

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE POWER
SUPPLY AGREEMENT (PSA)
BETWEEN NEGROS
ELECTRIC AND POWER
CORP. (NEPC) AND THERMA
VISAYAS, INC. (TVI), WITH
PRAYER FOR PROVISIONAL
AUTHORITY OR INTERIM
RELIEF AND MOTION FOR
CONFIDENTIAL TREATMENT
OF INFORMATION**

ERC CASE NO. 2025-204 RC

**NEGROS ELECTRIC AND
POWER CORP. (NEPC) AND
THERMA VISAYAS, INC.
(TVI),**

Applicants.

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Promulgated:
January 22, 2026

ORDER

On 03 December 2025, Negros Electric and Power Corp. (NEPC) and Therma Visayas, Inc. (TVI) filed a *Joint Application* dated 11 November 2025, seeking the Commission’s approval of their Power Supply Agreement (PSA), with prayer for provisional authority or interim relief, and 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
20 February 2026 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository Presentation
27 February 2026 (Friday) at nine o'clock in the morning (9:00 A.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 **NEPC's principal office at The Row, Lacson St., Brgy. Bata, Bacolod City**, 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 NEPC's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within NEPC's franchise area, by any other means available and appropriate, of the filing *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 Applicants to inform the consumers within NEPC’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, if any, by all those making requests therefor; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, NEPC and TVI 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 NEPC and TVI 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 NEPC and TVI to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Applicants NEPC and TVI must also be prepared to make an expository presentation of the *Joint Application*, aided by whatever communication medium 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 NEPC and TVI 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 NEPC and TVI, 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.

FOR AND BY AUTHORITY
OF THE COMMISSION:

Maria Corazon C. Gines

ATTY. MARIA CORAZON C. GINES*

Director III, Legal Service

LS: /MVM

* Authority granted during Commission Meeting on 20 August 2025.

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Copy Furnished:

1. Negros Electric and Power Corporation (NEPC)
Applicant
The Row, Lacson St., Brgy. Bata,
Bacolod City, Negros Occidental
nvparcon@morepower.ph;
eacabunagan@morepower.ph;
cavillena@negrospower.ph;
egpudadera@negrospower.ph
2. Therma Visayas, Inc. (TVI)
Applicant
Brgy. Bato, Toledo City, Cebu
3. Del Callar and Partners
Atty. Ferdinand V. Menguito
Counsel for Applicants NEPC
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ferdi97a@yahoo.com
4. Atty. Paul B. Soriano
Atty. Celeni Kristine G. Guinto
Atty. Leo Angelo E. Fornesa
Counsels for Applicant TVI
12F Ayala Triangle Gardens Tower 2, Paseo de Roxas
cor. Makati Avenue, Makati City
regulatory.legal@aboitizpower.com;
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celeni.guintp@aboitizpower.com;
leo.fornesa@aboitizpower.com
5. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
6. Commission on Audit (COA)
Commonwealth Avenue, Quezon Ciy
citizensdesk@coa.gov.ph
7. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
senateenergycommittee@gmail.com
8. Office of the Governor
Province of Negros Occidental
9. Office of the Local Government Unit (LGU) Legislative Body
Province of Negros Occidental
10. Office of the Mayor
Bacolod City, Negros Occidental
11. Office of the LGU Legislative Body
Bacolod City, Negros Occidental
12. Office of the Mayor
Silay City, Negros Occidental
13. Office of the LGU Legislative Body
Silay City, Negros Occidental
14. Office of the Mayor
Talisay City, Negros Occidental

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15. Office of the LGU Legistalive Body
Talisay City, Negros Occidental
16. Office of the Mayor
Bago City, Negros Occidental
17. Office of the LGU Legislative Body
Bago City, Negros Occidental
18. Office of the Mayor
Don Salvador Benedicto, Negros Occidental
19. Office of the LGU Legislative Body
Don Salvador Benedicto, Negros Occidental
20. Office of the Mayor
Murcia, Negros Occidental
21. Office of the LGU Legislative Body
Murcia, Negros Occidental
22. Regulatory Operatiosn Service
Energy Regulatory Commission
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