Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF THE EMERGENCY REPLACEMENT OF ONE 83-MVA POWER TRANSFORMER AT MAKATI SUBSTATION

MERALCO
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ERC CASE NO. 2022-059 RC

MANILA ELECTRIC COMPANY (MERALCO),
Applicant.
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Promulgated:
September 07, 2022

ORDER

On 31 August 2022, the Manila Electric Company (MERALCO) filed an *Application* dated 01 August 2022, seeking the Commission's approval of the emergency replacement of one (1) 83-MVA power transformer at its Makati Substation.

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

xxx

1. Applicant is a private corporation duly organized and existing under the laws of the Republic of the Philippines, with principal office located at Lopez Building, Ortigas Avenue, Barangay Ugong, Pasig City. It may be served with notices and other processes of this Honorable Commission through its undersigned counsel at the address indicated herein.

2. Applicant has a legislative franchise to construct, operate and maintain an electric power distribution system for the conveyance of electric power to the end-users in the cities and municipalities of Metro Manila, Bulacan, Cavite and Rizal, and certain cities/municipalities/barangays in Batangas, Laguna, Quezon and Pampanga, pursuant to Republic Act No. 9209.

3. Applicant seeks the Honorable Commission's approval of its emergency installation of one (1) 83 MVA, 115 kV-34.5 kV, three

(3)-phase power transformer with On-Load Tap Changer (OLTC) at its Makati Substation to replace the defective Power Transformer Bank No. 1.

4. The Application is filed pursuant to Section 10 of Republic Act No. 11659, otherwise known as "An Act Amending Commonwealth Act No. 146 Otherwise Known as the Public Service Act, as Amended", which provides:

> "Section 10. Section 20 of Commonwealth Act No. 146, as amended, is hereby further amended to read as follows:
>
> x x x
>
> (b) To establish, construct, maintain, or otherwise operate new units or extend existing facilities or make any other addition to or general extension of the service: Provided, That only assets that are useful and necessary for the provision of the public service shall form part of the rate base as determined and approved by the Administrative Agency: Provided, further, That construction of such asset and implementation of such project may be allowed for emergency and other extraordinary cases: Provided, finally, That the public service provider files for approval of such extension or construction of facilities within sixty (60) days from implementation of the project, and without prejudice to the final determination by the Administrative Agency if the said asset is useful and necessary for inclusion in the rate base."

5. Moreover, the instant Application is consistent with the Honorable Commission's Resolution No. 26, Series of 2009, entitled: "*Resolution Amending the Rules for Approval of Regulated Entities' Capital Expenditure Projects*". Emergency Capital Expenditure projects are those that require immediate implementation during an event that is not a force majeure or fortuitous event in order to maintain safe, reliable, secure and efficient operation of the power system.

6. However, for purposes of recovering the capital cost of the said emergency project through Applicant's rates, the same will go through the process of evaluation by the Honorable Commission during the regulatory reset process, unless there is basis for a rate-reopening in the current regulatory period, in accordance with the Rules for the Setting of Distribution Wheeling Rates (RDWR) for Distribution Utilities (DUs).

BACKGROUND

7. The Makati Substation is located at Pablo Ocampo Extension, Sta. Cruz, Makati City, Metro Manila, where it serves the power requirements of customers in Makati City. The Makati Substation has one (1) 115kV-34.5kV power transformer bank.

8. On 30 May 2022, the Makati Power Transformer Bank No. 1 was tripped out by transformer differential relay with the actuation of Buchholz and pressure relief devices due to internal fault. Based on the retrieved relay data, it showed that the fault occurred in the transformer Phase B primary winding with a fault magnitude of 1.24kA. Furthermore, the operation of Transformer Bank No. 1's Pressure Relief Device, Buchholz Relays of Main Tank, and Turrets validated the occurrence of an internal fault. Power Transformer Bank No.1, a Siemens 83MVA 115-34.5kV, was first energized last 08 December 2019. Upon tripping, MERALCO was constrained to temporarily transfer all its loads to the adjacent banks, namely: the Kamagong Bank Nos. 1 and 2 and the New Rockwell Bank Nos. 3 and 4.

9. From 30 to 31 May 2022, the transformer was subjected to a series of tests to determine its condition after the incident. The test results on the power transformer showed that it was no longer safe to be re-energized and was declared for replacement due to the following significant findings: "Gas accumulated at the Buchholz relay showed high level of combustible gases including Hydrogen, Acetylene, Ethylene, and Methane". The same gases were also evident in the extracted oil from the transformer main tank and transformer turret which were indicative of a high energy fault sustained by the transformer.

