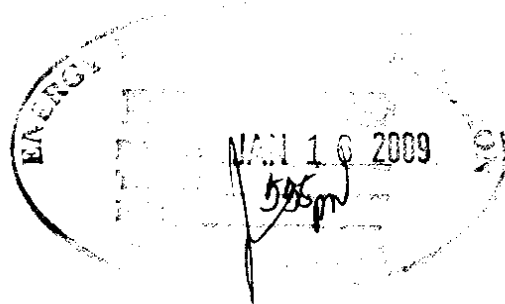


Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pacific Center Building, San Miguel Avenue
Ortigas Center, Pasig City

IN THE MATTER OF THE
APPLICATION FOR THE
APPROVAL OF THE PROPOSED
NEW BASIC GENERATION RATES
FOR LUZON, VISAYAS AND
MINDANAO GRIDS WITH PRAYER
FOR PROVISIONAL AUTHORITY
(PA)

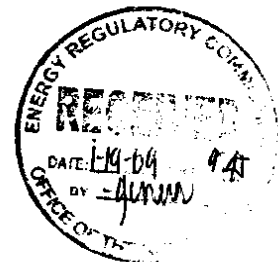


ERC CASE NO. 2009 - 004 RC

NATIONAL POWER CORPORATION
(NPC) and POWER SECTOR ASSETS
AND LIABILITIES MANAGEMENT
CORPORATION (PSALM)

Applicants.

X-----X



JOINT APPLICATION

Applicants **NATIONAL POWER CORPORATION (NPC)** and **POWER SECTOR ASSETS AND LIABILITIES MANAGEMENT CORPORATION (PSALM)** through the undersigned counsels and to this Honorable Commission, most respectfully state that:

1. Applicant NPC is a government-owned and controlled corporation, created and existing under and by virtue of Republic Act No. 6395, as amended, (the NPC Charter) with principal office address at NPC-Office Building Complex (NPC-OBC), corner Quezon Avenue and BIR Road, Diliman, Quezon City.

2. Applicant PSALM is a government-owned and controlled corporation created by virtue of Republic Act No. 9136 or the "Electric Power Industry Reform Act of 2001" (EPIRA), with principal office address at 7/F Bankmer Building, 6756 Ayala Avenue, Makati City.

3. Applicant NPC is mandated under its Charter to undertake the development of hydroelectric power generation and the production of electricity from nuclear, geothermal and other sources of energy in order to attain, among others, the objective of providing an adequate supply of electric power nationwide at a reasonable price.

4. Applicant NPC is filing this Application in its capacity as the owner of record of all existing generation assets and energy, and also as implementing agency for the unbundled generation rates as approved by the Honorable Commission in its Order dated September 6 & 20, 2002 in ERC Case No. 2001-901, revised generation charges in the Orders dated Sept. 3, 2004 and April 13, 2005 in ERC Case No. 2004-178.

5. Applicant PSALM is filing this Application in its capacity as transferee, owner and administrator of the generating assets of NPC pursuant to Section 49 of the EPIRA.

6. On June 22, 2004, Applicants filed an application, docketed as ERC Case No. 2004-178 for the approval of the revised Return on Rate Base (RORB) and Time-of-Use (TOU)-based generation charges for the Luzon, Visayas and Mindanao Grids, based on CY 2002 audited financial statements. On September 3, 2004, the Honorable Commission issued an Order provisionally

approving an adjustment in Applicants' average generation rate per grid and authorizing to implement the TOU rates subject to an irrevocable option of the customers either to avail or not to avail the approved TOU Rates. On April 13, 2005, the ERC issued a Decision approving the final levels of NPC's average rate per grid as well as the final TOU Rates Schedule that shall be implemented on a mandatory basis to all customers.

7. In the same Decision the ERC mandated Applicants to, among others, apply periodically for rate adjustments to consider sale of assets, change in load profile and plant stacking.

