

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Exquadra Tower, Jade Drive, Ortigas Center
Pasig City

IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF THE EMERGENCY POWER
SUPPLY AGREEMENT
BETWEEN NEGROS
OCCIDENTAL ELECTRIC
COOPERATIVE (NOCECO)
AND FDC MISAMIS POWER
CORPORATION (FDC
MISAMIS), WITH MOTION FOR
CONFIDENTIAL TREATMENT
OF INFORMATION,

ERC CASE NO. 2026-090 RC

June 19, 2026

NOCECO AND FDC MISAMIS,
Applicants.

x-----x

JOINT APPLICATION

(With Motion for Confidential Treatment of Information)

Joint Applicants, NOCECO and FDC MISAMIS, through their respective counsel, unto this Honorable Commission, respectfully state that:

THE APPLICANTS

1. NOCECO is an electric cooperative duly organized and existing under and by virtue of laws of the Republic of the Philippines.

1.1 NOCECO is a holder of an exclusive franchise to provide electricity distribution service in the Cities of La Carlota, Hima maylan, Kabankalan and Sipalay and the Municipalities of Pulupandan, Valladolid, San Enrique, Pontevedra, Hinigaran,

Binalbagan, La Castellana, Moises Padilla, Isabel, Ilog, Cauayan, Candoni and Hinoba-an, all in the Province of Negros Occidental.

1.2 NOCECO is represented herein by its Project Supervisor and Acting General Manager Engr. Domingo S. Santiago, Jr., who was authorized to file this *Joint Application* by virtue of the *National Electrification Administration (NEA) Office Order No. 2026-009*.

2. FDC MISAMIS is a generation company duly organized and existing under and by virtue of laws of the Republic of the Philippines, with principal office address at PHIVIDEK Industrial Estate, Villanueva, Misamis Oriental.

2.1 FDC MISAMIS is represented herein by its President and CEO, Mr. Juan Eugenio L. Roxas, who was authorized by its Board of Directors to file this *Joint Application*.

3. NOCECO and FDC MISAMIS are jointly filing this Application pursuant to Honorable Commission's *Resolution No. 7, Series of 2026 ("Amended CSP Guidelines")*¹ requiring distribution utilities and generation companies to jointly file applications for the approval of power supply agreements.² (NOCECO and FDC MISAMIS are jointly referred hereinafter as "*Joint Applicants*.")

4. The Joint Applicants may be served with the orders, notices, and other processes of the Honorable Commission through their respective counsel at the addresses indicated below.

NATURE AND TIMELINESS OF THE APPLICATION

5. This is a *Joint Application* for the approval of the Emergency Power Supply Agreement (EPSA) executed by Joint Applicants on 26 February 2026.

¹ ERC Resolution No. 07, Series of 2026, 16 February 2015. "*Amended Implementing Guidelines for the Procurement, Execution, and Evaluation of Power Supply Agreements Entered into by Distribution Utilities for the Supply of Electricity to their Captive Market.*"

² While FDC Misamis is a co-applicant, it manifests that this Joint Application shall neither modify, diminish, nor constitute as a waiver of FDC Misamis' rights nor expand its obligations and responsibilities as a generation company under the EPIRA.

6. Section 8 of the Honorable Commission's Amended CSP Guidelines provides that "[t]he DU may engage in negotiated procurement of an Emergency Power Supply Agreement (EPSA) under the circumstances contemplated in Section 2.3.6 of the DOE CSP Policy."

7. Further, Section 2.3.6 of the Department of Energy (DOE) CSP Policy³ provides that "the conduct of CSP shall not be required in negotiated procurement of Emergency Power supply wherein the Emergency Power Supply Agreement ("EPSA") shall be filed with the ERC within thirty (30) calendar days after the occurrence of the Force Majeure/Fortuitous Events, without need of any prior clearance or certification from the DOE, and shall have a maximum and non-extendible period of one (1) year from its execution."

