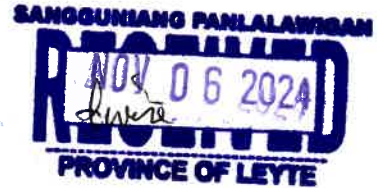


Item No: 17

Date: 26 2024 NOV

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

ENERGY DEVELOPMENT CORPORATION,

*Applicant.*

x-----x

**FORMAL OFFER OF EXHIBITS**

Applicant **ENERGY DEVELOPMENT CORPORATION** (“EDC”), by counsel, and unto this Honorable Commission, respectfully submits the following Formal Offer of Exhibits in compliance with the directive of the Honorable Commission during the hearing last 4 October 2024:

EXH	Document	Purpose
A	Certificate of Incorporation of EDC	To prove, among others, the following: a) the Connection Asset is financially and technically feasible; b) EDC has the financial and technical capability to develop and own the Connection Asset; and c) compliance with technical pre-filing requirements of the Honorable Commission.
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	

EXH	Document	Purpose
		To show the corporate structure, business, purpose, authorities, representatives, officers, directors, affiliates, subsidiaries, parent and other corporate details of EDC.
<b>D</b>	Excerpt from DOE Power Development Plan 2020-2040	To prove, among others, the following: a) the Connection Asset is financially and technically feasible; b) EDC has the financial and technical capability to develop and own the Connection Asset; and c) compliance with technical pre-filing requirements of the Honorable Commission.  To show the growing demand for power in the Philippines, particularly the Visayas Grid, vis-à-vis capacity.  To show that the momentary excess supply passing through Leyte can cause grid frequency to increase wherein output from fully contracted baseload geothermal power plant is curtailed by the Grid operator to maintain grid stability.  To show the increase in variable renewable energy (“VRE”) that could lead to widespread curtailment of non-VRE plants during peak hours and the negative impact on grid stability.
<b>D-1</b>	Excerpt of NGCP’s recommended Transmission Development Plan 2023-2040 showing the Project	
<b>D-2</b>	Request for DOE Endorsement dated June 28, 2024	
<b>D-3<sup>1</sup></b>	DOE Certificate of Endorsement dated August 7, 2024	

<sup>1</sup> Attached to the Judicial Affidavit of Edric Jordan L. Regalario.

EXH	Document	Purpose
		To prove that the Connection Asset is included and consistent with the National Grid Corporation of the Philippines (“NGCP”)’s 2023 Transmission Development Plan (“TDP”), which is for approval by the DOE.
E*	Project Background and Description	To prove, among others, the following: a) the Connection Asset is financially and technically feasible; b) EDC has the financial and technical capability to develop and own the Connection Asset; and c) compliance with technical pre-filing requirements of the Honorable Commission.  To show the growing demand for power in the Philippines, particularly the Visayas Grid, vis-à-vis capacity.  To show that the momentary excess supply passing through Leyte can cause grid frequency to increase wherein output from fully contracted baseload geothermal power plant is curtailed by the Grid operator to maintain grid stability.  To show the increase in VRE that could lead to widespread curtailment of non-VRE plants during peak hours and the negative impact on grid stability.
E-1*	Project Description (Interconnection Facilities)	
E-2*	Project Rationale	
E-3*	Feasibility Study	

EXH	Document	Purpose
		<p>To show that the Project of EDC can help address the increasing energy demand of the country in line with the DOE's recognized applications and benefits of energy storage systems.</p> <p>To prove that the Project can significantly assist in the improvement of the electric power system as contemplated by the DOE.</p> <p>To show the need for the Connection Asset in order to inject and absorb power from the Grid and connect the Project to the Visayas Grid, through the Tongonan 138 kV Substation.</p> <p>To prove that the Connection Asset will be used only for the purpose of connecting the BESS to the Grid, and will be solely used by EDC and not used to serve any end-user or supplier directly.</p>
F	DOE Certificate of Registration No. GRESC 2009-10-001	To prove, among others, the following: a) the Connection Asset is financially and technically feasible; b) EDC has the financial and technical capability to develop and own the Connection Asset; and c) compliance with technical pre-filing requirements of the Honorable Commission.
G-series	Letter from NGCP forwarding the SIS to EDC, NGCP's System Impact Study on ±30 MW Tongonan Energy Storage System Project, including letters to and from NGCP	
H-series <sup>2</sup>	Environmental Compliance Certificate with 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	

<sup>2</sup> Part of Exhibit H-series was attached to the Submission dated October 18, 2024.

