

# National Electric Power Regulatory Authority

## NOTIFICATION

Islamabad, the 21<sup>st</sup> day of July, 2020

S.R.O. 634 (I)/2020 .– In exercise of the powers conferred by section 47 of the Regulation of Generation, Transmission and Distribution of Electricity Power Act, 1997 (XL of 1997), the National Electric Power Regulatory Authority hereby makes the following amendment(s) to the National Electric Power Regulatory Authority (Import of Electric Power) Regulations, 2017, notified vide S.R.O. 549(1)/2017, namely:—

In the said Regulations –

(1) In regulation 2:-

(i) after sub-clause (a), the following sub-clause shall be inserted, namely:-

(aa) “application” means application made to the Authority for determination, approval, modification or revision of Rates;

(ii) After sub-clause (aa), the following sub-clause shall be inserted, namely:

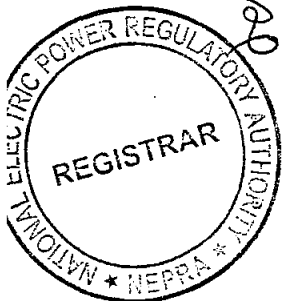
“(aaa) “applicable documents” means the Act and the rules, regulations, licences, registrations, directives, codes, standards, guidelines, circulars, orders, determinations, documents, instruments, approvals and authorizations issued or granted from time to time by the Authority in exercise of its powers under the Act;”

(iii) sub-clause (b) shall be substituted with the following, namely:-

“(b) “Buyer” means –

(i) any person licensed under the Act to undertake supply of electric power;

(ii) any person deemed to hold a licence to undertake supply of electric power under Section 23E(1) of the Act;



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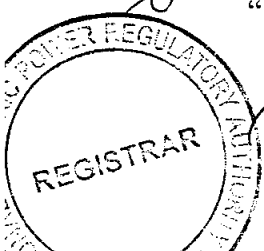
P-1/5

- (iii) an agent of persons specified in sub-clauses (i) and (ii) duly authorized by the Authority for the purpose; or
- (iv) any person licensed under the Act to engage in trading of electric power;

that is desirous of entering into a PPA with a Seller in accordance with Rates approved by the Authority under these Regulations;”

- (iv) sub-clause (c), (d) and (e) shall be omitted;
- (v) in sub-clause (f), the words “purchase of electric power by a Distribution Company or Market Operator from a Seller” shall be substituted with the words “the purchase of electric power by a Buyer from a Seller”;
- (vi) sub-clause (g) shall be omitted;
- (vii) in sub-clause (h), the words “the power purchase agreement executed between the Seller and the Buyer for Import of Power in accordance with these regulations” shall be substituted with the words “an agreement for Import of Power between a Seller and a Buyer and, where the context permits, shall include a tripartite agreement between a Seller, a Buyer and a Relevant Network Operator”;
- (viii) in sub-clause (i), the words “include the terms and condition of Import of Power as approved by the Authority” shall be substituted with the words “mean the rates, charges and terms and conditions of Import of Power”;
- (ix) in sub-clause (j), the words “a person designated by the Authority to register and record the receipt of Communication, requests for approval of Rates for Import of Power filed with the Authority and to perform such other duties under these regulations as may from time to time be assigned by the Authority” shall be substituted with the words “the officer of the Authority designated to perform the functions of Registrar as specified in these regulations”;
- (x) in sub-clause (k):-
  - (A) the word “the” appearing for the first time shall be substituted with the word “a”;
  - and
  - (B) the words “in accordance with Rates of Import of Power approved by the Authority; and” shall be substituted with a semi-colon;
- (xi) after sub-clause (k), the following sub-clause shall be inserted, namely:-

- “ (ka) “Relevant Network Operator” shall, where the context permits, mean the national grid company, a provincial grid company, a transmission licensee or a distribution licensee; and”



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P-2/5

(xii) in sub-clause (l), the words “the seller to the buyer” shall be substituted with the words “a Seller to a Buyer”;

(2) In regulation 3:-

(i) before sub-regulation (1), the following sub-regulation (1A) shall be inserted, namely:-

- “(1A) A Seller desirous of undertaking export of power shall submit to a Buyer –
- (a) a comprehensive Tariff Proposal, including proposed Rates, details of project cost, tariff break-up and tariff assumptions;
  - (b) a feasibility study, if applicable;
  - (c) an interconnection study duly approved by the Relevant Network Operator;
  - (d) an undertaking of compliance with the grid code, distribution code and other applicable documents; and
  - (e) a non-refundable application fee, equivalent to the fee for filing of tariff petition under National Electric Power Regulatory Authority (Tariff Standards and Procedure) Rules, 1998 and other rules and regulations on the subject.”

