

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

**IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF THE CONSTRUCTION OF
THE NEW TERESA-TAGBAC 115
KV LINE, WITH PRAYER FOR
PROVISIONAL AUTHORITY,**



ERC CASE NO. 2017-080 RC

**MANILA ELECTRIC COMPANY
(MERALCO),**

Applicant.

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APPLICATION

Applicant **MANILA ELECTRIC COMPANY (MERALCO)**, by counsel, respectfully states that:

1. Applicant MERALCO 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, 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. MERALCO 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. MERALCO seeks the Honorable Commission's approval of a Capital Expenditure ("CAPEX") project for the construction of the New Teresa-Tagbac 115kV line, which is a non-standard connection asset that is intended to serve the energy requirements of the new cement plant of Solid Cement Corporation ("Solid").

4. This application is being filed pursuant to Section 20(b) of Commonwealth Act No. 146, as amended, otherwise known as the Public Service Act, which requires any public service to seek the prior approval of this Honorable Commission before it can establish,

construct, maintain, and operate new facilities or make any extension of its existing facilities.

5. In order to meet its project timeline, Solid has offered to initially bear the costs thereof under the cash advance option in accordance with the Amended Distribution Services and Open Access Rules (DSOAR) as amended by Section 1 of ERC Resolution No. 3, Series of 2012, otherwise known as, "A Resolution Adopting the Amendments to Sections 2.6 and 2.7 of the Distribution Services and Open Access Rules (DSOAR)".

A. BACKGROUND

6. In the Philippine Development Plan (2017-2022) released by the Philippine Investor Relations Office, the current administration underlined the importance of infrastructure as a prime mover of a country's socioeconomic development. It stated that, "[w]ith a growing economy, the Philippines requires more and better selected infrastructure investments, given its archipelagic landscape, expanding population and rapid urbanization. To support a higher growth trajectory and improve the quality of life in both urban and rural communities, infrastructure development will remain among the top priorities of the government over the medium term. Spending on infrastructure has to be intensified while addressing persistent issues and challenges hampering implementation, so that the so-called "Golden Age of Infrastructure" will form part of a solid foundation for reaching the country's Long-Term Vision 2040."¹

7. From the foregoing, the huge infrastructure program of the government with an estimated capital outlay of around 7.2 trillion pesos over the term of the current administration is expected to boost the growth of cement consumption in the country, requiring the need for an increase in the available cement supply.

8. Pursuant thereto, MERALCO received an application from Solid for the expansion of its existing 26.5 MVA plant with an additional 36.9 MVA load, or a total aggregate load of 63.4MVA, in order for Solid to have the capacity to supply the growing demand for cement.

9. At present, the New Teresa 115 kV-34.5 kV substation serves the power requirements of the towns of Morong, Baras, Tanay, and Pililla in the province of Rizal. The substation has an existing 83 MVA Power Transformer which registered a normal peak load of 49.62 MVA, or a loading equivalent of 60% in Regulatory Year (RY) 2017.

¹ www.iro.ph/article_doc/fc55bc53_PDP-2017-2022-Prepublication-2.pdf

10. The new cement plant will require an additional load of 36.9 MVA by January of Calendar Year (CY) 2019. With the 36.9 MVA additional load application of Solid, the loading of the New Teresa Bank No. 1 will be aggravated at 107% in RY 2019.

11. Considering Solid's urgent need for additional power requirements in order to operate their new cement plant by January of CY 2019, and the fact that the proposed project is a non-standard connection facilities that was not forecasted by MERALCO, Solid decided to shoulder the costs of the project under the cash advance option to expedite its implementation.