EXH	Document	Purpose
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	<p>Renewable Energy Developer, as well as recognize the Project.</p> <p>To prove that the Project can significantly assist in the improvement of the electric power system as contemplated by the DOE.</p> <p>To show that EDC, and the Project, has or is in the process of obtaining all necessary permits and licenses in relation to the Project.</p> <p>To prove the technical feasibility of connecting the proposed Project at the proposed connection point.</p> <p>To prove that the Connection Asset is acceptable to NGCP.</p> <p>To prove that the Connection Asset will be used only for the purpose of connecting the BESS to the Grid, and will be solely used by EDC and not used to serve any end-user or supplier directly.</p> <p>To prove the technical capability of EDC to undertake the Project and the Connection Asset.</p> <p>To show that EDC should be granted authority to develop, own and operate the Connection Asset.</p>
K*	Detailed Estimated Cost of the Project	To prove, among others, the following: a) the

<b>EXH</b>	<b>Document</b>	<b>Purpose</b>
<b>L</b>	SEC Form 17-A for 2022	<p>Connection Asset is financially and technically feasible; b) EDC has the financial and technical capability to develop and own the Connection Asset; and c) compliance with technical pre-filing requirements of the Honorable Commission.</p> <p>To prove that the Connection Asset is financially feasible and to show the cost for constructing and developing the Connection Asset, as well as the financial capability of EDC to undertake the same.</p> <p>To show that EDC should be granted authority to develop, own and operate the Connection Asset.</p>
<b>L-1</b>	SEC Form 17-A for 2023	
<b>M</b>	Relevant Dates of the Project	<p>To prove, among others, the following: a) the Connection Asset is financially and technically feasible; b) EDC has the financial and technical capability to develop and own the Connection Asset; and c) compliance with technical pre-filing requirements of the Honorable Commission.</p> <p>To show the timeline and plans for the Project and the Connection Asset.</p> <p>To prove the technical capability of EDC to undertake the Project and the Connection Asset.</p>
<b>N*</b>	Options considered and the comparison of these options	
<b>O*</b>	The list of names and addresses of personnel responsible for the design, installation, maintenance, and repair of equipment for the proposed system	
<b>P</b>	Single Line Diagram	
<b>Q</b>	Undertaking to Comply with the 2016 Philippine Grid Code	
<b>R*</b>	Conceptual Engineering Design and Drawings	
<b>R-1*</b>	Conceptual Layout	
<b>R-2*</b>	Proof of Technical Capability (Curriculum Vitae of Relevant EDC Personnel and List of Operations and Maintenance Team on site)	
<b>S*</b>	Gantt Chart schedule of the proposed projects	
<b>T*</b>	Project Contractors	

<b>EXH</b>	<b>Document</b>	<b>Purpose</b>
<b>U</b>	Other relevant certifications from the DOE	<p>To show that EDC should be granted authority to develop, own and operate the Connection Asset.</p> <p>To prove the technical feasibility of connecting the proposed Project at the proposed connection point.</p> <p>To prove that the Connection Asset will be used only for the purpose of connecting the BESS to the Grid through the Tongonan 138kV Substation and will be solely used by EDC and not used to serve any end-user or supplier directly.</p>
<b>V</b>	Affidavit in Support of the Prayer for the Issuance of Provisional Authority	<p>To prove, among others, the following: a) the Connection Asset is financially and technically feasible; b) EDC has the financial and technical capability to develop and own the Connection Asset; and c) compliance with technical pre-filing requirements of the Honorable Commission.</p> <p>To show the necessity of the issuance of a provisional authority or interim relief.</p>
<b>W</b>	Affidavit of Publication showing that a complete copy of the Application was published in the July 25, 2024, issue of "The Manila Times"	To show compliance with legal pre-filing requirements of the Honorable Commission
<b>X</b>	Complete Copy of July 25, 2024, issue of "The Manila Times" issue where the Application was published	

<b>EXH</b>	<b>Document</b>	<b>Purpose</b>
<b>Y-series</b>	Affidavit of Service showing that a complete copy of the Application, including its Annexes (except for Annexes subject of the Motion for Confidential Treatment), was sent to the Offices of the Mayor and Sangguniang Panlungsod of Pasig City and/or Certifications from the Offices of the Mayor and Sangguniang Panglungsod of Pasig City showing receipt of a complete copy of the Application and its Annexes (except for Annexes subject of the Motion for Confidential Treatment)	
<b>Z-series</b>	<p>Affidavit of Service showing that a complete copy of the Application, including its Annexes (except for Annexes subject of the Motion for Confidential Treatment), was sent to the following:</p> <ul style="list-style-type: none"> <li>(a) Offices of the Governor and the Sangguniang Panlalawigan of the Province of Leyte; and</li> <li>(b) Offices of the Mayor and Sangguniang Panlungsod of Ormoc City; and</li> <li>(c) Offices of the Mayor and Sangguniang Bayan of Kananga,</li> </ul> <p>and/or Certifications from the foregoing offices showing receipt of a complete copy of the Application and its Annexes (except for Annexes subject of the Motion for Confidential Treatment)</p>	
<b>AA</b>	Affidavit of Publication showing that the Notice of Virtual Hearing dated August 30, 2024 was published in the September 10, 2024 issue of "The Manila Times"	To prove, among others, a) compliance with the Jurisdictional Requirements; and b) compliance with the Order dated August 30, 2024.
<b>BB</b>	Complete Copy of the September 10, 2024 issue of "The Manila Times"	



