



Item No.: 08

Date: 16 2024 JUL

09 July 2024

Office of the Sangguniang Panlalawigan  
Province of Leyte  
Leyte Provincial Government Complex  
West Bypass Road, Brgy. Guindapunan  
6501 Palo, Leyte  
Philippines

Office of the Vice Governor

Received

By: Rebecca  
Date: 7/16/24  
Time: 11:35 AM

Attention: **Hon. Leonardo M. Javier Jr.**  
*Vice Governor and Presiding Officer*

Ladies and Gentlemen:

Please be informed that San Isidro Solar Power Corp. ("SISPC") has filed an Application entitled "*In The Matter Of The Application For Authority To Develop, Own, And/ Or Operate The Dedicated Point-To-Point Limited Transmission Facilities To Connect The 280 Mwp / 224 Mw San Isidro Solar Power Plant Project To The Visayas Grid Via Direct Connection To The Existing 230kv Tabango Substation For The Interim Connection, And Proposed 230kv Tugas Substation Of The National Grid Of The Philippines For The Final Connection, With Prayer For Provisional Authority And/Or Interim Relief And Confidential Treatment Of Information*" with the Energy Regulatory Commission ("ERC") docketed as ERC Case No. 2024-020 MC (the "Application").

In compliance with the requirements of Republic Act No. 9136 otherwise known as the Electric Power Industry Reform Act ("EPIRA") and its Implementing Rules and Regulations ("IRR"), and the Order of the ERC dated and promulgated on 27 June 2024, we respectfully request for the posting of the enclosed copies of the ERC's Notice of Virtual Hearing and Order, both dated 27 June 2024. Pursuant to the foregoing, the ERC has set the following virtual hearings for the Application:

DATE	PLATFORM	ACTIVITY
1 August 2024, 9:00AM	Microsoft Teams	Determination of compliance with jurisdictional requirements, expository presentation, and Pre-Trial Conference

We would also like to respectfully request for a Certification bearing the seal of this Honorable Office attesting that this Honorable Office has received the attached Notice of Virtual Hearing and Order, both dated 27 June 2024, and has posted the same on its bulletin board. We attach a draft Certification for your reference.

Thank you for your attention and we are hoping for your assistance on this matter.

Yours sincerely,

  
**JASMIN JOSEFA P.G. AGBON**  
*Authorized Representative*  
San Isidro Solar Power Corp.



Office of the Vice Governor

Received

By: Rebecca  
Date: 7/10/24  
Time: 11:35 AM

## NOTICE

Sirs/Mesdames:

Please take notice that on **27 June 2024**, the Commission issued an **Order** and a **Notice of Virtual Hearing** in the following case, the original documents were received by this Office on 28 June 2024:

**ERC CASE NO. 2024-020 MC, IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO DEVELOP, OWN, AND/OR OPERATE THE DEDICATED POINT-TO-POINT LIMITED FACILITIES TO CONNECT THE 280 MWp/224 MV SAN ISIDRO SOLAR POWER PLANT PROJECT TO THE VISAYAS GRID VIA DIRECT CONNECTION TO THE EXISTING 230KV TABANGO SUBSTATION FOR THE INTERIM CONNECTION, AND PROPOSED 230KV TUGAS SUBSTATION OF THE NATIONAL GRID OF THE PHILIPPINES FOR THE FINAL CONNECTION, WITH PRAYER FOR PROVISIONAL AUTHORITY AND/OR INTERIM RELIEF AND CONFIDENTIAL TREATMENT OF INFORMATION – SAN ISIDRO SOLAR POWER CORP., Applicant.**

Attached are electronic copies.

Please be reminded of the Commission's existing rules on electronic service of orders and decisions provided under **Rule VI of Resolution No. 9, Series of 2020<sup>1</sup>**, which became effective on 17 November 2020.

Thank you.

Very truly yours,

  
**MARIA LUCILA M. GIRON**  
*Administrative Officer V*  
*OGCS-Central Records Division*

  
/jdc

<sup>1</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
Pasig City

**IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO DEVELOP, OWN, AND/OR OPERATE THE DEDICATED POINT-TO-POINT LIMITED FACILITIES TO CONNECT THE 280 MW<sub>p</sub>/224 MW SAN ISIDRO SOLAR POWER PLANT PROJECT TO THE VISAYAS GRID VIA DIRECT CONNECTION TO THE EXISTING 230KV TABANGO SUBSTATION FOR THE INTERIM CONNECTION, AND PROPOSED 230KV TUGAS SUBSTATION OF THE NATIONAL GRID OF THE PHILIPPINES FOR THE FINAL CONNECTION, WITH PRAYER FOR PROVISIONAL AUTHORITY AND/OR INTERIM RELIEF AND CONFIDENTIAL TREATMENT OF INFORMATION**

Office of the Vice Governor

Received

By: Rebecca  
Date: 7/10/24  
Time: 11:35 AM

**ERC CASE NO. 2024-020 MC**

**SAN ISIDRO SOLAR  
POWER CORP.,**

*Applicant.*

X-----X

**Promulgated:**

June 27, 2024

**NOTICE OF VIRTUAL HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that on 24 May 2024, San Isidro Solar Power Corp. (SISPC) filed, through the Energy Virtual One-Stop Shop (EVOSS) portal, an *Application* dated 03 May 2024, seeking the <sup>op</sup>

Commission's approval for authority to develop, own and/or operate the dedicated point-to-point limited facilities to connect the 280 MW<sub>p</sub>/224 MW San Isidro Solar Power Plant Project to the Visayas Grid via direct connection to the existing 230kV Tabango Substation for the interim connection, and proposed 230kV Tugas Substation of the National Grid Corporation of the Philippines (NGCP) for the final connection, with prayer for provisional authority and/or interim relief and confidential treatment of information.

The pertinent allegations in the said *Application* are hereunder quoted, as follows:

#### THE APPLICANT

1. SISPC is a corporation duly organized and existing by virtue of and under the laws of the Republic of the Philippines, with principal office address at Unit 1, 9th Floor, ORE Central Tower, 31st St., cor. 9th Ave., Bonifacio Global City, Taguig City, 1634, Philippines.

*Copies of: [1] SISPC's Certificate of Incorporation, [2] SISPC's Articles of Incorporation, [3] SISPC's By-Laws, and [4] latest General Information Sheet, are attached hereto as Annexes "A," "B," "C," and "D," respectively, and made integral parts hereof.*

2. SISPC may be served orders and other processes through the undersigned counsel.

#### NATURE OF THE APPLICATION

3. This Application is submitted to this Honorable Commission pursuant to Section 9(f) of Republic Act No. 9136 otherwise known as the *Electric Power Industry Reform Act of 2001* ("EPIRA"),<sup>1</sup> Rule 5, Section 5(a)(i) of the EPIRA Implementing Rules and Regulations,<sup>2</sup> and Section 4.2 of *ap*

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<sup>1</sup> Section 9. Functions and Responsibilities.

xxx

(f) xxx

A generation company may develop and own or operate dedicated point-to-point limited transmission facilities that are consistent with the TDP: *Provided*, That such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC:

xxx

<sup>2</sup> Section 5. Dedicated Point-to-Point Limited Transmission Facility of a Generation Company.

