

21



Item No.: 21

Date: 05 2024 AUG

July 26, 2024



HON. LEONARDO JAVIER, JR.
Provincial Vice Governor / Presiding Officer
SANGGUNIANG PANLALAWIGAN
4th Floor, Leyte Provincial Government Complex,
West-By-Pass Road, Brgy. Guindapunan,
Palo, Province of Leyte

Re: IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO DEVELOP, OWN, AND OPERATE DEDICATED POINT- TO-POINT LIMITED TRANSMISSION FACILITIES TO CONNECT THE TONGONAN BATTERY ENERGY STORAGE SYSTEM PROJECT TO THE VISAYAS GRID, WITH MOTION FOR PROVISIONAL AUTHORITY AND FOR CONFIDENTIAL TREATMENT OF INFORMATION

Dear Vice Governor Javier:

In compliance with the Revised Rules of Practice and Procedure of the Energy Regulatory Commission (“ERC”), we are furnishing this Honorable Office with a complete copy of the above-captioned Application and its annexes¹².

In line with this, we are requesting for a Certification from this Honorable Office stating that a complete copy of the Application of the above-captioned case, including its annexes, was served to and duly received by this Honorable Office today.

Thank you in advance and we look forward to your favorable response to our request.

Very truly yours,

ENERGY DEVELOPMENT CORPORATION

By:

MIGUEL LORENZO S. DE VERA
Vice President

¹ Due to the voluminous nature of the annexes, these have been provided in soft copies embodied in a CD or USB.

² Confidential annexes have not been included in line with the ERC’s Revised Rules of Practice and Procedure.

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

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO DEVELOP, OWN, AND OPERATE DEDICATED POINT- TO-POINT LIMITED TRANSMISSION FACILITIES TO CONNECT THE TONGONAN BATTERY ENERGY STORAGE SYSTEM TO THE VISAYAS GRID, WITH MOTION FOR PROVISIONAL AUTHORITY AND FOR CONFIDENTIAL TREATMENT OF INFORMATION,



ERC CASE NO. 2024-035 MC

July 26, 2024

ENERGY DEVELOPMENT CORPORATION,

Applicant.

x-----x

APPLICATION
(WITH MOTION FOR PROVISIONAL AUTHORITY AND FOR CONFIDENTIAL TREATMENT OF INFORMATION)

Applicant ENERGY DEVELOPMENT CORPORATION (“EDC”), by counsel and to this Honorable Commission, most respectfully states:

A. Introduction

1. EDC is a corporation duly organized and validly existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at 9th Floor, Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City. It may be served with orders and other legal processes through the undersigned counsel.

2. EDC is in the business of generation, sale, and supply of electricity from renewable energy (“RE”) sources, including participation and trading in any market for electricity, ancillary power, or intangible assets and to engage in additional business activities arising from or related to EDC’s primary purpose, including energy storage¹

¹ Copies of EDC’s Certificate of Incorporation, Amended Articles of Incorporation and By-Laws, Secretary’s Certificate, and latest General Information Sheet are attached hereto as Annexes “A”, “B”, “B-1”, “B-2,” and “C”, respectively.

3. In its Power Development Plan 2020-2040, the Department of Energy (“DOE”) recognizes the growing demand for power in the Philippines. For the Visayas Grid, the DOE projects the peak demand to more than quadruple, from 2,201 MW in 2020 to 8,982 MW in 2040. Given this, and based on its simulations for a high-demand scenario vis-a-vis an aspirational target of 50% renewable energy power generation mix by 2040 (i.e., “RE50-High Demand Scenario”), the DOE projects that a total of 19,195 MW new build capacities must be added to meet the demand and reserve margin requirements of the Grid. Renewable energy’s share in these new build capacities is broken down as follows: 9,992 MW from solar; 4,335 MW from hydro; 3,768 MW from wind; 860 MW from gas; and 240 MW from geothermal.²

4. Leyte is an island sub-grid, and the gateway for power exchange between Visayas and Luzon. On average, about 200 MW passes through the HVDC line, in either direction. Momentary excess supply passing through Leyte can cause grid frequency to increase. It is at these moments when output from EDC’s fully contracted baseload geothermal power plant is curtailed by the Grid operator to maintain grid stability. This Grid event is indicative of a need for an ancillary service provider in Leyte.

