

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF ELECTRIC
AND NON-ELECTRIC
CAPITAL PROJECTS FOR
THE YEAR 2015 AND THE
REGULATORY YEAR 2021
(RY 2021)**

ERC CASE NO. 2022-007 RC

**ILIGAN LIGHT AND POWER,
INC. (ILPI),**

Applicant.

X-----X

Promulgated:

March 25, 2022

O R D E R

On 14 February 2022, Iligan Light and Power, Inc. (ILPI) filed an *Application* dated 29 October 2021 (Application), seeking the Commission's approval of its electric and non-electric Capital Expenditure (CAPEX) projects for year 2015 and regulatory year 2021.

Subsequently, the Commission, in its *Order* and *Notice of Virtual Hearing*, both dated 28 February 2022, set the instant *Application* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference and presentation of evidence through virtual hearings on 22 March 2022 and 29 March 2022, respectively.

However, on 10 March 2022, ILPI filed an electronic copy of its *Manifestation and Motion to Reset Initial Hearing* of even date, alleging its inability to comply with the requirements in the Commission's *Order* dated 28 February 2022.

Finding the said *Motion* in order, the Commission hereby grants the same. In view thereof, the hearings set on 22 March 2022 and 29 March 2022 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 2020¹ dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure)²:

Date and Time	Platform	Activity
29 April 2022 (Friday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository presentation
06 May 2022 (Friday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Pre-trial Conference and presentation of evidence

Applicant is hereby directed to host the virtual hearings at **ILPI's Principal Office in Bro. Jeffrey Road, Pala-o, Iligan City**, as the designated venue for the conduct thereof, and ensure that the same is open to the public and the community quarantine guidelines are observed at all times. Moreover, ILPI shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, ILPI is 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 hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the City Mayor, and the Local Government Unit (LGU) legislative bodies within ILPI's franchise area for the

¹ Entitled: 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.

appropriate posting thereof on their respective bulletin boards;

- 3) Inform the consumers within the affected franchise area of the filing of the *Application*, its reasons therefor, and of the scheduled hearing thereon, by any other means available and appropriate;
- 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 at the scheduled hearing; and
- 5) Furnish with copies of the *Application* and its attachments all those making requests therefor, subject to the resolution of the prayer for confidential treatment of information, if any, and reimbursement of reasonable photocopying costs.³

Within five (5) calendar days prior to the date of the virtual hearing, ILPI must submit to the Commission via electronic mail (e-mail) at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, the scanned copies of its written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked the following:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of the affidavit of the Editor or Business Manager of the newspapers where the said *Notice of Virtual Hearing* was published, and the complete issues of the said newspaper;
- 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, Mayor, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by ILPI to inform the consumers within the affected area of the filing of the *Application*, its reasons therefor, and of the scheduled hearings thereon;

³ For the e-mail address of the Applicant, please see page 7.

- 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 by all those making requests therefor, except those covered by any motion for confidential treatment of information, if any; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, ILPI is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Office of the Mayor, or Provincial Governor and Local Legislative Bodies, and to submit proof of its posting thereof.

ILPI and all interested parties are also required to submit via e-mail at docket@erc.ph, copy furnish the Legal Service through 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 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.

ILPI 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 ILPI to comply with the above requirements 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 the said date of cancellation.

ILPI 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* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

ILPI is further directed to file a copy of its Expository Presentation via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days prior to the scheduled virtual hearing. ILPI shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, at least five (5) calendar days prior to the scheduled virtual hearing.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via e-mail at docket@erc.ph, copy furnish the Legal Service through 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.

ILPI is further directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of their Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, 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. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

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Finally, ILPI, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru legal.virtualhearings@erc.ph, with 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 hearing.

SO ORDERED.

Pasig City, 22 March 2022.

FOR AND BY AUTHORITY
OF THE COMMISSION:



AGNES VST DEVANADERA
Chairperson and CEO

ERC

Office of the Chairperson



AVSTD-2022-03-510-0055


LS: B3VG/MCCG

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Copy Furnished:

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2. Attys. Miguel Mathay and Gianna Maria Comsti
Counsel for Applicant ILPI
21st Floor, Robinsons-Equitable Tower
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3. Office of the Governor
Province of Lanao del Norte
4. Office of the LGU legislative body
Province of Lanao del Norte
5. Office of the Mayor
Iligan City
6. Office of the LGU legislative body
Iligan City
7. Office of the Solicitor General (OSG)
Amorsolo Street, Legaspi Village, Makati City, Metro Manila
Email: docket@osg.gov.ph
8. Commission on Audit
Commonwealth Avenue, Quezon City, Metro Manila
Email: citizendesk@coa.gov.ph
9. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City, Metro Manila
Email: senateenergycommittee@gmail.com
10. House Committee on Energy
Batasan Hills
Quezon City, Metro Manila
Email: committee.energy@house.gov.ph
11. Regulatory Operations Service (ROS)
Energy Regulatory Commission
17th Floor Pacific Center Building,
San Miguel Avenue, Pasig City