



Philippine Electricity
Market Corporation

WESM COMPLIANCE BULLETIN

Issue No.	Date Issued	Contents
19.0	31-Jan-2023	Guidelines for Filing Requests for Reconsideration and Appeals in WESM

Enforcement and Compliance Office Philippine Electricity Market Corporation

31 January 2023

This Wholesale Electricity Spot Market (WESM) Compliance Bulletin is an occasional publication that is prepared and published by the Enforcement and Compliance Office of the Philippine Electricity Market Corporation. The purpose of the WESM Compliance Bulletin is only to provide information and guidance to the participants of the WESM on their obligations in the WESM as well as on various matters relating to enforcement and compliance. This document is not intended as a source of obligation or as authority on relevant WESM Rules and market manuals, and as such, is not binding on the WESM participants or any other person or entity. While the ECO strives to make this document complete and accurate, the actual contents may be incomplete or inaccurate. WESM participants and other readers are encouraged to refer to the official issuance of the WESM Rules, and its amendments and manuals for details.

Questions on this WESM Compliance Bulletin may be addressed to Enforcement and Compliance Office, Philippine Electricity Market Corporation, 18th Floor Robinsons Equitable Tower, ADB Avenue, Ortigas Center, Pasig City 1600 or by email at eco@wesm.ph

1.0 Overview

The WESM Penalty Manual provides for post-investigation remedies of the trading participants relative to the enforcement of the rules in WESM, namely, the filing of the Request for Reconsideration and Appeal based on grounds specified in Section 4.12 of the said Manual.

Please note that this Compliance Bulletin covers the guidelines pertinent to the available remedy of a Trading Participant under the above-stated Penalty Manual, in relation to a decision or action of the Enforcement and Compliance Office under Sections 5.2.2 and 5.2.3 of the Enforcement and Compliance Manual, as follows:

- 1) Reliefs connected to the enforcement action imposed after the **regular compliance monitoring and assessment (CMA) activity**¹ of the Enforcement and Compliance Office (ECO).
- 2) Proceeding or remedy provided under the Penalty Manual if the action emanates from **investigation**² following a request for investigation (RFI) endorsed by the PEMC Board of Directors to ECO or initiated by ECO (*motu proprio*).

In summary, please refer to the table below –

Item Guide	After Compliance Monitoring and Assessment (CMA)	After Investigation
<i>Remedies Available to WESM Members</i>	<ul style="list-style-type: none">• Request for Reconsideration; and• Appeal	Request for Reconsideration only
<i>Basis/Trigger for Filing</i>	<ul style="list-style-type: none">• For Request for Reconsideration<ul style="list-style-type: none">○ Compliance Monitoring and Assessment Report (CMAR); and○ Notice of Specified Penalty• For Appeal<ul style="list-style-type: none">○ Resolution on Request for Reconsideration	<ul style="list-style-type: none">• Investigation Report;• Notice of PEMC Board Action; and• Notice of Specified Penalty

These Guidelines are issued as reference or guide of the trading participants who wish to file the appropriate action after the enforcement action/s is/are carried out by ECO.

¹ Section 5.2.2 Enforcement and Compliance Manual; Example: The daily monitoring of compliance of the generator-trading participants with the Must Offer Rule (MOR) or the Offered Capacity Compliance (OCC) and Dispatch Conformance Standards (DCS)

