



ORCP -WR-WM-26-01

**Call for Comments to the Proposed General Amendments on Enforcement
Proceedings and Compliance Guidelines
(ORCP-WR-WM-26-01)**

The Rules Change Committee (RCC) is inviting all WESM Members and interested parties to submit comments to PEMC's *Proposed General Amendments on Enforcement Proceedings and Compliance Guidelines (ORCP-WR-WM-26-01)*.

The proposed amendments aim to enhance procedural clarity, align rule references with current regulatory frameworks, and integrate enforcement practices that reflect operational realities. Key revisions include:

- **Jurisdictional Clarification.** Investigations may now cover entities that were WESM Members during the two-year prescriptive period, regardless of subsequent changes in membership status or facility ownership.
- **Streamlined Investigation Timelines.** The prescribed period for completing formal investigations is reduced from 24 months to 150 business days, reckoned from the issuance of the Notice of Investigation, not from receipt of the Request for Investigation.
- **Refined Process Flow.** Clear distinction is established between the initiation of investigation (triggering events) and the formal commencement (issuance of notice), with a five-day verification period introduced prior to formal proceedings.
- **Clarified Filing Authority and Standardized Protocols.** The Manual now specifies eligible filers—WESM Members, Governance Committees, Market and System Operators—and limits filings to Market Rule or Manual violations. Terminology was streamlined, and notification procedures for decisions and enforcement outcomes were formalized.
- **Enhanced Provisions on Remedial Measures.** Provisions were added to ensure effective implementation of remedial actions, especially when other entities must be involved. Confidentiality safeguards were introduced to protect case integrity.
- **Integration of Reconsideration and Appeal Procedures.** Reconsideration and appeal mechanisms previously housed in the Penalty Manual are now incorporated into the EC Manual, with revised timelines and procedural safeguards to reflect actual enforcement practices.

The WESM documents for amendment are the following:

1. WESM Rules
2. WESM Enforcement and Compliance Manual 1.0



DOCUMENTS:

Provided below are relevant materials for your reference and perusal:

- Overview, Discussion Paper, and Matrix of Proposed Amendments
- Presentation of the Proposed Amendments
- RCC Form3 Matrix of Proposed Amendments for Comments - Annexes of this document (*Please write your comments in the proper columns in the matrix.*)

Kindly submit your comments (in Word format) through the [File a Submission](#) webpage no later than **2 March 2026** or 30 working days from the date of publication (19 January 2026). We recommend using Firefox browser for submitting your comments.

Please ensure that your submission is signed securely by the designated approving authority and/or representative of your company, and input in the proper field the e-mail address of your point person(s) whom we could contact regarding activities related to the processing of the proposal. All comments received shall be published in the PEMC website.

Thank you!



TO BE ACCOMPLISHED BY THE PARTY SUBMITTING THE COMMENTS

[In accomplishing and submitting this form, you give your consent for PEMC to collect, record, organize, and update your personal data as herein provided as part of your information for purposes of rules change process.]

Commenter's Information

Name	LAWRENCE S. FERNANDEZ [Redacted Signature]
	[Signature over Name]
Designation	Vice President and Head, Utility Economics
Company	Manila Electric Company
Company Address	MERALCO Center Ortigas Avenue Pasig City
Telephone No.	16223851
Email Address	lsfernandez@meralco.com.ph

Commenter	General Comments	Proponent's Response
	1.	

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Title	Section	Provision	Proposed Amendment	Rationale	Comments	Proposed Wording based on Comments	Original Proponent's Response	RCC Decision
Section 6 – Procedures for Compliance Monitoring and Assessment – Validation and Assessment	6.4.2	The <i>Enforcement and Compliance Office</i> may, from time to time, require the <i>WESM Member</i> to submit additional documents or information to clarify the reasons or explanations provided by the latter.	The <i>Enforcement and Compliance Office</i> may, from time to time, require the <i>WESM Member</i> to submit additional documents or information, conduct conferences or power plant inspection to clarify and validate the reasons or explanations provided by the latter.	For due process.	Grammar/syntax error.	x x x to submit additional documents or information, and to conduct conferences or power plant inspection to clarify and validate the reasons or explanations provided by the latter.		
Section 6 – Procedures for Compliance Monitoring and Assessment – Validation and Assessment	6.4.4	(New)	<u>In the event that, during or after the conduct of compliance monitoring and assessment, the Enforcement and Compliance Office determines that a particular act or omission by a WESM Member requires immediate remedial action to mitigate or prevent its potential adverse impact on the WESM, the provisions of Section 7.14 shall</u>	Added to enable prompt remedial action when a potentially harmful act or omission is identified during compliance monitoring, validation, or assessment, thus, ensuring timely mitigation of risks to the WESM while allowing regular enforcement	It is proposed that it be further clarified that the criteria for determining whether a particular act or omission by a WESM Member requires remedial measures are the instances under a) to d) of 7.14.1 of the ECM. The proposed wording of the provision seems to permit the ECO to make an arbitrary	In the event that, during or after the conduct of compliance monitoring and assessment, the Enforcement and Compliance Office determines that a particular act or omission by a WESM Member requires immediate remedial action to mitigate or prevent its potential adverse impact on the WESM, the provisions of Section 7.14 shall apply falls under any		

