filing of the Joint Application, their reasons therefor and of the scheduled hearings thereon	Application, its reasons for filing, and the scheduled hearings.
AAAA to AAAA-3	<p>Letters showing that a complete copy of the Application and the Order and Notice of Virtual Hearing dated 5 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 	To show a) compliance with the Order dated 5 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 5 March 2024
BBBB	Affidavit of Posting from SAMELCO I showing that the Order and Notice of Virtual Hearing dated 5 March 2024, along with all jurisdictional requirements, were posted at the company's bulletin board	To show compliance with the Order dated 5 March 2024
CCCC	Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 5 March 2024, along with all jurisdictional requirements, were posted at the company's bulletin board	

<p style="text-align: center;">DDDD</p>	<p>Judicial Affidavit of Engr. Sandy T. Montero</p>	<p>The testimony of the witness is being offered for the following purposes:</p> <ul style="list-style-type: none"> a) to substantiate the material allegations in the Joint Application of EDC and SAMELCO I for the approval of the EPSA dated 7 November 2022, executed by EDC and SAMELCO I; b) To testify on the estimated rate impact of the EPSA on the generation charges of SAMELCO I; c) To prove the necessity and urgency of implementing the EPSA; d) To identify the documentary evidence mentioned in her Affidavit in support of the Application; and e) To substantiate other matters related and incidental thereto.
<p>DDDD-1</p>	<p>Signature of Engr. Sandy T. Montero</p>	<p>To authenticate Exhibit "DDDD"</p>

EEEE	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 7 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>
EEEE-1	Signature of Mr. Bryan C. Carbajal	To authenticate Exhibit “EEEE”
FFFF and FFFF-1	Hard copy of the expository presentations of EDC and SAMELCO I	To a) show Compliance with the Order dated 5 March

<p>GGGG and GGGG-1</p>	<p>Soft copy of the expository presentations of EDC and SAMELCO I</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 7, 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: Engr. Sandy T. Montero
Engineering & LOM Manager
SAMELCO I

Gist of Testimony

1. To substantiate the material allegations in the Joint Application of EDC and SAMELCO I for the approval of the EPSA dated November 7, 2022, executed by EDC and SAMELCO I;

2. To testify on the estimated rate impact of the EPSA on the generation charges of SAMELCO I;
3. To prove the necessity and urgency of implementing the EPSA;
4. To identify the documentary evidence mentioned in her Affidavit in support of the Application; and
5. To substantiate other matters related and incidental thereto.

RESPECTFULLY SUBMITTED.

Samar and Pasig City for Pasig City, 18 April 2024.

Counsels for SAMELCO I:



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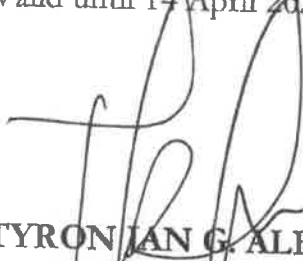
Roll of Attorneys No. 62018

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

Lifetime IBP No. 18202 / Leyte Chapter

MCLE Compliance No. VII-0005018

Valid until 14 April 2025



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

MCLE Compliance No. VII-0002803

Valid until 14 April 2025



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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

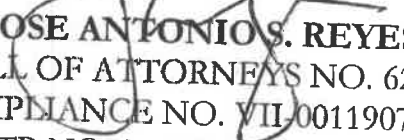
The Law Firm of
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By:



MIGUEL K. MATHAY
ROLL OF ATTORNEYS NO. 43982
MCLE COMPLIANCE NO. VI-0010308; 4/14/2022
PTR NO. 0173785; 01/02/2024
PASIG CITY
IBP NO. 302181; 01/08/2024
RIZAL (RSM)
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GIANNA MARIA C. COMSTI
ROLL OF ATTORNEYS NO. 63071
MCLE COMPLIANCE NO. VII-0015472; 4/14/2025
PTR NO. 0173730; 01/02/2024
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IBP NO. 302158; 01/08/2024
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JOSE ANTONIO S. REYES
ROLL OF ATTORNEYS NO. 62581
MCLE COMPLIANCE NO. VII-0011907; 4/14/2025
PTR NO. 0173734; 01/02/2024
PASIG CITY
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REMI JOSHUA T. SERRANO
ROLL OF ATTORNEYS NO. 77963
ADMITTED TO THE BAR ON MAY 11, 2022
PTR NO. 0173731; 01/02/2024
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IBP NO. 302167; 01/08/2024
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BEATRIZ RAINE L. BAYUDAN
ROLL OF ATTORNEYS NO. 77792
ADMITTED TO THE BAR MAY 10, 2022
PTR NO. 0173728; 01/02/2024
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IBP NO. 302166; 01/08/2024
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JOHN MAVERICK G. ESPINOLA
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ADMITTED TO THE BAR MAY 24, 2022
PTR NO. 0173784; 01/02/2024
PASIG CITY
IBP NO. 302165; 01/08/2024
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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 and/or electronic mail instead of by personal service.



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