



LEYTE V ELECTRIC COOPERATIVE, INC.

Brgy. San Pablo, Ormoc City, Leyte
Telephone Nos.: PLDT: (053) 839-3920 to 3921 / Globe: (053) 561-4466
Cellular Phone Nos. Calls Only: Smart: 0998-964-3804; Globe: 0917-836-3895
Website: www.leyeco-v.com.ph eMail Address: info@leyeco-v.com.ph

Item No.: **03**

Date: **2025 SEP 15**

Reference No. 2025-09-685

September 2, 2025

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: **SEP 15 2025**
By: *[Signature]*

HON. LEONARDO M. JAVIER
Provincial Vice Governor of Leyte
Leyte Provincial Government Complex
West Bypass Road, Brgy. Guindapunan
6501 Palo, Leyte, Philippines

Subject: **ERC CASE NO. 2025-147 RC: "IN THE MATTER OF THE APPLICATION FOR THE APPROVAL OF THE EMERGENCY POWER SUPPLY AGREEMENT (EPSA) BETWEEN SOUTHWEST LUZON POWER GENERATION CORPORATION (SLPGC) AND LEYTE V ELECTRIC COOPERATIVE, INC. (LEYECO V) WITH MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION"**

Dear Honorable Vice Governor Javier:

Greetings from LEYECO V!

In compliance with the directives of the Energy Regulatory Commission (ERC) in connection with the above-entitled Joint Application, we are furnishing this Honorable Office the following:

1. *ERC Order promulgated August 27, 2025*
2. *ERC Notice of Virtual Hearing promulgated August 27, 2025*
3. *LEYECO V and SLPGC Joint Application with annexes and attachments (due to voluminous annexes and attachments, we are transmitting scanned copies of the same through a USB Flash Drive.*

In line with this, we are requesting that the said Order and Notice of Virtual Hearing, including Annex "A" thereof, be posted on the **Bulletin Board of the Sangguniang Panlalawigan** and thereafter, a **Certification** (please see the attached suggested format) bearing the **official Dry Seal** of your Office be issued as proof of posting.

Should you have any inquiries in relation to this matter, please do not hesitate to contact the office of **Mr. Jiel Barabad, Acting Assistant Trader of Corporate Planning and Energy Trading Department (CETD)** at **0946-493-5010** or Tel Nos. **(053) 839-3920 to 3921** local no. **219**.

Very truly yours,

ATTY. JANNIE ANN J. DAYANDAYAN, CPA
General Manager

[Handwritten initials]
cp / novc / mrg

Executive Secretary: 206 InfoTech & Comm. Services: 216-218, 509 Institutional Services Dept.: 401 Public Relations: 214 Clinic: 209 Membership Division Chief: 403 Membership: 404 Housewiring: 407 Customer Welfare Desk: 200-205 Motorpool: 406 ODM: 409 Human Resources: 402, 210 GSD Chief: 408 Warehouse: 405 Corporate Planning & Energy Trading Dept.: 219, 221, 223	Technical Services Dept.: 801,802 Engineering: 803 Line Construction: 804 Internal Audit Dept.: 701 Auditors: 702 Finance Services Dept.: 501 Cashiering: 502 Collection: 503-504 Accounting: 505 Consumer Accts: 506 Meter Reading & Billing: 507, 508 & 510
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Republic of the Philippines
ENERGY REGULATORY COMMISSION
Exquadra Tower, 1 Jade Drive, Ortigas Center
Brgy. San Antonio, Pasig City

**IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE
EMERGENCY POWER
SUPPLY AGREEMENT
(EPSA) BETWEEN
SOUTHWEST LUZON
POWER GENERATION
CORPORATION (SLPGC)
AND LEYTE V ELECTRIC
COOPERATIVE, INC.
(LEYECO V) WITH MOTION
FOR CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2025-147 RC

**SOUTHWEST LUZON
POWER GENERATION
CORPORATION (SLPGC)
AND LEYTE V ELECTRIC
COOPERATIVE, INC.
(LEYECO V)**

July 25, 2025

Applicants

**JOINT APPLICATION WITH MOTION FOR CONFIDENTIAL
TREATMENT OF INFORMATION**

Applicants, **SOUTHWEST LUZON POWER
GENERATION CORPORATION (“SLPGC”)** and **LEYTE V
ELECTRIC COOPERATIVE, INC. (“LEYECO V”)**, by
undersigned counsel, respectfully state:

I. THE APPLICANTS

1. Applicant SLPGC is a corporation organized and existing under the laws of the Philippines, with its principal office at Brgy. San Rafael, City of Calaca, Batangas, Philippines. It may be served with notices and other processes of this Honorable Commission through its counsel at the address indicated herein.

2. Applicant LEYECO V is a Philippine non-stock, non-profit electric cooperative, duly organized and existing by virtue of the laws of the Philippines, with principal office address at Brgy. San Pablo, Ormoc City, Leyte. It may be served with notices and other processes of this Honorable Commission through its counsel at the address indicated herein.