- (a) Subject to prior authorization from ERC, TRANSCO or its Buyer or Concessionaire may allow a Generation Company to develop, own and/or operate dedicated point-to-point limited transmission facilities; *Provided*, That:

Resolution No. 23 Series of 2016 or the *Resolution Adopting Amended Rules on the Definition and Boundaries of Connection Assets for Customers of Transmission Providers*<sup>3</sup> for its consideration and approval of SISPC's proposed development, ownership, and operation of interconnection facilities that shall connect the 280 MW<sub>p</sub> / 224 MW San Isidro Solar Power Plant Project ("San Isidro SPP Project"), which is located in the Municipality of San Isidro in the Province of Leyte, to the Visayas Grid via direct connection to the proposed Tugas 230kV Substation of the National Grid Corporation of the Philippines ("NGCP") (the "Dedicated Facility Project"). The San Isidro SPP Project shall be implemented in two (2) stages.

- 3.1. The interim stage involves first connecting the San Isidro SPP Project via direct connection to NGCP's existing Tabango 230 kV Substation.
- 3.2. While at the final stage of the Dedicated Facility Project, San Isidro SPP Project shall be connected via direct connection to the proposed 230kV Tugas Substation of the NGCP.

*A copy of the Secretary's Certificate dated 5 April 2024 authorizing the construction and operation of the Dedicated Facility Project, authorizing the filing of the instant Application, and appointing the authorized representative/s therefor, is attached hereto as Annex "E" and made an integral part hereof.*

#### STATEMENT OF FACTS

4. SISPC is a wholly owned subsidiary of Greenlight Renewables Holding, Inc. and is a corporation primarily authorized to engage in the business of developing, constructing, and operating solar power plants, and generating, transmitting, and/or supplying energy derived from solar power.
5. Pursuant to its primary purpose, SISPC is engaged in the business of harnessing solar energy and producing and ap

(i) Such dedicated point-to-point limited transmission facilities are required only for the purpose of connecting to the Grid which will be used solely by the Generation Facility, and are not used to serve End-users or Suppliers directly.

<sup>3</sup> 4.2. Connection Assets for Generation Customers of Transmission Provider

Connection Assets for generation customers of Transmission Provider include those assets from the last Single Mechanical Connection of a User System or Equipment of a Generation Company, at its Connection Point, to the last Single Mechanical Connection which is not shared with another Customer within the Grid.

xxx

A Generation Company may develop and own or operate a dedicated point-to-point limited facilities provided, that such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC.

generating electricity from solar energy and other renewable energy sources, including expanded operation of solar energy and other renewable energy supply base and the generation and co-generation of electric power, as well as the supply and consolidation of the electric power demand of end-users as well as to carry on all services incident and/or ancillary to the above purpose which includes without limitation, the construction, assembly, testing, commissioning, operation, maintenance, rehabilitation and management of solar power generation systems, sub-stations and related facilities and equipment[.] Thus, SISPC is involved in the development, construction, operation, and ownership of the San Isidro SPP Project, which is targeted to commence commercial operations by 2025.

6. TOTAL Power, Inc. ("TPI") was initially the duly registered Renewable Energy Developer of Solar Energy Resources located in San Isidro and Calubian, Leyte, which was covered by Solar Energy Service Contract ("SESC") No. 2018-11-491 that took effect on 06 November 2019. On 20 June 2023, TPI and SISPC entered into an assignment agreement of even date, which provides that all rights and obligations attributable to the same SESC are assigned to SISPC. On 10 May 2023, the Department of Energy ("DOE"), through a Letter to the President of TPI, granted the request for approval of assignment/transfer of the SESC from TPI to SISPC. Further, DOE recognizes that TPI guarantees the performance by SISPC of all obligations under the SESC.

*Copies of: [1] SISPC's Certificate of Registration with Registration No. SESC 2018-11-491-AFI dated 10 May 2023, issued by the DOE; [2] Total Power Inc.'s Certificate of Registration with Registration No. SESC 2018-11-491 dated 06 November 2019, issued by the DOE; [3] Solar Energy Service Contract with SESC No. 2018-11-491 dated 06 November 2019, issued by the DOE; [4] DOE Letter dated 10 May 2023 regarding the assignment of Solar Energy Contract No. 2018-11491; [5] Project Brief and Project Rationale for the Connection Scheme; [6] Summary of relevant dates; [7] Environmental Compliance Certificate ("ECC") for the San Isidro SPP, issued by the Department of Environment and Natural Resources ("DENR") dated 06 December 2022; and [8] ECC Assignment to SISPC dated 16 June 2023 are attached hereto as Annexes "F," "F-1," "F-2," "F-3," "G," "H," "I," and "I-1," respectively, and made integral parts hereof.*

7. On 5 April 2024, the DOE issued the Certificate of Endorsement to SISPC certifying that its application with the ERC to develop, own, and operate the Dedicated Facility and to connect the San Isidro SPP to the grid is consistent with the provisions of Section 9 of the EPIRA.

*A copy of the DOE Certificate of Endorsement DOE-EPIMB-ERCP2P No. 2024-04-0017 dated 5 April 2024 is attached hereto as Annex "J," and made an integral part hereof.*

8. On 07 December 2022, in a letter to TPI of even date, the DOE granted the request of TPI for approval of the transition of the SESC from Pre-Development to Development Stage with a capacity of 280.000 MW<sub>p</sub> / 224.000 MW as well as the Declaration of Commerciality. Additionally, the DOE issued a Certificate of Confirmation of Commerciality in favor of TPI in relation to the San Isidro SPP Project. This serves as notice to proceed for the construction and installation of the San Isidro SPP Project.

*Copies of the: [1] DOE Letter on the Confirmation of Commerciality dated 7 December 2022, and [2] TPI's Certificate of Confirmation of Commerciality dated 7 December 2022, issued by the DOE are attached hereto as Annexes "K," and "L," respectively, and made integral parts hereof.*

9. In order to test, commission, and dispatch electricity from the San Isidro SPP Project, SISPC shall develop and construct a dedicated point-to-point facility, which will connect the San Isidro SPP Project to the Visayas Grid via a direct connection to the existing 230kV Tabango Substation of the NGCP using an approximately 22-kilometer ("km") connection line and will utilize a double circuit 1-795 MCM conductors on steel towers as the interim connection scheme ("Interim Connection").
10. Upon completion of the upcoming Tugas Substation, SISPC shall connect the San Isidro SPP Project to the Visayas Grid via direct connection through a 19 km connection line to the upcoming Tugas 230kV Substation with an estimated time of completion of 2030 ("Final Connection"). In a Letter dated 3 May 2024, NGCP advised SISPC that there is no final site for the Tugas 230kV Cable Terminal Station/Switching Station ("Tugas SWS") and provided SISPC information relating to the three (3) short-listed site options for the Tugas SWS. Depending on the final location of the Tugas SWS, SISPC will need to construct an additional eighteen (18) to forty (40) towers from Tower 67 of its Interim Connection in order to connect to the Tugas SWS.

*Copies of the: [1] Interconnection Project Description, [2] NGCP Letter dated 3 May 2024, and [3] Single Line Diagram of the Dedicated Facility Project are attached hereto as Annexes "M," "M-1," and "N," respectively, and made integral parts hereof.*

11. The estimated cost of the construction of the Interim Connection for the Dedicated Facility Project is PhP1,659,459,838.59 The breakdown of the estimated cost is as follows:

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**ERC CASE NO. 2024-020 MC**  
**NOTICE OF VIRTUAL HEARING/ 27 JUNE 2024**  
**PAGE 6 OF 13**

Description	Amount (in PhP)
Design and Supply of Equipment for Substation, Switchyard and Transmission Line	1,145,022,607.10
Installation of Equipment for Substation and Switchyard (SISPP S/S and Tabango S/S)	175,863,878.61
Installation of Equipment for Transmission Line System	338,573,352.88
<b>Total</b>	<b>PhP1,659,459,838.59</b>

On the other hand, the estimated cost of the construction of the Final Connection for the Dedicated Facility Project is as follows:

Description	Amount (in PhP) Site No. 7 (11.4 kms distance of TL from Tower 67 of Interim Connection)
<b>General Requirements</b>	<b>30,240,000.00</b>
<b>Transmission Line System</b>	<b>494,967,060.00</b>
<b>Tugas 230 kV Substation</b>	<b>327,678,832.00</b>
<b>Total</b>	<b>PhP852,885,892.00</b>

For the estimated cost of the Final Connection, the 11.4 km site option was used to calculate the costs.

