



Philippine Economic Zone Authority

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MEMORANDUM CIRCULAR NO. 2005 025 ⚡

FOR : Economic Zone Administrators / Managers / OICs
All PEZA-Registered Locator Enterprises Owning
Self-Generation Facilities

FROM : Deputy Director General MARY HARRIET O. ABORDO
Officer-in-Charge *MZA. Aw*

SUBJECT : Final ERC Deadline for Submission of Applications for
Certificates of Compliance (COCs) by Companies which
Own Self-Generation Facilities (SGFs)

DATE : 15 June 2005

On 07 March 2005, PEZA issued Memorandum Order No. 2005-014 informing all Economic Zone Locator Enterprises that the ERC has set 31 March 2005 as the deadline for the submission of applications for Certificates of Compliance (COCs) by companies which own self-generation facilities (SGFs), whether as primary or back-up source of power.

Please be informed that the ERC, through ERC Resolution No. 02, Series of 2005 dated 09 March 2005 (Annex A), has extended the 31 March 2005 deadline for submission of applications to 30 June 2005.

We believe that ERC will strictly enforce 30 June 2005 as the final deadline. In view of this, we wish to call attention to the fact that ERC will impose a fine of P 100,000.00 on companies which fail to submit their COC applications on or before the deadline, plus P 100.00 for every day of non-compliance beyond the 30 June 2005 deadline.

COC Applications Forms and Guidelines may be down-loaded from the following internet website:

<http://www.erc.gov.ph/2-generation.htm>

All COC applications, which were submitted by economic zone locator enterprises to PEZA, have already been forwarded to the ERC. Those who have not yet applied are advised to submit their applications directly to the ERC.

For the information and guidance of all concerned.

"Trabaho at kabuhayan sa bawat tao"
President Gloria Macapagal-Arroyo



Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pacific Center Building
San Miguel Avenue, Pasig City

RESOLUTION NO. 02, Series of 2005

A RESOLUTION EXTENDING THE DEADLINE FOR ENTITIES OWNING SELF-GENERATION FACILITIES, EXISTING AND NEWLY CONSTRUCTED FACILITIES, TO SUBMIT APPLICATION FOR COC AND PRESCRIBING FINES AND PENALTIES FOR NON-COMPLIANCE, FROM MARCH 31, 2005 TO JUNE 30, 2005

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 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, to submit application for COC on March 31, 2005;

WHEREAS, the Commission has been receiving numerous requests or clamor for extension of time to file for issuance of COC;

WHEREAS, from the volume of applications for COC after the issuance of the initial deadline, the Commission is cognizant of the fact that there are

numerous entities which own generation facilities used to generate electricity, whether existing or newly constructed, for which applications have yet to be filed;

NOW, THEREFORE, pursuant to its mandate to protect the public interest and to enforce the EPIRA and its IRR, the ERC hereby extends the deadline for entities owning self-generation facilities, existing and newly constructed facilities, to submit application for COC and prescribing fines and penalties for non-compliance, from March 31, 2005 to June 30, 2005. The ERC further reiterates that 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.

Pasig City, March 09, 2005.

FOR AND BY AUTHORITY OF THE COMMISSION


ALEJANDRO Z. BARIN
Commissioner

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