

**In the Matter of the Proposed  
Acquisition by AC Energy, Inc. of  
Shares in PHINMA Energy  
Corporation**

**MAO Case No. M-2019-007**

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## **COMMISSION DECISION NO. 13-M-007/2019**

This is a review of the proposed acquisition by AC Energy, Inc. (“AC Energy”) of shares in PHINMA Energy Corporation (“PHEN”, and together with AC Energy, the “Parties”), pursuant to Sections 16 and 17 of Republic Act No. 10667 and Section 1, Rule 4 of the Rules and Regulations to Implement the Provisions of Republic Act No. 10667.

Upon review of the findings and recommendation of the Mergers and Acquisitions Office and the Parties’ submissions, the Commission finds that the proposed acquisition by AC Energy of shares in PHEN (the “Transaction”) will not likely result in substantial lessening of competition. This is because (1) post-Transaction competitive constraints remain from other players in the markets for power generation for bilateral contracts and the provision of Retail Electricity Supply services in Luzon and Visayas; (2) the Transaction does not significantly strengthen the ability or incentive of the merged firm to engage in customer or input foreclosure; and (3) the Transaction does not substantially increase the likelihood that the Parties will engage in anti-competitive coordinated behavior with other power generators.

**ACCORDINGLY**, the Commission resolves to take no further action with respect to the proposed Transaction between AC Energy and PHEN.

This Decision is rendered solely on the facts disclosed and circumstances of the proposed Transaction and documents submitted by AC Energy and PHEN.

11 April 2019

  
**ARSENIO M. BALISACAN**  
Chairman

  
**JOHANNES BENJAMIN R. BERNABE**  
Commissioner

  
**AMABELLE C. ASUNCION**  
Commissioner

  
**MACARIO R. DE CLARO, JR.**  
Commissioner

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