5. Moreover, further ahead into 2040, the Grid operator is expecting a significant penetration of variable renewable energy (“VRE”) plants in Visayas. In the Capacity Expansion Model of the NGCP, new VREs are expected to reach 7,425 MW in 2040. This will be 67% of the total supply (11,034 MW) and 84% of peak demand (8,827 MW). This dramatic increase in variable renewable energy (“VRE”) could lead to widespread curtailment of non-VRE plants during peak hours similar to the situation in Negros Island. The intermittence of VRE will negatively impact grid stability, and necessitate a combination of higher flexibility from generators, and more ancillary services to balance the Grid.³

6. In anticipation of this increased VRE penetration which may negatively affect the reliability of the Grid, and to help address the increasing energy demand of the country, EDC is developing the **10MW/ 10 MWh TONGONAN ENERGY STORAGE SYSTEM** (“BESS” or the “Project”). In DOE Circular No. 2023-04-0008, the DOE recognized the applications and benefits of energy storage systems (ESS) in the improvement of the electric power system in accordance with the objective of ensuring the quality, reliability, security, sustainability, and affordability of the supply of electric power, and accelerating the exploration, development, and utilization of renewable energy (RE) resources.⁴ The DOE recognized ESS as facilities capable of absorbing energy directly from the Grid or distribution system, or from a power plant connected to the Grid or distribution system and storing it for a period of time, and injecting stored energy when prompted, needed to ensure reliability and balanced power system.⁵

² A print-out of the relevant section in the Department of Energy’s (“DOE”) Power Development Plan 2020-2040 and the relevant portion of NGCP’s recommended Transmission Development Plan (“TDP”) 2023-2040 showing the Project are attached hereto as **Annexes “D” and “D-1”**, respectively. EDC’s letter to the DOE requesting Certificate of Endorsement for the Project’s Connection Assets is also attached as **Annex “D-2”**.

³ The Project Background and Description, Project Description (Interconnection Facilities), Project Rationale and EDC’s Feasibility Study on the Project are attached hereto as **Annexes “E” to “E-3”**, respectively.

⁴ Section 1. DOE Circular No. 2023-04-0008.

⁵ Section 2.11. DOE Circular No. 2023-04-0008.

7. EDC's Project can significantly assist in the improvement of the electric power system as contemplated by the DOE. As a RE generator, EDC recognizes the need for BESS so that if RE plants have to curtail (reduce) RE generation due to grid limitations or excess supply, the Project can store this curtailed energy and release it later when needed, maximizing the utilization of renewable resources and reducing wasted energy. The Project can store excess energy during peak generation and release it during periods of low generation, enabling a more reliable and consistent power supply. This smooths out the fluctuations in power supply, ensuring a more consistent flow of power to the Grid. Furthermore, the Project can provide grid frequency regulation which can help stabilize the Grid. When VRE output decreases, the grid frequency can drop. The Project can quickly inject stored energy into the Grid to counteract this drop, maintaining the crucial grid frequency. Conversely, during periods of high VRE output, the Project can absorb excess energy to prevent the frequency from rising too high.

8. In order to inject and absorb power from the Grid, as needed, EDC intends to construct point-to-point limited transmission facilities (the "Connection Asset") that will connect the Project to the Visayas Grid, through the Tongonan 138kV Substation.⁶ This Connection Asset will be used only for the purpose of connecting the BESS to the Grid, and will be used solely by EDC and not used to serve any end-user or supplier directly.

9. Section 9 of Republic Act ("RA") 9136 or the Electric Power Industry Reform Act ("EPIRA") of 2001 expressly provides that:

"A generation company may develop and own or operate dedicated point-to-point limited transmission facilities that are consistent with the Transmission Development Plan ("TDP"): *Provided*, That such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC: *Provided, further*, That in the event that such assets are required for competitive purposes, ownership of the same shall be transferred to the TRANSCO at a fair market price: *Provided, finally*, That in the case of disagreement on the fair market price, the ERC shall determine the fair market value of the asset."

