

Republic of the Philippines  
ENERGY REGULATORY COMMISSION  
Pasig City

IN THE MATTER OF THE  
APPLICATION FOR THE  
APPROVAL OF THE  
EMERGENCY POWER  
SUPPLY AGREEMENT  
("EPSA") BETWEEN  
EASTERN SAMAR  
ELECTRIC COOPERATIVE,  
INC. AND TAFT  
HYDROENERGY  
CORPORATION, WITH  
MOTION FOR  
CONFIDENTIAL  
TREATMENT OF  
INFORMATION

ERC CASE NO. 2024-155 RC

EASTERN SAMAR  
ELECTRIC COOPERATIVE,  
INC. AND TAFT  
HYDROENERGY  
CORPORATION,

*Applicants.*

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Promulgated:  
March 04, 2025

ORDER

On 18 November 2024, Eastern Samar Electric Cooperative, Inc., (ESAMELCO) and Taft Hydroenergy Corporation (THC) filed a *Joint Application*, dated 12 August 2024, seeking the Commission’s approval of their Emergency Power Supply Agreement (EPSA), with motion for confidential treatment of information.

The Commission, in the *Order* and *Notice of Virtual Hearing*, both dated 26 December 2024, set the instant *Application* for hearings on the following dates: (a) 03 March 2025 for determination of compliance with the jurisdictional requirements and expository presentation; and (b) 10 March 2025 for Pre-Trial Conference and presentation of evidence.

During the hearing on 03 March 2025, only ESAMELCO and THC appeared. There was no intervenor or oppositor who appeared nor was there any intervention or opposition that was filed.

In the said hearing, ESAMELCO and THC presented their proofs of compliance with the Commission’s jurisdictional requirements, pursuant to the *Order* dated 26 December 2024. However, upon perusal of the Applicants’ submissions, the Commission noted that ESAMELCO and THC failed to comply with the publication of the *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines, twice (2x) within two (2) successive weeks prior to the scheduled hearings. The Applicants admitted that due to inadvertence, they were only able to publish the *Notice of Virtual Hearing* once (1x) in two (2) newspapers of general circulation. In view thereof, the Commission declared the Applicants not compliant with the Commission’s jurisdictional requirements and cancelled the hearings set on 03 March 2025 and 10 March 2025.

**IN VIEW OF THE FOREGOING**, the Commission hereby sets anew the instant *Application* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-Trial Conference, and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020<sup>1</sup> and Resolution No. 01, Series of 2021<sup>2</sup> (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
<b>06 May 2025</b> (Tuesday) at two o'clock in the afternoon (2:00 P.M)	<b>Microsoft Teams Application</b>	Determination of compliance with jurisdictional requirements and expository presentation
<b>13 May 2025</b> (Tuesday) at two o'clock in the afternoon (2:00 P.M)		Pre-Trial Conference and Presentation of Evidence

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<sup>1</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.  
<sup>2</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

Accordingly, ESAMELCO and THC are hereby directed to host the virtual hearings at **ESAMELCO's principal office located at Brgy. Cabong, Borongan City, Eastern Samar**, as the designated venue for the conduct thereof, and ensure that the same is open to the public. Moreover, ESAMELCO and THC shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

**RELATIVE THERETO**, ESAMELCO and THC are hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines at their own expense, twice (2x) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart, and the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial virtual hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Governor, Mayors, and their respective Local Government Unit (LGU) legislative bodies within ESAMELCO's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within ESAMELCO's franchise area, by any other means available and appropriate, of the filing of the *Joint Application*, its reasons therefor, and of the scheduled virtual hearings thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire, to send their duly authorized representatives and attend the scheduled hearing; and
- 5) Furnish with copies of the *Joint Application* and its attachments, except those subject of a motion for confidential treatment of information, all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

