Item No.: 17
Date: 22 2024 OCT

# 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 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.

# JOINT FORMAL OFFER OF EXHIBITS

Applicants ENERGY DEVELOPMENT CORPORATION ("EDC") AND LEYTE V ELECTRIC COOPERATIVE, INC. ("LEYECO V"), by and through their respective undersigned counsel, and unto this Honorable Commission, respectfully submit the following Joint Formal Offer of Exhibits in connection with the above-captioned Application, pursuant to the directive of this Honorable Commission during the August 15, 2024 hearing:

EXH.	PARTICULARS	PURPOSE
A	Articles of Incorporation and Bylaws of LEYECO V	To show the following: a) LEYECO V's legal
В	List of Board of Directors and Board Members and related ultimate parent company, subsidiaries and affiliates of LEYECO V	personality and capacity in contracting the obligations under the EPSA; and b) Compliance with the
B-1	Board Resolution of LEYECO V authorizing Emmanuel S. Arpon to sign the Verification and Certification of Non-forum Shopping	ERC's documentary requirements in filing the Joint Application.
B-2	Board Resolution authorizing counsel to file Application	
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
C-1	Latest Amended Articles of Incorporation of EDC	in contracting the obligations under the EPSA; and b)
C-2	Latest Amended By-laws of EDC	Compliance with the ERC's documentary
D	General Information Sheet of EDC	requirements in filing
D-1	Secretary's Certificate of EDC	the Joint Application.
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 Contracts	To show EDC's compliance with the
J	Certificate of Registration or Certificate of Commerciality	ERC's documentary requirements in filing the Joint Application.
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.

		T
L	Single Line Diagram Connection	To show the following:  a) LEYECO V's Single- Line Diagram Connection; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
М	Emergency Power Supply Agreement between LEYECO V and EDC	a) the existence and due
M-1	Letter of LEYECO V and EDC clarifying items in the Emergency Power Supply Agreement	execution of the EPSA entered into by and between EDC and LEYECO V, and to
M-2	Amendment Agreement to the Emergency Power Supply Agreement between LEYECO V 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:
N-1	Letters to or from LEYECO V	a) that the DOE issued to LEYECO V a
N-2	DOE Amended Certificate of Exemption	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.
О	Verified 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) LEYECO V's Transmission Service Agreement with NGCP; b) compliance with the ERC's documentary requirements in filing the Joint Application.
Q	Write up on TSC	To show EDC's
Q-1	NGCP Certificate of Adequate Capacity	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 LEYECO V; 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
<b>T*</b>	Excel computations regarding Sources of Funds/Financial Plans, Generation Rate and Derivation, Cash Flow specifying breakdown of costs and expenses	process; and relevant technical and economic characteristics of generation capacity installed capacity, dependable capacity, and outages; b) support the Payment Structure
U*	Bank Certifications	
V*	Sworn statement on fuel procurement	of the PSA; and c) compliance with the
<b>W</b> *	Relevant technical and economic characteristics of generation capacity	ERC's documentary requirements in filing the Joint Application.

X	Supply Demand Scenario	To show the following:
Y	Estimation of Potential for Reduction in Load	a) LEYECO V's Supply and Estimation of Potential for Reduction in Load; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
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.
ВВ	WESM Registration	To show the following:  a) EDC's and LEYECO V'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:
CC-1	LEYECO V Write-up on Demand Side Management	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-2	EDC Sample OR	To show EDC's compliance with the ERC's documentary requirements in filing the Joint Application.
DD	Water Permits 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	LEYECO V'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) LEYECO V's PSPP and DDP; and b) compliance with the ERC's documentary requirements in filing the Joint Application.
GG to GG-3	Affidavits of Service or Certifications issued by the Sanggunian and Office of the Mayor of Ormoc City and the Sanggunian and Office of the Governor of Leyte showing receipt of the Application and its annexes	To show compliance with ERC's pre-filing requirements
нн	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 Kananga showing receipt of the Application and its annexes	
НН-3	Certification from the Sangguniang Bayan of Kananga 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 1 July 2024 was published in the July 10, 2024 and July 18, 2024 issues of "Business Mirror"	To show, among others, compliance with the Order dated 1 July 2024, particularly the jurisdictional
LL	Complete Copy of the July 10, 2024 issue of "Business Mirror"	requirements
LL-1	The Notice of Virtual Hearing appearing in the July 10, 2024 issue of "Business Mirror"	
MM	Complete Copy of the July 18, 2024 issue of "Business Mirror"	
MM-1	The Notice of Virtual Hearing appearing in the July 18, 2024 issue of "Business Mirror"	
NN	Affidavit of Publication showing that the Notice of Virtual Hearing dated 1 July 2024 was published in the July 10, 2024 and July 18, 2024 issues of "The Manila Times"	
00	Complete Copy of the July 10, 2024 issue of "The Manila Times"	

