



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

**IN THE MATTER OF THE
APPLICATION FOR
AUTHORITY TO DEVELOP,
OWN AND OPERATE
ASSETS INCLUDING THE
DEDICATED POINT-TO-
POINT LIMITED
TRANSMISSION FACILITIES
TO CONNECT THE 50MWp
POWER PLANT TO THE
TRANSMISSION LINE OF
THE NATIONAL GRID CORP.
OF THE PHILIPPINES
(NGCP), WITH PRAYER FOR
PROVISIONAL AUTHORITY**

ERC CASE NO. 2015-109 MC

**SULU ELECTRIC POWER
AND LIGHT (PHIL.), INC.,
Applicant.**

DOCKETED
Date: FEB 24 2016
By: [Signature]

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NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on December 23, 2015, Sulu Electric Power and Light (Phils.), Inc., (SEPALCO) filed an application for authority to develop and own or operate dedicated point to point limited transmission facilities to connect the 50MWp power plant to the transmission line of the National Grid Corporation of the Philippines (NGCP), with prayer for provisional authority.

In the said application, SEPALCO alleged, among others, the following:

1. SEPALCO is a generation company duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at Eastwood New National Highway, Barangay Salvacion, Palo, Leyte. It may be served with orders, notices and other processes through its undersigned counsel.
2. The application is filed pursuant to Section 9 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001, or the EPIRA, the last paragraph of which provides:

“Section 9. xxx

A generation company may develop and own or operate dedicated point-to-point limited transmission facilities that are consistent with the TDP; Provided, that such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC:xxx.”

Section 5, Rule 5 of the Implementing Rules and Regulations of the EPIRA, likewise provides:

“Section 5. Dedicated Point-to-Point Limited Transmission Facility of a Generation Company.

(a) Subject to prior authorization from ERC, TRANSCO or its buyer or concessionaire may allow a generation company to develop, own and/or operate dedicated point-to-point limited transmission facilities, provided that:

(i) Such dedicated point-to-point limited transmission facilities are required only for the purpose of connecting to the Grid which will be used solely by the Generation Facility, and are not used to serve the End-users or Suppliers directly;

(ii) The facilities are included and consistent with the TDP as certified by TRANSCO or its Buyer or Concessionaire, and

(iii) Any other documents that may be required by the ERC.”

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3. SEPALCO is currently in the process of developing a 50 MWp Solar Power Plant ("the Plant") located in Barangay Castilla, Municipality of Palo, Leyte and which is intended to be commissioned on or before 10 March 2016.
4. The Plant will be connected to the grid by a 69kV transmission line. The point of interconnection is 4.2 km from the 69 KV Switchyard from the Solar Power Plant to the Tapping Substation at Pole 361 of NGCP 69KV Transmission line.
5. The connection will require the construction of about 4.2 km line utilizing 336.4 ACSR 69 kV Line and about 65 pole structures and associated protection and communication equipment ("the Connection Assets").
6. The connection of the Plant to the grid was subjected to a System Impact Study (SIS), which is currently being reviewed by the National Grid Corporation of the Philippines (NGCP). Based on NGCP's initial review of the SIS, the connection of the Solar Power Plant to the Tapping Substation at Pole 361 of NGCP 69KV Transmission line is technically feasible.
7. The total cost for the development and construction of the project is estimated at PhP4,260,712.925, broken down as follows:

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Project Component	Estimated Cost (PhP)
PV Modules	1,782,523,820.-
Inverters	271,513,550.-
EPC	1,860,739,650.-
Others	345,935,905.-
TOTAL	4,260,712,925.-

8. SEPALCO will apply for a Certificate of Compliance prior to the commissioning of the Plant in compliance with and in accordance with the requirements of the Commission.
9. The following documents are herewith submitted in support of the application:

Annex	Docum
"A"	SEC Certificate of Incorporation and Articles of
"B"	General Information Sheet
"C"	Environmental Compliance Certificate
"D"	DOE Certificate of Registration
"E"	Single Line Diagram
"F"	System Impact Study
"G"	Secretary's Certificate Board Approval for the Connection Assets
"H"	Project Connection Options
"I"	Project Cost Estimate
"J"	Workplan
"K"	Balance Sheet and Income Statement
"L"	Curriculum Vitae of the Key Officer in charge of the operation and maintenance of the point-to-point assets

**ALLEGATIONS IN SUPPORT OF
PRAYER FOR PROVISIONAL AUTHORITY**

10. SEPALCO is constructing the Plant in furtherance of, and in support of, the Renewable Energy initiative and the declared State Policies enshrined in Republic Act No. 9513, or the Renewable Energy Act of 2008, which states:

"Section 2. Declaration of Policies – It is hereby declared the policy of the State to:

- (a) Accelerate the exploration and development of renewable energy resources such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the country's dependence on fossil fuels and thereby minimize the country's exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy;*
- (b) Increase the utilization of renewable energy by institutionalizing the development of national and local capabilities in the use of renewable energy systems, and promoting its efficient and cost-effective commercial application by providing fiscal and non-fiscal incentives;*
- (c) Encourage the development and utilization of renewable energy resources as tools to effectively prevent or reduce harmful emissions and thereby balance the goals of economic growth and development with the protection of health and the environment."*

xxx

as well as in the EPIRA, to wit:

"Section 2. Declaration of Policy - It is hereby declared the policy of the State:

xxx

- (h) to promote the utilization of indigenous and*

new and renewable energy resources in power generation in order to reduce dependence on imported energy."

11. Moreover, the grant of the provisional approval will allow SEPALCO to immediately start with the construction of the connection assets to enable the Plant to be commissioned on or before 10 March 2016. In the workplan, it will require SEPALCO to construct the connection assets. The timely commissioning of the Plant will allow it to immediately add to the nation's supply portfolio, thus contributing to the objective.
12. Attached as Annex "M" of the application is the Judicial Affidavit of Atty. Ben-Hur Benigno F. Castillo, President and CEO of SEPALCO, in support of the request for provisional authority.
13. It prays that the Commission:
 - a. Approve the application of SEPALCO to develop, own and operate the connection Assets to connect the Plant to the Grid
 - b. Issue, pending hearing, a provisional authority authorizing SEPALCO to commence implementing the project for the connection assets.

The Commission has set the application for jurisdictional hearing, expository presentation, pre-trial conference and evidentiary hearing on **07 April 2016 (Thursday) 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 wish to have a copy of the application may request from the applicant that they be furnished with the same, prior to the date of the initial hearing. The applicant is hereby directed to furnish all those making such request with copies of the application and its attachments, subject to the reimbursement of reasonable photocopying costs. Any such person may likewise examine the application and other pertinent records filed with the Commission during standard office hours.

WITNESS, the Honorable Chairman, **JOSE VICENTE B. SALAZAR**, and the Honorable Commissioners, **ALFREDO J. NON**, **GLORIA VICTORIA C. YAP-TARUC**, **JOSEFINA PATRICIA A. MAGPALE-ASIRIT**, and **GERONIMO D. STA. ANA**, **Energy Regulatory Commission**, this 16th day of February, 2016 at Pasig City.


ATTY. NATHAN J. MARASIGAN
Chief of Staff
Office of the Chairman and CEO