*Copies of the detailed breakdown of the [1] Dedicated Facility Project Cost Estimate for the Interim Connection and [2] Dedicated Facility Project Cost Estimate for the Final Connection are attached hereto as Annexes "O" and "O-1" and made integral parts hereof.*

- 11.1. The Dedicated Facility Project will be exclusively funded by SISPC and will, therefore, not impact on any regulated charges. The said costs will be subject to reimbursement after validation by NGCP.
12. SISPC considered the only feasible option to connect the San Isidro SPP Project to the grid. Thus, SISPC respectfully submits that the Dedicated Facility Project is the only viable option for connecting the San Isidro SPP Project in view of its proximity to the existing Tabango Substation and the proposed Tugas Substation, and because of the lower operating cost that SISPC will incur using the proposed Dedicated Facility Project. The Dedicated Facility Project is the most cost-effective and viable option for the immediate connection of the San Isidro SPP Project to the Visayas Grid.
  - 12.1. The construction of the Dedicated Facility Project, including civil and electromechanical works, may be completed approximately by 2024.



*Copies of the: [1] Conceptual Engineering Design and Drawing for Dedicated Facility Project, and the [2] Gantt Chart for the construction of the Dedicated Facility Project are attached hereto as Annexes "P," and "Q," respectively, and made integral parts hereof.*

13. The Dedicated Facility Project shall be constructed by TBEA Subic, Inc. and the supply of Equipment shall be provided by Xinte Energy Co. Ltd., both contractors of SISPC.

*Copies of the [1] overview of SISPC's contractors for the Dedicated Facility Project, copies of the Company Profiles of [2] TBEA Subic, Inc. and [3] Xinte Energy Co., Ltd., including matrices of its ongoing and completed projects, [4] Philippine Contractors Accreditation Board ("PCAB") Contractor's License of TBEA Subic, Inc., and [5] proof of application for the renewal of the PCAB License are attached hereto as Annex "R," "R-1," "R-2," "R-3," and "R-4," respectively, and made an integral parts hereof.*

14. In January 2023, the NGCP performed a System Impact Study ("SIS") to determine the impact of connecting the San Isidro SPP Project, with a capacity of 280 MW<sub>p</sub> / 224 MW, to the Visayas grid and evaluate the technical feasibility of the Dedicated Facility Project. The connection of the San Isidro SPP Project to the Visayas grid was found to be technically feasible through the Dedicated Facility Project.
15. SIPSC has verbally confirmed with NGCP that no re-run of the SIS is necessary at this point. On 21 March 2024, SISPC requested NGCP to provide a written confirmation that no re-run of the SIS is necessary.
16. On 23 April 2024, SISPC received a Certification of even date from NGCP confirming that the SIS of the San Isidro SPP Project is valid until the year 2024.

*Copies of the: [1] SIS dated January 2023, [2] NGCP SIS Final Report for the 280 MW<sub>p</sub> / 224 MW San Isidro SPP Project dated 9 March 2023, [3] SISPC email to NGCP requesting for confirmation that no re-run is required and [4] NGCP Certification dated 23 April 2024 are attached hereto as Annexes "S," "T," "T-1," and "T-2," respectively, and made integral parts hereof.*

17. SISPC also engaged N. S. YMASA Power System Consultancy to conduct the Interconnection Facilities Study ("Facilities Study") to ensure that the equipment to be installed will satisfy the recommendation of the SIS, and that the Dedicated Facility Project complies with the provisions of the Philippine Grid Code (PGC). On 14 November 2023, the NGCP issued a Facilities Study Report for the 280 MW<sub>p</sub> / 224 MW San Isidro SPP Project recommending that the San Isidro SPP Project connect to the Visayas grid via a direct connection to the existing 230 kV Tabango Substation of the NGCP using an approximately 22 km connection line and will utilize a double.

circuit 1-795 MCM conductors on steel towers as the interim connection scheme.

*Copies of the: [1] Facilities Study for the 280 MW<sub>p</sub> / 224 MW<sub>AC</sub> San Isidro SPP Project; and [2] Facilities Study Report the 280 MW<sub>p</sub> / 224 MW San Isidro SPP Project, issued by the NGCP on 14 November 2023 are attached hereto as Annexes "U" and "V," and made integral parts hereof.*

18. The San Isidro SPP Project has been considered in NGCP's Transmission Development Plan ("TDP"). In a Letter dated 29 April 2024, SISPC received a Certification of even date from NGCP confirming that the San Isidro SPP Project is included in the formulation of the TDP 2023-2040 as indicative power plant project.

*A copy of the NGCP Letter dated 29 April 2024 is attached hereto as Annex "W," and made an integral part hereof.*

19. On 11 March 2024, the NGCP issued a letter to SISPC in relation to the status of the Connection Agreement of the San Isidro SPP Project. In said Letter, the NGCP stated that SISPC and NGCP have already agreed, in principle, to the general terms and conditions of the Connection Agreement and are about to finalize the same.

*A copy of the Letter dated 11 March 2024 from the NGCP is attached hereto as Annex "X" and made an integral part hereof.*

20. In addition, SISPC is in the process of securing a Transmission Service Agreement ("TSA") and Metering Service Agreement ("MSA") from the NGCP for the interconnection of the San Isidro SPP Project to the Visayas grid through the Dedicated Facility Project. On 8 March 2024, NGCP issued a letter to SISPC stating that SISPC and NGCP are in the process of securing the TSA and MSA for the San Isidro SPP Project.

*A copy of NGCP's letter dated 8 March 2024 addressed to SISPC stating that NGCP and SISPC are in the process of securing a TSA and MSA is attached hereto as Annex "Y" and made an integral part hereof.*

21. Upon completion of the Dedicated Facility Project and the commercial operation of the San Isidro SPP Project, SISPC intends to engage NGCP for the operation, service, and maintenance (O&M) services of the Dedicated Facility Project.

*Copies of the [1] SISPC's letter dated 21 March 2024 addressed to the NGCP requesting for a certification that NGCP is capable of providing the O&M services for the Dedicated Facility Project and [2] Email dated 21 March 2024 to NGCP are hereto attached as Annex "Z," and "Z-1" and made integral parts hereof.*

22. As of date, SISPC has secured or is in the process of securing the necessary permits, licenses, and authority from the appropriate regulatory agencies for the Dedicated Facility Project.

*A copy of the sworn statement of SISPC's authorized representative dated 27 March 2024, attesting to the fact that SISPC has obtained or will obtain all the necessary permits from all concerned agencies that may have an interest in the Dedicated Facility Project is hereto attached as Annex "AA" and made an integral part hereof.*

23. In light of the foregoing, SISPC respectfully seeks the confirmation and approval of the Honorable Commission that the Dedicated Facility Project is the most viable option for the connection of the San Isidro SPP Project to the Visayas Grid.