8. Pursuant to the foregoing provisions on the exemption from the conduct of CSP, NOCECO is permitted to procure power supply through direct negotiation due to the occurrence of force majeure or other circumstances beyond its control, thereby ensuring continuous and reliable supply of electricity to its member-consumers owners (MCOs) in a least cost manner.

STATEMENT OF FACTS

9. NOCECO previously entered into an EPSA with FDC MISAMIS ("previous EPSA") which was submitted for the approval of the Honorable Commission in an application docketed as *ERC Case No. 2025-100 RC*. The term of the said EPSA was until 04 March 2026, with NOCECO reasonably expecting that it would have concluded its CSP process within its term.

10. NOCECO had to completely revise its power supply procurement plan and conduct its own CSP for its requirements after NEA issued a *Memorandum* dated 23 January 2025 disallowing the proposed aggregated procurement with neighboring electric cooperatives (ECs) through the Negros Electric Cooperatives Association (NECA) and ordering NOCECO and other member-ECs to **"INDIVIDUALLY COMMENCE and CONDUCT** their respective CSPs."

³ DOE Circular No. DC2023-06-0021 dated 20 June 2023, "Prescribing the Policy for the Mandatory Conduct of the Competitive Selection Process by the Distribution Utilities for the Procurement of Power Supply for their Captive Market," as amended by DOE Circular No. DC2025-10-0022.

11. On 08 March 2025, NOCECO submitted the initial set of bid documents for NEA's approval. Subsequently, NOCECO submitted all of the revisions and additional documents required by NEA.

12. The last communication from NEA on this CSP process was an acknowledgment of NOCECO's last submission in an email dated 17 September 2025. During the last quarter of 2025, NOCECO suffered severe devastation of its distribution system caused by Typhoon Tino on 04 November 2025. Restoration activities had to be prioritized, especially given the limited working days during the upcoming holiday season.

13. Still, NOCECO had every intention of pursuing this CSP. NEA, however, issued a letter dated 13 January 2026 to NOCECO and other member-ECs directing the conduct of a NEA-led aggregated CSP. Consultative meetings were held on 20 January 2026 and 04 February 2026.

14. In light of this, NOCECO had to completely revise its proposed CSP documents in order to carve out the power requirements that would be included with the NEA aggregation.

15. The expiration of the term of the previous EPSA without any concluded CSP, thus, constitutes a fortuitous event considering that it was independent of any negligence or failure to act on NOCECO's part.

16. NOCECO was left with no choice but to engage in a negotiated procurement culminating in the execution of this EPSA because it could not increase its exposure to the Wholesale Electricity Spot Market (WESM), especially because the contract termination of the previous EPSA coincides with periods of historically higher system demand and seasonal reductions in available generating capacity in the market leading to high market prices.

17. NOCECO solicited proposals for its EPSA from three (3) generation companies. However, only FDC MISAMIS was able to submit a proposal on the given deadline of 20 February 2026.

18. The proposal submitted by FDC MISAMIS was evaluated and found to be advantageous to NOCECO and its MCOs.

19. On 24 February 2026, after due consideration and deliberations, the Executive Committee issued *Resolution No. 043, Series*

of 2026 accepting the offer of FDC MISAMIS and authorizing the execution of the instant EPSA.

20. On 26 February 2026, Joint Applicants executed the EPSA. As provided therein, FDC MISAMIS commenced the delivery of power to NOCECO on 05 March 2026.

INDICATIVE RATE IMPACT

21. A Rate Impact Analysis based on the March 2026 blended rate would show that there would be a **decrease in NOCECO’s generation rate by approximately Php 0.2933/kWh** (a decrease from a blended rate of Php6.1986 to a blended rate of Php5.9052) had NOCECO been procuring energy from FDC MISAMIS in February 2026, to wit:

RATE IMPACT ANALYSIS (MARCH 2026 BLENDED RATE)					
SUPPLIER	RATES Php/kWh	WITHOUT FDC (new EPSA)*		WITH FDC (new EPSA)**	
		KWH PURCHASED	AMOUNT DUE	KWH PURCHASED	AMOUNT DUE
KSPC	4.97	7,440,000.00	36,976,800.00	7,440,000.00	36,976,800.00
PCPC***	7.44	7,440,000.00	55,353,600.00	7,440,000.00	55,353,600.00
FDC (old EPSA)	5.33	2,520,000.00	13,431,600.00	2,520,000.00	13,431,600.00
FDC (new EPSA)	5.20	-	-	8,280,000.00	43,048,548.00
WESM	6.34	14,803,150.00	93,851,971.00	6,523,150.00	41,356,771.00
TOTAL		32,203,150.00	199,613,971.00	32,203,150.00	190,167,319.00
BLENDED GENERATION RATE			6.1986	5.9052	
RATE IMPACT:					-0.2933

22. Hence, the implementation and approval of the EPSA will redound to the benefit of NOCECO’s MCOs through a more affordable, stable, and reliable supply of electricity.

**ABSTRACT OF THE POWER SUPPLY AGREEMENT
AND RELATED INFORMATION**

23. Under the EPSA, FDC MISAMIS shall supply power to NOCECO for the entire term of the contract for a Contracted Capacity of 15 MW.

24. The power supply will be sourced from FDC MISAMIS’ circulating fluidized bed (CFB) coal-fired thermal power plant, with an installed capacity of 135 MW x 3 units for a total 405 MW and net

dependable capacity of 369 MW located at the PHIVIDEC Industrial Estate, Villanueva, Misamis Oriental. FDC MISAMIS shall supply power to NOCECO under the terms stipulated in the EPSA.

25. The following are the salient features of the EPSA:

25.1 Contract Term: The Term of the EPSA shall have a maximum of one (1) year, or until the implementation of the contract resulting from the NEA-aggregated Competitive Selection Process, whichever comes first.

25.2 Service Specifications: The Parties agreed to the following specifications:

	FIRM
Contracted Demand (monthly), KW	15,000
Contracted Energy (12 months), kWh	131,400,000
Customer Load Factor Per Interval	70% to 100%
Delivery Point	Plant Gate FDC Misamis Power Corporation's Power Plant
Nodal Point	11FDC Unit 1, Unit 2, Unit 3
Voltage at the Plant Gate	138kV

25.3 Replacement Power during Outages: It is the Supplier's obligation to procure Replacement Power, at its own costs, during Outages.

25.4 Customer Failure to Offtake Power: If the Customer offtakes power less than the Minimum Energy Off-Take (MEOT) which is equivalent to 70% load factor, as defined in Annex "D", except in the course of a force majeure event, the Customer shall pay the Generation Charge for the difference between the actual energy consumption and the MEOT, and all applicable fees, charges and costs.

25.5 Transmission Fees, Ancillary Services Charges, Line Rental Charges, and WESM Costs: The Customer shall pay for Transmission Fees, Ancillary Services Charges, Line Rental Charges, and WESM Costs. All other transmission charges and market related fees/charges that are not part of the generation charge shall be for the account of the Customer.

25.6 Assignment by the Parties: Either Party may not assign or transfer any of its rights or obligations under this Agreement,

including some or all of the electric power supplied by Supplier without the latter's written consent, which consent shall not be unreasonably withheld. Despite anything stated in the EPSA, the other Party is not obliged to give its consent to a proposed assignment by the Assignor.

25.7 Adjustments due to Force Majeure: The Supplier shall have seventy-two (72) hours to restore interrupted supply counted from the time a Force Majeure Event prevented it from supplying electric power to the Customer. The Customer shall not be entitled to interruption adjustment during such period. On the other hand, the Customer shall have seventy-two (72) hours to resume taking electric power counted from the time a Force Majeure Event prevented it from fully taking its Contracted Energy. If its consumption falls below the Contracted Energy due to a Force Majeure Event, the Customer shall be entitled to interruption adjustment but only on the actual number of hours (up to a maximum of 72 hours) that it was unable to receive electric power. The number of hours that Customer can claim for interruption adjustments is limited to a maximum of 72 hours per Force Majeure Event. The total cumulative interruption adjustment due to a Force Majeure Event shall not in any case exceed 72 hours per Billing Period.