II. COMPLIANCE WITH PRE-FILING REQUIREMENTS

3. In compliance with Rule 3, Section 4 (e) of the Implementing Rules and Regulations of the Electric Power Industry Reform Act of 2001 (“EPIRA”) and Rule 6 of the Energy Regulatory Commission’s (“ERC”) Revised Rules of Practice and Procedure (“Revised RPP”), Applicants have furnished the Offices of the City Mayor and Municipal Mayor and *Sangguniang Bayan* and *Sangguniang Panlungsod* as well as the Offices of the Governor and *Sangguniang Panlalawigan* where they respectively principally operate, with copies of the instant Application and its accompanying documents.

Certifications from the following offices are attached hereto as follows:

Certifications	Annex
Office of the City Mayor of Calaca	[*]
Office of the <i>Sangguniang Panlungsod</i> of Calaca	[*]
Office of the Governor of Batangas	[*]
Office of the <i>Sangguniang Panlalawigan</i> of Batangas	[*]
Office of the City Mayor of Ormoc	[*]
Office of the <i>Sangguniang Panlungsod</i> of Ormoc	[*]
Office of the Governor of Leyte	[*]
Office of the <i>Sangguniang Panlalawigan</i> of Leyte	[*]

4. Furthermore, Applicants have caused the publication of the present Application in a newspaper of general circulation in LEYECO V's franchise area.

The Affidavit of Publication and the newspaper issue containing the published Application will be attached hereto as follows:

Document	Annex
Affidavit of Publication	[*]
Copy of Newspaper	[*]

III. STATEMENT OF FACTS

5. On 3 March 2019, the Supreme Court promulgated its Decision in *Alyansa Para sa Bagong Pilipinas, Inc. v. Energy Regulatory Commission* (“**Alyansa Case**”)¹ requiring all applications for approval of the PSAs filed on or after 30 June 2015 to comply with the CSP requirement provided under the Department of Energy’s (“**DOE**”) Department Circular No. DC2023-06-0021, entitled “*Prescribing the Policy for the Mandatory Conduct of the Complete Selection Process by the Distribution Utilities for the Procurement of Power Supply for their Captive Market*” (“**DOE 2023 CSP Circular**”).

6. As a result of the Supreme Court’s ruling in the Alyansa Case, the Power Supply Agreement previously entered into by LEYECO V and GNP Power Dinginin, Ltd. Co. (“**GNPD**”) subject of ERC Case No. 2016-057 RC on 16 December 2015 (“**GNPD PSA**”) was terminated as a result of the ERC’s implementation of the CSP mandate in the *Alyansa Case*.

7. Constrained to meet the demand without the GNPD PSA, LEYECO V entered into an 11 MW and 20 MW Emergency Power Supply Agreements (“**EPSAs**”) with FDC Misamis Power Corporation (“**FDC-MPC**”) (“**FDC-MPC EPSA**”) and GN Power Dinginin Ltd. Co. (“**GNPD**”) (“**GNPD EPSA**”), effective from 22 September 2023

¹ G.R. No. 227670, 3 May 2019.

to 21 September 2024 and from 22 September 2023 to 21 September 2024, respectively, under ERC Case No. 2024-049 RC and ERC Case No. 2024-054 RC.

8. During the terms of the FDC-MPC EPSA and GNPDP EPSA, and to finally secure long-term power supply in their respective franchise areas, LEYECO V, together with nine (9) other member Electric Cooperatives (“**ECs**”), entered into a Memorandum of Agreement (“**MOA**”) to aggregate their baseload power requirements and participate in the Region 8 Joint Competitive Power Supply Procurement (“**R8 JCPSP**”) for the period of 2024 to 2033.

9. Thus, on 10 November 2023, the R8 JCPSP was conducted in accordance with the DOE 2023 CSP Circular, ERC Resolution No. 16, Series of 2023, entitled, “*Implementing Guidelines for the Procurement, Execution, and Evaluation of Power Supply Agreements Entered into by Distribution Utilities for the Supply of Electricity to their Captive Market*” (“**ERC CSP Guidelines**”), and National Electrification Administration’s (“**NEA**”) Memorandum no. 2023-57 entitled, “*Adoption of the NEA Competitive Selection Process Guidelines Implementing the DOE’s Department Circular No. DC2023-06-0021 and the Energy Regulatory Commission’s Resolution No. 16, S. 2023*”.

10. However, based on the timeline outlined in the DOE 2023 CSP Circular, the R8 JCPSP process may extend beyond the expiration date of the current GNPDP EPSA. The Power Supply Agreements² (“**PSAs**”) resulting from the R8 JCPSP were only signed on 13 September 2024.

11. Given the pendency of the foregoing PSAs, and in anticipation of a potential energy supply shortage, LEYECO V acknowledged the urgent need to contract immediate and reliable supply of energy to continue serving its Members-Consumers-Owners (“**MCOs**”) in its franchise area. As such, LEYECO V sought guidance from the ERC regarding the expiration of its FDC-MPC EPSA and

² Power Supply Agreement with Therma Luzon Inc., Sual Power Inc., and KEPCO SPC Power Corporation.

