

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

**IN THE MATTER OF THE  
APPLICATION FOR  
AUTHORITY TO DEVELOP,  
OWN AND/OR OPERATE  
DEDICATED POINT-TO-  
POINT LIMITED  
TRANSMISSION  
FACILITIES TO CONNECT  
THE 58.500 MW  
CAMARINES SUR WIND  
POWER PLANT PROJECT  
TO THE LUZON GRID VIA  
THE NAGA-LIBMANAN  
69KV TRANSMISSION LINE  
OF THE NATIONAL GRID  
CORPORATION OF THE  
PHILIPPINES, WITH  
PRAYER FOR  
PROVISIONAL AUTHORITY  
AND/OR INTERIM RELIEF  
AND CONFIDENTIAL  
TREATMENT OF  
INFORMATION**

**ERC CASE NO. 2024-029 MC**

**CORNERSTONE ENERGY  
DEVELOPMENT, INC.  
(CEDI),**

*Applicant.*

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**Promulgated:**  
August 05, 2024

**NOTICE OF VIRTUAL HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that on 04 July 2024, Cornerstone Energy Development, Inc. (CEDI) filed, through the Energy Virtual One-Stop Shop (EVOSS) portal, an *Application* dated 27 June 2024, seeking the Commission's approval for authority to develop, own and/or operate dedicated point-to-point limited transmission facilities to connect the 58.500 MW Camarines Sur Wind Power Plant Project to the Luzon.

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Grid via the Naga-Libmanan 69kV transmission line of the National Grid Corporation of the Philippines (NGCP), with prayer for provisional authority and/or interim relief and confidential treatment of information.

The pertinent allegations in the said *Application* are hereunder quoted, as follows:

**THE APPLICANT**

1. CEDI is a private corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office at 35th & 36th Floor, Penthouse Units 1, 2, and 4, Regus Eco Tower Building, 32nd Street corner 9th Avenue Bonifacio Global City, Taguig City. It may be served with orders, notices, and other processes of this Honorable Commission through the undersigned counsel.

**NATURE OF THE APPLICATION**

2. The instant Application is being filed pursuant to Section 9 of the Electric Power Industry Reform Act of 2001 (“EPIRA”), which states that:

“xxx A generation company may develop and own or operate dedicated point-to-point limited transmission line facilities that are consistent with the TDP; Provided, That such facilities are required only for the purpose of connecting to the transmission system, and are used solely for the purpose of connecting to the transmission system, and are used solely by the generating facilities, subject to prior authorization by the ERC xxx”

3. This Application is similarly being filed pursuant to Section 5 (a) of the Implementing Rules and Regulations of the EPIRA, which states that:

“Section 5. Dedicated Point-to-Point Limited Transmission Facility of a Generation Company. (a) Subject to prior authorization from ERC, TRANSCO, or its Buyer or Concessionaire may allow a Generation Company to develop, own and/or operate dedicated point-to-point limited transmission facilities: Provided, That:

- 1) Such dedicated point-to-point limited transmission facilities are required only for the purpose of connecting to the Grid which will be used solely by the Generation Facility, and are not used to serve End-users or Suppliers directly;
- 2) The facilities are included and consistent with the TDP as certified by TRANSCO or its Buyer or Concessionaire; and

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- 3) Any other documents that may be required by the ERC.
4. CEDI proposes to develop, own, and/or operate interconnection facilities to connect its 58.500 MW / 49.999 MW (net) Camarines Sur Wind Power Plant (Camarines Sur WPP) project to the Luzon Grid via the Naga-Libmanan 69kV Transmission Line of the National Grid Corporation of the Philippines (“NGCP”) (“Dedicated Facility Project”).