(ii) in sub-regulation (1):-

(A) the words “Subject to sub-regulation (3), the Buyer shall file an application duly signed by the authorized person, seeking determination of Rates proposed by the Seller in the Tariff Proposal for Import of Power before the Registrar and shall be accompanied with the following details – ” shall be substituted with the words “The Buyer shall, within one month of receipt of documents specified in sub-regulation (1A) from a Seller, make an Application, duly signed by the authorized person, to the Registrar for determination of Rates, which shall be accompanied with the following information and documents – ”

(B) in sub clause (a), the word “applicant” shall be substituted with the word “Buyer”

(C) in sub-clause (b), the words “along with affidavit as to the correctness of the information” shall be omitted;

(D) sub-clause (e) shall be substituted with the following, namely:-

“(e) documents, information, studies and fee submitted by the Seller as per sub-regulation (1A); ”

(E) sub-clauses (h), (i), (j), (k), (m) and (p) shall be omitted;



(iii) before sub-regulation (2), the following sub-regulation (2A) shall be inserted, namely:-

“(2A) The Seller intending to seek modification of Rates approved by the Authority for Import of Power shall submit to the Buyer -

- (a) the grounds and facts giving rise to the modification of Rates;
- (b) the modification or revision of Rates being sought, including comparative schedules of charges, costs, units, price and other items;
- (c) a summary of evidence giving brief particulars of the data, facts and evidence in support of the claim;
- (d) a non-refundable application fee, equivalent to the fee for filing of tariff petition under National Electric Power Regulatory Authority (Tariff Standards and Procedure) Rules, 1998 and other rules and regulations on the subject; and
- (e) any other information and documents as may be required by the Authority.”

(iv) sub-regulations (2) shall be substituted by following:

“(2) The Buyer shall, within one month of receipt of documents specified in sub-regulation (2A) from the Seller, make an Application, duly signed by the authorized person, to the Registrar for modification of Rates, which shall be accompanied with the information and documents mentioned in sub regulation 2A – ”

(v) sub-regulation (3) shall be omitted;

(vi) in sub-regulation (4):-

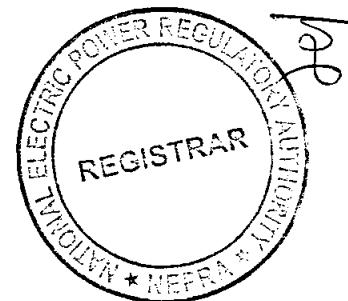
- (A) the word “application” shall be substituted with word “Application”;
- (B) after the words “when all required information”, the words “under sub-regulation (1) or (2) as the case may be” shall be inserted;

(vii) in proviso to sub regulation (6), the word “application” shall be substituted with word “Application”.

(3) In regulation 4:-

(i) in sub-regulation (1):-

- (A) the word “standards” shall be omitted;
- (B) after the words NEPRA Tariff (Standards & Procedure) Rules, 1998” the words “other rules and regulations on the subject” shall be added;



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(C) words including but not limited to the publication of salient features of the application, intervention request and comments, recording of evidence and conduct of hearing” shall be omitted;

(ii) in sub-regulation (4), the words “31(4)” shall be substituted with the words “31(7)”;

(4) after regulation 4 and before regulation 5, the following regulation shall be inserted, namely:-

“ 5A. Review.– (1) The Authority may, on its own motion or on a motion filed by the Buyer or the Seller, review any order passed by it and on so reviewing modify, reverse or confirm the same.

(2) A review motion under this regulation shall be processed mutatis mutandis in accordance with the National Electric Power Regulatory Authority (Review Procedure) Regulations, 2009.”

(5) In regulation 5:-

(i) The heading shall be reworded as “Execution or Modification of PPA”

(ii) In sub-regulation (1);-

(A) after the words “the Buyer shall execute” the words “or amend or modify” shall be added;


(B) after the words “as per the Rates and terms and conditions so determined “ the words “or modified” shall be added;

(iii) after sub-regulation (1), the following sub-regulation shall be inserted, name:-

“ (2) A PPA executed or modified in contravention of sub-regulation (1) above shall be void to the extent of the contravention and inconsistency.”

(6) Regulation 6 shall be omitted.



  
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(Syed Safer Hussain)  
Registrar

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P-5/5