

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
AUTHORITY TO DEVELOP,
OWN, OPERATE AND
MAINTAIN DEDICATED
POINT-TO-POINT LIMITED
FACILITIES TO CONNECT TO
THE TRANSMISSION SYSTEM
OF THE NATIONAL GRID
CORPORATION OF THE
PHILIPPINES (NGCP)**

ERC CASE NO. 2024-002 MC

SHIZEN INC. (SHIZEN),
Applicant.

Promulgated:
January 19, 2024

X-----X

ORDER

On 09 January 2024, Shizen Inc. (SHIZEN) filed an *Application*, dated 16 May 2023, seeking the Commission's approval of its authority to develop, own, operate and maintain dedicated point-to-point limited facilities to connect to the transmission system of the National Grid Corporation of the Philippines (NGCP), with prayer for provisional authority and/or interim relief, and motion for treatment of confidential information.

The pertinent allegations of the *Application* are hereunder quoted as follows:

THE APPLICANT

1. SHIZEN is a corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at 41st Floor, GT Tower International 6813 Ayala Ave. cor. H.V. Dela Costa St., Makati City, National Capital Region, Philippines.¹
2. SHIZEN may be served orders notice and other legal process of this Honorable Commission through its undersigned legal counsel at 8th Floor, Pacific Star Building, Sen. Gil Puyat cor.

¹ Copies of SHIZEN's Certificate of Incorporation, Articles of Incorporation, By-laws and latest General Information Sheet are attached hereto and made integral parts hereof as Annexes "A", "B", "C" and "D" of the Application, respectively.

Makati Ave., Bel-Air, Makati City, National Capital Region, Philippines.

NATURE OF THE APPLICATION

3. The instant Application is being filed pursuant to Section 9 of the Electric Power Industry Reform Act of 2001 (“EPIRA”), which states that:

A generation company may develop and own or operate dedicated point-to-point limited transmission facilities that are consistent with the TDP: Provided, that such facilities are required only for the purpose of connecting to the transmission system, and are used solely by the generating facility, subject to prior authorization by the ERC.

4. Similarly, this Application being filed pursuant to Section 5(a) of the Implementing Rules and Regulations of EPIRA, which provides:

Section 5. Dedicated Point-to-Point Limited Transmission Facility of a Generation Company. (a) Subject to prior authorization from ERC, TRANSCO, or its Buyer or Concessionaire may allow a Generation Company to develop, own and/or operate dedicated point-to-point limited transmission facilities: Provided, That:

- 1) Such dedicated point-to-point limited transmission facilities are required only for the purpose of connecting to the Grid which will be used solely by the Generation Facility, and are not used to serve End-users or Suppliers directly;
- 2) The facilities are included and consistent with the TDP as certified by TRANSCO or its Buyer or Concessionaire; and
- 3) Any other documents that may be required by the ERC.

5. In accordance with Section 9 of EPIRA and Section 5(a) of EPIRA’s Implementing Rules and Regulations, this Application is submitted to this Honorable Commission for its consideration and approval of SHIZEN’s proposed development, ownership and operation of interconnection facilities which shall connect the 49.5MWac Palauig Solar Power Project located in Brgy. Lipay, Palauig, Zambales (the “Project”) to the Luzon Grid via tap-in connection to the existing Botolan-Candelaria 69 kV Transmission Line of the National Grid Corporation of the Philippines’ (“NGCP”) (“Dedicated Facility Project”).² The project’s target date of completion and energization is in CY 2024.

