

[ERC RESOLUTION NO. 05, S. 2009, February 23, 2009]

RESOLUTION ADOPTING THE RULES TO GOVERN THE IMPLEMENTATION OF THE TIME OF USE (TOU) RETAIL RATES OF DISTRIBUTION UTILITIES (DUS) PURCHASING THEIR POWER REQUIREMENTS FROM VARIOUS SOURCES

WHEREAS, Section 43 (f) of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 (EPIRA), and its Implementing Rules and Regulations (IRR), provide that the Energy Regulatory Commission (ERC) shall determine, fix and approve, among others, the retail rates to be imposed by Distribution Utilities (DUs) through an established and enforced methodologies;

WHEREAS, on April 13, 2005, the Commission issued a Decision in ERC Case No. 2004-178 [In the Matter of the Application for the Approval of the Proposed Generation Rates for Luzon, Visayas and Mindanao Grids, with Prayer for Provisional Authority, National Power Corporation (NPC) and Power Sector Assets and Liabilities Management Corporation (PSALM) – Applicants] approving the Time of Use (TOU) retail rates of the applicants and directing all DUs to file their respective proposed TOU retail applications;

WHEREAS, on various dates, the DUs filed their respective TOU retail rates applications;

WHEREAS, to facilitate the evaluation and resolution of the said applications, the Commission formulated a draft "Rules to Govern the Implementation of the Time of Use (TOU) Retail Rates of Distribution Utilities (DUs) Purchasing Their Power Requirements From Various Sources", which was subjected to a public consultation on October 8, 2008.

WHEREAS, after a through evaluation of the comments and views submitted by the participants, the Commission deems it necessary to formulate and adopt a set of rules that would govern the implementation of the TOU retail rates of DUs purchasing their power requirements from various sources;

NOW, THEREFORE, be it RESOLVED, as the Commission hereby RESOLVES to ADOPT the "Rules to Govern the Implementation of the Time of Use (TOU) Retail Rates of Distribution Utilities (DUs) Purchasing Their Power Requirements From Various Sources".

This Resolution shall take effect immediately following its 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 (UPC-ONAR) and all Distribution Utilities (DUs).