

KEPCO



LEYTE V ELECTRIC COOPERATIVE, INC.

Brgy. San Pablo, Ormoc City, Leyte
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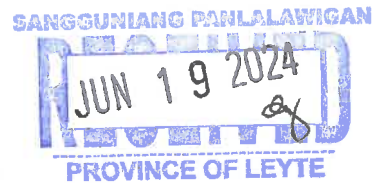
Item No.: 02



2024 JUN

Reference No. 2024-06-349

18 June 2024



HON. LEONARDO M. JAVIER
Provincial Vice Governor of Leyte and
Sangguniang Panlalawigan Presiding Officer
Leyte Provincial Government Complex
West Bypass Road, Brgy. Guindapunan
6501 Palo, Leyte Philippines

Subject: Request for a Certificate of Receipt of the attached Joint Application

Dear Honorable Vice Governor Javier:

In compliance with the requirements of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 ("EPIRA"), its Implementing Rules and Regulations ("IRR"), and the Energy Regulatory Commission's ("ERC") Rules of Practice and Procedure ("ERC Rules"), we are furnishing you a copy of the Joint Application complete with annexes (see enclosed usb flash drive) and accompanying documents (except those subject of a motion for confidential treatment of information) to be filed with the ERC entitled:

"In the Matter of the Joint Application for Approval of the Power Supply Agreement (PSA) Between Leyte V Electric Cooperative, Inc. (LEYECO V) And KEPCO SPC Power Corporation (KSPC), with Prayer for Confidential Treatment of Information and Motion for Provisional Authority"

In connection thereto, we respectfully request your office to issue three (3) original copies of a certification attesting that the *Sangguniang Panlalawigan* of the Province of Leyte was duly served a copy of the said Joint Application together with its annexes and accompanying documents. Under the EPIRA-IRR and the ERC Rules, the certification should be issued by the Presiding Officer or Secretary of the *Sanggunian* concerned or his/her duly authorized representative. Attached is a blank certification which your office may opt to use for this purpose.

Thank you very much for your usual cooperation.

Respectfully yours,

ATTY. JANNIE ANN J. DAYANDAYAN, CPA
General Manager

ap / mvc / jcc / mrg

Executive Secretary: 206 InfoTech & Comm. Services: 216-218, 509 Institutional Services Dept.: 401 Public Relations: 214 Clinic: 209 Membership Division Chief: 403 Membership: 404 Housewiring: 407 Customer Welfare Desk: 200-205 Motorpool: 406 ODM: 409 Human Resources: 402, 210 GSD Chief: 408 Warehouse: 405 Corporate Planning & Energy Trading Dept.: 219, 221, 223	Technical Services Dept.: 801,802 Engineering: 803 Line Construction: 804 Internal Audit Dept.: 701 Auditors: 702 Finance Services Dept.: 501 Cashiering: 502 Collection: 503-504 Accounting: 505 Consumer Accts: 506 Meter Reading & Billing: 507, 508 & 510
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Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
JOINT APPLICATION FOR
APPROVAL OF THE POWER
SUPPLY AGREEMENT (PSA)
BETWEEN LEYTE V
ELECTRIC COOPERATIVE
(LEYECO V) AND KEPCO SPC
POWER CORPORATION
(KSPC), WITH PRAYER FOR
CONFIDENTIAL TREATMENT
OF INFORMATION AND
MOTION FOR PROVISIONAL
AUTHORITY,**

ERC CASE NO. _____

**LEYTE V ELECTRIC
COOPERATIVE, (LEYECO V)
AND KEPCO SPC POWER
CORPORATION (KSPC),**

Applicants.

