

Item No.: 15
Date: 09 2024 JUL

REPUBLIC OF THE PHILIPPINES
ENERGY REGULATORY COMMISSION
JADE DRIVE, PASIG CITY

IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF THE EMERGENCY POWER
SUPPLY AGREEMENT BETWEEN
ENERGY DEVELOPMENT
CORPORATION AND EASTERN
SAMAR ELECTRIC
COOPERATIVE, INC., WITH
MOTION FOR CONFIDENTIAL
TREATMENT OF INFORMATION,



ERC CASE NO. 2024-035 RC

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

Applicants.

X-----X

**JUDICIAL AFFIDAVIT OF WITNESS
AYESA GRACE D. ABING**

Purposes of the Testimony:

The testimony of the witness is being offered for the following purposes:

To prove that:

1. She is an employee of the Eastern Samar Electric Cooperative, Inc. (ESAMELCO);
2. She is the Corporate Planning Division Chief of ESAMELCO;

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Judicial Affidavit of Atty. Jose Michael Edwin S. Amancio

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3. She will testify on the circumstances that lead to the emergency power situation and justification thereof for the issuance of the Certificate of Exemption by the Department of Energy (“DOE”);
4. The existence and details of the Emergency Power Supply Agreement (“EPSA”) executed between ESAMELCO and EDC on 24 October 2022 (“Emergency Power Supply Agreement”);
5. The necessity and approval of the emergency power supply agreement between ESAMELCO and EDC to ensure continuous and reliable electricity for ESAMELCO's member-consumer-owners (MCOs) during the said emergency power situation;
6. The correctness and accuracy of the EPSA rate impact;
7. ESAMELCO's compliance with DOE Department Circular No. DC2021-09-0030 (“DOE CSP Rules”) particularly on the negotiated procurement of emergency power supply;
8. She will testify that Board President Reynaldo S. Gerna was duly authorized by the Board of Directors of ESAMELCO to file the instant application with the Honorable Commission;
9. He caused the compliances to the jurisdictional requirements of the Honorable Commission;
10. The witness will identify documents and testify on such other matters relevant and pertinent to this Joint Application;

I, **AYESA GRACE D. ABING**, a Filipino, of legal age, with office address at ESAMELCO Main Office, Brgy. Cabong, Borongan City, Eastern Samar, after having been duly sworn to in accordance with law, do hereby depose and say, as follows:

That, I hereby certify under oath that I was examined by Atty. Tyrone Jan Albao at our office in ESAMELCO Main Office, Cabong, Borongan City, Eastern Samar on 13 May 2024; that the questions asked of me are in English, a language known to me and to the said lawyer; that I answered the questions truthfully; that I am fully conscious that I am under oath; and with full

knowledge that I may face criminal liability for false testimony or perjury; and that the following are the questions asked of me with answers, to wit:

1. Q: Please state your name and personal circumstances

A: I am Ayesa Grace D. Abing, of legal age, single, Filipino, with office address at ESAMELCO Main Office, Brgy. Cabong, Borongan City, Eastern Samar. I am the Corporate Planning Division Chief of ESAMELCO.

2. Q: You said that you are the Corporate Planning Division Chief of ESAMELCO. What are your duties and responsibilities as such?

A: As Corporate Planning Division Chief of ESAMELCO, my duties and responsibilities includes the following:

a. I was principally involved in the preparation of the technical evaluation and financial evaluation of ESAMELCO's application for the approval of the emergency power sales agreement with EDC;

b. I am in-charge in preparing monthly operating report for transmission and distribution system; and

c. Perform other tasks that may be assigned to me from time to time by the General Manager;

3. Q: Can you briefly discuss ESAMELCO as an entity?

A: ESAMELCO is a non-stock, non-profit electric cooperative organized and existing under and by virtue of PD No. 269, as amended, with principal address Cabong, Borongan City, Eastern Samar. ESAMELCO has a franchise to distribute electricity in the City of Borongan and to all the municipalities in Eastern Samar Province.

4. Q: Can you briefly describe the power supply and demand situation in ESAMELCO's franchise area?

A: In 2021, the power requirement of ESAMELCO was 20.78 MW and in 2022, power requirement was 21.88MW. Last 8 July 2021, we requested a seven (7) months extension from 26 December 2021 to 25 July 2022 for our 4MW contract and last 13 August 2021, we requested an increase in contract to 12MW effective 26 September 2021 to 25 July 2022. In the last quarter of 2021, ESAMELCO joined the Region 8 Electric Cooperatives in preparing for the conduct of CSP for its short term – baseload and RPS requirement.

Last December 26, 2021, GNPD commenced supply of 15 MW.

Considering that the 15 MW GNPD supply is deficient of 7 MW to meet the 21.88 MW demand of ESAMELCO, last February 1, 2022 ESAMELCO sent a request for extension of the CSEE from February 2022 to July 2022 and an additional request for extension of 1 year from July 2022 meantime that ESAMELCO is undergoing CSP for its power supply requirement.

In April 2022, PSALM commenced to re-supply the requested extension of 4 MW. However, they supplied only until July 2022.

5. Q: What is your proof of the demand and supply scenario of ESAMELCO?

A: I have here the ESAMELCO Write up on Demand Side Management marked as Exhibit "CC and series", ESAMELCO Supply Demand Scenario - Monthly, ESAMELCO Load Curve marked as Exhibit "X and series".

I also have here other technical documents that illustrate the entire electric distribution operation of ESAMELCO.

6. Q: What are those documents?

A: I have here the ESAMELCO's reliability indices which include the SAIFI and SAIDI for 2021 and Historical SAIFI and SAIDI marked as Exhibit "EE", ESAMELCO Transmission Service Agreement with NGCP marked as Exhibit "P and P-1", the ESAMELCO Single Line Diagram Connection marked as

Exhibit "L", Write Up on TSC marked as Exhibit "Q", ESAMELCO's Power Supply Procurement Plan and Distribution Development Plan marked as Exhibit "FF", the Potential For a Reduction marked as Exhibit "Y" and the WESM Registration of ESAMELCO marked as Exhibit "BB".

MANIFESTATION: The foregoing documentary exhibits identified by the witness in her answers to question no. 5 and 6 have already been pre-marked during the pre-trial conference, Your Honor. We pray that the markings of the said documents be retained.

7. Q: On account of the impending emergency power situation, what did ESAMELCO do, if any?

A: In June 2022, ESAMELCO wrote a letter to DOE and requested for the issuance of Certificate of Exemption pursuant to DOE Department Circular No. DC2018-02-0003, as amended by DC2021-09-0030 marked as Exhibit "Q".

8. Q: Were you issued with a Certificate of Exemption?

A: Yes sir. We were issued Certificate of Exemption No. COE-CSP-2022-08-036 dated August 31, 2022 by the DOE.

9. Q: I am showing you Certification with No. COE-CSP-2022-08-036 attached to the records and pre-marked as Exhibit "N". Is this the same document you are referring to?

A: Yes.

MANIFESTATION: The Certification with No. COE-CSP-2022-08-036 dated 31 August 2022 issued by the Department of Energy has already been pre-marked as Exhibit "N" for the applicants. We would like to retain the said marking, Your Honor.

10. Q: After you secured the COE, what did you do next?

A: ESAMELCO and EDC executed the emergency power supply agreement for the contracted capacity of 2MW.

11. Q: Have you come across the EPSA subject of the present Joint Application?

A: Yes sir. I have here the EPSA executed between ESAMELCO and EDC.

12. Q: What is the relation of this document to the one attached to the records as Annex "M" in the Joint Application filed with the Honorable Commission?

A: It is the same document.

MANIFESTATION: The Emergency Power Supply Agreement between ESAMELCO and EDC dated 24 October 2022 has already been pre-marked as Exhibit "M" for the applicants. We would like to retain the said marking, Your Honor.

13. Q: Who was authorized to sign the EPSA?

A: It was our Board President Reynaldo S. Gerna who was authorized to sign the EPSA.

14. Q: What proof do you have that he was authorized to sign the EPSA?

A: I have here a copy of Board Resolution No. 59, Series of 2023 authorizing our Board President, Mr. Gerna, to sign the EPSA on behalf of ESAMELCO.

15. Q: On page 25 of the said EPSA, there is a signature on top of the name Reynaldo S. Gerna. Are you familiar with the said signature?

A: Yes sir. That is the signature of ESAMELCO's Board President Reynaldo S. Gerna.

16. Q: Why do you know that it is his signature?

A: Because I have come across many documents signed by him in my many years with ESAMELCO. I was also present when she affixed that signature.

MANIFESTATION: We pray for additional marking, Your Honor, that the printed name and signature of ESAMELCO Board President Reynaldo S. Gerna on page 25 of the EPSA be bracketed and marked as **Exhibit “M-3”** for the applicants.

17. Q: What are the salient features of the EPSA?

A: Under the EPSA, EDC shall supply power to ESAMELCO for the term of the Cooperation Period, or unless sooner terminated pursuant to the EPSA, with a Contracted Capacity of 2MW.

With regards to the supply of electricity, EDC shall make available to ESAMELCO the Contracted Capacity from the Power Plant and/or Other Sources throughout the duration of the Cooperation Period, subject to Section 2.2.1 of the EPSA. The Parties agree that EDC shall have no obligation to supply more than the Contracted Capacity to ESAMELCO. ESAMELCO shall submit to EDC the week-ahead and day-ahead Daily Generation Schedule. ESAMELCO shall purchase and EDC shall supply, for each Billing Month in accordance with Nomination and Dispatch Protocol.

ESAMELCO is likewise obliged to purchase the Minimum Contracted Energy throughout the duration of the Cooperation Period.

The supply of electricity by EDC and acceptance by ESAMELCO shall start no later than Initial Delivery Date which shall mark the beginning of the Cooperation Period or such earlier date as the Parties may mutually agree upon in writing, and the satisfaction of the conditions precedent under Section 11 of the EPSA.

With respect to the electricity fees, the same shall refer to 5.8798 PhP/kWh for the billing period August 26, 2022 to December 25, 2022. Beginning January 2023 billing period, the Electricity Fee shall be in accordance with the formula in Schedule 3, multiplied by (a) the Minimum Contracted Energy corresponding for the applicable billing period or (b) BCQ, whichever is higher. In relation to the supply of electricity, it is understood that any

charges, costs, expenses, and fees that may be charged to, incurred and/or assumed by EDC or otherwise imposed by NGCP, any Governmental Authority or any third party, for transmission and/or Ancillary Services and other related services in connection with the delivery of electricity under the EPSA shall be paid by ESAMELCO.

18. Q: After execution of the EPSA, what did you do next?

A: ESAMELCO and EDC filed this Joint Application for the approval of the Emergency Power Supply Agreement and prepared for the pre-filing requirements in compliance with the ERC Rules.

19. Q: In the filing of the instant Joint Application for the approval of the emergency power supply agreement before the Energy Regulatory Commission, who was authorized to do so?