**ALLEGATIONS IN SUPPORT OF PRAYER FOR PROVISIONAL  
AUTHORITY AND/OR INTERIM RELIEF**

24. Republic Act No. 9513, also known as the Renewable Energy Act of 2008 ("RE Act") aims to accelerate the development of the country's renewable energy resources and increase the utilization of renewable energy, it is in the interest of the government to help Renewable Energy developers, such as SISPC, to achieve commerciality and commence operations at the soonest practicable time. In order to provide additional capacity to the Visayas grid in 2025, there is a need for SISPC to commence operations by 2025. Needless to state, the construction of the Dedicated Facility Project is a prerequisite for the testing and commissioning, and ultimately, the commercial operations of the San Isidro SPP Project. A provisional authority and/ or interim relief is thus urgently needed to enable SISPC to achieve the target commercial operations date of the San Isidro SPP Project by 2025.
25. Additionally, the RE Act has declared it the policy of the State to: "[a]ccelerate the exploration and development of renewable energy resources such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the country's dependence on fossil fuels and thereby minimize the country's exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy."<sup>4</sup> It is in support of this policy that SISPC was established to develop solar power generation.

*A copy of the Affidavit dated 27 March 2024 executed by SISPC's authorized representative in support of the prayer for issuance of provisional authority and/ or interim relief is*

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<sup>4</sup> Section 2(a), Republic Act 9513.

hereto attached as Annex "BB" and made an integral part hereof.

26. Considering the foregoing, SISPC submits that there is clear and sufficient basis for the issuance of a provisional authority and/ or interim relief for the development, ownership, and operation of the Dedicated Facility Project by SISPC to connect the San Isidro SPP Project to the Visayas Grid, pending the Honorable Commission's issuance of a final decision on the instant Application.

**ALLEGATIONS IN SUPPORT OF PRAYER FOR TREATMENT OF CONFIDENTIAL INFORMATION**

27. SISPC respectfully requests that the information contained in the following documents be treated as confidential information pursuant to Rule 4 of the Honorable Commission's Revised Rules of Practice and Procedure:

ANNEX	CONFIDENTIAL DOCUMENTS
O	Detailed breakdown of the Dedicated Facility Project Cost Estimate for the Interim Connection
O-1	Detailed breakdown of the Dedicated Facility Project Cost Estimate for the Final Connection

28. These documents pertain to sensitive information regarding SISPC's pricing strategies and project cost breakdown, which, if disclosed to the public, might adversely affect SISPC's competitiveness. Thus, the information contained in those documents fall within the bounds of proprietary "trade secrets" which are entitled to protection under the Constitution, statutes, and rules and regulations of this Honorable Commission.
29. In the case of *Air Philippines Corporation vs. Pennswell, Inc.*<sup>5</sup>, the Supreme Court had the opportunity to discuss the definition of "trade secrets" and the great extent to which the same are protected by our laws. The Supreme Court has held in other instances that the confidential nature of trade secrets protects such from disclosure even in the face of the right inspection given to stockholders<sup>6</sup> or the constitutional right to information.<sup>7</sup> Information which falls within the definition of a trade secret as defined by jurisprudence is clearly information which merits the confidential treatment provided for under Rule 4 of the ERC Revised Rules of Practice and Procedure.
30. Thus, in an Order dated 18 February 2021 in ERC Case No. 2020-004MC,<sup>8</sup> the Honorable Commission ruled that the

<sup>5</sup> GR No. 172835, 13 December 2007.

<sup>6</sup> *Philpotts v. Philippine Manufacturing Company*, 40 Phil. 471 (1919).

<sup>7</sup> *Garcia v. Board of Investments*, G.R. No. 88637 (1989).

<sup>8</sup> Entitled "In the Matter of the Application for Authority to Develop, Own and Operate Dedicated Point to Point Limited Distribution Facilities, to Connect the 50MW San Miguel Solar Project to the Distribution System of the Manila Electric Company".

contents of the Distribution Impact Study, Distribution Asset Study, and Cost Analysis have proprietary value and contain valuable and sensitive commercial matters regarding the business operations of the generating company, and thus should be treated confidential.

31. In view thereof, SISPC respectfully requests that the documents marked Annexes "O" and "O-1" be treated as confidential during the pendency of this Application and any time thereafter, and that these be used solely for the purpose of evaluating this Application. SISPC also respectfully moves for the issuance of a protective order pursuant to Rule 4 of the ERC Revised Rules of Practice and Procedure.
32. In view of all the foregoing, Applicant respectfully submits the instant Application for the Honorable Commission's urgent and utmost consideration.

**PRAYER**

WHEREFORE, premises considered, Applicant SAN ISIDRO SOLAR POWER CORP. respectfully prays that the Honorable Commission:

1. **ISSUE** an Order granting provisional authority and/ or interim relief for the implementation of the development, ownership, and operation of the Dedicated Facility Project by SISPC to connect the San Isidro SPP Project to the Visayas Grid;
2. **DECLARE** the information contained in Annexes "O" and "O-1" as **CONFIDENTIAL INFORMATION**;
3. **ISSUE** a **PROTECTIVE ORDER** pursuant to Rule 4 of the ERC Revised Rules of Practice and Procedure, including:
  - 3.1. guidelines for the protection of Annexes "O" and "O-1" and information contained therein pursuant to Rule 4 of the ERC Revised Rules of Practice and Procedure; and
  - 3.2. procedures to be observed in handling Annexes "O" and "O-1" and information contained therein upon the close of these proceedings and its return/delivery to SISPC within the purview of Rule 4 of the ERC Rules of Practice and Procedure.
4. After hearing on the merits, **APPROVE** the instant Application.

Other just and equitable reliefs are likewise prayed for.

The Commission hereby sets the instant *Application* for hearing for determination of compliance with the jurisdictional requirements, expository presentation, and Pre-Trial Conference<sup>9</sup> on **01 August 2024 (Thursday) at nine o'clock in the morning (9:00 A.M.)**, through **MS Teams Application** as the online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020,<sup>10</sup> and Resolution No. 01, Series of 2021 (ERC Revised Rules of Practice and Procedure).<sup>11</sup>

Any interested stakeholder may submit its comments and/or clarifications **at least one (1) calendar day** prior to the scheduled virtual hearing, via electronic mail (e-mail) at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph). The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

Moreover, any person who has an interest in the subject matter of the instant case may become a party by filing with the Commission via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnishing the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), a verified Petition to Intervene **at least five (5) calendar days** prior to the date of the initial virtual hearing. The verified Petition must follow the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure, indicating therein the docket number and title of the case and state the following:

- 1) The petitioner's name, mailing address, and e-mail address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.<sup>12</sup>

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<sup>9</sup> In the Commission's *Advisory* dated 26 July 2023, the Commission adopted the Summary Proceedings in accordance with Rule 17 of the Commission's Revised Rules of Practice and Procedure (ERC Revised RPP) in the filing, processing and evaluation of the applications for authority to develop and own or operate dedicated point-point limited transmission facilities, in the following instances: (1) Applications without intervenors, or uncontested applications; and (2) Applications with intervenors, provided all parties have agreed to subject the application to summary proceedings. Under the said summary proceedings and in accordance with Rule 17 of the ERC Revised RPP, the Applicant's presentation of evidence is through the submission and offering of the affidavits of its witnesses and other pieces of evidence within the time allowed by the Commission.

<sup>10</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

<sup>11</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.



