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GRENADA

ACT NO. 19 OF 2016**I assent,**CÉCILE E. F. LA GRENADE
*Governor-General.**8th July, 2016.*

AN ACT to provide for the regular, efficient, co-ordinated and economical supply of electricity and to establish a framework for the accelerated development of the supply of electricity from renewable energy resources, and for connected purposes.

[By Notice].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives, and by the authority of the same as follows—

PART I

PRELIMINARY

1. This Act may be cited as the—

ELECTRICITY SUPPLY ACT, 2016,

Short title
and com-
mencement.

and shall come into force on such date as the Minister shall by Notice published in the *Gazette* appoint.

Interpretation.

2. In this Act—

“authorised area” means the geographical area within which a network licensee is authorised to supply electricity as set forth in a network licence granted under section 14 to that network licensee;

“Commission” means the Public Utilities Regulatory Commission established under section 4 of the Public Utilities Commission Act;

“Committee” means the National Electricity Advisory Committee established pursuant to section 6;

“consumer” means any person or public body supplied, or requesting to be supplied, with electricity by a network licensee;

“electric line” means any wire or conductor erected or fixed on, under or over any land, or any conductor installed off-shore, and used or to be used for the purpose of conveying, transmitting or distributing electricity including any casing, coating, covering, tube, post, pipe or insulator enclosing, surrounding or supporting the same or any part thereof, and any transformer, switchgear or other works or apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or transforming its voltage and together also with any building, structure or box required to accommodate any such transformer, switchgear or other works or apparatus;

“electric plant” means any electric generation equipment and other works or apparatus used in connection therewith for the purpose of generating electricity, and any handling, storage or processing equipment and any other works or apparatus used in connection therewith for the delivery of fuel, including but not limited to petroleum products, natural gas, biofuels, water, steam and renewable energy resources, together with any building or structure required to accommodate any such equipment, fuel, or other works or apparatus and any electric lines required to deliver the generated electricity to a network licensee;

“electrical system” means electric plant, electric lines and all other equipment, works or apparatus utilised by a licensee to supply electricity;

“electricity” includes electric voltage, electric current, electric energy and any like agency;

“generation licence” means a licence for the generation or storage of electricity or the sale of such electricity to a network licensee, granted to an independent power producer or a generation licensee pursuant to section 14;

“generation licensee” means any person to whom a generation licence is granted;

“governing body” means the board of directors in the case of a corporate body, the line Minister in the case of a Ministry or a Government department, or the person or persons having the ultimate

authority in the case of any other public body or entity;

“Government Chief Electrical Inspector” means the government employee in charge of the Government Electrical Inspection Unit;

“hybrid system” means any electricity generation facility or electric plant which makes use of more than one fuel source, one of which may include fossil fuel, with a minimum of ten percent of the annual energy output provided by renewable energy sources;

“independent power producer” means a person to whom a generation licence has been granted and who is not a network licensee;

“licence” means a licence granted by the Minister under section 14;

“licensee” means any person authorised by a licence to supply electricity;

“Minister” except as otherwise specified herein, means the Minister for the time being responsible for the supply of electricity in Grenada;

“network licence” means a licence for the transmission, distribution and sale of electricity to consumers granted pursuant to section 14;

“network licensee” means any person to whom a network licence is granted;

“permit” means a permit issued to a self-generator under this Act;

“power purchase agreement” means an agreement between an independent power producer or a generation licensee and a network licensee as the case may be for the supply of electricity by the independent power producer or the generation licensee as the case may be to a network licensee for the transmission, distribution or sale of electricity to consumers;

“premises” means any land or any building or other erection wherever situated;

“rate” means every rate, fare, toll, charge or other compensation or payment whatsoever charged or paid by a licensee for the purchase or sale of electricity;

“renewable energy resources” means non-fossil sources of energy capable of use for the generation of electricity such as wind, solar, hydropower, biomass, geothermal, wave and tidal sources;

“self-generator” means a person who generates electricity only for his or her own use and, as the case may be, for the provision of excess electricity to a network licensee, and the term “self-generate” shall be construed accordingly;

“supply” includes the generation, storage, transmission, transformation, distribution, furnishing, sale and resale of electricity;

“sustainability programme” means both an annual and a rolling five-year plan of a network licensee, or

a person who holds both a generation licence and a network licence, which sets out, the manner in which the licensee intends to achieve and maintain the customer service, engineering, financial and technical standards necessary for a regular, efficient, co-ordinated and economical supply of electricity under its licence; and

“undertaking” means all of the activities in which a licensee is permitted by its licence to engage in the supply of electricity and its property pertaining thereto.

PART II

FUNCTIONS OF THE MINISTER AND THE COMMISSION

Functions of the
Minister.

3.—(1) The Minister shall—

- (a) after consultation with the Commission, licensees, the public and any Committee established under section 6, establish and communicate a national electricity sector policy consistent with this Act and the regulations;
- (b) grant, modify, extend, suspend and revoke licences and permits granted under the Act;
- (c) act as the technical regulator of the electricity sector;
- (d) be responsible for making the regulations and giving directions under this Act;

- (e) consult with the Commission on any matter that he or she deems necessary; and
- (f) carry out any other functions, duties and powers assigned to him or her under the Act.

(2) Where any determination, decision, or direction of the Minister is materially contrary to the advice or recommendation of the Commission on a matter for which this Act or the regulations provide for consultation with or on the advice or on the recommendation of the Commission, or the Minister has otherwise requested such advice or recommendation, the Minister shall give his or her reasons therefor in writing to the Commission.

4. The Commission shall—

Functions
of the Com-
mission.

- (a) act as the economic regulator of the electricity sector and in particular—
 - (i) set the rates that are chargeable by licensees for the supply of electricity and other services;
 - (ii) determine the rates that are payable by a network licensee to a self-generator for the purchase of excess electricity generated by the self-generator from its generation facilities; and
 - (iii) approve the rate provisions contained in any power purchase agreement proposed to be concluded between a network licensee and an independent power producer;

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- (b) without prejudice to the Minister's powers for the granting, modification, extension, suspension and revocation of licences and any other function, duty or power assigned to the Minister under this Act or the regulations, the enforcement of every licensee's compliance with the terms and conditions of its licence, its sustainability programme, and with the requirements for quality of service to consumers, and the rates that a licensee is authorised to charge;
 - (c) hear and resolve any dispute that may arise between parties governed by the Act in accordance with Part III of the Public Utilities Regulatory Commission Act;
 - (d) provide advice to the Minister in the performance of his or her or her functions, duties and powers as provided for in this Act, the regulations, and any licence or permit and as otherwise requested by the Minister; and
 - (e) carry out any other function that may be assigned to it under this Act and the Public Utilities Regulatory Commission Act.

Priority of provisions of this Act.

5. Where there is any inconsistency between the provisions of this Act and the Public Utilities Regulatory Commission Act, with respect to the exercise of the Commission's powers, functions and duties in matters relating to licensees governed by this Act, and any matter relating to the electricity sector, the provisions of this Act shall prevail to the extent of the inconsistency.

6.—(1) The Minister on the advice of the Commission may for the purposes of this Act establish a National Electricity Advisory Committee.

National
Electricity
Advisory
Committee.

(2) The procedures and functions of the Committee established under sub-section (1) shall be governed by regulations.

7. The Committee established under section 6 may advise the Minister on the establishment of national policy for the electricity sector and the strategy for its development.

Functions
of the
Committee.

8. In the performance of their respective functions under this Act, the regulations and the Public Utilities Commission Act, the Minister and the Commission may cooperate with and, as may be required under the international obligations of Grenada, utilize the advisory, training and other services of any regional electricity or energy sector body.

Co-operation
with regional
electricity
bodies.

PART III

FRAMEWORK FOR ACCELERATED DEVELOPMENT OF THE SUPPLY OF ELECTRICITY FROM RENEWABLE ENERGY RESOURCES AND FOR THE EFFICIENT GENERATION AND USE OF ELECTRICITY

9.—(1) In carrying out his or her functions, the Minister shall—

Principles for
the Minister's
performance
of functions.

- (a) promote the accelerated development of the supply of electricity from renewable energy resources and the efficient generation and use of electricity in Grenada, in order to transition to an efficient, affordable, low-carbon, energy

independent electricity generation, interconnection, transmission and distribution network; and

- (b) except for a licence issued under section 67, give priority to issuing generation licences to persons who will, while ensuring the safe and secure supply of electricity, generate electricity from renewable energy resources or from electric plants that would otherwise significantly reduce the cost of electricity to consumers, the carbon footprint of Grenada, and Grenada's dependence upon imported fossil fuel.

(2) The principles through which the Minister shall carry out the functions set out in subsection (1) shall include—

- (a) reducing the national reliance on imported fossil fuels and Grenada's carbon footprint, lower the cost of electricity, and transition Grenada to a sustainable energy model through the supply of electricity from renewable energy resources;
- (b) cooperating in the establishment of the Commission as an efficient, cost-effective regulator of the electricity sector in the manner set forth in this Act, the regulations and the Public Utilities Regulatory Commission Act;
- (c) providing for diversity in the generation of electricity, to accelerate energy independence, the affordability of electricity, the universal supply of electricity, and other policy objectives;

- (d) engaging in collaboration with geothermal and other renewable energy resource development activities in the Caribbean region and beyond, to secure the required technical assistance and financing for such projects;
- (e) effectively and economically integrating self-generators from renewable energy resources into the national electricity system, or grid;
- (f) exploring the economic feasibility of the conversion of existing fossil fuel generation facilities to hybrid systems;
- (g) promoting the achievement of significant energy conservation in the production and end-use of electricity;
- (h) promoting specialized professional education programmes to increase the capacity of public officers and any other relevant officer to participate in the effective regulation of the electricity sector and the development, implementation and monitoring of national electricity policy;
- (i) recommending updates to the legislative and regulatory framework in a manner that will support achieving the generation of electricity from a range of renewable energy resources;
- (j) obtaining from licensees data and other information necessary to set the national electricity policy and sustainably develop electricity generation from renewable energy resources;

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- (k) engage in discussions for the development of the sharing of advisory, training and other services in the Caribbean region relating to the development of the electricity services sector; and
 - (l) strengthening Government's participation in other regional and international organisations whose agenda includes the producing of electricity from renewable energy resources, the lowering of electricity costs, and other mechanisms to reduce the national carbon footprint.

Strategy for
electricity sector
development.

10.—(1) The Minister may, after consultation with the Commission, licensees, the public, and any Committee established under section 6, initiate the development of a National Electricity Strategy, which may be updated from time to time.