A: It was our Board President Reynaldo S. Gerna who was authorized to file the instant Joint Application.

20. Q: If you know, who authorized him?

A: It was the Board of Directors of ESAMELCO.

21. Q: What is your proof that he was authorized to file the instant Joint Application?

A: I have here Board Resolution No. 59, series of 2023 issued to that effect.

22. Q: What is the relation of this document to the one submitted during the pre-filing of the instant Joint Application with the Honorable Commission?

A: It is the same document.

23. Q: You mentioned that you underwent the filing of the pre-filing requirements as mandated under the ERC Rules. Were you able to comply with the said pre-filing requirements?

A: Yes. In fact, we were issued a certification from the Legal and Technical Division of the ERC of having complied with the pre-filing requirements. The pre-filed documents were also attached to the joint application as Annex A to FF.

24. Q: After having complied with the pre-filing requirements, what did you do next, if any?

A: After EDC paid for the corresponding legal fees, we were issued with the corresponding docket number of the Joint Application.

25. Q: And then, what happened next?

A: Last April 4, 2024, we received an Order and Notice of Virtual Hearing both promulgated on March 22, 2024.

26. Q: If you know, when is the hearing before the Honorable Commission of this Joint Application?

A: The hearing will be on May 16, 2024.

27. Q: What did you do prior to the said hearing, if any?

A: We submitted the jurisdictional requirements in compliance with the order of the ERC.

28. Q: Were you able to comply with the Jurisdictional Requirements?

A: Yes. We filed a Manifestation/Compliance together with the jurisdictional requirements which was duly received by the ERC.

29. Q: What are those jurisdictional requirements that you said you complied with?

A: First is the publication of the Notice of Virtual Hearing in two (2) newspapers for two (2) consecutive weeks in a newspaper of nationwide circulation in the Philippines with the date of publication to be made not later than ten (10) days before the date of the scheduled initial hearing.

30. Q: What is your proof that you complied with the publication in the first newspaper?

A: I have here the Affidavit of Publication dated 23 April 2024 executed by Aldwin M. Tolosa marked as Exhibit “KK”.

I have here a copy of the complete issue of the Business Mirror of the 10 April 2024 issue marked as Exhibit “LL”. The published Notice of Virtual Hearing is found on Page A7 marked as Exhibit “LL-1”.

I have also here a copy of the complete issue of the Business Mirror of the 18 April 2024 issue marked as Exhibit “MM”. The published Notice of Virtual Hearing is found on Page A9 marked as Exhibit “MM-1”.

31. Q: How about for the second newspaper?

A: I have here the Affidavit of Publication dated 18 April 2024 executed by Eden F. Del Rosario marked as Exhibit “NN”.

I have here a copy of the complete issue of the Manila Times of the 10 April 2024 issue marked as Exhibit “OO”. The published Notice of Virtual Hearing is found on Page B5 marked as Exhibit “OO-1”.

I have also here a copy of the complete issue of the Manila Times of the 18 April 2024 issue marked as Exhibit “PP”. The published Notice of Virtual Hearing is found on Page D2 marked as Exhibit “PP-1”.

32. Q: What else, if any, did you do in compliance with the jurisdictional requirements?

A: Copies of the Order and Notice of Virtual Hearing were furnished to the offices of the Governor and Vice Governor of Eastern Samar, Mayors and Vice Mayors of all the municipalities within the franchise area of ESAMELCO, and the City of

Borongan, for the purpose of posting at their respective bulletin boards.

33. Q: What is your proof that copies of the Order and Notice of Virtual Hearing were furnished to their offices for posting?

A: On the front page of these Order and Notice of Virtual Hearing are the marks, date and initials of the staff who received the copies. I also have here the Certificate of Postings issued by the respective LGUs within the franchise area of ESAMELCO.

34. Q: What are those documents?

A: These are the documents as follows:

Exhibit	Document
QQ	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 22 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and the Sangguniang Panlalawigan of the Province of Eastern Samar, the Office of the Mayor and the Sangguniang Panlungsod of Borongan City, and the Office of the Mayors and Sangguniang Bayans of Arteche, Balangiga, Balangkayan, Can-Avid, Dolores, General Macarthur, Giporlos, Guiuan, Hernani, Jipapad, Lawaan, Llorente, Maslog, Maydolong, Mercedes, Oras, Quinapondan, Salcedo, San Julian, San Policarpo, Sulat, and Taft
RR	Certification from the Office of the Governor of Eastern Samar showing that the Order and Notice of Virtual Hearing dated 22 March 2024, was posted on the provincial bulletin board of the Office of the Governor of Eastern Samar
SS	Certification from the Sangguniang Panlalawigan of Eastern Samar showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sanggunian Panlalawigan of Eastern Samar
TT	Certification from the Office of the Mayor of Borongan City showing that the Order and Notice of Virtual Hearing dated

	22 March 2024 was posted on the city bulletin board of the Office of the Mayor of Borongan City
UU	Certification from the Sangguniang Panlungsod of Borongan City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Borongan City
VV	Certification from the Office of the Mayor of Arteche showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Arteche
WW	Certification from the Sangguniang Bayan of Arteche showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Arteche
XX	Certification from the Office of the Mayor of Balangiga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Balangiga
YY	Certification from the Sangguniang Bayan of Balangiga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Balangiga
ZZ	Certification from the Office of the Mayor of Balangkayan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Balangkayan
AAA	Certification from the Sangguniang Bayan of Balangkayan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Balangkayan
BBB	Certification from the Office of the Mayor of Can-Avid showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Can-Avid
CCC	Certification from the Sangguniang Bayan of Can-Avid showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Can-Avid

DDD	Certification from the Office of the Mayor of Dolores showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Dolores
EEE	Certification from the Sangguniang Bayan of Dolores showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Dolores
FFF	Certification from the Office of the Mayor of General Macarthur showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of General Macarthur
GGG	Certification from the Sangguniang Bayan of General Macarthur showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of General Macarthur
HHH	Certification from the Office of the Mayor of Giporlos showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Giporlos
III	Certification from the Sangguniang Bayan of Giporlos showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Giporlos
JJJ	Certification from the Office of the Mayor of Guiuan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Guiuan
KKK	Certification from the Sangguniang Bayan of Guiuan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Guiuan
LLL	Certification from the Office of the Mayor of Hernani showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Hernani

MMM	Certification from the Sangguniang Bayan of Hernani showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Hernani
NNN	Certification from the Office of the Mayor of Jipapad showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Jipapad
OOO	Certification from the Sangguniang Bayan of Jipapad showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Jipapad
PPP	Certification from the Office of the Mayor of Lawaan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Lawaan
QQQ	Certification from the Sangguniang Bayan of Lawaan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Lawaan
RRR	Certification from the Office of the Mayor of Llorente showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Llorente
SSS	Certification from the Sangguniang Bayan of Llorente showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Llorente
TTT	Certification from the Office of the Mayor of Maslog showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Maslog
UUU	Certification from the Sangguniang Bayan of Maslog showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Maslog
VVV	Certification from the Office of the Mayor of Maydolong showing that the Order and Notice of Virtual Hearing dated

	22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Maydolong
WWW	Certification from the Sangguniang Bayan of Maydolong showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Maydolong
XXX	Certification from the Office of the Mayor of Mercedes showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Mercedes
YYY	Certification from the Sangguniang Bayan of Mercedes showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Mercedes
ZZZ	Certification from the Office of the Mayor of Oras showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Oras
AAAA	Certification from the Sangguniang Bayan of Oras showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Oras
BBBB	Certification from the Office of the Mayor of Quinapondan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Quinapondan
CCCC	Certification from the Sangguniang Bayan of Quinapondan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Quinapondan
DDDD	Certification from the Office of the Mayor of Salcedo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Salcedo
EEEE	Certification from the Sangguniang Bayan of Salcedo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Salcedo

FFFF	Certification from the Office of the Mayor of San Julian showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of San Julian
GGGG	Certification from the Sangguniang Bayan of San Julian showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of San Julian
HHHH	Certification from the Office of the Mayor of San Policarpo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of San Policarpo
IIII	Certification from the Sangguniang Bayan of San Policarpo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of San Policarpo
JJJJ	Certification from the Office of the Mayor of Sulat showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Sulat
KKKK	Certification from the Sangguniang Bayan of Sulat showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Sulat
LLLL	Certification from the Office of the Mayor of Taft showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Taft
MMM M	Certification from the Sangguniang Bayan of Taft showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Taft
NNNN	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 22 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and the Sangguniang Panlalawigan of the Province of Leyte, the Office of the Mayor and the Sangguniang Panlungsod of Ormoc, and the Office of the Mayor and Sangguniang Bayan of Kananga

OOOO	Certification from the Office of the Governor of Leyte showing that the Order and Notice of Virtual Hearing dated 22 March 2024, was posted on the provincial bulletin board of the Office of the Governor of Leyte
PPPP	Certification from the Sangguniang Panlalawigan of Leyte showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sanggunian Panlalawigan of Leyte
QQQQ	Certification from the Office of the Mayor of Ormoc City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the city bulletin board of the Office of the Mayor of Ormoc City
RRRR	Certification from the Sangguniang Panlungsod of Ormoc City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Ormoc City
SSSS	Certification from the Office of the Mayor of Kananga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Kananga
TTTT	Certification from the Sangguniang Bayan of Kananga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Bayan of Kananga
UUUU	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 22 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Mayor and the Sangguniang Panlungsod of Pasig City
VVVV	Certification from the Office of the Mayor of Pasig City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the city bulletin board of the Office of the Mayor of Pasig City
WWW W	Certification from the Sangguniang Panlungsod of Pasig City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the Sangguniang bulletin board of the Sangguniang Panlungsod of Pasig City

(Witness handed to this Representation the front pages of several copies of the ERC Order and Notice of Virtual Hearings with markings, as well as the Certificates of Postings issued by the LGUs within the franchise area of ESAMELCO.)

MANIFESTATION: The documents enumerated and identified by the witness in his answer to question no. 34 have already been pre-marked during the pre-trial conference, Your Honor. We would like to retain the said markings.

35. Q: Where else were the copies of the Order and Notice of Virtual Hearing posted, if any?

A: At the Bulletin Board of ESAMELCO main office. It was also posted on ESAMELCO Facebook Account and Website to ensure a wide dissemination of the Order and Notice of Virtual Hearing. In fact, we also posted the jurisdictional requirements, newspaper publications and certifications issued by the LGUs at the Bulletin Board of ESAMELCO.

36. Q: What is your proof?

A: I have here a copy of the Certificate of Posting in the Bulletin Board and the Certificate of Posting on the Facebook and Website issued by ESAMELCO.

MANIFESTATION: The Certificate of Posting in the Bulletin Board and the Certificate of Posting on the Facebook and Website issued by ESAMELCO have already been pre-marked as **Exhibit “BBBBB”** and **Exhibit “XXXX”**, respectively, for the applicants. We would like to retain the said markings, Your Honor.

