

ANNEX A

Proposed Amendments to the Retail Rules and Various Retail Manuals to Harmonize with ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers

Retail Rules						
Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
CONTESTABLE CUSTOMER TRANSACTIONS – Conditions for Customer switching	3.2.1.3	A <i>Supplier</i> may submit a <i>switch request</i> to the <i>Central Registration Body</i> if the following conditions are met: a) A supply contract has been entered into between the <i>Supplier</i> and the <i>Contestable Customer</i> for which the <i>Switch request</i> is made; and 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 Metering Services Provider, covering the <i>Contestable Customer</i> .	A <i>Supplier</i> may submit a <i>switch request</i> to the <i>Central Registration Body</i> if the following conditions are met: a) A supply contract has been entered into between the <i>Supplier</i> and the <i>Contestable Customer</i> for which the <i>Switch request</i> is made; and 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 Metering Services Provider, covering the <i>Contestable Customer</i> . ; <u>and</u> c) <u>The Contestable Customer has no financial obligations with its Network Service Provider, in case of initial switch, or its incumbent Supplier.</u>	To incorporate the switch process requirement provided under Article II Section 1(a) of ERC Resolution No. 09, Series of 2018 that no Contestable Customer shall be allowed to switch or be supplied by new RES or SOLR should it have an outstanding balance with its NSP, in case of initial switch, or incumbent RES		

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Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
CONTESTABLE CUSTOMER TRANSACTIONS – Procedures for Switching	3.2.2.2	<p>If the <i>Central Registration Body</i> verifies that all the conditions are met and <i>Contestable Customer</i> for which the <i>switch request</i> is made is registered as a <i>Direct WESM Member</i>.</p> <p>a) The <i>Direct WESM Member</i> shall update its prudential requirements if so required by the <i>Market Operator</i> to ensure that it fully satisfies the prudential requirement as set out in the <i>WESM Rules</i>.</p> <p>b) Upon confirmation that the prudential requirements are satisfied, the <i>Central Registration Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i>, the <i>Contestable Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation of the <i>switch request</i> and the effective date of the switch.</p> <p>c) The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully</p>	<p>If the <i>Central Registration Body</i> verifies that all the conditions are met and <i>Contestable Customer</i> for which the <i>switch request</i> is made is registered as a <i>Direct WESM Member</i>.</p> <p>a) The <i>Direct WESM Member</i> shall update its prudential requirements if so required by the <i>Market Operator</i> to ensure that it fully satisfies the prudential requirement as set out in the <i>WESM Rules</i>.</p> <p>b) Upon confirmation that the prudential requirements are satisfied, the <i>Central Registration Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i>, the <i>Contestable Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation of the <i>switch request</i> and the effective date of the switch.</p> <p>e) The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully complied with its obligations to</p>	<p>Since the requirement for the compliance of the Contestable Customer with its financial obligations is already proposed to be included in the conditions for switching (Section 3.2.1.3), it should already be established prior to the conduct of the procedures in this clause.</p>		

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		complied with its obligations to the incumbent <i>Supplier</i> and the new <i>Supplier</i> , including but not limited to the payment of outstanding obligations and posting of security deposits.	the incumbent <i>Supplier</i> and the new <i>Supplier</i>, including but not limited to the payment of outstanding obligations and posting of security deposits.			
CONTESTABLE CUSTOMER TRANSACTIONS – Procedures for Switching	3.2.2.3	If the <i>Central Registration Body</i> verifies that all the conditions are met and <i>Contestable Customer</i> for which the <i>switch request</i> is made is an <i>Indirect WESM Member</i> : a) If the new <i>Supplier</i> will also be the new <i>Direct WESM Member counterparty</i> , the new <i>Supplier</i> shall submit securities required by the <i>Market Operator</i> to fully satisfy the prudential requirements as set out in the <i>WESM Rules</i> . b) If the switch does not involve change in the <i>Direct WESM Member counterparty</i> , the latter shall update its prudential requirements if so required by the <i>Market</i>	If the <i>Central Registration Body</i> verifies that all the conditions are met and <i>Contestable Customer</i> for which the <i>switch request</i> is made is an <i>Indirect WESM Member</i> : a) If the new <i>Supplier</i> will also be the new <i>Direct WESM Member counterparty</i> , the new <i>Supplier</i> shall submit securities required by the <i>Market Operator</i> to fully satisfy the prudential requirements as set out in the <i>WESM Rules</i> . b) If the switch does not involve change in the <i>Direct WESM Member counterparty</i> , the latter shall update its prudential requirements if so required by the <i>Market Operator</i> to ensure that it continuously satisfies the			