(2) A National Electricity Strategy initiated under sub-section (1) may include short, middle and long-term steps which may be necessary to implement the policy and achieve the objectives set out in section 9, which may include—

- (a) providing a reliable, high quality supply of electricity to consumers and a universal supply of electricity;
- (b) attracting new domestic and foreign investment in the development, construction and operation of electric plants utilising renewable energy resources;

- (c) identifying targets for the electric plants in subparagraph (a), including by geographical location, diversity of renewable energy resources, technology, generation capacity and unit size, and with regard to the universal supply of electricity;
- (d) reducing exposure to fossil fuel price volatility;
- (e) exploring the feasibility of introducing hybrid systems in existing fossil fuel generation electric plants;
- (f) propose and implement legislation to give effect to electricity policy;
- (g) carrying out an impact and feasibility assessment for the use of biomass for electricity generation purposes;
- (h) instituting a streamlined permitting process for self-generators under section 24;
- (i) encouraging the development, installation and operation of self-generation capacity that will provide excess energy to the national grid;
- (j) formulating and scheduling programs to educate the public in promoting the efficient use of electricity and renewable energy resources for self-generation and for the provision of excess electricity to network licensees;

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- (k) identifying and planning additional programs for the promotion of energy efficiency by licensees, self-generators, and the general public;
 - (l) promoting specialized professional education programmes to increase the capacity of public officers and any other relevant officer to participate in the effective regulation of the electricity sector and the development, implementation and monitoring of national electricity policy;
 - (m) formulating and scheduling programmes to educate the public in a range of steps for implementing the efficient use of electricity and the use of renewable energy resources for self-generation and for the provision of excess electricity to network licensees;
 - (n) identifying and planning additional programs for the promotion of energy efficiency by licensees, self-generators, and the general public;
 - (o) increasing the public participation in, and understanding of, the regulation of the electricity sector; and
 - (p) carry out such other projects, programmes and initiatives as may be necessary to implement the national electricity policy.

11. The Minister shall—

- (a) report to Parliament from time to time on the progress made in implementing any National Electricity Strategy undertaken under section 10; and
- (b) make any National Electricity Strategy undertaken under section 10 available to the public on the website of the Ministry and the Commission.

Availability of National Electricity Strategy.

12.—(1) A network licensee shall, in addition to its other obligations under this Act, the regulations, the Public Utilities Regulatory Commission Act, and its licence—

- (a) on a rolling basis, determine in conjunction with the Commission whether there is capability for further interconnection, and ensure the safety and technical capability of its electrical system to interconnect with the electrical systems of independent power producers and the electricity generation facilities of self-generators;
- (b) facilitate the interconnection of such independent power producers and self-generators;
- (c) provide the Minister and the Commission with a written report by February 1 of each year on the following matters with respect to the previous calendar year:
 - (i) the number and identity of the independent power producers and self-

Interconnection of independent power producers and self-generators in the national grid.

generators that have been interconnected with and supplied electricity to the network licensee's electrical system; their available peak capacity; a comparison of such capacity and energy supplied with the overall available capacity and electricity supplied through the network licensee's electrical system; their average capacity; their ability to provide and amount of provided or consumed reactive power; and

- (ii) any additional data that the Minister or the Commission may request regarding the quantity of electricity provided to the network licensee's electrical system by an independent power producer and a self-generator and the rate that the network licensee paid for it;
- (d) conclude an approved power purchase agreement with an independent power producer, and purchase, transmit and distribute to consumers electricity generated by, independent power producers; and
- (e) purchase, transmit and distribute to consumers excess energy generated by self-generators whose generating facilities have been issued a permit to interconnect with and provide electricity to the network licensee's electrical system.

(2) Every independent power producer, and every self-generator as the case may be that generates excess

electricity, and sells it to a network licensee shall, in exchange for compensation from a network licensee as provided for in this Act and the regulations—

- (a) on a continuous basis, determine and ensure the safety and technical capability of its electric plant and electricity generation capacity, as the case may be, to interconnect with the electrical system of the network licensee;
- (b) facilitate the interconnection of such network licensee with its electric plant or electricity generation capacity, as the case may be;
- (c) provide the network licensee with such information as it may reasonably request to allow it to meet its reporting obligations to the Minister and the Commission under this section and any other provision of the Act;
- (d) in the case of an independent power producer, conclude with a network licensee a power purchase agreement approved by the Commission and to sell electricity generated at its electric plant under the terms and conditions of such agreement; and
- (e) in the case of a self-generator, sell excess electricity generated from its electricity generation capacity to a network licensee in accordance with the rates approved by the Commission.

PART IV**LICENSING**

Requirement for
a licence.

13.—(1) Subject to subsection (2), no person shall supply electricity to himself or herself or to any other person, or to any premises or geographical area, except under and in accordance with a licence granted under section 14.

(2) A person shall not be required to obtain a licence under section 14 if that person is a self-generator—

- (a) who possesses electricity generation capacity and equipment for such generation, and use of electricity from any source for its or his or her own use during periods when the network licensee in whose authorised area the self-generator is located is prevented by weather or other emergent circumstances from supplying electricity to such self-generator;
- (b) generating electricity from renewable resources for his or her own consumption and use on any premises;
- (c) generating electricity exclusively for his or her own consumption and use and located in an area not supplied with electricity by a network licensee.

(3) A self-generator shall comply with all regulations applicable to the safety and technical suitability of the design, installation, operation and maintenance of any self-generation equipment and otherwise applicable to a self-generator, and may supply excess electricity to a network licensee only in

accordance with a permit or, pending the Minister's publication of regulations or other requirements for obtaining a permit provided for in section 25.

14.—(1) The Minister may grant a licence, for a period not exceeding twenty five years, upon such terms and conditions as may be specified in the licence authorising any person to— Grant of licence.

- (a) generate and store electricity and sell it to a network licensee; and
- (b) transmit, distribute, provide and sell electricity to consumers.

(2) In granting a licence under sub-section (1) the following principles shall apply—

- (a) the Minister shall consult with the Commission and shall take its views into account in determining whether to grant the licence;
- (b) every generation licence shall be a non-exclusive licence, and any network licence may be an exclusive licence;
- (c) the Minister shall give priority to the grant of licences for the generation of electricity from renewable energy resources or to persons whose electric plant would otherwise significantly reduce the cost of electricity to consumers, the carbon footprint of Grenada and Grenada's dependence on imported fossil fuel;
- (d) prior to granting a generation licence to an independent power producer, the Minister

must be satisfied that the terms and conditions of any power purchase agreement between the independent power producer and the relevant network licensee—

- (i) are satisfactory as to the rates upon which electricity will be sold and purchased and that such rates have been approved by the Commission;
 - (ii) are commercially prudent and viable, and will not adversely affect or will enhance the system-wide capacity, reliability and efficiency of the network licensee;
 - (iii) is in accordance with the law; and
 - (iv) are compatible with the national electricity policy;
- (e) An evaluation to determine whether the applicant has the necessary legal and financial capacity and standing, technical expertise and management competence to carry out the activities for the supply of electricity under the terms and conditions of the licence;
- (f) the term for which a licence should be granted shall reasonably relate to the financial, pricing, and other relevant parameters of the licensee's proposed activities and electricity system; and

- (g) except in urgent cases promote competitive selection process to ensure that consumers pay the best price for electricity supply by utilizing requests for proposals, tenders, auctions, stated criteria, fixed prices, and any such competitive selection process shall include a requirement that the winning participant submit an application for the relevant licence, which will be determined by the Minister in accordance with the Act.

15. A licence granted under section 14 shall include the following terms and conditions—

Terms and conditions of licences.

- (a) the activities for the supply of electricity in which the licensee is permitted to engage, the nature and capacity of the service to be supplied, and the technical parameters of the licensee's electrical system;
- (b) such limits within which, and conditions under which, electricity will be supplied;
- (c) in the case of a network licence, the authorised area within which, or the persons or premises to which, the network licensee must supply electricity;
- (d) in the case of a generation licence, the location of the electric plant, its equipment, and the operational and maintenance requirements for such electric plant;
- (e) in the case of an electric plant or electrical system that will be developed and become operational after the grant of the licence, a

deadline by which the licensee must commence operations or forfeit its licence;

- (f) the term of the licence; and
- (g) any other terms and conditions as the Minister deems necessary.

Procedure upon an application for a non generation licence.

16.—(1) An application for a licence under this section shall be made to the Commission, in the prescribed manner and shall be accompanied by the supporting documents and such fee, as the Minister may prescribe.

(2) Upon receipt of an application under sub-section (1)–

- (a) the Commission shall transmit a copy of the application to the Minister within three business days of receiving an application;
- (b) the Commission shall cause a notice of such application to be published in the *Gazette*;
- (c) the applicant shall at its own expense, publish or cause to be published the prescribed notice of such application in at least two newspapers in general circulation in Grenada, which shall contain the prescribed particulars and information to inform the public in general, and to provide interested persons the opportunity to make written representations to the Commission on the proposed application;
- (d) any person may, after publication of the notice send his or her written representations to the Commission;

- (e) within fourteen days, after the expiry of the period under paragraph (d), the Commission shall consider the representations made if any, and not withdrawn and forward a report on them, together with its own comments on the representations and its recommendation on the application for a grant of licence to the Minister; and
- (f) within thirty days of receiving the documents provided under paragraph (e) the Minister taking such views into consideration and bearing in mind the considerations specified in section 64, shall make a determination whether to grant or refuse the licence and shall promptly notify the applicant and the Commission of his or her decision in writing.

17.—(1) Except as provided for in sub-section (6), the Commission shall be responsible for the procuring process for all new generating capacity in accordance with the Act and regulations and shall manage and administer the process for the procurement, by means of competitive bidding for generation capacity by existing and potential power producers.

Procedure for
generation
licences.

(2) The Commission shall send out a notice in the prescribed form inviting requests for proposals from any person who wishes to be granted a generation licence in accordance with this Act whether or not that person already holds a license issued in respect of earlier generation capacity.

(3) A proposal made by an applicant under this section shall be subject to the review procedure set out in regulations.

(4) The Commission may retain the services of suitably qualified persons in evaluating and reviewing any proposal received under this section.

(5) The Minister on the recommendation of the Commission shall make regulations for the purposes of this section.

(6) The competitive bidding process referred to in this section shall not apply—

- (a) in cases of emergencies;
- (b) in an event of *force majeure*; or
- (c) in any unusual circumstance that may be prescribed by the Minister.

Notice for grant of licence.

18.—(1) A licence shall continue in force unless suspended or revoked in accordance with section 24.

(2) As soon as practicable after granting a licence, the Minister shall publish a notice of such grant in the *Gazette*.

Prohibition on cessation of licensed operations.

19. Except where a licence expires, is revoked, suspended, cancelled or terminated in accordance with the Act, no licensee shall cease its licensed operations or any part thereof without first obtaining, the consent of the Minister, after consulting with the Commission.

Conditions deemed to be included in licence.

20. The following conditions are deemed to be included in every licence granted under this Act—

- (a) a licensee shall not, without the prior written consent of the Minister, acquire, by purchase

or otherwise, the licence or a business for the purpose of supplying electricity with, any person supplying or intending to supply, electricity under any other licence;

- (b) a licensee shall not assign or encumber its licence or transfer, or divest itself of, its rights or obligations under a licence, or any part thereof, without the prior written consent of the Minister, which consent shall not be unreasonably withheld;
- (c) a licensee shall not, without the prior written consent of the Minister, lend funds or give credit to any of its officers or directors, or to any company by—
 - (i) becoming a surety, guarantor or endorser upon any obligations, contingent or otherwise, of such officer, director or company;
 - (ii) loaning funds, securities or other like assets to such officer, director or company; or
 - (iii) purchasing any obligation upon which the officer, director or company may be liable solely or jointly with others;
- (d) any agreement relating to any transaction of the nature described in this section, unless made with and subject to the consent of the Minister, shall be void; and

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- (e) unless otherwise provided by the Minister in writing, this section shall extend to the renewal or extension of any agreements existing on the commencement date.

