A RESOLUTION GRANTING AMNESTY UNTIL DECEMBER 31, 2005 TO ENTITIES OWNING SELF-GENERATION FACILITIES, EXISTING AND NEWLY CONSTRUCTED FACILITIES BELOW 1 MW WHICH HAVE NOT YET SUBM...

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WHEREAS, under Section 6 of Republic Act No. 9136 (EPIRA), Generation Companies shall, before they operate, secure from the Energy Regulatory Commission (ERC) Certificates of Compliance (COC) pursuant to the standards set forth thereunder;

WHEREAS, under Rule 5 Section 4(a) of the Implementing Rules and Regulations (IRR) of the EPIRA, no person may engage in the Generation of Electricity unless such person has received a COC from the ERC to operate facilities used in the generation of electricity;

WHEREAS, the Commission has issued Resolution No. 10-02, Series of 2004, on October 25, 2004, setting the deadline for entities owning self-generation facilities (SGF), existing or newly-constructed facilities, to submit application for Certificate of Compliance (COC) on March 31, 2005;

WHEREAS, due to the numerous requests for extension of time to file for issuance of COC, the Commission issued Resolution No. 02, Series of 2005 extending the deadline from March 31, 2005 to June 30, 2005;

WHEREAS, notwithstanding such extension, many entities owning self-generation facilities, existing or newly-constructed facilities still failed to submit their COC applications within the prescribed period;

NOW, THEREFORE, to further encourage the submission of the applications for COC without fear of sanction for filing out of time and in recognition of the grave effect of the penalty on entities with limited financial and economic resources, the Commission hereby grants amnesty until December 31, 2005 to entities owning self-generation facilities, existing or newly-constructed facilities with below one (1) megawatt (MW) capacity which have not yet filed COC applications.

This Resolution shall take effect fifteen (15) days after publication in two newspapers of general circulation in the country.

Adopted: 08 August 2005

(SGD.) RODOLFO B. ALBANO, JR.

Chairman

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(SGD.) OLIVER B. BUTALID

(SGD.) JESUS N. ALCORDO

Commissioner

Commissioner

(SGD.) ALEJANDRO Z. BARIN

(SGD.) RAUF A. TAN (On Official Travel)

Commissioner

Commissioner

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