

A RESOLUTION ADOPTING THE AMENDMENTS TO THE DISTRIBUTION SERVICES AND OPEN ACCESS RULES (DSOAR)

ERC RESOLUTION NO. 02, S. 2010, February 22, 2010

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WHEREAS, on January 18, 2006, the Commission promulgated the Distribution Services and Open Access Rules (DSOAR) which took effect on February 17, 2006 and aims to provide rules and terms and conditions pertaining to Distribution Connection Assets and Services, Service to the Captive Market, Supplier of Last Resort, Service to the Contestable Market, Unbundled Distribution Wheeling Service and Guidelines for Establishing Regulated Service Rates;

WHEREAS, the Energy Regulatory Board's (ERB) "Standard Rules and Regulations Governing the Operation of Electrical Power Services" and ERB Resolution 95-21 were superseded by the DSOAR;

WHEREAS, recognizing the need to amend the DSOAR in view of the new regulatory regimes that were adopted for the Private Utilities (PUs) and the Electric Cooperatives (ECs), such as the Performance-Based Regulation (PBR) and Rules for Setting Electric Cooperatives' Wheeling Rates (RSEC-WR), respectively, the Commission solicited comments/inputs from the industry stakeholders in October 2007;

WHEREAS, the Commission's "Rules on Re-Distribution of Electricity", which was incorporated in the DSOAR, aim to address and protect the interests of individual tenants or unit owners of buildings/condominiums, who are being billed by a re-distributor. A public consultation on the said Rules was conducted in 2006;

WHEREAS, on February 25, 2009, the Commission posted at its website the proposed amendments to the DSOAR and the Notice of Public Consultation;

WHEREAS, on March 13, 2009 and March 19, 2009, expository presentations on the proposed amendments to the DSOAR were conducted in the Commission's Main Office for Luzon stakeholders and at the Eduardo Aboitiz Development Studies Center in Cebu for the Visayas and Mindanao stakeholders, respectively. Subsequently, on April 7, 2009, a public consultation thereon was held;

WHEREAS, after the April 7, 2009 public consultation, no comment/input on the "Rules for Re-Distribution of Electricity" was received by the Commission. In view thereof, the Commission held meetings with identified contact persons of condominium and mall unit owner, such as Ayala Group, SM Group, Serendra, Jollibee and McDonalds as well as with the Organization of Socialized Housing Developers of the Philippines (OSHDP), a low cost housing/condominium developer. Said stakeholders' comments/inputs on the DSOAR were then considered in the proposed amendments;

WHEREAS, the Commission posted at its website on November 16, 2009 the proposed amendments to the DSOAR for final comments by the stakeholders and the deadline for submission of comments was on December 7, 2009. The comments/inputs received were then considered in the final proposed version of the DSOAR;

NOW THEREFORE, the Commission, after thorough and due deliberation, RESOLVED, as it hereby RESOLVES to ADOPT the amendments to the Distribution Services Open Access Rules (DSOAR)". The

pertinent amended provisions thereof are hereto attached as “Annex A”[*].

This Resolution shall take effect fifteen (15) days following its complete publication in a newspaper of general circulation in the Philippines.

Let copies of this Resolution be furnished the University of the Philippines Law Center-Office of the National Administrative Register (UPLC-ONAR).

Adopted: 22 Feb. 2010

(SGD.) ZENAIDA G. CRUZ-DUCUT

Chairperson

(SGD.) RAUF A. TAN

Commissioner

(SGD.) ALEJANDRO Z. BARIN

Commissioner

(SGD.) MARIA TERESA A.R. CASTANEDA

Commissioner

(SGD.) JOSE C. REYES

Commissioner

[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City

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