

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),
*Applicants.***

Promulgated:
May 6, 2026

X-----X

ORDER

On 16 April 2026, Misamis Occidental I Electric Cooperative, Inc. (MOELCI I) and Therma South, Inc. (TSI) filed an *Application*, dated 08 April January 2026, seeking the Commission's approval of its Emergency Power Supply Agreement (EPSA), with prayer for confidential treatment of information.

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

Finding th *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
02 June 2026 (Tuesday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository Presentation
09 June 2026 (Tuesday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Pre-Trial Conference and Presentation of Evidence

Accordingly, the Applicants are hereby directed to mirror the virtual hearings, to be hosted by the Commission, at **MOELCI I's Principal Office at Magcamiguing, Calamba, Misamis Occidental**, as the designated venue for the conduct thereof and ensure that the same is open to the public. Moreover, the Applicants shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, the 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 MOELCI I's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within MOELCI I's affected area, by any other means available and appropriate, of the filing of the *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 *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, the 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 the Applicants to inform the consumers within MOELCI I's franchise area of the filing of the *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 *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, the 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.

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

The Applicants must also be prepared to make an expository presentation of the *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 *Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Application* must be cited in support thereof.

The 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. The 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.

The 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, the 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

CCT
LS: CCT/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. Misamis Occidental I Electric Cooperative, Inc. (MOELCI I)
Co-Applicant
Magcamiguing, Calamba, Misamis Occidental
2. Attys. Ditas A. Lerios-Amboy and Justine Camille E. Reyes
Dechavez Lerios-Amboy and Evangelista Law Offices
Counsel for Applicant MOELCI I
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Ortigas Center, Pasig City
Email: powerlawfirm@gmail.com; dlaelaw@powerlawfirm.net;
ditaslerios.amboy@gmail.com; ditasamboy@powerlawfirm.net;
jcreyes@powerlawfirm.net
3. Therma South, Inc. (TSI)
Co-Applicant
Brgy. Binugao, Toril District, Davao City
4. Attys. Sophia P. Inoturan and Marco P. Nigro
Gatmaytan Yap Patacsil Gutierrez & Protacio
Counsel for TSI
30/F 88 Corporate Center
Sedeño corner Valero Streets
Salcedo Village, Makati City
Email: sophie.inoturan@cagatlaw.com; marco.nigro@cagatlaw.com
5. Office of the Provincial Governor
Province of Misamis Occidental
6. Office of the Sangguniang Panlalawigan
Province of Misamis Occidental
7. Office of the Municipal Mayor
Baliangao, Misamis Occidental
8. Office of the Local Government Unit (LGU) Legislative Body
Baliangao, Misamis Occidental
9. Office of the Municipal Mayor
Aloran, Misamis Occidental
10. Office of the LGU Legislative Body
Aloran, Misamis Occidental
11. Office of the Municipal Mayor
Calamba, Misamis Occidental
12. Office of the LGU Legislative Body
Calamba, Misamis Occidental
13. Office of the Municipal Mayor
Concepcion, Misamis Occidental
14. Office of the LGU Legislative Body
Concepcion, Misamis Occidental
17. Office of the City Mayor
Oroquieta City, Misamis Occidental
18. Office of the LGU Legislative Body
Oroquieta City, Misamis Occidental
19. Office of the Municipal Mayor
Lopez Jaena, Misamis Occidental

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20. Office of the LGU Legislative Body
Lopez Jaena, Misamis Occidental
21. Office of the Municipal Mayor
Sapang Dalaga, Misamis Occidental
22. Office of the LGU Legislative Body
Sapang Dalaga, Misamis Occidental
21. Office of the Municipal Mayor
Plaridel, Misamis Occidental
22. Office of the LGU Legislative Body
Plaridel, Misamis Occidental
23. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
citizensdesk@coa.gov.ph
24. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
senateenergycommittee@gmail.com
25. House Committee on Energy
Batasan Hills, Quezon City
Committee.energy@house.gov.ph
26. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
27. ERC Regulatory Operations Service (ROS)
14F Exquadra Tower,
1 Jade Drive, Ortigas Center,
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