37. Q: What else, if any, did you do in order to inform consumers within the franchise area?

A: We informed consumers through radio broadcasts within the franchise area.

38. Q: What is your proof that you have done a radio broadcast?

A: I have here a Certificate of Performance informing consumers within ESAMELCO’s Franchise Area.

MANIFESTATION: The Certificate of Performance has already been pre-marked as **Exhibit "ZZZZ"**. We would like to retain the same, Your Honor.

39. Q: If you know, who else checked and verified the veracity of the allegations of the application and the attachments?

A: I also helped verify the veracity of the allegations and documentary attachments of the instant Joint Application.

40. Q: How will the EPSA impact the rates of ESAMELCO?

A: Based on the rate impact analysis marked as Exhibit "K", the EPSA with EDC will result in a Php 0.4238 decrease as shown below: *(Attached as ANNEX "K" in the Joint Application)*

EASTERN SAMAR ELECTRIC COOPERATIVE, INC.
 City: Cabang, Burauen City, Eastern Samar

UNLABELED RATE IMPACT ANALYSIS

WITH THE EPSA

POWER SUPPLIER	Forecasted Average Capacity (MW)	Amount (Php.)	Percent Share (%)	Resulting Capacity Factor (%)	Average Rate (P/kWh)	Weighted Average Rate (P/kWh)
ESPCO	1,720,000.00	58,120,464.00	1.17%	30%	33.8012	
EDC	1,000,000.00	31,111,916.00	1.47%	100%	6.1136	
GENCO	2,250,000.00	75,000,000.00	14.75%	100%	33.3333	
MELCO	5,250,000.00	1,717,500,000.00	94.51%	75%	32.7147	11.6695
TOTAL	11,970,000.00	1,851,542,380.00	100%	76%	33.0894	

POWER SUPPLIER	Forecasted Energy (MWh)	Amount (Php.)	Percent Share (%)	Resulting Capacity Factor (%)	Average Rate (P/kWh)	Weighted Average Rate (P/kWh)
ESPCO	1,720,000.00	58,120,464.00	1.17%	30%	33.8012	
EDC	1,000,000.00	31,111,916.00	1.47%	100%	6.1136	
GENCO	2,250,000.00	75,000,000.00	14.75%	100%	33.3333	
MELCO	5,250,000.00	1,717,500,000.00	94.51%	75%	32.7147	11.6695
TOTAL	11,970,000.00	1,851,542,380.00	100%	76%	33.0894	

Notes:
 Analysis and assumptions based on September 2017 Data
 Generation Capacity Factor for all generating units based on 50% of peak in September 2017 Data

GENERATION RATE IMPACT: -0.4238

41. Q: So do you confirm and affirm the truthfulness of the allegations in the Joint Application and the authenticity of the attachments or annexes?

A: Yes.

42. Q: Was there any person who requested from your office for a copy of the Joint Application or the Order and Notice of Virtual Hearing?

A: There was none.

43. Q: Do you have anything else to add on your statements?

A: None as of the moment.

NO FURTHER QUESTION.

x----- End of Inquiry -----x

Republic of the Philippines)
Province of Leyte) S.S.
City of Tacloban)

AFFIANT'S OATH AND ATTESTATION

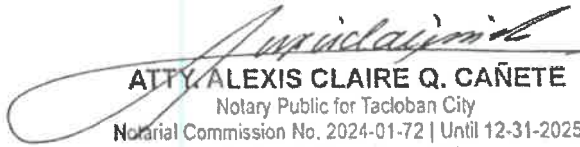
I, **AYESA GRACE D. ABING**, of legal age, with legal capacity and competence to comprehend without any vice of consent, hereby attest to have voluntarily and truthfully made the answers to the foregoing questions.

IN WITNESS WHEREOF, I have hereunto set my hand this day, 17 MAY 2024, in Tacloban City, Philippines.


AYESA GRACE ABING
Affiant

SUBSCRIBED AND SWORN to before me this day, 17 MAY 2024, in Tacloban City, Philippines. Affiant is personally known to the undersigned.

Doc No. 330
Page No. 67
Book No. I
Series of 2024


ATTY. ALEXIS CLAIRE Q. CAÑETE
Notary Public for Tacloban City
Notarial Commission No. 2024-01-72 | Until 12-31-2025
Roll of Attorneys No. 80053
IBP No. 377531 | 12-28-2023 | Leyte
PTR No. 8486109 | 01-02-2024 | Tacloban City
REYES AND ASSOCIATES LAW AND NOTARIAL OFFICE
Justice Romualdez St. corner Sta. Niño St., Tacloban City

Copy furnished:

WRITTEN EXPLANATION

Copy of the foregoing **JUDICIAL AFFIDAVIT** was sent by registered mail with return card due to distance and lack of messengerial service. *(If served personally, please disregard explanation.)*

TYRON JAN G. ALBAO

Republic of the Philippines)
City of Tacloban) S.S.

EXAMINING LAWYER'S ATTESTATION

I, **TYRON JAN G. ALBAO**, Filipino, of legal age, married and a resident of V&G Subdivision, Tacloban City, after having been duly sworn to in accordance with law, do hereby depose and say:


1. That I am the lawyer who conducted and supervised the examination of **AYESA GRACE ABING** at **ESAMELCO Main Office, Borongan City**;
2. That I faithfully recorded or caused to be recorded the questions asked and the corresponding answers that the witness/es gave;
3. That neither I nor any person then present or assisting me coached the witness/es regarding the latter's answer;
4. That any false attestation shall subject this counsel disciplinary action, including disbarment;
5. That this attestation is prepared in compliance with **A.M. 12-8-8-SC** on Judicial Affidavit Rule.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 MAY 2024 in Tacloban City, Philippines.


TYRON JAN G. ALBAO
Roll of Attorneys No. 66859

SUBSCRIBED AND SWORN to before me, a notary public in the City of Tacloban, this 17 MAY 2024. Affiant personally came and appeared with **IBP ID** as competent proof of his identity, known to me as the same person who personally signed the foregoing instrument before me and avowed under the penalty of law to the whole truth of the contents of said instrument.

Doc. No. 331;
Page No. 68;
Book No. J;
Series of 2024.


ATTY. ALEXIS CLAIRE Q. CAÑETE
Notary Public for Tacloban City
Notarial Commission No. 2024-01-72 | Until 12-31-2025
Roll of Attorneys No. 80053
IBP No. 377531 | 12-23-2023 | Leyte
PTR No. 8486100 | 01-21-2014 | Tacloban City
REYES AND ASSOCIATES LAW OFFICE
Justico Building, 1st Floor, 1000 Soledad Street, Tacloban City

REPUBLIC OF THE PHILIPPINES
ENERGY REGULATORY COMMISSION
JADE DRIVE, PASIG CITY

IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF THE EMERGENCY POWER
SUPPLY AGREEMENT BETWEEN
ENERGY DEVELOPMENT
CORPORATION AND EASTERN
SAMAR ELECTRIC
COOPERATIVE, INC., WITH
MOTION FOR CONFIDENTIAL
TREATMENT OF INFORMATION,

ERC CASE NO. 2024-035 RC

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

Applicants.

x-----x

JOINT PRE-TRIAL BRIEF

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

I.

PROPOSED STIPULATION OF FACTS

Applicants proposes the following stipulations by the parties:

1. Applicant ESAMELCO is an electric cooperative duly organized and existing under and by virtue of the laws of the Philippines, with principal office at Barangay Cabong, Real Street, Borongan City, Eastern Samar, Philippines. It is the exclusive franchise holder to own and operate a system for

the distribution of electricity in the Cities/Municipalities of Arteche, Balangiga, Balangakayan, Can-Avid, Borongan City, Dolores, General Macarthur, Giporlos, Guiuan, Hernani, Jipapad, Lawaan, Llorente, Maslog, Maydolong, Mercedes, Oras, Quinapondan, Salcedo, San Julian, San Policarpo, Sulat, Taft, all in the Province of Eastern Samar.

2. Applicant EDC is a generation company duly organized, incorporated and registered under and by virtue of the laws of the Philippines, with principal office at Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City. It owns and operates the approximately 592.33 MW Unified Leyte Geothermal Power Plant located in the Ormoc City and Kananga, Leyte.

3. ESAMELCO is in immediate need of a 2MW contracted capacity for around one (1) year¹. To maintain an uninterrupted and reliable power supply due to a high level of supply deficit of at least 2MW, ESAMELCO decided to source the needed power at affordable and cheaper generation rates to help minimize the exposure of its customer to the volatile Wholesale Electricity Spot Market (“WESM”) prices.

4. Pursuant to Department of Energy (“DOE”) Department Circular 2018-02-003, as amended by DC 2021-09-0030, ESAMELCO is allowed to enter into a negotiated procurement of emergency electric power supply agreements with a generation company for a period not exceeding one (1) year, subject to such terms and conditions provided under Section 2.2.1.2 of DC 2021-09-0030.

5. ESAMELCO wrote to the DOE requesting for the issuance of Certificate of Exemption for a negotiated procurement of 2MW emergency power supply from EDC. The Letter expressed ESAMELCO’s urgent need for supply of electricity due to circumstances beyond the control of ESAMELCO, and the limited time to conduct the said Competitive Selection Process (“CSP”).

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

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

¹ Under the EPSA, the term shall end on the last day of the Cooperation Period, which shall not be later than the date prescribed by the DOE in the Certificate of Exemption; both the EPSA and the Certificate of Exemption provide for the period of 26 August 2022 to 25 August 2023.

8. In response to ESAMELCO's demand, EDC has offered to supply a portion of the emergency electric power supply requirements of ESAMELCO at a rate equivalent to or lower than the ERC-approved generation tariff for the same or similar technology in comparable areas, and ESAMELCO accepted the offer of EDC. Applicants executed the subject Emergency Power Supply Agreement ("EPSA") for the supply of 2MW emergency power supply to ESAMELCO².

II.

ISSUES TO BE RESOLVED

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

III.

DOCUMENTS TO BE PRESENTED

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

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

EXH.	PARTICULARS	PURPOSE
A	Articles of Incorporation and By-laws of ESAMELCO	To show the following: a) ESAMELCO's legal personality and capacity in contracting the obligations under the EPSA; and b) Compliance with the ERC's documentary requirements in filing the Joint Application.
B	List of Board of Directors and Board Members and related ultimate parent company, subsidiaries and affiliates of ESAMELCO	
B-1	Board Resolution of ESAMELCO	
C-series	Certificate of Incorporation of EDC and other relevant past Articles of Incorporation and By-laws	To show the following: a) EDC's legal personality and capacity in contracting the obligations under the EPSA; and b) Compliance with the ERC's documentary requirements in filing the Joint Application.
C-1	Latest Amended Articles of Incorporation of EDC	
C-2	Latest Amended By-laws of EDC	
D	General Information Sheet of EDC	
D-1	Secretary's Certificate of EDC	
D-2	Special Power of Attorney of EDC	
E	Board of Investments Certificate of Registration	To show the following: a) that EDC is a holder of Certificate of Registration from BOI for its Power Plant; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
F	Environmental Compliance Certificate	To show the following: a) that the DENR issued an ECC for EDC's Power Plant; and b) compliance with the ERC's documentary requirements in filing the Joint Application.

