RE: FUEL DEPOTS AND/OR BULK PLANTS

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WHEREAS, Republic Act No. 6173, Executive Order No. 172 and resolutions, rules and regulations relative to petroleum products business do not prescribe the procedure to be followed by the Board in cases of application for the construction, establishment and operation of fuel depots and/or bulk plants;

WHEREAS, there is a necessity of setting up guidelines to be followed in resolving the abovementioned application;

NOW, THEREFORE, the Board has RESOLVED, as it hereby resolves, that the following procedure and practice be observed in the following procedure and practice be observed in the matter of the application for authority to construct, establish, and operate fuel depots and/or bulk plants:

SECTION 1. Application — Any person desiring to seek authorization or permission to construct and establish or operate fuel depots or bulk plants shall file with the Energy Regulatory Board a verified application in pleading form. It shall contain a concise statement of the authorization applied for and the ultimate facts that would entitle the applicant to the grant of the certificate of authorization being sought.

The application shall be accompanied by such documents as would reasonably establish prima facie the truth of the factual allegations thereof, such as, but not limited to, the following:

a. Building Plans and Specifications and Bill of Materials;

b. Proposed construction contract;

c. Vicinity Map showing the exact location of the proposed depot or bulk plant certified by licensed Geodetic Engineer;

d. Photostatic copy of TCT covering the proposed site;

e. Contract of Lease covering the proposed site;

f. Project Study; and

g. Affidavit together with proof of receipt, that copies of the application and its attachments were furnished to all other oil companies doing business in the Philippines.

SECTION 2. Position Papers — Within thirty (30) days from receipt of the copy of the application mentioned in the preceding section, the other oil companies shall submit their respective position papers and other evidences in support thereof, setting forth the laws and facts relied upon by them.

SECTION 3. Effects of Failure to File the Position Paper — Should the other oil companies doing business in the Philippines fail to file their position papers within the reglementary 30-day period herein provided, the Board, motu proprio, or on motion of the applicant, may render judgment as may be warranted by the facts alleged in the application and duly supported by relevant evidence.

SECTION 4. Decision: Hearing when Ordered — Should the Board find upon consideration of the pleadings, the

affidavits and other evidences, and the position statements submitted by the parties, that a Decision may be rendered thereon without need of formal hearing, it may proceed to render its Decision.

In cases where the Board deems it necessary to hold hearing, it shall set the application for hearing.

This resolution shall take effect immediately.

Adopted: 9 Dec. 1991.

(SGD.) REX V. TANTIONGCO
Chairman

(SGD.) ALEJANDRO B. AFURONG
Member

(SGD.) OSCAR E. ALA
Member

(SGD.) BAYANI V. FAYLONA
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