

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
JOINT APPLICATION FOR
THE APPROVAL OF THE
TWENTY-FIVE
MEGAWATTS (25 MW)
MID-MERIT POWER
SUPPLY AGREEMENT
BETWEEN PAMPANGA II
ELECTRIC COOPERATIVE,
INC. (PELCO II) AND SUAL
POWER INC. (SPI), WITH
MOTION FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION AND
PRAYER FOR
PROVISIONAL AUTHORITY
OR INTERIM RELIEF**

ERC CASE NO. 2026-053 RC

**PAMPANGA II ELECTRIC
COOPERATIVE, INC.
(PELCO II) AND SUAL
POWER INC. (SPI),
*Applicants.***

Promulgated:
April 27, 2026

X-----X

ORDER

On 14 April 2026, the Pampanga II Electric Cooperative, Inc. (PELCO II) and Sual Power Inc. (SPI) filed a *Joint Application*, dated 23 March 2026, seeking the Commission’s approval of their twenty-five megawatts (25 MW) Mid-merit Power Supply Agreement (PSA), with motion for confidential treatment of information and prayer for provisional authority or interim relief.

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
03 June 2026 (Wednesday), at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository Presentation
10 June 2026 (Wednesday), 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 **PELCO II's Principal Office located at San Roque, Guagua, Pampanga**, 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 PELCO II's franchise area, for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within PELCO II's franchise area, by any other means available and appropriate, of the filing of

the *Joint Application*, the 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 the Applicants to inform the consumers within PELCO II’s franchise area of the filing of the *Joint Application*, the 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, 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 interest 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. GINES*
Director III, Legal Service


LS: KSA/ARG

* Authority granted pursuant to Office Order No. 71, Series of 2025.

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Copy Furnished:

1. Pampanga II Electric Cooperative, Inc. (PELCO II)
Applicant
San Roque, Guagua,
Pampanga
2. Sual Power Inc. (SPI)
Applicant
5th Floor, C5 Office Building Complex,
No. 100 E. Rodriguez Jr. Avenue,
C5 Road, Bo. Ugong,
Pasig City 1604
3. Attys. Arnido O. Inumerable and Gregorio L. Ofalsa
Counsels for PELCO II
405 Elisa Street, U.E. Village, Cainta, Rizal
attynumerable@yahoo.com.ph, greg_ofalsa@yahoo.com
4. Attys. Jupiter M. Cabaguio, Avelino C. Cedo III, and Julieta B. Estamo
Counsels for SPI
#100 E. Rodriguez Jr. Ave., C5 Road, Bo. Ugong
Pasig City 1604, Metro Manila
jcabaguio@smgp.sanmiguel.com.ph, acedoiii@smgp.sanmiguel.com.ph,
jestamo@smgp.sanmiguel.com.ph
5. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
6. Commission on Audit
Don Mariano Marcos Avenue
Diliman, Quezon City, Metro Manila
citizensdesk@coa.gov.ph
7. The Committee on Energy
Senate of the Philippines
GSIS Building, Roxas Blvd., Pasay City, Metro Manila
senateenergycommittee@gmail.com
8. The Committee on Energy
House of Representatives
Batasan Hills, Quezon City, Metro Manila
committee.energy@house.gov.ph
9. Office of the Provincial Governor
Province of Pampanga
10. Office of the LGU Legislative Body
Province of Pampanga
11. Office of the Mayor
Mabalacat, Pampanga
12. Office of the LGU Legislative Body
Mabalacat, Pampanga
13. Office of the Mayor
Guagua, Pampanga
14. Office of the LGU Legislative Body
Guagua, Pampanga
15. Office of the Mayor
Lubao, Pampanga

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16. Office of the LGU Legislative Body
Lubao, Pampanga
17. Office of the Mayor
Porac, Pampanga
18. Office of the LGU Legislative Body
Porac, Pampanga
19. Office of the Mayor
Sta. Rita, Pampanga
20. Office of the LGU Legislative Body
Sta. Rita, Pampanga
21. Office of the Mayor
Sasmuan, Pampanga
22. Office of the LGU Legislative Body
Sasmuan, Pampanga
23. Office of the Mayor
Bacolor, Pampanga
24. Office of the LGU Legislative Body
Bacolor, Pampanga
25. Office of the Mayor
Floridablanca, Pampanga
26. Office of the LGU Legislative Body
Floridablanca, Pampanga
27. Office of the Mayor
Magalang, Pampanga
28. Office of the LGU Legislative Body
Magalang, Pampanga
29. Regulatory Operations Service (ROS)
14th Floor, Exquadra Tower, Jade Drive,
Ortigas Center, Pasig City
ros@erc.ph