G-series	Certificate of Compliance or Provisional Authority to Operate	To show the following: a) that ERC issued a COC and/or PAO to EDC; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
H-series	DOE Certificates of Endorsement	To show the following: a) that DOE issued COE to EDC; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
I*	Renewable Energy Service Contract	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.
J	Certificate of Registration or Certificate of Commerciality	
K	Rate Impact	To show the following: a) the Rate Impact of the EPSA; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
L	Single Line Diagram Connection	To show the following: a) ESAMELCO's Single-Line Diagram Connection; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
M	Emergency Power Supply Agreement between ESAMELCO and EDC	To show the following: a) the existence and due execution of the EPSA entered into by and between EDC and ESAMELCO, and to
M-1	Letter of ESAMELCO and EDC clarifying items in the Emergency Power Supply Agreement	

M-2	Amendment Agreement to the Emergency Power Supply Agreement between ESAMELCO and EDC	prove the terms and conditions thereof; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
N	DOE Certificate of Exemption	To show the following: a) that the DOE issued to ESAMELCO a Certificate of Exemption exempting it from the conduct of the Competitive Selection Process for negotiated procurement of the EPSA with EDC; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
N-1	DOE Amended Certificate of Exemption	
O	Certification in relation to delivery of power in emergency circumstances	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.
P	NGCP Certification on Service Agreements	To show the following: a) ESAMELCO's Transmission Service Agreement with NGCP; b) compliance with the ERC's documentary requirements in filing the Joint Application.
P-1	Transmission Service Agreement between NGCP and ESAMELCO	
Q	Write up on TSC	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.

R	Executive Summary of EPSA	To show the following: a) summary of the terms of the EPSA between EDC and ESAMELCO; b) compliance with the ERC's documentary requirements in filing the Joint Application.
S*	Write up regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses	To show the following: a) EDC's sources of funds, generation rate and derivation, cash flow, and procurement process; and relevant technical and economic characteristics of generation capacity installed capacity, dependable capacity, and outages; b) support the Payment Structure of the PSA; and c) compliance with the ERC's documentary requirements in filing the Joint Application.
T*	Excel computations regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses	
U*	Bank Certifications	
V*	Sworn statement on fuel procurement	
W*	Relevant technical and economic characteristics of generation capacity	
X	Supply Demand Scenario	To show the following: a) ESAMELCO's Supply and Estimation of Potential for Reduction in Load; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
Y	Estimation of Potential for Reduction in Load	
Z	Latest Audited Financial Statements	To show the following: a) EDC's latest audited financial statements; and b) compliance with the ERC's documentary requirements in filing the Joint Application.

AA	Certification of net heat rate	To show the following: a) EDC's net heat rate; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
BB	WESM Registration	To show the following: a) EDC's and ESAMELCO's WESM Registration; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
CC	Write-up on non-applicable items	To show the following: a) that certain documentary requirements are not applicable in the instant Joint Application; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
CC-1	ESAMELCO Write-up on Demand Side Management and Transmission Supply Contract	
CC-2	EDC Sample OR	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.
DD	Water Permit from NWRB	To show the following: a) EDC's Water Permit from the NWRB; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
EE	ESAMELCO's Reliability Indices	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.

FF	PSPP and DDP	To show the following: a) ESAMELCO's PSPP and DDP; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
GG	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Office of the Mayor of Borongan City	To show compliance with ERC's pre-filing requirements
GG-1	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Sangguniang Bayan of Borongan City	
GG-2	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Office of the Governor of Eastern Samar	
GG-3	Affidavit of Service showing that a complete copy of the Application and its annexes were sent to the Sangguniang Panlalawigan of Eastern Samar	
HH	Certification from the Office of the Mayor of Pasig City showing receipt of the Application and its annexes	
HH-1	Certification from the Sangguniang Panlungsod of Pasig City showing receipt of the Application and its annexes	
HH-2	Certification from the Office of the Mayor of Ormoc City showing receipt of the Application and its annexes	
HH-3	Certification from the Sangguniang Panlungsod of Ormoc City showing receipt of the Application and its annexes	

HH-4	Certification from the Office of the Mayor of Kananga showing receipt of the Application and its annexes	-same-	
HH-5	Certification from the Sangguniang Bayan of Kananga showing receipt of the Application and its annexes		
HH-6	Certification from the Office of the Governor of Leyte showing receipt of the Application and its annexes		
HH-7	Certification from the Sangguniang Panlalawigan of Leyte showing receipt of the Application and its annexes		
II	Affidavit of Publication showing that the Application was published in 1 January 2024 issue of The Manila Times		
JJ	Complete copy of the 1 January 2024 issue of The Manila Times		
KK	Affidavit of Publication showing that the Notice of Virtual Hearing dated 22 March 2024 was published in the 10 April 2024 and 18 April 2024 issues of "Business Mirror"		
LL	Complete Copy of the 10 April 2024 issue of "Business Mirror"		
LL-1	The Notice of Virtual Hearing appearing in the 10 April 2024 issue of "Business Mirror"		
MM	Complete Copy of the 18 April 2024 issue of "Business Mirror"		
MM-1	The Notice of Virtual Hearing appearing in the 18 April 2024 issue of "Business Mirror"		
NN	Affidavit of Publication showing that the Notice of Virtual Hearing dated 22 March 2024 was published in the 10 April and 18 April 2024 issues of "The Manila Times"		To show, among others, compliance with the Order dated 22 March 2024, particularly the jurisdictional requirements
OO	Complete Copy of the 10 April 2024 issue of "The Manila Times"		

OO-1	The Notice of Virtual Hearing appearing in the 10 April 2024 issue of "The Manila Times"	-same-
PP	Complete Copy of the 18 April 2024 issue of "The Manila Times"	
PP-1	The Notice of Virtual Hearing appearing in the 18 April 2024 issue of "The Manila Times"	
QQ	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 22 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and the Sangguniang Panlalawigan of the Province of Eastern Samar, the Office of the Mayor and the Sangguniang Panlungsod of Borongan City, and the Office of the Mayors and Sangguniang Bayans of Arteche, Balangkayan, Can-Avid, Dolores, General Macarthur, Guiuan, Hernani, Jipapad, Llorente, Maslog, Maydolong, Mercedes, Oras, Quinapondan, Salcedo, San Julian, San Policarpo, Sulat, and Taft	
QQ-1	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 22 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Mayor and Sangguniang Bayan of Giporlos and Lawaan	
RR	Certification from the Office of the Governor of Eastern Samar showing that the Order and Notice of Virtual Hearing dated 22 March 2024, were posted on the provincial bulletin board of Eastern Samar	

SS	Certification from the Sangguniang Panlalawigan of Eastern Samar showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Eastern Samar	
TT	Certification from the Office of the Mayor of Borongan City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the city bulletin board of Borongan City	
UU	Certification from the Sangguniang Panlungsod of Borongan City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Borongan City	-same-
VV	Certification from the Office of the Mayor of Arteche showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Arteche	
WW	Certification from the Sangguniang Bayan of Arteche showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Arteche	
XX	Certification from the Office of the Mayor of Balangiga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Balangiga	
YY	Certification from the Sangguniang Bayan of Balangiga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Balangiga	

ZZ	Certification from the Office of the Mayor of Balangkayan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Balangkayan	-same-
AAA	Certification from the Sangguniang Bayan of Balangkayan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Balangkayan	
BBB	Certification from the Office of the Mayor of Can-Avid showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Can-Avid	
CCC	Certification from the Sangguniang Bayan of Can-Avid showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Can-Avid	
DDD	Certification from the Office of the Mayor of Dolores showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Dolores	
EEE	Certification from the Sangguniang Bayan of Dolores showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Dolores	
FFF	Certification from the Office of the Mayor of General Macarthur showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of General Macarthur	

GGG	Certification from the Sangguniang Bayan of General Macarthur showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of General Macarthur	-same-
HHH	Certification from the Office of the Mayor of Giporlos showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Giporlos	
III	Certification from the Sangguniang Bayan of Giporlos showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Giporlos	
JJJ	Certification from the Office of the Mayor of Guiuan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Guiuan	
KKK	Certification from the Sangguniang Bayan of Guiuan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Guiuan	
LLL	Certification from the Office of the Mayor of Hernani showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Hernani	
MMM	Certification from the Sangguniang Bayan of Hernani showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Hernani	

NNN	Certification from the Office of the Mayor of Jipapad showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Jipapad	-same-
OOO	Certification from the Sangguniang Bayan of Jipapad showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Jipapad	
PPP	Certification from the Office of the Mayor of Lawaan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Lawaan	
QQQ	Certification from the Sangguniang Bayan of Lawaan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Lawaan	
RRR	Certification from the Office of the Mayor of Llorente showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Llorente	
SSS	Certification from the Sangguniang Bayan of Llorente showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Llorente	
TTT	Certification from the Office of the Mayor of Maslog showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Maslog	

UUU	Certification from the Sangguniang Bayan of Maslog showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Maslog	-same-
VVV	Certification from the Office of the Mayor of Maydolong showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Maydolong	
WWW	Certification from the Sangguniang Bayan of Maydolong showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Maydolong	
XXX	Certification from the Office of the Mayor of Mercedes showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Mercedes	
YYY	Certification from the Sangguniang Bayan of Mercedes showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Mercedes	
ZZZ	Certification from the Office of the Mayor of Oras showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Oras	
AAAA	Certification from the Sangguniang Bayan of Oras showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Oras	

BBBB	Certification from the Office of the Mayor of Quinapondan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Quinapondan	-same-
CCCC	Certification from the Sangguniang Bayan of Quinapondan showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Quinapondan	
DDDD	Certification from the Office of the Mayor of Salcedo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Salcedo	
EEEE	Certification from the Sangguniang Bayan of Salcedo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Salcedo	
FFFF	Certification from the Office of the Mayor of San Julian showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of San Julian	
GGGG	Certification from the Sangguniang Bayan of San Julian showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of San Julian	
HHHH	Certification from the Office of the Mayor of San Policarpo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of San Policarpo	

IIII	Certification from the Sangguniang Bayan of San Policarpo showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of San Policarpo	
JJJJ	Certification from the Office of the Mayor of Sulat showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Sulat	
KKKK	Certification from the Sangguniang Bayan of Sulat showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Sulat	-same-
LLLL	Certification from the Office of the Mayor of Taft showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the municipal bulletin board of Taft	
MMMM	Certification from the Sangguniang Bayan of Taft showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Taft	
NNNN	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 22 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and the Sangguniang Panlalawigan of the Province of Leyte, the Office of the Mayor and the Sangguniang Panlungsod of Ormoc, and the Office of the Mayor and Sangguniang Bayan of Kananga	To show, among others, compliance with the Order dated 22 March 2024, particularly the jurisdictional requirements