8. On June 3, 2008, Applicant NPC filed for a revised basic generation rates docketed as ERC Case No. 2008-030RC, to reflect the impact of the sale, transfer and disposal of NPC generation assets taking-off from the approved revenue requirements approved by the Commission in its Decision dated April 13, 2005, comprising of the allowable fuel and independent power producer (IPP) costs during CY 2004 and all other allowable fixed generation costs including the authorized eight percent (8%) RORB based on allowable CY 2002 rate base. Applicant PSALM, filed its manifestation as co-Applicant to the case on August 14, 2008.

9. On December 15, 2008, the Commission rendered its Decision in ERC Case No. 2008-030RC, dismissing the case and invoking that Applicants should have used test year CY 2007, since it is the most recent and most reflective of NPC's current assets and costs. Test years CY 2002 and 2004 were found to be significantly different from CY 2007, thus, not reflective of true cost.

10. Pursuant to Section 47 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 or EPIRA), Applicant PSALM is mandated to undertake the total privatization of NPC's generation assets. To date, PSALM has already sold/privatized a number of NPC's generation assets representing more than seventy percent (70%) of NPC's available generating capacity. A list of the generation assets already sold, transferred and disposed as of December 31, 2008 is hereto attached as Annex "A", including the GenCo Privatization Program and Indicative Privatization Schedule which is likewise attached as Annex "B".

11. Applicants seek the approval of the instant application for new basic generation charges, using the same return on rate base (RORB) methodology used in ERC Case No. 2004-178, to reflect the impact of sale, transfer and disposal of NPC generation assets and the updated rate base using a trending methodology and a maximum allowable 12% RORB as provided for in Section 4 of Republic Act No. 7648, otherwise known as the Electric Power Crisis Act of 1993. The 12% RORB would alleviate the financial burden of Applicant NPC in providing the customers incentive schemes such as the thirty centavos (PhP0.30) mandated rate reduction from NPC rates pursuant to Section 72 of the EPIRA and the prompt payment discount (PPD) granted to NPC's customers. Likewise, the proposed attainment of the 12% RORB is in compliance with the required return in the loan covenants with Foreign Creditors such as the World Bank and Asian Development Bank. Compliance to the loan covenants is critical as it could result to cross-default of the government loans, considering that National Government guarantees all NPC contracted loans. Further, the 12% RORB is comparable with the prevailing Weighted Average Cost of Capital

(WACC) of generating companies operating in the Philippines, which ranges between 9.5% - 13.5%.

12. Attached as Annex "C" and series are the audited Results of Operation per plant for CY 2007 and the actual payments made on Capacity and Infrastructure Fees – BOT Plants covering the billing period December 26, 2006 to December 25, 2007, which were used in calculating the new revenue requirements.

13. For the rate base components, Applicants submitted its Petition for the approval of the proposed guidelines for asset valuation advocating the use of an internal appraisal using a trending/indexation methodology based on the recommendation of the last external appraiser of NPC in 1996

14. The indexation methodology using trending provides an objective valuation of assets using the appropriate indices. It determines the replacement cost of assets using inflation rate and foreign exchange rate levels. The trending methodology was applied to the rate base per plant from 1999 to 2007 using a revaluation factor of 47% derived using certain indices and indexation formula. Specifically, the computation was applied on the rate base values which include, among others:

- a) Revaluation increment resulting from the 1996 independent appraisal;
- b) Result of internal trending booked in 1997 and 1998; and
- c) Asset additions at cost from 1999 to 2007

15. Further, the indexing methodology considered the following variables:

- a) Fluctuation in price levels; and
- b) Exchange rate movements within the country of the assets' origin which were applied to local components (price index for Philippine goods) and foreign component (composite indices of exchange rate and price levels).