Modifications of
licences.

21.—(1) Either a licensee or the Minister as the case may be, may propose a modification to the terms and conditions of a licence in the prescribed form.

(2) A licensee who wishes to propose a modification under sub-section (1) shall submit its proposal to the Commission, in the prescribed manner.

(3) Where a licensee makes a proposal under sub-section (1), the Minister shall consult with the Commission and shall consider any representations made to the proposed modification under sub-section (4).

(4) Where the Minister proposes to modify a license the Minister shall publish or cause to be published a notice in the *Gazette*—

- (a) stating his or her intention to modify to the licence, its effect and reasons therefor; and
- (b) specifying the period, not being less than thirty days from the date of publication of the notice, within which representations or objections with respect to the proposed modifications may be made in writing to the Commission.

(5) A modification granted under this section shall be consistent with the provisions of the Act.

22.—(1) The Minister may upon an application by the licensee in the prescribed form and on the recommendation of the Commission extend the period of validity of a licence granted under section 14. Extension of licences.

(2) An application under this section shall be made at least one year prior to the expiry of the licence.

(3) A licence extended under sub-section (1) shall be subject to certain terms and conditions.

(4) An extension granted under this section shall be for a period not exceeding five years except in circumstances where the Commission recommends to the Minister that a greater period will best achieve the objects and purpose of the Act.

(5) Section 21 shall apply *mutatis mutandis* to an application under this section.

(6) Within three months of receiving an application under this section, the Minister shall determine the application and shall without delay convey his or her decision to the licensee and to the Commission.

(7) Every extension granted under this section shall be consistent with the provisions of the Act.

23.—(1) Where the Commission determines that a licensee has contravened or is likely to contravene a condition or term of its licence, the Commission may, after consultation with the Minister serve a notice in the prescribed form on the licensee, requiring the licensee, within the period specified in the notice, to take such steps as the Commission considers Securing compliance with licence.

necessary to secure compliance with, or to avoid the likely contravention of, that condition, and to make good any direct loss or damage in consequence of the contravention of that condition.

(2) A notice under subsection (1) shall state the relevant condition and the acts or omissions which, in the opinion of the Commission, constitute or are likely to constitute a contravention of that condition, and such notice shall be effective upon service on the licensee.

(3) Concurrently with serving a notice on a licensee under this section, the Commission shall transmit a copy of such notice to the Minister.

Suspension and
revocation of
licences.

24.—(1) Subject to subsections (2) and (3), the Minister may, by notice in the prescribed form served on a licensee, suspend or revoke a licence on any of the following grounds—

- (a) in the case of a network licence, that the network licensee is not providing consumers in its authorised area with a regular, reliable and efficient supply of electricity or is not providing interconnection to an independent power producer or a self-generator, in accordance with this Act or terms and conditions of its licence;
- (b) in the case of a generation licence, that the independent power producer or other licensee is using its electric plant in a manner not authorised by the terms and conditions of its licence or is failing to provide electricity to a

network licensee as required by the terms and conditions of its licence and the relevant power purchase agreement;

- (c) that the licensee has materially contravened, or materially failed to carry out within a reasonable time or discontinued the performance of, the terms or conditions of its licence, or has materially contravened the provisions of this Act or the regulations, or is supplying electricity in a manner not authorised by its licence;
- (d) that the licensee has failed to pay any sum due and payable under the licence to any public body and, after written notice, for a period of thirty days has not cured such failure;
- (e) that the licensee has become bankrupt or has compounded with its creditors or, in the opinion of the Minister, the licensee's financial position causes it to be unable fully and efficiently to discharge the duties and obligations imposed on it by its licence;
- (f) that the licensee has failed to comply with a notice under section 23(1) or any order of the Minister or the Commission for securing compliance with any condition of the licence;
- (g) that the licence was obtained by fraud; or
- (h) any other ground specified in the licence.

(2) Before serving a licensee with a final notice of suspension or revocation under subsection (1) the Minister shall request a recommendation from the Commission and, after taking such recommendation into account, may serve on the licensee an initial notice in the prescribed form and publish the initial notice in a daily newspaper of general circulation in Grenada, stating—

- (a) that he or she is considering serving a final notice of suspension or revocation on the licensee on a ground specified in subsection (1); and
- (b) that the licensee and any person likely to be affected by a suspension or revocation may, within a period of thirty days from the date of the publication, make written and, if the licensee or affected person so desires, oral representations to the Minister.

(3) The Minister shall consider any representations made by a licensee and any person likely to be affected by a suspension or revocation in response to an initial notice under subsection (2) before serving a final notice of suspension or revocation of the licence.

(4) After serving a final notice of suspension or revocation in respect of a licence, the Minister shall publish notice of it in a daily newspaper of general circulation in Grenada and in such other manner as appears to him or her expedient for notifying consumers in the authorised area to which the licence relates.

(5) A final notice of suspension or revocation shall be effective on the expiration of thirty days from the date of service of such notice.

25.—(1) Except as provided under section 13(2)(a), no person shall generate electricity for his or her own use, and connect his or her electricity generating facility to the electrical system of a network licensee except in accordance with a permit granted for that purpose by the Minister on the recommendation of the Commission. Permits.

(2) A person who generates or intends to generate electricity for his or her own use and who intends to connect his or her electricity generating facility to the electrical system of a network licensee shall make an application to the Minister in the prescribed form and accompanied by the prescribed fee.

(3) Upon application and payment of the prescribed fees, the Minister may on the recommendation of the Commission, and subject to any reasonable condition, issue a permit in the prescribed form.

(4) The Commission shall conduct due diligence checks in respect of every applicant before any decision is made in relation to its application.

(5) A permit issued under this section shall be valid for a period not exceeding fifteen years.

(6) The Minister may modify, extend, suspend or revoke a permit in the same manner and to the same extent as he or she exercises over licences issued under this Act.

(7) The Minister may make regulations under this section governing—

- (a) the manner and procedure to be adopted when applying for a permit under this section;
- (b) streamlining the process without com-

promising the safety and technical suitability of the design, installation, operation and maintenance of a self-generator's electricity generating facility and, where applicable, a self-generator's supply of excess electricity generated by him or her to a network licensee; and

- (c) any other matter which may be necessary to give effect to this section.

(8) Any authorization issued prior to the commencement date to any person to supply self-generated electricity to a person who operates an electrical system shall remain valid only in accordance with this Act and regulations issued under this section and every self-generator who supplies electricity to a network licensee shall, without delay, apply to the Commission to obtain a permit under the Act.

PART V

SUPPLY OF ELECTRICITY

General powers and duties of licensees and permit holders.

26.—(1) Every licensee or permit holder as the case may be shall—

- (a) develop and maintain a regular, reliable, efficient, coordinated and economical system of electricity supply;
- (b) facilitate the use of renewable energy resources for the generation of electricity;

- (c) facilitate competition in the generation of electricity;
- (d) observe and comply with the terms and conditions of its licence or permit as the case may be, this Act, the regulations, the Public Utilities Regulatory Commission Act, and any other applicable law;
- (e) pay the prescribed fees as required under this Act, the Public Utilities Regulatory Commission Act, and any other relevant enactment;
- (f) upon the written request of the Minister and subject to any written law, cooperate with the Minister and any other public officer in matters of national security and public order;
- (g) submit to the Minister and the Commission information with respect to the development, operation and maintenance of its electrical systems and its supply of electricity, as may be required by the Minister and the Commission in the performance of their functions;
- (h) cooperate with the Minister in the establishment and implementation of any National Electricity Strategy and national electricity policy;
- (i) cooperate with the Minister and the Commission in their rights to inspect the electrical systems of licensees; and

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- (j) meet technical and operational standards and quality of service performance indicators in accordance with its licence, this Act, the Public Utilities Regulatory Commission Act, and the regulations.

(2) A licensee shall be a company incorporated or registered under the Companies Act Cap. 58A or other body corporate which shall maintain offices, books, accounts and records in Grenada.

Supply of
electricity by
network
licensees.

27.—(1) Consumers shall be supplied with electricity by the network licensee in whose authorised area their premises are located.

(2) Subject to the provisions of this Act and the regulations, a network licensee shall, upon being requested to do so by a consumer within the authorised area of such network licensee—

- (a) provide a new or increased supply of electricity to the consumer's premises; and
- (b) furnish and lay any electric lines, meters and other apparatus as are necessary to supply electricity at the maximum power with which the consumer is entitled to be supplied under this Act and the regulations, to the point of entry of such premises.

(3) The maximum demand of any consumer which a network licensee shall be required to supply shall be the maximum consumption which is reasonably anticipated in

view of the premises owned or occupied by such consumer and the legally permitted consumption of electricity on such premises.

28. Where any consumer requires a new supply of electricity to his or her premises, or a supply of electricity that differs from the one with which his or her premises is being supplied, he or she shall give to the network licensee in whose authorised area his or her premises are located a notice in the prescribed form which shall include—

Notice of requirement of a supply of electricity.

- (a) the consumer's name and contact details;
- (b) the premises for which the supply is required;
- (c) the day on which the supply is required to commence;
- (d) the maximum power which may be required at any time;
- (e) any increase or decrease in the maximum power demand for electricity already being supplied to the premises; and
- (f) the minimum period for which the supply is required to be given.

29. Where a network licensee receives a notice under section 28, the network licensee shall provide the consumer with a standard consumer agreement approved by the Commission in the prescribed form detailing—

Contract for the supply of electricity by a network licensee.

- (a) the extent to which the requirements specified in the consumer's notice can be met by the network licensee and, if required, suggesting a counterproposal to meet those requirements;

- (b) the rates to be charged by the network licensee in accordance with section 31 or the proposed rates under a special agreement under section 33;
- (c) information regarding any payment that a consumer is required to make in accordance with the Act;
- (d) information on the payment of any security deposit which the consumer is required to pay in accordance with this Act;
- (e) any other terms which the consumer will be required to accept in accordance with this Act and the regulations, including any restrictions that may be imposed for the purposes of enabling the network licensee to comply with this Act, the regulations and the terms and conditions of its licence; and
- (f) information on the resolution of any dispute between the network licensee and the consumer,

and the final written terms of the consumer's acceptance of a supply of electricity, whether in accordance with the information provided by the network licensee under this section or otherwise, and if the network licensee supply electricity to that consumer pursuant thereto it shall constitute a contract between a consumer and the network licensee for the supply of electricity in accordance with this Act and the regulations.

30. The provisions of this Act and regulations shall govern the terms and conditions of every supply of electricity to consumers by a network licensee.

Regulations for the supply of electricity to consumers.