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**NOTICE OF VIRTUAL HEARING/ 27 JUNE 2024**  
**PAGE 13 OF 13**

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Likewise, all other persons who may want their views known to the Commission with respect to the subject matter of the case may file through e-mail at [docket@erc.ph](mailto:docket@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), their Opposition or Comment **at least five (5) calendar days** prior to the initial virtual hearing. Rule 9 of the ERC Revised Rules of Practice and Procedure shall govern. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name, mailing address, and e-mail address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All interested parties filing their Petition to Intervene, Opposition or Comment are required to submit the hard copies thereof through personal service, registered mail, or ordinary mail/private courier, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgement receipt e-mail sent by the Commission.

Any of the persons mentioned in the preceding paragraphs may access the copy of the *Application* on the Commission's official website at [www.erc.gov.ph](http://www.erc.gov.ph).

Finally, all interested persons may be allowed to join the scheduled virtual hearing by providing the Commission, through [legal.virtualhearings@erc.ph](mailto:legal.virtualhearings@erc.ph), their respective e-mail addresses and indicating therein the case number of the instant *Application*. The Commission will send the access link to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

**WITNESS**, the Honorable Commissioners **ALEXIS M. LUMBATAN, CATHERINE P. MACEDA, FLORESINDA G. BALDO-DIGAL** and **MARKO ROMEO L. FUENTES**, Energy Regulatory Commission, this 27<sup>th</sup> day of June 2024 in Pasig City.

  
**MONALISA C. DIMALANTA**  
Chairperson and CEO *ajf*

**ERC**

Office of the Chairperson and CEO



MCD2024-017725

LS:   
LS: ONR/LSP/KTB

Republic of the Philippines  
ENERGY REGULATORY COMMISSION  
Pasig City

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO DEVELOP, OWN, AND/OR OPERATE THE DEDICATED POINT-TO-POINT LIMITED FACILITIES TO CONNECT THE 280 MW<sub>p</sub>/224 MW SAN ISIDRO SOLAR POWER PLANT PROJECT TO THE VISAYAS GRID VIA DIRECT CONNECTION TO THE EXISTING 230KV TABANGO SUBSTATION FOR THE INTERIM CONNECTION, AND PROPOSED 230KV TUGAS SUBSTATION OF THE NATIONAL GRID OF THE PHILIPPINES FOR THE FINAL CONNECTION, WITH PRAYER FOR PROVISIONAL AUTHORITY AND/OR INTERIM RELIEF AND CONFIDENTIAL TREATMENT OF INFORMATION

Office of the Vice Governor

Received

By: Rebecca  
Date: 7/10/24  
Time: 11:35 AM

ERC CASE NO. 2024-020 MC

SAN ISIDRO SOLAR  
POWER CORP.,

*Applicant.*

X-----X

Promulgated:  
June 27, 2024

**ORDER**

On 24 May 2024, San Isidro Solar Power Corp. (SISPC) filed, through the Energy Virtual One-Stop Shop (EVOSS) portal, an *Application* dated 03 May 2024, seeking the Commission's approval for authority to develop, own and/or operate the dedicated point-to-point limited facilities to connect the 280 MW<sub>p</sub>/224 MW San Isidro <sup>Corp</sup>

Solar Power Plant Project to the Visayas Grid via direct connection to the existing 230kV Tabango Substation for the interim connection, and proposed 230kV Tugas Substation of the National Grid Corporation of the Philippines (NGCP) for the final connection, with prayer for provisional authority and/or interim relief and confidential treatment of information.

The pertinent allegations in the said *Application* are hereunder quoted, as follows:

#### THE APPLICANT

1. SISPC is a corporation duly organized and existing by virtue of and under the laws of the Republic of the Philippines, with principal office address at Unit 1, 9th Floor, ORE Central Tower, 31st St., cor. 9th Ave., Bonifacio Global City, Taguig City, 1634, Philippines.

*Copies of: [1] SISPC's Certificate of Incorporation, [2] SISPC's Articles of Incorporation, [3] SISPC's By-Laws, and [4] latest General Information Sheet, are attached hereto as Annexes "A," "B," "C," and "D," respectively, and made integral parts hereof.*

2. SISPC may be served orders and other processes through the undersigned counsel.

#### NATURE OF THE APPLICATION

3. This Application is submitted to this Honorable Commission pursuant to Section 9(f) of Republic Act No. 9136 otherwise known as the *Electric Power Industry Reform Act of 2001* ("EPIRA"),<sup>1</sup> Rule 5, Section 5(a)(i) of the EPIRA Implementing Rules and Regulations,<sup>2</sup> and Section 4.2 of *app*

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<sup>1</sup> Section 9. Functions and Responsibilities.

xxx

(f) xxx

A generation company may develop and own or operate dedicated point-to-point limited transmission facilities that are consistent with the TDP: *Provided*, That such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC:

xxx

- 2 Section 5. Dedicated Point-to-Point Limited Transmission Facility of a Generation Company.
  - (a) Subject to prior authorization from ERC, TRANSCO or its Buyer or Concessionaire may allow a Generation Company to develop, own and/or operate dedicated point-to-point limited transmission facilities; *Provided*, That:

Resolution No. 23 Series of 2016 or the *Resolution Adopting Amended Rules on the Definition and Boundaries of Connection Assets for Customers of Transmission Providers*<sup>3</sup> for its consideration and approval of SISPC's proposed development, ownership, and operation of interconnection facilities that shall connect the 280 MW<sub>P</sub> / 224 MW San Isidro Solar Power Plant Project ("San Isidro SPP Project"), which is located in the Municipality of San Isidro in the Province of Leyte, to the Visayas Grid via direct connection to the proposed Tugas 230kV Substation of the National Grid Corporation of the Philippines ("NGCP") (the "Dedicated Facility Project"). The San Isidro SPP Project shall be implemented in two (2) stages.

- 3.1. The interim stage involves first connecting the San Isidro SPP Project via direct connection to NGCP's existing Tabango 230 kV Substation.
- 3.2. While at the final stage of the Dedicated Facility Project, San Isidro SPP Project shall be connected via direct connection to the proposed 230kV Tugas Substation of the NGCP.

*A copy of the Secretary's Certificate dated 5 April 2024 authorizing the construction and operation of the Dedicated Facility Project, authorizing the filing of the instant Application, and appointing the authorized representative/s therefor, is attached hereto as Annex "E" and made an integral part hereof.*

#### STATEMENT OF FACTS

4. SISPC is a wholly owned subsidiary of Greenlight Renewables Holding, Inc. and is a corporation primarily authorized to engage in the business of developing, constructing, and operating solar power plants, and generating, transmitting, and/or supplying energy derived from solar power.
5. Pursuant to its primary purpose, SISPC is engaged in the business of harnessing solar energy and producing and <sup>op</sup>

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(i) Such dedicated point-to-point limited transmission facilities are required only for the purpose of connecting to the Grid which will be used solely by the Generation Facility, and are not used to serve End-users or Suppliers directly.

<sup>3</sup> 4.2. Connection Assets for Generation Customers of Transmission Provider

Connection Assets for generation customers of Transmission Provider include those assets from the last Single Mechanical Connection of a User System or Equipment of a Generation Company, at its Connection Point, to the last Single Mechanical Connection which is not shared with another Customer within the Grid.