STATEMENT OF FACTS

6. SHIZEN is duly registered, among others, to engage in the exploration, development, construction and other allied activities including the supply, assembly, erection, commissioning, constructing, enlarging, repairing, removing, developing and operating or otherwise engage in any work

² A copy of the Secretary’s Certificate authorizing the construction and operation of the Project, filing of the instant application and appointment of the authorized representatives therefor are attached herein and made an integral part of the Application as Annex “E”.

upon manufacturing plants and solar energy generating plants.³

7. SHIZEN was awarded Solar Energy Operating Contract No. 2022-01-607 (the "SEOC"),⁴ converted from Solar Energy Service Contract No. 2019-03-518, executed between the Republic of the Philippines, through the Department of Energy ("DOE"), and SHIZEN on March 2, 2022 to develop the Palauig Project.
8. The SEOC grants SHIZEN the exclusive right to explore, develop, and utilize the Solar Energy Resources within the Contract Area⁵ located in Brgy. Lipay in Palauig, Zambales (the "Project Site").
9. To connect the Palauig Project to the Luzon Grid, SHIZEN shall develop and construct the Dedicated Facility Project, a dedicated point-to-point limited connection facility to be used solely by the Palauig Project for its dispatch and connection to the existing NGCP Botolan-Candelaria 69kV Transmission Line. The Dedicated Facility Project is necessary to test, commission and dispatch the capacity of the Palauig Project and shall be exclusively used by SHIZEN.⁶
10. The proposed Connection Scheme Single Line Diagram⁷ for the Dedicated Facility Project shall be as follows:

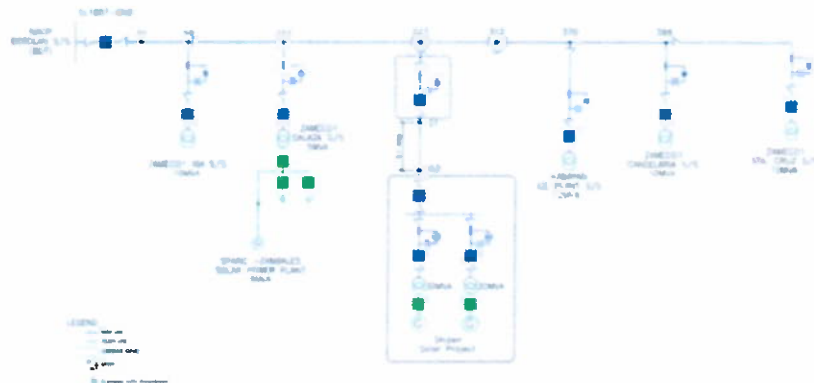


Figure 1. Proposed Connection Configuration of the Dedicated Facility Project

11. The Palauig Project will be connected to the Luzon Grid through a tap-in connection along the existing NGCP Botolan-Candelaria 69 kV Transmission Line via an approximately 4.6 km, 69 kV line using a single-circuit, 1-336.4 MCM ACSR conductor. It will use a 62.5 MVA step-up transformer with a

³ *Supra* note 1.

⁴ Copies of SEOC No. 2022-01-607 and DOE Amended Certificate of Registration No. SEOC 2022-01-607 are attached hereto and made an integral part of the Application as Annexes "F" and "G", respectively.

⁵ Refers to the total area of eighty-nine and fifty-five hundredths hectares (89.55 has.) in Palauig, Zambales with metes and bounds exclusively reserved by the DOE and SHIZEN, as RE Developer.

⁶ Copies of the Project Description and Project Rationale are attached hereto and made integral parts of the Application as Annexes "H" and "H-1", respectively.

⁷ A copy of SHIZEN's Simplified Interconnection Single Line Diagram is attached as Annex "I" of the Application.

voltage transformation of 13.8/69 kV. SHIZEN reviewed its options and respectfully submits that said tap connection is the sole viable option to connect to the Palauig Project to Luzon Grid as detailed in the System Impact Study.⁸

12. The construction of the Dedicated Facility Project may be completed in nine (9) months, inclusive of civil and mechanical works.⁹
13. The Project is one of the committed projects in the DOE list of Private-Sector-Initiated Power Projects for Luzon as of January 31, 2023.¹⁰
14. The Dedicated Facility Project is to be construed by NEPC Power Construction Corp. ("NPCC"), MN Electro Industrial Supply & Services, Inc. ("MNEISSI") and China Power Engineering Consulting Group Co., Ltd. ("CPECC").¹¹
15. Consistent with the projected date of energization, the target completing and commissioning of the Dedicated Facility Project is in January 2024.¹² The estimated cost for the Dedicated Facility Project is One Hundred Forty Million One Hundred Eighty Thousand Seven Hundred Thirty-Nine Pesos and Ten Centavos (Php 140,180,739.10).¹³
16. SHIZEN has secured the relevant permits for the Project and the Dedicated Facility Project.
 - 16.1. The Department of Environment and Natural Resources ("DENR") has issued Certificate of Non-Coverage No. CNC-OL-R03-2022-08-04087 to SHIZEN on August 11, 2022.¹⁴
17. The proposed connection of the Project is the sole option of SHIZEN that will enable SHIZEN to dispatch the Project's capacity.
 - 17.1. A System Impact Study ("SIS") on the Proposed Dedicated Facility Project has been conducted and based on the results thereof, the said interconnection is technically feasible. NGCP has reviewed the SIS.¹⁵