OOOO	Certification from the Office of the Governor of Leyte showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the provincial bulletin board of Leyte	
PPPP	Certification from the Sangguniang Panlalawigan of Leyte showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Leyte	
QQQQ	Certification from the Office of the Mayor of Ormoc City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the city bulletin board of Ormoc City	
RRRR	Certification from the Sangguniang Panlungsod of Ormoc City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Ormoc City	-same-
SSSS	Certification from the Office of the Mayor of Kananga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the municipal bulletin board of the Office of the Mayor of Kananga	
TTTT	Certification from the Sangguniang Bayan of Kananga showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the sangguniang bulletin board of Kananga	

UUUU	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 22 March 2024 with a request for posting on their respective bulletins board were sent to the Office of the Mayor and the Sangguniang Panlungsod of Pasig City	
VVVV	Certification from the Office of the Mayor of Pasig City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted on the city bulletin board of Pasig City	-same-
WWWW	Certification from the Sangguniang Panlungsod of Pasig City showing that the Order and Notice of Virtual Hearing dated 22 March 2024 was posted on the sangguniang bulletin board of Pasig City	
XXXX	Certificate of Posting from ESAMELCO showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted at the company's website, Facebook page and company's bulletin boards in its main and sub ara offices	
YYYY	Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 22 March 2024 were posted at the company's website and Facebook page	

<p>AAAAA to AAAAA-3</p>	<p>Letters showing that a complete copy of the Application and the Order and Notice of Virtual Hearing dated 22 March 2024 were sent to and duly received by:</p> <ul style="list-style-type: none"> a) Office of the Solicitor General; b) Commission on Audit; c) Committee on Energy, House of Representatives; and d) Committee on Energy, Senate of the Philippines 	<p>To show a) compliance with the Order dated 22 March 2024; and b) that the i) Office of the Solicitor General; ii) Commission on Audit; iii) Committee on Energy of the House of Representatives; and iv) Committee on Energy of the Senate of the Philippines received a complete copy of the Application and the Order and Notice of Virtual Hearing dated 22 March 2024</p>
<p>BBBBB</p>	<p>Certificate of Posting from ESAMELCO showing that the Order and Notice of Virtual hearing dated March 22, 2024 and corresponding jurisdictional requirements were posted at the company's bulletin board</p>	<p>To show a) compliance with the Order dated 22 March 2024; and b) the other means undertaken by the Applicants EDC and ESAMELCO to inform their consumers within their franchise area/area of the Joint Application, its reasons for filing, and the scheduled hearings.</p>
<p>CCCCC</p>	<p>Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 22 March 2024, along with all jurisdictional requirements, were posted at the company's bulletin board</p>	<p>To show a) compliance with the Order dated 22 March 2024; and b) the other means undertaken by the Applicants EDC and ESAMELCO to inform their consumers within their franchise area/area of the Joint Application, its reasons for filing, and the scheduled hearings.</p>

<p style="text-align: center;">DDDDD</p>	<p>Judicial Affidavit of Atty. Jose Michael Edwin S. Amancio</p>	<p>The testimony of the witness is being offered for the following purposes:</p> <ul style="list-style-type: none"> a) to substantiate the material allegations in the Joint Application of EDC and ESAMELCO for the approval of the EPSA dated 24 October 2022, executed by EDC and ESAMELCO; b) To testify on the estimated rate impact of the EPSA on the generation charges of ESAMELCO; c) To prove the necessity and urgency of implementing the EPSA; d) To identify the documentary evidence mentioned in his Judicial Affidavit; and e) To substantiate other matters related and incidental thereto.
<p>DDDDD-1</p>	<p>Signature of Atty. Jose Michael Edwin S. Amancio</p>	<p>To authenticate Exhibit "DDDDD"</p>

<p style="text-align: center;">EEEEEE</p>	<p>Judicial Affidavit of Ms. Ayesa Grace D. Abing</p>	<p>The testimony of the witness is being offered for the following purposes:</p> <p>f) to substantiate the material allegations in the Joint Application of EDC and ESAMELCO for the approval of the EPSA dated 24 October 2022, executed by EDC and ESAMELCO;</p> <p>g) To testify on the estimated rate impact of the EPSA on the generation charges of ESAMELCO;</p> <p>h) To prove the necessity and urgency of implementing the EPSA;</p> <p>i) To identify the documentary evidence mentioned in her Judicial Affidavit; and</p> <p>j) To substantiate other matters related and incidental thereto.</p>
<p>EEEEEE-1</p>	<p>Signature of Ms. Ayesa Grace D. Abing</p>	<p>To authenticate Exhibit "EEEEEE"</p>

FFFFF	Judicial Affidavit of Mr. Bryan C. Carbajal	<p>The testimony of the witness is being offered for the following purposes:</p> <p>a) To testify on the allegations made in the Application, and that he participated in the preparation of the Application and some of the supporting documents;</p> <p>b) To identify the documentary evidence mentioned in his Affidavit in support of the Application; and</p> <p>c) To testify on the i) terms and conditions of the Emergency Power Supply Agreement (“EPSA”) entered into on 24 October 2022; ii) the basis of the tariff/fees under the EPSA and how they are computed; iii) the technical specifications of the power plant.</p>
FFFFF-1	Signature of Mr. Bryan C. Carbajal	To authenticate Exhibit “FFFFF”
GGGGG and GGGGG-1	Hard copy of the expository presentations of EDC and ESAMELCO	To a) show Compliance with the Order dated 22 March 2024 and b) explain in simple terms to the Applicant’s consumers and other concerned parties what the Application is all about
HHHHH and HHHHH-1	Soft copy of the expository presentations of EDC and ESAMELCO	

10. Applicants respectfully reserve the right to present additional documents, exhibits as shall become available for the purposes stated herein and/or for such other purposes necessary or proper in the course of trial or as the exigencies of the proceedings may require.

IV.

WITNESSES TO BE PRESENTED

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

Gist of Testimony

1. To testify on the allegations made in the Application, and that he participated in the preparation of the Application and some of the supporting documents;
2. To identify the documentary evidence mentioned in his Affidavit in support of the Application; and
3. To testify on the i) terms and conditions of the Emergency Power Supply Agreement (“EPSA”) entered into on October 24, 2022; ii) the basis of the tariff/fees under the EPSA and how they are computed; iii) the technical specifications of the power plant.

B. Witness: Atty. Jose Michael Edwin S. Amancio, CPA
General Manager
ESAMELCO

Gist of Testimony

1. To substantiate the material allegations in the Joint Application of EDC and ESAMELCO for the approval of the EPSA dated October 24, 2022, executed by EDC and ESAMELCO;
2. To testify on the estimated rate impact of the EPSA on the generation charges of ESAMELCO;
3. To prove the necessity and urgency of implementing the EPSA;
4. To identify the documentary evidence mentioned in her Affidavit in support of the Application; and
5. To substantiate other matters related and incidental thereto.

C. Witness: Ms. Ayesa Grace D. Abing, CPA
Corplan Division Chief
ESAMELCO

Gist of Testimony

1. To substantiate the material allegations in the Joint Application of EDC and ESAMELCO for the approval of the EPSA dated October 24, 2022, executed by EDC and ESAMELCO;
2. To testify on the estimated rate impact of the EPSA on the generation charges of ESAMELCO;
3. To prove the necessity and urgency of implementing the EPSA;
4. To identify the documentary evidence mentioned in her Affidavit in support of the Application; and
5. To substantiate other matters related and incidental thereto.

RESPECTFULLY SUBMITTED.

Eastern Samar and Pasig City for Pasig City, 17 May 2024.

Counsels for ESAMELCO:



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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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MCLE Compliance No. VII-0001147

Valid until 14 April 2025


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By:

MIGUEL K. MATHAY
ROLL OF ATTORNEYS NO. 43982
MCLE COMPLIANCE NO. VI-0010308; 4/14/2022
PTR NO. 0173785; 01/02/2024
PASIG CITY
IBP NO. 302181; 01/08/2024
RIZAL (RSM)

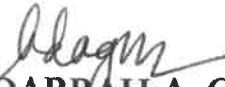

GIANNA MARIA C. COMSTI
ROLL OF ATTORNEYS NO. 63071
MCLE COMPLIANCE NO. VII-0015472; 4/14/2025
PTR NO. 0173730; 01/02/2024
PASIG CITY
IBP NO. 302158; 01/08/2024
RIZAL (RSM)

JOSE ANTONIO S. REYES
ROLL OF ATTORNEYS NO. 62581
MCLE COMPLIANCE NO. VII-0011907; 4/14/2025
PTR NO. 0173734; 01/02/2024
PASIG CITY
IBP Lifetime No. 011794; RSM


REM JOSHUA T. SERRANO
ROLL OF ATTORNEYS NO. 77963
ADMITTED TO THE BAR ON MAY 11, 2022
PTR NO. 0173731; 01/02/2024
PASIG CITY
IBP NO. 302167; 01/08/2024
RIZAL (RSM)



BEATRIZ RAINE L. BAYUDAN
ROLL OF ATTORNEYS NO. 77792
ADMITTED TO THE BAR MAY 10, 2022
PTR NO. 0173728; 01/02/2024
PASIG CITY
IBP NO. 302166; 01/08/2024
RIZAL (RSM)



KEANNA DARRAH A. GRAN
ROLL OF ATTORNEYS NO. 85918
ADMITTED TO THE BAR ON MAY 2, 2023
PTR NO. 0173733; 01/02/2024
PASIG CITY
IBP NO. 302156; 01/08/2024
QUEZON CITY

EXPLANATION

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



KEANNA DARRAH A. GRAN

Copy furnished by registered mail:

Office of the Solicitor General (OSG)

134 Amorsolo Street, Legaspi Village
City of Makati 1229
docket@osg.gov.ph

Commission on Audit (COA)

Commonwealth Avenue
Quezon City 1121
citizensdesk@coa.gov.ph

Senate Committee on Energy

GSIS Building, Roxas Boulevard
Pasay City 1300
senateenergycommittee@gmail.com

REPUBLIC OF THE PHILIPPINES
ENERGY REGULATORY COMMISSION
JADE DRIVE, PASIG CITY

IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF THE EMERGENCY POWER
SUPPLY AGREEMENT BETWEEN
ENERGY DEVELOPMENT
CORPORATION AND EASTERN
SAMAR ELECTRIC
COOPERATIVE, INC., WITH
MOTION FOR CONFIDENTIAL
TREATMENT OF INFORMATION,

ERC CASE NO. 2024-035 RC

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

Applicants.

x-----x

**JUDICIAL AFFIDAVIT OF
BRYAN C. CARBAJAL**

The following is the testimony of **BRYAN C. CARBAJAL**, of legal age, Filipino, with office address at 7/F TGU Tower, Cebu I.T. Park, Lahug, Cebu City 6000.