XXX

A Generation Company may develop and own or operate a dedicated point-to-point limited facilities provided, that such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC.

generating electricity from solar energy and other renewable energy sources, including expanded operation of solar energy and other renewable energy supply base and the generation and co-generation of electric power, as well as the supply and consolidation of the electric power demand of end-users as well as to carry on all services incident and/or ancillary to the above purpose which includes without limitation, the construction, assembly, testing, commissioning, operation, maintenance, rehabilitation and management of solar power generation systems, sub-stations and related facilities and equipment[.] Thus, SISPC is involved in the development, construction, operation, and ownership of the San Isidro SPP Project, which is targeted to commence commercial operations by 2025.

6. TOTAL Power, Inc. ("TPI") was initially the duly registered Renewable Energy Developer of Solar Energy Resources located in San Isidro and Calubian, Leyte, which was covered by Solar Energy Service Contract ("SESC") No. 2018-11-491 that took effect on 06 November 2019. On 20 June 2023, TPI and SISPC entered into an assignment agreement of even date, which provides that all rights and obligations attributable to the same SESC are assigned to SISPC. On 10 May 2023, the Department of Energy ("DOE"), through a Letter to the President of TPI, granted the request for approval of assignment/transfer of the SESC from TPI to SISPC. Further, DOE recognizes that TPI guarantees the performance by SISPC of all obligations under the SESC.

*Copies of: [1] SISPC's Certificate of Registration with Registration No. SESC 2018-11-491-AFI dated 10 May 2023, issued by the DOE; [2] Total Power Inc.'s Certificate of Registration with Registration No. SESC 2018-11-491 dated 06 November 2019, issued by the DOE; [3] Solar Energy Service Contract with SESC No. 2018-11-491 dated 06 November 2019, issued by the DOE; [4] DOE Letter dated 10 May 2023 regarding the assignment of Solar Energy Contract No. 2018-11491; [5] Project Brief and Project Rationale for the Connection Scheme; [6] Summary of relevant dates; [7] Environmental Compliance Certificate ("ECC") for the San Isidro SPP, issued by the Department of Environment and Natural Resources ("DENR") dated 06 December 2022; and [8] ECC Assignment to SISPC dated 16 June 2023 are attached hereto as Annexes "F," "F-1," "F-2," "F-3," "G," "H," "I," and "I-1," respectively, and made integral parts hereof.*

7. On 5 April 2024, the DOE issued the Certificate of Endorsement to SISPC certifying that its application with the ERC to develop, own, and operate the Dedicated Facility and to connect the San Isidro SPP to the grid is consistent with the provisions of Section 9 of the EPIRA

*A copy of the DOE Certificate of Endorsement DOE-EPIMB-ERCP2P No. 2024-04-0017 dated 5 April 2024 is attached hereto as Annex "J," and made an integral part hereof.*

8. On 07 December 2022, in a letter to TPI of even date, the DOE granted the request of TPI for approval of the transition of the SESC from Pre-Development to Development Stage with a capacity of 280.000 MW<sub>p</sub> / 224.000 MW as well as the Declaration of Commerciality. Additionally, the DOE issued a Certificate of Confirmation of Commerciality in favor of TPI in relation to the San Isidro SPP Project. This serves as notice to proceed for the construction and installation of the San Isidro SPP Project.

*Copies of the: [1] DOE Letter on the Confirmation of Commerciality dated 7 December 2022, and [2] TPI's Certificate of Confirmation of Commerciality dated 7 December 2022, issued by the DOE are attached hereto as Annexes "K," and "L," respectively, and made integral parts hereof.*

9. In order to test, commission, and dispatch electricity from the San Isidro SPP Project, SISPC shall develop and construct a dedicated point-to-point facility, which will connect the San Isidro SPP Project to the Visayas Grid via a direct connection to the existing 230kV Tabango Substation of the NGCP using an approximately 22-kilometer ("km") connection line and will utilize a double circuit 1-795 MCM conductors on steel towers as the interim connection scheme ("Interim Connection").
10. Upon completion of the upcoming Tugas Substation, SISPC shall connect the San Isidro SPP Project to the Visayas Grid via direct connection through a 19 km connection line to the upcoming Tugas 230kV Substation with an estimated time of completion of 2030 ("Final Connection"). In a Letter dated 3 May 2024, NGCP advised SISPC that there is no final site for the Tugas 230kV Cable Terminal Station/Switching Station ("Tugas SWS") and provided SISPC information relating to the three (3) short-listed site options for the Tugas SWS. Depending on the final location of the Tugas SWS, SISPC will need to construct an additional eighteen (18) to forty (40) towers from Tower 67 of its Interim Connection in order to connect to the Tugas SWS.

*Copies of the: [1] Interconnection Project Description, [2] NGCP Letter dated 3 May 2024, and [3] Single Line Diagram of the Dedicated Facility Project are attached hereto as Annexes "M," "M-1," and "N," respectively, and made integral parts hereof.*

11. The estimated cost of the construction of the Interim Connection for the Dedicated Facility Project is PhP1,659,459,838.59. The breakdown of the estimated cost is as follows: <sup>ajp</sup>



Description	Amount (in PhP)
Design and Supply of Equipment for Substation, Switchyard and Transmission Line	1,145,022,607.10
Installation of Equipment for Substation and Switchyard (SISPP S/S and Tabango S/S)	175,863,878.61
Installation of Equipment for Transmission Line System	338,573,352.88
<b>Total</b>	<b>PhP1,659,459,838.59</b>

On the other hand, the estimated cost of the construction of the Final Connection for the Dedicated Facility Project is as follows:

Description	Amount (in PhP) Site No. 7 (11.4 kms distance of TL from Tower 67 of Interim Connection)
<b>General Requirements</b>	<b>30,240,000.00</b>
<b>Transmission Line System</b>	<b>494,967,060.00</b>
<b>Tugas 230 kV Substation</b>	<b>327,678,832.00</b>
<b>Total</b>	<b>PhP852,885,892.00</b>

For the estimated cost of the Final Connection, the 11.4 km site option was used to calculate the costs.

*Copies of the detailed breakdown of the [1] Dedicated Facility Project Cost Estimate for the Interim Connection and [2] Dedicated Facility Project Cost Estimate for the Final Connection are attached hereto as Annexes "O" and "O-1" and made integral parts hereof.*

- 11.1. The Dedicated Facility Project will be exclusively funded by SISPC and will, therefore, not impact on any regulated charges. The said costs will be subject to reimbursement after validation by NGCP.
12. SISPC considered the only feasible option to connect the San Isidro SPP Project to the grid. Thus, SISPC respectfully submits that the Dedicated Facility Project is the only viable option for connecting the San Isidro SPP Project in view of its proximity to the existing Tabango Substation and the proposed Tugas Substation, and because of the lower operating cost that SISPC will incur using the proposed Dedicated Facility Project. The Dedicated Facility Project is the most cost-effective and viable option for the immediate connection of the San Isidro SPP Project to the Visayas Grid.
  - 12.1. The construction of the Dedicated Facility Project, including civil and electromechanical works, may be completed approximately by 2024. *ap*

*Copies of the: [1] Conceptual Engineering Design and Drawing for Dedicated Facility Project, and the [2] Gantt Chart for the construction of the Dedicated Facility Project are attached hereto as Annexes "P," and "Q," respectively, and made integral parts hereof.*

13. The Dedicated Facility Project shall be constructed by TBEA Subic, Inc. and the supply of Equipment shall be provided by Xinte Energy Co. Ltd., both contractors of SISPC.