PRE-FILING REQUIREMENTS
AND OTHER RELATED DOCUMENTS

26. In support of the *Joint Application*, the following documents are attached herein as annexes and made integral part hereof:

ANNEXES	DOCUMENTS
"A," series	NOCECO's ExeCom Resolutions (<i>accepting the offer of FDC Misamis, designating signatories to the EPSA and the signing of EPSA and authorizing the engagement of counsel</i>)
	National Electrification Administration (NEA) Office Order No. 2026-009
"B"	FDC MISAMIS' Secretary's Certificate (<i>authorizing the signing of EPSA, designating an Authorized</i>

	<i>Representative to sign the verification and certification, and authority of counsel)</i>
"C"	EPSA
"D," series	Notice of Fortuitous Event/Force Majeure to ERC, DOE, and NEA with acknowledgment of receipt
"E," series	NOCECO's Supply-Demand Scenario
"F"	NOCECO's Load Curves
"G," series	NOCECO's letters requesting proposal for emergency supply and the replies thereto
"H"	NOCECO's Explanation on Non-Applicability of Certification on Occurrence of Fortuitous Event
"I"	NOCECO's Affidavit of Fortuitous Event
"I-1"	NEA Memorandum dated 23 January 2025 (disallowing the proposed aggregated procurement)
"I-2"	NEA Acknowledgment of NOCECO's submission of CSP documents
"I-3" to "I-4"	NEA Letters regarding the conduct of aggregated CSP
"I-5"	NOCECO Non-Applicability of Certification of Occurrence of Fortuitous Event
"J"	Executive Summary of EPSA
"K," series	NOCECO's Articles of Incorporation, By Laws, Certificate of Franchise, Certificate of Registration
"L," series	FDC MISAMIS' Amended Articles of Incorporation, Amended By-Laws, and Amended General Information Sheet for 2025
"M," series	FDC MISAMIS' SEC Certificate of Registration with Amendments and Shareholders' Agreement
"N"	FDC MISAMIS' BOI Certificate of Registration with attached Terms and Conditions
"O"	FDC MISAMIS' DENR-EMB ECC
"P"	FDC MISAMIS' ERC COC
"Q"	FDC MISAMIS' PAO Certificate
"R"	FDC MISAMIS' DOE Certificate of Endorsement
"S"	NOCECO's Power Supply Procurement Plan ("PSPP")
"S-1"	NOCECO's Distribution Development Plan ("DDP")
"T"	NOCECO's Contestable Customer Information
"U"	FDC MISAMIS' Verified Certification

"V," series	Transmission Service Agreement ("TSA") and Metering Services Agreement ("MSA")
"W"	FDC MISAMIS' Sources of Funds and Financial Plans (<i>Confidential</i>)
"X"	Bank Certifications (<i>Confidential</i>)
"Y"	FDC MISAMIS' Generation Rate and Derivation (<i>Confidential</i>)
"Z" to "Z-3"	FDC MISAMIS' Basis of Other Charges; Fuel Supply Agreement; Certification Fuel Supply Agreement; Cost Analysis for NOCECO (<i>Confidential</i>)
"AA"	FDC MISAMIS' Financial Model, Project Costs and Breakdown of Costs (<i>Confidential</i>)
"BB"	FDC MISAMIS' Cash Flow (<i>Confidential</i>)
"CC"	FDC MISAMIS' Fuel Supply Procurement Process (<i>Confidential</i>)
"DD"	FDC MISAMIS' Relevant Technical and Economic Characteristics of the Generation Capacity (<i>Confidential</i>)
"EE"	FDC MISAMIS' simulation of number of operating units to meet MEOT (<i>Confidential</i>)
"FF"	FDC MISAMIS' Sworn Statement on Fuel Concerns
"GG"	FDC MISAMIS' Audited Financial Statements (AFS)
"HH"	FDC MISAMIS' WESM Registration
"II"	NOCECO's WESM Registration
"JJ"	Power Bill to NOCECO
"KK"	FDC MISAMIS' Explanation on Non-Applicability of Documents
"LL"	Rate Impact Analysis
"MM," series	Proof of furnishing copies of the Joint Application to the Offices of the Mayor, Governor, Sangguniang Panlungsod of Kabankalan, and Sangguniang Panlalawigan of Negros Occidental
"NN," series	Proof of furnishing copies of the Joint Application to the Offices of the Mayor, Governor, Sangguniang Bayan of Villanueva, and Sangguniang Panlalawigan of Misamis Oriental where FDC MISAMIS operates
"OO", series	Proof of publication of the Joint Application in a newspaper of general circulation within

