

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

**IN THE MATTER OF THE  
APPLICATION FOR  
APPROVAL OF THE  
POWER SUPPLY  
AGREEMENT BETWEEN  
THERMA LUZON INC.  
(TLI) AND KALINGA-  
APAYAO ELECTRIC  
COOPERATIVE, INC.  
(KAELCO), WITH PRAYER  
FOR PROVISIONAL  
AUTHORITY OR INTERIM  
RELIEF AND MOTION FOR  
CONFIDENTIAL  
TREATMENT OF  
INFORMATION,**

**ERC CASE NO. 2025-076  
RC**

**THERMA LUZON INC.  
(TLI) AND KALINGA-  
APAYAO ELECTRIC  
COOPERATIVE, INC.  
(KAELCO),**

*Applicants.*

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**Promulgated:**  
May 02, 2025

**ORDER**

On 26 March 2025, Therma Luzon Inc. (TLI) and Kalinga-Apayao Electric Cooperative, Inc. (KAELCO) filed a *Joint Application*, dated 24 February 2025, seeking the Commission’s approval of their Power Supply Agreement (PSA), with motion for confidential treatment of information and prayer for provisional authority or interim relief.

In an *Order* and a *Notice of Virtual Hearing*, both 07 April 2025, the Commission set the instant *Joint Application* for hearing on the following dates: (1) 21 May 2025 for the determination of compliance with jurisdictional requirements and expository

presentation; and (2) 28 May 2025 for the Pre-trial Conference and presentation of evidence.

Thereafter, on 23 April 2025, TLI filed a *Manifestation with Urgent Motion to Revise the Order and Notice of Virtual Hearing (both dated 7 April 2025)* of even date (Manifestation with Urgent Motion), noting that the label “PHCPI<sub>o</sub>” was inadvertently lumped with the label “PHCPI<sub>n-1</sub>” in column 1, row 7 of the first table in page 12 of both the *Order* and *Notice of Virtual Hearing*, instead of being placed in row 6. Thus, TLI prayed that the Commission make the necessary revisions in the *Order* and *Notice of Virtual Hearing* dated 07 April 2025.

Having found TLI’s *Manifestation with Urgent Motion* in order, the Commission **GRANTS** the same. In view thereof, the hearings set on 21 May 2025 and 28 May 2025, pursuant to the *Order* dated 07 April 2025 are hereby cancelled.

**ACCORDINGLY**, the Commission sets anew the hearings for the instant *Joint 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> and Resolution No. 01, Series of 2021<sup>2</sup> (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
<b>04 June 2025</b> (Wednesday) at two o’clock in the afternoon (2:00 P.M.)	<b>Microsoft Teams Application</b>	Determination of compliance with jurisdictional requirements and expository presentation
<b>11 June 2025</b> (Wednesday) at two o’clock in the afternoon (2:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, KAELCO and TLI are hereby directed to mirror the virtual hearings to be hosted by the Commission at **KAELCO’s principal office located at Callagdao, Bulanao, Tabuk City, Kalinga**, as the designated venue for the conduct thereof, and

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1 A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.  
2 A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

ensure that the same is open to the public. Moreover, KAELCO and TLI shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

**RELATIVE THERETO**, KAELCO and TLI 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 virtual hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Governors, Mayors, and their respective Local Government Unit (LGU) legislative bodies within KAELCO's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within KAELCO's franchise area, by any other means available and appropriate, of the filing of the *Joint Application*, its 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 at 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, KAELCO and TLI 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 to 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 KAELCO and TLI to inform the consumers within KAELCO's franchise area of the filing of the *Joint Application*, its 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 *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 proofs of compliance with the requirements of the Commission.

Moreover, KAELCO and TLI 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 Office of the Governors, Mayors and Local Legislative Bodies, and to submit proof of posting thereof.

Joint Applicants KAELCO and TLI, and all interested parties are also required to submit to the Commission 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 initial 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.

Joint Applicants KAELCO and TLI 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 initial virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

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

Joint Applicants KAELCO and TLI must also be prepared to make an expository presentation of the instant *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.

Joint Applicants KAELCO and TLI 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. KAELCO and TLI 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.

Joint Applicants KAELCO and TLI are further directed to submit, either 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, KAELCO and TLI, including their authorized representatives and witnesses, are hereby directed to provide the Commission, thru [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, 02 May 2025.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**ATTY. KRISHA MARIE T. BUELA**  
*Director III, Legal Service*

  
LS: JBY/MVM

**ERC CASE NO. 2025-076 RC**  
**ORDER/ 02 MAY 2025**  
**PAGE 7 OF 8**

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Copy Furnished:

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