B. Allegations in Support of Application

10. On 23 October 2009, EDC was granted a Certificate of Registration⁷ by the DOE, with Registration No. GRESC 2009-10-001. This Certificate recognizes EDC as a Renewable Energy Developer of Geothermal Energy Resources located in Kananga, Leyte ("Tongonan Geothermal Project"), which is covered by Geothermal Renewable Energy Service Contract No. 2009-10-001.

⁶ The Options considered and the comparison of these options, Conceptual Engineering Design and Drawings, Conceptual Layout, Proof of Technical Capability (Curriculum Vitae of Relevant EDC Personnel and List of Operations and Maintenance Team on site), Gantt Chart schedule of the proposed projects, and Project Contractors are attached hereto as Annexes "N", "R", "R-1", "R-2", "S" and "T", respectively.

⁷ A copy of DOE Certificate of Registration No. GRESC 2009-10-001 issued to Energy Development Corporation on 23 October 2009 is attached hereto as Annex "F". A copy of Other Relevant Certifications from DOE is attached hereto as Annex "U".

11. As discussed above, EDC decided to develop the Project as it provides a flexible and responsive solution for integrating intermittent RE sources into the Grid. This helps maintain grid stability, improve power plant efficiency, and maximize the utilization of clean energy.

12. Thereafter, upon the request of EDC, the National Grid Corporation of the Philippines (“NGCP”) conducted a System Impact Study (“SIS”) to determine the technical feasibility of the proposed Project. On 23 December 2023 the NGCP issued the SIS Report⁸ concluding that the proposed connection of the ±30 MW Tongonan Energy Storage System Project to the Visayas Grid through the Tongonan 138 kV Substation is acceptable.

13. On 02 February 2016, EDC secured an Environmental Compliance Certificate under ECC No. ECC-CO-1507-0021 from the Department of Environment and Natural Resources (“DENR”) for the Tongonan Geothermal Project. Thereafter, on 08 September 2023, the DENR sent a letter to EDC approving its request to amend ECC No. ECC-CO-1507-0021 to include the modular 30 MWhr Battery Energy Storage System (“BESS”) and the testing of the Downbore Heat Exchanger (“DBHX”) Technology.⁹

14. EDC also prepared a Facilities Study (“FS”) to determine the technical feasibility of connecting the proposed Project at the proposed connection point in compliance with Section 5.3 of the Philippine Grid Code and B.14 of the Open Access Transmission Service. The FS was reviewed by NGCP on 10 June 2024.¹⁰

15. In addition, EDC is also in the process of obtaining the permits and licenses needed for the construction and development of the Project and will ensure timely application for such authorizations necessary for its operation, including the Certificate of Compliance (“COC”) from this Honorable Commission.¹¹

*THE PROJECT'S CONNECTION
ASSET WILL BE USED ONLY FOR
THE PURPOSE OF CONNECTING
THE BESS TO THE GRID*

16. A power plant and a BESS can have connection assets or component facilities that connect the power generator and the battery, respectively, to the Grid. This is evident from the Implementing Rules and Regulations (IRR) of RA 9136 or the EPIRA, which makes it an obligation of the Generation Company “to ensure that all its facilities connected to the Grid meet the technical design and operational criteria of the Grid Code and the Distribution Code

⁸ A copy of the letter from NGCP forwarding the SIS to EDC and NGCP's System Impact Study on ±30 MW Tongonan Energy Storage System Project, the Final Report of the SIS, including letters to and from NGCP is attached hereto as Annex “G-series”.

⁹ A copy of EDC's Environmental Compliance Certificate (ECC) with No. ECC-CO-1507-0021, including letters to and from DENR are attached hereto as Annexes “H-series” respectively.

¹⁰ A copy of the Facilities Study and the Review Report on the FS are attached hereto and marked as Annexes “I” and “I-1”, respectively.

