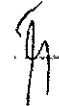


FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

7 JUL -4 2019

SENATE  
S. B. No. 1058

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

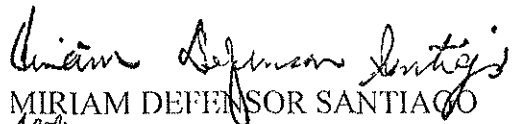
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EXPLANATORY NOTE

The State must promote new renewable energy technologies that reduce contributions to global warming gases and improve our country's domestic energy production in a manner that is consistent with environmental protection, sustainable development, and economic prosperity.

The use of marine and hydrokinetic renewable energy technologies can avoid contributions to global warming gases. Further, such technologies can be produced domestically.

This Act seeks to promote the development and use of marine and hydrokinetic renewable energy technologies.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO  
*fld*

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<sup>1</sup> This bill was originally filed in the Thirteenth Congress, Third Regular Session.

FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

7 JUL -4 2009

SENATE  
S. B. No. 1058

RECEIVED BY: JA

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 PROMOTING THE DEVELOPMENT AND USE OF MARINE AND HYDROKINETIC  
3 RENEWABLE ENERGY TECHNOLOGIES

4 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
5 *Congress assembled:*

6 SECTION 1. *Short Title.* – This Act shall be known as the “Marine and Hydrokinetic  
7 Renewable Energy Promotion Act of 2007.”

8 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote renewable  
9 energy technologies, such as marine and hydrokinetic renewable energy, that reduce  
10 contributions to global warming gases and improve our country’s domestic energy production in  
11 a manner that is consistent with environmental protection, sustainable development, and  
12 economic prosperity.

13 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term

14 (A) “Marine and hydrokinetic renewable energy” means electrical energy from  
15 waves, tides, and currents in oceans, estuaries, and tidal areas; free flowing water  
16 in rivers, lakes, and streams; free flowing water in man-made channels, including  
17 projects that utilize non-mechanical structures to accelerate the flow of water for  
18 electric power production purposes; and differentials in ocean temperature or  
19 ocean thermal energy conversion.

20 The term shall not include energy from any source that utilizes a dam,  
21 diversionary structure, or impoundment for electric power production purposes.

22 (B) “Net proceeds” means proceeds from the commercial sale of electricity after  
23 payment of project-related costs, including taxes and regulatory fees that have

1 not been paid using funds from a loan provided for the project under Section 5.

2 SECTION 4. *Research and Development.* – The Secretary of Energy, in consultation with  
3 the Secretary of Environment and Natural Resources and the Secretary of Trade and Industry,  
4 shall establish a program of marine and hydrokinetic renewable energy research focused on

5 (A) Developing and demonstrating marine and hydrokinetic renewable energy  
6 technologies;

7 (B) Reducing the manufacturing and operation costs of marine and hydrokinetic  
8 renewable energy technologies;

9 (C) Increasing the reliability and survivability of marine and hydrokinetic renewable  
10 energy facilities;

11 (D) Integrating marine and hydrokinetic renewable energy into electric grids;

12 (E) Identifying opportunities for cross fertilization and development of economies of  
13 scale between offshore wind and marine and hydrokinetic renewable energy sources;

14 (F) Identifying the environmental impacts of marine and hydrokinetic renewable energy  
15 technologies and ways to address adverse impacts, and providing public information  
16 concerning technologies and other means available for monitoring and determining  
17 environmental impacts; and

18 (G) Standards development, demonstration, and technology transfer for advanced  
19 systems engineering and system integration methods to identify critical interfaces.

20 SECTION 5. *Adaptive Management and Environmental Fund.* – The Secretary of  
21 Energy shall establish an Adaptive Management and Environmental Fund, and shall lend  
22 amounts from that fund to entities to cover the costs of projects that produce marine and  
23 hydrokinetic renewable energy. Such costs include design, fabrication, deployment, operation,  
24 monitoring, and decommissioning costs. Loans under this section may be subordinate to project-  
25 related loans provided by commercial lending institutions to the extent the Secretary of Energy  
26 considers appropriate.

27 As a condition of receiving a loan under this section, a recipient shall provide reasonable  
28 access, to government agencies and other research institutions as the Secretary considers

1 appropriate, to the project area and facilities for the purposes of independent environmental  
2 research.

