

Further to amend the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997

Whereas, it is expedient further to amend the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (Act No. XL of 1997) for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement:-**

- (1) This Act shall be called the Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Act, 2020.
- (2) It shall come into force at once.

2. **Amendment of section 2, Act XL of 1997.** - In the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997), herein after called as the said Act, in section 2,-

- (a) After clause (iii), the following new clause shall be inserted, namely:-
 - (iiia) "consolidated accounts" means the consolidated revenue requirement of distribution licensees compiled by the uniform tariff applicant, on the basis of tariff for such distribution licensees determined by the Authority based on actual and projected statements of expenses, receipts and income for such distribution licensee;"
- (b) For clause (xviiia) the following shall be substituted, namely: -

"(xviiia) "market operator" means a person responsible for the organization, administration of a wholesale electric power market and settlement among generators, licensees and bulk power consumers;"
- (c) In clause (xxvii), in sub-clause (b), the word "and", occurring at the end, shall be omitted
- (d) After clause (xxvii), amended as aforesaid, the following new clauses shall be inserted, namely, -

"(xxviiia) "uniform tariff applicant" means the entity nominated by the common shareholder, wholly owning and controlling the distribution licensees directly or indirectly, for the purposes of compiling consolidated accounts on the basis of which such entity shall seek determination of the uniform tariff for and on behalf of such distribution licensees; and

(xxviiib) "uniform tariff application" means an application filed by the uniform tariff applicant for the purposes of determination, modification and revision of the uniform tariff;"
- (e) In clause (xxviii), for full stop at the end, the expression "; and" shall be substituted; and
- (f) After clause (xxviii), amended as aforesaid, the following new clause shall be inserted, namely, -

"(xxix) "Wholesale electric power market" means sale and purchase of electric power between the Generation Company, licensees and bulk-power consumers."

3. **Amendment of section 14B, Act XL of 1997.** - In the said Act, in section 14B, in sub-section (4), for full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that the Authority may specify different method of dispatch for generation facility connected below the minimum transmission voltage.”

4. **Amendment of section 14D, Act XL of 1997.** - In the said Act, in section 14D, - In sub-section (2), for full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely: -

“Provided that the Authority may specify different method of dispatch for generation facility connected below the minimum transmission voltage.”

5. **Amendment of section 21, Act XL of 1997.** - In the said Act, in section 21, -

(a) In sub-section (2),

(i) In clause (a), after the words “possess the”, the word “exclusive” shall be inserted; and

(ii) For the colon at the end a full stop shall be substituted and thereafter the proviso shall be omitted; and

(b) After clause (b), the following new clause shall be inserted, namely:-

“(ba) ensure timely submission of annual or multi year petitions and quarterly petitions, as specified by the Authority and to the extent applicable to it, ensure timely submission of all information and data to the uniform tariff applicant so that the uniform tariff application duly supported by consolidated accounts is moved by it within a period of fifteen days of intimation of tariff by the Authority under sub-section (4) of section 31:

Provided that in the event timely submissions are not made, then the Authority may call for requisite information in terms of section 44;”.

6. **Amendment of section 22, Act XL of 1997.** - In the said Act, in section 22,-

(a) In sub-section (2), for the words “one year”, the expression “three years, or any other period as notified by the Federal Government,”, shall be substituted, and at the end for full stop a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that such consumer shall continue to make payments to the distribution company equal to the amount of cross-subsidy for uneconomic service for which it would otherwise have provided through purchase of electric power by the bulk power consumer or any other charges determined by the Authority from time to time.”

7. **Amendment of section 23D, Act XL of 1997.** - In the said Act, in section 23D, in sub-section (2),-

(a) In clause (b), the word “bilaterally” shall be omitted and after the word “parties”, the words “and in the wholesale electric power market” shall be inserted; and

(b) In clause (g), the words “for power sales to consumers” shall be omitted.

8. **Amendment of section 23E, Act XL of 1997.** - In the said Act, in section 23E, -

(a) In sub-section 2, after clause (d), the following new clause shall be inserted, namely:-

“(da) the type of consumer the supplier is entitled to serve;”.