

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
San Miguel Avenue, Pasig City

IN THE MATTER OF THE  
APPLICATION FOR THE APPROVAL  
OF THE PROPOSED REVISED  
PLANT HEAT RATES FOR LUZON,  
VISAYAS AND MINDANAO GRIDS  
WITH PRAYER FOR PROVISIONAL  
AUTHORITY

<b>PSALM CORP.</b>	
OFFICE OF THE GENERAL COUNSEL	
<b>RECEIVED</b>	
BY: <u>Rm01</u>	
DATE: <u>MAR 18 2009</u>	
TIME: <u>5:20 pm</u>	
CONTROL NO: <u>09-0144</u>	

ERC CASE NO. 2009-003 RC

NATIONAL POWER CORPORATION  
(NPC) AND POWER SECTOR  
ASSETS AND LIABILITIES  
MANAGEMENT CORPORATION  
(PSALM),

Applicants.

x ----- x

DOCKETED  
Date: MAR 18 2009  
By: RC

**ORDER**

During the March 11, 2009 hearing of this case, the following entered their appearances: a) Atty. Charity Jayma, as counsel for National Power Corporation (NPC); b) Atty. Remmel L. Yap, as counsel for Manila Electric Company (MERALCO); and c) Engr. Robert M. Mallillin, as representative of the Philippine Chamber of Commerce and Industry (PCCI).

At the said hearing, NPC manifested that it failed to comply with the Commission's publication of notice requirements for Luzon pursuant to its Order dated January 30, 2009.

In view thereof, the Commission cancelled the said hearing and noted that NPC's non-compliance with the aforesaid directive shall not affect the scheduled hearings for Visayas and Mindanao. Thus, the hearings for Luzon are hereby reset on the following schedules:



Date	Proceedings	Venue
<b>Luzon</b>		
April 23, 2009 at nine o'clock in the morning (9:00 A.M.) to twelve o'clock in the afternoon (12:00 P.M.)	Jurisdictional, Expository and Pre-Trial Hearings	ERC Hearing Room, 15 <sup>th</sup> Floor, Pacific Center Building, San Miguel Avenue, Pasig City
April 24, 2009 at nine o'clock in the morning (9:00 A.M.) to five o'clock in the afternoon (5:00 P.M.)	Evidentiary Hearing	

In the meantime, the Commission takes note of the "Manifestation and Motion to Join as Co-Applicant" filed by the Power Sector Assets and Liabilities Management Corporation (PSALM) on January 27, 2009 praying that it be allowed to intervene and join NPC as co-applicant in this application.

Finding said motion meritorious, the same is hereby GRANTED. Accordingly, PSALM is hereby admitted as co-applicant of NPC in the instant application pursuant to Section 49 of Republic Act No. 9136 (R.A. 9136).

NPC and PSALM are hereby directed anew to cause the publication of the attached Notice of Public Hearing, at their own expense, twice (2x) for two (2) successive weeks in two (2) newspapers of general circulation in the Philippines, with the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial hearing. They are also directed to inform the consumers, by any other means available and appropriate, of the filing of the instant application, their reasons therefor, and of the scheduled hearings thereon.

Let copies of the application, this Order and the attached Notice of Public Hearing be furnished the Office of the Solicitor General (OSG), the Commission



on Audit (COA) and the Committees on Energy of both Houses of Congress who are hereby requested, if they so desire, to send their duly authorized representatives at the scheduled hearing.

Likewise, let copies of this Order and the attached Notice of Public Hearing be furnished the Offices of the Mayors of Quezon City and Makati City for the appropriate posting thereof on their respective bulletin boards.

NPC and PSALM are further directed to furnish all those making requests therefor with copies of the application and its attachments, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, NPC and PSALM must submit to the Commission their written Compliance with the jurisdictional requirements attaching therewith, methodically arranged and duly marked, the evidence of the actual posting and publication of the Notice of Public Hearing consisting of certification issued to that effect, signed by the afore-mentioned Mayors or their duly authorized representatives, bearing the seals of their offices, and the affidavits of the Editors or Business Managers of the newspapers where the said Notice of Public Hearing were published together with the complete issues of the said newspapers, and such other proofs of compliance with the requirements of the Commission.

NPC, PSALM and all other interested parties are directed to submit, at least five (5) days before the date of initial hearing, their respective Pre-trial Briefs containing, among others, the following:

- a) a summary of admitted facts and proposed stipulations of facts;



- c) the documents or exhibits to be presented, stating the purposes thereof and proposed markings therefore; and
- d) the number and names of witnesses, with their written testimonies in affidavit form to be attached to the Pre-trial Brief.

Failure of NPC and PSALM to submit the required Pre-trial Brief and Judicial Affidavits of their witnesses within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from said date of cancellation.

As part of the pre-trial conference, NPC and PSALM must also be prepared to make an expository presentation on their 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, what the application is all about and the reasons and justifications being cited in support of the rate adjustments prayed for.

**SO ORDERED.**

Pasig City, March 17, 2009.

FOR AND BY AUTHORITY  
OF THE COMMISSION

  
**ALEJANDRO Z. BARIN**  
Commissioner

Copy Furnished:

1. Atty. Melchor P. Ridulme  
Atty. Comie P. Doromal  
Atty. Gordon SY Montojo  
Counsel for Applicant  
National Power Corporation  
Quezon Avenue and BIR Road  
Diliman, Quezon City
2. Office of the Solicitor General (OSG)  
134 Amorsolo Street, Legaspi Village,  
Makati City, Metro Manila
3. Commission on Audit (COA)  
Commonwealth Avenue,  
Quezon City, Metro Manila
4. Senate Committee on Energy  
GSIS Bldg., Roxas Blvd., Pasay City  
Metro Manila
5. House Committee on Energy  
Batasan Hills, Quezon City, Metro Manila
6. Office of the City Mayor  
Quezon City
7. Mr. Edgardo G. Lacson  
President  
Philippine Chamber of Commerce & Industry  
3<sup>rd</sup> Floor, ECC Building, Sen. Gil Puyat Avenue  
Makati City
8. Legal Department  
Manila Electric Company  
Lopez Building, Ortigas Center  
Pasig City
9. Atty. Maria Luz L. Caminero  
Atty. David I.B. Ocampo  
Atty. Cecilio B. Gellada, Jr.  
Power Sector Assets and Liabilities  
Management Corporation  
7<sup>th</sup> Floor, Bankmer Building  
Ayala Avenue, Makati City