X-----X

JOINT APPLICATION

**(With Motion for Confidential Treatment of Information and
Provisional Authority)**

Applicants **LEYTE V ELECTRIC COOPERATIVE** and **KEPCO SPC POWER CORPORATION**, through their respective undersigned counsels, respectfully state:

THE APPLICANTS

1. Applicant **LEYTE V Electric Cooperative (“LEYECO V”)** is an electric cooperative duly organized and existing under and by virtue of Presidential Decree No. 269 (PD 269), as amended, and other laws of the Republic of the Philippines, with principal office at LEYECO V Main Office, Brgy. San Pablo, Ormoc City, Leyte, herein represented by Dir. Emmanuel S. Arpon, in his capacity as Board President of Leyeco V, and/or Atty. Jannie Ann J. Dayandayan, in her capacity as General Manager, evidenced by Board

Resolution No. 30, Series of 2024. A copy of which is hereto attached as *Annex "A-31 and A-32"*.

2. Applicant **KEPCO SPC Power Corporation ("KSPC")** is a corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal address at the 7th Floor, Cebu Holdings Center, Cebu Business Park, Cebu City, Philippines, herein represented by its Marketing Assistant Manager, Jude Francis Alphaeus Rendon, and its Market Analysis Assistant Manager, Rovel Tangkay, who has been authorized by its Board of Directors to file the Joint Application as evidenced by the Secretary's Certificate dated February 9, 2023, attached hereto as *Annex "E"*.

3. Applicant KSPC owns and operates a 2x103 MW Circulating Fluidized Bed Combustor (CFBC) Boiler Coal-Fired base load power plant in the City of Naga, Cebu, which became operational in 2011.

4. Applicants may be served notices, orders, and other processes of the Honorable Commission through their respective counsels at their addresses indicated below.

NATURE OF THE APPLICATION

5. This is an application for the approval of the Power Sales Agreement ("PSA") between LEYECO V and KSPC executed on April 17, 2024. A copy of the PSA is attached hereto as *Annex "A"*

STATEMENT OF FACTS

6. LEYECO V is a duly franchised Distribution Utility engaged in the distribution of electricity with its franchise areas in the city of Ormoc and municipalities of Albueria, Calubian, Isabel, Kananga, Leyte-Leyte, Matag-ob, Merida, Palompon, San Isidro, Tabango, and Villaba, all in Leyte.

7. The subject Energy and Capacity of the PSA is needed by LEYECO V to meet the demand of the captive market in a least cost manner. A copy of its Supply and Demand Scenario, Details of Existing Suppliers, Contract Utilization, and the Average Daily Load Curve are attached as *Annex "Q and series"*.

8. In addition, LEYECO V Single Line Diagram is attached as *Annex "R"*, Performance Assessment is attached as *Annex "S"*, and the Estimated Load Qualified Contestable Customer Under RCOA is attached as *Annex "LL"*.

9. Pursuant to DOE Circular No. DC2018-02-0003 as amended by DOLE Department Circular No. DC2021-09-0030 ESAMELCO entered into a Joint Competitive Selection Process (“CSP”) with other FRECOR 8 DUs. A copy of the Memorandum of Agreement between FRECOR 8 Electric Cooperatives is attached as *Annex “RR”*.

10. FRECOR 8 sent a letter dated March 22, 2022 including the proposed “Captive Customer Representative for the Third Party Bids and Awards Committee (TPBAC) Selection Process”, copies of the same are hereto attached as *Annex “SS and SS-1”*, respectively, to the Energy Virtual One-Stop Shop (“EVOSS”) portal of the Department of Energy (“DOE”).

11. The DOE issued a letter dated April 25, 2022 addressed to Mr. Joey L. Talon, President of FRECOR 8, approving the proposed selection process, a copy of which is attached as *Annex “SS-2”*.

12. After approval of the proposed selection process, FRECOR 8 then started accepting applications for the captive customer representatives who will constitute the two (2) other members of the Joint TPBAC of which Mr. Vida O. Ureña and Atty. Kenneth B. Fabila, a member of the Philippine Institute of Certified Public Accountants (PICPA) Tacloban City Chapter, were recommended. Copies of their submitted resume are hereto attached as *Annex “TT and series”*.

