

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
Pasig City

**IN THE MATTER OF THE  
APPLICATION FOR  
APPROVAL OF THE  
ANCILLARY SERVICES  
PROCUREMENT  
AGREEMENT BETWEEN  
THE NATIONAL GRID  
CORPORATION OF THE  
PHILIPPINES AND  
THERMA MARINE, INC.  
(FOR MOBILE 2), WITH  
PRAYER FOR THE  
ISSUANCE OF  
PROVISIONAL AUTHORITY**

**ERC CASE NO. 2023-085 RC**

**NATIONAL GRID  
CORPORATION OF THE  
PHILIPPINES AND  
THERMA MARINE, INC.,**  
*Applicants.*

**Promulgated:**  
September 08, 2023

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**ORDER**

On 27 June 2023, the National Grid Corporation of the Philippines (NGCP) and Therma Marine, Inc. (TMI) (Mobile 2), filed an *Application (With Prayer for Immediate Issuance of Provisional Authority)* dated 23 May 2023, seeking the Commission's approval of NGCP and TMI's Ancillary Services Procurement Agreement (ASPA), with prayer for the issuance of provisional authority.

Consequently, on 18 July 2023, the Commission issued an *Order* and a *Notice of Virtual Hearing*, setting the instant case for hearing on the following dates: (1) 25 August 2023 for the determination of compliance with the jurisdictional requirements and expository presentation; and (2) 01 September 2023 for the conduct of Pre-trial Conference and presentation of evidence.

However, on 25 July 2023, TMI filed a *Manifestation with Motion to Revise Order and Notice of Virtual Hearing*, of even date, alleging that there are some clerical errors and omissions on their *Application* as contained in the *Order and Notice of Virtual Hearing*, both dated 25 July 2023.

Moreover, on the scheduled hearing dates, the Office of the President (OP) issued several notices for the suspension of government work and offices in Metro Manila, as follows:

1. On 15 August 2023, the OP issued Memorandum Circular No. 27 wherein it suspended work in government offices and classes in public schools at all levels in Metro Manila and the Province of Bulacan on 25 August 2023, to ensure the safe, orderly, and successful conduct of the opening ceremonies of the FIBA Basketball World Cup 2023; and
2. On 31 August 2023, the OP issued Memorandum Circular No. 30, suspending work in government offices and classes at all levels in the National Capital Region (NCR) on 01 September 2023, due to the continuous rainfall brought about by Southwest Monsoon and Super Typhoons “Goring” and “Hanna”.

Based on the foregoing, the hearings set on 25 August 2023 and 01 September 2023 are hereby **cancelled**.

**ACCORDINGLY**, the Commission hereby sets anew the instant *Application* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020<sup>1</sup> dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure):<sup>2</sup>

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<sup>1</sup> Entitled: A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission, promulgated on 17 November 2020.

<sup>2</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

<b>Date</b>	<b>Platform</b>	<b>Activity</b>
<b>13 October 2023</b> (Friday) at nine o'clock in the morning (9:00 A.M.)	<b>Microsoft Teams or Zoom Application</b>	Determination of compliance with the jurisdictional requirements and expository presentation
<b>20 October 2023</b> (Friday) at nine o'clock in the morning (9:00 A.M.)		Pre-Trial Conference and presentation of evidence

**RELATIVE THERETO**, NGCP and TMI are hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* 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 hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governors, the Mayors and the Local Government Unit (LGU) legislative bodies, where NGCP and TMI principally operates, including NGCP's regional offices, for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within the affected area, by any other means available and appropriate, of the filing of the *Application*, their reasons therefor, and of the scheduled virtual hearings thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, 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 *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** before the date of the initial virtual hearing, Applicants must submit to the Commission via electronic mail (e-mail) at [docket@erc.ph](mailto:docket@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto: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* consisting of affidavits of the Editors or Business Managers of the newspapers where the said *Notice of Virtual Hearing* was 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* consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by NGCP and TMI to inform the consumers affected by the filing of the *Application*, their reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, the COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *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, NGCP and TMI are hereby required to post on their bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publications and certifications issued by the concerned Offices of the Governors,

Mayors, and Local Legislative Bodies, and to submit proof of posting thereof.

Applicants NGCP and TMI, and all interested parties are also required to submit via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto: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 therefor, which should also be attached to the Pre-Trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

Applicants NGCP and TMI must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission **at least five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference, pursuant to the preceding paragraph.

Failure of NGCP and TMI to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings, and the resetting of which shall be six (6) months from the said date of cancellation.

Applicants NGCP and TMI must also be prepared to make an expository presentation of the instant *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 *Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Application* must be cited in support thereof.

Applicants NGCP and TMI are hereby directed to file a copy of their Expository Presentation via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), **at least five (5) calendar days** prior to the scheduled virtual hearing. NGCP and TMI

shall also be required, upon the request of any stakeholder, to provide an advance copy of their expository presentation, **at least five (5) calendar days** prior to the scheduled virtual hearing.


Applicants NGCP and TMI are further directed to submit, through personal service, registered mail or ordinary mail/private courier, one (1) set of the original or certified true hard copies of their Jurisdictional Compliance, Expository Presentation, Pre-Trial Brief, and Judicial Affidavits of witnesses, **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, NGCP and TMI, including their authorized representatives and witnesses, are hereby directed to provide the Commission, through [legal.virtualhearings@erc.ph](mailto: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, 08 September 2023.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**MONALISA C. DIMALANTA**  
*Chairperson and CEO*

  
LS: BBB/BJVG/MCCG

**ERC**  
Office of the Chairperson and CEO



MCD2023-008860

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**Copy Furnished:**

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3. Therma Marine, Inc. (TMI) (Mobile 2)  
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5. Office of the Solicitor General (OSG)  
134 Amorsolo Street, Legaspi Village, Makati City  
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6. Commission on Audit (COA)  
Commonwealth Avenue, Quezon City  
[citizensdesk@coa.gov.ph](mailto:citizensdesk@coa.gov.ph)
7. Senate Committee on Energy  
GSIS Building, Roxas Boulevard, Pasay City  
[senateenergycommittee@gmail.com](mailto:senateenergycommittee@gmail.com)
8. House Committee on Energy  
Batasan Hills, Quezon City  
[committee.energy@house.gov.ph](mailto:committee.energy@house.gov.ph)
9. Office of the City Mayor  
Quezon City
10. Office of the Sangguniang Panlungsod  
Quezon City
11. Office of the Governor  
Province of La Union
12. Office of the Sangguniang Panlalawigan  
Province of La Union
13. Office of the City Mayor  
Binan, Laguna
14. Office of the Sangguniang Panlungsod  
Binan, Laguna
15. Office of the City Mayor  
Iligan City
16. Office of the Sangguniang Panlungsod  
Iligan City

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17. Office of the Provincial Governor  
Province of Agusan del Norte
18. Office of the Sangguniang Panglalawigan  
Province of Agusan del Norte
19. Office of the Municipal Mayor  
Municipality of Nasipit, Province of Agusan del Norte
20. Office of the Sangguniang Bayan  
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21. Office of the City Mayor  
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