	NOCECO's franchise area or where it principally operates
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**ALLEGATIONS IN SUPPORT OF THE
MOTION FOR CONFIDENTIAL TREATMENT
OF INFORMATION**

27. Pursuant to *Rule 4* of the Honorable Commission’s *Rules of Practice and Procedure*, Applicants may request that certain information not be disclosed and be treated as confidential.⁴ Pursuant to this, FDC MISAMIS prays for the confidential treatment of the information contained in the following annexes:

Annex	Documents/Information
“W”	FDC MISAMIS’ Sources of Funds and Financial Plans
“X”	Bank Certifications
“Y”	FDC MISAMIS’ Generation Rate and Derivation
“Z” to “Z-3”	FDC MISAMIS’ Basis of Other Charges; Fuel Supply Agreement; Certification Fuel Supply Agreement; Cost Analysis for NOCECO
“AA”	FDC MISAMIS’ Financial Model, Project Costs and Breakdown of Costs
“BB”	FDC MISAMIS’ Cash Flow
“CC”	FDC MISAMIS’ Fuel Supply Procurement Process
“DD”	FDC MISAMIS’ Relevant Technical and Economic Characteristics of the Generation Capacity
“EE”	FDC MISAMIS’ simulation of number of operating units to meet MEOT

28. FDC MISAMIS treats the information contained in the above-mentioned documents, such as sources of funds/financial plans, certifications from bank/lending institutions, generation rate and derivation, cash flow, description of power plant, and fuel supply agreement, as **proprietary** in nature considering that it involves trade secrets reflecting investment and business calculations.

29. These documents are considered as trade secrets contemplated by law and jurisprudence. In the case of *Air Philippines*

*Corporation vs. Pennswell, Inc.*⁵, the Supreme Court defined a trade secret, as follows:

A trade secret may consist of any formula, pattern, device, or compilation of information that: **(1) is used in one's business; and (2) gives the employer an opportunity to obtain an advantage over competitors who do not possess the information.** Generally, a trade secret is a process or device intended for continuous use in the operation of the business, for example, a machine or formula, but **can be a price list or catalogue or specialized customer list.** It is indubitable that trade secrets constitute proprietary rights. The inventor, discoverer, or possessor of a trade secret or similar innovation has rights therein which may be treated as property, and ordinarily an injunction will be granted to prevent the disclosure of the trade secret by one who obtained the information "in confidence" or through a "confidential relationship". American jurisprudence has utilized the following factors to determine if an information is a trade secret, to wit:

- (1) the extent to which the information is known outside of the employer's business;
- (2) the extent to which the information is known by employees and others involved in the business;
- (3) the extent of measures taken by the employer to guard the secrecy of the information;
- (4) the value of the information to the employer and to competitors;
- (5) the amount of effort or money expended by the company in developing the information; and
- (6) the extent to which the information could be easily or readily obtained through an independent source.⁶

30. The foregoing documents were prepared and developed for the exclusive use of FDC MISAMIS and were designed for its specific use in its power generation business. If the information contained in these documents are disclosed to the public, FDC MISAMIS' competitors or

⁵ G.R. No. 172835, 13 December 2007.