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			<u>apply, without prejudice to the completion of monitoring activities, investigation proceedings, or the resolution of any case review or appeal.</u>	processes to continue. Renumbered the succeeding provision (6.4.4 to 6.4.5) following the proposed addition.	determination of whether remedial measures should be undertaken.	<u>of the acts in 7.14.1 of this Manual, remedial measures under the said provision may be resorted to,</u> without prejudice to the completion of monitoring activities, investigation proceedings, or the resolution of any case review or appeal.		
Section 7 – Procedures for investigation and review – Guiding principles	7.1.8	7.1.8. Unless the <i>PEM Board</i> authorizes a longer period, the <i>Enforcement and Compliance Office</i> shall complete an investigation of a case and submit its investigation report as set out in Section 7.7 not later than twenty-four (24) months from the issuance of the <i>notice of investigation</i> . The <i>PEM Board</i> , at its	7.1.8. <u>7.1.9</u> Unless the <i>PEM Board</i> <i>authorizes a longer period, the</i> <u><i>The Enforcement and Compliance Office</i></u> shall complete an investigation of a case and submit its investigation report <u>to the Compliance Committee</u> as set out in Section 7.7 not later than twenty-four (24) months from the issuance of the	Renumbered as Section 7.1.9 following the proposed addition. Revised to reflect the revised period for issuing the investigation report, which is 150 days, not 24 months. The last part is proposed to be removed in light of the proposed provision under	The phrase “final determination of the case” appears to be inaccurate in the context of the provision, as the final determination of a case is made through the <i>PEM Board's</i> decision on the investigation, based on the <i>Enforcement and Compliance Office's</i> investigation report and the <i>Compliance Committee's</i> review	x x x with full observance of due process in the final determination <u>investigation</u> of the case.		

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		discretion and on written request by the <i>Enforcement and Compliance Office</i> , may allow a longer period for an investigation to be completed if it is satisfied that the right of the parties investigated to due process will be prejudiced if a longer period is not allowed. Where a case is remanded pursuant to Section 7.10 and, for this reason, the <i>Enforcement and Compliance Office</i> is unable to complete the investigation within the twenty-four-month period, the <i>PEM Board</i> shall, upon request of the latter, allow a longer period for	notice investigation. <u>within the period prescribed in Section 7.7.1, with full observance of due process in the final determination of the case.</u> The <i>PEM Board</i>, at its discretion and on written request by the <i>Enforcement and Compliance Office</i>, may allow a longer period for an investigation to be completed if it is satisfied that the right of the parties investigated to due process will be prejudiced if a longer period is not allowed. Where a case is remanded pursuant to Section 7.10 and, for this reason, the <i>Enforcement and</i>	Section 7.7.1, which allows an extended timeline for completing the investigation for reasons beyond the control of the ECO, and for due process.	report/resolution. Where a WESM Member files a request for reconsideration, the final determination occurs only upon the PEM Board's resolution of such request.			

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		the investigation to be completed.	<i>Compliance Office is unable to complete the investigation within the twenty-four-month period, the PEM Board shall, upon request of the latter, allow a longer period for the investigation to be completed.</i>					
Section 7 – Procedures for Investigation and Review – Initiation of Investigation	7.2.11	7.2.11 Where the <i>Enforcement and Compliance Office</i> is uncertain as to whether or not the <i>PEM Board</i> , <i>DOE</i> or <i>ERC</i> directive is clearly for the conduct of an investigation under this Manual, it shall seek clarification of the same and the period stated in Section 7.2.8 shall be reckoned from the date that the clarification has been received by <i>Enforcement and Compliance Office</i> .	7.2.11- 7.2.10 Where the <i>Enforcement and Compliance Office</i> is uncertain as to whether or not the <i>PEM Board</i> , <i>DOE</i> or <i>ERC</i> directive is clearly for the conduct of an investigation under this Manual, it shall seek clarification of the same and the period stated in Section 7.2.8 7.2.7 shall be reckoned from the date that the clarification has been received by <i>Enforcement and Compliance Office</i> .	Renumbered as Section 7.2.10 Revised for consistency.	Reference made to 7.2.7 seems to be incorrect as the provision does not mention any period.			