00-1	The Notice of Virtual Hearing appearing in the July 10, 2024 issue of "The Manila Times"	
PP	Complete Copy of the July 18, 2024 issue of "The Manila Times"	
PP-1	The Notice of Virtual Hearing appearing in the July 18, 2024 issue of "The Manila Times"	
QQ	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 1 July 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and Sangguniang Panlalawigan of Leyte, and Office of the Mayor and Sanggunian of Albuera, Calubi-an, Isabel, Kananga, Leyte, Matag-ob, Merida, Ormoc City, Palompon, San Isidro, Tabango, and Villaba	
QQ-1	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 1 July 2024 with a request for posting on their respective bulletins board were sent to the Office of the Governor and Sangguniang Panlalawigan of Leyte, and Office of the Mayor and Sanggunian of Kananga and Ormoc City	
RR	Certification from Office of the Governor of Leyte showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the provincial bulletin board of the Province of Leyte	
SS	Certification from Sangguniang Panlalawigan of Leyte showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the sangguniang bulletin board of the Province of Leyte	

VV	Certification from Office of the Mayor of Calubi-an showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the municipal bulletin board of Calubi-an	
ZZ	Certification from Office of the Mayor of Kananga showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the municipal bulletin board of Kananga	
AAA	Certification from Sangguniang Bayan of Kananga showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the sangguniang bulletin board of Kananga	
DDD	Certification from Office of the Mayor of Matag-ob showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the municipal bulletin board of Matag-ob	
FFF	Certification from Office of the Mayor of Merida showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the municipal bulletin board of Merida	
GGG	Certification from Sangguniang Bayan of Merida showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the sangguniang bulletin board of Merida	

ннн	Certification from Office of the Mayor of Ormoc showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the city bulletin board of Ormoc	
III	Certification from Sangguniang Bayan of Ormoc showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the sangguniang bulletin board of Ormoc	
KKK	Certification from Sangguniang Bayan of Palompon showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the sangguniang bulletin board of Palompon	
000	Certification from Sangguniang Bayan of Tabango showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the sangguniang bulletin board of Tabango	
QQQ	Certification from Sangguniang Bayan of Villaba showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the sangguniang bulletin board of Villaba	
RRR	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated 1 July 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	

CC.		
SSS	Certification from the Office of the Mayor of Pasig City showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted on the city bulletin board of Pasig City	
ТТТ	Certification from the Sangguniang Panlungsod of Pasig City showing that the Order and Notice of Virtual Hearing dated 1 July was posted on the sangguniang bulletin board of Pasig City	
UUU	Affidavit of Posting from LEYECO V showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted at the company's website and/or Facebook page To show a) compliance with the Order dated 1 July 2024; and b) the other means undertaken by the Applicants EDC and LEYECO V to inform their consumers within their franchise area/area of the Joint Application, its reasons for filing, and the scheduled hearings.	
UUU-1	Certification of Radio Natin Ormoc City showing that the details of the Order and Notice of Virtual Hearing was broadcasted	
UUU-2	Certification of Wave Network showing that the details of the Order and Notice of Virtual Hearing was broadcasted	

VVV	Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 1 July 2024 were posted at the company's website and Facebook page	
WWW to WWW-7	Letters showing that a complete copy of the Application and the Order and Notice of Virtual Hearing dated 1 July 2024 were sent to and duly received by:  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	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
XXX	Affidavit of Posting from LEYECO V showing that the Order and Notice of Virtual hearing dated 1 July 2024 and corresponding jurisdictional requirements were posted at the company's bulletin board	To show a) compliance with the Order dated 1 July 2024; and b) the other means undertaken by the Applicants EDC and LEYECO V to inform their consumers within their franchise
YYY	Affidavit of Posting from EDC showing that the Order and Notice of Virtual Hearing dated 1 July 2024, along with all jurisdictional requirements, were posted at the company's bulletin board	area/area of the Joint Application, its reasons for filing, and the scheduled hearings.