31. Nothing in this Act shall require a network licensee to supply electricity to the premises of a consumer if and to the extent that—

Exceptions to the requirement to supply electricity to consumers.

- (a) the network licensee is prevented from doing so due to an act of God, *Force Majeure* or to any other cause beyond its control which the network licensee took reasonable precautions and exercised due diligence to avoid;
- (b) the network licensee would be in breach of this Act, the regulations, its licence, or other applicable written law, and it has taken all reasonable steps to prevent such breach or violation, such that it could supply electricity as requested by the consumer;
- (c) it is necessary to prevent damage to its electrical system or to the property of any consumer or to avoid a risk of injury to any person or to the public generally;
- (d) it is necessary to ensure the continuous supply of electricity to consumers generally or to restore the supply of electricity to consumers generally or in particular;
- (e) occurs during any maintenance, repair, removal or other activity authorised by this Act, the regulations, or the network licensee's licence with respect to its electrical system; or
- (f) is otherwise expressly permitted or required under this Act or the regulations.

Rates for the supply of electricity, the purchase of excess electricity from self-generators, and other services.

32.—(1) Every rate prescribed to be charged for the supply of electricity and any other service associated therewith shall—

- (a) be fair and reasonable;
- (b) provide licensees with a reasonable rate of return on their capital investment in their electrical system and other authorised activities;
- (c) reflect reasonable and enforceable standards for the quality of the supply of electricity;
- (d) subject to section 33(2), not be discriminatory or show undue preference between similarly-situated persons.

(2) Different rates may apply to the customers of a network licensee whether by reference to the different purposes for which electricity is supplied, the different times of day at which electricity is supplied, the different areas of supply or different parts of such areas the extent to which the supply is taken up or to any other relevant circumstance.

(3) The rates to be charged by a licensee for the supply of electricity and any other service associated therewith, and the rates payable by a network licensee to self-generators who provide excess electricity from their electricity generation capacity to such network licensee, shall be in accordance with such rates as may be fixed from time to time by the Commission in accordance with this Act, regulations made hereunder, and the Public Utilities Regulatory Commission Act.

(4) A network licensee who purchases excess electricity from a self-generator and supplies electricity to that self-generator shall, respectively, pay to and charge the self-generator the rates fixed by the Commission only for the net amount of electricity actually taken or supplied as the case may be by such network licensee.

- (5) (a) The Minister after consultation with the Commission may make regulations governing the rates for the supply of electricity;
- (b) Without limiting paragraph (a) regulations made under this section may address—
- (i) the purchase of electricity from self-generators by network licensees;
 - (ii) standards, mechanisms and procedures for the determining by the Commission of the rates for the supply of electricity to consumers by a network licensee, the supply of electricity by an independent power producer to a network licensee, the provision of excess electricity by self-generators to a network licensee from their electricity generation capacity; and
 - (iii) any other matter that the Minister deems necessary.

(6) Rates shall be chargeable by a person authorized to supply electricity under the Electricity Supply Act, 1994 to self-generators and vice versa only in respect of excess

electricity from their electricity generation capacity upon commencement of this Act and subject to sub-section 7 the rates payable shall be in accordance with the approved rates issued by the Commission.

- (7) (a) Until such time regulations are made and without prejudice to the operation of those regulations, the Commission and any person authorised to supply electricity under this Act may agree upon the rate payable for any service by any such person, or the rate payable by such person to self-generators for their provision of excess electricity to such person;
 - (b) In the event that no agreement can be reached and the Commission does not impose interim rates as provided for under this Act, the prevailing rates shall continue until the Regulations are made.
- (8) (1) The Commission may hold public education and consultation meetings to—
- (a) provide information on the process of implementing new rates or varying any rate during the preceding year and the mechanisms and calculations used to establish such rates;
 - (b) invite licensees to make presentations, for the purpose of educating the public about the costs as verified by the Commission involved in supplying electricity; and

- (c) afford an opportunity to members of the public to ask questions related to the regulation of rates for the supply of electricity and other matters by the Commission.
- (2) The public consultation provided for under section 5 shall not operate to delay the Commission's establishment of rates in accordance with this Act, the regulations or the Public Utilities Regulatory Commission Act.

33.—(1) Notwithstanding anything in section 32 or the regulations, a consumer who requires a supply of electricity may enter into a special agreement with a network licensee for the supply on such terms as may be specified in the agreement, and upon approval by the Commission of such special agreement, the network licensee may demand and receive payment from such consumer in accordance with the terms of the special agreement. Special agreements.

(2) A special agreement concluded and approved in accordance with subsection (1) is effective, and the rights and liabilities of the parties to the special agreement shall be those arising under the agreement.

(3) Any consumer who is a party to a special agreement with a network licensee under this section may give the network licensee a written notice requesting that, on the day on which the special agreement ceases to be effective, the network licensee commence providing such consumer with a supply of electricity in accordance with section 32 and the regulations, and the network licensee shall comply with such notice.

(4) The Minister may make regulations as he or she deems necessary to give effect to this section.

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- Technical standards applicable to licensees. **34.** The technical standards governing the installation, operation, maintenance, safety, and performance of the electrical systems of licensees shall be as provided for in the regulations.
- Type of supply. **35.**—(1) The electrical system availability of a network licensee and the frequency and voltage for the supply of electricity shall be as provided for in the First Schedule.
- (2) The Minister on the recommendation of the Commission may make regulations to give effect to this section.
- Metering. **36.**—(1) Except where prescribed in regulations, the consumption by a consumer of electricity supplied to him or her by a network licensee shall be determined by means of a meter.
- (2) A network licensee shall provide information on its metering system to a self-generator and a self-generator shall keep a record of his or her generation to allow the determination of the overall consumption of electricity in the country.
- (3) The metering of electricity by a network licensee and related matters shall be governed by the Third Schedule.
- Sustainability programmes. **37.**—(1) Every network licensee and generation licensee shall develop and maintain—
- (a) an annual sustainability programme; and
 - (b) a five-year sustainability programme that is revised on an annual basis,

containing the information required by subsection (2).

(2) The sustainability programme referred to under section (1) shall contain detailed descriptions and data on—

- (a) the plans and projections through which the licensee will achieve and sustain the customer service, engineering, financial and technical standards necessary for its regular, efficient, co-ordinated and economical supply of electricity under the terms of its licence, this Act, the regulations and any power purchase agreement to which it is a party;
- (b) the licensee's use of, plans to use, and facilitation of the use of renewable energy sources and hybrid systems and other efficiencies, and the commercial impact thereof;
- (c) benefits to be accrued to consumers, and the engineering and technical standards to be achieved and maintained, by the licensee as a result of the implementation of the programme and the rationale therefor;
- (d) the plans and projections through which the licensee will develop and expand its electrical system and services to be provided to consumers and network licensees;
- (e) the operating costs and capital expenditures of the programme;

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- (f) the sources and amounts of revenues necessary to finance the programme, including the proposed or actual costs, terms and sources of any debt or equity financing commitments necessary to carry out the programme and any offers actually, or anticipated to be received by the licensee;
 - (g) the debt to equity ratio tolerances to be maintained by the licensee in implementing the programme;
 - (h) the timing, amounts and terms of any issuance of securities contemplated by the licensee for the financing of the programme and the persons to whom they will or are anticipated to, be offered or issued;
 - (i) the impact that the programme is expected to have upon the natural and social environment;
 - (j) any other aspect of a programme that the Minister may direct.
- (3) (a) Any licence issued under section 67 to a licensee that is subject to this section shall include the initial annual and five year sustainability programme prepared by the licensee and approved by its governing body and the Minister.
- (b) After the commencement date, the initial

annual and five year sustainability programme of a prospective licensee that is subject to this section shall be submitted by the prospective licensee to the Minister for approval, and once approved by the Minister shall be included in its licence;

- (c) Every licensee subject to this section shall, no later than sixty days prior to the end of each of its financial year, submit seven copies of its annual sustainability programme and a current version of its five-year sustainability programme, as approved by its governing body, to the Minister for approval;
 - (d) Concurrently with submission of its sustainability programme to the Minister under subsection (3)(c), a licensee shall provide copies of such programme to the Commission.
- (4) (a) A sustainability programme submitted pursuant to sub-section 3(b) or (c) shall be considered by the Minister, after receiving the views of the Commission, if any, in the Minister's determination of whether to approve, reject or require modifications in the programme submitted.
- (b) The Minister shall take into account prudent engineering standards and a reasonable assessment of costs in making his or her decision whether to approve, reject or require modifications in the sustainability programme of the licensee.

(5) During the course of implementation of its approved sustainability programme, a licensee may amend the programme to the extent that such amendment is required to—

- (a) address operational emergencies or causes which are outside the control of the licensee and cannot be avoided by the exercise of due care;
- (b) implement the programme or otherwise to supply electricity under the terms of its licence, in a commercially prudent manner; and
- (c) maintain the balance between the licensee's growth and/or maintenance plans, its operating and service standards, and the need to preserve its financial integrity, in accordance with commercially reasonable practices of North American or European electric utilities:

Prior to making any such amendment, the licensee shall notify the Commission and the Minister of the amendment and the reason therefor and shall obtain the Minister's approval, which approval shall not be unreasonably withheld and, in the case of an amendment under paragraph (a), shall be granted or denied within twenty-four hours of notification;

Provided further that the licensee shall include an explanation of, and relevant information and data on, such amendment in the

sustainability programme that the licensee next submits to the Minister for approval.

38.—(1) Subject to sub-sections (2) and (3) a network licensee may, erect or fix in, on, under or over any land, or off-shore, any pipe, electric line or other works or apparatus used or to be used in the installation or working of its undertaking.

Network licensee may erect electric line.

(2) A network licensee shall first give notice in writing of its intention to the owner or occupier of any land, including any public body, if the owner or occupier can be ascertained, or (if he or she cannot be so ascertained) post up such a notice conspicuously on the land in question for a period of at least fourteen days prior to commencing any erection or fixing any work or apparatus in, on, under or over such land.

(3) If the owner or occupier shall, within fourteen days from the service or posting up of such a notice, give notice in writing to the network licensee of his or her objection thereto, the network licensee shall not enter upon the land in question.

(4) A network licensee shall not be required to supply electricity to any consumer if as a result of such inability to enter upon the land in question, it is not feasible for the network licensee to supply such consumer with electricity.

39.—(1) Subject to sub-section (2), in the course of construction or for the effective working of its undertaking, a network licensee may enter upon and remove from any public or private land, any tree or any branch, bough or other part of a tree growing on such land within one hundred feet of any electric line which may tend to interfere with, endanger or otherwise prejudicially affect the working of the undertaking.

Network licensee may take steps to prevent interference, etc.

(2) Except with the consent of the owner or occupier of such land a network licensee shall not enter upon any land under the provisions of this section until after the expiration of seven days notice in writing given to the owner or occupier thereof or posted up conspicuously thereon.

(3) Subject to sub-section (4), where an owner or occupier, within seven days from the service or posting up of such a notice, gives written notice of his or her objection thereto, both the network licensee and the owner or occupier shall in good faith enter into negotiations to resolve the issue, and during the period of negotiations the network licensee or his or her servants or agents shall not enter upon the premises of the owner or occupier of the land in question.

