

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE
EMERGENCY POWER SUPPLY
AGREEMENT BETWEEN
NEGROS ORIENTAL II
ELECTRIC COOPERATIVE,
AND FDC MISAMIS POWER
CORPORATION, WITH
MOTION FOR CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2026-050 RC

**NEGROS ORIENTAL II
ELECTRIC COOPERATIVE
(NORECO II) AND FDC
MISAMIS POWER
CORPORATION (FDC
MISAMIS),**

Promulgated:
April 13, 2026

Applicants.

X-----X

ORDER

On 08 April 2026, Negros Oriental II Electric Cooperative (NORECO II) and FDC Misamis Power Corporation (FDC Misamis) filed a *Joint Application* dated 09 February 2026, seeking the Commission's approval of their 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*.

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
15 May 2026 (Friday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository Presentation
22 May 2026 (Friday) At two o'clock in the afternoon (2:00 P.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 **NORECO II's principal office at Real Street, Dumaguete City, Negros Oriental** 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 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 NORECO II's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within NORECO II'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 NORECO II’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, by all those making requests therefor, if any; and

- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, NORECO II and FDC Misamis 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 NORECO II and FDC Misamis 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 from attached to the Pre-Trial Brief.

Applicants NORECO II and FDC Misamis 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 virtual hearing and Pre-Trial Conference pursuant to the preceding paragraph.

Failure of NORECO II and FDC Misamis to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Applicants NORECO II and FDC Misamis must also be prepared to make an expository presentation of the *Joint Application*, aided by whatever communication medium that it 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 NORECO II and FDC Misamis 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 NORECO II and FDC Misamis and interested parties are hereby directed to submit, through personal service, registered or ordinary mail/private courier, all the pleadings and required submissions, **within five (5) working days** from the date 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 THE AUTHORITY OF
THE COMMISSION:

Maria Corazon C. Gines

ATTY. MARIA CORAZON C. GINES*
Director III, Legal Service


LS: DPED / RCD / MCGG

* Authority granted during Commission Meeting on 20 August 2025.

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Copy Furnished:

1. Negros Oriental II Electric Cooperative (NORECO II)
Co-Applicant
Real Street, Dumaguete City,
Negros Oriental, Philippines
2. DECHAVEZ LERIOS-AMBOY AND EVANGELISTA LAW OFFICES
Counsel for Co-Applicant NORECO II
powerlawfirm@gmail.com; dlaelaw@powerlawfirm.net
3. FDC Misamis Power Corporation (FDC Misamis)
Co-Applicant
PHIVIDEC Industrial Estate, Villanueva, Misamis Oriental
4. Guzman Ceniza Law Office
Counsels for Co-Applicant FDC Misamis
Unit 1706, One San Miguel Condominium,
#1 San Miguel Ave., Ortigas Center, Pasig City, Philippines
gclawoffice@gclawoffice.com.ph
5. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
6. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
citizensdesk@coa.gov.ph
7. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
senateenergycommittee@gmail.com
8. House Committee on Energy
Batasan Hills, Quezon City
committee.energy@house.gov.ph
9. Office of the Governor
Province of Negros Oriental
10. Office of the Sangguniang Panlalawigan
Province of Negros Oriental
11. Office of the City Mayor
Tanjay, Negros Oriental
12. Office of the Sangguniang Panlungsod
Tanjay, Negros Oriental
13. Office of the City Mayor
Bayawan, Negros Oriental
14. Office of the Sangguniang Panlungsod
Bayawan, Negros Oriental
15. Office of the Municipal Mayor
Amlan, Negros Oriental
16. Office of the Sangguniang Bayan
Amlan, Negros Oriental
17. Office of the Municipal Mayor
Bacong, Negros Oriental
18. Office of the Sangguniang Bayan
Bacong, Negros Oriental

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19. Office of the Municipal Mayor
Basay, Negros Oriental
20. Office of the Sangguniang Bayan
Basay, Negros Oriental
21. Office of the Municipal Mayor
Dauin, Negros Oriental
22. Office of the Sangguniang Bayan
Dauin, Negros Oriental
23. Office of the Municipal Mayor
Pamplona, Negros Oriental
24. Office of the Sangguniang Bayan
Pamplona, Negros Oriental
25. Office of the Municipal Mayor
San Jose, Negros Oriental
26. Office of the Sangguniang Bayan
San Jose, Negros Oriental
27. Office of the Municipal Mayor
Sibulan, Negros Oriental
28. Office of the Sangguniang Bayan
Sibulan, Negros Oriental
29. Office of the Municipal Mayor
Siaton, Negros Oriental
30. Office of the Sangguniang Bayan
Siaton, Negros Oriental
31. Office of the Municipal Mayor
Sta. Catalina, Negros Oriental
32. Office of the Sangguniang Bayan
Sta. Catalina, Negros Oriental
33. Office of the Municipal Mayor
Valencia, Negros Oriental
34. Office of the Sangguniang Bayan
Valencia, Negros Oriental
35. Office of the Municipal Mayor
Zamboanguita, Negros Oriental
36. Office of the Sangguniang Bayan
Zamboanguita, Negros Oriental
37. Regulatory Operations Service (ROS)
Energy Regulatory Commission
14F Exquadra Tower, Jade 1 Drive, Pasig City
ros@erc.ph