

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE POWER
SUPPLY AGREEMENT (LOT
1) BETWEEN THERMA
LUZON, INC. (TLI) AND
LEYTE IV ELECTRIC
COOPERATIVE, INC.
(LEYECO IV), WITH PRAYER
FOR PROVISIONAL
AUTHORITY OR INTERIM
RELIEF AND MOTION FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2024-142 RC

**THERMA LUZON, INC. (TLI)
AND LEYTE IV ELECTRIC
COOPERATIVE, INC.
(LEYECO IV),**

Applicants.

X-----X

Promulgated:
November 08, 2024

ORDER

On 14 October 2024, Leyte IV Electric Cooperative, Inc. (LEYECO IV) and Therma Luzon, Inc. (TLI) filed a *Joint Application* dated 26 September 2024, 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.

On 04 November 2024, the Commission issued an *Order* and a *Notice of Virtual Hearing*, both of even date, setting the instant case for hearing on the following dates: (1) on 05 February 2024 for the determination of compliance with jurisdictional requirements and expository presentation; and (2) on 12 February 2024 for Pre-trial Conference and presentation of evidence.

However, upon perusal of the said *Order* and *Notice of Virtual Hearing*, there were clerical errors as regards the year of the scheduled hearings set for the instant case.

IN VIEW THEREOF, the Commission hereby issues a new *Order* and *Notice of Virtual Hearing*, setting the hearings for the instant *Joint Application* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following corrected dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020¹ and Resolution No. 01, Series of 2021² (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
05 February 2025 (Wednesday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and expository presentation
12 February 2025 (Wednesday) at nine o'clock in the morning (9:00 A.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, LEYECO IV and TLI are hereby directed to host the virtual hearings at **LEYECO IV's principal office located at Brgy. Lamak, Hilongos, Leyte**, as the designated venue for the conduct thereof, and ensure that the same is open to the public. Moreover, LEYECO IV and TLI shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, LEYECO IV 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

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.

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 Governor, the Mayors, and their respective Local Government Unit (LGU) legislative bodies within LEYECO IV's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within LEYECO IV'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, LEYECO IV and TLI 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 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 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 LEYECO IV and TLI to inform the consumers within LEYECO IV's franchise area of the filing of the *Joint 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 *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, LEYECO IV 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 Offices of the Governor, Mayors and Local Legislative Bodies, and to submit proof of posting thereof.

Joint Applicants LEYECO IV and TLI, and all interested parties are also required to submit to the Commission 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 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 LEYECO IV 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 LEYECO IV and TLI to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Joint Applicants LEYECO IV 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 LEYECO IV and TLI are hereby directed to file a copy of their Expository Presentation via e-mail at doCKET@erc.ph, and copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. LEYECO IV 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 LEYECO IV 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, LEYECO IV and TLI, including their authorized representatives and witnesses, are hereby directed to provide the

Commission, thru 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 November 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ATTY. KRISHA MARIE T. BUENA
Director III, Legal Service


LS: VMA/LSP

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Copy Furnished:

1. Leyte IV Electric Cooperative, Inc. (LEYECO IV)
Applicant
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leyecoiv@yahoo.com;
leyeco4@gmail.com
2. Gula Law & Notarial Office
Atty. Rogelio P. Gula
Counsel for Applicant LEYECO IV
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nhoygula@yahoo.com
3. Therma Luzon, Inc. (TLI)
Applicant
16th Floor, NAC Tower, 32nd Street, Bonifacio Global City, Taguig City
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4. Attys. Paul B. Sorino, Celeni Kristine G. Guinto, Rosanne Jeli G. Magtagnob
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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 City
citizensdesk@coa.gov.ph
7. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
senateenergycommittee@gmail.com
8. House Committee on Energy
Batasan Hills, Quezon City
committee.energy@house.gov.ph
9. Office of the Governor
Province of Leyte
10. Office of the Local Government Unit (LGU) Legislative Body
Province of Leyte
11. Office of the City Mayor
Baybay City, Leyte
12. Office of the Local Government Unit (LGU) Legislative Body
Baybay City, Leyte
13. Office of the Mayor
Inopacan, Leyte
14. Office of the Local Government Unit (LGU) Legislative Body
Inopacan, Leyte
15. Office of the Mayor
Hindang, Leyte
16. Office of the Local Government Unit (LGU) Legislative Body
Hindang, Leyte

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17. Office of the Mayor
Hilongos, Leyte
18. Office of the Local Government Unit (LGU) Legislative Body
Hilongos, Leyte
19. Office of the Mayor
Bato, Leyte
20. Office of the Local Government Unit (LGU) Legislative Body
Bato, Leyte
21. Office of the Mayor
Matalom, Leyte
22. Office of the Local Government Unit (LGU) Legislative Body
Matalom, Leyte
23. Regulatory Operations Service
Energy Regulatory Commission
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