

CHECKLIST OF REQUIREMENTS
CERTIFICATE OF COMPLIANCE AND PRIVISIONAL AUTHORITY TO OPERATE APPLICATION
FOR GENERATION COMPANIES AND MICROGRID SYSTEM PROVIDERS

Note:

- *The project should be included in the DOE List of Committed Power Projects*
- *Application of COC/PAO – New Facility: Not later than thirty (30) calendar days after the last day of the Test and Commissioning (T&C) period Schedule Inspection ERC Issuances*
- *Application of COC/PAO – Existing Facility: Not later than sixty (60) calendar days prior to the expiration of existing COC/PAO (applicable Only for issued COC/PAO prior to the 2023 Revised COC Rules and for PAO extension*
- *COC/PAO Amendment – Change of Ownership: Not later than the ninetieth (90th) day from the effectivity of the transfer*
- *Ensure consistency of information across all documents (technical specifications, serial numbers, name of GENCO/Generation Facility, etc.)*
- *COC/PAO – Amendment – Technical Specifications: Not later than thirty (30) calendar days from the last day of the commissioning due to addition, replacement, repowering of any equipment, and replacement of generating unit(s) and change in technical specifications of the generation facilities and any black start resource and stand-by/back-up generating unit(s); Within seven (7) calendar days from the effective date of decommissioning or mothballing*
- *In cases where the submitted document is issued to a different entity, other than the GENCO/Applicant, a written explanation must be submitted explaining the relationship of that entity to the GENCO/Applicant/Generation Facility, accompanied with additional supporting documents that would substantiate the explanation.*
- *Only forms/documents with complete entries will be accepted; otherwise, it will be returned to the applicant for re-submission of forms with complete entries. Indicate N/A in the forms if the data is not applicable for the GENCO or the facility.*
- *All documents must be submitted upon filing of the COC application.*

A. General Requirements

1. Application Form (COC Form No. 1)
2. Company Profile (COC Form No. 2)
3. Affidavit of Compliance with the Philippine Grid Code (PGC), Philippine Distribution Code (PDC), Philippine Small Grid Guidelines (PSGG), Philippine Electrical Code (PEC), Wholesale Electricity Spot Market (WESM) Rules and Manuals, Cross Ownership and Market Share Restriction (COC Form No. 3)
4. General Plant Description with photos of the Generating Unit, and nameplate photos of Generator, Engine or Turbine, Details of off-takers, and Connection Point (COC Form No. 4)

B. Technical Requirements

5. Philippine Grid Code (PGC), Philippine Distribution Code (PDC), Philippine Electrical Code (PEC) Wholesale Electricity Spot Market (WESM) and/or Philippine Small Grid Guidelines (PSGG) Requirements
 - 5.1 Electrical/Mechanical Plans and Diagrams and Connection Point Drawing, including the connection point to the Grid/Distribution System
 - 5.2 Final Certificate of Approval to Connect (FCATC)

For New Generation Facilities:

FCATC issued by the Transmission network Provider (TNP) for Grid-Connected Generation Facility/ies (A Certificate of PGC and OATS Rules Compliance is an alternative documents for existing generation facilities that were not issued with FCATC by the TNP.)

FCATC issued by Small Grid Owner (SGO) for Generation Facilities located in off Grid Areas

FCATC issued by DU for Embedded Generation Facility/ies

(The DU shall ensure that under Section 4.3.3.7 of the PDC 2017 Edition and the DOE DC2021-0013 are complied with prior to issuance of FCATC.)

For Existing Generation Facilities:

Compliance Plan in relation to the issuance of FCATC stamped received by TNP or SGO or DU for existing Generation Facilities

(For existing Grid-connected generation facilities that were not issued with FCATC nor PCATC, at least the Compliance Plan for the issuance of Certificate of PGC and OATS Rules Compliance stamped received by TNP must be submitted. The Certificate of PGC and OATS Rules Compliance is the alternative documents for FCATC issued by the TNP)

5.3 Generating Unit Capability Test (GUCT)

For New Generation Facilities:

GUCT Results and Certificates

For existing Generation Facilities:

Compliance Plan in relation to the issuance of the GUCT Results and Certificates stamped received by TNP or SGO or DU

5.4 Wholesale Energy Sport Market (WESM) Registration

(Not applicable for Generation Facilities operating in the Off-Grid Area and Embedded Generators below the regional threshold per DOE DC No. DC2019-002-03, and any amendments thereto.)

