

BELIZE:

ELECTRICITY (INTERCONNECTION OF POWER SYSTEMS) BYELAWS, 2017

S.I. No. XXX of 2017

ARRANGEMENT OF BYELAWS

PART I

PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Etc...

BELIZE:

STATUTORY INSTRUMENT

No. XXX of 2017

BYELAWS made by the Public Utilities Commission with the approval of the Minister pursuant to the powers conferred upon them by Section 7 of the Belize Electricity Act, Chapter 221 of the Laws of Belize, and all other powers thereunto them enabling.

(Gazetted XXth June, 2017.)

PART I

PRELIMINARY

Short title.

1. These Byelaws may be cited as the

ELECTRICITY (INTERCONNECTION) BYELAWS, 2017.

Application and Scope.

2. Subject to the provisions of the Public Utilities Commission Act, the Electricity Act, any relevant subsidiary legislation made under these Acts and any licenses and consents granted by the Public Utilities Commission, these Byelaws shall govern the interconnection of power systems of licensed electricity services providers in Belize for the following purposes:
 - a) the provision of electricity services between licensees;
 - b) the transmission of electricity from one point to another point of a licensee's power system on behalf of another licensee;
 - c) the transport of electricity to enable a licensee to supply electricity to a person within another licensee's authorized area.

Interpretation.

3. (1) In these Byelaws, unless the context otherwise requires:

“Act” means the Belize Electricity Act;

“licensee” means any person granted a licence by the Public Utilities Commission pursuant to the Electricity Act and any relevant subsidiary legislation made thereunder;

“interconnecting licensee” means a licensee who is seeking interconnection from another licensee;

“interconnection provider” means a licensee who provides interconnection to an interconnecting licensee;

“power system” means any system, facility or network employed in the generation, transmission, distribution or supply of electricity;

“PUC” means the Public Utilities Commission established under the Public Utilities Commission Act;

“written direction” means any written instructions given to or any written obligation placed on or written thing required of licensees in relation to any rights and obligations of such licensees under these Byelaws;

(2) A word or phrase not defined in these Byelaws but defined in the Public Utilities Commission Act or the Electricity Act shall have the meaning assigned to it in such Acts.

PART II

GENERAL OBLIGATIONS AND CONDITIONS

General obligations of licensees to negotiate interconnection.

4. Subject to any licenses granted by the PUC, all licensees shall:

- a) have a right and, when requested, an obligation to negotiate interconnection with each other for the purpose of providing electricity services to each other;
- b) negotiate in good faith with each other on matters concerning interconnection;
- c) neither withdraw nor impair interconnection once already granted, unless authorized to do so by the PUC;

Obligation to provide information.

5. (1) Subject to paragraph (3) below, licensees are required to supply to interconnecting licensees upon request, such information about their power systems and services as is necessary and sufficient for interconnecting licensees to plan and operate their power systems and services.

(2) The information referred to in subsection (1) shall be supplied within twenty-one (21) days of the request to do so unless an extension is granted by the PUC. The interconnection provider may request an extension in writing from the Commission not later than seven (7) days before the deadline for supply of the information.

(3) The Commission may, in its discretion, exempt particular information from the requirements of subsection (1). A licensee seeking to have information so exempted shall make a written request to the Commission no later than seven (7) days before the deadline for supply of the information, and the Commission shall notify both interested licensees of its determination. The Commission may revoke any such exemption at any time.

(4) All information provided under this section shall be used for the purpose of facilitating interconnection only, and shall not be disclosed to any third party without the expressed written consent of the information provider.

Obligations of licensee providing interconnection.

6. (1) An interconnection provider is obliged, upon request from an interconnecting licensee, to provide:
 - a) adequate interconnection link capacity within its power system and between its power system and that of the interconnecting licensee to enable the provision of the electricity services the interconnecting licensee is authorized to provide or the services contemplated in any relevant agreement;
 - b) adequate access to any agreed appropriate point for interconnection.
7. Where adequate interconnection link capacity or access to any appropriate point on its power system for the purpose of executing such interconnection is denied by an interconnection provider on the grounds that it is not technically feasible or would compromise power system integrity, and such a claim has been authenticated by the PUC, the PUC may require the interconnection provider to make such power system adjustments as may be required to enable the requested interconnection within a reasonable period specified by the PUC, provided:
 - a) that for agreements made under paragraph (a) of Section 2, the interconnection provider shall be allowed to recover the cost of such adjustments in the rates, fees and charges the licensee is authorized to impose;
 - b) that for agreements made under paragraphs (b) and (c) of Section 2, the requesting licensee shall pay the immediate cost of such adjustments upon interconnection and such licensee shall be allowed to recover such cost through the rates, fees and charges the licensee is authorized to impose.

Non-discrimination.

8. (1) A licensee shall provide interconnection and any relevant services under the same terms and conditions and of the same quality as it provides for its own facilities and services, the facilities and services of its subsidiaries and partners, or the facilities and services of any other licensee to which it provides interconnection.

(2) Where a licensee fails to comply with subsection (1), it shall, after being so required by the PUC, prove to the satisfaction of the PUC that it is not technically feasible to replicate the level of quality of the interconnection and any relevant services or to provide interconnection and any relevant services under the same terms and conditions as it provides for its own use, to any of its subsidiaries and partners, or any other licensee.

Technical feasibility.

9. Interconnection shall be assured at any appropriate point within the interconnection provider's power system, and where licensees fail to agree on an appropriate point, one may be prescribed by the PUC.

