

OCAMPO& SURALVO LAW OFFICES

Philippines: Solar and Wind Energy Developments Jude Ocampo 20 September 2017



Solar and Wind Energy Developments



Luzon	20	11	20	15	2011-2015		
	GWh	% Share	GWh	% Share	AAGR	Average Share	
Sales	41,706	74.35	50,589	74.61	4.96	74.47	
Consumption	50,965	73.67	61,099	74.14	4.65	73.99	
Visayas	2011		20	15	2011-2015		
	GWh	% Share	GWh	% Share	AAGR	Average Share	
Sales	7,224	12.88	8,765	12.93	4.99	12.84	
Consumption	9,508	13.75	11,184	13.57	4.19	13.60	
Mindanao	2011		2015		2011-	2015	
	GWh	% Share	GWh	% Share	AAGR	Average Share	
Sales	7,167	12.78	8,453	12.47	4.22	12.69	
Consumption	8,703	12.58	10,130	12.29	3.89	12.42	
Total Sales	56,098	100.00	67,808	100.00	4.87	100.00	
Total Consumption	69,176	100.00	82,413	100.00	4.49	100.00	

From the 2016 - 2030 Power Development Plan

- The Philippines has enjoyed robust
 economic growth in the past 5 years and analysts expect the growth to be sustained in the coming years.
- Among the challenges confronting the Philippines is the provision of reliable energy that can catch up with the rise in demand.





Philippine Installed and Dependable Capacity by Plant Type, 2003-2015 (in MW)

Philippines														
Philippine Installed Capacity	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Coal	3,958	3,967	3,967	4,177	4,213	4,213	4,277	4,867	4,917	5,568	5,568	5,708	5,963	7,419
Oil Based	3,604	3,669	3,663	3,602	3,616	3,353	3,193	3,193	2,994	3,074	3,353	3,476	3,610	3,616
Natural Gas	2,763	2,763	2,763	2,763	2,834	2,831	2,831	2,861	2,861	2,862	2,862	2,862	2,862	3,431
Renewable Energy (RE)	4,799	5,149	5,226	5,261	5,277	5,284	5,309	5,438	5,391	5,521	5,541	5,898	6,330	6,958
Geothermal	1,932	1,932	1,978	1,978	1,958	1,958	1,953	1,966	1,783	1,848	1,868	1,918	1,917	1,916
Hydro	2,867	3,217	3,222	3,257	3,293	3,291	3,291	3,400	3,491	3,521	3,521	3,543	3,600	3,618
Biomass, Solar, Wind	0	0	26	26	26	34	64	73	117	153	153	437	812	1,424
Total	15,124	15,548	15,619	15,803	15,941	15,681	15,610	16,359	16,162	17,025	17,325	17,944	18,765	21,423
Philippine Dependable Capacity	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Coal	3,691	3,696	3,432	3,638	3,467	3,412	3,813	4,245	4,651	5,206	5,206	5,378	5,613	6,979
Oil Based	3,175	3,216	3,043	2,879	2,670	2,702	2,528	2,488	2,579	2,561	2,846	2,705	2,734	2,821
Natural Gas	2,703	2,703	2,703	2,703	2,703	2,562	2,700	2,756	2,770	2,760	2,760	2,760	2,759	3,291
Renewable Energy (RE)	3,828	4,251	4,419	4,407	4,650	4,370	4,285	4,413	4,478	4,539	4,559	4,789	5,325	6,005
Geothermal	1,568	1,560	1,685	1,682	1,667	1,387	1,322	1,350	1,434	1,462	1,482	1,607	1,601	1,689
Hydro	2,260	2,690	2,725	2,715	2,973	2,950	2,919	3,021	2,963	2,983	2,983	2,982	3,073	3,181
Biomass, Solar, Wind	0	1	10	10	10	34	44	41	80	94	94	201	651	1,135
Total	13,397	13,865	13,598	13,627	13,490	13,047	13,326	13,902	14,477	15,066	15,371	15,633	16,432	19,097