**STATEMENT OF FACTS**

5. CEDI is duly registered to, among others, engage in the business of exploring, owning, developing, constructing, operating, repairing, maintaining, managing, investing or otherwise engaging in the business of power plant systems, including power transmission lines, converting stations and generation plants which utilize hydro, coal, oil, natural gas, geothermal, wind, solar and all other types of renewable or non-renewable resources, and other related businesses.
6. To connect the Camarines Sur WPP to the Luzon Grid, CEDI shall develop and construct the Dedicated Facility Project, a dedicated point-to-point limited connection facility to be used solely by the Camarines Sur WPP for its dispatch and tap connection to the Naga-Libmanan 69kV Transmission Line by NGCP. Said facilities are necessary to test, commission and dispatch the capacity of the Camarines Sur WPP and shall be exclusively utilized by CEDI.
7. The Camarines Sur WPP will be connected to NGCP’s Naga-Libmanan 69kV Transmission Line through an 8.5km 69kV transmission line. The connection of the Dedicated Facility Project to the Naga-Libmanan 69kV Transmission Line will allow the movement of power from the Camarines Sur WPP to the Luzon Grid. CEDI studied its options and found that the tap connection is the most viable option to connect the Camarines Sur WPP project to the Luzon Grid due to economic feasibility.
8. The estimated cost of the construction of the Dedicated Facility Project is Two Hundred Forty Million Twenty-Six Thousand Three Hundred Thirty-Eight and 46/100 Pesos (Php240,026,338.46), with the following components:

Component	Cost (PhP)
Substation Cost	38,223,302.46
Transmission Line Cost	161,872,687.28
Switching Station Cost	39,930,348.72
<b>TOTAL ESTIMATED COST</b>	<b>240,026,338.46</b>

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The Estimated Cost will still vary depending on the final cost from the Engineering, Procurement and Construction (EPC) contractor.

9. Based on the SIS dated December 2020 and the SIS Review Report dated 26 January 2021 prepared by NGCP to determine the technical feasibility of the Dedicated Facility Project and the impact of connecting the Camarines Sur WPP to the Luzon Grid, the connection of the Camarines Sur WPP to the Luzon Grid requires the upgrading of the Naga-Libmanan Wind tapping point segment of Naga-Libmanan 69kV line. In addition, to provide N-1 redundancy and maintain reliable operation of the proposed wind farm, CEDI was recommended to construct a 69 kV switching station at its tapping point and develop an additional 69 kV line from the switching station going directly to the Naga 69 kV Substation. The SIS and SIS Review Report were conducted based on the original capacity of Camarines Sur WPP (formerly referred to as Libmanan Wind Power Plant Project) at 97.02 MW.
10. However, subsequently through a Letter dated 20 October 2023 addressed to the Department of Energy (DOE), CEDI declared that upon further studies, the final capacity of the Camarines Sur WPP is 58.500 MW, with a maximum capacity injection of 49.999 MW.
11. Thereafter, through its Letter dated 16 January 2024 on the Conduct of Technical Assessment (COTA), NGCP informed CEDI that due to the reduction in the capacity of the Camarines Sur WPP to 58.5 MW/ 49.999 MW (net), the parameters of the SIS dated December 2020 were updated as follows:

The Project has an existing approved System Impact Study (SIS) and the following parameters were updated in the new application:

PARAMETER	2020 APPROVED SIS	NEW APPLICATION
Project Name	Libmanan Wind Power Plant Project	Camarines Sur Wind Power Plant Project
Capacity	97.02 MW	58.5 MW / 49.999 MW (net)
Year of Entry	2022	2026
Grid Requirements	Upgrading of Naga-Libmanan Wind tapping point of Naga-Libmanan 69 kV Transmission Line from 1-336.4 MCM ACSR to 1-410 mm <sup>2</sup> TACSR conductor	None

12. Based on this update, the upgrading of the Transmission Line segment from Naga to the tapping point at Naga-Libmanan 69kV TL is no longer necessary. Moreover, the additional 69 kV line from the switching station going directly to Naga 69 kV Substation is no longer recommended.
13. Further, the COTA declared that due to the reduction in capacity, the assessment result showed that the Naga-Libmanan 69 kV transmission line of NGCP can accommodate the entry of Camarines Sur WPP and an SIS re-run is no longer necessary.

