

**[ERC RESOLUTION NO. 10-02, SERIES OF 2004,
October 25, 2004]**

**A RESOLUTION SETTING 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**

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 is cognizant that more than a reasonable time has already been given to all entities which own generation facilities used to generate electricity, whether existing or newly-constructed, to apply for COC before they operate;

WHEREAS, notwithstanding the lapse of such reasonable time, only few entities have voluntarily applied for a COC with the ERC;

NOW, THEREFORE, pursuant to its mandate to protect the public interest and to enforce the EPIRA and its IRR, the ERC hereby reiterates and declares that:

1. All facilities owned and constructed by an end-user for such end-user's own consumption or internal use, whether for back-up or otherwise, are required to be issued a COC prior to operation;
2. Generation facilities for use by households, clinics, hospitals and other medical facilities are exempted from this requirement;
3. An entity with self-generation facility or facilities (SGF), not otherwise exempt, is required to file the application therefor with the ERC on or before 31 March 2005;