13. FRECOR 8 thereafter duly constituted its JTPBAC, the composition of which was approved by the Board of Directors of FRECOR 8 in Resolution Nos. 2021-06-001, 2022-01-003, 2022-03-002, and 2022-08-001, copies of which are also attached as *Annex “TT and series”*.

14. FRECOR 8 JTPBAC then prepared and submitted for approval to the Department of Energy (DOE) through the National Electrification Administration (NEA) the Power Supply Procurement Plan¹ (PSPP), Distribution Development Plan² (DDP) and Bid Documents which include the Terms of Reference (TOR), Invitation to Bid (ITB) and Instructions to Bidders.

15. Finding the TOR for the procurement of power supply in accordance with the comments and recommendations of the DOE and NEA, NEA then issued a Notice to Proceed dated July 19, 2023 including the

¹ Annex NN

² Annex MM

approved TOR, and Certificate of Posting issued by the DOE dated July 11, 2023, hereto attached as *Annex “UU and series”*.

16. Copies of the issued bidding documents are attached as *Annex “VV and Series”*.

17. With the said Notice to Proceed, the JTPBAC then proceeded with the publication of the ITB in the Philippine Daily Inquirer on July 24, 2023 and July 31, 2023. Likewise, the ITB was posted on the CSP e-based Portal of the DOE website and NEA website on July 24, 2023, as well as in LEYECO V’s website and office premises on August 14, 2023. Copies of the pertinent pages of the Philippine Daily Inquirer with the ITB and Affidavit of Publication, as well as the Certificate of Posting issued by LEYECO V including photos of actual posting on the CSP e-based Portals of DOE, NEA, and LEYECO V websites and office premises are hereto attached as *Annex “WW and series” and “XX and series”*, respectively.

18. Within 14 days from publication and posting, the JTPBAC conducted its Pre-Bid Conference on August 4, 2023 at the Summit Hotel, Tacloban City together with potential bidders and CSP Observers, copies of the attendance sheets are hereto attached as *Annex “YY to YY-3”*. Thereafter, several bid and supplemental bid bulletins were issued in the course of the CSP to clarify all queries and concerns raised during the Pre-Bid Conference, copies of the said bid bulletins as well as the Minutes of the Pre-Bid Conference are hereto attached as *Annex “ZZ and series”*.

19. Thereafter, the submission and opening of bids were then held on August 31, 2023 with CSP observers. Attached as *Annex “YY-4 to YY-11”* are the Invitation to Observers, print-out of emails confirming receipt of the invitation, and copies of the attendance sheets. Attached as *Annex “ZZ-1-a”* is the portion of the Minutes showing that representatives from NEA virtually attended the activity.

20. A total of three participants - GNPowder Kauswagan Ltd. Co., KEPCO SPC Power Corp., and Sual Power Inc. - purchased bid documents and submitted complete proposals. Copies of their respective Eligibility Requirements and Submission of Bids are hereto attached as *Annex “AAA and series”* and *Annex “BBB and series”*, respectively.

21. After careful evaluation, KSPC was found to have submitted the lowest computed bid proposal and was subjected to the next stage of evaluation, which is Post Qualification and Detailed Evaluation of Technical

Proposal, wherein it was found to be compliant and responsive to all the specified requirements and conditions. Copies of the Evaluation of Bids are hereto attached as *Annex “CCC and series”*, likewise copies of the JTPBAC Evaluators Report, Evaluators Post-Qualification Report and the Abstract of Bids are hereto attached as *Annex “DDD to DDD-2”*.

22. FRECOR 8 then issued a Notice of Award to KSPC which was received by the latter on September 19, 2023, a copy of which is attached as *Annex “DDD-3”*, likewise a copy of the Resolution of the JTPBAC recommending the awards is hereto attached as *Annex “DDD-4”*. Attached as *Annex “EEE”* is a timeline of the activities conducted leading to the issuance of a Notice of Award, including the pre-bidding conferences conducted on August 4, 2023.