Calculation of the Revenue Requirement

16. Applicants calculated the revised revenue requirement of the proposed new basic generation charge, by excluding all related expense, rate base, and other revenue requirement components relative to the sale transfer and disposal of NPC's generation assets/power plants. In calculating the revised revenue requirements, Applicants considered the allowable fuel cost based on the heat rate caps applicable in 2007, independent power produces (IPP) costs, based on ERC-approved caps, other allowable fixed generation costs, actual energy sales for CY 2007, and a maximum twelve percent (12%) RORB based on the trended values of rate base. The proposed new basic generation charges for Luzon, (up to Ambuklao-Binga sale) Visayas and Mindanao are shown below:

GRID	PROPOSED NEW BGC (PhP/kWh)
Luzon	4.7298
Visayas	4.2694
Mindanao	3.1717

17. Applicants considered in the calculation, the approved heat rate caps by the Honorable Commission. Applicants, likewise included the actual CY 2007 costs of the newly approved IPPs namely, Malaya and CBK. The approval

for the recovery of these IPPs by the Honorable Commission were rendered in its Decision dated November 17, 2008.

18. In its calculation, Applicants utilized NPC's COA-audited Results of Operation per plant for CY 2007 and the actual payments for Capacity and Infrastructure Fees – BOT plants. Applicants calculated the revised revenue requirement with due consideration to the removal of the related costs, rate base and other revenue requirement components relative to the sale, transfer and disposal of NPC's generation assets as shown in the table below. Applicants determined that the privatization of the power plants necessitate an immediate adjustment in the existing Luzon grid average rate of PhP3.8966/kWh, in order to reasonably recover the operating expenses of the remaining power plants under its control and/or ownership and attain a reasonable return on its rate base.

NPC GENERATION ASSETS SOLD/PRIVATIZED

NAME OF POWER PLANT/S	RATED CAPACITY (MW)	LOCATION (GRID)
Pantabangan-Masiway Hydro Power Plant	112	Luzon
Magat Hydro Power Plant	360	Luzon
Masinloc-Coal Fired Power Plant	600	Luzon
Ambuklao-Binga Hydro Power Plants	175	Luzon
Calaca Coal Fired Power Plant*	600	Luzon
Tiwi Geothermal PP*	289	Luzon
Makban Geothermal PP*	458.53	
Panay Diesel PP*	146.5	Visayas
Bohol Diesel PP*	22	

**Bid-out but not yet turned-over.*

19. Applicants propose to adopt the hereunder revised TOU Rates Schedule for Luzon, Visayas and Mindanao Grids to replace the TOU Rates Schedule approved by the Honorable Commission in its Decision dated April 13, 2005 (ERC Case No. 2004-178).

Revised TOU Rates Schedule for Luzon, Visayas and Mindanao

LUZON GRID

in P/kwh

PERIOD	JAN - JUN		JUL - DEC	
	Mon-Sat (Jan to Jun)	Sun/Hol (Jan to Jun)	Mon-Sat (Jul to Dec)	Sun/Hol (Jul to Dec)
1:00 AM	2.7076	2.8672	2.7076	2.7076
2:00 AM	2.7076	2.7076	2.7076	2.7076
3:00 AM	2.7076	2.7076	2.7076	2.7076
4:00 AM	2.7076	2.7076	2.7076	2.2299
5:00 AM	2.7076	2.7076	2.7076	2.2299
6:00 AM	2.7076	2.7076	2.7076	2.2299
7:00 AM	2.7076	2.7076	2.7076	2.2299
8:00 AM	2.9906	2.7076	2.8672	2.7076
9:00 AM	6.1440	2.7076	2.9906	2.7076
10:00 AM	6.8933	2.8672	6.3522	2.8672
11:00 AM	6.8933	2.8672	6.8933	2.8672
12:00 PM	6.8933	2.8672	6.3522	2.8672
1:00 PM	6.8933	2.8672	6.3522	2.8672
2:00 PM	6.8933	2.8672	6.8933	2.8672
3:00 PM	6.8933	2.8672	6.3522	2.8672
4:00 PM	6.8933	2.8672	6.1440	2.8672
5:00 PM	6.3522	2.8672	5.9131	2.8672
6:00 PM	6.3522	2.8672	6.3522	2.9906
7:00 PM	6.8933	6.1440	6.8933	5.9131
8:00 PM	6.8933	6.1440	6.3522	5.9131
9:00 PM	6.3522	3.6244	6.1440	2.9906
10:00 PM	3.6244	2.9906	2.9906	2.8672
11:00 PM	2.9906	2.8672	2.8672	2.7076
12:00 AM	2.8672	2.7076	2.7076	2.7076

