



Call for Comments to the Proposed General Amendments to the Retail Rules and Retail Manual on Market Transaction Procedures in view of the ERC Resolution No. 01, Series of 2023

The Rules Change Committee (RCC) is inviting all WESM Members and interested parties to submit comments to the *Proposed General Amendments to the Retail Rules and Retail Manual on Market Transaction Procedures in view of the ERC Resolution No. 01, Series of 2023 (ORCP-RR-RM-23-06)*.

The proposed amendments seek to:

- 1) Comply with Section 1a and 1b of ERC Resolution No. 01, Series of 2023 that only Eligible End-Users undergoing initial switch shall be required to submit certification of No Outstanding Balance to the Central Registration Body; and
- 2) Adopt definition introduced in Section 1a of ERC Resolution No. 01, Series of 2023 to include definition for Eligible End-Users, and revise definition of Contestable Customers.

The Market documents for amendments are:

- 1) Retail Rules; and
- 2) Retail Manual on Market Transaction Procedures.

BACKGROUND:

The proposed amendments were submitted by the Independent Electricity Market Operator of the Philippines (IEMOP) on 10 March 2023 by way of the rules change process for urgent amendments. However, during the 212th Rules Change Committee (RCC) Regular Meeting on 17 March 2023, the RCC certified the proposal as not urgent and reclassified the same to be a general proposal. Correspondingly, on 29 March 2023, the PEM Board during its 58th Meeting concurred with the RCC's decision on the said proposal.

DOCUMENTS:

Provided below are the relevant materials for your reference:

- 1) Original Rules Change Proposal submitted by IEMOP (ORCP-RR-RM-23-03)
- 2) PEM Board-approved proposal (RCC Resolution No. 2023-03) per PEM Board Approval on 29 March 2023.
- 3) Matrix of Proposed Amendments for Comments - Annexes A to B of this document (See *below. Please write your comments in the proper columns in the matrix.*)

Kindly submit your comments (in Word format) through the [File a Submission](#) page no later than **17 May 2023** or 30 working days from the date of publication (30 March 2023). *Please input in the proper field the e-mail address of your point person(s) who we could further contact regarding activities related to the processing of the proposal.*

Thank you.

For the Rules Change Committee,

Rules Review Division

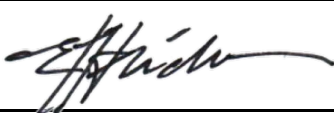
Market Assessment Group

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Proponent's Information (for the Party Submitting the Comments)

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Proposed General Amendments to the Retail Rules and Retail Manual on Market Transaction Procedures in view of the ERC Resolution No. 01, Series of 2023

Retail Rules								
Title	Clause	Original Provision	Proposed Amendment	Rationale	Comment	Proposed Re-wording based on Comment	Original Proponent's Response	RCC Decision
<p><i>[Please write general comments here, if any.]</i></p> <p>1. Deliberations during the 213th RCC (Caucus) Meeting on ERAP proposal were already considered in the review of this proposal.</p> <p>2. To avoid confusion and for the purpose of discussions, the following definitions are provided and/or suggested in line with existing references and on-going proposals:</p> <p>a. End-user (General Term): Any person or entity requiring the supply and delivery of electricity for its own use.</p> <p>b. Eligible End-user: An <i>end-user</i> that has met the contestability threshold, and who has a choice to switch from the <i>Captive Market</i> to the Competitive Retail Electricity Market (CREM).</p> <p>c. Customer: A person who:</p> <ul style="list-style-type: none">- engages in the activity of purchasing electricity supplied through a <i>transmission or distribution system</i>, and- registers with the <i>Market Operator</i> in that capacity under clause 2.3.2. <p>d. Supply Customer: <i>Customers or Generation Companies that purchase electricity under any power supply agreement replacement power arrangement or contract with a Generation Company or Retail Electricity Supplier.</i></p> <p>e. Supplier: Any person or entity licensed by the ERC to sell, broker, market or aggregate electricity to End-users, in the capacity of a Retail Electricity Supplier, Retail Aggregator and/or Renewable Energy Supplier, and registered with the Market Operator as a Customer under clause 2.3.2 of the WESM Rules and 2.4.1 of the Retail Rules.</p> <p>f. Distribution Utilities: <i>Any electric cooperative, private corporation, government-owned utility, or existing local government unit which has an exclusive franchise to operate a distribution system in accordance with its franchise and the EPIRA, including DUs operating in the Economic Zones.</i></p> <p>g. Retail Electricity Supplier: Any person or entity authorized by the ERC to sell, broker, market or aggregate electricity to the End-users.</p> <p>h. Renewable Energy Suppliers: Refers to individuals or judicial entities created, registered, or authorized to operate in the Philippines in accordance with existing laws and engaged in the provision or supply of electric power from RE resources to Green Energy Option Program (GEOP) End-User.</p> <p>i. Retail Aggregators: A person or entity duly licensed by the ERC to engage in consolidating electric power demand of End-users for the purpose of purchasing and reselling electricity on a group basis.</p>								