¹¹ A copy of the Affidavit of Miguel Lorenzo S. De Vera, Vice President of EDC, is attached hereto as Annex “J”.

*promulgated by ERC*¹², as well as under DOE Circular No. 2023-04-0008 where an ESS is required to “*comply with the connection and operations requirements for ESS pursuant to the PGC, WESM Rules and relevant Market Manuals, and other relevant policies and regulations promulgated by the ERC and DOE*”¹³.

17. The Connection Asset for the BESS will connect the Project to the Visayas Grid through the Tongonan 138kV Substation, and such Connection Asset will be used solely by EDC and will not be used to serve any end-user or supplier directly.

THE PROJECT'S CONNECTION ASSET IS INCLUDED AND CONSISTENT WITH NGCP'S 2023 TDP WHICH IS FOR APPROVAL OF THE DOE

18. The Connection Asset for the BESS is listed under Appendix 4 - Private Sector Initiated Power Projects (specifically page 193) of NGCP's 2023 TDP which is currently for the approval of the DOE. Additionally, considering the importance of the Project, EDC has submitted its request to DOE for the issuance of a Certificate of Endorsement.

THE PROJECT'S CONNECTION ASSET IS FINANCIALLY FEASIBLE, AND EDC HAS THE FINANCIAL CAPABILITY TO DEVELOP, OPERATE, AND MAINTAIN THE CONNECTION ASSET

19. The Connection Asset is financially feasible. The cost for constructing and developing the Connection Asset is estimated at Php 488,570,572.05.¹⁴ The Project, including the Connection Asset, will be funded through a combination of debt and internally generated funds with a ratio of 70% debt and 30% equity.

20. EDC's 2022 and 2023 SEC Form 17-A will show that EDC has financial capability to undertake the construction, development, operation, and maintenance of the entire Project,¹⁵ which is expected to be in operation within the fourth quarter of 2024.¹⁶

21. In order to efficiently transmit the electricity between the Project and the Visayas Grid, EDC intends to construct and develop the Connection Assets that will connect the Project to the Visayas Grid, through the Tongonan 138kV Substation.

¹² Sec. 4(b) (j), Rule 5.

¹³ Section 7.1, DOE Circular No. 2023-04-0008.

¹⁴ A copy of the Detailed Estimated Cost of the Project is attached hereto as Annex “K”.

¹⁵ A copy of EDC's SEC Form 17-A for 2022 and 2023 are attached hereto as Annexes “L” and “L-1”, respectively.

¹⁶ A copy of the Relevant Dates of the Project is attached hereto as Annex “M”.

THE PROJECT'S CONNECTION ASSET IS ACCEPTABLE, AND EDC HAS THE TECHNICAL CAPABILITY TO DEVELOP, OPERATE, AND MAINTAIN THE CONNECTION ASSET

22. In its SIS issued on 23 December 2023, NGCP has determined that the proposed connection of the ± 30 MW Tongonan Battery Energy Storage System Project to the Visayas Grid through the Tongonan 138 kV Substation is acceptable.

23. Likewise, EDC's track record shows that it has the technical capability to develop, construct, operate, and maintain the Connection Asset based on the design and configuration in the SLD attached to the SIS as accepted by NGCP.

23.1 EDC owns and operates the Unified Leyte Geothermal Power Plant Complex (the "ULGPP") including the Unified Leyte - Central Switching Station ("UL-CSS") which is the switchyard located inside the ULGPP and which serves as the centralized dispatching asset of the six power plants constituting the ULGPP (the "UL Plants") in relation to the import and export of generation output to the Grid.

23.2 The electricity generated by the UL Plants is aggregated and conveyed to the UL CSS through a 230-kV network composed of seven (7) switchyards, 23-km transmission lines, and 33 towers. The generated electricity is aggregated and is then dispatched to the grid through two points of interconnection to Cebu and to Luzon Grids.