**Within five (5) calendar days** prior to the date of the initial virtual hearing, ESAMELCO and THC must submit to the Commission via electronic mail (e-mail) at [docket@erc.ph](mailto:docket@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), the scanned copies of their written compliance with the aforementioned jurisdictional requirements, attaching the following methodically arranged and duly marked documents:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavits of the Editors or Business Managers of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issues of the said newspapers;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayors, and the respective LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by ESAMELCO and THC to inform the consumers within ESAMELCO's franchise area of the filing of the *Joint Application*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, the COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Joint Application* and its attachments, except those subject of a motion for confidential treatment of information, if any, by all those making requests therefor; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, ESAMELCO and THC are hereby required to post on their bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Offices of the Governors, Mayors and Local Legislative Bodies, and to submit proof of posting thereof.

Joint Applicants ESAMELCO and THC, and all interested parties are also required to submit via e-mail at [doctet@erc.ph](mailto:doctet@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), **at least five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor, which should also be attached to the Pre-Trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

Joint Applicants ESAMELCO and THC must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission **at least five (5) calendar days** before the date of the scheduled initial virtual hearing and Pre-Trial Conference, pursuant to the preceding paragraph.

Failure of ESAMELCO and THC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Joint Applicants ESAMELCO and THC must also be prepared to make an expository presentation of the instant *Joint Application*, aided by whatever communication medium that they may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Joint Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Joint Application* must be cited in support thereof.

Joint Applicants ESAMELCO and THC are hereby directed to file a copy of their Expository Presentation via e-mail at [doctet@erc.ph](mailto:doctet@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), **at least five (5) calendar days** prior to the scheduled virtual hearing. Applicants

shall also be required, upon the request of any stakeholder, to provide an advance copy of their expository presentation, **at least five (5) calendar days** prior to the scheduled virtual hearing.

Joint Applicants ESAMELCO and THC are further directed to submit, through personal service, registered mail, or ordinary mail/private courier, one (1) set of the original or certified true hard copies of their Jurisdictional Compliance, Expository Presentation, Pre-Trial Brief, and Judicial Affidavits of witnesses, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission.

Finally, ESAMELCO and THC, including their authorized representatives and witnesses, are hereby directed to provide the Commission, through [legal.virtualhearings@erc.ph](mailto:legal.virtualhearings@erc.ph), their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

**SO ORDERED.**

Pasig City, 04 March 2025.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**KRISHA MARIE T. BUELA**  
*Director III, Legal Service*

  
LS, CNR/LSP

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**ORDER/ 04 MARCH 2025**  
**PAGE 7 OF 9**

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Copy Furnished:

1. Eastern Samar Electric Cooperative, Inc. (ESAMELCO)  
*Co-Applicant*  
Brgy. Cabong, Borongan City, Eastern Samar
2. Taft Hydroenergy Corporation (THC)  
*Co-Applicant*  
126 5th St., B. Serrano St., Between 11th and 12th Avenue,  
Brgy. 89 Grace Park, Caloocan City
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[naalave@bpcllaw.com](mailto:naalave@bpcllaw.com)
4. Office of the Solicitor General  
155 Amorsolo Street, Legaspi Village, Makati City  
Email: [docket@osg.gov.ph](mailto:docket@osg.gov.ph)
5. Commission on Audit  
Commonwealth Avenue, Quezon City  
Email: [citizensdesk@coa.gov.ph](mailto:citizensdesk@coa.gov.ph)
6. Senate Committee on Energy  
GSIS Bldg. Roxas Blvd., Pasay City  
Email: [senateenergycommittee@gmail.com](mailto:senateenergycommittee@gmail.com)
7. House Committee on Energy  
Batasan Hills, Quezon City  
Email: [committees@house.gov.ph](mailto:committees@house.gov.ph)
8. Regulatory Operations Service  
Energy Regulatory Commission  
14<sup>th</sup> Floor Exquadra Tower, 1 Jade Drive,  
Ortigas Center, Pasig City  
Email: [ros@erc.ph](mailto:ros@erc.ph)
9. Office of the Governor  
Province of Eastern Samar
10. Office of the Sangguniang Panlalawigan  
Province of Eastern Samar
11. Office of the City Mayor  
Borongan, Eastern Samar
12. Office of the Sangguniang Panlungsod  
Borongan, Eastern Samar
13. Office of the Municipal Mayor  
Arteche, Eastern Samar
14. Office of the Sangguniang Bayan  
Arteche, Eastern Samar
15. Office of the Municipal Mayor  
Balangiga, Eastern Samar