GNPD EPSA and sought the DOE³ and ERC's⁴ confirmation that LEYECO V may enter into negotiated procurement of emergency power supply pursuant to the DOE 2023 CSP Circular and ERC CSP Guidelines.

12. Thus, in a letter dated 16 September 2024, the ERC advised LEYECO V to file the necessary application in compliance with the DOE 2023 CSP Circular and ERC CSP Guidelines, and to substantiate or demonstrate the existence of an emergency situation.⁵

13. Thereafter, LEYECO V submitted proposal requests to SLPGC and Sem-Calaca Power Corporation for a 25 MW EPSA to cover the interim period until the ERC issues a PA/IR or final approval of the R8 JCPSP PSAs.⁶

14. On 18 October 2024, SLPGC submitted a proposal through an Offer Sheet for Emergency Power Supply of 25MW baseload power requirement of LEYECO V.

15. On 30 October 2024, LEYECO V accepted SLPGC's proposal and proceeded to negotiate the EPSA with SLPGC for 15 MW only.⁷

16. On 29 November 2024, Atty. Jannie Ann J. Dayandayan, CPA, the General Manager of LEYECO V, executed an affidavit attesting to the existence of the continuing force majeure or fortuitous event due to the pending approval of its PSAs, which compelled LEYECO V to conduct negotiated procurement of emergency power supply.⁸

³ A copy of LEYECO V's Letter to DOE dated 6 September 2024 is hereto attached as Annex 09 and made an integral part hereof.

⁴ A copy of LEYECO V's Letter to the ERC dated 6 September 2024 is hereto attached as Annex 09A and is made an integral part hereof.

⁵ A copy of ERC's Reply Letter dated 16 September 2024 is hereto attached as Annex 09B and is made an integral part hereof.

⁶ Copies of LEYECO V's Proposal Request Letter to SLPGC and Sem-Calaca Power Corporation dated 14 October 2024 are attached as Annexes 10 and 10A and are made integral parts hereof.

⁷ A copy of LEYECO V's Proposal Acceptance Letter to SLPGC dated 30 October 2024 is attached as Annex 10B and made an integral part hereof.

⁸ Copies of Atty. Dayandayan's Affidavit of Fortuitous Event dated 29 November 2024 and Write-Up on the Non-Applicability of Certification on Occurrence of Force Majeure/Fortuitous Event dated are attached as Annexes 11 and 11A are made integral parts hereof.

17. On 13 November 2024, LEYECO V issued a Notice of Award (“NOA”) to SLPGC, which was accepted by SLPGC.⁹

18. Hence, on 15 November 2024, LEYECO V executed an EPSA with SLPGC (“**SLPGC EPSA**”). The agreement is effective for a period of one (1) year starting 26 November 2024, with the delivery period subject to earlier termination upon the issuance of ERC Orders or Decisions approving the R8 JCPSP PSA (the “**Supply Period**”).

19. Thus, this instant Joint Application for the approval of the SLPGC EPSA between the Applicants.

IV. SALIENT FEATURES OF THE SLPGC-LEYECO V EPSA

20. The duly executed EPSA contains the following salient provisions:

xxx

Supply of Electricity¹⁰

SELLER shall make available to the BUYER during the Contract Period the Contracted Capacity and its Contracted Energy, as provided in **Schedule 3**, and in accordance with the terms of this Agreement. The Parties agree that SELLER shall have no obligation to supply more than the Contracted Capacity, except as otherwise provided in this Agreement.

The SELLER shall make available the Contracted Capacity from its nominated Plant without prejudice to its right to source energy from the WESM, or its successor wholesale market, or any other sources. If the Contracted Capacity is sourced, in whole or in part by the SELLER from the WESM or any other sources pursuant to this paragraph, it shall have the same effect as though energy is made available from the Plant to the Delivery Point.

xxx

Contract Period¹¹

Effectivity period: from Effective Date up to last day of the Delivery Date.

Delivery period: The delivery period shall commence on the date agreed upon by both parties, but not later than December 26, 2024, and shall continue for a maximum period

⁹ A copy of LEYECO V's NOA to SLPGC dated 13 November 2024 is attached as Annex 12 and made an integral part hereof.

¹⁰ Section 4.1., EPSA.

¹¹ See Schedule 4, EPSA.

5.2.3 In the event that the reduction in Contracted Capacity was a result of the transfer or migration of any of the BUYER's existing captive customers and the procurement by such customer of electricity from any supplier or generator (or Affiliate thereof) with whom the BUYER has no contract and/or agreement for supply of electricity, any reduction in the Contracted Capacity hereunder shall be the average electricity consumption (in MW) of such customer for the last twelve (12) months pro-rated among all of the BUYER's existing power suppliers based on contract levels.

xxx

21. In light of the foregoing, the Applicants respectfully seek the confirmation and approval of the Honorable Commission of its EPSA.