⁶ Citations omitted, emphasis supplied.

other entities engaged in the power business they will gain undue advantage and could incorporate the said information in their operations. Consequently, the negotiating power of FDC MISAMIS with parties it plans to contract with or who it is currently doing business with will be undermined if it is compelled to disclose such information.

31. Accordingly, Joint Applicants hereby submit one (1) copy of the confidential documents *via*: in a sealed envelope, with the envelope and each page of the document stamped with the word "*Confidential*."⁷

PRAYER

WHEREFORE, premises considered, Joint Applicants respectfully pray unto the Honorable Commission to:

1. **APPROVE** the **JOINT APPLICATION** authorizing NOCECO to charge and collect the fees from its member-consumer-owners and **DIRECT** the retroactive application of the rates, terms, and conditions of the EPSA for the entire term thereof; and

2. **TREAT** Annexes "**W**" to "**EE**" and the information contained therein as confidential and **DIRECT** their non-disclosure to persons other than the necessary officers and staff of this Honorable Commission in accordance with *Rule 4 of the Rules of Practice and Procedure*.

Other reliefs, just and equitable under the premises, are likewise being prayed for.

Pasig City, 25 March 2026.

(Signature pages follow)

⁷ In line with the Honorable Commission's rules and regulations, soft copies of the documents covered by the prayer for confidential treatment were password-protected and submitted *via* electronic submission.

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~~IBP No. 578373/ 12-30-25/ Tarlac~~
~~MCLE Compliance No. VIII -0026824/ 10 April 2025~~

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
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AND FDC MISAMIS POWER
CORPORATION (FDC
MISAMIS), WITH MOTION
FOR CONFIDENTIAL
TREATMENT OF
INFORMATION**

Promulgated:
June 30, 2026

ERC CASE NO. 2026-090 RC

NOCECO AND FDC MISAMIS,
Applicants.

X- -----X

NOTICE OF VIRTUAL HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 19 June 2026, Applicants Negros Occidental Electric Cooperative (NOCECO) and FDC Misamis Power Corporation (FDC Misamis) filed a *Joint Application*, dated 25 March 2026, seeking the Commission’s approval of the Emergency Power Supply Agreement (EPSA) with Motion for Confidential Treatment of Information.

The docketed copy of the *Joint Application*, excluding its annexes, is attached as Annex “A” of the *Notice of Virtual Hearing*.

The Commission has set the *Joint Application* for hearing, pursuant to the pertinent rules of the Commission, as follows:

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NOTICE OF VIRTUAL HEARING
PAGE 2 OF 4

Date and Time	Platform	Activity
22 July 2026 (Wednesday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and Expository Presentation
29 July 2026 (Wednesday) at nine o'clock in the morning (9:00 A.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, Applicants are hereby directed to mirror the virtual hearings, to be hosted by the Commission, at **NOCECO’s principal office at Sitio Naga, Brgy. Binicuil, Kabankalan City, Negros Occidental**, as the designated venue for the conduct thereof and ensure that the same is open to the public. Moreover, Applicants shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

Any interested stakeholder may submit its comments and/or clarifications **at least one (1) calendar day** prior to the scheduled initial virtual hearing, via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legAl@erc.ph. The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

Moreover, any person who has an interest in the subject matter of the instant case may become a party by filing with the Commission via e-mail at doCKET@erc.ph, a verified Petition to Intervene **at least five (5) calendar days** prior to the date of the initial virtual hearing. The verified Petition to Intervene must follow the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure, indicating therein the docket number and title of the case, and state the following:

- 1) The petitioner’s name, mailing address, and e-mail 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.

Likewise, all other persons who may want their views known to the Commission with respect to the subject matter of the case may file through e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, their Opposition or Comment thereon **at least five (5) calendar days** prior to the initial virtual hearing. Rule 9 of the ERC Revised Rules of Practice and Procedure shall govern. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name, mailing address, and e-mail address of the person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All interested parties filing their Petition to Intervene, Opposition or Comment are required to submit the hard copies thereof through personal service, registered mail or ordinary mail/private courier, **within five (5) working days** from the date that the same were electronically submitted, as reflected in the acknowledgement receipt e-mail sent by the Commission.