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14. CEDI also engaged MN Electro Industrial Supply and Services, Inc. to ensure that the equipment to be installed will satisfy the requirements of the updated SIS and COTA and that the Dedicated Facility Project complies with the provisions of the Philippine Grid Code.
15. CEDI and NGCP are currently in the process of finalizing the terms of their Connection Agreement for the interconnection of the Camarines Sur WPP to the Luzon Grid through the Dedicated Facility Project.
16. Likewise, CEDI and DOE have entered into a Wind Energy Service Contract (WESC) for the development and utilization of wind energy resources within Libmanan, Camarines Sur.
17. The DOE has also issued a Certificate of Endorsement in favor of CEDI certifying that the point-to-point application to connect Camarines Sur WPP to the Luzon Grid is “consistent with the provisions of Section 9 of the Republic Act No. 9136 or the Electric Power Industry Reform Act of 2001”.
18. Furthermore, the Camarines Sur WPP has been considered in NGCP’s Transmission Development Plan (TDP). In a Certification dated 01 March 2024, NGCP has confirmed that the Camarines Sur WPP “will be included in the formulation of the succeeding TDP update following its classification as an “Committed” Private Sector Initiated Power Project as indicated in the DOE List of 2023 Private Sector Initiated Power Projects in Luzon (Committed) as of 31 December 2023”.
19. Upon completion of the Dedicated Facility Project and the commercial operation of the Camarines Sur WPP, CEDI intends to operate and maintain the Dedicated Facility Project.
20. As of date, CEDI has secured or is in the process of securing the necessary permits, licenses, and authority from the appropriate regulatory agencies for the Dedicated Facility Project.
21. In light of the foregoing, CEDI respectfully seeks the confirmation and approval of the Honorable Commission that the Dedicated Facility Project is the most viable option for the connection of the Camarines Sur WPP to the Luzon Grid.
22. The following documents are herewith submitted in support of the instant Application:

<b>Annex</b>	<b>Documents</b>
A	CEDI’s Amended Articles of Incorporation
B	CEDI’s Amended By-laws
C	CEDI’s General Information Sheet
D	CEDI’s Secretary’s Certificate dated 25 January 2024
E	Sworn Statement dated 03 May 2024

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<b>Annex</b>	<b>Documents</b>
F*	CEDI Camarines Sur Wind Power Project - Project Description
G	Relevant Dates of the project
H	Single Line Diagram of the Dedicated Facility Project
I*	Conceptual Engineering Drawings and Design
J-1 to J-5*	Contractor's Profile: <ul style="list-style-type: none"> <li>• Chengdu Engineering Corporation Limited</li> <li>• Huadong Engineering Corporation Limited</li> <li>• First Balfour</li> <li>• Sta. Clara International Corporation</li> <li>• Sumec Engineering</li> </ul>
K*	System Impact Study dated December 2020
K-1*	NGCP Conduct of Technical Assessment dated 16 January 2024
K-2*	NGCP SIS Final Review Report dated 26 January 2021
L*	Facilities Study dated February 2024
L-1*	NGCP Facilities Study Report dated 16 April 2024
M	NGCP Letter dated 01 March 2024 Re: Certification for Connection Agreement
N	NGCP Certification dated 01 March 2024 Re: Certification for Submission to ERC
O	DOE Certificate of Endorsement No. DOE-EPIMB-ERC-P2P No. 2024-01-001
P	DOE Certificate of Commerciality No. WCC-2019-10-015
Q	CEDI Letter to DOE dated 20 October 2023 Re: CEDI Camarines Sur Wind Power Project: Capacity Amendment
R	DOE Letter dated 7 October 2022 with Attached Certificate of Registration No. WESC 2012-02-053
S	Wind Energy Service Contract (WESC No. 2012-02-053)
T	Demand-Supply Scenario (Power Development Plan 2020-2040)
U	DENR Certificate of Non-Coverage No. CNC-OL-R05-2024-02-00417
V	Affidavit of Compliance with the Philippine Grid Code and the Philippine Distribution Code dated 03 May 2024
X	Judicial Affidavit of Mr. Guian Carlo Mascardo

*\*Subject to a Motion for Confidential Treatment of Information*

**ALLEGATIONS IN SUPPORT OF THE PRAYER FOR PROVISIONAL AUTHORITY OR INTERIM RELIEF**

23. Section 2 (a) of the Renewable Energy Act of 2008 ("RE Act") mandates that it is the policy of the State to "accelerate the exploration and development of renewable energy resource such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the

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country's exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy".