5.5 Ancillary Service (AS) Capability Test Results and Certificates, for AS Provider

For expired AS Certificate:

Application for the renewal of AS Capability Results and Certificate filed before TNP

6. Management and/or lease contracts in force (in case the plant is operated, leased and/or managed by an entity other than the owner)
7. ERC Approved Authority to Develop, Own and/or Operate Dedicated Point-to-Point limited transmission or distribution facilities and GenCo's compliance with the directives in the Decision or Application for the Authority to Develop, Own, and/or Operated Dedicated Point-to-Point limited transmission or Distribution facilities.

(Submission of first page of Application with Docket No.; Applicable for GenCos who develop, own and/or operate its dedicated Point-to-point limited transmission or distribution facilities.)

C. Financial Requirements

8. Audited Financial Statements (AFS)

Certified True Copy (certified by the Chief Financial Officer) of complete set of AFS covering the two (2) most recent twelve (12) month periods (i.e., statement of financial position, statement of comprehensive income, statement of cash flows, statement of changes in shareholders' equity, notes to financial statements, audit opinion and the statement of management's responsibility on the financial statements), duly stamped received by the Bureau of Internal Revenue (BIR) and the Securities and Exchange Commission (SEC) (Or proof of online submission if sent electronically to BIR and SEC)

For a GenCo which has been in operation for less than two (2) years, the AFS of the parent company, if any, shall be required in lieu of the above, covering the two (2) most recent twelve (12) month period

For existing GenCo that failed to meet the minimum financial capability standards: Program to Comply (PTC) in compliance with the minimum financial capability standards (The PTC shall identify the specific activities to be undertaken by the GenCo in order to meet the financial benchmark.)

9. Duly attested schedule of liabilities

Include the following information: name of creditor, type of credit, date incurred, loan amortization schedule, credit terms, applicable interest rate(s), and DSCR requirement of creditor(s)

10. Five (5) year financial plan

(i.e. forecast financial statements, including assumptions/bases used for revenue and cost projections, DSCR calculation)

11. ERC approved Business Separation and Unbundling Plan (BSUP) and GenCo's compliance with the directives in the Decision, or in the absence thereof, proof of filing with the ERC.

(Applicable for Generation Company which has other business segment)

D. Ownership/Control Requirements

12. SEC issued Certificate of Registration (COR) with Articles of Incorporation (AOI)/ Partnership (AOP) and By-Laws, and all subsequent amendments thereto, or Business Name Registration Certificate (for Single Proprietorship)
13. Business Permit (BP) issued by the Local Government Unit (LGU) for its Principal Office or Certificate of Registration for businesses operating in Economic Zones

For expired BP: Proof of application for the renewal of BP before the LGU

14. Business Permit (BP) where the Generation Facility is located

For existing GenCo:

BP issued by the Local Government Unit (LGU) where the Generation Facility is located, or in the case of Generation Facilities Operating in Economic Zones, its Certificate of Registration; and proof of application for the renewal of BP before the LGU for expired BP.

For new GenCo:

Proof of application for the BP before the LGU where the Generation Facility is located, or in the absence thereof, proof of coordination with LGU for application of BP

For expired BP:

Proof of application for the renewal of BP before the LGU

15. Latest General Information Sheet (GIS) of the applicant and its stockholders duly stamped received by SEC

For Partnership, the latest Certification on Partnership Agreement

For Government Owned and Controlled Corporation (GOCC), Government Corporation Information (GCIS) Sheet

16. Proof of Compliance with Public Offering Requirements

For existing GenCos:

Proof of Compliance with Public Offering Requirements (PSE Certificate to the effect that the GenCo is listed with PSE or compliance with any other allowed mode of public offering)

For existing GenCos not yet complied with POR:

Affidavit of Undertaking (AOU), with Compliance Plan, which provides that the GenCo undertakes to comply with the POR not later than sixty (60) days prior to the expiration of the PAO. The Compliance Plan shall include the mode of public offering being considered, the succeeding steps to be undertaken and the tentative timeline for such steps

E. Other Requirements

17. Department of Energy

17.1. Memorandum of Agreement (MOA) on the Establishment of Trust Accounts (TA) by the GenCo and/or the Energy Resource Developer and the HBs/LGUs on Benefits to Host Communities pursuant to Rule 29 of the IRR of R.A. 9136

In the absence of MOA-TA, at least an Affidavit of Undertaking that the GenCo or MGSP shall execute the MOA-TA by the GenCo and/or the Energy Resource Developer and the HBs / LGUs on Benefits to Host Communities pursuant to Rule 29 of the IRR of R.A. 9136 and shall comply with the obligations to remit the funds to respective beneficiaries; and

A proof of Establishment of a Trust Account by the GenCo for electrification fund (EF), development and livelihood fund (DLF) and reforestation, watershed management, health and/or environmental enhancement fund (RWMHEEF), such as a Bank Certification on the establishment of such Trust Accounts, or bank statements; and

Draft MOAs and with a proof that it was forwarded and received by the respective HBs/LGU

(The establishment of Trust Accounts shall be in accordance with DOE Circular 2018-08-0021, including Section 7.4 thereof. Further, the applicability of execution or non-execution of MOA with ICCs/IPs shall be made in accordance

and observance of R.A. No. 8371 or IPRA and/or related rules as well as related issuance(s) of NCIP.)

