

[ERC RESOLUTION NO. 09, S. 2010, March 10, 2010]

ADOPTING THE REVISED RULES FOR THE ISSUANCE OF CERTIFICATES OF COMPLIANCE (COCS) FOR GENERATION COMPANIES/FACILITIES

WHEREAS, Section 6 of Republic Act No. 9136 (R.A. 9136) or the Electric Power Industry Reform Act of 2001 (EPIRA) states that Generation Companies shall, before they operate, secure from the Energy Regulatory Commission (ERC) Certificates of Compliance (COCs) pursuant to the standards set forth thereunder;

WHEREAS, under Section 1, Rule 5 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, on June 26, 2002, the ERC promulgated the Guidelines for the Issuance of Certificate of Compliance (COC) for Generation Companies/Facilities ("COC Guidelines"), which took effect on July 20, 2002;

WHEREAS, subsequent amendments have been made to the said COC Guidelines in view of the need to facilitate evaluation of the said COCs;

WHEREAS, for purposes of consistency, the ERC has found the need to address several issues and concerns owing, among others, to the passage of industry-related policies, laws, rules and regulations;

WHEREAS, on August 20, 2009, the ERC posted on its website the proposed Revised Rules for the Issuance of Certificates of Compliance (COCs) for Generation Companies/Facilities (Revised Rules);

WHEREAS, on November 10, 2009, a public consultation was conducted whereby the 2nd draft on the Revised Rules was posted anew on December 15, 2009 to solicit a final round of comments from the industry stakeholders;

WHEREAS, in accordance with its mandate under the EPIRA to promote a policy of full disclosure of all transactions involving public interest and provide an environment conducive to competition thereby promoting efficiency in the operation of the generation sector, the ERC finds it necessary to adopt the attached Revised Rules for the Issuance of Certificates of Compliance (COCs) for Generation Companies/Facilities which is made an integral part hereof as "Annex A"***;

NOW, THEREFORE, the ERC RESOLVES, as it is hereby RESOLVED, to APPROVE and ADOPT the Revised Rules for the Issuance of Certificates of Compliance (COCs) for Generation Companies/Facilities.