(4) Where any condition exists which poses an imminent threat of damage to the network licensee's electrical system or any part thereof or to the property of any person or is dangerous in that it poses a threat to the safety of any person or the public generally or is interrupting or imminently threatening to interrupt, the supply of electricity in Grenada or any part thereof, the network licensee may immediately enter upon any private or public land without the consent of the owner or occupier thereof and take whatever action is necessary to establish safe conditions or to ensure the continuity of the supply of electricity and in addition, may discontinue any supply of electricity to the owner or occupier until the condition is resolved.

(5) Whenever a network licensee acts under sub-section (4), it shall within three days inform the owner or occupier of the land in question (either by service of a written notice on him or her or by posting up conspicuously a notice on such land) of the action taken. Non-compliance with applicable

standards promulgated under section 34 shall be *prima facie* evidence of a condition authorising the entry of the network licensee upon the premises owned or occupied by any person for the purposes specified in this subsection (1).

(6) Except with the prior written consent of the relevant network licensee, no person shall erect any building or structure in such a position or manner so as to interfere with the supply of electricity through any overhead or underground electric line which belongs to the network licensee.

(7) If after installing such overhead or underground line, any person erects a building or structure which interferes with or which may interfere with the proper working of such line, the network licensee may request the owner or occupier of the building or structure in question to remove or adjust the same as may be necessary.

(8) When entering any public or private lands a network licensee shall take all reasonable steps to avoid damage to any land, building, tree, other vegetation, or other property situate on the land, and shall compensate the owner or occupier of such land, building, tree, other vegetation, or other property for any damage caused by the network licensee.

40.—(1) It shall be lawful for a network licensee and, subject to receiving the permission of the Chief Technical Officer and the network licensee making good to the reasonable satisfaction of the Chief Technical Officer (Works) or successor all damage occasioned thereby, to erect, place or replace pipes and electric lines along or under or over any road, street or bridge in Grenada, to remove or repair any such pipe or electric line and, for the purpose of erecting, placing, replacing, removing or repairing the same within

Network
licensee to run
lines, etc., on
roads.

such road, street or bridge to break up and excavate any such road, street or bridge, subject to the following conditions—

- (a) the network licensee shall give to the Chief Technical Officer (Works) or successor written notice of its intention, specifying the time at which it will begin to do so and the portion of the road, street or bridge proposed to be broken up and excavated, the notice to be given at least seven days before the commencement of the work, unless the work is to remedy a dangerous situation or a situation that has interrupted or imminently threatens to interrupt the supply of electricity, in which case notice may be dispensed with;
- (b) the network licensee shall not break up and excavate the soil, pavement or other structure of any road, street or bridge except under the superintendence, and to the reasonable satisfaction, of the Chief Technical Officer (Works) or successor, or the representative of either of them, unless he or she refuses or neglects to give superintendence at the time specified in the notice, or discontinues it during the work, or unless the work is to remedy a dangerous situation or a situation that has interrupted or imminently threatens to interrupt the supply of electricity, in which case superintendence may be dispensed with;
- (c) the network licensee shall not erect any pipes or electric line in a position to which the Chief Technical Officer (Works) or successor reasonably objects;

- (d) the network licensee shall pay all reasonable expenses to which the Chief Technical Officer (Works) or successor is put on account of superintendence;
- (e) the network licensee shall not, without the consent of the Chief Technical Officer (Works) or successor, break up and excavate any road, street or bridge without providing reasonable facilities for the passage of ordinary traffic on that road, street or bridge, to the satisfaction of the Chief Technical Officer (Works) or successor.

(2) When a network licensee has broken up and excavated any portion of a road, street or bridge, it shall be under the following further obligations—

- (a) it shall with all deliberate speed, and in all cases within four weeks at the most (unless the Chief Technical Officer (Works) or successor consents in writing), complete the work on account of which it broke up and excavated the road, street or bridge (subject to the construction, maintenance or removal of electric lines), and fill in the ground and make good the surface and structure, and to the reasonable satisfaction of the Chief Technical Officer (Works) or successor, restore the portion of the road, street or bridge to as good condition as that in which it was before it had been broken up and excavated, and clear away all surplus paving and other material and rubbish occasioned thereby;

- (b) it shall in the meantime cause the place where the road, street or bridge is broken up and excavated to be protected twenty-four hours a day.

(3) If a network licensee fails to comply in any material respect with this section, it shall for each offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against it) be liable to a fine of fifty thousand dollars or three percent of its gross profit whichever is greater, and to a further fine of five thousand dollars for each day during which the failure to comply continues after the first day on which notice to comply therewith was served on the network licensee.

Payment of compensation by network licensees for damage to property.

41.—(1) A network licensee shall pay compensation in respect of all damage to property suffered by any person in consequence of the exercise by the network licensee of any of the powers conferred upon it by this Act.

(2) If by reason of the presence of any post or electric line belonging to a network licensee which is alongside or under or over any road any person shall be injured or suffer damage to property, the network licensee shall save harmless and keep indemnified, in respect of such damage or injury, the person or local or other authority by whom such road is repairable and any other person.

Acquisition of lands.

42.—(1) The Government may, in accordance with the Land Acquisition Act, Chapter 159, or any other act amending or replacing it, compulsorily acquire land for and on behalf of a network licensee for the purpose of the proper and effectual exercise of a network licence granted to such network licensee.

(2) In order for the Government to proceed under subsection (1), the network licensee shall expressly request in writing for the Government to acquire the land, satisfying it from documentary evidence, including plans and studies, that the land is required so that the network licensee can adequately fulfill the conditions of its network licence.

(3) The Government shall not proceed to acquire the land under this section unless it is satisfied that the network licensee is able to make prompt payment to any person entitled to compensation for the land in consequence of such compulsory acquisition, of a sum which represents the fair market value of the land, whereupon the land being vested in the State the land is transferred by deed to the network licensee.

(4) The Government shall not acquire land under this section if that land belongs to another licensee and is being used for the purpose of such other licensee's authorised activities under its licence, or it appears to the Government that the land will be so used by such other licensee and that the use will commence within the period of five years beginning with the proposed date of the commencement of the acquisition.

(5) Where land is acquired under this section and that land is no longer required for the purpose for which it was acquired, the Government shall have the authority to re-vest by deed of transfer the land in the proprietor from whom it was compulsorily acquired subject to the refund of the compensation and subsection (6) shall *mutatis mutandis* apply in relation to the re-vesting of the land as it applies to the transfer to the network licensee.

(6) Where land is transferred to a network licensee under subsection (3), the land shall vest in the network licensee from the date of such transfer and—

- (a) a notice to that effect shall be published in the *Gazette*;
- (b) the deed of transfer shall be treated for all purposes as if it were a deed or other document effecting the conveyance of immovable property, and the conveyance shall take due notice therefore and shall make such annotations on the records as may be necessary, including an annotation that the network licensee shall not dispose of such land or any interest or right in or over it, except with the written consent of the Minister.

Restriction on
network licensee
selling land
obtained under
section 42

43. A network licensee who has acquired any land by virtue of section 42 shall not dispose of that land or of any interest in or right over it except with the written consent of the Minister, taking the public interest into account.

Government
Chief Electrical
Inspector.

44.—(1) The Government Chief Electrical Inspector may from time to time authorise any qualified person as an electricity inspector for the purposes of this section.

(2) An electricity inspector appointed under sub-section (1) shall determine matters referred to him or her under the Act by the Commission and the Government Chief Electrical Inspector on the standards set forth in this Act, the regulations and such additional electrical standards as shall be consistent therewith.

(3) The duties of an electricity inspector shall be—

- (a) to inspect and test, periodically and in special cases, electric lines and electrical plant belonging to licensees authorised to generate, transmit or distribute electricity, and the electricity generation facilities, equipment, electric lines, and related apparatus belonging to self-generators;
- (b) to examine, periodically and in special cases, the generation, transmission or distribution of electricity by such persons;
- (c) to inspect and test, if and when required by any consumer, any electric line or electric plant located on such consumer's premises, for the purpose of determining whether any requirement imposed by this Act in respect of such electric lines or electric plant or the supply of electricity through or by them has been complied with; and
- (d) such other duties as may be imposed by regulations or otherwise under this Act.

(4) The Government Chief Electrical Inspector shall have the right and obligation to direct any licensee and any self-generator not to supply electricity to any installation, premises, apparatus or works which he or she deems unsafe or which, in his or her opinion, fails to comply in any respect with this Act, the regulations or would interfere with the efficient supply of electricity by such licensee self-generator.

(5) Upon the request of a licensee or a self-generator, the Government Chief Electrical Inspector shall inspect and test or cause to be inspected and tested within three days of such request any electric line, equipment, installation, apparatus or works which the licensee or self-generator has reason to believe, is unsafe or fails to comply with this Act or the regulations or would interfere with the efficient supply of electricity by such licensee or self-generator.

(6) The Government Chief Electrical Inspector may at any time, after consultation with the Minister and the Commission retain the services of independent consultants and other professional persons with the relevant expertise and experience necessary to advise or assist the Government Chief Electrical Inspector in the performance of his or her duties, including the testing and inspection of electric lines, equipment, installations, apparatus and other works.

Books, accounts
and records of a
licensee.

45.—(1) A licensee shall keep proper books and accounts and other records in relation to its business, including in the case of a network licensee separate books, accounts and records respecting the generation, purchase, sale, transmission and distribution of electricity, in the case of a generation licensee records of fuel efficiency and generation efficiency of each generating unit, and on the other principal activities of the licensee, showing in reasonable detail the operating results of such activity.

(2) A licensee shall prepare in respect of each financial year a statement of accounts in such form as shall conform to International Financial Reporting Standards as published by the International Accounting Standards Board.

(3) The books, accounts and records of a licensee required to be kept under subsection (2) shall be audited by a firm of Chartered Accountants or Certified Public Accountants.

(4) In this section and section 46, “financial year” means the period of twelve months for which the accounts of a licensee are normally prepared.

46.—(1) Within four months after the end of its financial year, a licensee shall deliver to the Minister and to the Commission copies of its audited financial statements, auditor’s report, and to the extent not otherwise set forth in such statements and reports, a report—

Information
reporting
requirements.

- (a) projecting, in terms of indicators as to financial, investment, customer service and engineering and other technical performance, the performance of the licensee and its subsidiaries, if any, for the current financial year;
- (b) in terms of such indicators, comparing the performance that had been projected in the previous report for the financial year just ended with the actual performance of the licensee and its subsidiaries, in any, for the financial year just ended; and
- (c) containing any other information that the Minister may by regulation prescribe.

(2) With regard to the reports, statements, information and documents submitted to the Minister and the Commission

under this Act and the regulations, the Minister and the Commission shall have a duty to maintain in confidence any information contained in such submissions that constitutes a trade secret or confidential information of the licensee or a third party, or information that may aid a competitor of the licensee, and the Minister and the Commission shall cooperate with a licensee in that regard.