The operation and maintenance of the Connection Asset is planned to be carried out by personnel belonging to the Facilities Operations and Maintenance ("FOM") Group of EDC. These personnel will be under the supervision and direction of Engr. Liberato S. Virata, as the Head of EDC FOM. The personnel can all be contacted through EDC at its principal office address¹⁷.

¹⁷ The list of names and addresses of personnel responsible for the design, installation, maintenance, and repair of equipment for the proposed system is attached hereto as Annex "O".

*EDC SHOULD BE GRANTED
AUTHORITY TO DEVELOP, OWN
AND OPERATE THE
CONNECTION ASSET*

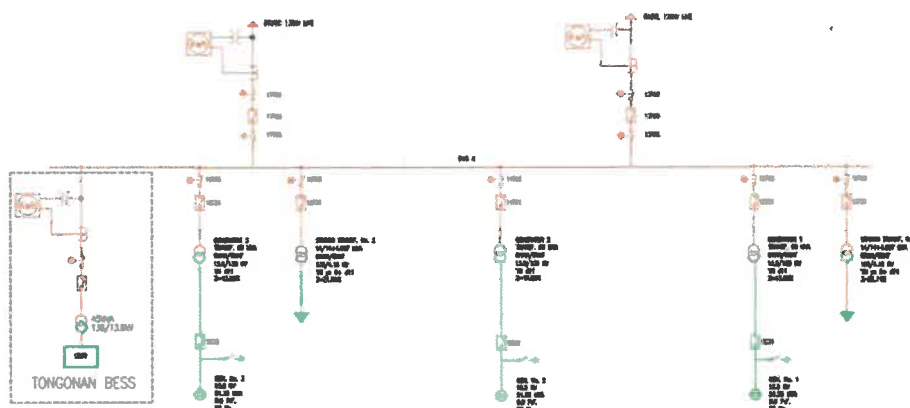
24. Pursuant to Section 9 of the EPIRA, EDC hereby applies with the Honorable Commission for authority to develop, own, and operate the Connection Asset.

24.1 EDC's Connection Asset is required only to connect the Tongonan Battery Energy Storage System Project to the Visayas Grid through the Tongonan 138 kV Substation.

24.2 The Connection Asset will be used solely by the Tongonan Battery Energy Storage System Project, and will not be used to serve end-users or suppliers directly.

24.3 If the Connection Asset is taken out of the transmission system, it will not affect the Visayas Grid or other transmission customers connected to the Visayas Grid.

25. The single-line diagram of the proposed interconnection shows that the Connection Asset will be exclusively used to connect the Project to the Visayas Grid, through the 138 kV Tongonan Substation and is not designed and configured to serve end-users or suppliers directly.¹⁸



26. EDC undertakes to ensure that the Connection Asset will comply with the existing rules and regulations, particularly the 2016 Philippine Grid Code, and undertakes to comply with all such rules and regulations.¹⁹

¹⁸ A copy of the Single Line Diagram is attached hereto as Annex "P".

¹⁹ An Undertaking to Comply with the 2016 Philippine Grid Code is attached hereto as Annex "Q".

**Motion for Provisional Authority
and Allegations in Support of Prayer for Provisional Authority**

27. Rule 14 of the Honorable Commission’s Rules of Practice and Procedure authorizes the issuance of a provisional authority or an interim relief prior to a final decision, provided that the facts and circumstances warrant the issuance of the same.

28. EDC intends to achieve commercial operations for the Project within the fourth quarter of 2024 to be able to inject and absorb power from the Grid which will be able address the possible curtailment of non-VRE projects and help provide grid stability and reliability. The Connection Assets, which will convey electricity between the Project and the Visayas Grid, is indispensable to the commercial operations of the Project.

29. In anticipation of the increased VRE penetration, the completion of the Project within the projected time frame is critical to ensure that additional VRE projects will increase the overall capacity of the Luzon Grid and not result in curtailment of existing non-VRE projects. Furthermore, the Project can also provide grid frequency regulation, the demand for which is expected to increase as VRE capacity increases. As such, EDC respectfully prays that the Honorable Commission provisionally authorize the development, ownership, and operation of the Connection Asset considering that the power demand projected by the DOE warrants the issuance of a Provisional Authority.²⁰

30. It is in such context that EDC respectfully prays that a provisional authority be immediately issued for the development and construction of the Connection Asset.