⁸ Copies of the System Impact Study and Letter from the NGCP dated July 18, 2022 are attached as Annexes "J" and "K" of the Application, respectively.

⁹ Copies of the Conceptual Engineering Design and Drawings, Gantt Chart for the Construction of the Dedicated Facility Project and Relevant Dates reflecting the target and actual dates for the start of the construction, completion of the construction, testing and commissioning and commercial operations of the Project and the Dedicated Facility Project are attached as Annexes "L", "M", and "M-1" of the Application, respectively.

¹⁰ A copy of the DOE List of Private Sector-Initiated Power Projects for Luzon dated January 31, 2023 is attached as Annex "N" of the Application.

¹¹ Copies of the company profiles of NPCC, MNEISSI and CPECC are attached herein and made integral parts hereof as Annexes "O", "P" and "Q" of the Application, respectively.

¹² *Supra* note 10.

¹³ A copy of the Detailed Project Cost Estimates is attached as "R" of the Application.

¹⁴ A copy of the DENR Certificate of Non-Coverage is attached as Annex "S" of the Application.

¹⁵ *Supra* note 8.

- 17.2. A Facilities Study has been undertaken and reviewed by the NGCP.¹⁶
18. SHIZEN will execute a Connection Agreement with NGCP and is in the process of finalizing the Transmission Service Agreement and Metering Service Agreement.¹⁷
19. The proposed Dedicated Facility Project meets the requirements provided in Section 9 of the EPIRA and relevant regulations issued by this Honorable Commission.¹⁸
20. The Project and Dedicated Facility Project is consistent with the Transmission Development Plan (“TDP”) of NGCP.¹⁹
21. SHIZEN will perform the operations and maintenance of the Dedicated Facility Project through NGCP. For this purpose, SHIZEN will enter into a Memorandum of Agreement with NGCP.
22. SHIZEN also undertakes to file an application for a Certificate of Compliance for the Project and the Dedicated Facility Project with the Honorable Commission.
23. The foregoing clearly shows that the proposed Dedicated Facility Project complies with Section 9 of the EPIRA and the relevant regulations of this Honorable Commission.
24. SHIZEN respectfully prays that the Honorable Commission immediately authorize the development, ownership, and operation of the Dedicated Facility Project considering the facts, circumstances and the magnitude of the opportunity costs entailed by any further delay in the interconnection of the Project.
- 24.1. SHIZEN hopes to be able to complete development and construction of the facilities at the soonest possible time in order to be able to dispatch electric power supply to the grid.
- 24.2. The construction of the Dedicated Facility Project is a prerequisite for the testing and commissioning, and ultimately, the operation of SHIZEN. The Project is estimated to be completed and energized in January 2024. Consistent with this timeline, SHIZEN intends to complete the development and construction of the Project by January 2024.

¹⁶ Copies of the Facility Study and the NGCP Letter dated September 28, 2022 are attached as Annexes “T” and “U” of the Application, respectively.

¹⁷ Copies of the NGCP Letter dated October 27, 2022 and the Connection Agreement between NGCP and SHIZEN are attached as Annexes “V” and “W” of the Application, respectively.

¹⁸ A copy of DOE Certificate of Endorsement DOE-EPIMB-ERC-P2P No. 2023-03-007 dated March 10, 2023, is attached as Annex “X” of the Application.

