

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City



ATTY. ALFREDO P. VERGARA, Jr., in his capacity as the Investigating Officer of the Investigatory Unit constituted by the Honorable Commission pursuant to its Office Order No. 38, Series of 2013 dated December 26, 2013, as amended by Office Order No. 82, Series of 2017,
Complainant,

-versus-

ERC CASE NO. 2015-033MC

CIP II POWER CORPORATION (CIP II),
Respondent.

X-----X

DOCKETED
Date: JUL 26 2017
By: [Signature]

ORDER

On 20 June 2017, the Commission issued an Order setting the instant case for Pre-trial Conference on 28 July 2017 (Friday) at ten o'clock in the morning (10:00 A.M.) at the ERC Hearing Room, 8th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.

On 11 July 2017, Investigating Officers (IO) filed a "*Motion to Reset Pre-trial Conference*" and prayed that the Pre-trial Conference be reset to 25 August 2017. IO assert that the Investigating Unit was recently reconstituted pursuant to Office Order No. 82, Series of 2017 and that it will require adequate time to study the voluminous case files.

For equitable reasons, the Commission hereby resets the Pre-trial Conference to 18 August 2017 (Friday) at ten o'clock in the morning (10:00 A.M.) at the ERC Hearing Room, 8th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.

The parties, or their duly-authorized representatives, and their respective counsels are required to be present at the hearing.

TEN (10) DAYS before the date of the hearing, the parties shall submit to the Commission, **in eight (8) original copies**, their respective Pre-Trial Briefs, which shall contain, among other matters, the following:

- (a) Theory/Version of the parties;
- (b) A summary of admitted facts and proposed stipulation of facts;
- (c) The issues to be tried or resolved;
- (d) The documents or exhibits to be presented, stating the purposes thereof and proposed markings therefore (No evidence shall be allowed to be presented and offered during the trial in support of party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the Commission for good cause shown);
- (e) The number and names of the witnesses, with their written testimonies in judicial affidavit form, to be attached to the Pre-Trial Brief; and
- (f) Other matters as may aid in the prompt disposition of the case.

The parties shall serve on the adverse party their respective Pre-Trial Briefs, at least ten (10) days before the hearing.

Failure of the parties to file their Pre-Trial Briefs within the prescribed period shall have the same effect as failure to appear at the Pre-Trial Conference.

The parties are reminded that the *ERC Rules of Practice and Procedure* (ERC Rules) shall apply, in so far as they are practicable.

Let a copy of this Order be posted on the ERC website.

SO ORDERED.

Pasig City, 25 July 2017.

JOSE VICENTE B. SALAZAR*

Chairman and CEO



ALFREDO J. NON

Commissioner



GLORIA VICTORIA C. YAP-TARUC

Commissioner



JOSEFINA PATRICIA A. MAGPALE-ASIRIT

Commissioner



GERONIMO D. STA. ANA

Commissioner

iudiv2/ttb

* The Chairman was placed on preventive suspension as per Order of the Office of the President (OP-DC Case No. 17-D-094) dated 2 May 2017 and received on 04 May 2017.

Copy furnished:

1. Atty. Alfredo P. Vergara, Jr.

Atty. Grace Lu-Santos

Engr. Nelson D. Canlas

In his capacity as Investigating Officer
Energy Regulatory Commission
15th Floor, Pacific Center Building
San Miguel Avenue, Ortigas Center,
Pasig City

2. Atty. John Henry C. Liquete

Atty. Martessa E. Nuylan-Rodrigueza

Counsel for Respondent CIP II Power Corporation
Level 11, Phinma Plaza, 39 Plaza Drive
Rockwell Center, Makati City