Atty. Keanna Darrah A. Gran, of legal age, Filipino, with office address at 21st Floor Robinsons-Equitable Tower, 4 ADB Avenue, Ortigas Center, Pasig City, conducted and supervised the examination of the witness through remote communication.

Atty. Gran made clear to me that I am answering the questions under oath and that I may face criminal liability for false testimony or perjury.

Offer of Testimony: The testimony of the witness is being offered for the following purposes:

1. To testify on the allegations made in the Application, and that she participated in the preparation of the Application and some of the supporting documents;
2. To identify the documentary evidence mentioned in his Affidavit in support of the Application; and

3. To testify on the i) terms and conditions of the Emergency Power Supply Agreement (“EPSA”) entered into on 24 October 2022; ii) the basis of the tariff/fees under the EPSA and how they are computed; iii) the technical specifications of the power plant.

Testimony of BRYAN C. CARBAJAL

I, Bryan C. Carbajal, of legal age, Filipino, with office address at 7/F TGU Tower, Cebu I.T. Park, Lahug, Cebu City 6000, after having been duly sworn in accordance with law, hereby depose and state: That –

1. Q: Please state your name and personal circumstances.

A: My name is Bryan C. Carbajal. I am of legal age, Filipino, and with office address at 7/F TGU Tower, Cebu I.T. Park, Lahug, Cebu City 6000. I am the Power Marketing Officer of First Gen Energy Solutions (“FGES”), an affiliate of Applicant Energy Development Corporation.

2. Q: As Power Marketing Officer, what are your duties and responsibilities?

A: As Power Marketing Officer, my duties and responsibilities involve, among others, marketing and contracting of the capacity of power plants of the affiliates of FGES under the First Gen portfolio – including EDC’s power generation units -- to offtakers, by participating and preparing bid offers in the Competitive Selection Process (“CSP”) of Distribution Utilities for their energy supply, as well as the negotiation, execution and implementation of the power supply agreements with said offtakers.

3. Q: Are you aware of ERC Case No. 2024-035 RC, entitled “IN THE MATTER OF THE APPLICATION FOR APPROVAL OF THE EMERGENCY POWER SUPPLY AGREEMENT BETWEEN ENERGY DEVELOPMENT CORPORATION AND EASTERN SAMAR ELECTRIC COOPERATIVE, INC., WITH MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION”, where EDC is one of the Applicants?

A: Yes.

4. Q: Why are you aware of the Application?

A: I was involved in the preparation of the EPSA that was entered into on 24 October 2022, which is the subject matter of the Application.

I also participated in the preparation and/or review of the Application and some of its supporting documents that EDC supplied in connection with the Application.

5. Q: What are the salient terms of the PSA?

A: The salient features of the EPSA, which are in conformity with the Certificate of Exemption issued by the Department of Energy (“DOE”), are as follows:

- 1.1 **Supply of Electricity** – EDC shall make available to ESAMELCO the Contracted Capacity from the Power Plant and/or Other Sources throughout the duration of the Cooperation Period, subject to Section 2.2.1 of the EPSA. The Parties agree that EDC shall have no obligation to supply more than the Contracted Capacity to ESAMELCO. ESAMELCO shall submit to EDC the week-ahead and day-ahead Daily Generation Schedule. ESAMELCO shall purchase and EDC shall supply, for each Billing Month in accordance with Nomination and Dispatch Protocol.
- 1.2 **Purchase of Electricity** – ESAMELCO is obliged to purchase the Minimum Contracted Energy throughout the duration of the Cooperation Period.
- 1.3 **Start of Supply of Electricity** – The supply of electricity by EDC and acceptance by ESAMELCO shall start no later than Initial Delivery Date which shall mark the beginning of the Cooperation Period or such earlier date as the Parties may mutually agree upon in writing, and the satisfaction of the conditions precedent under Section 11 of the EPSA.
- 1.4 **Electricity Fees** – Electricity fees shall refer to 5.8798 PhP/kWh for the billing period August 26, 2022 to December 25, 2022. Beginning January 2023 billing period, the Electricity Fee shall be in accordance with the formula in Schedule 3, multiplied by (a) the Minimum Contracted Energy corresponding for the applicable billing period or (b) BCQ, whichever is higher. In relation to the supply of electricity, it is understood that any charges, costs, expenses, and fees that may be charged to, incurred and/or assumed by EDC or otherwise imposed by NGCP, any Governmental Authority or any third party, for transmission and/or Ancillary Services and other related services in connection with the delivery of electricity under the EPSA shall be paid by ESAMELCO.

6. Q: Could you also enumerate the various supporting documents that were submitted as part of the Application that were supplied by EDC?

A: The following documents were supplied by EDC from its records and attached to the Application:

ANNEX	DOCUMENTS
C-series	Certificate of Incorporation of EDC and other relevant past Articles of Incorporation and By-laws
C-1	Latest Amended Articles of Incorporation of EDC
C-2	Latest Amended By-laws of EDC
D	General Information Sheet of EDC
D-1	Secretary's Certificate of EDC
D-2	Special Power of Attorney of EDC
E	Board of Investments Certificate of Registration
F	Environmental Compliance Certificate
G-series	Certificate of Compliance or Provisional Authority to Operate
H-series	DOE Certificates of Endorsement
I*	Renewable Energy Service Contract
J	Certificate of Registration or Certificate of Commerciality
M	Emergency Power Supply Agreement between ESAMELCO and EDC
M-1	Letter of ESAMELCO and EDC clarifying items in the Emergency Power Supply Agreement
M-2	Amendment Agreement to the Emergency Power Supply Agreement between ESAMELCO and EDC
N	DOE Certificate of Exemption
N-1	DOE Amended Certificate of Exemption
O	Certification in relation to delivery of power in emergency circumstances
P	NGCP Certification on Service Agreements
P-1	Transmission Service Agreement between NGCP and ESAMELCO
R	Executive Summary of EPSA
S*	Write up regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
T*	Excel computations regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
U*	Bank Certifications
V*	Sworn statement on fuel procurement

W*	Relevant technical and economic characteristics of generation capacity
Z	Latest Audited Financial Statements
AA	Certification of net heat rate
BB	WFSM Registration
CC	Write-up on non-applicable items
CC-2	EDC Sample OR
DD	Water Permit from NWRB
HH	Certification from the Office of the Mayor of Pasig City showing receipt of the Application and its annexes
HH-1	Certification from the Sangguniang Panlungsod of Pasig City showing receipt of the Application and its annexes
HH-2	Certification from the Office of the Mayor of Ormoc City showing receipt of the Application and its annexes
HH-3	Certification from the Sangguniang Panlungsod of Ormoc City showing receipt of the Application and its annexes
HH-4	Certification from the Office of the Mayor of Kananga showing receipt of the Application and its annexes
HH-5	Certification from the Sangguniang Bayan of Kananga showing receipt of the Application and its annexes
HH-6	Certification from the Office of the Governor of Leyte showing receipt of the Application and its annexes
HH-7	Certification from the Sangguniang Panlalawigan of Leyte showing receipt of the Application and its annexes
II	Affidavit of Publication showing that the Application was published in 1 January 2024 issue of The Manila Times
JJ	Complete copy of the 1 January 2024 issue of The Manila Times

7. Q: If you are shown the above-mentioned documents, will you be able to identify them?

A: Yes.

8. Q: I am showing you the above-mentioned documents, as submitted with the Joint Application and marked as marked above. Are these the same documents to which you were referring?

A: These are the same documents.

9. Q: Do you attest to the truth and veracity of your statements in this Judicial Affidavit?

A: Yes, I do.

FURTHER AFFIANT SAYETH NAUGHT.


BRYAN C. CARBAJAL
Affiant

SUBSCRIBED AND SWORN to before me this May 10, 2024 at Cebu City, affiant known to me personally, exhibited to me his Philippine Passport expiring on 29 June 2028 as competent evidence of identity

Doc. No. 292;
Page No. 76;
Book No. 1;
Series of 2024.



ATTY. DON LAURENCE B. VILLAESTER, CPA
Notary Public for Cebu City
Notarial Commission No. 183-23
Valid Until 11 December 2024
Roll of Attorneys No. 82502
PTR No. 1233421/01.02.2024/ Cebu City
IBP No. 420657/01.14.2024/ Cebu Province
MCLE Compliance Exempt Pursuant to
MCLE Governing Board Order No. 1 Series of 2008
8/F HM Tower, W. Georzon St., Cebu City, Philippines 6000


ATTESTATION

I, **KEANNA DARRAH A. GRAN**, of legal age, conducted and supervised the examination of the witness and faithfully recorded the questions I asked the witness and his answers thereto through remote communication at the conference room of The Law Firm of Quiason Makalintal with office address at 21st Floor, Robinsons-Equitable Tower, 4 ADB Avenue corner Poveda Street, Ortigas Center, Pasig City, and neither I nor any other person present or assisting coached the witness regarding the latter's answers.


KEANNA DARRAH A. GRAN
Counsel

SUBSCRIBED AND SWORN TO before me, this 10 May 2024 at Pasig City, affiant known to me personally, exhibited to me her Passport P6675649A expiring on 04/04/2028 as competent evidence of identity.

Doc. No. 249;
Page No. 17;
Book No. I;
Series of 2024.