*Copies of the [1] overview of SISPC's contractors for the Dedicated Facility Project, copies of the Company Profiles of [2] TBEA Subic, Inc. and [3] Xinte Energy Co., Ltd., including matrices of its ongoing and completed projects, [4] Philippine Contractors Accreditation Board ("PCAB") Contractor's License of TBEA Subic, Inc., and [5] proof of application for the renewal of the PCAB License are attached hereto as Annex "R," "R-1," "R-2," "R-3," and "R-4," respectively, and made an integral parts hereof.*

14. In January 2023, the NGCP performed a System Impact Study ("SIS") to determine the impact of connecting the San Isidro SPP Project, with a capacity of 280 MW<sub>p</sub> / 224 MW, to the Visayas grid and evaluate the technical feasibility of the Dedicated Facility Project. The connection of the San Isidro SPP Project to the Visayas grid was found to be technically feasible through the Dedicated Facility Project.
15. SIPSC has verbally confirmed with NGCP that no re-run of the SIS is necessary at this point. On 21 March 2024, SISPC requested NGCP to provide a written confirmation that no re-run of the SIS is necessary.
16. On 23 April 2024, SISPC received a Certification of even date from NGCP confirming that the SIS of the San Isidro SPP Project is valid until the year 2024.

*Copies of the: [1] SIS dated January 2023, [2] NGCP SIS Final Report for the 280 MW<sub>p</sub> / 224 MW San Isidro SPP Project dated 9 March 2023, [3] SISPC email to NGCP requesting for confirmation that no re-run is required and [4] NGCP Certification dated 23 April 2024 are attached hereto as Annexes "S," "T," "T-1," and "T-2," respectively, and made integral parts hereof.*

17. SISPC also engaged N. S. YMASA Power System Consultancy to conduct the Interconnection Facilities Study ("Facilities Study") to ensure that the equipment to be installed will satisfy the recommendation of the SIS, and that the Dedicated Facility Project complies with the provisions of the Philippine Grid Code (PGC). On 14 November 2023, the NGCP issued a Facilities Study Report for the 280 MW<sub>p</sub> / 224 MW San Isidro SPP Project recommending that the San Isidro SPP Project connect to the Visayas grid via a direct connection to the existing 230 kV Tabango Substation of the NGCP using an approximately 22 km connection line and will utilize a double.

circuit 1-795 MCM conductors on steel towers as the interim connection scheme.

*Copies of the: [1] Facilities Study for the 280 MW<sub>P</sub> / 224 MW<sub>AC</sub> San Isidro SPP Project; and [2] Facilities Study Report the 280 MW<sub>P</sub> / 224 MW San Isidro SPP Project, issued by the NGCP on 14 November 2023 are attached hereto as Annexes "U" and "V," and made integral parts hereof.*

18. The San Isidro SPP Project has been considered in NGCP's Transmission Development Plan ("TDP"). In a Letter dated 29 April 2024, SISPC received a Certification of even date from NGCP confirming that the San Isidro SPP Project is included in the formulation of the TDP 2023-2040 as indicative power plant project.

*A copy of the NGCP Letter dated 29 April 2024 is attached hereto as Annex "W," and made an integral part hereof.*

19. On 11 March 2024, the NGCP issued a letter to SISPC in relation to the status of the Connection Agreement of the San Isidro SPP Project. In said Letter, the NGCP stated that SISPC and NGCP have already agreed, in principle, to the general terms and conditions of the Connection Agreement and are about to finalize the same.

*A copy of the Letter dated 11 March 2024 from the NGCP is attached hereto as Annex "X" and made an integral part hereof.*

20. In addition, SISPC is in the process of securing a Transmission Service Agreement ("TSA") and Metering Service Agreement ("MSA") from the NGCP for the interconnection of the San Isidro SPP Project to the Visayas grid through the Dedicated Facility Project. On 8 March 2024, NGCP issued a letter to SISPC stating that SISPC and NGCP are in the process of securing the TSA and MSA for the San Isidro SPP Project.

*A copy of NGCP's letter dated 8 March 2024 addressed to SISPC stating that NGCP and SISPC are in the process of securing a TSA and MSA is attached hereto as Annex "Y" and made an integral part hereof.*

21. Upon completion of the Dedicated Facility Project and the commercial operation of the San Isidro SPP Project, SISPC intends to engage NGCP for the operation, service, and maintenance (O&M) services of the Dedicated Facility Project.

*Copies of the [1] SISPC's letter dated 21 March 2024 addressed to the NGCP requesting for a certification that NGCP is capable of providing the O&M services for the Dedicated Facility Project and [2] Email dated 21 March 2024 to NGCP are hereto attached as Annex "Z," and "Z-1" and made integral parts hereof.*

*ajp*

22. As of date, SISPC has secured or is in the process of securing the necessary permits, licenses, and authority from the appropriate regulatory agencies for the Dedicated Facility Project.

*A copy of the sworn statement of SISPC's authorized representative dated 27 March 2024, attesting to the fact that SISPC has obtained or will obtain all the necessary permits from all concerned agencies that may have an interest in the Dedicated Facility Project is hereto attached as Annex "AA" and made an integral part hereof.*

23. In light of the foregoing, SISPC respectfully seeks the confirmation and approval of the Honorable Commission that the Dedicated Facility Project is the most viable option for the connection of the San Isidro SPP Project to the Visayas Grid.

**ALLEGATIONS IN SUPPORT OF PRAYER FOR PROVISIONAL  
AUTHORITY AND/OR INTERIM RELIEF**

24. Republic Act No. 9513, also known as the Renewable Energy Act of 2008 ("RE Act") aims to accelerate the development of the country's renewable energy resources and increase the utilization of renewable energy, it is in the interest of the government to help Renewable Energy developers, such as SISPC, to achieve commerciality and commence operations at the soonest practicable time. In order to provide additional capacity to the Visayas grid in 2025, there is a need for SISPC to commence operations by 2025. Needless to state, the construction of the Dedicated Facility Project is a prerequisite for the testing and commissioning, and ultimately, the commercial operations of the San Isidro SPP Project. A provisional authority and/ or interim relief is thus urgently needed to enable SISPC to achieve the target commercial operations date of the San Isidro SPP Project by 2025.
25. Additionally, the RE Act has declared it the policy of the State to: "[a]ccelerate the exploration and development of renewable energy resources such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the country's dependence on fossil fuels and thereby minimize the country's exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy."<sup>4</sup> It is in support of this policy that SISPC was established to develop solar power generation.

*A copy of the Affidavit dated 27 March 2024 executed by SISPC's authorized representative in support of the prayer for issuance of provisional authority and/ or interim relief is*

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<sup>4</sup> Section 2(a), Republic Act 9513.

hereto attached as Annex "BB" and made an integral part hereof.

26. Considering the foregoing, SISPC submits that there is clear and sufficient basis for the issuance of a provisional authority and/ or interim relief for the development, ownership, and operation of the Dedicated Facility Project by SISPC to connect the San Isidro SPP Project to the Visayas Grid, pending the Honorable Commission's issuance of a final decision on the instant Application.