VISAYAS GRID

in P/kwh

PERIOD	JAN - DEC	
	Mon-Sat (Jan to Jun)	Sun/Hol (Jan to Jun)
1:00 AM	3.1597	3.1597
2:00 AM	2.7620	2.7620
3:00 AM	2.7620	2.7620
4:00 AM	2.7620	2.7620
5:00 AM	2.7620	2.7620
6:00 AM	2.7620	2.7620
7:00 AM	2.7620	2.7620
8:00 AM	3.4779	2.7620

9:00 AM	3.9596	2.7620
10:00 AM	4.1761	3.1597
11:00 AM	4.1761	3.4779
12:00 PM	4.1761	3.4779
1:00 PM	4.1761	3.4779
2:00 PM	4.1761	3.5955
3:00 PM	4.1761	3.4779
4:00 PM	4.1761	3.4779
5:00 PM	4.0771	3.4779
6:00 PM	7.0194	4.1761
7:00 PM	7.0194	7.0194
8:00 PM	7.0194	7.0194
9:00 PM	7.0194	4.1761
10:00 PM	4.1761	4.0771
11:00 PM	3.5955	3.5955
12:00 AM	3.4779	3.1597

MINDANAO GRID

in P/kwh

PERIOD	JAN - JUN		JUL - DEC	
	Mon-Sat (Jan to Jun)	Sun/Hol (Jan to Jun)	Mon-Sat (Jul to Dec)	Sun/Hol (Jul to Dec)
1:00 AM	3.2054	3.2054	2.3846	2.3846
2:00 AM	3.0738	3.2054	2.3846	2.3846
3:00 AM	3.0738	3.0738	2.3846	2.3846
4:00 AM	3.0738	3.0738	2.3846	2.3846
5:00 AM	3.2054	3.0738	2.3846	2.3846
6:00 AM	3.0738	3.0738	2.3846	2.3846
7:00 AM	3.0738	3.0738	2.3846	2.3846
8:00 AM	3.2054	3.0738	2.3846	2.3846
9:00 AM	3.3006	3.0738	3.2054	2.3846
10:00 AM	3.3183	3.2054	3.3006	2.3846
11:00 AM	3.3183	3.2054	3.3006	3.0738
12:00 PM	3.3183	3.2054	3.3006	3.0738
1:00 PM	3.3183	3.2054	3.3006	3.0738
2:00 PM	3.3183	3.3006	3.3006	3.0738
3:00 PM	3.3183	3.2054	3.3006	3.0738
4:00 PM	3.3183	3.2054	3.3006	3.0738
5:00 PM	3.3183	3.2054	3.3006	3.2054
6:00 PM	3.6460	3.3183	3.6460	3.6460
7:00 PM	3.6460	3.6460	3.6460	3.6460
8:00 PM	3.6460	3.6460	3.6460	3.6460
9:00 PM	3.6460	3.6460	3.3183	3.3183
10:00 PM	3.3183	3.3006	3.3006	3.2054
11:00 PM	3.3006	3.2054	3.2054	3.0738
12:00 AM	3.2054	3.2054	2.3846	2.3846

In deriving the revised TOU rates contained in the proposed revised TOU Rates Schedule, Applicants simply added the required PhP/kWh adjustments (peanut-butter approach) of PhP0.8332/kWh, PhP1.3815/kWh and PhP1.0686/kWh for Luzon, Visayas and Mindanao, respectively, to the twenty four (24) hourly TOU rates under both the Monday to Saturday and Sunday/Holiday Rates Schedule.