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<p>j. <i>Retail Customer</i>: An electricity end-user that is qualified to contract electricity supply from <i>Suppliers</i>, in accordance with qualifications issued by the ERC, and has switched to its respective market. For clarity, it shall collectively pertain to “Contestable Customer”, “GEOP End-User”, and <i>Aggregated Group</i> unless the context requires specific reference individually.</p> <p>k. <i>Contestable Customer</i>: An electricity end user that is certified by the ERC as having met the demand threshold for contestability as set out in the Act. Collectively, these end users make up the contestable market.</p> <p>l. <i>GEOP End-User</i>: Any person or entity requiring the supply and delivery of electricity sourcing 100% of its electricity requirements from RE Resources for its own use.</p> <p>m. <i>Aggregated Group</i>: End-users, the demand of which, has been consolidated and supplied by a Retail Aggregator to qualify for contestability under current rules issued by the DOE and the ERC.</p> <p>n. <i>Aggregated Member</i>: End-user which is part of the Aggregated Group, which qualifies for contestability under the current rules issued b the DOE and the ERC.</p> <p>To provide an illustration of captive and contestable market, please refer to the illustration below:</p>								

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<div><p>ILLUSTRATION OF CAPTIVE AND CONTESTABLE MARKET</p><p>Legend</p><p>→ : General Term to <u>Classifications/Categories</u></p><p>- - - - - : Delivery/supply of electricity</p><p>Text in White: Wholesale Level</p><p>Text in Black: Retail Level</p><div><div><p>Captive</p><p>Customer</p><p>Supplier</p><p>End-user (Captive)</p><p>Distribution Utility (franchise)</p><ul style="list-style-type: none">- Electric Cooperative- Government-owned Utility- Private Corporation- Local Government Unit- Dus in Economic Zones<p>- Commercial</p><p>- Industrial</p><p>- Residential</p></div><div><p>Contestable</p><p>Customer</p><p>Supplier</p><p>Retail Aggregator</p><p>Renewable Energy Supplier</p><p>Retail Electricity Supplier</p><p>Contestable Customer</p><p>Retail Customer (has already switched to respective markets)</p><p>GEOP End-User</p><p>Aggregated Group</p><p>Aggregated Member</p></div></div></div>								