MINDY ROIZA A. PLANILLO
NOTARY PUBLIC
FOR AND IN THE CITY OF PASIG
AND IN THE MUNICIPALITY OF PATEROS
UNTIL DECEMBER 31, 2025
PTR NO. 0173781; 01/02/2024; PASIG CITY
IBPNR 3021012167 (2023); PLS 21 (RSM)
ROLL No. 89986; APPLIC. No. 110-0150-1-12-13-274-2025
21/P Robinsons Equitable Tower, 4 ADB Ave. cor. Poveda St.
1605 Ortigas Center, Pasig City

REPUBLIC OF THE PHILIPPINES
ENERGY REGULATORY COMMISSION
JADE DRIVE, PASIG CITY

IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF THE EMERGENCY POWER
SUPPLY AGREEMENT BETWEEN
ENERGY DEVELOPMENT
CORPORATION AND EASTERN
SAMAR ELECTRIC
COOPERATIVE, INC., WITH
MOTION FOR CONFIDENTIAL
TREATMENT OF INFORMATION,

ERC CASE NO. 2024-035 RC

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

Applicants.

x-----x

JUDICIAL AFFIDAVIT OF WITNESS
ATTY. JOSE MICHAEL EDWIN S. AMANCIO

Purpose of Testimony:

The testimony of this witness is being offered for the following purposes, to wit:

1. To prove that he is the General Manager of Eastern Samar Electric Cooperative, Inc. (*ESAMELCO for brevity*) with office address at ESAMELCO Main Office, Brgy. Cabong, Borongan City, Eastern Samar;
2. To prove that Board President Reynaldo S. Gerna was authorized by the Board of Directors of ESAMELCO to file the Instant Application for

Approval of the Emergency Power Supply Agreement between ESAMELCO and Energy Development Corporation (*EDC for brevity*);

3. To prove the allegations in the application for approval of the Emergency Power Supply Agreement (*EPSA for brevity*) between ESAMELCO and EDC;
 4. To prove the necessity and approval of the Emergency Power Supply Agreement between ESAMELCO and EDC to ensure continuous and reliable electricity for ESAMELCO's member-consumer-owners (MCOs) during the said emergency power situation;
 5. To prove that he caused the compliances to the jurisdictional requirements of the Honorable Commission;
 6. The witness will likewise identify documents and testify on such other matters relevant and pertinent to this Joint Application.
-

I, **ATTY. JOSE MICHAEL EDWIN S. AMANCIO**, of legal age, Filipino, and with office address at ESAMELCO Main Office, Brgy. Cabong, Borongan City, Eastern Samar, after having been duly sworn to in accordance with law, do hereby depose and say, as follows:

That, I hereby certify under oath that I was examined by Atty. Tyron Jan Albao at our office in ESAMELCO Main Office, Brgy. Cabong, Borongan City, Eastern Samar on May 13, 2024; that the questions asked of me are in English, a language known to me and to the said lawyer; that I answered the questions truthfully; that I am fully conscious that I am under oath; and with full knowledge that I may face criminal liability for false testimony or perjury; and that the following are the questions asked of me with answers, to wit:

1. Q: Please state your name and other personal circumstances.

A: I am Atty. Jose Michael Edwin S. Amancio, of legal age, Filipino, with office address at ESAMELCO Main Office, Brgy. Cabong, Borongan City, Eastern Samar. I am currently the General Manager of Eastern Samar Electric Cooperative, Inc. or ESAMELCO.

2. Q: What is your purpose in giving this testimony?

4

A: To substantiate the allegations in the application for approval of the Emergency Power Supply Agreement (EPSA) between ESAMELCO and EDC.

3. **Q:** You mentioned that you are the General Manager of ESAMELCO, what is your proof, if any, of ESAMELCO's legal existence?

A: I have here a copy of ESAMELCO's Articles of Incorporation and By-Laws.

(Witness handed to this Representation a Certified True Copy of the Articles of Incorporation and By-Laws of ESAMELCO.)

4. **Q:** How are these Articles of Incorporation and By-Laws related to the documents attached as Annex A and series in the Joint Application filed with the Honorable Commission?

A: These are the same Articles of Incorporation and By-Laws.

MANIFESTATION: The Certified True Copy of the Articles of Incorporation and By-Laws of ESAMELCO have already been pre-marked as Exhibit "A and A-1", respectively, for the applicants. We would like to retain the said markings, Your Honor.

5. **Q:** You said that you are the General Manager of ESAMELCO. What are your duties and responsibilities as such Mr. Witness?

A: Among my duties and responsibilities as the General Manager is to manage the day-to-day operations of the cooperative, ensure the viability and reliability of the supply of electric power to our franchise area, and to represent ESAMELCO in all its business and legal affairs.

6. **Q:** What is the nature and area of operation of ESAMELCO?

A: ESAMELCO is a duly franchised distribution utility engaged in the distribution of electricity within its franchise areas in Eastern Samar, Philippines, particularly within Borongan City and all the municipalities within Eastern Samar Province.

7. Q: Earlier you mentioned an Application for Approval of the Emergency Power Supply Agreement (EPSA) between ESAMELCO and EDC. Who was authorized to file this application, if you know?

A: Our Board President, Reynaldo S. Gerna, was authorized by the Board of Directors of ESAMELCO, through a board resolution, to file this application and to represent the cooperative in all stages of the proceedings. Also, our lawyers for the cooperative were authorized by the board, through a board resolution, to file the documents to the ERC as well.

8. Q: Who are these lawyers that you mentioned?

A: They are Atty. Albao and Atty. De Oño.

9. Q: What is your proof that Board President Reynaldo S. Gerna was authorized by the Board of Directors of ESAMELCO to file the application?

A: I have here Board Resolution No. 59, series of 2023 issued by the Board of Directors of ESAMELCO appointing the Board President Reynaldo S. Gerna as its authorized representative.

(Witness handed to this Representation Board Resolution No. 59, series of 2023 issued by the Board of Directors of ESAMELCO.)

MANIFESTATION: The Board Resolution No. 59, series of 2023 issued by the Board of Directors of ESAMELCO has already been pre-marked as **Exhibit "B-1"** for the applicants. We would like to retain the said markings, Your Honor.

10. Q: Likewise, what is your proof that Atty. Albao and Atty. De Oño are authorized to file the instant application and to represent ESAMELCO as its legal counsels?

A: I have here Board Resolution No. 61, series of 2023, authorizing Atty. Tyron Jan Albao to represent ESAMELCO in all stages of the proceedings in relation to the Joint Application for Approval of the ESAMELCO-EDC EPSA.

(Witness handed to this Representation Board Resolution 61, series of 2023 issued by the Board of Directors of ESAMELCO.)

MANIFESTATION: The Board Resolution No. 61, series of 2023, issued by the Board of Directors of ESAMELCO is requested to be marked as **Exhibit “B-2”** for the applicants. We would like to retain the said markings, Your Honor.

11. Q: Who were the members of the Board of Directors of ESAMELCO when those documents were issued, if you know?

A: The members of the Board of Directors in 2023 were Reynaldo S. Gerna as Board President; Januario L. Badocdoc as Vice-President; Marieta A. Capatoy as Board Secretary; Aniceto N. Quintua as Treasurer; Bless R. Quiton as Member; Nito O. Ramos as Member; Diogenes M. Inciso, Jr. as Member; and I, being the current General Manager, as Ex-officio Member.

12. Q: What is your proof that indeed these persons comprised the Board of Directors of ESAMELCO in 2022?

A: ESAMELCO issued a Verified Certification showing the list showing the names of its Board of Directors for 2022.

13. Q: I am showing you a Verified Certification showing a list of names of the Board of Directors of ESAMELCO attached to the records and pre-marked as Exhibit “B”. Is this the same document you are referring to?

A: Yes, this is the same document.

MANIFESTATION: The Verified Certification showing the names of its Board of Directors of ESAMELCO for 2022 has already been pre-marked as **Exhibit “B”** for the applicants. We would like to retain the same markings, Your Honor.

14. Q: In the Joint Verification and Certification of Non-Forum Shopping found on page 14 of the application, there is a signature on top of the name “Reynaldo S. Gerna”. Whose signature is that, Mr. Witness?

A: That is the signature of our Board President, Dir. Reynaldo S. Gerna.

15. **Q:** Why do you say that that is his signature?

A: Because I am familiar with Dir. Gerna's signature having come across several documents signed by him, being that he is our Board President. Also, I personally witnessed him signing the said document so I am very familiar with it.

16. **Q:** What was your participation in this application for approval of the Emergency Power Supply Agreement, if any?

A: As the General Manager, together with our team, I facilitated the production of documents needed for the application of approval of the EPSA.

17. **Q:** And who are the members of this team that you mentioned?

A: The team was composed by selected electric cooperative personnel spearheaded by Ms. Ayesa Grace D. Abing, who is our Corporate Planning Division Chief.

18. **Q:** What was the participation of Ayesa Grace D. Abing, if any?

A: She was principally involved in the preparation of the technical evaluation and financial evaluation of ESAMELCO's application for the approval of the emergency power sales agreement with EDC. She also verified the documents which were submitted to ERC for the approval of the EPSA.

19. **Q:** So why was there a need to execute an EPSA between ESAMELCO and EDC, if you know?

A: This was due to the fact that ESAMELCO experienced unanticipated delays in its Competitive Selection Process or CSP activities caused by the COVID-19 pandemic and government restrictions that were implemented. Because of that, we had very limited time available until our Power Supply Agreement expires. That's why we had to resort to different remedies available.

20. Q: And what remedies did you resort to, if any?

A: Sometime in June 2022, I, as the General Manager of ESAMELCO, wrote a letter to the Department of Energy requesting for an exemption from the CSP requirement. The Letter expressed ESAMELCO's urgent need for supply of electricity due to circumstances beyond control of the electric cooperative, and the limited time to conduct the said Competitive Selection Process.

21. Q: What situation would warrant an exemption to the conduct of Competitive Selection Process (COE-CSP) from the DOE, if you know?

A: According to Section 2.2.1.2 of Department of Energy Department Circular No. DC 2021-09-0030 or the DOE Amended CSP Circular, in case of negotiated procurement of emergency power supply wherein the cooperation period of the corresponding Emergency Power Supply Agreement (EPSA) shall not exceed one (1) year, it shall warrant a Certificate of Exemption from the conduct of Competitive Selection Process.

22. Q: And did ESAMELCO receive a Certificate of Exemption from DOE?

A: Yes.

23. Q: What is your proof to that?

A: We were issued Certification with No. COE-CSP-2022-08-036.

24. Q: I am showing you Certification with No. COE-CSP-2022-08-036 attached to the records and pre-marked as Exhibit "N". Is this the same document you are referring to?

A: Yes.

MANIFESTATION: The Certification with No. COE-CSP-2022-08-036 dated 31 August 2022 issued by the Department of Energy has already been pre-marked as Exhibit "N" for the applicants. We would like to retain the said marking, Your Honor.

25. Q: What happened next, if any?

A: After DOE favorably issued a Certificate of Exemption exempting ESAMELCO from the conduct of CSP, ESAMELCO and EDC then executed an Emergency Power Supply Agreement for the supply of 2MW emergency power, which is the subject of this case.

26. Q: What proof do you have that indeed ESAMELCO and EDC executed an Emergency Power Supply Agreement?

A: I have here a copy of the said agreement.

(Witness handed to this Representation a copy of the Emergency Power Supply Agreement between ESAMELCO and EDC dated 24 October 2022.)

27. Q: How is this document related to the Emergency Power Supply Agreement attached to the records as **Exhibit M**, if any?

A: This is the same document.

MANIFESTATION: The Emergency Power Supply Agreement between ESAMELCO and EDC dated 24 October 2022 has already been pre-marked as **Exhibit "M"** for the applicants. We would like to retain the said marking, Your Honor.

28. Q: You said that the EPSA was executed for the supply of 2MW emergency power to ESAMELCO by EDC. However, upon perusal of the said agreement, the contracted capacity is only for 1MW. Can you please clarify this?

A: Yes. Actually, ESAMELCO had a supply deficit of at least 2MW for the period of 26 August 2022 to 25 August 2023, based on our Supply-Demand Scenario. However in the EPSA, the contracted capacity was inadvertently indicated as 1MW, instead of 2MW.

29. Q: So what did you do to correct the said inadvertence in the EPSA?

A: In order to correct and clarify the mistake, EDC and ESAMELCO executed a Side Letter Agreement.