² Section 5.2.3 Enforcement and Compliance Manual

2.0 Guide in Filing

2.1 After Compliance Monitoring and Assessment

Item Guide	Request for Reconsideration	Appeal
<i>What to File</i>	<p>REQUEST FOR RECONSIDERATION</p> <ul style="list-style-type: none"> Duly notarized Must conform to both formal and substantive requirements set forth in Section 4.12.1.1 and 4.12.1.2 of the WESM Penalty Manual Use Form ECO.INV.TMP.32 (Request for Reconsideration) that can be downloaded from PEMC Website³ 	<p>APPEAL MEMORANDUM</p> <ul style="list-style-type: none"> Duly notarized Must conform to both formal and substantive requirements set forth in Section 4.12.1.5 and 4.12.1.6 of the WESM Penalty Manual No prescribed template for Appeal Memorandum
<i>When to File</i>	Within fifteen (15) <i>Business Days</i> ⁴ from the receipt of the Compliance Monitoring and Assessment Report (CMAR) from ECO pursuant to Section 4.12.1.1 of the WESM Penalty Manual.	Within ten (10) <i>Business Days</i> from receipt of the ECO's Resolution on the Request for Reconsideration pursuant to Section 4.12.1.4 of the WESM Penalty Manual.
<i>Where to File</i>	<p>ENFORCEMENT AND COMPLIANCE OFFICE Philippine Electricity Market Corporation 18F Robinsons Equitable Tower, ADB Ave., Ortigas, Pasig City 1600 eco@wesm.ph</p>	<p>COMPLIANCE COMMITTEE Thru: The Chief Governance Officer Philippine Electricity Market Corporation 18F Robinsons Equitable Tower, ADB Ave., Ortigas, Pasig City 1600 ocgo@wesm.ph and op@wesm.ph</p>
<i>Form Type</i>	<p>The Request for Reconsideration must be filed in printed/original copy. However, the filing through electronic mail may be allowed provided that –</p> <ol style="list-style-type: none"> The Request for Reconsideration that is filed via email in scanned/portable document format (pdf) copy must contain signature that is compliant with the E-Commerce Act of 2000 and its implementing rules and regulations. The printed/original copy of the Request for Reconsideration can be produced and presented whenever directed or requested by ECO. 	<p>The Appeal Memorandum must be filed in printed/original copy. However, the filing through electronic mail may be allowed provided that –</p> <ol style="list-style-type: none"> The Appeal Memorandum that is filed via email in scanned or portable document format (pdf) copy must contain signature that is compliant with the E-Commerce Act of 2000 and its implementing rules and regulations. The printed/original copy of the Appeal Memorandum can be produced and presented whenever directed or requested by the Compliance Committee.
<i>Coordination</i>	The ECO personnel will coordinate with the party filing the Request for Reconsideration and guide him/her throughout the proceedings.	The Secretariat (a non-ECO personnel) that is specially assigned by the Chief Governance Officer to facilitate the appeal proceedings will coordinate with appellee and guide him/her throughout the proceedings.

³ PEMC Website > <https://www.wesm.ph/market-governance/enforcement-and-compliance/compliance-forms-and-reports>

⁴ "Business Day. Any day on which the spot market is open for business," WESM Rules Glossary

2.2 After Investigation

Item	Request for Reconsideration	Appeal
<i>What to File</i>	<p>REQUEST FOR RECONSIDERATION</p> <ul style="list-style-type: none"> • Duly Notarized • Must conform to both formal and substantive requirements set forth in Section 4.12.2 of the WESM Penalty Manual • Use Form ECO.INV.TMP.32 (Request for Reconsideration) 	N/A
<i>When to File</i>	Within fifteen (15) <i>Business Days</i> from the receipt of the notice of the PEMC Board action.	N/A
<i>Where to File</i>	<p>PEMC BOARD OF DIRECTORS Thru: Corporate Secretary Philippine Electricity Market Corporation 18F Robinsons Equitable Tower, ADB Ave., Ortigas, Pasig City 1600 ocs@wesm.ph and op@wesm.ph</p>	N/A
<i>Form Type</i>	<p>The Request for Reconsideration must be filed in printed/original copy. However, the filing through electronic mail may be allowed provided that –</p> <ol style="list-style-type: none"> a) The Request for Reconsideration that is filed via email in scanned/portable document format (pdf) copy must contain signature that is compliant with the E-Commerce Act of 2000 and its implementing rules and regulations. b) The printed/original copy of the Request for Reconsideration can be produced and presented whenever directed or requested by the PEMC Board of Directors. 	N/A
<i>Coordination</i>	The Office of the Corporate Secretary or the personnel / unit, as may be assigned by the PEMC Board will coordinate with the party filing the Request for Reconsideration and guide him/her throughout the proceedings.	N/A

If you have other inquiries or concerns regarding this Advisory/Guidelines, you may e-mail ECO at eco@wesm.ph.