<b>EXH</b>	<b>Document</b>	<b>Purpose</b>
<b>BB-1</b>	The Notice of Virtual Hearing appearing on the September 10, 2024 issue of "The Manila Times"	
<b>CC</b>	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated August 30, 2024 with a request for posting on the respective bulletin boards were sent to the Office of the Governor and the Sangguniang Panlalawigan of the Province of Leyte, the Offices of the Mayors of Ormoc and Kananga, and Offices of the Sangguniang Panglungsod and Bayan of Ormoc and Kananga, respectively	
<b>DD</b>	Certification from the Office of the Governor of Leyte showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the provincial bulletin board of the Office of the Governor of Leyte	
<b>EE</b>	Certification from the Sangguniang Panlalawigan of Leyte showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the sanggunian bulletin board of the Sangguniang Panlalawigan of Leyte	
<b>FF</b>	Certification from the Office of the Mayor of Kananga showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the municipal bulletin board of the Office of the Mayor of Kananga	
<b>GG</b>	Certification from the Sangguniang Bayan of Kananga showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the sanggunian bulletin board of the Sangguniang Bayan of Kananga	
<b>HH</b>	Certification from the Office of the Mayor of Ormoc showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the city bulletin board of the Office of the Mayor of Ormoc	

<b>EXH</b>	<b>Document</b>	<b>Purpose</b>
<b>II</b>	Certification from the Sangguniang Panglungsod of Ormoc showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the sangguniang bulletin board of the Sangguniang Panglungsod of Ormoc	
<b>JJ</b>	Affidavit of Service showing that copies of the Order and Notice of Virtual Hearing dated August 30, 2024 with a request for posting on the respective bulletin boards were sent to the Office of the Mayor and Sangguniang Panglungsod of Pasig City	
<b>KK</b>	Certification from the Office of the Mayor of Pasig City showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the city bulletin board of the Office of the Mayor of Pasig City	To show a) compliance with the Order dated August 30, 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, including its annexes, and the Order and Notice of Virtual Hearing dated August 30, 2024.
<b>LL</b>	Certification from the Sangguniang Panglungsod of Pasig City showing that the Order and Notice of Virtual Hearing dated August 30, 2024 were posted on the sangguniang bulletin board of the Sangguniang Panglungsod of Pasig City	To show compliance with the directives of the Honorable Commission during the virtual hearing on October 8, 2024, and to provide additional support to the Application.
<b>MM to MM-3</b>	Letters showing that a complete copy of the Application (except for Annexes subject of the Motion for Confidential Treatment of Information) and the Order and Notice of Virtual Hearing dated	To show a) compliance with the Order dated August 30, 2024, and b) that the i) Office of the Solicitor General, ii) Commission on Audit, iii) Committee on Energy of the House of

<b>EXH</b>	<b>Document</b>	<b>Purpose</b>
	<p>August 30, 2024 were sent to and duly received by:</p> <ul style="list-style-type: none"> <li>a) Office of the Solicitor General;</li> <li>b) Commission on Audit;</li> <li>c) Committee on Energy, House of Representatives; and</li> <li>d) Committee on Energy, Senate of the Philippines</li> </ul>	<p>Representatives, and iv) Committee on Energy of the Senate of the Philippines received a complete copy of the Application, including its annexes, and the Order and Notice of Virtual Hearing dated August 30, 2024.</p>
<b>NN</b>	<p>Affidavit of Posting showing that the Order and Notice of Virtual Hearing August 30, 2024 were posted on the company's website and Facebook page</p>	<p>To show a) compliance with the Order dated August 30, 2024, and b) other means undertaken to inform consumers of what the Application is all about.</p>
<b>OO</b>	<p>Affidavit of Posting from showing that the Order and Notice of Virtual Hearing dated August 30, 2024, along with all jurisdictional requirements, were posted at the company's bulletin board</p>	<p>To show a) compliance with the Order dated August 30, 2024, and b) that the jurisdictional requirements, Order and Notice of Virtual Hearing dated August 30, 2024 were all posted on the Applicant's bulletin board.</p>
<b>PP</b>	<p>Judicial Affidavit of Mr. Edric Jordan L. Regalario</p>	<p>To testify on the material allegations in the Application, more specifically on the facts and circumstances leading to the necessity of EDC to develop, own and operate the Connection Asset to connect the Tongonan BESS to the Visayas Grid through the Tongonan 138kV Substation.</p> <p>To testify on the following:  a) EDC is developing the Tongonan BESS; b) EDC plans to develop, own, and operate the Connection</p>

