

## **A RESOLUTION SETTING THE DEADLINE FOR ENTITIES OWNING SELF-GENERATION FACILITIES, EXISTING AND NEWLY CONSTRUCTED FACILITIES, TO SUBMIT APPLICATION FOR COC AND PRESCRIBING FINES ...**

*ERC RESOLUTION NO. 10-02, SERIES OF 2004, October 25, 2004*

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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, Generation of Electricity refers to the production of electricity by a Generation Company or a Co-generation Facility pursuant to the provisions of the EPIRA;

WHEREAS, the Commission is cognizant that more than a reasonable time has already been given to all entities which own generation facilities used to generate electricity, whether existing or newly-constructed, to apply for COC before they operate;

WHEREAS, notwithstanding the lapse of such reasonable time, only few entities have voluntarily applied for a COC with the ERC;

NOW, THEREFORE, pursuant to its mandate to protect the public interest and to enforce the EPIRA and its IRR, the ERC hereby reiterates and declares that:

1. All facilities owned and constructed by an end-user for such end-user's own consumption or internal use, whether for back-up or otherwise, are required to be issued a COC prior to operation;
2. Generation facilities for use by households, clinics, hospitals and other medical facilities are exempted from this requirement;
3. An entity with self-generation facility or facilities (SGF), not otherwise exempt, is required to file the application therefor with the ERC on or before 31 March 2005;
4. An entity with SGF that fails to comply with the COC requirement shall be fined ONE HUNDRED THOUSAND PESOS (P100,000.00), plus ONE HUNDRED PESOS (P100.00) for every day of non-compliance therewith, pursuant to Section 46 of the EPIRA and Sections 5 and 6, Article III of the Guidelines to Govern the Imposition of Administrative Sanction in the Form of Fines and Penalties Pursuant to Section 46 of EPIRA.

The Executive Director shall cause the publication of this Resolution in two (2) newspapers of general circulation in the Philippines.

**SO ORDERED.**

Adopted: 25 Oct. 2004

**(SGD.) RODOLFO B. ALBANO, JR.**

Chairman

**(SGD.) OLIVER B. BUTALID**

**(SGD.) JESUS N. ALCORDO**

Commissioner

Commissioner

**(SGD.) RAUF A. TAN**

**(SGD.) ALEJANDRO Z. BARIN**

Commissioner

Commissioner

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