

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

IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE POWER
PURCHASE AND SALE
AGREEMENT (PPSA), AS
AMENDED, BETWEEN
PENINSULA ELECTRIC
COOPERATIVE, INC. AND
GNPOWER LTD. CO., WITH
MOTION FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION AND
ISSUANCE OF
PROVISIONAL AUTHORITY

ERC CASE NO. 2016-036 RC

PENINSULA ELECTRIC
COOPERATIVE, INC.
(PENELCO) AND GNPOWER
LTD. CO. (GNPOWER),
Applicants.

X-----X

SEP 20 2019

ORDER

On 04 April 2016, the Peninsula Electric Cooperative, Inc. (PENELCO) and GNPower Ltd. Co. (GNPOWER) filed their *Application* for approval of their Power Purchase and Sale Agreement (PPSA), as amended, with motions for confidential treatment of information and issuance of provisional authority.

On 03 May 2019, the Supreme Court issued its *Decision* in *Alyansa Para Sa Bagong Pilipinas (ABP), Inc. v. Energy Regulatory Commission (ERC), et al.*¹, requiring all applications for power supply agreements filed before the Commission on or after 30 June 2015 to comply with the Competitive Selection Process (CSP) in accordance with the Department of Energy (DOE) Circular No. 2018-02-0003²

¹ G.R. No. 227670, 3 May 2019;

² Entitled, "Adopting and Prescribing the Policy for the Competitive Selection Process in the Procurement by the Distribution Utilities of Power Supply Agreement for the Captive Market";

Failure of the Applicants to comply with the foregoing directives within the prescribed period shall constrain the Commission to dismiss the instant case with prejudice.

SO ORDERED.

Pasig City, 11 September 2019.



(On-Leave)
AGNES VST DEVANADERA
Chairperson and CEO


JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Commissioner


ALEXIS M. LUMBATAN
Commissioner


CATHERINE P. MACEDA
Commissioner


PAUL CHRISTIAN M. CERVANTES
Commissioner

LS: CRC/LSP/GLO Ord.2016-0036 re PENELCO-GNPOWER CSP

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5. Commission on Audit
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6. Senate Committee on Energy
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28. Office of the Local Government Legislative Body
Morong, Bataan
29. Office of the Municipal Mayor
Orani, Bataan
30. Office of the Local Government Legislative Body
Orani, Bataan
31. Office of the Municipal Mayor
Orion, Bataan
32. Office of the Local Government Legislative Body
Orion, Bataan
33. Office of the Municipal Mayor
Pilar, Bataan
34. Office of the Local Government Legislative Body
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