| **Section** | **Comments/Recommendation** | **Proposed/Suggested Revision** |
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| **DEPARTMENT CIRCULAR NO. DC2024-\_\_\_\_\_\_\_\_\_\_****AMENDMENT TO DEPARTMENT CIRCULAR NO. DC2023-10-0029 TITLED, PROVIDING SPECIFIC AUCTION POLICY AND GUIDELINES FOR NON-FIT-ELIGIBLE RENEWABLE ENERGY TECHNOLOGIES IN THE GREEN ENERGY AUCTION PROGRAM** |  |  |
| **WHEREAS,** the Department of Energy (DOE) issued the revised Guidelines for the Green Energy Auction Program (GEAP) through Department Circular (DC) No. DC2021-11-0036, otherwise known as the “GEAP Guidelines,” on 03 November 2021; |  |  |
| **WHEREAS,** through the GEAP, the DOE instituted a competitive process in the selection of eligible renewable energy (RE) facilities entitled to the Feed-In Tariff Allowance (FIT-All) Fund; |  |  |
| **WHEREAS,** under Section 5.1 of DC2023-10-0029 captioned, “Providing Specific Auction Policy and Guidelines for Non-FIT-Eligible Renewable Energy Technologies in the Green Energy Auction Program” (Non-FIT-Eligible RE Technologies in the GEAP), the Energy Regulatory Commission (ERC) shall issue the approved parameters and criteria per type of Non-FIT-Eligible RE Facility to be used in evaluating Price Offers submitted by Bidders;  |  |  |
| **WHEREAS,** Section 6 of the above DC provides that the Winning Bidders for each Auction Round of the Green Energy Auction (GEA) for Non-FIT-Eligible RE technology shall be those whose Price Offers were endorsed by the DOE to, and approved by, the ERC after evaluation based on the approved set of parameters and criteria; |  |  |
| **WHEREAS,** there is a need to clarify that, from the set of parameters and criteria, the ERC shall promulgate rules on GEA for Non-FIT-Eligible RE technology auction pricing methodology; |  |  |
| **NOW, THEREFORE,** pursuant to its authority under Republic Act No. 9513, or the Renewable Energy Act of 2008, the DOE hereby adopts, issues and promulgates the following amendment to the Non-FIT-Eligible RE Technologies in the GEAP. |  |  |
| **Section 1.** Section 5.1, 2nd paragraph of the Non-FIT-Eligible RE Technologies in the GEAP is hereby amended to read as follows:“5.1 Pre-Auction Process and Price Offer.  xxx xxx xxx xxx“Within sixty (60) calendar days, the ERC shall promulgate rules on the Price Determination Methodology (PDM) taking into consideration the set of parameters and criteria based on among others cost range assumptions and Weighted Cost of Capital of Project Internal Rate of Return (PIRR). These shall to be used in its evaluation of Price Offers submitted by Bidders.”   |  |  |
| **Section 2.** Section 5.2, 2nd paragraph, is hereby deleted. |  |  |
| **Section 3.** Section 5.4, 2nd paragraph, is hereby amended to read as follows:“Section 5.4. Evaluation of Offers.  xxx xxx xxx xxx“After evaluation, the DOE shall endorse the respective Price Offers of legally and technically compliant bids to the ERC. The ERC shall, within sixty (60) days upon receipt of the DOE endorsement, evaluate the Price Offers of the Bidders endorsed by the DOE based on its approved PDM for Non-FIT-eligible RE Technologies.” |  |  |
| **Section 4.** Section 6 is hereby amended to read as follows:“**Section 6. Price Offer.** The Winning Bidders for each Auction Round for Non-FIT-Eligible RE technology shall be those whose Price Offers were endorsed by the DOE to ERC. The ERC shall evaluate Price Offers based on the PDM described under Section 1 hereof, which may include adjustments as may be determined by ERC.” |  |  |
| **Section 5. Separability Clause**. If any provision of this Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.  |  |  |
| **Section 6. Repealing Clause**. All previous issuances, rules and regulations inconsistent with this Circular are hereby repealed, amended or modified accordingly. |  |  |
| **Section 7. Effectivity**. This Circular shall take effect fifteen (15) days after publication in at least two (2) newspapers of general circulation. Copies of this Circular shall be filed with the University of the Philippines Law Center-Office of the National Administrative Register. |  |  |