



**National Association of Electricity Consumers for Reforms**  
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27 January 2010

**HON. ALEJANDRO Z. BARIN**  
*Commissioner, Energy Regulatory Commission*  
Pacific Center Bldg. San Miguel Avenue  
Pasig City

**RE: ERC Case No. 2009-057RC**

**Dear Commissioner Barin:**

Greetings!

We are in receipt of MERALCO's *Manifestation and Motion* dated 25 January 2010 and the ERC Order also of even date. Surprisingly, both were received by our office on 26 January 2010.

Please be advised that as of this writing, NASECORE has not received yet copy of Engr. Robert F. Mallilin's *Motion for Reconsideration* dated 08 January 2010 and it was only this afternoon that we received copy of MERALCO's *Motion for Extension of Time*. Thus, we are surprised of the ERC Order and MERALCO's *Manifestation and Motion* both dated 25 January 2010.

Please be further advised that Intervenors NASECORE, FOLVA, and FOVA have filed their *Petition for Certiorari* with the Supreme Court on 20 January 2010 for the nullification of the ERC Decision on ERC Case No. 2009-057RC and ERC, MERALCO and the OSG were furnished copy of said Petition.

In light of this *Petition for Certiorari*, we believe we should be excluded from the Order of the Commission dated 25 January 2010.

For NASECORE, FOLPVA, and FOVA to file their respective comment on the *Motion for Reconsideration* filed by Engr. Mallilin would be to invite being accused of forum shopping and may undermine the Petition we filed with the Supreme Court. We honestly believe the Commission and MERALCO are cognizant of this possible effect.

In this regard, we respectfully beg the Honorable Commission to excuse us from filing our respective comment as it directed in its Order of January 25, 2010 and just wait for whatever Order that may come from the Supreme Court.

Thank you so much.

Very truly yours,

**PETE L. ILAGAN**  
*President*

Cc: Hon. Zenaida C. Ducut, ERC Chairperson  
Hon. Rauf A. Tan, ERC Commissioner  
Hon. Maria Teresa-Castañeda, ERC Commissioner  
Hon. Jose C. Reyes, ERC Commissioner  
Hon. Eduardo Ermita, Executive Secretary  
Hon. Angelo T. Reyes, DOE Secretary  
Mr. Edgardo G. Lacson, PCCI President  
Mr. Austen Chamberlain, AMCHAM President  
Mr. Hubert D'Aboville, ECCP President  
Mr. Yasuhiro Arimitsu, JCCP-President  
Mr. Eun Gap Chang, KCCP-President