¹⁹ A copy of page of the Transmission Development Plan 2022-2040 of the NGCP is attached as Annex “Y” of the Application.

25. In light of the foregoing, SHIZEN respectfully prays that the authority to develop, own, and operate the Dedicated Facility Project be immediately issued.
26. In support of the instant Application, SHIZEN hereby submits the following documents:

Annex	Document
"A"	SHIZEN's Certificate of Incorporation
"B"	SHIZEN's Articles of Incorporation
"C"	SHIZEN's By-Laws
"D"	SHIZEN's Latest General Information Sheet
"E"	SHIZEN's Secretary's Certificate Authorizing the Construction and Operation of the Dedicated Facility Project
"F"	SEOC No. 2022-01-607
"G"	DOE Amended Certificate of Registration NO. SEOC 2022-01-607
"H"	Project Description
"H-1"	Project Rationale
"I"	Simplified Interconnection Single Line Diagram
"J"	System Impact Study
"K"	Letter from NGCP dated July 18, 2022
"L"	Conceptual Engineering Design and Drawings
"M"	Gantt Chart
"M-1"	Relevant Dates
"N"	DOE List of Private Sector-Initiated Power Projects for Luzon Dated January 31, 2023
"O"	Company Profile of NPCC
"P"	Company Profile of MNEISSI
"Q"	Company Profile of CPECC
"R"	Detail Project Cost Estimates
"S"	DENR Certificate of Non-Coverage
"T"	Facilities Study
"U"	NGCP Letter dated September 28, 2022
"V"	NGCP Letter dated October 27, 2022
"W"	Connection Agreement between NGCP and SHIZEN
"X"	DOE Certificate of Endorsement
"Y"	NGCP Transmission Development Plan 2022-2040

ALLEGATIONS IN SUPPORT OF THE PRAYER FOR PROVISIONAL AUTHORITY OR INTERIM RELIEF

27. Sections 2(a) and 6 of the Renewable Energy Act of 2008 ("RE Act") decrees the State's policy to "[a]ccelerate the exploration and development of renewable energy resources such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the country's exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy," and mandates that "[a]ll stakeholders in the

electric power industry shall contribute to the growth of the renewable energy industry of the country.”

28. SHIZEN’s construction of the Project is in furtherance of the provisions of the RE Act. It is also consistent with the Renewable Portfolio Standards by the DOE. In order to fulfill the mandate of the law, the necessary permits must be secured and the construction and commissioning must be accomplished immediately.
29. Accordingly, SHIZEN it is necessary to immediately test, commission and dispatch electricity from the Project upon its completion to contribute to the rising demand growth and avoid necessary delays that can lead to opportunity cost. Thus, it is necessary to connect the Project to the grid, through the Dedicated Facility Project, at the earliest possible opportunity.
30. In view of the foregoing, SHIZEN submits that there is clear and sufficient basis for the issuance of a provisional authority or interim relief for the development, ownership and operation of the Dedicated Facility Project by SHIZEN to connect the Project to the Luzon Grid pending the Honorable Commission’s issuance of a final decision on the instant Application.

**ALLEGATIONS TO SUPPORT THE MOTION FOR
CONFIDENTIAL TREATMENT OF INFORMATION**

31. Under Rule 4 of the Revised Rules of Practice and Procedure of the ERC,²⁰ the Honorable Commission may, upon request of a party and determination of the existence of conditions that would warrant such remedy, treat certain information submitted to it as confidential.
32. SHIZEN is submitting the following documents pursuant to the foregoing Rule: SHIZEN’s System Impact Study, Conceptual Engineering Design and Drawings, Detailed Project Cost Estimates, and Facilities Study, marked as Annexes “J”, “L”, “R”, and “T”, respectively.
33. These documents contain certain non-public information, data and calculations involving business operations and financial trade secrets reflecting SHIZEN’s investment and business calculations.
34. SHIZEN thus respectfully moves that Annexes “J”, “L”, “R”, and “T” not be disclosed and be treated as confidential documents in accordance with Rule 4 of the ERC Rules of Practice and Procedure. Accordingly, SHIZEN hereby submits one (1) copy of “J”, “L”, “R”, and “T” in a sealed envelope, with the envelope and each page of the document stamped with the word “Confidential”.