3 The results of any assessment or demonstration paid for, in whole or in part, with funds  
4 provided under this section shall be made available to the public, except to the extent that they  
5 contain information that is protected from disclosure by appropriate laws.

6 The Secretary of Energy shall require a recipient of a loan under this section to repay the  
7 loan, plus interest at a rate of 2.1 *per centum* per year, over a period not to exceed 20 years,  
8 beginning after the commercial generation of electric power from the project commences. Such  
9 repayment shall be required at a rate that takes into account the economic viability of the loan  
10 recipient and ensures regular and timely repayment of the loan.

11 No repayments shall be required under this Section until after the project generates net  
12 proceeds. Repayment of a loan shall terminate as of the date that the project for which the loan  
13 was provided ceases commercial generation of electricity if a governmental permitting authority  
14 has ordered the closure of the facility because of a finding that the project has unacceptable  
15 adverse environmental impacts, except that the Secretary shall require a loan recipient to  
16 continue making loan repayments for the cost of equipment, obtained using funds from the loan  
17 that have not otherwise been repaid under rules established by the Secretary, that is utilized in a  
18 subsequent project for the commercial generation of electricity.

19 In order to receive a loan under this Section, an applicant for a license or permit to  
20 construct, operate, or maintain a marine or hydrokinetic renewable energy project shall provide  
21 the Secretary of Energy an adaptive management plan for the proposed project. Such plan shall

22 (A) Be prepared in consultation with other parties to the permitting or licensing  
23 proceeding, including all government agencies and instrumentalities with  
24 authority under applicable laws to require or recommend design or operating  
25 conditions, for protection, mitigation, and enhancement of fish and wildlife  
26 resources, water quality, navigation, public safety, land reservations, or  
27 recreation, for incorporation into the permit or license;

28 (B) Set forth specific and measurable objectives for the protection, mitigation, and  
29 enhancement of fish and wildlife resources, water quality, navigation, public

1 safety, land reservations, or recreation, as required or recommended by  
2 governmental agencies described in paragraph (1), and shall require monitoring  
3 to ensure that these objectives are met;

4 (C) Provide specifically for the modification or, if necessary, removal of the marine  
5 or hydrokinetic renewable energy project based on findings by the Secretary of  
6 Energy, the Secretary of Environment and Natural Resources, and the Secretary  
7 of Trade and Industry that the marine or hydrokinetic renewable energy project  
8 has not attained or will not attain the specific and measurable objectives; and

9 (D) Be approved and incorporated in the license or permit.

10 The Secretary of Energy shall transmit a report to the Congress when the Secretary of  
11 Energy determines that the technologies supported under this Act have achieved a level of  
12 maturity sufficient to enable the expiration of the programs under this Act. The Secretary of  
13 Energy shall not make any new loans under this section after the report is transmitted under this  
14 paragraph.

15 SECTION 6. *Programmatic Environmental Impact Statement.* – The Secretary of  
16 Environment and Natural Resources shall, in cooperation with the Secretary of Energy and the  
17 Secretary of Trade and Industry, and in consultation with appropriate government agencies,  
18 jointly prepare programmatic environmental impact statements, regarding the impacts of the  
19 deployment of marine and hydrokinetic renewable energy technologies in the navigable waters  
20 of the Philippines. One programmatic environmental impact statement shall be prepared under  
21 this section for each of the Regions of the Philippines. The programmatic environmental impact  
22 statements under this section shall be issued not later than eighteen (18) months after the date of  
23 enactment of this Act. The programmatic environmental impact statements shall evaluate among  
24 other things the potential impacts of site selection on fish and wildlife and related habitat.  
25 Nothing in this section shall operate to delay consideration of any application for a license or  
26 permit for a marine and hydrokinetic renewable energy technology project.

27 SECTION 7. *Appropriations.* – Such sums as may be necessary for the initial  
28 implementation of this Act shall be taken from the current appropriations of the Department of

1 Energy. Thereafter, the fund necessary to carry out the provisions of this Act shall be included  
2 in the annual General Appropriations Act.

3 SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
4 order, presidential proclamation, rule and regulation or parts thereof inconsistent with the  
5 provisions of this Act, are hereby repealed, modified, or amended accordingly.

6 SECTION 9. *Separability Clause.* -- If any provision of this Act is declared  
7 unconstitutional, the same shall not affect the validity and effectivity of the other provisions  
8 hereof.

9 SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
10 publication in at least two newspapers of general circulation.

Approved,

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