OTHER RELATED DOCUMENTS

31. In further support of the instant application, the Applicant most respectfully submits to the Honorable Commission, the following documents:

Annex	Document
A	Certificate of Incorporation of EDC
B	Amended Articles of Incorporation of EDC
B-1	By-Laws of EDC
B-2	Secretary’s Certificate
C	Latest General Information Sheet of EDC
D	Excerpt from DOE Power Development Plan 2020-2040
D-1	Excerpt of NGCP’s recommended Transmission Development Plan 2023-2040 showing the Project
D-2	Request for DOE Endorsement dated June 28, 2024
E*	Project Background and Description
E-1*	Project Description (Interconnection Facilities)
E-2*	Project Rationale
E-3*	Feasibility Study

²⁰ The Affidavit of Mr. Miguel De Vera in support of the Prayer for the issuance of Provisional Authority is attached hereto as **Annex “V”**.

F	DOE Certificate of Registration No. GRESC 2009-10-001
G-series	Letter from NGCP forwarding the SIS to EDC and NGCP's System Impact Study on ±30 MW Tongonan Energy Storage System Project, including letters to and from NGCP
H-series	Environmental Compliance Certificate under ECC No. ECC-CO-1507-0021, including letters to and from DENR
I*	Facilities Study
I-1*	Review Report on the FS dated October 24, 2022
J	Affidavit of Miguel Lorenzo S. De Vera, Vice President, stating that the necessary applications for approval and endorsement of the Project will be filed with the relevant government authorities
K*	Detailed Estimated Cost of the Project
L	SEC Form 17-A for 2022
L-1	SEC Form 17-A for 2023
M	Relevant Dates of the Project
N*	Options considered and the comparison of these options
O*	The list of names and addresses of personnel responsible for the design, installation, maintenance, and repair of equipment for the proposed system
P	Single Line Diagram
Q	Undertaking to Comply with the 2016 Philippine Grid Code
R*	Conceptual Engineering Design and Drawings
R-1*	Conceptual Layout
R-2*	Proof of Technical Capability (Curriculum Vitae of Relevant EDC Personnel and List of Operations and Maintenance Team on site)
S*	Gantt Chart schedule of the proposed projects
T*	Project Contractors
U	Other relevant certifications from the DOE
V	Affidavit in Support of the Prayer for the Issuance of Provisional Authority

**Subject to motion for confidential treatment of information*

Motion for Confidential Treatment of Information and Allegations in Support of the Prayer for Confidential Treatment of Information

32. The Honorable Commission may, upon request of a party and determining that the disclosure of information requested to be treated as confidential information is justified, treat certain information submitted to it as confidential. Applicant is bound by confidentiality agreements prohibiting the disclosure of any business, technical, marketing, operational, organizational, financial or other information and trade secrets and other confidential documents, papers and information, as well as bound by data privacy law and rules as regards confidentiality of personal information of personnel or individuals.

33. Accordingly, the Applicant respectfully requests before the Honorable Commission that Annexes "E" to "E-3", "I" to "I-1", "K", "N", "O", "R" to "R-2", "S" and "T" attached hereto not be disclosed and be treated as confidential in accordance with Rule 4 of the ERC Rules. Annexes "E" to "E-3", "I" to "I-1", "K", "N", "O", "R" to "R-2", "S" and "T", attached hereto

contain confidential information critical to the business operation of the Applicant, including trade secrets and business calculations, assumptions and projections, as well as personal employee information which may be covered by the Data Privacy Act.

PRAYER

WHEREFORE, Applicant EDC most respectfully prays that this Honorable Commission:

1. Issue an order provisionally authorizing EDC to develop, own, and operate the Connection Asset for the Tongonan Battery Energy Storage System Project; and

2. After due notice and hearing, issue a final order: i) making the provisional authority a permanent authority to develop, own and operate the Connection Asset; and ii) authorizing EDC to operate and maintain the Connection Asset until such time said Connection Asset is otherwise re-classified, owned, operated and maintained by NGCP.