12. Pursuant to Section 23 of Republic Act No. 9136, a distribution utility *"shall have the obligation to provide distribution services and connections to its system for any end-user within its franchise area consistent with the distribution code. Any entity engaged therein shall provide open and non-discriminatory access to its distribution system to all users."*

13. Similarly, Applicant is mandated under Section 4 of Republic Act No. 9209 to *"provide open and nondiscriminatory access to its distribution system and services for any end-user within its franchise area consistent with Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 or EPIRA."*

14. Thus, Applicant is obliged to provide access to its distribution system to the aforesaid prospective customer. However, the additional load of Solid imposes a major challenge because, aside from the inadequate line capacity of the existing circuit in the area and the non-standard connection facilities to be constructed, Solid requires a reliable power supply due to their highly sensitive equipment and production processes. Accordingly, the construction of the project will provide safe and reliable supply to Solid to ensure the continuity of its operations.

15. The total cost for the CAPEX Project to be shouldered by Solid under the cash advance option as provided for in Section 2.7.2.1 of the amended DSOAR is **One Hundred Thirty Eight Million Three Hundred Sixty Seven Thousand Two Hundred Eighty Three Pesos (PhP138,367,283.00).**

16. A detailed discussion on MERALCO's 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, is attached hereto as **Annex "A"** and made an integral part hereof.

B. URGENT NEED TO ISSUE PROVISIONAL AUTHORITY

17. Section 23 of the EPIRA provides that distribution utilities have an obligation to provide services and connections to its customers consistent with the distribution code.² It is emphasized that, unless a provisional authority is immediately issued, MERALCO will be unable to start the implementation of the project.

18. The preparations and activities for a CAPEX project of this magnitude will require at least twelve (12) months, without regard to any unforeseen circumstances such as right of way issues, et al., prior to the target commissioning date in January of 2019. Preparations include the procurement of materials, design and construction of a new 115 kV line.

19. The expansion by Solid will enable it to meet the growing demand for building materials in support of the country's infrastructure program, a linchpin of the national economic development strategy. Moreover, growing the base of locally produced cement allows the Philippine industry to become less dependent on import substitution for such a vital and strategic material as cement. This same expansion project of Solid is expected to create additional direct employment and generate a significant economic multiplier effect for surrounding communities not just in Rizal but in the entire Luzon archipelago as a whole through the supply chain required to support this expanded production. Thus, the necessary connection must be provided to their cement plant by the January of Calendar Year 2019.

20. This is highlighted by Solid's letter dated 04 September 2017 inquiring about the status of their request for extension where it emphasized the need to have their new cement plant operational by January 2019 in order to "prevent the shortage of cement brought about by the increasing number of infrastructure projects in the country." A copy of the 04 September 2017 letter of Solid is hereto attached as **Annex "B"**

21. It should be also considered that it is Solid that will initially fund the project, and the refund mechanism shall be in accordance with the provisions of the DSOAR, thereby ensuring that customers shall not be unduly burdened by the implementation of the project.

22. Thus, pending final approval, there is an urgent need for a provisional authority for MERALCO to immediately implement its proposed CAPEX project. In support of the prayer for the grant of a provisional authority, attached as **Annex "C"** is the Judicial Affidavit of

² Republic Act. No. 9136, Section 23; EPIRA Implementing Rules and Regulations, Rule 7, Section 5.

Engr. Roberto D. Isip, Jr., Manager of MERALCO's Network Asset Planning Office.

PRAYER

WHEREFORE, it is most respectfully prayed to this Honorable Commission that the instant application for approval to construct the New Teresa-Tagbac 115kV line under the cash advance option as provided for in Section 2.7.2.1 of Resolution No. 3, Series of 2012 otherwise known as "A Resolution Adopting the Amendments to Sections 2.6 and 2.7 of the Distribution Services and Open Access Rules (DSOAR)" be **APPROVED**.

Pending hearing, it is likewise prayed that a provisional authority be immediately issued authorizing Applicant MERALCO to implement the construction of the New Teresa-Tagbac 115kV line.

Applicant MERALCO prays for such other relief as are deemed just and equitable under the premises.

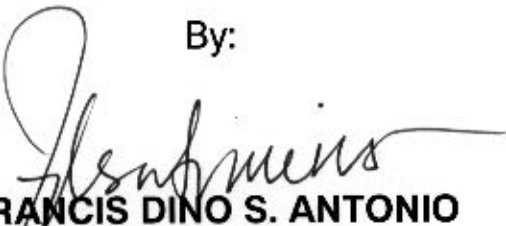
Pasig City, 6 September 2017.