(3) A licensee shall make available, and shall sell to any applicant for a price not exceeding the actual cost of printing, copies of the reports, statements, information and documents submitted under subsection (1), but may omit from such copies any information that constitutes a trade secret or confidential information of the licensee or a third party, or information that may aid a competitor of the licensee.

(4) It shall be the duty of the Minister and the Commission to require licensees to provide, and a licensee shall have a duty to provide, such additional information as the Minister or the Commission finds necessary to—

- (a) provide consumers and other members of the public with adequate information on the licensee as such information affects their interest;
- (b) provide either of them with proof of the operational and other technical parameters of their electrical systems;
- (c) perform his or her or its duties and discharge his or her or its functions under this Act; and

- (d) otherwise assist in the formulation and carrying out of the national electricity policy of Grenada in matters involving electricity and energy.

(5) A self-generator shall provide the Minister with such information and reports, in such form, as the Minister may determine or may by regulations prescribe.

47. A person authorized under section 44 may, at all reasonable times and upon twenty-four hours' written notice, enter any land, place, premises, or facility comprising the electrical system of a licensee for the purpose of inspecting any component of such electrical system and verifying the licensee's and its electrical systems' compliance with this Act, the regulations and the terms and conditions of the licensee's licence. Inspection of electrical systems.

PART VI

LIABILITIES, IMMUNITIES, PENALTIES AND DISPUTE RESOLUTION BETWEEN NETWORK LICENSEES AND CONSUMERS

48. Except as otherwise provided in this Act or the regulations, a licensee shall in the exercise of its powers pursuant to this Act or a licence, cause as little detriment and inconvenience and do as little damage as may be possible and shall make full compensation to any person for direct damage, loss or injury caused by the willful or negligent act or default of the licensee in the exercise of those powers, and in the case of a network licensee, for any direct damage, loss or injury suffered by any consumer. Liabilities and immunities of licensees.

Penalty for unauthorised supply of electricity.

49. Any person who generates, stores, transmits, transforms, distributes, furnishes, sells, resells or otherwise supplies electricity to any other person, premises or area in contravention of this Act commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to a term of imprisonment for one year, and if the offence of which he or she is convicted is continued after conviction, he or she shall be guilty of a further offence and liable to a fine of one thousand dollars for every day on which the offence continues.

Penalty for unauthorised electric lines or other apparatus or installations.

50. Any person who lays down any electric line or apparatus or constructs any electrical installation outside the area or premises in or on which it is authorised to supply electricity by a licence, permit or an exemption granted pursuant to this Act commits an offence and shall be liable upon summary conviction to a fine of fifty thousand dollars; and if the offence of which he or she is convicted is continued after conviction, commits a further offence and is liable on conviction to a fine of five thousand dollars for every day on which the offence continues.

Penalty for obstruction of licensees' activities.

51.—(1) Except as otherwise provided in this Act or the regulations, any person who without due cause obstructs or attempts to obstruct a licensee in the performance of any of the powers or obligations conferred or imposed upon it by this Act or any regulations commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to a term of imprisonment for a period of one year.

(2) Any person who, abstracts or causes to be abstracted or diverts or causes to be diverted, any electricity or consumes or uses any such electricity, commits an offence and shall be liable upon summary conviction to a fine of twenty thousand dollars and to a term of imprisonment for one year.

(3) Any person who disconnects, damages or removes or causes to be disconnected, damaged or removed any electric line, meter, switch, fuse or other works or apparatus belonging to a licensee, or alters the index of any meter belonging to a licensee or otherwise prevents any such meter from correctly registering any quantity of electricity supplied by the licensee commits an offence and shall be liable on summary conviction to a fine of twenty thousand dollars or to a term of imprisonment for one year.

52. Any licensee who ceases its operations or any part thereof in violation of section 19 commits an offence and is liable upon summary conviction to a fine of two hundred thousand dollars.

Penalty for unauthorised cessation of operations.

53. Any licensee who violates, or any director, treasurer or other officer or agent of a licensee who makes or votes to authorise a transaction in violation of, section 20 commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.

Penalty for unauthorised transactions.

54. Any network licensee, or any person who holds both a generation licence and a network licence, who fails to maintain or submit a sustainability programme in the manner prescribed under section 37 shall be guilty of an offence and upon summary conviction shall be subject to a fine of fifty thousand dollars and if the offence for which it is convicted continues, the licensee is guilty of a further offence and is liable to a fine of five thousand dollars for every day the offence continues.

Penalty for failing to maintain or submit sustainability programmes.

55. Any licensee who fails to maintain, file or otherwise provide any documents, reports or other information required under this Act commits an offence and is liable on summary conviction to a fine of fifty thousand dollars, and if the offence for which it is convicted continues, the licensee is guilty of a further offence and liable to a fine of five thousand dollars for every day on which the offence continues.

Penalty for failure to maintain or provide documents, reports and other information.

Penalty for failure of self-generator to file report or obtain a permit.

56. Any self-generator who fails to file a report or apply for a permit under section 25 and any applicable regulations commits an offence and is liable upon summary conviction to a fine of fifteen thousand dollars, and if the offence for which he or she is convicted continues the self-generator is guilty of a further offence and liable to a fine of five thousand dollars for every day on which the offence continues.

Power to institute proceedings.

57. Except as otherwise provided in this Act or the regulations, no proceeding shall be instituted in respect of an offence except by or on behalf of the Minister.

General Penalty.

58. Any person found guilty of an offence under this Act for which no penalty is provided shall be liable on summary conviction to a fine of ten thousand dollars or to imprisonment for six months.

Disputes between network licensees and consumers.

59. Except as otherwise provided in this Act, the regulations or the Public Utilities Regulatory Commission Act, all disputes between a consumer and a network licensee concerning the supply of electricity shall be determined by the Commission.

Procedures for dispute resolution.

60. The procedures and other matters for the resolution of disputes provided for in section 59 shall be governed by the Public Utilities Regulatory Commission Act and the regulations issued thereunder.

Appeal of Commission determinations.

61. Awards and other determinations by the Commission under sections 59 and 60 shall be subject to the Public Utilities Regulatory Commission Act.

PART VII**MISCELLANEOUS AND TRANSITIONAL
PROVISIONS**

62.—(1) After the consultations provided for in subsection (2), the Minister may make regulations with regard to— Authority to make regulations.

- (a) the development and use of renewable energy resources for the generation of electricity;
- (b) the promotion of efficiency and economy on the part of licensees in the supply of electricity and by consumers in the use of electricity;
- (c) the protection of consumers and the terms and conditions for the supply of electricity to them by network licensees;
- (d) the quality, engineering, operational and other technical standards and conditions applicable to licensees in connection with supplying electricity by any of them; ensuring that the supply of electricity is regular and efficient and that interconnection between generation licensees and network licensees is made without impediment; and reporting and investigating failures to supply electricity;
- (e) the standards and conditions for—
 - (i) the design, construction and operation of the electricity generation facilities and related equipment installed and

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- utilised by persons who self-generate electricity for their own use and for provision of excess electricity to a network licensee;
- (ii) the interconnection of the electricity generation facilities of generation licensees and self-generators with the network licensee's electrical system;
- (f) the protection of the public and property from dangers arising from the supply of electricity, including—
- (i) the safety of the public from personal injury, fire and otherwise;
 - (ii) the protection of persons and property by reason of contact with or the proximity of, or by reason of the defective or dangerous condition of, any electric line or other element of an electrical system used in the supply of electricity or any appliance or other electrical installation in a premises;
 - (iii) the reporting and investigation of electricity-related accidents, damage, and other matters concerning the safety of electrical systems and any part thereof and for failures to supply electricity;
 - (iv) the methods and procedures for the wiring of premises and its certification;

- (v) the types of electrical apparatuses and installations that may be used;
 - (vi) the qualifications, examination, licensing and registration to be required of electricians, electrical engineers, technicians and inspectors;
 - (vii) the inspection, testing and maintenance of electrical systems, self-generation facilities and equipment, and any element of any of them constructed or placed on any land or in any premises;
 - (viii) the prevention of any telecommunications or other line, or the current or other signals in such line, from being injuriously affected by any electricity utilised in the supply of electricity;
 - (ix) the units and standards for the measurement of electricity and the limit of error;
 - (x) the frequency, type of current and voltage of electricity to be generated and supplied;
- (g) the rates charged for the supply of electricity and any other service associated therewith by any licensee and the rates payable by a network licensee to self-generators who provide excess electricity from their electricity generation capacity to such network licensee;

- (h) any matter regarding the metering of the electricity supplied by a network licensee to consumers, or by a generation licensee, or a self-generator to a network licensee;
- (i) the environmental standards to be observed by licensees and self-generators;
- (j) the information that licensees and self-generators must provide to the Minister and the Commission under this Act, and by network licensees to consumers;
- (k) any matter concerning application for and the granting, modification, extension, suspension and revocation of licences and permits, and the fees chargeable therefor;
- (l) the keeping by licensees and, as applicable, self-generators of maps, plans and other drawings, diagrams and schematics and their production for inspection or copying;
- (m) infrastructure sharing;
- (n) the appropriate and effective weather-proofing of wind, solar and other electricity generation equipment, and the electric systems of any licensee;
- (o) the mitigation of any natural disaster or other civil emergency that disrupts or is likely to disrupt the supply of electricity;

- (p) the reform of the electricity sector;
- (q) the fees chargeable for the performance by the Minister and the Commission of their respective functions under this Act;
- (r) the penalties for the contravention of any regulation made under this section; and
- (s) any other matter necessary to establish and carry out national policy on matters involving electricity or for the administration of this Act.

(2) Subject to sub-section 3, prior to making, amending or revoking regulations under subsection (1), the Minister shall consult and consider the recommendations of the Commission on the proposed regulations.

(3) Sub-section (2) shall not apply to regulations passed within one year of the commencement of the Act.

(4) Within limiting the generality of sub-section (1) the Minister may make regulations governing—

- (a) the matters set forth in subsections (1)(d), (e), (f) and (h), and, thereby, to establish internationally recognised safety, technical, operational, metering, efficiency and reliability standards and conditions, related reporting and investigation requirements, and the other matters provided for in those subsections for the electricity sector as a whole, taking into consideration the technical and other related standards according

to which the existing electrical system of any existing network licensee has been constructed and is being operated;

- (b) the terms and conditions for the supply of electricity to consumers by network licensees, taking into consideration the existing terms and conditions of supply as applied by any existing network licensee;
- (c) any other regulations whose preparation is required to be commenced after the commencement date under this Act or is deemed to be appropriate by the Minister.

Minister may
give directions.

63.—(1) Without limitation of the powers of the Minister or any other public officer under any other written law, the Minister may give to any person such directions of a general or specific character as appear to the Minister to be requisite or expedient for the purpose of—

- (a) preserving the security or operation of buildings, installations or electrical systems used for, or for purposes connected with, the generation, transmission or distribution of electricity; or
- (b) mitigating the effects of any civil emergency, or addressing any matter of national security or public order, which may occur.

(2) If it appears to the Minister to be requisite or expedient to do so for any such purpose as is mentioned in

subsection (1) above, he or she may, after consultation with a person to whom this section applies, give to that person a direction requiring him or her (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.