20. As per PSALM's Indicative Privatization Schedule, indicative ownership transfer dates have been set for the winning bidders in CY 2008. In view thereof, Applicants likewise seek the approval of an add/deduct approach/methodology in revising the TOU Rates Schedule to immediately reflect the cost of operating the remaining assets after each asset sale. Whereby, approval of said methodology is necessary to immediately reflect in the TOU Rates Schedule the required increase/decrease in the average generation charges of the particular grid affected by the sale. However, Applicants propose that the revision of the applicable TOU Rates Schedule shall be made on a quarterly basis and that Applicants be authorized to implement amended TOU Rates Schedule reflective of the impact of a sale, transfer and disposal of NPC generation assets/power plants within the next quarter after the actual transfer of the ownership of the privatized plant/s. The table below shows the new basic generation rates after the plants are turned-over to new SGCs:

Particulars	WITH INDEXATION			
	Net Revenue Requirement, Pmil	BGC, P/kWh	Inc/(Dec), P/kWh	Cumulative Inc/(Dec), P/kWh
LUZON				
Existing	90,598	3.8966		
Revised	87,554	4.6574	0.7608	0.7608
Asset Sale:				
Pantabangan-Masiway & Magat		4.6330	(0.0244)	0.7364
Masinloc		4.6448	0.0118	0.7482
Ambuklao-Binga		4.7298	0.0851	0.8332
Calaca		4.7756	0.0457	0.8789
Tiwi-Makban		4.9819	0.2064	1.0853
VISAYAS				
Existing	9,921	2.8879		
Revised	20,146	4.2694	1.3815	1.3815
Asset Sale:				
Panay-Bohol		3.9729	(0.2965)	1.0850
Amlan		3.9611	(0.0119)	1.0731
MINDANAO				
Existing	11,731	2.1030		
Revised	20,068	3.1717	1.0686	1.0686

21. Although other NPC generation assets/plants were already sold and transferred to new successor generating companies (SGC) prior to the sale of the power plants contained in Table 1 above, (particularly Talomo, Agusan, Barit, Cawayan and Loboc Hydroelectric Power Plants), Applicants did not consider the sale of said power plants in this instant Application for the following reasons: 1) the Commission has already imputed the impact of sale of these power plants in the approval of the existing generation rates in the Luzon grid and 2) the impact of the sale of these small hydro plants is very minimal to affect the average generation rate.

22. Several other NPC generation assets/power plants are likewise part of PSALM's Privatization Schedule; however, the sale of these power plants would not affect the existing generation rates considering that the same did not

form part of the approved revenue requirements having been decommissioned and thus, non-operational. The list of power plants that are currently under decommissioned status but are likewise scheduled for privatization by PSALM is hereto attached as Annex "D".

23. As the pending applications for the allowable recovery of the remaining IPP contracts for Naga (Salcon) Thermal/Diesel/Gas Turbine Power Plants and Mindanao Coal-Fired (STEAG) Thermal Power Plant are approved by the Honorable Commission, we also request that these be included as part of the prevailing basic rate of NPC. These applications are docketed as ERC Case Nos. 2005-31RC and 2001-811, respectively

24. Applicants propose that as for the Mindanao Coal-Fired (STEAG) Thermal Power Plant, the amount of adjustment in revenue requirement for Mindanao Grid shall be based on the recoverable rate as approved by the Commission and the actual energy delivered by the IPP plant based on the most recent twelve (12) months operation. The adjusted revenue requirement shall then be the basis for determining the new average rate and the resulting adjustment in P/kWh shall likewise be applied uniformly to the prevailing hourly TOU generation rates to come up with a new TOU Rates Schedule. This is the same methodology in adjusting the prevailing TOU Rates Schedules being proposed by applicant relative to the privatization of its power plants.

25. Applicants believe that the proposed new basic generation charges based on adjusting the RORB-TOU for Luzon, Visayas and Mindanao grids are just, fair and reasonable as they allow the recovery of allowable fuel costs

incurred consistent with sound engineering practice and the principles of free and competitive electricity market as provided under R.A. No. 9136, which will ultimately redound to the best interest of the consuming public.