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Section 7 – Procedures for Investigation and Review – Completion of Formal Investigation	7.7.1	The formal investigation shall be completed not later than one hundred fifty (150) business days from the receipt of the request for investigation as endorsed by the requesting party.	The formal investigation shall be completed not later than one hundred fifty (150) business days from the receipt of the request for investigation as endorsed by the requesting party the <u>issuance of the Notice of Investigation. However, should there be a need to extend the period for the submission of data, information, or clarification from the WESM Member, the Market Operator, the System Operator, or any other relevant entity in response to a request from the Enforcement and Compliance Office pursuant to Sections 7.4.5 and 7.6 of this Manual, the latter may correspondingly extend the investigation timeline. In all cases, the extension for completion of investigation shall not exceed thirty (30)</u>	Revised to establish that the 150-day period for concluding the investigation report shall be reckoned from the date of issuance of the Notice of Investigation, which formally initiates the investigation. This replaces the previous reference point of receipt of the request, report of probable breach, or directive to investigate, as such submissions remain subject to the verification process under	It may be helpful to clarify that any request for additional data, information, or clarification should specify a reasonable period for compliance, to ensure that extensions of the investigation timeline are not applied in a manner that could unduly or arbitrarily prolong the investigation.	x x x in response to a request from the Enforcement and Compliance Office pursuant to Sections 7.4.5 and 7.6 of this Manual, the Enforcement and Compliance Office shall set a reasonable period for such submission which shall not be less than five (5) business days , and may correspondingly extend the investigation timeline. In all cases, the extension for completion of the investigation shall not exceed thirty (30) business days from receipt of the required information.		

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			<u>business days from receipt of the required information.</u>	Section 7.2 of the Manual. Added the timeline extension provision (2nd sentence) to help keep the process fair and practical. There are times when the ECO needs additional data or clarification from the WESM Member, MO or SO or other parties; and when that information comes in late (esp. for complex cases), it also affects the investigation timeline. Since these delays are often				

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				beyond the ECO's control, it is reasonable to allow an extension when the additional information is essential to resolving the case properly and in observance of due process. • The 30-day timeline keeps things balanced: it gives the ECO enough time to review the required information, while also setting a clear limit so the process does not drag on unnecessarily.				

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Section 7 – Procedures for Investigation and Review – Review of the Investigation	7.8.3	(New)	<u>7.8.3. The Compliance Committee's resolution, together with the investigation report from the Enforcement and Compliance Office, shall be submitted to the PEM Board within ninety (90) business days from the date the case is deemed submitted for resolution.</u> <u>A case shall be deemed submitted for resolution upon the Compliance Committee's determination that the record is complete, which shall occur upon any of the following circumstances:</u> a) <u>the Committee's completion of initial evaluation of the investigation report</u>	Added to set a clear deadline for submitting the resolution and investigation report, ensuring timely action by the PEM Board. Included the criteria for determining when a case is deemed submitted for resolution, for clarity.	It may be worth reconsidering the ninety (90)-business-day period for submission to the PEM Board, as a shorter period of 30 days—similar to the provision from the WESM Penalty Manual Section 4.12 that provides thirty (30) days for the Compliance Committee to resolve appealed cases—may be sufficient for the preparation and submission of the Compliance Committee's resolution and the investigation report, and would help ensure the prompt resolution of cases.	x x x shall be submitted to the PEM Board within ninety (90) thirty (30) business days from the date the case is deemed submitted for resolution.		

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			and any <u>accompanying submissions, with no further clarifications or additional information required from the Enforcement and Compliance Office or the concerned WESM Member;</u> b) <u>the Committee's receipt of all additional data, information, or clarification previously requested, together with a determination that no further submissions are necessary; or</u> c) <u>the lapse of the period granted to the concerned WESM Member or</u>					

