

JUN 03 2020



PPA MEMORANDUM CIRCULAR
NO. 21 - 2020

TO : All Port Managers
Private Port Owners/Operators
Others Concerned

SUBJECT : PROCESSING OF PRIVATE PORT APPLICATIONS FOR
ENERGY RELATED PROJECTS IN COMPLIANCE WITH
REPUBLIC ACT NO. 11234 OR AN ACT ESTABLISHING THE
ENERGY VIRTUAL ONE-STOP SHOP FOR THE PURPOSES OF
STREAMLINING THE PERMITTING PROCESS OF POWER
GENERATION, TRANSMISSION AND DISTRIBUTION
PROJECTS OR THE EVOSS ACT

1. LEGAL BASES

- 1.1 Presidential Decree No. 857, as amended
- 1.2 PPA Administrative Order No. 06-95 – Liberalized Regulations on Private Ports Construction, Development and Operation
- 1.3 Republic Act No. 11234 (An Act Establishing the Energy Virtual One-Stop Shop for the Purposes of Streamlining the Permitting Process of Power Generation, Transmission and Distribution Projects)
- 1.4 Administrative Order No. 23 (Eliminating Overregulation to Promote Efficiency of Government Processes)
- 1.5 Department of Energy Circular No. DC 2019-05-007 (Rules and Regulations Implementing Republic Act No. 11234 or the EVOSS Act)

2. OBJECTIVES

- 2.1 To establish rules and prescribe procedures in the processing of private port applications of energy related projects
- 2.2 To ensure efficient and effective delivery of service to the public by providing electronic application and processing system compliant with the EVOSS Act.
- 2.3 To comply with the relevant provisions of RA 11234

3. SCOPE

This Circular shall cover only private port applications of energy related projects defined under RA 11234 and submitted for approval of PPA.

4. GUIDELINES

- 4.1 All eligible private port applicants listed in **ANNEX "A"** for energy related projects shall submit their application to the Port Management Office where the port facility will be/is located for initial evaluation.
- 4.2. Only applications with complete documentary requirements listed in **Annex "B"** shall be accepted and processed accordingly.
- 4.3 All accepted applications shall be processed and shall follow the timeframe stipulated in accordance with EVOSS Act as follows:

Type of Application	Timeframe (in calendar days)
Clearance to Develop (CTD)	10 days
Permit to Construct (PTC)	10 days
Certificate of Registration/Permit to Operate (COR/PTO)	10 days

- 4.4 The process flow for each application indicated in **Annex "C"** shall be strictly monitored by the Responsibility Center Head concerned, namely the Port Manager in the PMO, and the Department and/or AGM Concerned at the Head Office.
- 4.5 Approval of the applications shall be in accordance with the 2016 Revised Delegation of Authority.
- 4.6 Applicable fees payable to PPA by private ports such as privilege fee, filing/administrative fee, penalty and surcharge for late registration, late construction, permit to construct fee and penalty for construction without permit shall be in accordance with the schedule set forth in PPA Administrative Order No. 02-2009 and as maybe amended from time to time.
- 4.7 Renewal of COR shall be within 30 days before its expiry. Late filing of renewal application shall be subject to surcharge.
- 4.8 If said surcharge fee is not settled on the date of filing for renewal, interest and penalty shall accrue and shall be imposed and collected on the late

payment of surcharge. The interest and penalty shall be computed from the date of filing of application for renewal until receipt of full payment of the surcharge.

- 4.9 An online application process for private ports shall also be established by PPA within the year. The applicants, however, may opt to submit their applications for initial evaluation to the respective official email address of the Port Manager concerned where the private port facility is located, until such time that a permanent portal for online applications has been established.
- 4.10. All documentary requirements shall be submitted in portable document format (PDF).
- 4.11. All duly accomplished application and accompanying complete documentary requirements shall be received and acknowledged receipt by email and/or appropriate online notification as to acceptance or non-acceptance and the next steps such as payment of non-refundable filing fee.
- 4.12. The same timeframe stipulated in Section 4.3 shall be followed in the evaluation of private port applications submitted online.
- 4.13. Except for undertaking ordinary repairs and annual preventive maintenance, any plans for improvement, expansion and rehabilitation of an existing registered private port shall be submitted to PPA thru the PMO concerned either manually or electronically, together with the documentary requirements listed in **Annex "D"** of this Circular.
- 4.14 Upon completion of the improvement, expansion and/or rehabilitation project, the "as-built plans" and specifications shall be submitted together with the documentary requirements listed in Section 4.2.

5. PENALTY CLAUSE

Violation of any of the provisions of this Circular shall subject the concerned individual or entity to the penalties provided under Presidential Decree No. 857, as amended, PPA AO 02-2009 and its amendments and other relevant PPA issuances.

6. SEPARABILITY CLAUSE

If for any reason, any section or part of this Circular is declared unconstitutional or invalid by any competent or judicial authority, the declared or invalid section or part thereof shall not affect the other sections or parts of the Circular.

7. REPEALING CLAUSE

All existing rules, regulations and guidelines or parts thereof which are inconsistent with any part of this Circular are hereby repealed or modified accordingly.

8. EFFECTIVITY

This Circular shall take effect immediately after its publication once in the Official Gazette or in a newspaper of general circulation. The office of the National Administrative Register (ONAR) of the UP Law Center shall be furnished with required number of copies of this Circular.

JAY DANIEL R. SANTIAGO
General Manager



Published in the Business World - June 5, 2020

Effectivity Date: June 6, 2020