3. Issue an Order declaring the documents, and the information therein, duly marked as Annexes "E" to "E-3", "I" to "I-1", "K", "N", "O", "R" to "R-2", "S" and "T", as confidential information, within the purview of Rule 4 of the ERC Rules, thereby directing the same to be treated with confidentiality and be protected from public disclosure.

Other reliefs as may be appropriate under the circumstances are likewise prayed for.

Pasig City, 12 July 2024.

The Law Firm Of
QUIASON MAKALINTAL
Counsel for Energy Development Corporation
21/F Robinsons Equitable Tower
4 ADB Avenue, Ortigas Center,
Pasig City, Philippines 1605
Tel. No. (632)8631-09-81 to 0985
ercfilings@qmlaw.com.ph

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)


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

REPUBLIC OF THE PHILIPPINES)
PASIG CITY) S.S.

**VERIFICATION AND CERTIFICATION
OF NON-FORUM SHOPPING**

I, **MIGUEL LORENZO S. DE VERA**, of legal age, Filipino, with office address at 9th Floor, Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City, after having been duly sworn in accordance with law, hereby depose and state that:

1. I am the Head - New Business and Technologies of Energy Development Corporation ("Applicant"), the applicant in the case entitled "*In the Matter of the Application for Authority to Develop, Own, and Operate dedicated point-to-point limited transmission facilities to connect the Tongonan Battery Energy Storage System to the Visayas Grid, with Motion for Provisional Authority and for Confidential Treatment of Information*" relating to the application for authority to develop, own, and operate dedicated point-to-point limited transmission facilities to connect the Tongonan Battery Energy Storage System Project to the Visayas Grid through the Tongonan 138kV Substation (the "Application");

2. I have been duly authorized by the Applicant to sign and cause the filing of pleadings, motions, and other legal documents, including the verification and certification of non-forum shopping, in connection with the Application;

3. I have caused the preparation of the foregoing Application on behalf of the Applicant, and I certify that I have read the same and understood the contents thereof, and that all the allegations therein are true and correct based on my personal knowledge and authentic documents;

4. The foregoing Application is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

5. The factual allegations herein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after reasonable opportunity for discovery;

6. I hereby certify that the Applicant has not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, the divisions thereof, or any other tribunal or agency; and that, to the best of my knowledge, no other such action, claim or proceeding is pending before the Supreme Court, the Court of Appeals, the divisions thereof, or any other tribunal or agency; and

7. Should I hereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, the divisions thereof, or any other tribunal or agency, I undertake to promptly inform this Honorable Commission and the aforesaid courts and other tribunal or agency within five (5) calendar days therefrom.




MIGUEL LORENZO S. DE VERA

Affiant

SUBSCRIBED AND SWORN to before me this 12 JUL 2024 at Pasig City, Affiant exhibiting to me his Driver's License No. N0306009161 issued by the Land Transportation Office and expiring on 12 December 2032, as competent evidence of his identity.

Doc. No. 638 ;
Page No. 9 ;
Book No. I ;
Series of 2024.


ALEXANDRA CHUA L. ANTONIO
NOTARY PUBLIC
FOR AND IN THE CITY OF PASIG AND SAN JUAN
AND IN THE MUNICIPALITY OF PATEROS
UNTIL DECEMBER 31, 2024
PTR NO. 0173780; 01/03/2024; PASIG CITY
IBP NO. 32158; 01/03/2024; QUEZON CITY
ROLL NO. 80402/APPOINTMENT NO. 191 (2023-2024)
1/F Robinson-Equitable Tower, 4 ADB Ave. cor. Poveda St.
1615 Ortigas Center, Pasig City



REPUBLIC OF THE PHILIPPINES)
PASIG CITY) S. S.

