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RESOLUTION NO. _____, Series of 2011

**A RESOLUTION ON THE INSTALLATION OF INTERVAL METERS
IN THE PREMISES OF QUALIFIED CONTESTABLE CUSTOMERS
AND ON THE PROVISION OF THEIR LOAD PROFILE**

WHEREAS, under Section 4.5.1 of Article IV of the Distribution Services and Open Access Rules (DSOAR), it is envisioned that contestable customers for the initial phase of retail competition shall have installed time-of-use (TOU) metering facilities capable of measuring energy use and demand in a fashion consistent with the Wholesale Electricity Spot Market (WESM) energy settlement intervals and distribution and transmission demand charge intervals;

WHEREAS, Section 5.1 of Article II of the Rules for Contestability reiterates the provision on the installation of interval meters and Section 5.2, thereof provides that metering facilities for contestable customers should have been completely installed by the Distribution Utility (DU) by the Open Access Date as declared by the Energy Regulatory Commission (ERC);

WHEREAS, Section 4 (d) of Article I of the Rules on Customer Switching provides that the DU shall be the sole metering service provider for the retail market until such time that the ERC shall have determined the provision of metering services at the retail level as competitive and for directly-connected customers, the Wholesale Meter Service Provider (WMSP) shall be made responsible for the provision of metering services;

WHEREAS, qualified contestable customers are in the process of negotiating for contracts with potential Retail Electricity Supplier (RES) and may need to provide their historical consumption or load profile data to facilitate the negotiating process;

WHEREAS, the existing ERC Rules and Regulations have not explicitly provided for the terms and conditions by which a DU may provide such information to its end-users;

WHEREAS, with the load profile data, the customers may be better able to plan and negotiate for retail electricity supply;

WHEREAS, on October 21, 2011, the ERC received a letter from the Manila Electric Company (MERALCO), Philippine Electric Plant Owners Association (PEPOA) and the Philippine Rural Electric Cooperatives Associations, Inc. (PHILRECA) conveying that as a value added service, they are amenable to supply raw and readable load profile data and an analysis thereof for a reasonable fee mutually agreed upon by the DU and the customer;

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WHEREAS, on December 6, 2011, the ERC received a proposition from MERALCO, PEPOA and PHILRECA that in the interest of fairness and if allowed to charge reasonable fees, they will be charging the amount of Five Thousand Pesos (PhP 5,000.00) for providing load profile data to requesting contestable customers;

NOW THEREFORE, the ERC, after a thorough and due deliberation, hereby **RESOLVES** to **DIRECT** Distribution Utilities (DUs) in Luzon and Visayas with potential contestable customers to comply with the following;

1. To complete, within thirty (30) days from issuance hereof, the installation of time-of-use (TOU) metering facilities capable of measuring energy use and demand consistent with the WESM energy settlement intervals and distribution and transmission demand charge intervals.

In this regard, potential contestable customers are enjoined to inform the ERC of the DU's failure to install metering facilities within their premises within the reglementary period provided by the ERC;

2. Prior to any request, to provide the potential contestable customers their monthly average consumption data for the last twelve (12) months. It shall be understood that the provision of such data shall be free of charge;
3. For purposes of negotiating retail supply contracts with licensed suppliers and upon request of contestable customers, the DU shall provide them their twelve (12) month hourly demand/ consumption data and other available information obtainable from the said TOU meters at no cost.

Should the MSP/WMSP offer load profiling services that includes an analysis of such information, the same shall be provided at minimal cost mutually agreed upon between the MSP/WMSP and the contestable customer;

4. The DUs are enjoined to observe non-discriminatory pricing for the provision of load profile services to its customers.

This Resolution shall take effect fifteen (15) days following its publication in a newspaper of general circulation in the Philippines.




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Let copies of this Resolution be furnished the University of the Philippines Law Center-Office of the National Administration Register (UPLC-ONAR) and Distribution Utilities in Luzon and Visayas with contestable customers, and the National Grid Corporation of the Philippines (NGCP).

Pasig City, 12 December 2011


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