30. Q: What is your proof to that, if any?

A: I have here copies of the Side Letter Agreement signed by both ESAMELCO and EDC.

(Witness handed to this Representation copies of the Side Letter Agreement signed by EDC and ESAMELCO.)

MANIFESTATION: The Side Letter Agreements signed by EDC and ESAMELCO have already been pre-marked as **Exhibit “M-1”** for the applicants. We would like to retain the said marking, Your Honor.

31. Q: Were you able to read the contents of the EPSA subject of this case?

A: Yes.

32. Q: Can you tell this Honorable Commission the salient features of the EPSA, if you can recall?

A: Based on the EPSA, EDC will supply a 2MW baseload per month to ESAMELCO for a period of 12 months, which shall commence on the Effective Date and end on the Scheduled Termination Date on the following day of the last day of the 12-month period as stated in the agreement.

33. Q: And when was the Effectivity Date of the EPSA, if you can recall?

A: Initially, the Effectivity Date was from August 26, 2022 to August 25, 2023 in accordance with the validity period stated in the Certificate of Exemption issued by the DOE. However, due to circumstances beyond the control of EDC and ESAMELCO, the implementation of the EPSA was delayed such that EDC was only able to commence supply on December 26, 2022. So, in order to maximize the 1-year provision of the EPSA, ESAMELCO requested from the DOE for the amendment of the validity period in COE-CSP-2022-08-036 from August 26, 2022 to August 25, 2023 to December 26, 2022 to December 25, 2023.

34. Q: And what is your proof to such claim?

A: I have here a copy of the Amended Certification issued by DOE dated August 17, 2023 as well as the Amended Agreement between EDC and ESAMELCO dated August 24, 2023.

(Witness handed to this Representation COE-CSP-2023-07-031 dated 17 August 2023 and Amendment Agreement between EDC and ESAMELCO dated 24 August 2023.

MANIFESTATION: A copy of the Amendment Agreement to the EPSA between EDC and ESAMELCO dated 24 August 2023 and the COE-CSP-2023-07-031 dated 17 August 2023 have already been pre-marked as Exhibit “M-2” and “N-1”, respectively, for the applicants. We would like to retain the said markings, Your Honor.

35. Q: Ok. So after the execution of the EPSA, what happened next, if any?

A: After the execution of the EPSA, we started preparing the pre-filing requirements to be submitted to the ERC as mandated by the Rules.

36. Q: What are these pre-filing requirements that you mentioned that you needed to submit to the ERC, if you can recall?

A: Based on the ERC Legal Pre-Filing Checklist, we submitted the following documents to ERC in compliance thereto:

- Articles of Incorporation and By-laws of ESAMELCO
- List of Board of Directors and Board Members and related ultimate parent company, subsidiaries and affiliates of ESAMELCO
- Board Resolution of ESAMELCO
- Certificate of Incorporation of EDC and other relevant past Articles of Incorporation and By-laws
- Latest Amended Articles of Incorporation of EDC
- Latest Amended By-laws of EDC
- General Information Sheet of EDC
- Secretary’s Certificate of EDC

- Special Power of Attorney of EDC
- Board of Investments Certificate of Registration
- Environmental Compliance Certificate
- Certificate of Compliance or Provisional Authority to Operate
- DOE Certificates of Endorsement
- Renewable Energy Service Contract
- Certificate of Registration or Certificate of Commerciality
- Rate Impact
- Single Line Diagram Connection
- Emergency Power Supply Agreement between ESAMELCO and EDC
- Letter of ESAMELCO and EDC clarifying items in the Emergency Power Supply Agreement
- Amendment Agreement to the Emergency Power Supply Agreement between ESAMELCO and EDC
- DOE Certificate of Exemption
- DOE Amended Certificate of Exemption
- Certification in relation to delivery of power in emergency circumstances
- NGCP Certification on Service Agreements
- Transmission Service Agreement between NGCP and ESAMELCO
- Write up on TSC
- Executive Summary of EPSA
- Write up regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
- Excel computations regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses
- Bank Certifications

- Sworn statement on fuel procurement
- Relevant technical and economic characteristics of generation capacity
- Supply Demand Scenario
- Estimation of Potential for Reduction in Load
- Latest Audited Financial Statements
- Certification of net heat rate
- WESM Registration
- Write-up on non-applicable items
- ESAMELCO Write-up on Demand Side Management and Transmission Supply Contract
- EDC Sample OR
- Water Permit from NWRB
- ESAMELCO's Reliability Indices
- PSPP and DDP

37. Q: And were you able to comply with the pre-filing requirements?

A: Yes.

38. Q: After you complied with the pre-filing requirements, what happened next, if any?

A: After EDC paid the corresponding filing fees, we were issued a docket number. After that, we were also required to comply with the jurisdictional requirements.

39. Q: What were the jurisdictional requirements that you had to comply with?

A: It included publication of the EPSA Application as well as furnishing copies of the application to the LGUs where ESAMELCO was operating.

40. Q: And were you able to comply with the jurisdictional requirements?

41. **Yes, we were able to comply.**
42. Q: Mr. Witness, what, if any, is the importance of the approval of the EPSA subject of this case?
- A: The approval of the EPSA is important to ensure the stability of power supply within our franchise area at a reasonable minimum cost for the paramount interest of our member-consumers. If we do not procure our shortfall in power supply through an EPSA, ESAMELCO will be exposed to volatile market prices which will result in higher pass-on charges which will ultimately be charged to our member-consumers. Basically, it will be our member-consumers who will suffer and we want to avoid that.
43. Q: Why would exposure to the market be deemed as not reasonable, if you know?
- A: Because resorting to this option would result in the increase in our electricity rates and would run contrary to the mandate enshrined in Section 23 of Republic Act 9136 or the Electric Power Industry Reform Act of 2001 - that a distribution utility shall "supply electricity in the least cost manner to its captive market".
44. Q: What else, if any?
- A: Furthermore, the DOE DC 2021-09-0030 provides that the generation tariff in the EPSA should be equivalent or lower than the ERC approved rates. This clearly indicates that rate options resorted to by an EC in the event of an emergency situation should be below the ERC approved rates. The most viable option for us is to procure power supply from a supplier who is willing to supply electricity at a lower cost through an EPSA.
45. Q: What do you want the Honorable Commission to do in this case then?
- A: We pray that the Emergency Power Supply Agreement between ESAMELCO and EDC be approved in order to ensure the stability of our power supply within our franchise at a

reasonable minimum cost for the paramount interest of its member consumers. Our desire to enter into an EPSA is not driven by an intention to escape the requirements of the law but rather to remain faithful to its spirit. We cannot remain dormant while the prices of electricity continue to increase while our consumers suffer its devastating effects. At this time of national emergency, we are obligated all the more to resort to solutions that will benefit the public.

46. Q: Do you have anything more to add to your statement?

A: None, as of the moment.

47. Q: Do you affirm and confirm the truthfulness of your answers to my questions earlier?

A: Yes.

NO FURTHER QUESTIONS.

x----- End of Inquiry -----x

Republic of the Philippines)
Province of Leyte) S.S.
City of Tacloban)

AFFIANT'S OATH AND ATTESTATION

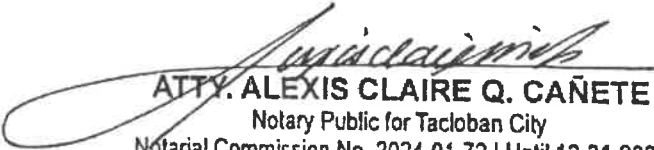
I, **ATTY. JOSE MICHAEL EDWIN S. AMANCIO**, of legal age, with legal capacity and competence to comprehend without any vice of consent, hereby attest to have voluntarily and truthfully made the answers to the foregoing questions.

IN WITNESS WHEREOF, I have hereunto set my hand this day, 17 MAY 2024, in Tacloban City, Philippines.


ATTY. JOSE MICHAEL EDWIN S. AMANCIO
Affiant

SUBSCRIBED AND SWORN to before me this day, 17 MAY 2024, in Tacloban City, Philippines. Affiant is personally known to the undersigned.

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Book No. II
Series of 2024


ATTY. ALEXIS CLAIRE Q. CAÑETE
Notary Public for Tacloban City
Notarial Commission No. 2024-01-72 | Until 12-31-2025
Roll of Attorneys No. 80053
IBP No. 377531 | 12-23-2023 | Leyte
PTR No. 8486109 | 01-02-2024 | Tacloban City
REYES AND ASSOCIATES LAW AND NOTARIAL OFFICE
Justice Romualdez St. corner ... Tacloban City

Copy furnished:

WRITTEN EXPLANATION

Copy of the foregoing **JUDICIAL AFFIDAVIT** was sent by registered mail with return card due to distance and lack of messengerial service. *(If served personally, please disregard explanation.)*

TYRON JAN G. ALBAO

Republic of the Philippines)
City of Tacloban) S.S.

EXAMINING LAWYER'S ATTESTATION

I, **TYRON JAN G. ALBAO**, Filipino, of legal age, married and a resident of V&G Subdivision, Tacloban City, after having been duly sworn to in accordance with law, do hereby depose and say:

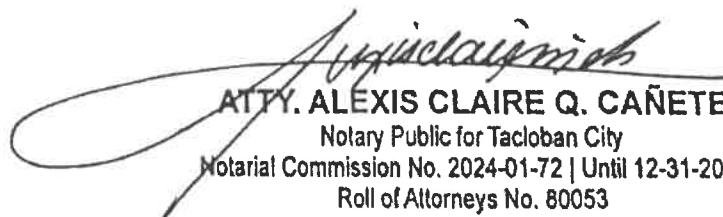
1. That I am the lawyer who conducted and supervised the examination of **ATTY. JOSE MICHAEL EDWIN S. AMANCIO** at **ESAMELCO Main Office, Borongan City**;
2. That I faithfully recorded or caused to be recorded the questions asked and the corresponding answers that the witness/es gave;
3. That neither I nor any person then present or assisting me coached the witness/es regarding the latter's answer;
4. That any false attestation shall subject this counsel disciplinary action, including disbarment;
5. That this attestation is prepared in compliance with **A.M. 12-8-8-SC** on Judicial Affidavit Rule.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 MAY 2024 in Tacloban City, Philippines.


TYRON JAN G. ALBAO
Roll of Attorneys No. 66859

SUBSCRIBED AND SWORN to before me, a notary public in the City of Tacloban, this 17 MAY 2024. Affiant personally came and appeared with IBP ID as competent proof of his identity, known to me as the same person who personally signed the foregoing instrument before me and avowed under the penalty of law to the whole truth of the contents of said instrument.

Doc. No. 333;
Page No. 68;
Book No. II;
Series of 2024.


ATTY. ALEXIS CLAIRE Q. CAÑETE
Notary Public for Tacloban City
Notarial Commission No. 2024-01-72 | Until 12-31-2025
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