17.2. Certificate of Endorsement indicating that the power plant project is consistent with the Power Development Plan (COE-PDP) of the Government or with the Missionary Electrification Development Plan (COE-MEDP) for Generation Facility located in Off-Grid Area

(Must be consistent with the capacity of the generator nameplate rating)

For GenCo with discrepancy in the information indicated in the COE-PDP/MEDP:

Proof of application for the amendment of the COE-PDP/MEDP

18. Department of Environment and Natural Resources (DENR) / National Water Resources Board (NWRB) / Laguna Lake Development Authority (LLDA) / Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) / National Commission on Indigenous Peoples (NCIP)

18.1. Environmental Compliance Certificate (ECC)

(In accordance with the Memorandum Circular 005, July 2014, otherwise known as “Revised Guidelines for Coverage Screening and Standardized Requirements under the Philippine EIS System,” and any amendments thereto (MC 005-2014).

For GenCo with discrepancy in the information indicated in the ECC:

Proof of application for the amendment of the ECC

18.2. Permit to Operate (PTO)

(In accordance with the Section 1, Rule XIX, Part VI of Implementing Rules, and Regulations (IRR) for RA 8749, otherwise known as “The Philippine Clean Air Act of 1999,” and any amendments thereto; Applicable for Oil-Based, Coal, Biomass, Geothermal, and Natural Gas Generation Facilities except for Standby stationary/portable/mobile/multi-purpose Generator set engines (1-15kW) used in small scale operation (e.g., tower light, air compressors, pumps etc.)

For GenCo with expired PTO:

Proof of application for the renewal of the PTO

For GenCo with discrepancy in the information indicated in the PTO:

Proof of application for the amendment of the PTO

18.3. Wastewater Discharge Permit (WDP)/ Discharge Permit WDP/DP

(Required only for generation facilities that utilizes water for power generation, commercial and industrial purposes.)

For GenCo with expired WDP/DP:

Proof of application for the renewal of the WDP/DP

For GenCo with discrepancy in the information indicated in the WDP/DP:

Proof of application for the amendment/ of the WDP

19. Water Permit issued by the NWRB

(For power generation, commercial and industrial purposes)

Conditional Water Permit (CWP) issued by the National Water Resources Board (NWRB)

For GenCo with discrepancy in the information indicated in the WP/CWP:

Proof of application for amendment of WP

20. Fuel Supply Agreements (FSA) for main fuel and/or Fuel Sustainability Plan for Biomass Generation Facility (Applicable for oil-based, coal, biomass, geothermal, and natural gas Generation Facilities.

For GenCo with expired FSA:

Term of Reference (TOR) or draft contract with a Verified Write-up on the status of renewal process and execution of FSA, with the following minimum information:

Name of Supplier:

Term/Validity:

Volume:

Expected Execution Date:

Expected Submission Date to ERC

Specific timelines for the completion of fuel procurement activities and adoption of FSA.

For GenCo with no FSA/Spot Purchase:

1. Write-up on the action undertaken to meet the minimum fuel requirement with the following minimum details:

Name of Fuel Supplier:

Volume of fuel requirement:

Minimum Inventory level:

Existing inventory:

Frequency and volume of purchase/order:

Mode of delivery:

2. Fuel Procurement Plan for its long-term requirement with the following minimum details:

Name of Fuel Source

Volume of fuel requirement (long term)

21. Certification Precondition (CP) – for applications affecting Indigenous Cultural Communities / Indigenous People (ICCs/IPs) in lands of Ancestral Domain or Certificate of Non-Overlap (CNO), if the area of the Generation Facility is patently outside and will not affect any ancestral domain

Or at least a proof of application for issuance of CP/CNO (Not Applicable for Pre-Indigenous Peoples' Rights Act of 1997 (IPRA) (RA. 8371) Generation Facilities with valid service contract and for pre-IPRA facilities that are not exploiting natural resources).