PART III
AGREEMENTS

Negotiation of agreements.

10. Licensees shall enter into a Power Purchase Agreement (PPA) for the services to be provided under paragraph (a) of Section 2 of these Byelaws or shall enter into a Power Transfer Agreement (PTA) for the services to be provided under paragraphs (b) and (c) of Section 2 of these Byelaws.
11. Licensees shall use all reasonable endeavours to conclude an agreement related to interconnection and the services to be provided within sixty (60) days of the receipt of a request for interconnection.
12. The PUC may determine any failure to conclude such negotiation within sixty (60) days of the receipt of a request to constitute a dispute and intervene to resolve the dispute. Provided always that the PUC may also extend the deadline to conclude an agreement upon the request of the licensees.
13. A request for interconnection is deemed to have been made on the day it is delivered to any of the registered offices of an interconnection provider.
14. The interconnection provider may upon its receipt of the interconnection request, request any further information that it may reasonably require in order to process the interconnection request, subject to Section 5.
15. Every relevant agreement shall include rates, fees and charges for interconnection and the services to be provided as well as the technical, operational, billing and planning conditions for interconnection and services.

Rates, fees and charges.

16. Rates, fees and charges in respect of interconnection and the services to be provided shall be based on the reasonable costs of providing the relevant services and shall be determined in accordance with any relevant Byelaws or any relevant Order made by the PUC thereunder.
17. Where there is a failure in any agreement to determine rates, fees and charges pursuant to Sections 15 and 20, the PUC may prescribe the relevant rates, fees and charges.

Submission of agreements for approval.

18. (1) Every relevant agreement or proposed modification thereto shall be submitted to the PUC for its consideration within seven (7) days of signature by the parties.

(2) A decision to approve or to deny approval of any agreement submitted to the PUC pursuant to subsection (1) shall be made within twenty-eight (28) days of the submission of such agreement.

(3) The PUC may at any time, require that licensees modify or amend agreements submitted for its approval.

(4) The PUC may allow for or require the implementation of a relevant agreement in part or in whole, or under such terms and conditions that the PUC may prescribe, where it has required modification or amendment or has denied approval, the reasons for which, in the opinion of the PUC, is not material enough to affect the performance of the interconnection or services arrangement, or for which any potential loss or damage are quantifiable and reparable, and the PUC may impose such provisions on either party for compensation to either party that has suffered any loss and damage as a result of the interconnection or services arrangement.

Cost of interconnection.

19. (1) Where interconnection is requested under paragraph (a) of Section 2, licensees may individually or severally bear the immediate costs associated with making the interconnection, provided that each licensee shall be allowed to recover such reasonable costs through the rates, fees and charges the licensee is authorized to impose.

(2) Where interconnection is requested under paragraphs (b) and (c) of Section 2, the requesting licensee shall bear the immediate costs associated with making the interconnection, provided that such licensee shall be allowed to recover such reasonable costs through the rates, fees and charges the licensee is authorized to impose.

Implementation of agreements.

20. Licensees shall use all reasonable endeavours to achieve operational interconnection by the target commercial operation date contained in any agreement approved by the PUC.

21. Where a licensee is satisfied that it is unlikely to achieve operational interconnection by the target commercial operation date contained in any agreement approved by the PUC, such licensee shall immediately inform the PUC.

PART IV

DENIAL AND DISPUTES

Denial of interconnection request.

22. Every licensee who refuses to consider a request for or denies interconnection shall, by the end of the next business day, notify the PUC of the refusal or denial and the reasons therefor.

23. The PUC may require the licensee denying the request to provide justification for such denial in a form prescribed by the PUC, including allowing reasonable access to facilities or equipment to the PUC, its representatives or agents to properly assess any claims made by the licensee in the denial of the request.

24. Where in the opinion of the PUC the denial of interconnection request is not justified, the PUC may issue a written direction to the licensee who denied the interconnection request to grant the interconnection in a time and on such terms and conditions as the PUC may prescribe.

25. Where the PUC considers it appropriate, whether the denial is determined to have been justified or not, the PUC may require the interconnection provider to make such power system adjustments or construct additional facilities as the PUC deems necessary to enable the requested interconnection within a reasonable period specified by the PUC, provided that the

interconnecting licensee shall agree to pay the cost of such adjustment or such additional facilities on interconnection.

Disputes resolution.

26. Any disagreements or disputes over interconnection and services costs, rates, charges, terms, conditions and practices shall be submitted to the PUC for resolution, and the PUC shall seek to resolve such disagreements or disputes in any reasonable manner it thinks is best calculated to achieve the objectives of these Byelaws, the Public Utilities Commission Act, the Electricity Act and any relevant subsidiary legislation made thereunder.
27. Where any disagreements or dispute are likely to arise between licensees with respect to interconnection and services, the matter may be referred to the PUC for consultation and guidance, on the agreement of both parties, prior to either party or both submitting the matter to the PUC as a dispute.
28. Any written direction given to licensees by the PUC in the resolution of any disagreements or disputes over interconnection and services costs, rates, charges, terms, conditions and practices shall be binding on any party to any such disagreements or disputes.

Commencement.

29. These Byelaws shall take effect from 1st July, 2017.

MADE by the Public Utilities Commission this XXth day of June, 2017.

Chairman
Public Utilities Commission

APPROVED by the Minister of Public Utilities this XXth day of June, 2017.

Minister
Ministry of Public Utilities