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		<p><i>Operator</i> to ensure that it continuously satisfies the prudential requirements as set out in the <i>WESM Rules</i>.</p> <p>c) Upon confirmation that the prudential requirements are satisfied, the <i>Central Registration Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i> and <i>Direct WESM Member counterparty</i>, the <i>Contestable Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation of the <i>switch request</i> and the effective date of the switch.</p> <p>d) The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully complied with its obligations to the incumbent <i>Supplier</i> and <i>Direct WESM Member counterparty</i>, and the new <i>Supplier</i>, including but not limited to the payment of outstanding obligations and posting of security deposits.</p>	<p>prudential requirements as set out in the <i>WESM Rules</i>.</p> <p>c) Upon confirmation that the prudential requirements are satisfied, the <i>Central Registration Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i> and <i>Direct WESM Member counterparty</i>, the <i>Contestable Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation of the <i>switch request</i> and the effective date of the switch.</p> <p>d) The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully complied with its obligations to the incumbent <i>Supplier</i> and <i>Direct WESM Member counterparty</i>, and the new <i>Supplier</i>, including but not limited to the payment of outstanding obligations and posting of security deposits.</p>			

ANNEX B

Proposed Amendments to the Retail Rules and Various Retail Manuals to Harmonize with ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers

Retail Manual – Registration Criteria and Procedures 2.0						
Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
INTRODUCTION AND GENERAL GUIDELINES - References	I-2.3	<p>2.3. References This Manual should be read in association with the -</p> <ul style="list-style-type: none"> a) Republic Act No. 9136 b) Implementing Rules and Regulations of Republic Act No. 9136 c) ERC's Transitory Rules on the Implementation of OARC d) WESM Rules e) Retail Rules f) Philippine Grid Code g) Philippine Distribution Code h) Department of Energy Circular No. 2010-05-006 i) Department of Energy Circular No. 2010-08-0010 j) Department of Energy Circular No. 2012-011-0010 k) Department of Energy Circular No. 2013-01-0002 	<p>2.3. References This Manual should be read in association with the -</p> <ul style="list-style-type: none"> a) Republic Act No. 9136 b) Implementing Rules and Regulations of Republic Act No. 9136 c) ERC's Transitory Rules on the Implementation of OARC d) WESM Rules e) Retail Rules f) Philippine Grid Code g) Philippine Distribution Code h) Department of Energy Circular No. 2010-05-006 i) Department of Energy Circular No. 2010-08-0010 j) Department of Energy Circular No. 2012-011-0010 k) Department of Energy Circular No. 2013-01-0002 l) WESM Manual: Registration, Suspension and De-Registration Criteria and Procedures m) WESM Manual: Billing and Settlements 	To include a reference to ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for the Contestable Customers adopted through ERC Resolution No. 9, Series of 2018 and the DSOAR		

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Proposed Amendments to the Retail Rules and Various Retail Manuals to Harmonize with ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers

Retail Manual – Registration Criteria and Procedures 2.0						
Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
		l) WESM Manual: Registration, Suspension and De-Registration Criteria and Procedures m) WESM Manual: Billing and Settlements n) Retail Metering Manual o) WESM Dispute Resolution Market Manual	n) Retail Metering Manual o) WESM Dispute Resolution Market Manual p) <u>Distribution Services and Open Access Rules (DSOAR)</u> q) <u>ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for the Contestable Customers</u>			
INTRODUCTION AND GENERAL GUIDELINES – General Guidelines	I-3.2	3.2 Considering its implications, suspension and deregistration from the <i>WESM</i> shall be carried out in strict compliance with the procedures in WESM Manual on Registration, Suspension and De-Registration Criteria and Procedures.	3.2 Considering its implications, suspension and deregistration from the <i>WESM</i> shall be carried out in strict compliance with the procedures in WESM Manual on Registration, Suspension and De-Registration Criteria and Procedures. <u>The disconnection of contestable customers shall be in accordance with the relevant regulatory issuances.</u>	To clarify that the procedures for disconnection of retail market participants are also guided by the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for the Contestable Customers and the DSOAR		

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Proposed Amendments to the Retail Rules and Various Retail Manuals to Harmonize with ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers

Retail Manual – Registration Criteria and Procedures 2.0						
Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
SUSPENSION, DISCONNECTION AND DE-REGISTRATION	III	The suspension, de-registration and cessation of the membership of the Suppliers and Contestable Customers in the WESM shall be governed by the WESM Rules.	The suspension, de-registration and cessation of the membership of the Suppliers and Contestable Customers in the WESM shall be governed by the WESM Rules. <u>The disconnection of contestable customers shall be in accordance with the relevant regulatory issuances.</u>	To clarify that the procedures for disconnection of retail market participants are also guided by the ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for the Contestable Customers and the DSOAR		

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Proposed Amendments to the Retail Rules and Various Retail Manuals to Harmonize with ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for Contestable Customers

Retail Manual – Market Transactions Procedures 2.0						
Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
INTRODUCION AND GENERAL GUIDELINES - References	I-3.2	3.2. References This Manual should be read in association with the - p) Republic Act No. 9136 q) Implementing Rules and Regulations of Republic Act No. 9136 r) WESM Rules s) Retail Rules t) WESM Manual on Registration, Suspension and De-Registration Criteria and Procedures u) Retail Manual: Registration Criteria and Procedures v) WESM Dispute Resolution Market Manual w) Department of Energy Circular No. 2012-05-0005	3.2. References This Manual should be read in association with the - a) Republic Act No. 9136 b) Implementing Rules and Regulations of Republic Act No. 9136 c) WESM Rules d) Retail Rules e) WESM Manual on Registration, Suspension and De-Registration Criteria and Procedures f) Retail Manual: Registration Criteria and Procedures g) WESM Dispute Resolution Market Manual h) Department of Energy Circular No. 2012-05-0005 i) Department of Energy Circular No. 2012-011-0010 j) Department of Energy Circular NO. 2013-01-0002 k) <u>ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for the Contestable Customers</u>	To include a reference to ERC Rules Supplementing the Switching and Billing Process and Adopting a Disconnection Policy for the Contestable Customers adopted through ERC Resolution No. 9, Series of 2018		

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Retail Manual – Market Transactions Procedures 2.0						
Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
		x) Department of Energy Circular No. 2012-011-0010 y) Department of Energy Circular NO. 2013-01-0002	l) <u>Other relevant rules issued by the Energy Regulatory Commission and Department of Energy</u>			
CUSTOMER SWITCHING	II-2.3	2.3 Before a <i>Switch Request</i> can be submitted by a <i>Supplier</i> , the following must be present: 2.3.1. A valid <i>Retail Supply Contract</i> between a <i>Supplier</i> and the <i>Contestable Customer</i> for which the request is made; and 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</i>	2.3 Before a <i>Switch Request</i> can be submitted by a <i>Supplier</i> , the following must be present: 2.3.1. A valid <i>Retail Supply Contract</i> between a <i>Supplier</i> and the <i>Contestable Customer</i> for which the request is made; and 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 <u>2.3.3 The full compliance of the Contestable Customer with its financial obligations with its Network Service Provider, in case of initial</u>	To incorporate the switch process requirement provided under Article II Section 1(a) of ERC Resolution No. 09, Series of 2018 that no Contestable Customer shall be allowed to switch or be supplied by new RES or SOLR should it have an outstanding balance with its NSP, in case of initial switch, or incumbent RES		

