



RULES GOVERNING THE EXECUTION, REVIEW, AND EVALUATION OF POWER SUPPLY AGREEMENTS ENTERED INTO BY DISTRIBUTION UTILITIES FOR THE SUPPLY OF ELECTRICITY TO THEIR CAPTIVE MARKET

COMMENTS FOR PETROGREEN ENERGY CORPORATION

Document	Article / Section	Discussion of Comment/s and/or Questions for Clarification	Suggestions / Proposed Change(s)
PSA Rules	Section 2. Competitive Selection Process	The TOR did not provide for a <i>target delivery date</i> . To further promote transparency, it is suggested that the TOR should also include the <i>target delivery date</i> of the power supply to the Distribution Utility/Electric Cooperative.	
PSA Rules	Sec. 3.1. Direct Negotiation	A bidding which has a sole bidder is not among the circumstances enumerated for a failed CSP.	To be consistent with DOE DC No. DC2018-02-003, we suggest that we include an additional circumstance for a failed CSP, which is when there is only one bidder who submitted an offer.
PSA Rules	Sec. 4. Unsolicited Proposals (Swiss Challenge)	In what form should the unsolicited bid be? Is a general project brief for the proposal sufficient to initiate this proceeding? The Appendices did not provide for specific guidelines/forms in cases of unsolicited proposals.	
PSA Rules	Sec. 4.1. Swiss Challenge Process	Must the one who challenges the original offer also have the same technology as the original unsolicited offeror?	A challenger in a Swiss Challenge must not only offer a lower price but must also do so with the same technology as that of the original unsolicited offeror. Further, the documentary qualifications of the challenger must not be inferior from that of the

			original unsolicited offeror. For example, if the original unsolicited offeror already has an ECC, LGU Endorsement, etc., the challenger must also have to win the bidding process.
PSA Rules	Sec. 14. Protest Mechanism and Dispute Resolution	<p>Decisions on disputes by the board of the DU must be appealable or should be elevated to the ERC, as the ERC enjoys exclusive jurisdiction over said cases.</p> <p>In this regard, a period for appealing/elevating a Board of DU's Decision, before its finality, to the ERC should be expressly laid down in the ERC CSP Rules so as to be uniform with other rules of procedure. It is a common principle in rules of procedure that a Decision attains finality, it can no longer be appealed or elevated to a higher court.</p>	
Appendix A	1-17 Post Qualification	Instead of legal, technical, and financial requirements be evaluated after the opening of bids, it would be more practical that such evaluation be done before said opening of bids. Doing this will early on eliminate unqualified bidders, hence, streamlining the CSP.	