**SUPPLEMENTAL MARKET PARTICIPATION AGREEMENT**

**FOR GEOP PARTICIPATION**

For existing WESM Member under Retail Electricity Supplier (RES) Category registering under additional category as Renewable Electricity Supplier (RE Supplier)

This Supplement to the Market Participation Agreement dated <date> (the “Agreement”) is entered into by and between:

[Business name/corporation], (“**Company**”), a [form of business organization], duly [incorporate/formed/registered] under Philippine law, with its principal office at [address], represented herein by its [designation], [name of officer];

PHILIPPINE ELECTRICITY MARKET CORPORATION (“**PEMC**”), a non-stock, non-profit corporation duly organized and existing under the Corporation Code of the Philippines with principal address at 18th Floor, Robinsons Equitable Tower, ADB Avenue, Ortigas Center, Pasig City, represented herein by its President, ELVIN HAYES E. NIDEA;

and

INDEPENDENT ELECTRICITY MARKET OPERATOR OF THE PHILIPPINES INC. (“**IEMOP**”), a non-stock, non-profit corporation duly organized and existing under the Corporation Code of the Philippines with principal address at 9th Floor, Robinsons Equitable Tower, ADB Avenue, Ortigas Center, Pasig City, represented herein by its President, RICHARD J. NETHERCOTT,

WITNESSETH THAT

WHEREAS:

The Company has registered in the Philippine Wholesale Electricity Spot Market (WESM) under Retail Electricity Supplier (“RES”) Category and for this purpose has executed the Market Participation Agreement [and Supplemental Market Participation Agreement, collectively] referred to as MPA;

In view of its intention to supply electricity to eligible End-Users under Green Energy Option Program (GEOP) and pursuant to Section 9.4 of Department of Energy (DOE) Circular No. DC2020-04-0009, the Company wishes to further register as a Renewable Energy Supplier (“RE Supplier”) in the WESM and in the Central Registration Body (CRB);

The Company has complied with all relevant pre-requisites under the WESM Rules, the WESM Market Manuals, Retail Rules, Retail Manuals, the Green Energy Option Rules promulgated through Energy Regulatory Commission (ERC) Resolution No. 08, Series of 2021 (the “ERC GEOP Rules”), DOE Circular Nos. DC2018-07-0019 and DC2020-04-0009, and other Market Documents (collectively referred hereto as “Relevant Rules and Issuances”) in order to be registered as RE Supplier in the WESM;

The Parties enter into this Agreement to satisfy the conditions contained in the Relevant Rules and Issuances on WESM membership and registration with the Central Registration Body (CRB);

NOW, the Parties agree as follows:

Article I. **COMPLIANCE WITH THE RELEVANT RULES AND ISSUANCES**

## Section 1.01 The Company hereby agrees to be bound by and to comply with all the provisions of the Relevant Rules and Issuances as defined in the foregoing clauses, including amendments thereto, in accordance with their provisions.

Section 1.02 The Company has read, has full knowledge of and understands the provisions of the Relevant Rules and Issuances and it understands that it must remain to be compliant with its obligations as a registered WESM Member and Trading Participant in order to maintain registration.

Section 1.03 The Company hereby agrees to continually comply with the requirements for its continuing WESM Membership under RE Supplier Category. It understands and agrees that such compliances are separate and distinct from its continuing compliances for its WESM Membership under the RES Category.

Article II. **DISPUTE RESOLUTION**

Section 1.01 The Company understands and agrees that disputes in respect to its GEOP transactions and which are covered under Article XII of the ERC GEOP Rules, shall be governed by said ERC GEOP Rules. For such disputes, the provisions of the MPA on Dispute Resolution shall not apply.

Article III. **CONTINUING APPLICATION OF THE MPA**

Section 1.01 Except as otherwise modified under this Supplemental MPA, the provisions of the MPA applies to the Company’s registration in the WESM as RE Supplier.