22. In support of the instant Joint Application, the Applicants hereto provide the following documents:

DESCRIPTION OF DOCUMENT	ANNEX
SLPGC and LEYECO V EPSA dated 15 and 22 November 2024	01
LEYECO V's Supply and Demand Scenario	02
Executive Summary of the EPSA	03
Generation Rate and Derivation*	04A
Financial Model*	04A
Rate Impact Analysis	04D-02
Sworn Statement on Fuel Supply Plan*	05
Contract for Supply and Purchase of Steam Coal*	05A
SLPGC Power Plant Description	05B
Bank Certifications*	07
SLPGC Explanation Letter on Inapplicable Documents	08
LEYECO V's Letter to DOE dated 6 September 2024	09
LEYECO V's Letter to the ERC dated 6 September 2024	09A
ERC's Reply Letter dated 16 September 2024	09B
LEYECO V's Proposal Request Letter to SLPGC dated 14 October 2024	10

LEYECO V's Proposal Request Letter to Sem-Calaca Power Corporation dated 14 October 2024	10A
LEYECO V's Proposal Acceptance Letter to SLPGC dated 30 October 2024	10B
LEYECO V's Affidavit of Fortuitous Event dated 29 November 2024	11
LEYECO V's Write-up on the Non-Applicability of Certification on the Occurrence of Force Majeure/Fortuitous Event	11A
LEYECO V's Notice of Award ("NOA") to SLGPC dated 13 November 2024	12

**Subject of the Motion for Confidential Treatment of Information*

V. ALLEGATIONS IN SUPPORT OF THE MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION

23. Section 1, Rule 4 of the ERC Revised Rules of Practice and Procedure provides that a party to a proceeding before the Honorable Commission may move for information to be treated as confidential.

24. Pursuant thereto, the Applicants pray that the information contained in the documents attached as annexes be treated as confidential and that the same be continuously protected from public disclosure, except to the officers and staff of the Honorable Commission, as follows:

DOCUMENTS	ANNEX
Generation Rate and Derivation	04A
Financial Model	04B
Sample Bill	04D
Sworn Statement on Fuel Supply Plan	05
Contract for Supply and Purchase of Steam Coal	05A
Bank Certifications	07

25. Annexes "04A", "04B", "04D", "05", "05A", and "07" contain information and data where SLPGC has actual and valuable proprietary interest to protect with respect to such

information and fall within the bounds of “trade secrets” that are entitled to protection under the Constitution, statutes, and rules and regulations of this Honorable Commission.

- 25.1. The foregoing annexes contain non-public proprietary information and data involving SLPGC’s generation rate calculations, financial model, and cash flow. SLPGC determines its competitive rates through these data; thus, the information contained in these documents are privileged and confidential in nature.
- 25.2. Likewise, the details of SLPGC’s fuel and lube procurement process and SLPGC’s Plant performance test result contain information pertaining to the core of SLPGC’s business operations and any disclosure thereof will affect SLPGC’s competitiveness in the industry. As such, the information contained in these documents are likewise privileged and confidential in nature.
- 25.3. More importantly, SLPGC’s competitors, should they obtain the information Annexes “D”, “E”, “F”, “G”, and “J” will gain undue advantage thereon and have the opportunity to use the same in their operations. The negotiating power of SLPGC with parties it plans to contract with or who it is currently doing business with, will clearly be thwarted if it is compelled to disclose such information.

26. Annexes “04A”, “04B”, “04D” “05”, “05A”, and “07” contain information and data on the rates of SLPGC, and such rate offers may be considered as business or trade secrets of these generation companies. Furthermore, the information and data in the aforementioned annexes are not generally available to the public.

27. In the case of the *Air Philippines Corporation v. Pennswell¹⁹, Inc.*, the Supreme Court explained that:

“A trade secret is defined as a plan or process, tool, mechanism or compound known only to its owner and those of his employees to whom it is necessary to confide it. The definition also extends to

¹⁹ G.R. No. 172835 (2007).

a secret formula or process not patented but known only to certain individuals using it in compounding some article of trade having a commercial value. A trade secret may consist of any formula, pattern, device, or compilation of information that: **(1) is used in one's business; and (2) gives the employer an opportunity to obtain an advantage over competitors who do not possess the information.** Generally, a trade secret is a **process or device intended for continuous use in the operation of the business,** for example, a machine or formula, but can be a price list or catalogue or specialized customer list. **It is indubitable that trade secrets constitute proprietary rights.”** (*Emphasis supplied.*)

28. Moreover, the Honorable Commission categorically acknowledged in its Decision in ERC Case No. 2015-111 RC²⁰ that formulas and pricing structures of a generation company must be accorded confidential protection, to wit:

“In the case of PNOC RC, the documents sought to be protected from disclosure contain formula and pricing structures used in arriving at their proposed tariff. In fact, all three (3) documents were used by the Commission in evaluating the reasonableness of the proposed rate. **In the electric power industry w[h]ere prices is [sic] a major consideration in selecting one’s supplier, it is apparent that the assumptions used in arriving at one’s proposed tariff is considered a competitive leverage by one player against its competitors.**

Thus, the Commission resolves to treat the said documents confidential and may not be publicly disclosed.” (*Emphasis supplied.*)

²⁰ ERC Decision dated 30 May 2017 entitled, “In the Matter of the Application for Approval of the Power Supply Agreement Between Nueva Ecija II Electric Cooperative, Inc.-Area 2 (NEECO II – Area 2) and PNOC Renewables Corporation (PNOC RC)” – ERC Case No. 2015-111 RC.