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Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
		<p><i>Metering Services Provider covering the Contestable Customer.</i></p> <p>2.3.3. Switching shall take effect at the start of a billing period except in case of transfer from <i>Supplier of Last Resort</i> to a regular <i>Supplier</i> which may take effect within a <i>Billing Period</i>.</p>	<p><u>switch, or its incumbent Supplier.</u></p> <p>2.3.34. Switching shall take effect at the start of a billing period except in case of transfer from <i>Supplier of Last Resort</i> to a regular <i>Supplier</i> which may take effect within a <i>Billing Period</i>.</p>			
SWITCHING PROCEDURES	II-3.1.1	Once all requirements are met, an accomplished switch request form shall be submitted by the new <i>Supplier</i> to the <i>Central Registration Body</i> not later than thirty (30) <i>working days</i> before the proposed effective date. ¹⁵ The request shall be accompanied by the following documentary requirements:	Once all requirements are met, an accomplished switch request form shall be submitted by the new <i>Supplier</i> to the <i>Central Registration Body</i> not later than thirty (30) <i>working days</i> before the proposed effective date. ¹⁵ The request shall be accompanied by the following documentary requirements: <ul style="list-style-type: none"> a. Switch Request Form b. Copy of <i>Retail Supply Contract</i> c. Copy of valid Wheeling Service Agreement 	To include the documentary requirement to prove compliance of the contestable customer with its financial obligations with its incumbent supplier as provided under Article II Section 1(a) of ERC Resolution No. 09, Series of 2018		

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Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
		a. Switch Request Form b. Copy of <i>Retail Supply Contract</i> c. Copy of valid Wheeling Service Agreement d. Copy of valid Metering Services Agreement	d. Copy of valid Metering Services Agreement <u>e. Certification of the full compliance of the Contestable Customer with its financial obligations from its Network Service Provider, in case of initial switch, or its incumbent Supplier.</u>			
SWITCHING PROCEDURES	II-3.1.3.1	3.1.3.1. Contestable Customer is registered as Direct WESM Member: a. The <i>Central Registration Body</i> shall inform the <i>Contestable Customer</i> of their updated <i>Prudential Requirements</i> within three (3) <i>working days</i> from confirming that the switch request meets the conditions in <i>Retail Rule 3.2.1.3</i> .	3.1.3.1. Contestable Customer is registered as Direct WESM Member: a. The <i>Central Registration Body</i> shall inform the <i>Contestable Customer</i> of their updated <i>Prudential Requirements</i> within three (3) <i>working days</i> from confirming that the switch request meets the conditions in <i>Retail Rule 3.2.1.3</i> . b. The <i>Contestable Customer</i> shall update its <i>Prudential Requirements</i> if so required by the <i>Market Operator</i> to ensure that it fully satisfies the <i>Prudential Requirements</i> as set out in the <i>WESM Rules</i> . The <i>Contestable Customer</i> shall	Since the requirement for the certification of full compliance of Contestable Customer with its financial obligations is already proposed to be included in the conditions for switching (Section II-2.3), it is suggested that Section II-3.1.3.1(d) be deleted for consistency.		

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Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
		<p>b. The <i>Contestable Customer</i> shall update its <i>Prudential Requirements</i> if so required by the <i>Market Operator</i> to ensure that it fully satisfies the <i>Prudential Requirements</i> as set out in the <i>WESM Rules</i>. The <i>Contestable Customer</i> shall post the <i>Prudential Requirements</i> within ten (10) business days from CRB notification.</p> <p>c. Within two (2) <i>working days</i> from confirming that the <i>Contestable Customer</i> has complied with the <i>Prudential Requirements</i>, the <i>Central Registration</i></p>	<p>post the <i>Prudential Requirements</i> within ten (10) business days from CRB notification.</p> <p>c. Within two (2) <i>working days</i> from confirming that the <i>Contestable Customer</i> has complied with the <i>Prudential Requirements</i>, the <i>Central Registration Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i>, the <i>Contestable Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation and approval of the <i>Switch Request</i> and the effective date of the switch.</p> <p>d. The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully complied with its obligations to the incumbent <i>Supplier</i> and the new <i>Supplier</i>, including but not limited to the payment of outstanding obligations and posting of security deposits.</p> <p>Compliance with such requirements will not be verified</p>			