23. Joint Affidavits of the members of FRECOR 8 on the conduct of the CSP are likewise hereto attached as *Annex “FFF and series”*.

24. Consequently, LEYECO V and KSPC executed a Power Supply Agreement (“PSA”), subject of this Joint Application.

25. Thus, this instant Joint Application for the approval of the PSA between LEYECO V and KSPC.

SALIENT FEATURES OF THE PSA

26. Salient Features of the PSA.

- a. Contracted Capacity shall mean a capacity of 5 MW (2024), 4MW (2025), and 3MW (2026) reserved by the seller for LEYECO V for the duration of the contract period.
- b. Contract Period and Effectivity. The Agreement shall take effect immediately from execution date and shall remain in force and effect until December 25, 2026 (the “Contract Period”)
- c. The obligation of the Seller to supply and deliver the Contracted Capacity shall commence on the date specified on the Initial “Day Ahead Nomination” issued by the Buyer and duly received by the Seller, subject to the provisions of Item 2 of the PSA.

- d. Effective Date means the date of the execution of the agreement.
- e. Outages and Replacement Power. The Seller shall guarantee supply and provide the Buyer with the Replacement power sourced from other generating facilities or third parties, including WESM, during Outages of the plant or facility.
- f. A copy of the Computation of Generation Fee and Contract Price is included in the Power Supply Agreement attached as Annex "A".

23. Estimated Rate Impact. A Rate Impact Analysis based on the latest available rates would show that there would be a decrease in the rates amounting to **P0.0534/kWh** (a decrease from a blended rate of **P6.2397/kWh** to a blended rate of **P6.1863/kWh**). A copy of the Rate Impact Simulation is hereto attached as *Annex "V"*.

24. Environmental Compliance Certificate (ECC). On 10 September 2007, the Department of Environment and Natural Resources (DENR) issued ECC Transfer of Ownership in favor of KSPC with ECC No. 0511- 013- 206. A copy of the ECC is hereto attached as *Annex "I"*.

25. Board of Investments (BOI) Certificate. On 8 May 2008, KSPC's plants located in Naga City, Cebu were registered with BOI with Certificate of Registration No. 2008-088. A copy of the BOI is hereto attached as *Annex "H"*.

26. Certificate of Compliance. The Honorable Commission has issued the Certificate of Compliance ("COC") with COC no. 24-03-M-00068V dated 26 March 2024, for KSPC's power plants. A copy of the COC is attached as *Annex "J"*.

27. Certificate of Endorsement. The DOE has issued a Certificate of Endorsement with No. 2022- 04-160 dated 19 April 2022 for KSPC's plant in barangay Colon, Naga City, Cebu, certifying that the Plant is consistent with the Power Development Plan of the Government. A copy of the Certificate of endorsement is hereto attached as *Annex "K"*.

28. As further support to the instant Joint Application, the Applicants most respectfully submit to the Honorable Commission the following documents in accordance with the Pre-filing Checklist in Resolution No. 38,

Series of 2006³, Rule 20 B Section 2 of the ERC Rules of Practice and Procedures:

ANNEX	DOCUMENTS/ INFORMATION
A	Power Sales Agreement (“PSA”) between LEYECO V and KSPC executed on April 17, 2024
B and series	LEYECO V Articles of Incorporation and By-Laws, Certificate of Registration, Certificate of Franchise
C and series	Verified Certification of List of Board of Directors of LEYECO V; Board Resolution No. 30, Series of 2024; Secretary’s Certificate dated 27 Mar 2024
D and series	KSPC Certificate of Registration issued by SEC, Articles of Incorporation and By-Laws; Latest General Information Sheet
E	KSPC Secretary’s Certificate dated February 9, 2023
F	KSPC Shareholder’s Agreement
G	KSPC Verified Certification of List of Board of Directors
H	KSPC Certificate of Registration issued by the BOI
I	KSPC Environmental Compliance Certificate issued by the DENR
J	KSPC Certificate of Compliance (COC)
K	KSPC Certificate of Endorsement issued by the DOE regarding PDP
L	<p>KSPC Write-up of Non-availability of documents</p> <ul style="list-style-type: none"> ● Renewable Energy Service Contract ● Certificate of Registration or Certification of Commerciality by an RE Developer and after due confirmation by the DOE ● BIR Receipts ● Seller’s Receipts ● Purchase Orders with Annotation of Acceptance or Transfers ● Deeds of Sale and other Other Forms of Conveyance of Ownership ● Potential Cost (absolute amounts and PhP/kWh) of Ancillary Services as and when the IPP or the DU is connected to the main grid.

³ Resolution No. 38, Series of 2006 – A Resolution Promulgating the Energy Regulatory Commission’s Rules of Practice and Procedure.

	<ul style="list-style-type: none"> • Basis/rationale/derivation of Other Charges such as replacement, start-up, pre-commercial, and ancillary costs. • Distribution Wheeling Service Agreement
M	KSPC Water Permit from the National Water Resources Board (NWRB)
N	Executive Summary LEYECO V KSPC
O	LEYECO V (Write-up on Non-applicability of) Demand Side Management
P	LEYECO V Write-up on Non-availability of Certification by NPC of Transition Supply Contract
Q and series	LEYECO V Supply and Demand Scenario, Details of Existing Suppliers, Contract Utilization, Average Daily Load Curve, and Excel File
R	LEYECO V Single-line Diagram Connection
S	LEYECO V Performance Assessment (SAIFI and SAIDI)
T	LEYECO V Estimation of Potential Reduction of Load
U	LEYECO V (Write-up on the Non-availability of the) Transmission Service Agreement
V	LEYECO V Rate Impact
W	LEYECO V WESM Membership
X	KSPC WESM
Y	KSPC Transmission Service Agreement
Z*	KSPC Financial Model
AA*	Sworn Statement on Fuel Procurement
BB*	Relevant technical and economic characteristics of generation capacity
CC*	KSPC's 2022 Audited Financial Statements (AFS), Balance Sheet, Income Statement, and Statement of cash Flows
DD*	KSPC Invoices for VOM
EE*	KSPC Narrative on Sources of Funds, Generation Rates, Cash Flow

FF*	KSPC Sources of Funds (Certification from Banks and Bank Certification)
GG*	KSPC Sources of Funds (Project Cost, ROI, WACC, Life of Asset vs Term of Loan)
HH*, and HH-1*	KSPC Fuel Contract, and Amended Fuel Contract
II*	KSPC Derivation of Rates (Excel File)
JJ	MEOT Allocation to the generating units
KK	Certifications of Net Heat Rate
LL	LEYECO V Estimated Load Qualified Contestable Customer Under RCOA
MM	LEYECO V DDP
NN	LEYECO V PSPP
OO	Power Bill
PP	LEYECO V Transmission Service Agreement
QQ	LEYECO V Metering Service Agreement

*Subject to the Motion For Confidential Treatment of Information

ALLEGATIONS IN SUPPORT OF THE MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION

29. Section 1, Rule 4, of the ERC Revised Rules of Practice and Procedure provides that a party to a proceeding before the Honorable Commission may move for information to be treated as confidential.