Article IV. **EFFECT OF TERMINATION OF MEMBERSHIP**

Section 1.01. The termination of the Company’s WESM Membership as RE Supplier Category shall not affect its WESM Membership under RES Category. Similarly, the termination of the Company’s WESM Membership under the RES Category shall not affect is WESM Membership as RE Supplier.

IN WITNESS WHEREOF, the Parties have, by their duly appointed and authorized representatives, executed this Supplemental Market Agreement for GEOP Participation.

***[Signatures on the following page]***

|  |  |
| --- | --- |
| **ELVIN HAYES E. NIDEA**  President  Philippine Electricity Market Corporation  Date Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | **RICHARD J. NETHERCOTT**  President  Independent Electricity Market Operator of the Philippines Inc.  Date Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| (Name)  (Position)  (Company)  Date Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |

***Signed in the Presence of:***

|  |  |
| --- | --- |
| **Philippine Electricity Market Corporation**  Name **CERISE M. CABACTULAN**  Position **SENIOR MANAGER, CORPORATE COMMUNICATIONS** | **Independent Electricity Market Operator of the Philippines Inc**.  Name **KATRINA A. GARCIA-AMUYOT**  Position **MANAGER, REGISTRATION AND STAKEHOLDER SERVICES** |
| **(Company)**  (Name)  (Position) | |

REPUBLIC OF THE PHILIPPINES)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ) S.S.

**ACKNOWLEDGMENT (FOR THE COMPANY)**

BEFORE ME, a Notary Public for and in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally appeared the following:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Competent Evidence of Identity | Number | Date of Issuance & Expiry | Place of Issuance |
|  |  |  |  |  |
|  |  |  |  |  |

( ) showing to me their competent evidence of identity

( ) known to me and to me known

to be the same persons who executed the foregoing Agreement consisting of \_\_\_\_\_\_\_\_\_ (\_\_\_\_) pages, including this page whereon the acknowledgments are written, all pages signed by all parties and their instrumental witnesses and they acknowledged before me that the same is their free act and voluntary deed and of the entities herein represented.

WITNESS MY HAND AND NOTARIAL SEAL on the date and at the place first above written.

Doc. No. \_\_\_\_\_\_\_;

Page No. \_\_\_\_\_\_\_;

Book No. \_\_\_\_\_\_\_;

Series of \_\_\_\_\_\_\_.

REPUBLIC OF THE PHILIPPINES)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ) S.S.

**ACKNOWLEDGMENT (FOR PEMC)**

BEFORE ME, a Notary Public for and in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally appeared the following:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Competent Evidence of Identity | Number | Date of Issuance & Expiry | Place of Issuance |
| Elvin Hayes E. Nidea |  |  |  |  |
|  |  |  |  |  |

( ) showing to me their competent evidence of identity

( ) known to me and to me known

to be the same persons who executed the foregoing Agreement consisting of \_\_\_\_\_\_\_\_\_ (\_\_\_\_) pages, including this page whereon the acknowledgments are written, all pages signed by all parties and their instrumental witnesses and they acknowledged before me that the same is their free act and voluntary deed and of the entities herein represented.

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Series of \_\_\_\_\_\_\_.

REPUBLIC OF THE PHILIPPINES)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ) S.S.

**ACKNOWLEDGMENT (FOR IEMOP)**

BEFORE ME, a Notary Public for and in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally appeared the following:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Competent Evidence of Identity | Number | Date of Issuance & Expiry | Place of Issuance |
| Richard J. Nethercott |  |  |  |  |
|  |  |  |  |  |

( ) showing to me their competent evidence of identity

( ) known to me and to me known

to be the same persons who executed the foregoing Agreement consisting of \_\_\_\_\_\_\_\_\_ (\_\_\_\_) pages, including this page whereon the acknowledgments are written, all pages signed by all parties and their instrumental witnesses and they acknowledged before me that the same is their free act and voluntary deed and of the entities herein represented.

WITNESS MY HAND AND NOTARIAL SEAL on the date and at the place first above written.

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Series of \_\_\_\_\_\_\_.