26. Pursuant to the amended Section 4 (e) of Rule 3 of the Implementing Rules and Regulations (IRR) of R.A. No. 9136 which took effect June 26, 2007 and to ERC Resolution No. 38, Series 2006, copies of the instant Application were furnished the respective Sangguniang Panlungsod of Makati and Quezon Cities (Annex "E"). The Petition was also published in a newspaper of general circulation (Annex "F").

27. Also attached are the following documents in support of the instant Joint Application:

LIST OF ATTACHMENTS	
G	Rate Base with Indexation
H	Depreciation Expense with Indexation
I	PSALM Board Resolution
I-1	NP Board Resolution
J	Schedule of PS & MOOE
J-1	Other Operating Expenses
K	Construction Work in Progress
L	Ancillary Services Summary
M	Breakdown of Actual Energy Sales
N	Annual Capacity Fees and Cooperation Period
In Compact Disc (CD):	
	Hourly Demand Profile in MW for Luzon, Visayas & Mindanao
	Average Load per Plant
	Hourly Plant Stacking

PRAYER

WHEREFORE, premises considered, Applicants respectfully pray that, after due notice and hearing, the Honorable Commission APPROVE:

1. The proposed new basic generation charge for Luzon, Visayas and Mindanao grids, as reflected in the TOU Rate Schedule ;
2. The adoption of the indexation method to re-value NPC's generation assets in order to adjust the rate base to its current costs;
3. The automatic implementation in the succeeding quarter of the proposed adjusted TOU Rates incorporating the approved adjustments corresponding to NPC generation assets in Luzon, Visayas and Mindanao grids privatized in the previous quarter;
4. The methodology for deriving the revised TOU Rates Schedules; and
5. The adjustment of the basic generation charges and its corresponding TOU Rate Schedule once the application for recovery of the costs for Naga thermal/Diesel/Gas Turbine Power Plants and Mindanao Coal-Fired Power Plant are approved by the Honorable Commission.

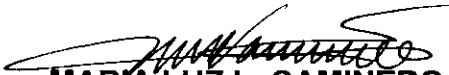
Applicants also pray for the issuance of a PROVISIONAL AUTHORITY allowing NPC/PSALM, during the pendency of this case, to immediately implement the proposed adjustment on NPC's basic generation charge with its corresponding TOU Rate Schedule for Luzon, Visayas, and Mindanao grids including the cost recovery of the remaining IPP contracts upon their approval. It is extremely necessary to allow the implementation of the proposed adjustments

in the basic generation charge in order to immediately alleviate applicant NPC's current financial difficulties.

Applicants pray for other reliefs just and equitable under the circumstances.

Makati City, January 15, 2009.

- *signatories on following pages* -



MARIA LUZ L. CAMINERO

General Counsel

IBP No. 735359 (01-08-08, Quezon City)
MCLE Compliance No. II-0008910 (01-09-08)
Roll of Attorney No. 35714



CECILIO B. GELLADA, JR.

Corporate Legal Counsel

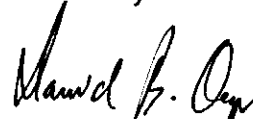
IBP No. 767027 (01-12-09, Quezon City)
MCLE Compliance No. II-0006804 (08-10-07)
Roll of Attorney No. 30354



LIBERTY Z. DURLAO

Corporate Legal Counsel


IBP No. 775411 (01-12-09, Makati City)
Roll of Attorney No. 41588



DAVID I.B. OCAMPO

Corporate Attorney

IBP No. 775409 (01-12-09, Cam. Sur)
MCLE Compliance No. I-0012451 (06-14-07)
Roll of Attorney No. 37759



ARLENE B. EVANGELIO

Corporate Attorney

IBP No. 775408 (01-12-09, Batangas)
MCLE Compliance No. II-0001049 (01-26-07)
Roll of Attorney No. 48430