MANILA ELECTRIC COMPANY

Applicant

Lopez Building, Ortigas Avenue,
Barangay Ugong, Pasig City

By:


FRANCIS DINO S. ANTONIO

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IBP No. 1061089; 01/10/17; RSM

MCLE Compliance No. V-0004608; 6 November 2014


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IBP LRN No. 06460; 01/16/07; QC

MCLE Compliance No. VI-0000253; 11 July 2016



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MCLE Compliance No. VI-0000239; 11 July 2016



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Counsel for Applicant

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IBP No. 1061094; 01/10/17; PPLM

MCLE Compliance No. VI-0000233; 11 July 2016

7th Floor, Lopez Building,
Ortigas Avenue, Barangay Ugong, Pasig City
Tel no. 1622-2260; Fax No: 1622-3550

Republic of the Philippines)
Pasig City) S.S.

VERIFICATION AND CERTIFICATE OF NON-FORUM SHOPPING

I, **JOSE RONALD V. VALLES**, Filipino, of legal age and with office address at 7th Floor, Lopez Building, Ortigas Avenue, Pasig City, after being sworn to in accordance with law, hereby depose and say, that –

1. I am the Vice President and Head of the Regulatory Affairs Office of Applicant Manila Electric Company;

2. I have been authorized by the Board of Directors of the Applicant to cause the preparation and filing of the instant Application. I have read and understood the allegations contained therein and the same are true and correct based on my personal knowledge and authentic records made available to me in the ordinary course of business of the Applicant;

3. I have been authorized by the Board of Directors to certify that Applicant has not heretofore commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency and to the best of my knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency. A copy of the Secretary's Certificate authorizing the undersigned to sign this Verification and Certification is attached as Annex "D" of this Application and made integral part hereof;

4. If I should hereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, I undertake to report such fact within five (5) days there from to this Honorable Commission.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 6th day of September 2017 at Pasig City, Philippines.


JOSE RONALD V. VALLES

SUBSCRIBED AND SWORN to before me this 6th day of September 2017, by affiant having exhibited his Social Security System ID bearing the number 33-10900088.

Doc. No. 303;
Page No. 52;
Book No. IV;
Series of 2017.


ATTY. ANGELICA DIANE B. MONTEZA
NOTARY PUBLIC
Pasig, Pateros, Taguig & San Juan
Issued on May 22, 2017 at Pasig City
until December 31, 2018
Roll No. 55575
IBP No. 1061091; 01/10/17; RSM Chapter
PTR No. 2634878; 01/27/17; Pasig City
7th Floor, Lopez Bldg., Ortigas Ave., Brgy. Ugat, Pasig City

SECRETARY’S CERTIFICATE

I, **WILLIAM S. PAMINTUAN**, a duly elected, qualified and incumbent Assistant Corporate Secretary of the Manila Electric Company (MERALCO), a corporation duly organized and existing under and by virtue of the laws of the Philippines, do hereby certify that:

At the regular meeting of the Board of Directors of the Company duly convened and held on February 23, 2015, at which meeting a quorum was present, acted throughout and voted, the following resolution amending the resolution of the Board on January 27, 2014 on the same subject, was approved and that said amendatory resolution is in full force and effect on the date hereof:

“RESOLVED, that the Board of Directors of the Manila Electric Company (MERALCO) authorize, as it hereby authorizes, Messrs. **MANUEL V. PANGILINAN**, Chairman, **OSCAR S. REYES**, President & Chief Executive Officer, **SIMEON KEN R. FERRER**, Corporate Secretary, **ALFREDO S. PANLILIO**, Senior Vice President, Head, Customer Retail Services and Head, Corporate Communication, **RAMON B. SEGISMUNDO**, Senior Vice President & Head, Human Resources & Corporate Services, **ROBERTO R. ALMAZORA**, Senior Vice President, **RAFAEL L. ANDRADA**, First Vice President & Treasurer, **RUBEN B. BENOSA**, First Vice President & Head, Corporate Logistics, **Ms. IVANNA G. DELA PEÑA**, First Vice President & Head, Regulatory Management Office, **WILLIAM S. PAMINTUAN**, First Vice President, Assistant Corporate Secretary, Compliance Officer and Head, Legal and Corporate Governance, **RONNIE L. APEROCHO**, First Vice President & Head, Networks, **MARTHYN S. CUAN**, Vice President & Head, Corporate Information and Technology, **JOSE RONALD V. VALLES**, Vice President and Head, Regulatory Affairs, **MARIA ZARAH R. VILLANUEVA-CASTRO**, Senior Assistant Vice President & Head, Corporate Legal Services, **HORATIO ENRICO M. BONA**, Assistant Vice President & Head, Litigation Team 2, **RAUL G. CORALDE**, Assistant Vice President & Head, Litigation Team 1, **MICHELLE O. DELOS SANTOS-BONA**, Assistant Vice President & Head, Legal Operations Support, **EUGENE JUDE DENIS GERARD E. ALABANZA**, Senior Manager & Head, Litigation Team 3, **CORNELIO MANUEL C. DICCION**, Manager & Legal Counsel, and any lawyer or employee of MERALCO that any of them may designate, name or appoint:

- (1) to represent the Company, in the institution, prosecution, and defense of any claim, complaint, action, proceeding, petition, application, protest, suit, or case, for or against the Company, before any court, prosecutor’s office, regulatory, quasi-judicial, or administrative body, agency, or office of the national or any local government;
- (2) to sign, execute, and deliver in connection therewith the necessary or appropriate complaint, petition, application, position paper, memorandum, all types of pleadings and motions, verifications, affidavit-complaint, counter-affidavit, affidavit of merit, affidavit of desistance, affidavit of witness, and all other affidavits of whatever nature, certificate of non-forum shopping,

powers of attorney, certifications, and all other instruments as may be necessary or proper;

- (3) to represent the Company or to designate, name, and appoint a representative or an attorney-in-fact in behalf of the company during the investigation, inquest, preliminary investigation, preliminary conference, pre-trial, mediation, conciliation, arbitration, trial, execution, and all other stages of or incidents related to the case, proceeding or action; to negotiate, enter into, and agree to an amicable settlement, compromise agreement, plea bargaining, admissions or stipulations of fact or documents, simplification of issues, limitation on the number of witnesses, alternative modes of dispute resolution, withdrawal, dismissal or waiver of claim or action; and to perform and execute any and all actions or deeds as may aid in the prompt disposition of such cases, proceedings, or actions filed in behalf of or against the Company;

"RESOLVED, FURTHER, that any previous resolution of the Board of Directors on the same subject matter that is inconsistent herewith shall be deemed terminated, superseded and revoked."

Pursuant to the above resolutions, it is hereby certified that MERALCO is authorized to file the Application, entitled "IN THE MATTER OF THE APPLICATION FOR APPROVAL OF THE CONSTRUCTION OF THE NEW TERESA-TAGBAC 115KV LINE, WITH PRAYER FOR PROVISIONAL AUTHORITY," with the Energy Regulatory Commission (ERC), and that Atty. Jose Ronald V. Valles, Vice President and Head, Regulatory Affairs, is an authorized representative and signatory of the Company with respect to the aforesaid Application.

WITNESS THE SIGNATURE of the undersigned as such officer of the Company and its corporate seal hereunto affixed on this SEP 06 day of 2017.


WILLIAM S. PAMINTUAN
Assistant Corporate Secretary

SUBSCRIBED AND SWORN to before me this SEP 06 day of 2017, affiant exhibited to me his Taxpayer Identification Number (TIN) 146-473-562, issued by the Bureau of Internal Revenue (BIR) as his competent evidence of identity.

Doc. No. 702;
Page No. 02;
Book No. IV;
Series of 2017.


ATTY. ANGELICA DIANE B. MANCENZA
NOTARY PUBLIC

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