Retail Rules								
Title	Clause	Original Provision	Proposed Amendment	Rationale	Comment	Proposed Re-wording based on Comment	Original Proponent's Response	RCC Decision
Conditions for Customer Switching	3.2.1.3	3.2.1.3 A <i>Supplier</i> may submit a switch request to the <i>Central Registration Body</i> provided the following conditions are met: a) xxx xxxx b) xxx xxxx c) The <i>Retail Customer</i> has no financial obligations with its <i>Network Service Provider</i> , in case of initial switch, or its incumbent <i>Supplier</i> , and d) xxx xxxx	3.2.1.3 A <i>Supplier</i> may submit a switch request to the <i>Central Registration Body</i> provided the following conditions are met: a) xxx xxxx b) xxx xxxx c) If It the <i>Retail Customer</i> is a Contestable Customer, the <i>Retail Customer</i> has no financial obligations with its <i>Network Service Provider</i> , in case of initial switch, or its incumbent <i>Supplier</i>, and d) xxx xxxx	To harmonize with ERC Resolution No. 01, Series of 2023 (Amendment to the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers)	For items (a) and (b), proposed to add "Eligible End-user" to include those that are also undergoing initial switch. Please note that Retail Customers are those that have already switched. Meaning, it doesn't include those Eligible End-user. For item (c), proposed to be transferred to the last part and not be included in the enumeration in order to clarify that the other items are also required prior the switch request for both the Retail Customer and Eligible End-user (in of initial switch	3.2.1.3 A <i>Supplier</i> may submit a switch request to the <i>Central Registration Body</i> provided the following conditions are met: a) A supply contract has been entered into between the <i>Supplier</i> and the <i>Retail Customer</i> or the Eligible End-user for which the switch request is made; b) There is an existing and valid wheeling service agreement with the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> and a metering services agreement with a registered <i>Metering Services Provider</i> , covering the <i>Retail Customer</i> or the		

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					<p>from Captive to Contestable Market)</p> <p>Lastly, please note that Contestable Customers (CCs) are those that have already switched from Captive to Retail Market. Based on Section 1 (b) of the ERC Resolution No. 01, Series of 2023, CCs shall be allowed to switch or to be supplied by a new RES or SOLR, notwithstanding the existence of an outstanding balance. Hence, proposed to change to Eligible End-user instead CC.</p>	<p><u>Eligible End-user; and</u></p> <p>e) If the Retail Customer is a Contestable Customer, the Retail Customer has no financial obligations with its Network Service Provider, in case of initial switch, or its incumbent Supplier, and</p> <p>d c) xxx xxxx</p> <p><u>In case of initial switch, the Eligible End-User that has chosen the Supplier has no financial obligations with its Network Service Provider.</u></p>		
Procedures for Switching	3.2.2.1	3.2.2.1 Once all the conditions set forth in Clause 3.2.1.3 are met, the new <i>Supplier</i> shall submit the switch request to	3.2.2.1 Once all the conditions set forth in Clause 3.2.1.3 are met, the new <i>Supplier</i> shall submit	To harmonize with ERC Resolution No. 01, Series of				

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		<p>the <i>Central Registration Body</i> not later than seven (7) working days prior to the proposed effective date.</p> <p>The switch request shall be electronically filled out and shall include a confirmation from authorized representatives of the following:</p> <p>a) xxx xxxx</p> <p>b) xxx xxxx</p> <p>c) the <i>Supplier</i> or the <i>Retail Customer</i>, as applicable, and the registered <i>Retail Metering Services Provider</i> of the existence of a valid metering services agreement covering the <i>Retail Customer</i>; and</p> <p>d) the incumbent <i>Supplier</i> or, if not served by a <i>Supplier</i>, the relevant <i>Distribution Utility</i> that the <i>Retail Customer</i> has no outstanding balance.</p> <p>xxx</p>	<p>the switch request to the <i>Central Registration Body</i> not later than seven (7) working days prior to the proposed effective date.</p> <p>The switch request shall be electronically filled out and shall include a confirmation from authorized representatives of the following:</p> <p>a) xxx xxxx</p> <p>b) xxx xxxx</p> <p>c) the <i>Supplier</i> or the <i>Retail Customer</i>, as applicable, and the registered <i>Retail Metering Services Provider</i> of the existence of a valid metering services agreement covering the <i>Retail Customer</i>; and</p> <p>d) the incumbent <i>Supplier</i> or, if not served by a <i>Supplier</i>, the relevant <i>Distribution Utility</i> that the <i>Retail Customer</i> has no outstanding balance.</p> <p><u>d) If the <i>Retail Customer</i> is an <i>Eligible End-User</i></u></p>	2023 (Amendment to the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers)		<p>Xxx xxxx</p> <p>a) the <i>Supplier</i> and the <i>Retail Customer</i> <u>or Eligible End-user</u> of the existence of a retail/GEOP supply contract or any equivalent thereof between the two parties, and the term of the retail supply contract including the effectivity dates;</p> <p>b) the <i>Supplier</i> or the <i>Retail Customer</i> <u>or Eligible End-user</u>, as applicable, and the relevant</p>		