(3) A person to whom this section applies shall give effect to any direction given to him or her by the Minister under this section notwithstanding any other duty imposed on him or her by or under this Act.

(4) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Minister has notified him or her that the Minister is of the opinion that disclosure of that thing is against the interests of national security or the commercial interests of some other person.

(5) This section applies to every licensee and any person authorised under section 13(2) to generate electricity without a licence therefor.

(6) In this section, “civil emergency” means any natural disaster or other emergency which, in the opinion of the Minister, is disrupting, or may be likely to disrupt, any supply of electricity.

64. In carrying out the provisions of this Act, the Minister shall have the duty to act in a manner best to— Duty of the Minister.

- (a) carry out national electricity policy, and in particular the achievement of the generation and supply of electricity from renewable energy resources;

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- (b) secure a regular, reliable, efficient, co-ordinated and economical supply of electricity, and to ensure that all reasonable demands for electricity are satisfied;
 - (c) achieve lower rates for electricity, to protect consumers and the sustainable development of Grenada;
 - (d) ensure that licensees are able to finance the activities that they are authorised to and required to carry out by their licences and this Act, and to obtain a reasonable rate of return on capital invested;
 - (e) promote electricity efficiency and economy on the part of licensees and the public;
 - (f) protect the environment from activities associated with the supply of electricity;
 - (g) protect the public from dangers arising from the supply of electricity; and
 - (h) enforce the provisions of this Act and any licence granted under it.

Establishment
and mainten-
ance of registry.

65.—(1) The Minister shall, at such premises and in such form as he or she may determine, maintain a register of—

- (a) every licence and permit granted to any person;

- (b) every modification, suspension, or revocation of a licence and a permit;
- (c) every direction and consent given or determination made by the Minister under this Act;
- (d) every notice and order, and every revocation of such notices and orders, made by the Minister under this Act;
- (e) every report filed by a self-generator; and
- (f) such other matters concerning licences, permits, reports and other matters arising under this Act as the Minister may deem fit,

and such register shall be open for inspection, and copies of any part of the register shall be available upon payment to the Minister of the cost of such copying, by any person during normal working hours.

(2) In making an entry in the register, the Minister shall have regard to the need to protect confidential and commercially sensitive information and shall, where necessary, restrict disclosure of such information.

66. The Minister may from time to time amend, vary, repeal or replace any of the Schedules. Amendment of Schedules.

67. On the commencement date, any licence or permit authorised under the Electricity Supply Act of 1994 shall continue in force as amended by and in accordance with the terms of this Act, and the Minister may issue a licence or a Issuance of licences and permits on the commencement date.

permit to any person who, prior to the commencement date, was authorised to supply electricity under the Electricity Supply Act, 1994, without the need of any application therefor under this Act from any such person, and such licences and permits shall be subject to this Act in all respects.

No violation or change in contractual or other rights.

68.—(1) In addition to the provisions of section 17(3) of the Interpretation and General Provisions Act, nothing effected or authorised by this Act shall—

- (a) be regarded as placing any person authorised to supply electricity under the Electricity Supply Act, 1994, or this Act in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong;
- (b) abrogate or otherwise affect the full force and effect of any easement, way-leave, or right of way across lands owned by any public body or any other person previously granted to or otherwise obtained by any person authorised to supply electricity under the Electricity Supply Act, 1994, as of the commencement date in accordance with any written law or by agreement between such person and the public body or other person.

(2) Notwithstanding anything in any written law or agreement, nothing in paragraph (a) shall prevent any public body or any other person from imposing, after the commencement date, a reasonable charge for the use, by any licensee under this Act, of any easement, way-leave or right

of way across lands owned by any of them, and no imposition of such reasonable charge shall be construed as a violation of law or breach of contract.

(3) Except as provided for in sub-section 1(b), upon commencement of this Act—

- (a) no contract or agreement entered into, under the Electricity Supply Act, 1994, shall be binding on the parties to the contract or agreement as the case may be; and
- (b) no right, privilege, duty or obligation conferred or imposed on a party under a contract or an agreement existing prior to the commencement of this Act, shall be deemed to be conferred or imposed under this Act.

69.—(1) There shall be established a Fund to be known as the Universal Service Fund, which fund shall be managed by the Commission to give access to those without a service, or to improve the level of supply and such other purpose in accordance with regulations made by the Minister.

Universal
Service
Fund.

(2) Every licensee shall contribute to the Universal Service Fund.

(3) The Minister shall, by Order specify the percentage of the gross revenue which a licensee referred to in sub-section (1) shall contribute to the Fund, except that the percentage to be contributed shall be the same for all providers.

(4) The Minister shall by Order specify the beneficiaries and activities entitled to be funded from the Universal Service Fund.

Corporate Social
Responsibility of
Licensees.

70.—(1) Every licensee shall ensure that it spends, in every financial year, at least five percent of its gross profits, in pursuance of its Corporate Social Responsibility.

(2) The Licensees shall consult with the Government on how its corporate social responsibility funds are spent through individual joint Committees of the licensees and Government or any other mutually agreed process.

(3) Subject to sub-section (4), a licensee who fails to spend the amount required under sub-section (1), shall in its annual report, specify the reasons that prevented it from expending the amount.

(4) A licensee may only spend less than the amount specified under sub-section (1), if it can show that spending the specified amount will be detrimental to the financial stability of the licensee.

(5) A licensee who before the commencement of this Act allocated and utilized a percentage of its gross profit to community projects shall continue to do so in accordance with the provisions of the Act.

Repeal.

71. The Electricity Supply Act, 1994, and except as provided in section 67, all rights, privileges, obligations and liabilities are hereby repealed.

SCHEDULE I

SUPPLY OF ELECTRICITY
BY NETWORK LICENSEES TO CONSUMERS

1. Type of supply.—(1) A network licensee may refuse to supply electricity to any person unless such person or, if different, the owner or occupier of the relevant premises furnishes the security required by paragraph 2 for the supply of such electricity and unless such person pays to the network licensee, and/or furnishes any security required by the network licensee pursuant to paragraph 2, for the following costs—

- (a) in the case of premises served or to be served by an underground line, the costs and expenses of laying that line and in the case of premises served by an overhead electric line and located more than 100 meters distance from the nearest distributing main for the time being owned by the network licensee, a portion of the costs and expenses of laying that part of the line extending beyond such 100 meters point;
- (b) in the case of any reconnection of electricity service following any disconnection permitted under this Act, the cost and expenses of establishing such reconnection; and
- (c) in the case of an increase in the maximum anticipated demand pursuant, the costs and expenses incurred by the network licensee in altering any of its electric lines or other facilities serving such consumer.

(2) A network licensee shall deliver electricity to a point on the exterior of any premises or such other point where the network licensee's meter shall be located, and the consumer shall be responsible for all wiring and any other installation, works or apparatus beyond such point which are necessary for the consumer's utilisation of such electricity. The network licensee may at its cost relocate any electric line, including relocating meters to the exterior of any premises, in which event the consumer shall be responsible for any wiring or re-wiring from the consumer's terminals to the network licensee's meter except that in the case of a consumer whose average monthly consumption for the prior three months is less than two hundred fifty kilowatt hours, the network licensee shall be responsible for any such wiring or re-wiring:

Provided, the network licensee shall not be liable for damages for such wiring or re-wiring unless performed by it in a negligent manner or otherwise in contravention of any provision of the Act.

(3) Where the owner or occupier of any premises supplied with electricity by a network licensee uses any electrical installation, works or apparatus; uses electricity supplied to the premises for any purpose; or deals with the electricity supplied to the premises and any of the foregoing actions interferes with the efficient supply of electricity by the network licensee or the use of electricity by the network licensee or any other person, the network licensee may discontinue the supply of electricity to those premises for so long as it has reasonable cause to believe that the electrical installation, works or apparatus is or will be so used or dealt with.

(4) A network licensee may refuse to supply electricity to a consumer or discontinue the supply of electricity to a consumer if the network licensee is not reasonably satisfied that any installation, apparatus or works in or serving the consumer's premises (other than those of the network licensee) is in good working order and condition, is safe, complies with applicable standards and regulations and otherwise will not interfere with the efficient supply of electricity:

Provided that the Commission may determine circumstances where a network licensee may refuse to supply electricity to a consumer.

(5) Upon the filing of a complaint by any consumer with the Commission, any dispute arising under paragraph (3) or (4) with respect to the existence of a condition or activity permitting the network licensee to discontinue the supply of electricity may be referred by the Commission within three days of receipt thereof to the Government electricity inspector for determination, and the network licensee shall supply electricity to such consumer if the Government electricity inspector shall determine that the alleged condition or activity permitting such disconnection does not exist or no longer exists.

(6) A network licensee may extend its electric lines also as to supply electricity to any person whose premises are located in an area not presently supplied with electricity by a network licensee upon the request of such person, provided that in the event of any such extension, the Commission may determine the cost to be paid by such person.

(7) A network licensee shall extend its electric lines so as to supply electricity to an area not at the time supplied with electricity by it upon the request of the Government or a local authority made through the Minister, provided that in the event of any such extension, fifty percent of the costs and expenses incurred by the network licensee to lay such additional electric lines shall have been paid to the network licensee by the Government.

2. Network Licensee may require deposit from consumer.—(1) A Network Licensee may require any Consumer to deposit with it by way of security for the payment of all monies from time to time due by such Consumer to the Network Licensee a reasonable sum of money, including, in the case of monthly charges, a sum of money equivalent to the total amount of the reasonably anticipated maximum monthly charges for electricity supplied to such Consumer over a one month period (or such longer period as may be approved by the Commission) or, subject to subparagraph (5), such other security for the payment of any such monies as is reasonably acceptable to the Network Licensee, and approved by the Commission within fourteen days of a notice served by the Network Licensee on the Consumer respecting such security. Any sum of money deposited with a Network Licensee under this section shall be placed to the credit of a deposit account in such Consumer's name in the books of the Network Licensee. The amount for the time being standing to the credit of such account shall bear interest at the rate of four per cent per annum, such interest to accrue *de die in diem*. The interest for the time being so accrued shall be credited to such Consumer's account within thirty days of the first day of February of each year.

(2) A Network Licensee shall be entitled to draw upon such security, including any accrued interest, for the payment of any monies due to it which are from time to time outstanding and unpaid after the date for payment specified in any invoice by the Network Licensee to the Consumer, and the Consumer shall thereupon be required to replace such security to the same extent as previously required by the Network Licensee or in such greater amount as the Network Licensee, in view of any delinquency in payment of the invoice, may reasonably require by notice to the Consumer.

(3) Any deposit required under this section shall first be approved by the Commission.

(4) Where a network licensee discontinues the supply of electricity to a consumer under the Act, any reasonable expenses approved by the Commission incurred by the network licensee consequent to the disconnection of such supply or the reconnection of such supply, shall be payable by the consumer to the network licensee upon demand.

