

NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(IMPORT OF POWER) REGULATIONS, 2017

S.R.O._____.— In exercise of the powers conferred by Section 47 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997), the National Electric Power Regulatory Authority is hereby pleased to make the following regulations to provide for the procedure for import of electric power, namely: -

1. Short title, commencement and scope.— (1) These regulations shall be called National Electric Power Regulatory Authority (Import of Electric Power) Regulations, 2017.

(2) These regulations shall come into force at once.

(3) These regulations shall apply for the import of electric power from foreign countries and from generation facilities located in Azad Jammu & Kashmir, Gilgit Baltistan and territories where the applicability of the Act is not extended.

2. Definitions. - (1) In these Regulations, unless there is anything repugnant in the subject or context,—

(a) “Act” means Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997);

(b) “Buyer” means a Distribution Company or Market Operator desirous of entering into a PPA with the Seller for Import of Power in accordance with the Rates of Import of Power approved by the Authority;

(c) “Communication” means any information, comments, data, filing, summary, written statement, representation, pleadings, correspondence or evidence filed with the Registrar, the presiding officer or the Authority in connection with any proceedings under these regulations;

(d) “Distribution Company” means a company holding a distribution license issued by the Authority for distribution of electric power;

- (e) “File” or “Filing” means the submission of a request to the Authority for approval of Rate for import of electric power along with all the information required under these regulations;
 - (f) “Import of Power” means purchase of electric power by a Distribution Company or Market Operator from a Seller;
 - (g) “Market Operator” shall bear the meaning ascribed thereto in the National Electric Power Regulatory Authority (Market Operator Registration, Standards and Procedure) Rules, 2015;
 - (h) “PPA” means the power purchase agreement or energy purchase agreement executed between the Seller and the Buyer for Import of Power in accordance with these regulations;
 - (i) “Rates” shall include the terms and condition of Import of Power as approved by the Authority;
 - (j) “Registrar” means a person designated by the Authority to register and record the receipt of Communications, requests for approval of Rates for import of electric 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;
 - (k) “Seller” means an entity desirous of entering into a PPA with the Buyer to export electric power from its generation facility located in Azad Jammu & Kashmir, Gilgit Baltistan, a foreign country or a territory where the applicability of the Act is not extended in accordance with Rates of Import of Power approved by the Authority;
 - (l) “Tariff Proposal” means the proposed Rates offered by the seller to the buyer for sale of its electric power.
- (2) Words and expressions used but not defined in these regulations shall have the same meaning as assigned to them in the Act and the rules and regulations made there under.

3. Application for determination of Rates for import of power.– (1) 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 –

- (a) name and address of the applicant;
- (b) authorization from the competent authority for Import of Power as well as the authorization to file the request for approval of rates, and terms and conditions, before the Authority along with affidavit as to the correctness of the information;
- (c) demand which is going to be met through the proposed Import of Power;
- (d) details of the Seller including but not limited to name, address, description of generation facilities etc.;
- (e) comprehensive Tariff Proposal
- (f) source of power generation, where applicable;
- (g) capacity and/or the estimated annual energy to be imported;
- (h) feasibility study of the project, if applicable;
- (i) proposed Rates and terms and conditions for Import of Power;
- (j) tariff details for which determination of the Authority is being sought along with estimated costs of the power generation and tariff assumptions;
- (k) proposed interconnection arrangement with approximate distance;
- (l) augmentation required in existing transmission network and/or the Grid, if any;
- (m) estimated costs of the interconnection arrangement and augmentation required in the transmission network;

- (n) the technology, indicating primary fuel, alternate primary fuel and back up fuel, where applicable;
- (o) evidence of compliance with the Grid Code, Distribution Code and other applicable documents;
- (p) the expected commercial operations date;
- (q) the expected duration of Import of Power;
- (r) the adequacy of the transmission system of the national grid company or Distribution Company's system, as the case may be, to import the electric power;
- (s) the summary of evidence giving brief particulars of the data, facts and evidence in support of the application; and
- (t) any other information in such format as may be required by the Authority from time to time.

(2) The application shall be accompanied by a non-refundable application fee, as applicable for filing of tariff petition fee under NEPRA Tariff (Standards & Procedure) Rules, 1998 and other rules and regulations on the subject.

(3) The application shall be submitted by the Buyer under sub regulation (1) within seven days of receipt of the Tariff Proposal from the Seller.

(4) The application shall be deemed to be filed only when all required information has been submitted by the applicant and the Registrar may return the application if the required information has not been submitted.

(4) The Registrar shall present the application for admission before the Authority within 7 days of the date of filing.

(5) If satisfied that all the relevant and necessary information has been provided, the Authority may admit the application for further proceedings:

Provided that prior to admission of the application, the Authority may seek any other information or document which, in the opinion of the Authority, is material and necessary for arriving at an informed decision.

4. Proceedings.– (1) Upon admission of application in terms of regulation 3, proceedings shall be conducted *mutatis mutandis* in accordance with the procedures and standards prescribed under NEPRA Tariff (Standards & Procedure) Rules, 1998, including but not limited to the publication of salient features of the request, filing of reply, intervention request and comments, recording of evidence and conduct of hearing.

(2) The Authority shall examine all components of the cost of the project in order to satisfy itself that the Rates being proposed are reasonable and prudent.

(3) After detailed examination as provided above, the Authority may either, approve the Rates with or without modifications or may reject the request for reasons to be recorded.

(4) The Rates and terms and conditions approved for import of power shall be intimated to the Federal Government for notification in the official Gazette in terms of section 31 (4) of the Act.

5. Execution of PPA.– The Buyer shall execute the PPA as per the Rates and terms and conditions so determined by the Authority and notified in the official Gazette.

6. Amendments in the PPA.– No amendment in the terms and conditions of the PPA, affecting the tariff or its conditions, shall be made except with prior approval of the Authority.

7. Repeal.–The regulation 7 of the National Electric Power Regulatory Authority Interim Power Procurement (Procedures and Standards) Regulations, 2005 hereby stands repealed.