

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



IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF CERTIFICATE OF
PUBLIC CONVENIENCE AND
NECESSITY (CPCN)

ERC CASE NO. 2014-031 MC

FIRST BAY POWER
CORPORATION (FBPC),
Applicant.
X-----X

DOCKETED
Date: JUL 23 2014
By: M

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on May 7, 2014, First Bay Power Corporation (FBPC) filed an application for the approval of its Certificate of Public Convenience and Necessity (CPCN).

In the said application, FBPC alleged, among others, that:

1. It is a corporation organized and existing under the laws of the Philippines, with main office at Kapitan Ponso Street Extension, Bauan, Batangas, where it may be serve with legal processes. It is represented in this instance by its General Manager, Ray Florence T. Reyes who is of legal age, Filipino, married and with office address at Kapitan Ponso Street Extension, Bauan, Batangas;
2. It was organized primarily to operate as an electric distribution utility and presently operates as such in the Municipality of Bauan, Batangas;
3. On March 21, 2005, it entered into contract with the Bauan Electric Light System (BELS), wherein the power to operate the electric distribution in the Municipality of Bauan, Batangas was transferred to FBPC, including its Franchise thereto. Copy of the Contract of Sale, Resolution No. 68 and Resolution No. 69 from the Office of the Sangguniang Bayan of the Municipality of Bauan,

Batangas is hereto attached and duly marked as Annexes "A", "A-1", and "A-2", respectively;

4. On June 30, 2005, BELS was granted a franchise by the National Electrification Commission (NEC) to operate an electric light, heat and power systems for the purpose of generating and/or distributing electricity for sale within the Municipality of Bauan, Province of Batangas for a period of twenty (20) years from the expiry date of its CPCN or up to June 30, 2019. Copy of the Certificate of Franchise issued in NEC Case No. 99-03 in favor of BELS is hereto attached and duly marked as Annex "B";
5. By virtue of the said Franchise, it now seeks for approval of its own Certificate of Public Convenience and Necessity (CPCN);
6. Considering further that it is actually providing electric service under the same terms, conditions and rates to all kinds of customers within its franchise area, as a continuation of the authority of the BELS to operate an electric service, it prays that a CPCN with a term of twenty (20) years be granted it by the Commission;
7. It has been providing electric service to the Municipality of Bauan, Batangas since June 1, 2005 and operates electric distribution lines, substation, other electric distribution facilities, heavy equipment, motor vehicles, office premises and other assets needed for such service. Attached as Annex "C" and "C-1" (in electronic form in a Compact Disc [CD]) are documents to show and prove the existence of these facilities. Also attached is Annex "D" to prove its financial status;
8. It, therefore, possesses the resources and the technical and financial capabilities to continue serving all kinds of customers in the service area just mentioned, such as residential, street light, commercial and industrial customers or end-users;

9. Furthermore, the terms and conditions in the service that it provides to its customers are governed by the *Magna Carta* of Residential Customers, the Distribution Service and Open Access Rules (DSOAR), and other rules and regulations that were or will be issued by the Commission. These terms and conditions of its services include reasonable company policies and practices, as well as reasonable customer contract provisions, which terms and conditions are subject to the Commission's rules and regulations issued from time to time;
10. On February 4, 2013, Ms. Marilyn B. Barua-Yap, Secretary General of the House of Representatives informed the Senate of the Philippines that the House of Representatives passed House Bill N. 6724 entitled "An Act Granting the First Bay Power Corporation (FBPC) a Franchise to Construct, Install, Establish, Operate and Maintain a Distribution System for the Conveyance of Electric Power to the End-Users in the Municipality of Bauan, Province of Batangas". A certified true copy of the House of Representatives' letter to Hon. Juan Ponce Enrile, President of the Senate dated March 19, 2014 is hereto attached as Annex "F";
11. In support of the foregoing allegations and pursuant to the existing Resolution No. 5, Series of 2008 or a "*Resolution Adopting the Rules to Govern the Issuance of a CPCN to Entities Engaged in the Transmission and Distribution of Electricity*" it attached supporting documents marked as Annexes "D" to "Q";
12. The approval of the application will be beneficial to the electricity end-users in its franchise area since they will continue to be provided with efficient and reliable electric service at reasonable rates; and
13. It prays that, after due notice and hearing and consideration, a Certificate of Public Convenience and Necessity (CPCN) be granted to First Bay Power Corporation (FBPC) to cover its franchise area of the Municipality of Bauan, Province of Batangas with a period of twenty (20) years from the time of approval.

The Commission has set the application for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing on **August 12, 2014 (Tuesday) at ten o'clock in the morning (10:00 A.M.) at the ERC Hearing Room, 15th Floor, Pacific Center Building, San Miguel Avenue, Pasig City.**

All persons who have an interest in the subject matter of the proceeding may become a party by filing, at least five (5) days prior to the initial hearing and subject to the requirements in the ERC's Rules of Practice and Procedure, a verified petition with the Commission giving the docket number and title of the proceeding and stating: (1) the petitioner's name and address; (2) the nature of petitioner's interest in the subject matter of the proceeding, and the way and manner in which such interest is affected by the issues involved in the proceeding; and (3) a statement of the relief desired.

All other persons who may want their views known to the Commission with respect to the subject matter of the proceeding may file their opposition to the application or comment thereon at any stage of the proceeding before the applicant concludes the presentation of its evidence. No particular form of opposition or comment is required, but the document, letter or writing should contain the name and address of such person and a concise statement of the opposition or comment and the grounds relied upon.

All such persons who may wish to have a copy of the application may request the applicant, prior to the date of the initial hearing, that they be furnished with a copy of the application. The applicant is hereby directed to furnish all those making a request with copies of the application and its attachments, subject to reimbursement of reasonable photocopying costs. Likewise, any such person may examine the application and other pertinent records filed with the Commission during the usual office hours.

WITNESS, the Honorable Chairperson, **ZENAIDA G. CRUZ-DUCUT**, and the Honorable Commissioners, **ALFREDO J. NON**, **MARIA VICTORIA C. YAP-TARUC**, and **JOSEFINA PATRICIA A. MAGPALE-ASIRIT**, Energy Regulatory Commission, this 21st day of July 2014 at Pasig City.


ATTY. FRANCIS SATURNINO C. JUAN
Executive Director III