(5) Where any security is required under this section, the security may be by way of a deposit or otherwise and of such amount as shall be required by a network licensee, unless the Commission finds in response to a complaint by the person required to provide such security that such security is unreasonable, in which event the Commission shall stipulate reasonable substitute terms for such security.

3. Power of entry for ascertaining quantity of electricity consumed, etc. A network licensee may at all reasonable times enter upon any land or premises to which electricity is or has been supplied by it for the purpose of inspecting, testing, relocating,

repairing, replacing or maintaining the electric lines, transformers, meters, accumulators, fittings and other works and apparatus thereon belonging to the network licensee, or of ascertaining the quantity of electricity consumed or supplied in or to such premises or, where a supply of electricity is no longer required or where the network licensee is entitled to take away and cut off the supply of electricity from any such land or premises, for the purpose of removing any electric lines, transformers, meters, accumulators, fittings, or other works or apparatus belonging to the network licensee:

Provided that the network licensee shall take all reasonable precautions to avoid causing any damage on the premises and shall repair all damage caused by any such entry, inspection, maintenance or removal; and provided further that should anyone willfully or maliciously place or erect anything which impedes or hinders the easy entry, inspection, maintenance or removal by the network licensee of its property, it shall be at liberty to remove the impediment or hindrance in question at the cost of the owner or the occupier of the land or premises in question and the network licensee shall not be responsible for any damage caused thereby and may also, notwithstanding any agreement or contract previously existing discontinue any supply of electricity to any consumer occupying such land or premises for such period as such impediment or hindrance continues to exist.

4. Electric line, etc., not distrainable. Where any electric lines, transformers, meters, accumulators, fittings, or other works or apparatus belonging to a network licensee are placed for the purpose of supplying or measuring electricity in or upon any land or premises not being in the possession of the network licensee, such electric lines, transformers, meters, accumulators, fittings or other works or apparatus shall not be subject to distress or to the landlord's remedy for rent of the land or premises where the same may be, nor shall the same be liable to be taken in execution under any process of a judicial authority, or under any proceeding in bankruptcy or insolvency.

5. Non-payment of electricity charges.—(1) Where a consumer is in arrears to a network licensee, the network licensee may discontinue the supply of electricity to such consumer until such time as such arrears together with payment of the reconnection fee approved by the Commission shall have been paid.

(2) If upon any premises or land there is connected to any electric line or meter any wire or device capable of wrongly abstracting, diverting, consuming or using electricity or of preventing any meter from correctly registering any quantity of electricity supplied by a network licensee, the network licensee may discontinue the supply of electricity to the occupant of such premises or to any other person who without legal right, the proof of which shall be upon such person, has abstracted or caused to be abstracted, or diverted or caused to be diverted, such electricity, or has consumed or used any such electricity.

(3) Where a network licensee has discontinued the supply of electricity to any premises in consequence of any default on the part of any consumer, the network licensee shall be under an obligation to resume the supply of electricity before the end of the period of one working day beginning with the time when the consumer has made good the default and has paid the reasonable expenses of disconnecting and re-connecting the supply, or such longer period as is reasonable under the circumstances.

6. Rates and Other Fees. All rates and other fees of any nature charged by a network licensee to any consumer under this Schedule must be approved by the Commission in accordance with the Act, the regulations, and the Public Utilities Regulatory Commission Act.

SCHEDULE II

ELECTRICAL SYSTEM AVAILABILITY OF NETWORK LICENSEES;
VOLTAGE AND FREQUENCY

(1) The electrical system of a network licensee shall operate at an equivalent availability factor of ninety-nine per cent in each year. The equivalent availability factor (EAF) is defined as follows—

$$\text{EAF} = \frac{8760 - \text{EFOH}}{8760} \times 100\%$$

Where: = Equivalent Forced Outage Hours

= The equivalent number of hours during the year for which the system was not in service due to forced (unplanned) outages excluding any such outages which are due to Force Majeure (as defined below).

EFOH

$$= \sum_i \frac{\text{Expected Demand}_i - \text{Demand Served}_i}{\text{Expected Demand}_i}$$

Where:

i = each hour or part thereof during the year for which there was a forced outage

expected demand = the average of the previous four weeks' system demand for the same hour of the day and the same day of the week of the outage (excluding holidays), in kilowatts

demand served = kilowatts of power on line during the hour of the outage

(2) "Force Majeure" means any of the following circumstances, to the extent that such circumstance is beyond the reasonable control of the person claiming to be affected by it:

- acts of God, riot or civil commotion;
- strikes, lock-outs and other industrial disturbances;
- wars, blockades, invasions, terrorist actions, civil unrest, or insurrection;
- earthquake, hurricane, flood, fire or explosions;
- outbreak of pestilence or epidemics;
- government rationing of electricity or other wartime or emergency controls imposed by a government, or other shortage of adequate power or transportation; and
- embargoes, trade restrictions or nationalisation or government sanctions;

(3) In each year, a network licensee shall ensure that it maintains, from its own electric plant operated under a generation licence also issued to such network licensee, and/or from independent power producers under power purchase agreements, excess available generating capacity equal to a minimum of twenty per cent of the average daily peak demand for the previous year. The average daily peak demand shall be the average of three hundred sixty-five daily peaks in demand (in kilowatts) in such year. Should the excess generating capacity be projected to fall below twenty per cent in a given year, the network licensee shall take immediate steps to increase such excess generating capacity to a minimum of twenty per cent. The network licensee shall operate its electrical system so as to meet the availability standards specified in this Schedule and calculated in the manner described herein.

(4) The frequency of electricity supplied by a network licensee to consumers for any purpose shall be fifty cycles per second, and such frequency shall be maintained within plus or minus 0.5 percent of such frequency.

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- (5) The voltage of electricity supplied by a network licensee to consumers—
- (a) for domestic purposes shall be two hundred thirty volts; and
 - (b) for purposes other than domestic purposes shall be between two hundred thirty volts and four hundred sixty volts, as the network licensee, in consultation with the non-domestic consumer, may determine based upon load conditions and the most economical method of supply,

and such voltage shall be maintained by the network licensee within three percent and minus three percent of such voltage, measured at the consumer's side of the meter of the network licensee:

Provided that any consumer may, by agreement with the network licensee, be supplied with electricity at a voltage different from the voltage that would otherwise be provided to the consumer under this paragraph (53).

SCHEDULE III

METERING

1.—(1) The supply of electricity to a consumer by a network licensee is to be determined by meters supplied by the network licensee, which meters shall be certified in accordance with paragraph 5. Meters (other than meters in place on the commencement date) shall be fixed on the premises of a consumer on the exterior of any building or structure or other exterior location (such as a pole) designated by the network licensee. Meters in place on the commencement date may be relocated by a network licensee in the manner provided in paragraph 1(2) of the Schedule.

(2) A network licensee or any person authorised by it may enter upon any land or premises for the purpose of carrying out any of the requirements imposed on the network licensee by paragraph 1(1), subject as provided in paragraph 3 of the First Schedule.

2.—(1) A network licensee shall, at its expense, keep all meters supplied by it for the purpose of determining the consumption of electricity by any consumer in proper order for correctly registering such consumption by means of periodic inspections and testing using the ANSI C12.1 standard or any other equivalent standard as may be prescribed by the Minister at such intervals as the network licensee shall deem reasonable or as requested by any consumer pursuant to paragraph 6 below.

(2) A network licensee or any person authorised by it may enter upon any land or premises for the purpose of carrying out any of the requirements imposed on the network licensee by paragraph 1(1), subject as provided in paragraph 3 of the First Schedule.

(3) Except as otherwise provided in this Schedule or the Act or regulations, the expenses of and incidental to the removal, testing, inspection or replacement of a meter incurred by a network licensee in pursuance of this section shall be borne by the network licensee.

3.—(1) Subject to subparagraph 4(2), in addition to any meter which may be placed on the premises of a consumer to determine the consumption of electricity supplied by a network licensee, the network licensee may place on the premises such meter or other apparatus as it thinks fit for the purpose of ascertaining or regulating—

- (a) the amount of electricity supplied to the consumer;
- (b) the number of hours during which the supply is given;
- (c) the maximum power taken by the consumer; or
- (d) any other quantity or time connected with the supply.

(2) The meter or other apparatus used by a network licensee for any of the purposes mentioned in subparagraph 4(1) in respect of the premises of any consumer shall be supplied and maintained entirely at the expense of the network licensee.

4.—(1) A meter shall be deemed to be duly certified under this section if it is certified by the Government electricity inspector to be a meter capable of determining the consumption of electricity within ANSI C12.1 standard or any other equivalent standard as may be prescribed by the Minister as a standard meter approved by the Government electricity inspector pursuant to paragraph 6.

(2) Where any alteration is made in any certified meter, the meter shall cease to be a certified meter unless it is again certified as a certified meter under this section.

(3) A person who uses a meter, other than a certified meter for determining the supply of electricity by the company shall be guilty of an offence unless he or she believes, on reasonable grounds, that the meter was certified.

(4) A person guilty of an offence under subparagraph 4(1) shall be liable, on summary conviction, to a fine of five hundred dollars.

5. Subject to the provisions of this section, a network licensee shall provide and maintain in proper condition such apparatus as may be prescribed or as may be approved by the Government electricity inspector for examining, testing and regulating meters used or intended to be used in connection with the supply of electricity by the network

licensee, including sealed and certified standard test meters, and shall afford to the Government electricity inspector all necessary facilities for the use of such apparatus for the purpose of exercise and performance of his or her powers and duties under the Act in relation to such meters.

6.—(1) A network licensee shall test the meter registering the electricity supplied to such consumer against a standard meter (which shall have been sealed and approved by the Government electricity inspector pursuant to paragraph 5) and supply the consumer and the Government electricity inspector with a certificate showing the result of the test. The Government electricity inspector shall be notified of, and may (upon notice to the network licensee) supervise any test carried out pursuant to the provisions of this paragraph.

(2) Any test conducted by a network licensee in response to consumer request shall require that the consumer first pay to the network licensee a fee of seventy five dollars.

(3) Subject to subparagraph 6(4), where electricity is supplied through a certified meter, the register of the meter shall be *prima facie* evidence of the quantity of electricity consumed.

(4) Where a meter is found, when tested by a network licensee, to register erroneously by comparison with the standard meter—

- (a) the meter shall be deemed to have registered erroneously to the degree so found since the date which falls midway between the penultimate date on which the register of the meter was last tested and the date of the test, unless it is proved to have begun to register erroneously on a later date;
- (b) the test result shall be conclusive evidence of the accuracy of the consumer's meter. If the result of the test shows that the meter is registering more than three per cent above or below the registration on the standard test meter, the network licensee shall replace the meter in question, and shall refund to such consumer the amount of any test fee paid by such consumer pursuant to subparagraph 6(2).

7. All rates and other fees of any nature charged by a network licensee to any consumer under this Schedule must be approved by the Commission in accordance with the Act, the regulations, and the Public Utilities Regulatory Commission Act.

Passed by the House of Representatives this 11th day of May, 2016.

WILLAN A. THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 24th day of May, 2016.

WILLAN A. THOMPSON
Clerk to the Senate.

GRENADA