29. The interest of the consuming public is sufficiently protected by the review and evaluation of the rates under the EPSA by the Honorable Commission, without the need to disclose the contents of Annexes “04A”, “04B”, “04D” “05”, “05A”, and “07”. The reasonableness and transparency of the prices of electricity is to be assured by the Honorable Commission through its own review and verification of the foregoing confidential documents.
30. Accordingly, one (1) copy each of Annexes “04A”, “04B”, “04D” “05”, “05A”, and “07” are placed in a sealed envelope, with the said envelope and each page of the documents and/or information stamped with the word “Confidential”.
31. Therefore, Applicants respectfully submit the instant Application for the Honorable Commission’s urgent and utmost consideration.

PRAYER

WHEREFORE, premises considered, Applicants respectfully pray that the Honorable Commission:

1. **ISSUE** an Order treating Annexes “04A”, “04B”, “04D” “05”, “05A”, and “07” and all information contained therein as confidential, directing their non-disclosure to persons other than the officers and staff of the Honorable Commission, continuously 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
2. After trial on the merits, **APPROVE** with finality the EPSA between the Applicants and the terms and conditions therein.

Other reliefs, just and equitable under the circumstances, are likewise prayed for.

**Makati City and Tacloban City for Pasig City, 20 March
2025.**

PUYAT JACINTO & SANTOS

Counsel for **SOUTHWEST LUZON POWER
GENERATION CORPORATION (“SLPGC”)**

10/F 8 Rockwell,

Hidalgo corner Plaza Drive,

Rockwell Center, Makati City, Metro Manila

Tel No. 8840-5025

Fax No. 8810-0890

Email: pjs@pjslaw.com

By:

ROY ENRICO C. SANTOS

Roll No. 40571

IBP LRN 02739/01-10-2002/Rizal

PTR No. 10473185/01-07-2025/Makati City

MCLE Compliance No. VIII-0030551/04-28-2025

PATRICK V. ARCELLANA

Roll No. 71386

IBP No. 512022/01-06-2025/Rizal (RSM)

PTR No. 10473189/01-07-2025/Makati City

MCLE Compliance No. VIII – In Process

IAN CARLO D. BENITEZ

Roll No. 84831

IBP No. 512029/01-06-2025/Laguna

PTR No. 10473200/01-07-2025/Makati City

MCLE Compliance No. VIII – 0031244/05-01-2025

STEPHANIE C. DEL CASTILLO

Roll No. 91329

IBP No. 512036/01-06-2025/Makati City

PTR No. 10473207/01-07-2025/Makati City

MCLE Compliance No. VIII – In Process



JULIE-ANN KRIS R. CORRIDOR

Roll No. 95061

IBP No. 527209/02-05-2025/Makati City

PTR No.10511432/02-05-2025/Makati

MCLE Compliance No. Admitted to the Bar

January 2025

Counsel for **LEYTE V ELECTRIC
COOPERATIVE, INC. ("LEYECO V")**



TYRON JAN G. ALBAO

Unit 2, 2nd Flr. Tacloban Convention Center,
Real St., Tacloban City 6500
Contact No. 09176321822
Email Address: attyteejalbao@gmail.com
Roll of Attorneys No. 66859
PTR No. 51550 / 01-07-2025; Leyte
IBP No. 501685 / 01-07-2025; Leyte Chapter
MCLE Compliance No. VIII-0025126
Valid until 14 April 2028



PETER JOVEN Y. DE OÑO

0977 R. Mendiola St., Brgy. Sta Cruz, Palo, Leyte
6501
Contact No. 09171358090
Email address: power8lawyers@gmail.com
Roll of Attorneys No. 72478
PTR No. 8661940 / 01-06-25; Tacloban City
IBP No. 499121 / 01-06-25; Leyte Chapter
MCLE Compliance No. VIII-0025125
Valid until 14 April 2028

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE
EMERGENCY POWER
SUPPLY AGREEMENT
(EPSA) BETWEEN
SOUTHWEST LUZON
POWER GENERATION
CORPORATION (SLPGC)
AND LEYTE V ELECTRIC
COOPERATIVE, INC.
(LEYECO V) WITH MOTION
FOR CONFIDENTIAL
TREATMENT OF
INFORMATION**

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
SEP 15 2025
Date: _____
By: Jane

ERC CASE NO. 2025-147 RC

**SOUTHWEST LUZON
POWER GENERATION
CORPORATION (SLPGC)
AND LEYTE V ELECTRIC
COOPERATIVE, INC.
(LEYECO V),**

Applicants.