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			<u>other relevant entity for the submission of additional data, information, or clarification, with no further submissions made.</u>					
Section 7 – Procedures for Investigation and Review 2 – Notice and Implementation of the W Board Decision	7.12.2	Upon finality of the decision or resolution of the PEM Board Decision, the PEM Board, through its Corporate Secretary, shall immediately notify the Enforcement and Compliance Office, the Compliance Committee and the concerned parties of its decision or resolution. The Corporate Secretary of the PEM Board shall issue a certification of the relevant resolution or the excerpt of the minutes of the meeting of PEM Board.	Upon finality of the decision or resolution of the PEM Board Decision, the PEM Board, through its Corporate Secretary, shall immediately notify the Enforcement and Compliance Office, the Compliance Committee and the concerned parties of its decision or resolution. The Corporate Secretary of the PEM Board shall issue a certification of the relevant resolution or the excerpt of the minutes of the meeting of PEM Board. <u>of the Board's decision or action on a specific investigation case by issuing the</u>	Revised to establish a definitive timeline for the issuance of the Secretary's Certificate on the PEM Board resolution concerning the case. The provision for notifying the CC and concerned parties was removed, as ECO will undertake the necessary notifications upon receipt of the Board's certification, in	Typographical error in the first sentence. Remove the word "Decision" after "Upon finality of the decision or resolution of the PEM Board..."	Upon finality of the decision or resolution of the PEM Board Decision, the PEM Board, through its Corporate Secretary, shall x x x		

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			<u>appropriate certification within five (5) business days from the ratification of the corresponding PEM Board action.</u>	accordance with the succeeding section. (based on current practice)				
Section 7 – Procedures for investigation and review 4 – Remedial measures	7.14.1	Remedial measures are tasks or actions that are required of a <i>WESM Member</i> being investigated or found in <i>breach</i> for the purpose of mitigating or preventing the adverse impact of breach or to prevent recurrence of the <i>breach</i> . They may be required when the act or omission subject of the investigation may – a) Negatively impact trading in the <i>WESM</i> and would likely prevent orderly and efficient trading or settlement; b) Lead to unfair or unreasonable <i>WESM</i> prices; c) Cause material negative impact on the viability and sustainability of the	Remedial measures are tasks or actions that are required of a <i>WESM Member</i> being investigated or found in <i>breach</i> for the purpose of mitigating or preventing the adverse impact of breach or to prevent recurrence of the <i>breach</i> . They may be required when the act or omission subject of the investigation may – a) Negatively impact trading in the <i>WESM</i> and would likely prevent orderly and efficient trading or settlement; b) Lead to unfair or unreasonable <i>WESM</i> prices; c) Cause material negative impact on the viability and sustainability of the	Added to ensure that remedial measures are effectively implemented especially when resolving an issue that requires support from another <i>WESM Member</i> , System Operator, or the Market Operator because the investigated member cannot address it alone.	We note that the implementation of remedial measures requiring the involvement of another <i>WESM Member</i> should be reasonable and should not unduly burden that member. Clarification may be warranted to ensure that such obligations are manageable.	x x x When the effective implementation of remedial measures would require the involvement of another <i>WESM Member</i> or the Market Operator, such measures shall be carried out in accordance with the relevant provisions in the succeeding sections of this Manual <u>and shall be reasonable so as not to unduly burden the involved <i>WESM Member</i>.</u>		

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		WESM or the functions of the <i>Market Operator</i> if not immediately remedied; or d) Cause material negative impact on the system or the functions of the <i>System Operator</i> if not immediately remedied.	WESM or the functions of the <i>Market Operator</i> if not immediately remedied; or d) Cause material negative impact on the system or the functions of the <i>System Operator</i> if not immediately remedied. <u>When the effective implementation of remedial measures would require the involvement of another WESM Member or the Market Operator, such measures shall be carried out in accordance with the relevant provisions in the succeeding sections of this Manual.</u>					
SECTION 9 - Consideration and Appeal Proceedings Implementation of Enforcement Actions	9.1.3	(New) Provisions from Penalty Manual	<u>9.1.3. Resolution on the Request for Reconsideration.</u> a) <u>A request for reconsideration shall be resolved by</u>	Lifted from the Penalty Manual, with the following modifications: • Extended resolution	It may be helpful to clarify that any request for additional data, information, or clarification should specify a reasonable period for compliance,	x x x However, the period for resolving the request for reconsideration may be extended pending the submission of additional data,		