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			<p><u>that intends to undergo initial switch, the Network Service Provider that the Eligible End-User has no outstanding balance.</u></p> <p>xxx</p>		<p>Same comments to the previous provision.</p> <p>Also, proposed to revise for simplicity, and clarity that the confirmation from NSP is through certification.</p>	<p><i>Distribution Utility or Network Service Provider</i> of the existence of a valid wheeling service agreement covering the <i>Retail Customer</i> <u>or Eligible End-user</u>;</p> <p>c) the <i>Supplier</i> or the <i>Retail Customer</i> <u>or Eligible End-user</u>, as applicable, and the registered <i>Retail Metering Services Provider</i> of the existence of a valid metering services agreement covering the <i>Retail Customer</i> <u>or Eligible End-user</u>; and</p> <p>d) If <u>the Retail Customer it is an Eligible End-User that intends intending to undergo initial switch, the Network Service Provider, through a certification,</u></p>		

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						that the <i>Eligible End-User</i> has no outstanding balance. Xxx xxxx		
GLOSSARY	5	Contestable Customers - An electricity end user that is certified by the <i>ERC</i> as having met the demand threshold for contestability as set out in the Act. Collectively, these end users make up the contestable market.	An electricity end user that is certified by the <i>ERC</i> as having met the demand threshold for contestability as set out in the Act. Collectively, these end users make up the contestable market An <i>Eligible End-User</i> that has entered into a retail supply contract with a <i>Retail Electricity Supplier</i> of its choice.	To adopt definition of Contestable Customers from ERC Resolution No. 01, Series of 2023 (Amendment to the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers) We defer to PEMC for the general review of the Retail Rules and Manuals for alignment with ERC’s revised definition	Contestable Customer is a classification under the umbrella term Retail Customer. Correspondingly, a Retail Customers are those that have already switched from Captive to Retail Market. Hence, the phrase “and has switch” is essential to be added to indicate that the Eligible End-user has already switched.	Contestable Customers - An electricity end user that is certified by the <i>ERC</i> as having met the demand threshold for contestability as set out in the Act. Collectively, these end users make up the contestable market An <i>Eligible End-User</i> that has entered into a retail supply contract with a <i>Retail Electricity Supplier</i> of its choice, and has switched to the competitive retail electricity market.		

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GLOSSARY	5	(new)	<u>Eligible End-User – An end-user that has met the contestability threshold and who has a choice to switch from captive market to the competitive retail electricity market.</u>	To adopt definition of Eligible End-Users from ERC Resolution No. 01, Series of 2023 (Amendment to the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers) We defer to PEMC for the general review of the Retail Rules and Manuals for alignment with ERC’s definition	Definition is in line with ERC Resolution No. 01, Series of 2023. The competitive retail electricity market (CREM) may also be defined in the Retail Rules for clarity. CREM is defined in ERC Reso NO. 04, S. 2022 as An electricity market wherein contestable customers exercise their ability to choose suppliers of electricity by virtue of open access in the distribution system.			