X-----X

Promulgated:
August 27, 2025

ORDER

On 25 July 2025, the Southwest Luzon Power Generation Corporation (SLPGC) and Leyte V Electric Cooperative, Inc. (LEYECO V) filed a *Joint Application*, dated 20 March 2025, seeking the Commission's approval of their Emergency Power Supply Agreement (EPSA), with motion for confidential treatment of information.

The docketed copy of the *Joint Application*, excluding its annexes, is attached as Annex "A" of the *Notice of Virtual Hearing*.

Finding the *Joint Application* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for hearing, pursuant to the pertinent rules of the Commission, as follows:

Date and Time	Platform	Activity
24 September 2025 (Wednesday), at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository Presentation
01 October 2025 (Wednesday), at two o'clock in the afternoon (2:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, Applicants are hereby directed to mirror the virtual hearings, to be hosted by the Commission, at **LEYECO V's Principal Office located at Brgy. San Pablo, Ormoc City, Leyte**, as the designated venue for the conduct thereof and ensure that the same is open to the public. Moreover, Applicants shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, Applicants are hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing*, including Annex "A" thereof, 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 the scheduled initial virtual hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, including Annex "A" thereof, the Offices of the Provincial Governor, the Mayors, and their respective Local Government Unit (LGU) legislative bodies within LEYECO V's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within LEYECO V's franchise area, by any other means available and appropriate, of the filing of the *Joint Application*, their reasons therefor, and of the scheduled virtual hearings;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, including Annex "A" thereof, the Office

of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire, to send their duly authorized representatives and attend the scheduled hearings; and

- 5) Furnish with copies of the *Joint Application* and its attachments, except those subject of a motion for confidential treatment of information, all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

Within five (5) calendar days prior to the date of the initial virtual hearing, Applicants must submit to the Commission via electronic mail (e-mail) at doCKET@erc.ph, and copy furnish the Legal Service through legal@erc.ph, the scanned copies of their written compliance with the aforementioned jurisdictional requirements, attaching the following methodically arranged and duly marked documents:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing*, including Annex "A" thereof, consisting of affidavits of the Editors or Business Managers of the newspapers where the same were published, and the complete issues of the said newspapers;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing*, including Annex "A" thereof, consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayors and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by the Applicants to inform the consumers within LEYECO V's franchise area of the filing of the *Joint Application*, their reasons therefor, and of the scheduled hearings;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing*, including Annex "A" thereof, by the OSG, the COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Joint Application* and its attachments, except those subject of a motion for

confidential treatment of information, by all those making requests therefor, if any; and

- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, Applicants are hereby required to post on their bulletin boards, the scanned copies of the foregoing jurisdictional requirements and to submit the proof of posting thereof.

Applicants and all interested parties are also required to submit via e-mail at doCKET@erc.ph, and copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings thereof, which must be attached to the Pre-Trial Brief; and
- 4) The names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

Failure of Applicants to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Applicants must also be prepared to make an expository presentation of the *Joint Application*, aided by whatever communication medium that they may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Joint Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Joint Application* must be cited in support thereof.

Applicants are hereby directed to file a copy of their Expository Presentation via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior

to the scheduled virtual hearing. Applicants are also required to provide a copy of their Expository Presentation to any stakeholder requesting therefor **at least five (5) calendar days** prior to the scheduled virtual hearing.

Applicants and interested parties are hereby directed to submit, either through personal service, registered or ordinary mail/private courier, all the pleadings and required submissions, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission.

Finally, Applicants, including their authorized representatives and witnesses, and interested parties who wish to attend the scheduled virtual hearings are hereby directed to provide the Commission, through legal.virtualhearings@erc.ph, their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

SO ORDERED.

Pasig City, 22 August 2025.

FOR AND BY AUTHORITY
OF THE COMMISSION:

Maria Corazon C. Gines

ATTY. MARIA CORAZON C. GINES
Director III, Legal Service


LS: MND/ARG

of one (1) year. However, the delivery period may be earlier terminated upon the issuance of ERC orders or resolutions, approving all filed Power Supply Agreements under CSP with Region 8, provided that the BUYER gives the SELLER a thirty (30) days' written notice for such purpose.

xxx

Delivery Date and Effective Date¹²

"Delivery Date" means the date on which the supply of contract capacity of 15MW to LEYTE V ELECTRIC COOPERATIVE, INCORPORATED shall take effect.

"Effective Date" means the date on which this Agreement is duly executed by the Parties and upon which their obligations shall commence.

xxx

Contracted Energy and Delivered Energy

SELLER shall bill the BUYER the equivalent energy supplied, for each Billing Month in accordance with the Electricity Fees in Schedule 5.¹³

"Contracted Energy" means the energy offtake, equivalent to 100% energy (kWh) equivalent of the Contracted Capacity for any Billing Month, as provided in Schedule 3, subject to adjustment due to actual number of Force Majeure, if applicable.¹⁴

"Delivered Energy" the total Energy (kWh) declared to WESM by the SELLER intended for the BUYER for the relevant billing month, subject to adjustment due to Force Majeure, if applicable.¹⁵

xxx

Electricity Fees¹⁶

In respect of each Billing Month within the Contract Period, BUYER shall pay Electricity Fees to SELLER in accordance with **Schedule 5**.