Any of the persons mentioned in the preceding paragraphs may access the copy of the *Joint Application* on the Commission's official website at www.erc.gov.ph.

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ERC CASE NO. 2026-090 RC
NOTICE OF VIRTUAL HEARING
PAGE 4 OF 4

Finally, all interested persons may be allowed to join the scheduled virtual hearings by providing the Commission, through legal.virtualhearings@erc.ph, their respective e-mail addresses, indicating therein the case number of the instant *Joint Application*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

WITNESS, the Honorable Chairperson and CEO **FRANCIS SATURNINO C. JUAN** and the Honorable Commissioners **FLORESINDA G. BALDO-DIGAL**, **MARKO ROMEO L. FUENTES**, **AMANTE A. LIBERATO** and **PARIS G. REAL**, Energy Regulatory Commission in Pasig City.

FOR AND BY AUTHORITY
OF THE COMMISSION:



ATTY. MARIA CORAZON C. GINES¹
Director III, Legal Service


LS: LPS/JGGW

¹ Authority granted per Office Order No. 71, Series of 2025 dated 20 August 2025, with the subject “Approving/Signing Authorities for Consumer Complaints Cases and Interlocutory Orders”.

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ERC CASE NO. 2026-090 RC

NOCECO AND FDC MISAMIS,
Applicants.
X- -----X

Promulgated:
June 30, 2026

ORDER

On 19 June 2026, Applicants Negros Occidental Electric Cooperative (NOCECO) and FDC Misamis Power Corporation (FDC Misamis) filed a *Joint Application*, dated 25 March 2026, seeking the Commission’s approval of the Emergency Power Supply Agreement (EPSA) with Motion for Confidential Treatment of Information.

The docketed copy of the *Joint Application*, excluding its annexes, is attached as Annex “A” of the *Notice of Virtual Hearing*.

(This space is intentionally left blank.)

Finding the *Joint Application* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for hearing, pursuant to the pertinent rules of the Commission, as follows:

Date and Time	Platform	Activity
22 July 2026 (Wednesday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and Expository Presentation
29 July 2026 (Wednesday) at nine o'clock in the morning (9:00 A.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, Applicants are hereby directed to mirror the virtual hearings, to be hosted by the Commission, at **NOCECO’s principal office at Sitio Naga, Brgy. Binicuil, Kabankalan City, Negros Occidental**, as the designated venue for the conduct thereof and ensure that the same is open to the public. Moreover, Applicants shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, Applicants are hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing*, including Annex “A” thereof, 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*, including Annex “A” thereof, the Offices of the Provincial Governor, the Mayors, and their respective Local Government Unit (LGU) legislative bodies within NOCECO’s franchise area for the appropriate posting thereof on their respective bulletin boards;

- 3) Inform the consumers within NOCECO's franchise area, by any other means available and appropriate, of the filing *Joint Application*, their reasons therefor, and of the scheduled virtual hearings;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, including Annex "A" thereof, 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 hearings; 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, Applicants must submit to the Commission via electronic mail (e-mail) at docket@erc.ph, and copy furnish the Legal Service through 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*, including Annex "A" thereof, consisting of affidavits of the Editors or Business Managers of the newspapers where the same were 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* including Annex "A" thereof, consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayors and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by Applicants to inform the consumers within NOCECO's franchise area of the filing of the *Joint Application*, their reasons therefor, and of the scheduled hearings;

- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* including Annex “A” thereof, 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, Applicants are hereby required to post on their bulletin boards, the scanned copies of the foregoing jurisdictional requirements and to submit the proof of posting thereof.