From the 2016 – 2030 Power Development Plan





Relevant Laws/Rules

- 1987 Philippine Constitution Article XII, Section 2: Reserves the exploration, utilization and development of natural resources to Philippine citizens or corporations which are 60% Filipino-owned;
- Republic Act No. 9136 or the Electric Power Industry Reform Act of 2001 ("EPIRA"): provided the framework for the restructuring of the electric power industry privatization of the power assets, transition to a competitive structure definition of the responsibilities of the government agencies and private entities;
- Republic Act No. 9513 or the Renewable Energy Act of 2008 ("RE Law"): accelerate the exploration and development of renewable energy resources; increase the utilization of renewable energy; encourage the development and utilization of renewable energy resources as tools to effectively prevent or reduce harmful emissions;
- Department of Energy Department Circular DC No. 2009-05-008: issued the Implementing Rules and Regulations ("IRR") of the RE Law





Important Government Regulators								
Department of Energy (" DOE ")	The DOE is the lead agency mandated to implement the provisions of the RE Law and its implementing rules and regulations							
Energy Regulatory Commission (" ERC ")	Regulation of the electric power industry resides in the ERC, which is an independent, quasi-judicial regulatory body. Responsible for encouraging competition in the market.							
Renewable Energy Management Bureau (" REMB ")	A Bureau under the DOE, was created under the RE Law, the REMB takes the lead in implementing the law							
National Renewable Energy Development Board (" NREB ")	Advisory board to the DOE							
Local Government Units (" LGU ")	Granted discretion on local government matters; responsible for issuing various permits; Prior and periodic consultations with the LGU concerned is required before any RE exploration activity is conducted within the LGU's jurisdiction							
Department of Environment and Natural Resources (" DENR ")	All RE explorations, development, utilization, and RE systems operations shall be conducted in accordance with existing environmental regulations as prescribed by the DENR and/or any other concerned government agency.							
National Commission Indigenous Peoples (" NCIP ")	All government agencies are enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain							





Selected Data on Solar and Wind Service Contracts

	SOLAR							WIND				
No. of		Own-Use					Own-Use					
Service	186			16			62			1		
Contracts												
(As of June												
2017)												
Location of	Luzon 119			Luzon 12				Luzon		43	Luzon	
Renewable												
Energy	Visayas 37		37	Visayas		4		Visayas		19		
Projects	Mindanao		30									
Capacity	Potential		Installed		Ро	tential	Installed		Potential	Installed	Installed	
	Capacity		Capacity		Ca	pacity	Capacity		Capacity	Capacity	Capacity	
											0.006	
	Luzon	3,263.24	337.40	Luzon		1.072	3.122	Luzon	1,379.95	336.90		
	Visayas	1,035.93	504.97									
	Mindanao	882.50	57.81	Visayas	3	3.214	0.096	Visayas	1,001.55	90.00		
	TOTAL	5,181.67	900.18	TOTAL	4	1.286	3.218	TOTAL	2,381.50	426.90		





Feed-in Tariffs ("FIT") Suspended – No third round

FEED-IN TARIFF (FIT)	SOI	LAR	WIND				
	FIT1	FIT2	FIT1	FIT2*			
RATE	PhP9.68/kWH	PhP8.69/kWH	PhP8.53/kWH	PhP7.40/kWH			
APPROVED FIT CAPACITY (MW)	Initial installat 50MW, subsequ to 50	iently increased	Initial installation target was 200MW, subsequently increased to 400MW				

* The entitlement to the WIND FIT2 was limited to the three (3) wind power projects with a total of 144MW, which have commenced commercial operations as certified by the DOE.





Requirement for Distribution Utilities to Undertake Competitive Selection Process ("CSP")

Under the rules issued by the ERC:

- Power Supply Agreements ("PSA") shall be awarded to the winning Generation Company following a successful transparent and competitive selection process or by Direct Negotiation in case of two failed CSPs. A CSP is successful if the DU receives at least two (2) qualified bids from entities with which the DU is not prohibited from entering into a contract for PSAs.
- Direct negotiation with an interested party for PSAs may be made by the DU after at least two (2) failed CSPs. A CSP is considered failed when during its conduct, any of the following circumstances exist:
 - No proposal was received by the DU;
 - Only one supplier submitted an offer; and
 - Competitive offers of prospective suppliers failed to meet the requirements prescribed under the Terms of Reference, as determined by the DU Bids and Awards Committee.

QUESTIONS?





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