¹² See Schedule 1, EPSA.

¹³ Section 4.3., EPSA.

¹⁴ See Schedule 1, EPSA.

¹⁵ See Schedule 1, EPSA.

¹⁶ Section 6.1., EPSA.

The BUYER shall not be made to pay for electricity fees pertaining to capacity that it can no longer accept due to (i) circumstances mentioned under Article 5 of this Agreement; or (ii) capacity that SELLER for some reason is unable to deliver.

XXX

Reduction in Contracted Capacity¹⁷

BUYER shall be entitled to a reduction in the Contracted Capacity, by reason of the following:

- a. The lowering of the threshold of contestability in relation to the implementation of Retail Competition and Open Access (RCOA);
- b. The Green Energy Option Program or relevant Renewable Energy Law;
- c. The Net Metering Program;
- d. Other relevant laws issued by the Philippine Government; or
- e. ERC approval or issuance of provisional authority of interim relief of LEYECO V PSAs

In the case of item a) above, the reduction shall be in accordance with Article 5.2 below. In the case of items b), c), and d), the reduction shall be proportionate with all of the then current power suppliers of the BUYER and equivalent to the reduction of the demand of the BUYER. In these instances, the reduction shall be effective sixty (60) days upon receipt of a written notification by the BUYER to the SELLER.

In the case of item e), the reduction shall be proportionate to this EPSA's capacity share over the total EPSA capacity. The reduction for item e) shall be effective thirty (30) days upon receipt of a written notification from the BUYER to the SELLER

Reduction in Contracted Capacity due to Retail Competition and Open Access (RCOA)¹⁸

5.2.1 In the event that the reduction in Contracted Capacity was a result of the transfer or migration of any of the BUYER's existing captive customers and the procurement by such customer of electricity from the SELLER or any subsidiary of the SELLER, the volume of the Contracted Capacity to be reduced shall be the average electricity consumption (in MW) of such customer for the last twelve (12) months.

5.2.2 In the event that the reduction in Contracted Capacity was a result of the transfer or migration of any of the BUYER's existing captive customers and the procurement by such customer of electricity from any of the BUYER's Affiliates, or the BUYER's or its Affiliate retail electricity supplier, or the BUYER's existing power suppliers (or their Affiliates) at that time (other than the SELLER or any of its Affiliates), there shall be no reduction of the BUYER's Contracted Capacity under this Agreement.

¹⁷ Section 5.1., EPSA.

¹⁸ Section 5.2., EPSA.

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Copy Furnished:

1. Leyte V Electric Cooperative, Inc. (LEYECO V)
Applicant
Brgy. San Pablo, Ormoc City, Leyte
Emails: analoupastor@gmail.com, info@leyeco-v.com.ph, mrguinarez@gmail.com,
djannieann@yahoo.com
2. Southwest Luzon Power Generation Corporation (SLPGC)
Applicant
Brgy. San Rafael, City of Calaca, Batangas
Emails: nnsalamat@slpowergen.com; jmlotilla@semirarampc.com;
aemendoza@slpowergen.com; gckho@slpowergen.com; jslenor@semirarampc.com
3. Puyat Jacinto & Santos
Attys. Roy Enrico C. Santos, Patrick V. Arcellana, Ian Carlo D. Benitez, Stephanie C. Del
Castillo and Julie-Ann Kris R. Corridor
Counsel for Applicant SLPGC
10/F 8 Rockwell, Hidalgo corner Plaza Drive
Rockwell Center, Makati City
Email: pjs@pjslaw.com; patrick.arcellana@pjslaw.com; ian.benitez@pjslaw.com;
4. Atty. Tyron Jan G. Albao
Counsel for LEYECO V
Unit 2, 2nd Flr. Tacloban Convention Center,
Real St., Tacloban City
Email: attyteejalbao@gmail.com
5. Atty. Peter Joven Y. De Oño
Counsel for LEYECO V
0977 R. Mendiola St., Brgy. Sta Cruz,
Palo, Leyte
Email: power8lawyers@gmail.com
6. Office of the Provincial Governor
Province of Leyte
7. Office of the Sangguniang Panlalawigan
Province of Leyte
8. Office of the City Mayor
Ormoc, Leyte
9. Office of the Sangguniang Panglungsod
Ormoc, Leyte
10. Office of the Municipal Mayor
Isabel, Leyte
11. Office of the Sangguniang Bayan
Isabel, Leyte
12. Office of the Municipal Mayor
Merida, Leyte
13. Office of the Sangguniang Bayan
Merida, Leyte
14. Office of the Municipal Mayor
Palompon, Leyte
15. Office of the Sangguniang Bayan
Palompon, Leyte
16. Office of the Municipal Mayor
Tabango, Leyte

