

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
San Miguel Avenue, Pasig City

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**IN THE MATTER OF THE PETITION  
FOR APPROVAL OF INTERIM OPEN  
ACCESS IN THE LUZON AND  
VISAYAS GRIDS**

**ERC CASE NO. 2008-026 RC**

**PHILIPPINE INDEPENDENT POWER  
PRODUCERS ASSOCIATION  
(PIPPA), MANILA ELECTRIC  
COMPANY (MERALCO), VISAYAN  
ELECTRIC COMPANY (VECO),  
CLARK ELECTRIC DISTRIBUTION  
CORP. (CEDC), DAVAO LIGHT &  
POWER CO. INC. (DLPC),  
CAGAYAN ELECTRIC POWER AND  
LIGHT COMPANY (CEPALCO), SAN  
FERNANDO ELECTRIC LIGHT &  
POWER CO. (SFELAPCO) and  
PANAY ELECTRIC COMPANY, INC.  
(PECO),**

**Petitioners.**

X-----X

**D O C K E T E D**

Date: OCT 17 2008

By: [Signature]

**ORDER**

On July 17, 2008, the Philippine Rural Electric Cooperatives Association, Inc. (PHILRECA), filed a "Motion to Dismiss" which in essence was posited on the alleged premature filing of the subject Petition due to the non-fulfillment of all preconditions enumerated under Section 31 of Republic Act (R.A.) No. 9136 entitled the Electric Power Industry Reform Act (EPIRA).

In an Order dated July 25, 2008, the Commission directed the Petitioners to file their Comment to the foregoing Motion to which the latter complied by filing their "Opposition (To the Motion to Dismiss)" on July 28, 2008.

[Signature]

Petitioners argued in essence that PHILRECA's Motion to Dismiss raised the same arguments as those previously raised by the National Association of Electricity Consumers for Reforms (NASECORE) which have already been resolved by the Commission in its Order dated June 24, 2008.

The Commission does not find cogent or compelling grounds to deviate from its previous ruling rendered in the Order dated June 24, 2008.

**WHEREFORE**, the foregoing premises considered, the Motion to Dismiss of the Philippine Rural Electric Cooperatives Association, Inc. (PHILRECA) dated July 17, 2008 is hereby **DENIED** for lack of merit.

**SO ORDERED.**

**Pasig City, October 8, 2008**

**FOR AND BY AUTHORITY  
OF THE COMMISSION:**

  
**ALEJANDRO Z. BARIN**  
Commissioner

  
GLS & N.S. Order- PHILRECA M.R. Disk 4.2008-026RC

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