EXH	Document	Purpose
		<p>Asset that will connect the Project to the Visayas Grid, through the Tongonan 138kV Substation; c) The Connection Assets are consistent with NGCP's recommended Transmission Development Plan ("TDP") 2023-2040 awaiting approval by the DOE; d) The Connection Assets will be solely used by EDC and are required only for the purpose of connecting the Project to the Visayas Grid, through the Tongonan 138 kV Switchyard; e) EDC has the financial capability to develop, operate, and own the Connection Asset; f) The issuance of a Provisional Authority for the Application is warranted in order for the Connection Asset to be completed and ready for the testing and commissioning of the Project within the fourth quarter of 2024, and for the Project 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; and g) Other matters relevant to the Application such as the identification of documentary evidence mentioned in his Affidavit in support of the Application.</p> <p>To identify the documentary evidence</p>

EXH	Document	Purpose
		attached to the Application and mentioned in his Judicial Affidavit in support of the Application and other relevant matters.
<b>PP-1</b>	Signature of Mr. Edric Jordan L. Regalario	To authenticate Exhibit "PP"
<b>QQ</b>	Judicial Affidavit of Engr. Elmer Joseph A. Lintag, Jr.	<p>To testify on the material allegations in the Application, more specifically on the facts and circumstances leading to the necessity of EDC to develop, own and operate the Connection Assets to connect the Tongonan BESS to the Visayas Grid through the Tongonan 138kV Substation.</p> <p>To testify on the following:  a) EDC is developing the Tongonan BESS; b) EDC plans to develop, own, and operate the Connection Asset that will connect the Project to the Visayas Grid, through the Tongonan 138kV Substation; c) EDC has the technical capability to develop, operate, and own the Connection Asset; and d) Other matters relevant to the Application such as the identification of documentary evidence mentioned in his Affidavit in support of the Application.</p> <p>To identify the documentary evidence attached to the Application and mentioned in his Judicial Affidavit in support of the Application and other relevant matters.</p>

<b>EXH</b>	<b>Document</b>	<b>Purpose</b>
<b>QQ-1</b>	Signature of Engr. Elmer Joseph A. Lintag, Jr.	To authenticate Exhibit "QQ"
<b>RR and RR-1</b>	Hard and soft copies of the Expository Presentation	To a) show compliance with the Order and Notice of Virtual Hearing dated August 30, 2024, and b) explain in simple terms to Applicant's consumers and other concerned parties what the Application is all about.

*\*Subject to motion for confidential treatment of information*

Applicant also wishes to offer the following documents which it submitted to the Honorable Commission in compliance with the directive of the Honorable Commission given during the 4 October 2024 hearing, and such other documents in support of this instant Application. For ease of reference with the other exhibits, Applicant requests that the said documents be marked as below:

<b>EXH.</b>	<b>PARTICULARS</b>	<b>PURPOSE</b>
<b>T<sup>3</sup></b>	Summary of Responses to Clarificatory Questions propounded during the hearing	To show compliance with the directives of the Honorable Commission during the virtual hearing on October 4, 2024, and to provide additional support to the Application.

RESPECTFULLY SUBMITTED.


Pasig City, October 18, 2024.

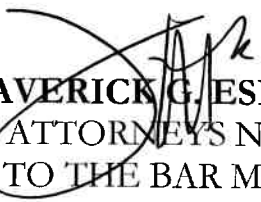
<sup>3</sup> Attached as Annex "B" to the Submission dated October 18, 2024.

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By:


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RIZAL (RSM)

  
**GIANNA MARIA C. COMSTI**  
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PTR NO. 0173730; 01/02/2024  
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IBP NO. 302158; 01/08/2024  
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**JOHN MAVERICK G. ESPINOLA**  
ROLL OF ATTORNEYS NO. 81683  
ADMITTED TO THE BAR MAY 24, 2022  
PTR NO. 0173784; 01/02/2024  
PASIG CITY  
IBP NO. 302165; 01/08/2024  
RIZAL (RSM)

**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 or licensed courier or electronic mail instead of by personal service.

  
**JOHN MAVERICK G. ESPINOLA**

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