- 16. Office of the Sangguniang Bayan  
Balangiga, Eastern Samar
- 17. Office of the Municipal Mayor  
Balangkayan, Eastern Samar
- 18. Office of the Sangguniang Bayan  
Balangkayan, Eastern Samar
- 19. Office of the Municipal Mayor  
Can-avid, Eastern Samar
- 20. Office of the Sangguniang Bayan  
Can-avid, Eastern Samar
- 21. Office of the Municipal Mayor  
Dolores, Eastern Samar
- 22. Office of the Sangguniang Bayan  
Dolores, Eastern Samar
- 23. Office of the Municipal Mayor  
Gen. McArthur, Eastern Samar
- 24. Office of the Sangguniang Bayan  
Gen. McArthur, Eastern Samar
- 25. Office of the Municipal Mayor  
Giporlos, Eastern Samar
- 26. Office of the Sangguniang Bayan  
Giporlos, Eastern Samar
- 27. Office of the Municipal Mayor  
Guiuan, Eastern Samar
- 28. Office of the Sangguniang Bayan  
Guiuan, Eastern Samar
- 29. Office of the Municipal Mayor  
Hernani, Eastern Samar
- 30. Office of the Sangguniang Bayan  
Hernani, Eastern Samar
- 31. Office of the Municipal Mayor  
Jipapad, Eastern Samar
- 32. Office of the Sangguniang Bayan  
Jipapad, Eastern Samar
- 33. Office of the Municipal Mayor  
Lawa-an, Eastern Samar
- 34. Office of the Sangguniang Bayan  
Lawa-an, Eastern Samar
- 35. Office of the Municipal Mayor  
Llorente, Eastern Samar
- 36. Office of the Sangguniang Bayan  
Llorente, Eastern Samar
- 37. Office of the Municipal Mayor  
Maslog, Eastern Samar



- 38. Office of the Sangguniang Bayan  
Maslog, Eastern Samar
- 39. Office of the Municipal Mayor  
Maydolong, Eastern Samar
- 40. Office of the Sangguniang Bayan  
Maydolong, Eastern Samar
- 41. Office of the Municipal Mayor  
Mercedes, Eastern Samar
- 42. Office of the Sangguniang Bayan  
Mercedes, Eastern Samar
- 43. Office of the Municipal Mayor  
Oras, Eastern Samar
- 44. Office of the Sangguniang Bayan  
Oras, Eastern Samar
- 45. Office of the Municipal Mayor  
San Policarpo, Eastern Samar
- 46. Office of the Sangguniang Bayan  
San Policarpo, Eastern Samar
- 47. Office of the Municipal Mayor  
Quinapondan, Eastern Samar
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Quinapondan, Eastern Samar
- 49. Office of the Municipal Mayor  
Salcedo, Eastern Samar
- 50. Office of the Sangguniang Bayan  
Salcedo, Eastern Samar
- 51. Office of the Municipal Mayor  
San Julian, Eastern Samar
- 52. Office of the Sangguniang Bayan  
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- 53. Office of the Municipal Mayor  
Sulat, Eastern Samar
- 54. Office of the Sangguniang Bayan  
Sulat, Eastern Samar
- 55. Office of the Municipal Mayor  
Taft, Eastern Samar
- 56. Office of the Sangguniang Bayan  
Taft, Eastern Samar