**ALLEGATIONS IN SUPPORT OF PRAYER FOR TREATMENT OF CONFIDENTIAL INFORMATION**

27. SISPC respectfully requests that the information contained in the following documents be treated as confidential information pursuant to Rule 4 of the Honorable Commission's Revised Rules of Practice and Procedure:

ANNEX	CONFIDENTIAL DOCUMENTS
O	Detailed breakdown of the Dedicated Facility Project Cost Estimate for the Interim Connection
O-1	Detailed breakdown of the Dedicated Facility Project Cost Estimate for the Final Connection

28. These documents pertain to sensitive information regarding SISPC's pricing strategies and project cost breakdown, which, if disclosed to the public, might adversely affect SISPC's competitiveness. Thus, the information contained in those documents fall within the bounds of proprietary "trade secrets" which are entitled to protection under the Constitution, statutes, and rules and regulations of this Honorable Commission.
29. In the case of *Air Philippines Corporation vs. Pennswell, Inc.*<sup>5</sup>, the Supreme Court had the opportunity to discuss the definition of "trade secrets" and the great extent to which the same are protected by our laws. The Supreme Court has held in other instances that the confidential nature of trade secrets protects such from disclosure even in the face of the right inspection given to stockholders<sup>6</sup> or the constitutional right to information.<sup>7</sup> Information which falls within the definition of a trade secret as defined by jurisprudence is clearly information which merits the confidential treatment provided for under Rule 4 of the ERC Revised Rules of Practice and Procedure.
30. Thus, in an Order dated 18 February 2021 in ERC Case No. 2020-004MC,<sup>8</sup> the Honorable Commission ruled that the *ap*

<sup>5</sup> GR No. 172835, 13 December 2007.

<sup>6</sup> *Philpotts v. Philippine Manufacturing Company*, 40 Phil. 471 (1919).

<sup>7</sup> *Garcia v. Board of Investments*, G.R. No. 88637 (1989).

<sup>8</sup> Entitled "In the Matter of the Application for Authority to Develop, Own and Operate Dedicated Point to Point Limited Distribution Facilities, to Connect the 50MW San Miguel Solar Project to the Distribution System of the Manila Electric Company".

contents of the Distribution Impact Study, Distribution Asset Study, and Cost Analysis have proprietary value and contain valuable and sensitive commercial matters regarding the business operations of the generating company, and thus should be treated confidential.

31. In view thereof, SISPC respectfully requests that the documents marked Annexes "O" and "O-1" be treated as confidential during the pendency of this Application and any time thereafter, and that these be used solely for the purpose of evaluating this Application. SISPC also respectfully moves for the issuance of a protective order pursuant to Rule 4 of the ERC Revised Rules of Practice and Procedure.
32. In view of all the foregoing, Applicant respectfully submits the instant Application for the Honorable Commission's urgent and utmost consideration.

**PRAYER**

WHEREFORE, premises considered, Applicant SAN ISIDRO SOLAR POWER CORP. respectfully prays that the Honorable Commission:

1. ISSUE an Order granting provisional authority and/ or interim relief for the implementation of the development, ownership, and operation of the Dedicated Facility Project by SISPC to connect the San Isidro SPP Project to the Visayas Grid;
2. DECLARE the information contained in Annexes "O" and "O-1" as CONFIDENTIAL INFORMATION;
3. ISSUE a PROTECTIVE ORDER pursuant to Rule 4 of the ERC Revised Rules of Practice and Procedure, including:
  - 3.1. guidelines for the protection of Annexes "O" and "O-1" and information contained therein pursuant to Rule 4 of the ERC Revised Rules of Practice and Procedure; and
  - 3.2. procedures to be observed in handling Annexes "O" and "O-1" and information contained therein upon the close of these proceedings and its return/delivery to SISPC within the purview of Rule 4 of the ERC Rules of Practice and Procedure.
4. After hearing on the merits, APPROVE the instant Application.

Other just and equitable reliefs are likewise prayed for.



Finding the said *Application* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for hearing for determination of compliance with the jurisdictional requirements, expository presentation, and Pre-Trial Conference<sup>9</sup> on **01 August 2024 (Thursday) at nine o'clock in the morning (9:00 A.M.)**, through **MS Teams Application** as the online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020,<sup>10</sup> and Resolution No. 01, Series of 2021 (ERC Revised Rules of Practice and Procedure).<sup>11</sup>

**RELATIVE THERETO**, SISPC is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* once (1x) in a newspaper of nationwide circulation in the Philippines at its own expense, at least ten (10) days before the date of the scheduled initial hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the Municipal Mayor, and Local Government Unit (LGU) legislative bodies of the area affected by the project for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within the affected area, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled hearing thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire to send their duly  
*ap*

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<sup>9</sup> In the Commission's *Advisory* dated 26 July 2023, the Commission adopted the Summary Proceedings in accordance with Rule 17 of the Commission's Revised Rules of Practice and Procedure (ERC Revised RPP) in the filing, processing and evaluation of the applications for authority to develop and own or operate dedicated point-point limited transmission facilities, in the following instances: (1) Applications without intervenors, or uncontested applications; and (2) Applications with intervenors, provided all parties have agreed to subject the application to summary proceedings. Under the said summary proceedings and in accordance with Rule 17 of the ERC Revised RPP, the Applicant's presentation of evidence is through the submission and offering of the affidavits of its witnesses and other pieces of evidence within the time allowed by the Commission.

<sup>10</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

<sup>11</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

authorized representatives and attend the scheduled hearing; and

- 5) Furnish with copies of the *Application* and its attachments, except those subject of a motion for confidential treatment of information, all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

**Within ten (10) calendar days** prior to the date of the initial virtual hearing, SISPC must submit to the Commission through the EVOSS portal and via electronic mail (e-mail) at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), the scanned copies of its written compliance with the aforementioned jurisdictional requirements attaching the following methodically arranged and duly marked:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavit of the Editor or Business Manager of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issue of the said newspaper;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayor, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by SISPC to inform the consumers within the affected area of the filing of the *Application*, its reasons therefor, and of the scheduled hearing thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, the COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application* and its attachments, except those subject of a motion for confidential treatment of information, by all those making requests therefor, if any; and <sup>oip</sup>

- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, SISPC is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Offices of the Governor, Mayor, and LGU legislative bodies, and to submit proof of posting thereof.

Applicant SISPC and all interested parties are also required to submit via e-mail at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), at least **five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor, which should also be attached to the Pre-Trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

Applicant SISPC must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission at least **five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference pursuant to the preceding paragraph.

Failure of SISPC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing.

Applicant SISPC must also be prepared to make an expository presentation of the instant *Application*, aided by whatever communication medium that it may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Application*.

*ajp*

Relevant information and pertinent details substantiating the reasons and justifications for the *Application* must be cited in support thereof.

Applicant SISPC is hereby directed to file a copy of its Expository Presentation via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), **at least five (5) calendar days** prior to the scheduled virtual hearing. Applicant shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, **at least five (5) calendar days** prior to the scheduled virtual hearing.

Applicant SISPC is further directed to submit, through personal service, registered mail, or ordinary mail/private courier, one (1) set of the original or certified true hard copies of its Jurisdictional Compliance, Expository Presentation, Pre-Trial Brief, and Judicial Affidavits of witnesses, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission.

Finally, Applicant SISPC, including its authorized representatives and witnesses, is hereby directed to provide the Commission, through [legal.virtualhearings@erc.ph](mailto:legal.virtualhearings@erc.ph), their e-mail addresses upon receipt of this *Order*. The Commission will send the access link to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

**SO ORDERED.**

Pasig City, 27 June 2024.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

*Medimalanta*  
MONALISA C. DIMALANTA  
Chairperson and CEO *ap*

*LS*  
LS: CNR/LSP/KTB

**ERC**  
Office of the Chairperson and CEO



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**COPY FURNISHED:**

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8. **Office of the City Mayor**  
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9. **Office of the Local Government Unit (LGU) Legislative Body**  
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10. **Office of the Municipal Mayor**  
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11. **Office of the Local Government Unit (LGU) Legislative Body**  
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