

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 MISAMIS  
OCCIDENTAL I ELECTRIC  
COOPERATIVE, INC. (MOELCI I)  
AND THERMA SOUTH, INC.  
(TSI), WITH PRAYER FOR  
CONFIDENTIAL TREATMENT OF  
INFORMATION,

ERC Case No. 2026-055 RC

MISAMIS OCCIDENTAL I  
ELECTRIC COOPERATIVE, INC.  
(MOELCI I) AND THERMA  
SOUTH, INC. (TSI),

April 16, 2026

*Applicants.*

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**JOINT APPLICATION FOR APPROVAL OF  
EMERGENCY POWER SUPPLY AGREEMENT  
(with Prayer for Confidential  
Treatment of Information)**

Applicants Misamis Occidental I Electric Cooperative, Inc. ("**MOELCI I**") and Therma South, Inc. ("**TSI**"; collectively, the "**Applicants**"), through respective counsels, respectfully state:

**The Joint Applicants**

1. MOELCI I is a non-stock, non-profit electric cooperative duly organized and existing under the laws of the Philippines, with principal office address at Magcamiguing, Calamba, Misamis Occidental. It is a duly franchised electric

cooperative registered with the National Electrification Administration ("**NEA**") with a franchise area covering Oroquieta City and the Municipalities of Aloran, Lopez Jaena, Plaridel, Calamba, Baliangao, Sapang Dalaga, and Concepcion, all in the Province of Misamis Occidental.

2. TSI is a private corporation duly organized and existing under and by virtue of the laws of the Philippines, with principal office at Brgy. Binugao, Toril District, Davao City. TSI manages and operates a 300-megawatt ("**MW**") Circulating Fluidized Bed Coal-Fired Thermal Power Plant (the "**Power Plant**").

3. The Applicants may be served with this Honorable Commission's notices, orders, and processes through their respective counsels at the addresses and email addresses indicated below.

### **Nature of the Application**

4. The Applicants are filing this Joint Application pursuant to Section 2.3.6 of Department of Energy ("**DOE**") Department Circular No. DC2023-06-0021,<sup>1</sup> as amended by DOE Department Circular No. DC2025-10-0022<sup>2</sup> (the "**DOE CSP Policy**"), and Article IV, Section 8(d) of the *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* (the "**ERC CSP Guidelines**"),<sup>3</sup> to ask this Honorable Commission to approve their *Emergency Power Supply Agreement* dated March 24, 2026 (the "**EPSA**"). A copy of the EPSA is attached as **Annex A**.

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<sup>1</sup> Entitled *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*.

<sup>2</sup> Entitled *Prescribing Policies to Enhance the Procurement Power Supply by Distribution Utilities for the Captive Market, Amending and Supplementing for this Purpose Department Circular No. DC2023-06-0021*.

<sup>3</sup> See ERC Resolution No. 7, series of 2026.

### **Statement of Facts**

5. On May 20, 2024, MOELCI I's Power Supply Agreement ("**PSA**") with King Energy Generation Inc. ("**KEGI**") expired.

6. Subsequently, MOELCI I prepared its Distribution Development Plan/Power Supply Procurement Plan ("**DDP/PSPP**") for the year 2025 as a prerequisite for the conduct of a Competitive Selection Process ("**CSP**") to procure a replacement for the PSA with KEGI.

7. On 25 March 2025, MOELCI I submitted its 2025 DDP/PSPP to the NEA for approval. However, the NEA has not yet issued the Certificate of Conformity ("**COC**") for MOELCI I's 2025 DDP/PSPP.

8. On 15 January 2026, MOELCI I submitted to the NEA its 2026 DDP/PSPP, which effectively superseded its 2025 DDP/PSPP. To date, however, MOELCI I has not yet received the COC for its 2026 DDP/PSPP.

9. Under Appendix B, Section 5 of the ERC CSP Guidelines,<sup>4</sup> the NEA must issue the COC before MOELCI I can post the Invitation to Bid (the "**ITB**") and further proceed with CSP. The ITB establishes the procedures for the CSP and clearly and comprehensively informs all bidders of relevant information pertaining to the bidding process.<sup>5</sup> Without the prior issuance of a COC for its DDP/PSPP, MOELCI I cannot proceed with CSP to procure a long-term PSA for its member-consumer-owners ("**MCOs**").

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<sup>4</sup> Section 5. Publication and Posting. – \*\*\*

**Prior to the publication of the ITB, the DU must obtain from the DOE, through the Electric Power Industry Management Bureau (EPIMB), or the NEA, in the case of ECs, a Certificate of Conformity.** The DU shall furnish a copy of the Certificate of Conformity to the ERC no later than three (3) days upon receipt thereof from the DOE. In the case of ECs, NEA, upon its issuance thereof, shall furnish copies to the DOE and the ERC.

**The BAC or Joint BAC shall publish the ITB, in compliance with the Certificate of Conformity,** which shall be valid for forty-five (45) calendar days from the date of certification, at least once (1x) every week for two (2) consecutive weeks in at least one (1) newspaper of general circulation. The weekly publications must be at least seven (7) calendar days apart. (*Emphasis and underscoring supplied.*)

<sup>5</sup> See ERC CSP Guidelines, Appendix B, Section 2.