30. KSPC prays that the information contained in the documents attached as Annexes “Z”, “AA”, “BB”, “CC”, “DD”, “EE”, “FF”, “GG”, “HH” and “II” be treated as confidential and that the same be continuously protected from public disclosure, except to the officers and staff of the Honorable Commission. In particular, these are the documents for which confidential treatment is sought as they contain trade secrets and/or commercially-sensitive data about KSPC’s plant operations and pricing strategies:

ANNEX	DOCUMENT
Z	KSPC’s Financial Model
AA	Sworn Statement on Fuel Procurement

BB	Relevant technical and economic characteristics of generation capacity
CC	KSPC's 2022 Audited Financial Statements (AFS), Balance Sheet, Income Statement, and Statement of cash Flows
DD	KSPC Invoices for VOM
EE	Narrative on Sources of Funds, Generation Rates, Cash Flow
FF	Sources of Funds (Certification from Banks and Bank Certification)
GG	Sources of Funds (Project Cost, ROI, WACC, Life of Asset vs Term of Loan)
HH	Fuel Contracts
II	Derivation of Rates (Excel File)

31. The competitors of KSPC will gain undue advantage and use the information in their own operation, if they obtain the information provided in the documents requested to be confidential.

ALLEGATIONS IN SUPPORT OF THE MOTION FOR PROVISIONAL AUTHORITY

32. LEYECO V and KSPC replead, by reference, all the foregoing allegations.

33. LEYECO V and KSPC pray for the issuance of a provisional authority prior to final decision pursuant to *Section 1, Rule 14* of the *ERC Revised Rules of Practice and Procedure*, which provides:

Section 1. Provisional Authority or Interim Relief. – For applications or petitions covered by Section 1, Rule 6 of these Rules, the Commission may grant either a provisional authority or an interim relief, upon motion included in the application or petition and indicated in the caption thereof that such relief is requested x x x.

34. In view of the foregoing, there is a need for the issuance of a Provisional Authority in the meantime that this Joint Application is still pending evaluation and resolution of Honorable Commission, for the immediate implementation of this PSA for the benefit of LEYECO II's member consumers.

PRAYER

WHEREFORE, the foregoing premises considered, it is respectfully prayed that this Honorable Commission:

1. Give due course to the instant application.
2. Issue an Order:
 - a. Treating the Confidential Documents and the information contained therein as confidential
 - b. Directing their non-disclosure pursuant to Rule 4 of the ERC Rules, and
 - c. Prescribing guidelines for the protection of the said documents.
3. Upon initial review of this Application and pending hearing on the merits, issue an Order provisionally approving the PSA between LEYECO V and KSPC, thereby authorizing KSPC to charge and collect from LEYECO V electricity fees based on rates that this Honorable Commission may provisionally approve, and authorizing LEYECO V to pass the full amount thereof to its customers; and.
4. After trial on the merits, issue a Decision approving the PSA, thereby confirming the compliance by LEYECO V and KSPC to the rules governing power supply, and further confirming the effective rate charged, collected, and paid in connection with this PSA.
5. To authorizing KSPC to charge and collect from LEYECO V the electricity fees based on the final rates approved by this Honorable Commission, and authorizing LEYECO V to pass the full amount thereof to its customers.

Other relief and remedies consistent with law, justice, and equity are likewise prayed for.

RESPECTFULLY SUBMITTED.

Cebu City and Tacloban City, Philippines, 02 May 2024.

COUNSEL FOR KSPC

GARCIA QUIJANO AND ASSOCIATES LAW OFFICE

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By:



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IBP No. 422080/ 1-15-2024/ Cebu

PTR No. 1237421/ 1-10-2024/ Cebu

Roll of Attorneys No. 76561

MCLE Compliance Exempt Pursuant to MCLE Governing Board No. 1,
Series of 2008

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PTR No. 8949295 / 01-31-2024; Tac. City

IBP No. 432943 / 01-29-2024; Leyte Chapter

MCLE Compliance No. VII-0002803

Valid until 14 April 2025



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PTR No. 8481676 / 01-04-24; Tacloban City

