

[ERC RESOLUTION NO. 05, S. 2008, March 12, 2008]

**A RESOLUTION ADOPTING THE RULES TO GOVERN THE
ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY (CPCN) TO ENTITIES ENGAGED IN THE
TRANSMISSION AND DISTRIBUTION OF ELECTRICITY**

WHEREAS, Section 16 of Commonwealth Act No. 146 (The Public Service Act), as amended, provides that the Public Service Commission (PSC) shall have the power to issue Certificates of Public Convenience and Necessity (CPCNs) authorizing the operation of public service within the Philippines whenever the PSC finds that the operation of the public service proposed and the authorization to do business will promote the public interest in a proper and suitable manner;

WHEREAS, Section 43 (p) of Republic Act No. 9136 (The Electric Power Industry Reform Act of 2001 or the EPIRA) empowers the Energy Regulatory Commission (Commission) to act on applications for or modifications of Certificates of Public Convenience and Necessity (CPCN) and revoke, review and modify such certificates;

WHEREAS, on October 15, 2007, the Commission conducted public consultation for the adoption and promulgation of the "Rules to Govern the Issuance of CPCN to Entities Engaged in the Transmission and Distribution of Electricity";

WHEREAS, the Rules seek to establish procedures, standards and criteria for the issuance of a CPCN to entities engaged in the transmission and distribution of electricity;

NOW, THEREFORE, the Commission, after thorough and due deliberation, RESOLVED, as it hereby RESOLVES to APPROVE and ADOPT the "Rules to Govern the Issuance of Certificate of Public Convenience and Necessity (CPCN) to Entities Engaged in the Transmission and Distribution of Electricity" herein attached as "ANNEX A"* and made an integral part of this Resolution.

This Resolution shall take effect fifteen (15) days 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 (UPLC-ONAR) and all entities engaged in the transmission and distribution of electricity.

Adopted: 12 March 2008

(SGD.) RODOLFO B. ALBANO, JR
Chairman