10. Furthermore, transformer electrical tests showed that the ratio for all taps on all phases was no longer within the expected tolerance based on IEEE Standards which is also being used by MERALCO as reference. The winding resistance for all taps on all phases obtained was also relatively low compared to the initial commissioning values. High excitation current was also observed on all phases causing the Insulation Power Factor test equipment to trip at relatively low voltage of less than 1 kV which indicates the possibility of turn-to-turn short. Given these circumstances, Applicant was constrained not to re-energize the defective Makati Power Transformer Bank No. 1.

11. As a result of accommodating the loads of the defective transformer, the Kamagong Bank Nos. 1 and 2 were both operating at 70% loading levels, while the New Rockwell Bank Nos. 3 and 4 are at 74% and 61% loading levels, respectively.

12. The critical loading of the Kamagong Bank Nos. 1 and 2 and the New Rockwell Bank No. 3 may result to an outage which will cause prolonged and massive interruption in the said areas thereby affecting the supply of electricity of customers in Makati City, such as, but not limited to, the Makati City Hall, Century City Mall Makati, Century Diamond Tower, Centuria Medical Development, SM Jazz Mall, St. Clare's Medical Center, Cash & Carry Mall, e-PLDT Vitro Makati, Angelus Medical Clinic Inc., and Avida Towers Asten.

13. Considering the imminent risks posed by the prolonged critical loading of the adjacent power transformers, namely: the Kamagong Bank Nos. 1 and 2 and the New Rockwell Bank No. 3, MERALCO was constrained to replace the defective Makati Power Transformer Bank No. 1 with an available 83 MVA, 115

kV-34.5 kV Power Transformer initially intended to be used for the development of the Aseana Smart Substation project, and the same was energized on 05 July 2022.

14. The projected loadings of the affected power transformers with and without the replacement of the Makati Power Transformer Bank No. 1 are as follows:

Parameter Under Consideration	Parameters	
	Without Project	With Project
Loading of existing New Rockwell 83-MVA Bank No. 3	74.37%	50.20%
Loading of existing Kamagong 83-MVA Bank No. 1	70.29%	51.45%
Loading of existing Kamagong 83-MVA Bank No. 2	70.75%	51.18%
Loading of existing New Rockwell 83-MVA Bank No. 4	60.84%	56.40%
Loading of Makati 83-MVA Bank No. 1	-	66.24%
System Loss	7,054,851 kWh	6,105,728 kWh

15. In the event of another outage of the adjacent power transformers, coupled with the non-replacement of the Makati Power Transformer Bank No. 1, there will be massive power interruptions to the detriment of customers in the affected area. Thus, it was crucial that the new power transformer be immediately installed at the Makati Substation.

16. The total cost of the emergency replacement of the power transformer with OLTC at the Makati Substation is **Fifty Million Eight Hundred Sixty Thousand Seven Hundred Eighty-One Pesos (PhP50,860,781.00).**

17. In further support of the Application, attached hereto are the following documents:

- Annex "A" – Emergency CAPEX Project Information Summary with supporting documents: (i) Technical and Economic Analysis, (ii) Cost Estimates; (c) Expenditure Summary; (iii) Cost Benefit Analysis Calculation; and (iv) Gantt Chart;

- Annex "B" – Documents showing the results of tests conducted on Power Transformer Bank No. 1; and

- Annex "C" – Judicial Affidavit of Engr. Bienvenido H. De Guzman Jr., Manager and Head of Applicant's Substation Services Asset Management Office.

PRAYER

WHEREFORE, it is respectfully prayed to this Honorable Commission that the Applicant's emergency replacement of the power transformer at the Makati Substation be **APPROVED.**

Other relief just and equitable under the premises are likewise prayed for.