CAROLINE V. BALO-ATENCIA

IBP No. 775413 (01-012-09, Quezon City)
MCLE Compliance No. II-0009018 (12-13-07)
Roll of Attorney No. 47133



PIA ZOBEL Z. RUIZ-SAN DIEGO

Corporate Attorney

IBP No. 775410 (01-12-09, Manila)
MCLE Compliance No. II-0001583 (01-08-07)
Roll of Attorney No. 49458

**POWER SECTOR ASSETS AND LIABILITIES
MANAGEMENT CORPORATION**

7th Floor, Bankmer Building
6756 Ayala Avenue, Makati City

FOR THE SOLICITOR GENERAL



MELCHOR P. RIDULME

VP-General Counsel

Special Attorney-OSG

IBP No. 01748/Lifetime/Ilocos Sur
PTR No. 9811044/01-08-2008/Q.C.
MCLE Compliance No. II-0003935
Roll No. 37784



COMIE P. DOROMAL

Department Manager-LITBID

Special Attorney-OSG

IBP OR No. 594567/Lifetime/Q.C.
MCLE Compliance No. II-0003913
Roll No. 24988



JULIETA S. BACCUTAN ESTAMO

Corporate Attorney A

Special Attorney-OSG

IBP NO. 737747 / 1-09-2008 / Bulacan
PTR No. 9811043 / 1-08-2008 / Q.C.
MCLE Compliance No. II-0003914
Roll No. 39024

MAY ROSE C. PINTOR

Corporate Attorney A

Special Attorney-OSG

IBP Lifetime No. 03387
MCLE Compliance No. II-0003932
Roll No. 47811

Counsels for National Power Corporation
Office of the General Counsel
National Power Corporation
BIR Road cor. Quezon Avenue
Diliman, Quezon City
Tel. No. 02-921-96-70

Republic of the Philippines)
Quezon City)SS.

VERIFICATION AND CERTIFICATION

I, **FROILAN A. TAMPINCO**, of legal age, Filipino, with office address at NPC Office Building Complex cor. Quezon Ave. and Agham Road, Diliman, Quezon City, after being duly sworn hereby affirm and state that:


1. I am the President of the National Power Corporation, one of the applicants herein; I am one of those who caused the preparation of this Joint Application, I have read the same and understood the allegations contained therein, and affirm that the contents thereof are true and correct, as far as NPC is concerned, based on authentic records at my disposal and on information of my own personal knowledge;
2. I am duly authorized by the Board of Directors to certify that Applicant NPC has not heretofore commenced any other action or proceeding involving the same issues before the Supreme Court, Court of Appeals or any other judicial, quasi-judicial or administrative tribunal. A copy of Resolution No. 2001-134 is attached as required by Rule 3, Section 4 of the Rules of Practice and Procedure.
3. To the best of my knowledge and belief, no such similar action or proceeding is pending before the Supreme Court, Court of Appeals, or any other tribunal or agency.
4. If I should hereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, I undertake to report such fact within five (5) days therefrom to the Honorable Commission.

IN WITNESS WHEREOF I have hereunto affixed my signature this JAN 15 2009 day of January 2009 here at Quezon City.


FROILAN A. TAMPINCO
Affiant

SUBSCRIBED AND SWORN TO before me this JAN 15 2009 day of January 2009 here at Quezon City, affiant exhibiting to me his CTC No. U33 19823 issued on April 11, 2008 at Taalug City.

Doc. No. 180 ;
Page No. 36 ;
Book No. 11 ;
Series of 2009.


ATTY. RODOLFO M. DE GUZMAN, JR.
Notary Public for Quezon City
Appointment No. 1118 2009
Commission until December 31,
Roll of Attorney No. 44291
PTR No. 08-11-11-11 Quezon City
IBP Lifetime No. 45715 Quezon City
4th Flr., OGC, National Power Corp.
BIR Road cor. Quezon Ave.,
Diliman, Quezon City