24. Further, Section 6, Chapter III of the RE Act mandates that the stakeholders in the electric power industry contribute to the growth of the renewable energy industry of the country.
25. CEDI's construction of the Camarines Sur WPP is in furtherance of the RE Act and consistent with the implementation of the Renewable Portfolio Standards by the DOE. In order to fulfill such a mandate, permits must be secured, and construction and commissioning must be accomplished immediately.
26. CEDI needs to immediately test, commission, and dispatch the Camarines Sur WPP upon its completion to avoid unnecessary delays that can lead to opportunity costs and contribute to the rising demand growth. Thus, it is necessary for CEDI's Camarines Sur WPP to be connected to the grid, through the Dedicated Facility Project, at the earliest possible opportunity.

A copy of the Affidavit executed by CEDI's authorized representative in support of the prayer for issuance of provisional authority or interim relief is hereto attached and made an integral part hereof as Annex "X".

27. Considering the foregoing, CEDI submits that there is clear and sufficient basis for the issuance of a provisional authority or interim relief for the development, ownership and operation of the Dedicated Facility Project by CEDI to connect the Camarines Sur WPP to the Luzon Grid, pending the Honorable Commission's issuance of a final decision on the instant Application.

#### ALLEGATIONS IN SUPPORT OF THE CONFIDENTIAL TREATMENT OF INFORMATION

28. Under Rule 4 of the Honorable Commission's Rules of Practice and Procedure, a party to any proceeding before the Honorable Commission may request that certain information not be disclosed and be treated as confidential. In this regard, CEDI prays for the confidential treatment of Annexes "F", "I", "J-1", "J-2", "J-3", "J-4", "J-5", "K", "K-1", "K-2", "L", and "L-1" and the information contained therein and to not disclose the same except to the officers and staff of the Honorable Commission.
29. CEDI respectfully manifests that Annexes "F", "I", "J-1", "J-2", "J-3", "J-4", "J-5", "K", "K-1", "K-2", "L", and "L-1" of the instant *Application* contain valuable, non-public information, data and insight, or are covered by the Data Privacy Act of 2012,<sup>1</sup> that should be treated as confidential. These

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<sup>1</sup> Republic Act No. 10173.

confidential documents contain privileged and sensitive information that, if unduly disclosed, will seriously prejudice CEDI's competitiveness.

- 29.1. Annex "F" contains transmission options considered for the connection, project cost, and other details pertaining to the Camarines Sur WPP that reflect management/business strategies;
  - 29.2. Annex "I" refers to conceptual engineering design and drawings having proprietary value and constitutes trade secrets of CEDI;
  - 29.3. Annexes "J-1" to "J-5" contain personal information and data that are subject to protection under the Data Privacy Act of 2012;
  - 29.4. Annex "K" to "K-2" refers to a private agreement with NGCP for the conduct of SIS and other related reports, and is not public in nature; and
  - 29.5. Annexes "L" to "L-1" are commissioned studies and related reports that have proprietary value and constitute trade secrets of CEDI.
30. Considering that CEDI has actual and valuable proprietary interest to protect with respect to such information, Annexes "F", "I", "K", "K-1", "K-2", "L", and "L-1" fall within the bounds of "trade secrets", which are entitled to protection under the Constitution, statutes, and rules and regulations of this Honorable Commission.
31. In the case of *Air Philippines Corporation vs. Pennswell, Inc.*,<sup>2</sup> the Supreme Court defined "trade secrets" and explained as follows:

"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 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.)*

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<sup>2</sup> 564 Phil. 774 (2007), G.R. No. 172835.



