



Republic of the Philippines
DEPARTMENT OF ENERGY

DEPARTMENT CIRCULAR NO. _____

**ADOPTING FURTHER AMENDMENTS TO THE WHOLESALE ELECTRICITY
SPOT MARKET (WESM) RULES AND MARKET MANUAL ON INFORMATION
DISCLOSURE AND CONFIDENTIALITY
(Provisions for Exceptions for Confidentiality)**

WHEREAS, Sections 30 and 37(f) of the Electric Power Industry Reform Act (EPIRA) provides that the DOE, jointly with the electric power industry participants, shall establish the Wholesale Electricity Spot Market (WESM) and formulate the detailed rules governing the operations thereof;

WHEREAS, on 28 June 2002, the DOE, with the endorsement of the electric power industry participants, promulgated the WESM Rules through Department Circular No. DC2002-06-003;

WHEREAS, any changes, amendments, and modifications to the WESM Rules, Retail Rules and their Market Manuals shall be undertaken in accordance with the provisions of Chapter 8 of the WESM Rules;

WHEREAS, on 14 October 2019, the Market Operator submitted to the Rules Change Committee (RCC) its proposed amendments to the WESM Rules and Market Manual on Information Disclosure and Confidentiality Issue 5.0 regarding exceptions for confidentiality undertakings for oversight bodies;

WHEREAS, the said proposed amendments provide exceptions for the DOE and the Energy Regulatory Commission (ERC) as oversight bodies, in receiving confidential market data, and exempting them in executing a non-disclosure agreement with the Market Operator and aims to facilitate a more efficient market data provision to the DOE and the ERC;

WHEREAS, on 18 October 2019, the RCC during its 157th RCC Meeting, discussed the abovementioned proposal, and thereafter approved the publication of the proposed amendments in the Philippine Electricity Market Corporation's (PEMC) website to solicit comments from market participants and other interested parties;

WHEREAS, on 06 December 2019, the RCC during its 159th RCC Meeting, deliberated on the proposal giving due course to the comments received from market participants;

WHEREAS, on 24 January 2020, the RCC during its 160th RCC Meeting, adopted additional provisions requiring the Market Operator to request for confidential

treatment of information provided to the DOE and ERC and thereafter finalized and approved the proposal for endorsement to the PEM Board;

WHEREAS, on 07 April 2020, the PEM Board-approved amendments to the WESM Rules and Market Manual on Information Disclosure and Confidentiality was submitted to the DOE for final approval, in compliance with Chapter 8 of the WESM Rules;

WHEREAS, on -----, the DOE posted the proposed amendments in the DOE website to solicit further comments from the market participants and other interested parties;

WHEREAS, on _____, the DOE conducted Public Consultations on the proposed amendments to solicit further comments from the market participants and other interested parties;

WHEREAS, the DOE reviewed the said PEM Board-approved proposal, made minor revisions on the proposed amendments for consistency with the objectives of the WESM and the DOE policies on the enhancements of WESM design and operations;

NOW THEREFORE, pursuant to its authority under the EPIRA and the WESM Rules, the DOE hereby adopts, issues, and promulgates the following amendments to the WESM Rules and its Market Manuals:

Section 1. Amendments to the WESM Rules. The following provisions in the WESM Rules promulgated through Department Circular No. DC2016-10-0014 in the attached matrix (ANNEX A) are hereby amended:

Section 2. Amendments to the WESM Market Manual on Information Disclosure and Confidentiality. The following provisions in the Market Manual on Information Disclosure and Confidentiality Issue 5.0 in the attached matrix (ANNEX B) are hereby amended:

Section 3. Separability Clause. If for any reason, any section or provision of this Circular is declared unconstitutional or invalid, such parts not affected shall remain valid and subsisting.

Section 4. Effectivity. This Circular shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation. Copies thereof shall be filed with the University of the Philippines Law Center – Office of National Administrative Register (UPLC-ONAR).

Issued on _____ 2020 at the Energy Center, Rizal Drive, Bonifacio Global City, Taguig City.

ALFONSO G. CUSI
Secretary

2/2