Applicants and all interested parties are also required to submit via e-mail at doCKET@erc.ph, and copy furnish the Legal Service through 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 thereof, which must be attached to the Pre-Trial Brief; and
- 4) The names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

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

Applicants must also be prepared to make an expository presentation of the *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.

Applicants are hereby directed to file a copy of their Expository Presentation via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. Applicants are also required to provide a copy of their Expository Presentation to any stakeholder requesting therefor **at least five (5) calendar days** prior to the scheduled virtual hearing.

Applicants and interested parties are hereby directed to submit, either through personal service, registered or ordinary mail/private courier, all the pleadings and required submissions, **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, Applicants, including their authorized representatives and witnesses, and interested parties who wish to attend the scheduled virtual hearings are hereby directed to provide the Commission, through 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 hearings.

SO ORDERED.

Pasig City.

FOR AND BY AUTHORITY
OF THE COMMISSION:

Maria Corazon C. Gines

ATTY. MARIA CORAZON C. GINES¹
Director III, Legal Service


LS: LPS/JGGW

¹ Authority granted per Office Order No. 71, Series of 2025 dated 20 August 2025, with the subject "Approving/Signing Authorities for Consumer Complaints Cases and Interlocutory Orders".

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Copy Furnished:

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3. FDC Misamis Power Corporation (FDC Misamis)
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6. Commission on Audit
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7. Senate Committee on Energy
GSIS Bldg. Roxas Blvd., Pasay City
senateenergycommittee@gmail.com
8. House Committee on Energy
Batasan Hills, Quezon City
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9. Office of the Provincial Governor
Province of Negros Occidental
10. Office of the Local Government Unit (LGU) Legislative Body
Province of Negros Occidental
11. Office of the Mayor
La Carlota City, Negros Occidental
12. Office of the LGU Legislative Body
La Carlota City, Negros Occidental
13. Office of the Mayor
Himamaylan City, Negros Occidental
14. Office of the LGU Legislative Body
Himamaylan City, Negros Occidental
15. Office of the Mayor
Kabankalan City, Negros Occidental
16. Office of the LGU Legislative Body
Kabankalan City, Negros Occidental

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Sipalay City, Negros Occidental
18. Office of the LGU Legislative Body
Sipalay City, Negros Occidental
19. Office of the Mayor
Pulupandan, Negros Occidental
20. Office of the LGU Legislative Body
Pulupandan, Negros Occidental
21. Office of the Mayor
Valladolid, Negros Occidental
22. Office of the LGU Legislative Body
Valladolid, Negros Occidental
23. Office of the Mayor
San Enrique, Negros Occidental
24. Office of the LGU Legislative Body
San Enrique, Negros Occidental
25. Office of the Mayor
Pontevedra, Negros Occidental
26. Office of the LGU Legislative Body
Pontevedra, Negros Occidental
27. Office of the Mayor
Hinigaran, Negros Occidental
28. Office of the LGU Legislative Body
Hinigaran, Negros Occidental
29. Office of the Mayor
Binalbagan, Negros Occidental
30. Office of the LGU Legislative Body
Binalbagan, Negros Occidental
31. Office of the Mayor
La Castellana, Negros Occidental
32. Office of the LGU Legislative Body
La Castellana, Negros Occidental
33. Office of the Mayor
Moises Padilla, Negros Occidental
34. Office of the LGU Legislative Body
Moises Padilla, Negros Occidental
35. Office of the Mayor
Isabela, Negros Occidental
36. Office of the LGU Legislative Body
Isabela, Negros Occidental
37. Office of the Mayor
Ilog, Negros Occidental
38. Office of the LGU Legislative Body
Ilog, Negros Occidental

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- 39. Office of the Mayor
Cauayan, Negros Occidental
- 40. Office of the LGU Legislative Body
Cauayan, Negros Occidental
- 41. Office of the Mayor
Candoni, Negros Occidental
- 42. Office of the LGU Legislative Body
Candoni, Negros Occidental
- 43. Office of the Mayor
Hinoba-an, Negros Occidental
- 44. Office of the LGU Legislative Body
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