IBP No. 398294 / 01-04-24; Leyte Chapter

MCLE Compliance No. VII-0001147

Valid until 14 April 2025

VERIFICATION AND CERTIFICATION
OF NON-FORUM SHOPPING

I, **Jannie Ann J. Dayandayan**, Filipino, of legal age, and with office address at Brgy. San Pablo, Ormoc City, Philippines subscribing under oath, state that:

1. I am the General Manager and the authorized representative of Leyte V Electric Cooperative, Inc., the co-applicant in this application, and I caused the preparation and filing of the foregoing Joint Application for Approval of the Power Supply Agreement between Leyte V Electric Cooperative, Inc. and KEPCO SPC Power Corporation (the "**Joint Application**");

2. I certify that I have read and understood the foregoing Joint Application, the contents of which are true and correct, based on my own personal knowledge, and on authentic documents;

3. The Joint 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 so specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;

5. I certify that I have not commenced any other action involving the same issues in this Joint Application with this Honorable Commission, or any tribunal or quasi-judicial agency and to the best of my knowledge, no such action or proceeding is pending in this Honorable Commission or any tribunal or quasi-judicial agency.

6. Should I hereafter learn that a similar action or proceeding has been filed or is pending before this Honorable Commission or any tribunal or quasi-judicial agency, I undertake to promptly inform this Honorable Commission and other tribunal or agency thereof within five (5) calendar days therefrom.


JANNIE ANN J. DAYANDAYAN
Affiant

SUBSCRIBED AND SWORN to before me on this **MAY 29 2024** at Ormoc City exhibiting his PRC ID No. 0096842 valid until April 20, 2025.

Doc. No. 471 ;
Page No. 95 ;
Book No. 03 ;
Series of 2024.

Atty. ARI G. RAZABAL
Notary Public for Leyte
Until December 31, 2024
Notarial Commission No. ORM-22-12-41-NC
PTR No. 7872773, 01/02/2014, Ormoc City
Roll No. 52667
IBP No. 654776, 01/10/05, Leyte
MCLE Compliance No. V13-2016371, Apr.06, 2022
2nd Floor Modesta Bldg.
Ormoc City, Leyte, Philippines

VERIFICATION/CERTIFICATION OF NON-FORUM SHOPPING

I, **JUDE FRANCIS ALPHAEUS M. RENDON**, of legal age, Filipino, Assistant Marketing Manager of **KEPCO SPC POWER CORPORATION**, with plant office address at Brgy. Colon, City of Naga, Cebu, Philippines, after being duly sworn to in accordance with law, hereby deposes and says: THAT - -

1. I am the authorized representative of **KEPCO SPC POWER CORPORATION** in the above-entitled case, by virtue of a Secretary's Certificate;
2. As such, I have caused the preparation of the **JOINT APPLICATION FOR APPROVAL OF THE POWER SUPPLY AGREEMENT (PSA) BETWEEN LEYTE V ELECTRIC COOPERATIVE (LEYECO V) AND KEPCO SPC POWER CORPORATION (KSPC)**, with Motion for Confidential Treatment of Information and Motion for Provisional Authority, have read and understood its contents which is true and correct of my own personal knowledge and belief and based on authentic records in my possession;
3. The said Joint 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. **KEPCO SPC POWER CORPORATION** hereby certify that we 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 Honorable Commission wherein my aforesaid Petition or initiatory pleading has been filed.

IN WITNESS WHEREOF, I have hereunto affixed my signature this

~~MAY 31 2024~~

2024, at Cebu, Philippines.

JUDE FRANCIS ALPHAEUS RENDON
Affiant

SUBSCRIBED AND SWORN TO before me this MAY 31 2024, 2024
in Cebu, Philippines, by affiant who exhibited to me his Passport ID with No.
P8221336B issued by the Department of Foreign Affairs as his competent
evidence of identity.

Doc. No. 208;
Page No. 43;
Book No. 4;
Series of 2024

A handwritten signature in black ink, appearing to be a stylized name or set of initials, located to the right of the document's main text.