

**In the Matter of the Proposed  
Acquisition by Aboitiz Power  
Corporation of Shares of Stock in AA  
Thermal, Inc.**

**MAO Case No. M-2018-039**

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## **COMMISSION DECISION No. 06-M-039/2019**

The Commission,

Having regard to the acquisition by Aboitiz Power Corporation (“Aboitiz Power”) of shares of stock in AA Thermal, Inc. (“AA Thermal”),

Pursuant to Sections 16 and 20 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 evaluation of the findings and recommendation of the Mergers and Acquisitions Office, which included, among others, the information obtained from the parties and other sources to date, finds that the proposed acquisition by Aboitiz Power of shares of stock in AA Thermal (the “Proposed Transaction”) will not likely result in substantial lessening of competition in the identified relevant markets for power generation and retail electricity supply in Luzon and Visayas, due to the following:

1. Aboitiz Power will acquire only a minority stake in AA Thermal;
2. There is no change of control in the operating companies, GNPowr Mariveles Coal Plant Ltd. Co. (“GMCP”) and GNPowr Dinginin Ltd. Co. (“GNPD”), which would give Aboitiz Power any increased ability or incentive to influence the actions of GMCP and GNPD apart from its existing general partnership interests;
3. There is no increased ability or incentive to engage in foreclosure, post-Transaction; and
4. There exist sufficient post-Transaction competitive constraints from other power generation and retail electricity suppliers.

Accordingly, the Commission hereby resolves that it will take no further action with respect to the proposed acquisition by Aboitiz Power of shares of stock in AA Thermal.

This Decision is rendered based solely on the facts and circumstances of the Proposed Transaction disclosed and documents submitted by Aboitiz Power and AA Thermal.

28 February 2019, Quezon City, Philippines.



**ARSENIO M. BALISACAN**  
Chairman

(On Official Business)

**JOHANNES BENJAMIN R. BERNABE**  
Commissioner



**AMABELLE C. ASUNCION**  
Commissioner



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

*Copies Furnished:*

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