

Republic of the Philippines
ENERGY REGULATORY COMMISSION
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

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:

1. Negros Occidental Electric Cooperative (NOCECO)
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2. Atty. Cecilia R. Layug
Counsel for *Co-Applicant NOCECO*
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ceslayug@gmail.com
3. FDC Misamis Power Corporation (FDC Misamis)
Co-Applicant
PHIVIDEC Industrial Estate,
Villanueva, Misamis Oriental, 9002
4. Attys. Carl Stephen A. Guzman, Brian P. Ceniza,
and Jasper Adrian A. Tubay
Guzman Ceniza Law Office
Counsel for Co-Applicant FDC Misamis
Unit 1706, One San Miguel Condominium,
#1 San Miguel Ave., Ortigas Center, Pasig City
gclawoffice@gclawoffice.com.ph
5. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
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6. Commission on Audit
Commonwealth Avenue, Quezon City
citizensdesk@coa.gov.ph
7. Senate Committee on Energy
GSIS Bldg. Roxas Blvd., Pasay City
senateenergycommittee@gmail.com
8. House Committee on Energy
Batasan Hills, Quezon City
committee@house.gov.ph
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

17. Office of the Mayor
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
Hinoba-an, Negros Occidental
- 45. ERC Regulatory Operations Service
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