Finding the said *Application* to be sufficient in form with the required fees having been paid, the Commission hereby sets the same 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[1] dated 24 September 2020 and Resolution No. 01, Series of 2021, dated 17 December 2020 (ERC Revised Rules of Practice and Procedure):[2]

Date	Platform	Activity
21 October 2022 (Friday) at two o'clock in the afternoon (2:00 PM)	Microsoft Teams Application	Determination of compliance with the jurisdictional requirements and Expository Presentation
28 October 2022 (Friday) at two o'clock in the afternoon (2:00 PM)		Pre-trial Conference and Presentation of Evidence

Accordingly, MERALCO is hereby directed to host the virtual hearings at **MERALCO's Principal Office at Lopez Building, Ortigas Avenue, Barangay Ugong, Pasig 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, Applicant shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, MERALCO is hereby directed to:

1) Cause the publication of the attached *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation

[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.

in the Philippines at its 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 hearing;

2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governors, the Mayors and the Local Government Unit (LGU) legislative bodies within MERALCO's franchise area for the appropriate posting thereof on their respective bulletin boards;

3) Inform the consumers within MERALCO's franchise area, by any other means available and appropriate, of the filing of the *Application,* its reasons therefor, and of the scheduled 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 the scheduled hearings; and

5) Furnish with copies of the *Application* and its attachments 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, MERALCO 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 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 MERALCO to inform the consumers within its franchise area of the filing of the *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 *Application* and its attachments by all those making requests therefor, if any; and

6) Such other proofs of compliance with the requirements of the Commission.

Moreover, MERALCO is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publications and certifications issued by the concerned Office of the Mayors, Governors, and Local Legislative Bodies, and to submit proof of their posting thereof.

MERALCO 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 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.

MERALCO 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 MERALCO 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.

MERALCO must also be prepared to make an expository presentation of the instant *Application*, aided by whatever communication medium that it 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.

MERALCO is hereby 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. MERALCO 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.

MERALCO is hereby 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 its 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 mode of service.

Finally, MERALCO, 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 hearings.

SO ORDERED.

Pasig City, 07 September 2022.

FOR AND BY AUTHORITY
OF THE COMMISSION:

FLORESINDA G. BALDO-DIGAL
Commissioner

LS: ADGS/ARG/MCCG

COPY FURNISHED:

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Silang, Cavite

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Tanza, Cavite

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Ternate, Cavite

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Lucban, Quezon

213. Office of the City Mayor
Lucena, Quezon

214. Office of the LGU Legislative Body
Lucena, Quezon

215. Office of the Municipal Mayor
Mauban, Quezon

216. Office of the LGU Legislative Body
Mauban, Quezon

217. Office of the Municipal Mayor
Pagbilao, Quezon

218. Office of the LGU Legislative Body
Pagbilao, Quezon

219. Office of the Municipal Mayor
Sampaloc, Quezon

220. Office of the LGU Legislative Body
Sampaloc, Quezon

221. Office of the Municipal Mayor
San Antonio, Quezon

222. Office of the LGU Legislative Body
San Antonio, Quezon

223. Office of the Municipal Mayor
Sariaya, Quezon

224. Office of the LGU Legislative Body
Sariaya, Quezon

225. Office of the City Mayor
Tayabas, Quezon

226. Office of the LGU Legislative Body
Tayabas, Quezon

227. Office of the Municipal Mayor
Tiaong, Quezon

228. Office of the LGU Legislative Body
Tiaong, Quezon

229. Office of the Municipal Mayor
Apalit, Pampanga

230. Office of the LGU Legislative Body
Apalit, Pampanga

231. Office of the Municipal Mayor
Candaba, Pampanga

232. Office of the LGU Legislative Body
Candaba, Pampanga

233. Office of the Municipal Mayor
San Simon, Pampanga

234. Office of the LGU Legislative Body
San Simon, Pampanga

235. Office of the Governor
Province of Bulacan

236. Office of the LGU Legislative Body
Province of Bulacan

237. Office of the Governor
Province of Cavite

238. Office of the LGU Legislative Body
Province of Cavite

239. Office of the Governor
Province of Rizal

240. Office of the LGU Legislative Body
Province of Rizal

241. Office of the Governor
Province of Batangas

242. Office of the LGU Legislative Body
Province of Batangas

243. Office of the Governor
Province of Laguna

244. Office of the LGU Legislative Body
Province of Laguna

245. Office of the Governor
Province of Quezon

246. Office of the LGU Legislative Body
Province of Quezon

247. Office of the Governor
Province of Pampanga

248. Office of the LGU Legislative Body
Province of Pampanga

249. Office of the President of PCCI
Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, Chamber and Industry Plaza (CIP)
1030 Campus Avenue corner Park Avenue
McKinley Town Center, Fort Bonifacio, Taguig City

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