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GLOSSARY	5	Retail Customer – An electricity end-user that is qualified to contract electricity supply from Suppliers, in accordance with qualifications issued by the ERC either in the capacity of a Contestable Customer or a GEOP End-User as prescribed in Republic Act No. 9513. For clarity, the term “Retail Customer” shall collectively pertain to “Contestable Customer” and “GEOP End-User” unless the context requires that the term specifically refer to either a “Contestable Customer” or “GEOP End-User”	Retail Customer – An electricity end-user that is qualified to contract electricity supply from Suppliers, in accordance with qualifications issued by the ERC either in the capacity of <u>an Eligible End-User</u> , a Contestable Customer or a GEOP End-User as prescribed in Republic Act No. 9513. For clarity, the term “Retail Customer” shall collectively pertain to <u>“Eligible End-User”</u> , “Contestable Customer” and “GEOP End-User” unless the context requires that the term specifically refer to either <u>an “Eligible End-User”</u> , “Contestable Customer” or “GEOP End-User”	To include Eligible End-Users under umbrella term Retail Customers We defer to PEMC for the general review of the Retail Rules and Manuals for alignment with ERC’s definition	Again, as introduced in ERC Reso No. 01, S. 2023, an Eligible End-User may not necessarily mean that it is already a Retail Customer. It is only qualified to switch, but not necessarily that it has already switched and served by Suppliers. For consistency, suggest revising, considering also IEMOP’s comment during the RCC 213 th (Caucus) Meeting on the ERAP proposal.	<i>Retail Customer</i> – An electricity end-user that is qualified to contract electricity supply from <i>Suppliers</i> , in accordance with qualifications issued by the ERC, <u>and has switched to its respective market, either in the capacity of an Eligible End-User, a Contestable Customer, or a GEOP End-User as prescribed in Republic Act No. 9513, or an Aggregated Group.</u> For clarity, <u>it the term “Retail Customer” shall collectively pertain to “Eligible End-User”, “Contestable Customer”, and “GEOP End-User”.</u>		

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						<u>and <i>Aggregated Group</i> unless the context requires that the term specifically refer to either an “<i>Eligible End-User</i>”, “Contestable Customer” or “GEOP End-User” specific reference individually.</u>		

Retail Manual on Market Transactions Procedure								
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[Please write general comments here, if any.]								
Customer Switching - Overview	II.2.3	<p>2.3. Before a <i>Switch Request</i> can be submitted by a <i>Supplier</i>, the following must be present:</p> <p>2.3.1. A valid Retail Supply Contract between a <i>Supplier</i> and the <i>Contestable Customer</i> for which the request is made; and</p> <p>2.3.2. An existing and valid wheeling service agreement with the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> and a metering services agreement with a registered <i>Retail Metering Services Provider</i> covering the <i>Contestable Customer</i>.</p> <p>2.3.3. A certification from the incumbent <i>Supplier</i> or relevant <i>Distribution Utility</i> that the <i>Contestable Customer</i> does not have any outstanding balance.</p>	<p>2.3. Before a <i>Switch Request</i> can be submitted by a <i>Supplier</i>, the following must be present:</p> <p>2.3.1. A valid Retail Supply Contract between a <i>Supplier</i> and the <i>Contestable Customer</i> for which the request is made; and</p> <p>2.3.2. An existing and valid wheeling service agreement with the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> and a metering services agreement with a registered <i>Retail Metering Services Provider</i> covering the <i>Contestable Customer</i> -and</p> <p>2.3.3. A certification from the incumbent <i>Supplier</i> or relevant <i>Distribution Utility</i>, <u>in case of an initial switch,</u> that the <i>Contestable Customer</i> does not have any outstanding balance.</p>	To harmonize with ERC Resolution No. 01, Series of 2023 (Amendment to the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers)	Same with the comments above. Also, proposed revising “Distribution Utility” to “Network Service Provider” to use the general term that was also used in ERC Reso No. 01, S. 2023.	<p>Xxxx xxx</p> <p>2.3.1. A valid Retail Supply Contract between a <i>Supplier</i> and the <i>Contestable Customer</i> or <u>Eligible End-user</u> for which the request is made; and</p> <p>2.3.2. An existing and valid wheeling service agreement with the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> and a metering services agreement with a registered <i>Retail Metering Services Provider</i> covering the <i>Contestable Customer</i> or</p>		