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Section 9.1 - Reconsideration for the Compliance Monitoring and Assessment Proceedings		4.12.1.3. <i>Resolution on the Request for Reconsideration.</i> a) A request for reconsideration shall be resolved by the <i>Enforcement and Compliance Office</i> within fifteen (15) <i>Business Days</i> from receipt thereof. This shall be done through a Resolution which shall clearly state the facts of the case and the reasons supporting its findings and conclusions. The <i>Resolution</i> shall be signed by the <i>Enforcement and Compliance Office</i>. A copy of the <i>Resolution</i> shall be served on the concerned <i>WESM Member</i> and appropriate persons or entities. b) Copies of the <i>Resolution</i> will be furnished to the PEM Board, the Compliance	<u>the <i>Enforcement and Compliance Office</i> within fifteen (15) sixty (60) <i>Business Days</i> from receipt thereof. However, the period for resolving the request for reconsideration may be extended pending the submission of additional data, information, or clarification from the <i>WESM Member</i>, the <i>Market Operator</i>, the <i>System Operator</i>, or any other relevant entity, when such information is necessary for the proper resolution of the case. In all cases, any extension shall not exceed thirty (30) <i>business days</i> from receipt of the</u>	period to 60 business days to allow ECO and the requesting WESM Member ample time for case review and supporting documentation, recognizing that this process is undertaken alongside ECO's regular monitoring duties. 2nd sentence-added to ensure fairness and consistency when resolving RR. There are cases where the ECO needs additional data or clarification from the WESM Member, MO, SO or other	in order to ensure that extensions of the investigation timeline are not applied in a manner that could unduly or arbitrarily prolong the resolution of the request for reconsideration.	information, or clarification from the WESM Member, the Market Operator, the System Operator, or any other relevant entity, when such information is necessary for the proper resolution of the case, <u>provided that the Enforcement and Compliance Office shall specify a reasonable period for the submission of such information, which shall not be less than five (5) days from the receipt of the Enforcement and Compliance Office's request for additional information.</u> x x x		

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		Committee, and the Market Operator. Should this Resolution require implementation of a directive on the part of the System Operator, a copy of said notice shall likewise be sent to the System Operator and/or Market Operator for appropriate action.	<u>required information.</u> b) This The resolution shall be done through a Resolution which shall clearly state the facts of the case and the reasons supporting its findings and conclusions. The Resolution shall be duly signed by the Head of the Enforcement and Compliance Office. A copy of the Resolution shall be served on the concerned WESM Member. b) c) Copies of the Resolution will be furnished to the PEM Board and the Compliance Committee and the Market Operator. Should this	entities, and delays in receiving this information can affect the timeline. Since these delays are often outside the ECO's control, allowing a limited extension (aligned with Section 7.7.1 revision) helps ensure the request is resolved properly. The 30-day timeline keeps the process reasonable and prevents the process from dragging on unnecessarily, while still allowing the ECO enough time to review				

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			<u>Resolution require implementation of a directive on the part of the <i>Market Operator</i> and/or the <i>System Operator</i>, a copy of said notice shall likewise be sent to the <i>System Operator</i> and/or <i>Market Operator</i> for appropriate action.</u>	essential information. • Clarified signatory by specifying that the Resolution shall be signed by the Head of the Enforcement and Compliance Office.				
SECTION 9 - Consideration and Appeal Proceedings Implementation of Enforcement Actions Section 9.3 - Appeal	9.3.3	(New) Provisions from Penalty Manual: 4.12.1.6. <i>Form and Contents of the Appeal</i> . The appeal shall: a) Be made in writing and signed by the WESM Compliance Officer of the <i>WESM Member</i> concerned, and shall be made under oath; b) State the date when the Resolution being	<u>9.3.3 <i>Form and Contents of the Appeal</i></u> a. <u>Be made in writing and signed by the WESM Compliance Officer of the WESM Member concerned, and shall be made under oath;</u> b. <u>State the date when the resolution being appealed was received by the WESM Member;</u>	Lifted from the Penalty Manual with the following modifications: • Updated the reference to the applicable Manual to reflect that penalty calculations are governed by the Penalty Manual. • Included a requirement to present	It is proposed that the appeal also be verified, not just under oath.	x x x a. Be made in writing and signed by the WESM Compliance Officer of the WESM Member concerned, and shall be verified under oath;		

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		appealed was received by the <i>WESM Member</i>; and c) Explain how the <i>Enforcement and Compliance Office</i> committed an abuse of discretion in issuing the Resolution or that the penalty/ies imposed by the <i>Enforcement and Compliance Office</i> is not in accordance with this Manual. Failure on the part of the <i>WESM Member</i> concerned to provide the foregoing requirements shall cause outright dismissal of the appeal by the <i>Compliance Committee</i>.	c. <u>Explain how the <i>Enforcement and Compliance Office</i> acted with abuse of discretion in issuing the Resolution or that the penalty imposed is not in accordance with the <i>WESM Penalty Manual</i>; and</u> d. <u>Contain the evidence, if applicable, to support the reversal of the findings of breach by the <i>Enforcement and Compliance Office</i>.</u> <u>Failure on the part of the <i>WESM Member</i> concerned to provide the foregoing requirements shall cause outright dismissal of the appeal by the <i>Compliance Committee</i>.</u>	evidence of abuse of discretion to aid the CC in evaluating the merits of the appeal.				