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17. Office of the Sangguniang Bayan
Tabango, Leyte
18. Office of the Municipal Mayor
Calubian, Leyte
19. Office of the Sangguniang Bayan
Calubian, Leyte
20. Office of the Municipal Mayor
San Isidro, Leyte
21. Office of the Sangguniang Bayan
San Isidro, Leyte
22. Office of the Municipal Mayor
Leyte, Leyte
23. Office of the Sangguniang Bayan
Leyte, Leyte
24. Office of the Municipal Mayor
Kananga, Leyte
25. Office of the Sangguniang Bayan
Kananga, Leyte
26. Office of the Municipal Mayor
Matag-ob, Leyte
27. Office of the Sangguniang Bayan
Matag-ob, Leyte
28. Office of the Municipal Mayor
Albuera, Leyte
29. Office of the Sangguniang Bayan
Albuera, Leyte
30. Office of the Municipal Mayor
Villaba, Leyte
31. Office of the Sangguniang Bayan
Villaba, Leyte
32. Office of the City Mayor
Calaca City, Batangas
33. Office of the Sangguniang Panlungsod
Calaca City, Batangas
34. Office of the Governor
Province of Batangas
35. Office of the Sangguniang Panlalawigan
Province of Batangas
36. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
37. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
citizensdesk@coa.gov.ph
38. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City

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senateenergycommittee@gmail.com

39. House Committee on Energy
Batasan Hills, Quezon City
committee.energy@house.gov.ph

40. Regulatory Operations Service
Energy Regulatory Commission
Pasig City
ros@erc.ph

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE
EMERGENCY POWER
SUPPLY AGREEMENT
(EPSA) BETWEEN
SOUTHWEST LUZON
POWER GENERATION
CORPORATION (SLPGC)
AND LEYTE V ELECTRIC
COOPERATIVE, INC.
(LEYECO V) WITH MOTION
FOR CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2025-147 RC

**SOUTHWEST LUZON
POWER GENERATION
CORPORATION (SLPGC)
AND LEYTE V ELECTRIC
COOPERATIVE, INC.
(LEYECO V),**

Applicants.

X-----X

Promulgated:
August 27, 2025

NOTICE OF VIRTUAL HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 25 July 2025, the Southwest Luzon Power Generation Corporation (SLPGC) and Leyte V Electric Cooperative, Inc. (LEYECO V) filed a *Joint Application*, dated 20 March 2025, seeking the Commission's approval of their Emergency Power Supply Agreement (EPSA), with motion for confidential treatment of information.

The docketed copy of the *Joint Application*, excluding its annexes, is attached as Annex "A" hereof.

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NOTICE OF VIRTUAL HEARING/ 22 August 2025
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Finding the *Joint Application* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for hearing, pursuant to the pertinent rules of the Commission, as follows:

Date and Time	Platform	Activity
24 September 2025 (Wednesday), at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository Presentation
01 October 2025 (Wednesday), at two o'clock in the afternoon (2:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, Applicants are directed to mirror the virtual hearings, to be hosted by the Commission, at **LEYECO V's Principal Office located at Brgy. San Pablo, Ormoc City, Leyte**, as the designated venue for the conduct thereof and ensure that the same is open to the public. Moreover, Applicants shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

Any interested stakeholder may submit its comments and/or clarifications **at least one (1) calendar day** prior to the scheduled initial virtual hearing, via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph. The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

Moreover, any person who has an interest in the subject matter of the instant case may become a party by filing with the Commission via e-mail at docket@erc.ph, a verified Petition to Intervene at least **five (5) calendar days** prior to the date of the initial virtual hearing. The verified Petition to Intervene must follow the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure, indicating therein the docket number and title of the case, and state the following:

- 1) The petitioner's name, mailing address, and e-mail address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such

interest is affected by the issues involved in the proceeding;
and

- 3) A statement of the relief desired.

Likewise, all other persons who may want their views known to the Commission with respect to the subject matter of the case may file through e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, their Opposition or Comment thereon at least five (5) calendar days prior to the initial virtual hearing and subject to the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name, mailing address, and e-mail address of the person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All interested parties filing their Petition to Intervene, Opposition or Comment are required to submit the hard copies thereof through personal service, registered mail or ordinary mail/private courier, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgement receipt e-mail sent by the Commission.

Finally, all interested persons may be allowed to join the scheduled virtual hearings by providing the Commission, through legal.virtualhearings@erc.ph, their respective e-mail addresses, indicating therein the case number of the instant *Joint Application*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

Applicants must also be prepared to make an expository presentation of the *Joint Application*, aided by whatever communication medium that they may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Joint Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Joint Application* must be cited in support thereof.

WITNESS, the Honorable Chairperson and CEO **FRANCIS SATURNINO C. JUAN**, and the Honorable Commissioners **FLORESINDA G. BALDO-DIGAL**, **MARKO ROMEO L. FUENTES**, **AMANTE A. LIBERATO**, and **PARIS G. REAL**, Energy Regulatory Commission, this 22nd day of August 2025 in Pasig City.

**FOR AND BY AUTHORITY
OF THE COMMISSION:**

Maria Corazon C. Gines
ATTY. MARIA CORAZON C. GINES
Director III, Legal Service


LS: MND/ARG