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Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
		<p><i>Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i>, the <i>Contestable Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation and approval of the <i>Switch Request</i> and the effective date of the switch.</p> <p>d. The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully complied with its obligations to the incumbent <i>Supplier</i> and the new <i>Supplier</i>, including but not limited to the payment of outstanding obligations and posting of security deposits.</p>	<p>by the <i>Central Registration Body</i> and are not pre-requisites to its confirmation of the switch. Thus, the contracting parties should be responsible for ensuring that conditions set out in their contracts affected by the switch are fulfilled.</p>			

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Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Comment/Revision	Stakeholder Rationale
		Compliance with such requirements will not be verified by the <i>Central Registration Body</i> and are not pre-requisites to its confirmation of the switch. Thus, the contracting parties should be responsible for ensuring that conditions set out in their contracts affected by the switch are fulfilled.				
SWITCHING PROCEDURES	II-3.1.3.2	3.1.3.2. Contestable Customer is registered as Indirect WESM Member: a. The <i>Central Registration Body</i> shall inform the new and incumbent <i>Suppliers</i> of their updated <i>Prudential Requirements</i> within three (3) <i>working days</i> of	3.1.3.2. Contestable Customer is registered as Indirect WESM Member: a. The <i>Central Registration Body</i> shall inform the new and incumbent <i>Suppliers</i> of their updated <i>Prudential Requirements</i> within three (3) <i>working days</i> of confirming that the switch request meets the conditions in <i>Retail Rule</i> 3.2.1.3. b. The new <i>Supplier</i> shall submit the additional securities	Since the requirement for the certification of full compliance of Contestable Customer with its financial obligations is already proposed to be included in the conditions for switching (Section II-2.3), it is suggested that Section II-3.1.3.2(d) be deleted for consistency.		

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		<p>confirming that the switch request meets the conditions in <i>Retail Rule 3.2.1.3</i>.</p> <p>b. The new <i>Supplier</i> shall submit the additional securities required by the <i>Market Operator</i> to fully satisfy the prudential requirement as set out in the <i>WESM Rules</i>.</p> <p>c. Within two (2) <i>working days</i> from confirmation that the <i>Prudential Requirements</i> are satisfied, the <i>Central Registration Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i> and Direct WESM Member counterparty, the <i>Contestable</i></p>	<p>required by the <i>Market Operator</i> to fully satisfy the prudential requirement as set out in the <i>WESM Rules</i>.</p> <p>c. Within two (2) <i>working days</i> from confirmation that the <i>Prudential Requirements</i> are satisfied, the <i>Central Registration Body</i> shall notify the new <i>Supplier</i>, the incumbent <i>Supplier</i> and Direct WESM Member counterparty, the <i>Contestable Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation and approval of the switch request and the effective date of the switch.</p> <p>d. The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully complied with its obligations to the incumbent <i>Supplier</i> and Direct WESM Member counterparty, and the new <i>Supplier</i>, including but not limited to the payment of outstanding obligations and posting of security deposits.</p>			

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		<p><i>Customer</i> and the relevant <i>Distribution Utility</i> or <i>Network Service Provider</i> of the confirmation and approval of the switch request and the effective date of the switch.</p> <p>d. The <i>Contestable Customer</i> shall be responsible for ensuring that it has fully complied with its obligations to the incumbent <i>Supplier</i> and Direct WESM Member counterparty, and the new <i>Supplier</i>, including but not limited to the payment of outstanding obligations and posting of security deposits.</p>	<p>Compliance with such requirements will not be verified by the <i>Central Registration Body</i> and are not pre-requisites to its confirmation of the switch.</p>			

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		Compliance with such requirements will not be verified by the <i>Central Registration Body</i> and are not prerequisites to its confirmation of the switch.				