²⁰ ERC Resolution No. 1, Series of 2021, A Resolution Adopting the Revised Rules of Practice and Procedure of the ERC.

PRAYER

WHEREFORE, SHIZEN respectfully prays that this Honorable Commission:

1. Immediately ISSUE an Order authorizing SHIZEN to implement the development, ownership and operation of the Dedicated Facility Project to connect the Project to the Luzon Grid;
2. Immediately ISSUE an Order (a) treating Annexes “J”, “L”, “R” and “T”, and the information contained therein as confidential, (b) directing their non-disclosure pursuant to Rule 4 of the ERC Rules of Practice and Procedure and (c) prescribing the guidelines for the protection thereof; and
3. After due notice and hearing, GRANT SHIZEN the authority to develop, own, operate and maintain a dedicated point-to-point limited transmission facility to connect the Project to the Luzon Grid.

Other reliefs as may be appropriate under the circumstances are likewise prayed for.

Finding the said *Application* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for hearing for determination of compliance with the jurisdictional requirements, expository presentation, and Pre-trial Conference²¹ **on 27 February 2024 (Tuesday) at two o'clock in the afternoon (2:00 P.M.)**, through **MS Teams Application** as the online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020²² and Resolution No. 01, Series of 2021 (ERC Revised Rules of Practice and Procedure).²³

²¹ In the Commission's *Advisory* dated 26 July 2023, the Commission adopted the Summary Proceedings in accordance with Rule 17 of the Commission's Revised Rules of Practice and Procedure (ERC Revised RPP) in the filing, processing and evaluation of the applications for authority to develop and own or operate dedicated point-point limited transmission facilities, in the following instances: (1) Applications without intervenor, or uncontested applications; and (2) Applications with intervenors, provided all parties have agreed to subject the application to summary proceedings. Under the said summary proceedings and in accordance with Rule 17 of the ERC Revised RPP, the Applicant's presentation of evidence is through the submission and offering of the affidavits of its witnesses and other pieces of evidence within the time allowed by the Commission.

²² A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.

²³ A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

RELATIVE THERETO, SHIZEN is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* once (1x) in a newspaper of nationwide circulation in the Philippines at its own expense, at least ten (10) days before the date of the scheduled initial hearing; and
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing* the Offices of the Provincial Governor, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies of the areas affected by the project for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within the affected areas, by any other means available and appropriate, of the filing of the *Application*, its reasons therefor, and of the scheduled virtual hearings thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, 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 reimbursement of reasonable photocopying costs.

Within five (5) calendar days prior to the date of the initial hearing, SHIZEN 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 its 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* consisting of affidavit of the Editor or Business Manager of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issue of the said newspaper; and

- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* 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 SHIZEN to inform the consumers within the affected area of the filing of the *Application*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* 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, by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, SHIZEN is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by the concerned Offices of the Governor, Mayor, and Local Legislative Bodies, and to submit proof of posting thereof.

Applicant SHIZEN 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 therefor, which should be attached to the Pre-trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

Applicant SHIZEN 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 SHIZEN to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from the said date of cancellation.

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

Applicant SHIZEN is hereby directed to file a copy of its Expository Presentation via e-mail at doCKET@erc.ph, and copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. SHIZEN shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, **at least five (5) calendar days** prior to the scheduled virtual hearing.

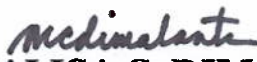
Applicant SHIZEN is further directed to submit, through personal service, registered mail, or ordinary mail/private courier, one (1) set of the original or certified true hard copies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavits of witnesses, **within 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, Applicant SHIZEN, including its authorized representatives and witnesses, is hereby directed to provide the Commission, thru legal.virtualhearings@erc.ph, their 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 hearing.

SO ORDERED.

Pasig City, 19 January 2024.

FOR AND BY AUTHORITY
OF THE COMMISSION:


MONALISA C. DIMALANTA
Chairperson and CEO


LS: ECI/MM/LSP



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