32. Clearly, the Honorable Commission recognizes the importance of treating trade secrets as confidential in order to ensure the competitiveness of the generation sector. The information in Annexes “F”, “I”, “K”, “K-1”, “K-2”, “L”, and “L-1” therefore falls within the definition of a trade secret as defined by jurisprudence, merits the confidential treatment provided for under Rule 4 of the ERC Rules of Practice and Procedure.
33. Further, the treatment of the information contained in Annexes “F”, “I”, “K”, “K-1”, “K-2”, “L”, and “L-1” as confidential information is consistent with the Honorable Commission’s *Matrix of Confidential and Non-Confidential Document and Information (as of 13 November 2023)* (“Matrix”). In the *Matrix*, commissioned studies, and documents reflecting management/business strategy should be treated with confidentiality because they have proprietary value that constitute trade secrets. Therefore, as described above, since the information in the subject document falls in this category, Annexes “F”, “I”, “K”, “K-1”, “K-2”, “L”, and “L-1” should likewise be treated with confidentiality.
34. As regards Annexes “J-1” to “J-5”, CEDI is obligated to protect the personal information contained therein pursuant to the Data Privacy Act of 2012.
35. In view of the foregoing, CEDI respectfully requests that the documents attached as Annexes “F”, “I”, “J-1”, “J-2”, “J-3”, “J-4”, “J-5”, “K”, “K-1”, “K-2”, “L”, and “L-1” be marked and treated as confidential and privileged, and not be disclosed to persons other than the necessary officers and staff of this Honorable Commission.
36. Accordingly, CEDI respectfully submits the instant Application for the Honorable Commission’s urgent and utmost consideration.

**PRAYER**

WHEREFORE, premises considered, Applicant CORNERSTONE ENERGY DEVELOPMENT, INC. (CEDI) respectfully prays that the Honorable Commission:

1. Issue an Order granting provisional authority or interim relief for the implementation of the development, ownership and operation of the Dedicated Facility Project by CE[D]I to connect the Camarines Sur WPP to the Luzon Grid;
2. Issue an Order treating Annexes “F”, “I”, “J-1”, “J-2”, “J-3”, “J-4”, “J-5”, “K”, “K-1”, “K-2”, “L”, and “L-1” and the information contained therein as confidential information within the purview of Rule 4 of the ERC Rules of Practice and Procedure and prescribing the guidelines for the protection thereof; and

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3. After hearing on the merits, a Decision be rendered approving the instant Application.

Other just and equitable relief are likewise prayed for.

The Commission hereby sets the instant *Application* for hearing for determination of compliance with the jurisdictional requirements, expository presentation, and Pre-Trial Conference<sup>3</sup> on **12 September 2024 (Thursday) at nine o'clock in the morning (9:00 A.M.)**, through **MS Teams Application** as the online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020,<sup>4</sup> and Resolution No. 01, Series of 2021 (ERC Revised Rules of Practice and Procedure).<sup>5</sup>

Any interested stakeholder may submit its comments and/or clarifications **at least one (1) calendar day** prior to the scheduled initial virtual hearing, via electronic mail (e-mail) at [docket@erc.ph](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto: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](mailto:docket@erc.ph), copy furnishing the Legal Service through [legal@erc.ph](mailto:legal@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, indicate therein the docket number and title of the case, and state the following:

- 1) The petitioner's name, mailing address, and e-mail address;

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<sup>3</sup> In the Commission's *Advisory* dated 26 July 2023, the Commission adopted the Summary Proceedings in accordance with Rule 17 of the Commission's Revised Rules of Practice and Procedure (ERC Revised RPP) in the filing, processing and evaluation of the applications for authority to develop and own or operate dedicated point-point limited transmission facilities, in the following instances: (1) Applications without intervenors, or uncontested applications; and (2) Applications with intervenors, provided all parties have agreed to subject the application to summary proceedings. Under the said summary proceedings and in accordance with Rule 17 of the ERC Revised RPP, the Applicant's presentation of evidence is through the submission and offering of the affidavits of its witnesses and other pieces of evidence within the time allowed by the Commission.

<sup>4</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

<sup>5</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

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- 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](mailto:docket@erc.ph), copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), their Opposition or Comment **at least five (5) calendar days** prior to the initial virtual hearing. Rule 9 of the ERC Revised Rules of Practice and Procedure shall govern. 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 such 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 or ordinary mail/private courier, **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.

Any of the persons mentioned in the preceding paragraphs may access the copy of the *Application* on the Commission's official website at [www.erc.gov.ph](http://www.erc.gov.ph).

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

**WITNESS**, the Honorable Commissioners **ALEXIS M. LUMBATAN**, **CATHERINE P. MACEDA**, **FLORESINDA G. BALDO-DIGAL** and **MARKO ROMEO L. FUENTES**, Energy Regulatory Commission, this 5<sup>th</sup> day of August 2024 in Pasig City.

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

*LS: CNR/LSP/KTB*

