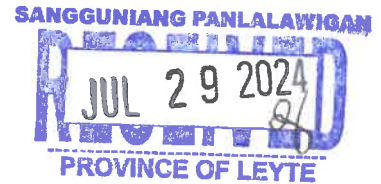


Item No.: 19
Date: 05 2024 AUG

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



19

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

ERC CASE NO. 2024-045 RC

ENERGY DEVELOPMENT CORPORATION (EDC) AND LEYTE V ELECTRIC COOPERATIVE, INC. (LEYECO V),

Applicants.

x-----x

URGENT MOTION TO RESET INITIAL HEARING

APPLICANTS ENERGY DEVELOPMENT CORPORATION (“EDC”) AND LEYTE V ELECTRIC COOPERATIVE, INC. (“LEYECO V”), by respective undersigned counsel, respectfully state:

1. In the Honorable Commission’s Order dated May 29, 2024, the Applicant’s hearings were scheduled on July 4, 2024 and July 11, 2024.
2. The said Order was electronically received by the Applicants on June 14, 2024 (Friday) at 4:44 p.m. It should be noted that June 17, 2024 (Monday) was declared as a public holiday in observance of Eid’l Adha.
3. Per the Order, the Applicants were directed to “cause the publication of the attached Notice of Virtual Hearing in two (2) newspapers of

nationwide circulation in the Philippines at their own expense, twice (2x) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart, and the date of the last publication to be made not later than ten (10) days before the date of scheduled initial hearing”.

4. The tenth (10th) day before the initial hearing would fall on June 24, 2024 while seven (7) days before then would be June 17, 2024. The usual process of requesting for publication generally requires the layout of the document to be provided to the publisher in the afternoon of the working day prior to the date of intended publication. This would mean that the publisher only had the remaining time during the afternoon of June 14, 2024 (Friday) --- the date when the Order was received --- to make arrangements with the newspapers for the publication of the Notice of Virtual Hearing twice.

5. Given the exacting time constraints it was faced with, the publisher attempted the arrangements but committed an error, and instead had the Notice of Virtual Hearing published on June 17, 2024 and June 25, 2024. Given the tight timeframe to comply with the instructions contained in the Order, there was no time to make any corrective remedy.

6. The Applicants therefore respectfully request that the initial hearing, jurisdictional hearing, expository presentation, pre-trial conference, and evidentiary hearing be reset to a later date to allow the Applicants sufficient time to have the Notice of Virtual Hearing properly published since this is a jurisdictional requirement.

7. This motion is filed solely for the reason stated above and not for purposes of delaying the proceedings.

PRAYER

WHEREFORE, Applicant respectfully prays that the hearing on July 4, 2024 and July 11, 2024 be cancelled and the hearings be reset at the Honorable Commission's discretion.

RESPECTFULLY SUBMITTED.

Ormoc City and Pasig City for Pasig City, June 27, 2024.

Counsels for LEYECO V:



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Valid until 14 April 2025



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PTR NO. 0173785; 01/02/2024
PASIG CITY
IBP NO. 302181; 01/08/2024
RIZAL (RSM)


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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
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MCLE COMPLIANCE NO. VII-0011907; 4/14/2025
PTR NO. 0173734; 01/02/2024
PASIG CITY
IBP Lifetime No. 011794; RSM

Greetings:

Please take notice that the foregoing Motion is being submitted for consideration or resolution immediately upon receipt or on date directed by this Honorable Commission, sans the appearance of counsel.

Notice is likewise given to the other parties of this motion.


JOSE ANTONIO S. REYES

EXPLANATION

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


JOSE ANTONIO S. REYES

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