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						<p><u>Eligible End-user-and</u></p> <p><u>2.3.3. In case of initial switch, a A</u> certification from the <u>incumbent Supplier</u> or <u>relevant</u> <u>Distribution Utility</u> <u>Network Service</u> <u>Provider, in case</u> <u>of an initial switch,</u> that the <u>Contestable</u> <u>Customer Eligible</u> <u>End-user</u> does not have any outstanding balance.</p>		
Customer Switching - Switching Procedures	II.3.1.1	3.1.1. Once all requirements are met, the new Supplier shall submit the switch request to the Central Registration Body not later than seven (7) working days before the proposed switch effective date. The switch request form shall be electronically filled out and shall include a	3.1.1. Once all requirements are met, the new Supplier shall submit the switch request to the Central Registration Body not later than seven (7) working days before the proposed switch effective date. The switch request form shall be electronically filled out and shall include a confirmation by the	To harmonize with ERC Resolution No. 01, Series of 2023 (Amendment to the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for				

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Title	Section	Original Provision	Proposed Amendment	Rationale	Comment	Propose Re-wording based on Comment	Original Proponent's Response	RCC Decision
		confirmation by the authorized representatives of the following: a) xxx xxxx b) xxx xxxx c) The <i>Supplier</i> or the <i>Contestable Customer</i> , as applicable, and the registered <i>Retail Metering Services Provider</i> of the existence of a valid metering services agreement covering the <i>Contestable Customer</i> ; and d) The incumbent <i>Supplier</i> or, if not served by a <i>Supplier</i> , the relevant <i>Distribution Utility</i> that the <i>Contestable Customer</i> has no outstanding balance. xxx	authorized representatives of the following: a) xxx xxxx b) xxx xxxx c) The <i>Supplier</i> or the <i>Contestable Customer</i> , as applicable, and the registered <i>Retail Metering Services Provider</i> of the existence of a valid metering services agreement covering the <i>Contestable Customer</i> ; and d) The incumbent <i>Supplier</i> or, if not served by a <i>Supplier</i>, the relevant <i>Distribution Utility</i> that the <i>Contestable Customer</i> has no outstanding balance. <u>d) If it is an <i>Eligible End-User</i> intending to undergo initial switch, the <i>Network Service Provider</i> that the <i>Eligible End-User</i> has no outstanding balance.</u> xxx	Contestable Customers)	Same with the comments above.	Xxx xxx a) The <i>Supplier</i> and the <i>Contestable Customer</i> <u>or <i>Eligible End-user</i></u> of the existence of a retail supply contract between the two parties, and the term of the retail supply contract including the effectivity dates; b) The <i>Supplier</i> or the <i>Contestable Customer</i> <u>or <i>Eligible End-user</i></u> , as applicable, and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the existence of a valid wheeling service agreement covering the <i>Contestable Customer</i> <u>or <i>Eligible End-user</i></u> ;		

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						<p>c) The <i>Supplier</i> or the <i>Contestable Customer</i> <u>or <i>Eligible End-user</i></u>, as applicable, and the registered Retail Metering Services Provider of the existence of a valid metering services agreement covering the <i>Contestable Customer</i> <u>or <i>Eligible End-user</i></u>, and</p> <p>d) <u>If it is an <i>Eligible End-User</i> intending to undergo initial switch, the <i>Network Service Provider</i>, through a certification that the <i>Eligible End-User</i> has no outstanding balance.</u></p> <p>Xxx xxxx</p>		