	Judicial Affidavit of Roel C. Cabillo	The testimony of the witness is being offered for the following purposes: to prove that -
		a) He is an employee of LEYECO V;
		b) He is the Power Supply and Energy Trading Section Head of LEYECO V;
ZZZ		c) He 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 DOE;
76		d) The existence and details of the EPSA executed between LEYECO V and EDC on 7 November 2022;
		e) The necessity and approval of the EPSA to ensure continuous and reliable electricity for LEYECO V's member-consumerowners (MCOs) during the said emergency power situation;

		f)	The correctness and accuracy of the EPSA rate impact;
		g)	LEYECO V's compliance with DOE DC2021-09-0030 ("DOE CSP Rules") particularly on the negotiated procurement of emergency power supply;
		h)	He will testify that Board President Emmanuel S. Arpon was duly authorized by the Board of Directors of LEYECO V to file the instant application with the ERC;
		i)	He caused the compliances to the jurisdictional requirements of the ERC;
		j)	The witness will identify documents and testify on such other matters relevant and pertinent to this Joint Application;
ZZZ-1	Signature of Roel C. Cabillo		authenticate

	Judicial Affidavit of Atty. Jannie Ann J. Dayandayan, CPA	The testimony of the witness is being offered for the following purposes: to prove that -  a) She is the General Manager of LEYECO V;
		b) Board President Emmanuel S. Arpon was authorized by the Board of Directors of LEYECO V to file the instant Application for Approval of the EPSA between LEYECO V and EDC;
ZZZ-2		c) The allegations in the application for approval of the EPSA between LEYECO V and EDC;
		d) The necessity and approval of the EPSA to ensure continuous and reliable electricity for LEYECO V's member-consumerowners (MCOs) during the said emergency power situation; e) She caused the compliances to the jurisdictional requirements of the ERC; f) The witness will identify documents

		and testify on such other matters relevant and pertinent to this Joint Application;
ZZZ-3	Signature of Atty. Jannie Ann J. Dayandayan, CPA	To authenticate Exhibit "ZZZ-2"
	Judicial Affidavit of Mr. Bryan C. Carbajal	The testimony of the witness is being offered for the following purposes:
		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;
AAAA		b) To identify the documentary evidence mentioned in his Affidavit in support of the Application; and
		c) To testify on the i) terms and conditions of the Emergency Power Supply Agreement ("EPSA") entered into on 7 November 2022, and Amendment Agreement to the EPSA on 24 August 2023; ii) the basis of the tariff/fees under the EPSA and how they are computed; iii) the technical specifications of the power plant.

AAAA-1	Signature of Mr. Bryan C. Carbajal	To authenticate Exhibit "AAAA"
BBBB and BBBB-1	Hard copy of the expository presentations of EDC and LEYECO V	Compliance with the Order dated 1 July 2024
CCCC and CCCC-1	Soft copy of the expository presentations of EDC and LEYECO V	and b) explain in simple terms to the Applicant's consumers and other concerned parties what the Application is all about

Applicants also wish to offer the following additional documents which they also submitted to the Honorable Commission in compliance with the directives of the Honorable Commission given during the August 8 and 15, 2024 hearings. For ease of reference with the other exhibits, Applicants request that the said documents be marked as below:

EXH. REF.	PARTICULARS	PURPOSE
DDDD	LEYECO V's Answers to the	To show compliance
	Clarificatory Questions	with the directives of the
DDDD-1	Supply Demand Scenario and	Honorable Commission
	Historical Data	during the hearings and
DDDD-2	Actual Utilization	to provide additional
DDDD-3	Rate Impact Analysis with LR	support to the
EEEE	EDC's Response to ERC	Application
	Clarifications	
FFFF	LEYECO V – EDC EPSA	
	Timeline	
GGGG	Matrix of EDC Cases	

#### RESPECTFULLY SUBMITTED.

Ormoc City and Pasig City for Pasig City, September 16, 2024.

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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

IRR NO. 202158: 01/08/2024

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

ROLL OF ATTORNEYS NO. 79616 ADMITTED TO THE BAR ON MAY 17, 2022 PTR NO. 0173779; 01/02/2024 PASIG CITY IBP NO. 302162; 01/08/2024 QUEZON

### **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, private courier and/or electronic mail instead of by personal service.

MERVIN KIM P. CAPILA

Copy furnished:

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Commission on Audit (COA)

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

Senate Committee on Energy

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House of Representatives Committee on Energy

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Office of the Governor

Province of Leyte

Office of the LGU Legislative Body

Province of Leyte

Office of the Mayor

Albuera, Leyte

Office of the LGU Legislative Body

Albuera, Leyte

Office of the Mayor

Calubi-an, Leyte

# Office of the LGU Legislative Body

Calubi-an, Leyte

# Office of the Mayor

Isabel, Leyte

# Office of the LGU Legislative Body

Isabel, Leyte

# Office of the Mayor

Kananga, Leyte

# Office of the LGU Legislative Body

Kananga, Leyte

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Leyte, Leyte

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Leyte, Leyte

# Office of the Mayor

Matag-ob, Leyte

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### Office of the Mayor

Merida, Leyte

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Merida, Leyte

# Office of the Mayor

Ormoc City, Leyte

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Ormoc City, Leyte

### Office of the Mayor

Palompon, Leyte

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Tabango, Leyte

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Villaba, Leyte

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# Regulatory Operations Service

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