SECRETARY'S CERTIFICATE

I, **BERNADETTE ANN V. POLICARPIO**, Filipino, of legal age, with office address at the 10th Floor, Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City, being the duly elected Corporate Secretary of **ENERGY DEVELOPMENT CORPORATION** (the "Company"), a corporation organized and existing under Philippine laws with principal office at Rockwell Business Center Tower 3, Ortigas Avenue, Pasig City, hereby certify that:

1. During the regular meeting of the Board of Directors (the "Board") held on **20 July 2023**, the Board approved the following resolution:

Resolution No. 20, Series of 2023

"RESOLVED, amending Resolution No. 46-A, Series of 2022, that the Board of Directors of Energy Development Corporation (the "Company") hereby approves the Battery Energy Storage System Projects in Bac-Man, Tongonan, and Southern Negros (collectively, the "Projects") with a total project cost of up to Php4.9 Billion, with allowance for variance of up to 5%;

"RESOLVED FURTHER, that the Company be, as it is hereby, authorized and empowered to procure all necessary permits, registrations, licenses, and authorizations, for the Project;

"RESOLVED FURTHER, that the following officers of the Company:

Chief Executive Officer
President and Chief Operating Officer
Chief Financial Officer/Treasurer
Head, New Business and Technologies
Head, Comptrollership

acting singly, and/or their authorized representative/s be, as they are hereby, authorized and empowered to (a) approve, sign, execute, and deliver any and all necessary and pertinent agreements, certificates, amendments, applications for permits, registrations, licenses, authorizations, and other documents related to the Project, including but not limited to the application for Board of Investments certificates and incentives, point-to-point authorization, Power Supply Agreements, agreements with the National Grid Corporation of the Philippines, tree cutting permits and relevant endorsements from local government units; and




(b) perform all acts necessary, appropriate, and convenient to carry out the contents and purpose of this Resolution.”

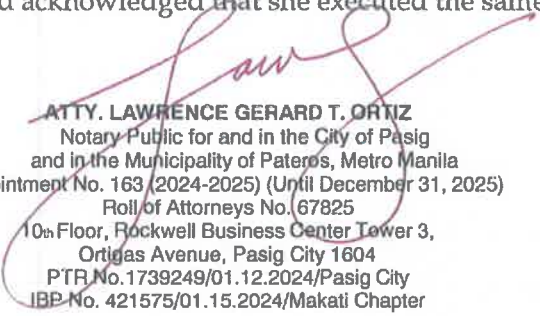
2. Pursuant to the foregoing resolution, **MR. MIGUEL LORENZO S. DE VERA, Head - New Business and Technologies**, is duly authorized to represent, appear, sign, and cause the filing of pleadings, motions, and other legal documents, including the verification and certification of non-forum shopping in connection with the Company’s application for authority to develop, own, and operate dedicated point-to-point limited transmission facilities to connect the Tongonan Battery Energy Storage System Project to the Visayas Grid.

3. The foregoing resolution is in accordance with the record of the Company and is in full force and effect, and has not been rescinded.

IN WITNESS WHEREOF, I have hereunto signed this Secretary's Certificate this ~~JUL 12 2024~~ at Pasig City.


BERNADETTE ANN V. POLICARPIO
Corporate Secretary

SUBSCRIBED AND SWORN TO before me this ~~JUL 12 2024~~ at Pasig City by Bernadette Ann V. Policarpio, with Passport No. P7343464 issued on 26 May 2018 at DFA NCR East, who is personally known to me and who is the same person who personally signed before me the foregoing Secretary’s Certificate and acknowledged that she executed the same.


ATTY. LAWRENCE GERARD T. ORTIZ
Notary Public for and in the City of Pasig
and in the Municipality of Pateros, Metro Manila
Appointment No. 163 (2024-2025) (Until December 31, 2025)
Roll of Attorneys No. 67825
10th Floor, Rockwell Business Center Tower 3,
Ortigas Avenue, Pasig City 1604
PTR No. 1739249/01.12.2024/Pasig City
IBP No. 421575/01.15.2024/Makati Chapter

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Page No. 36 ;
Book No. I ;
Series of 2024.