Revised Regulations of Anguilla: E35-5

ELECTRICITY ACT (R.S.A. c. E35)

ELECTRICITY (RENEWABLE ENERGY SUPPLY) REGULATIONS

Note: These Regulations are enabled under section 44 of the Electricity Act, R.S.A. c. E35.

Interpretation

1. (1) In these Regulations—

"Licensee" means the holder of a public supplier's licence under the Act;

"utility-scale" means 1 MW or larger.

(2) Any technical expression used in these Regulations shall have the meaning assigned to it by the Electrical Code, as defined therein, or by the Glossary of Terms used in Electrical Engineering issued by the British Standards Institution.

Utility scale renewable energy generation

2. For the purpose of developing, procuring, or contracting new renewable energy generation capacity at utility scale, a Licensee shall take all of the following steps—

(a) prepare a demand forecast, which identifies expected future requirements for new firm and non-firm capacity, and the expected timing for commissioning the renewable energy generation;

(b) prepare a least cost generation plan that identifies candidate plant for firm and non-firm generation capacity required to satisfy projected demand at least cost (while preserving system reliability and power quality, and creating no unreasonable financial risk), with full consideration of renewable energy generation options (including those at distributed scale) alongside conventional generation options;

(c) consult with the public on the demand forecast and least cost generation options;

(d) adopt the least cost generation plan after making any changes that the Licensee considers desirable based on public consultation;

(e) identify the best option to design, build, operate, maintain and finance required new renewable energy generation capacity by—

(i) assessing three possible options—

(A) fully developed by the Licensee,

(B) procured to a specialised contractor under a Design, Build, Operate and Maintain contract, or

(C) contracted to an Independent Power Producer, and

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(ii) selecting the option most likely to deliver reliable electricity at least cost, while preserving system reliability and power quality, and creating no unreasonable financial risk;

(f) when the option identified is either procurement under a Design, Build, Operate and Maintain contract or contracting an Independent Power Producer—

(i) determine the bidding documents to be used,

(ii) publish a request for expressions of interest for prequalification of bidders, stating the minimum technical and financial capacity and the minimum relevant experience required,

(iii) evaluate expressions of interest of qualified bidders,

(iv) prepare a short list of up to five qualified bidders,

(v) issue a request for proposals to shortlisted bidders stating—

(A) full specifications of the goods, services or works to be provided,

(B) full evaluation criteria (technical, financial, experience, etc.),

(C) the detailed evaluation process, and

(D) any legal or commercial requirements,

consistent with generating reliable power at minimum cost with low financial risk;

(vi) evaluate proposals received,

(vii) approve the award of any contract,

(viii) award one or more contracts to successful bidders, and

(ix) announce successful bidders and publish key contract terms after contract signature; and

(g) regularly update demand forecasts and least cost generation plans, and consult with the public at each update.

Distributed scale renewable energy generation

3. For the purpose of contracting new renewable energy generation at distributed scale, a Licensee shall take the following steps—

(a) identify the maximum contribution that distributed renewable energy generation can make to Anguilla's electricity supply without affecting grid stability and reliability of service, based on the most recent least cost generation plan;

(b) create a grid and distributed generation code setting out rules for safely interconnecting distributed renewable energy generation to the grid, as well as limits on the maximum unit size and total capacity where required;

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(c) create a Standard Offer Contract under which the Licensee buys excess power from owners of eligible distributed renewable energy generation—

(i) at a price that compensates owners for the Licensee's cost of generation that is offset by distributed generation under realistic dispatching conditions,

(ii) subject to compliance with the rules for safely interconnecting distributed renewable energy generation to the grid set out in the grid and distributed generation code, which is to be part of the Contract, and

(iii) for a term that is to be set out in each contract issued, and which is not less than the number of years that corresponds to the useful lifetime of the distributed renewable energy system;

(d) amend by agreement in writing the terms and conditions of affording a supply of electricity to a consumer, or potential consumer, with whom the Licensee has a Standard Offer Contract for purchasing excess electricity, having regard to the services that the Licensee provides to the consumer and to the Licensee's needs to recover fixed costs;

(e) submit the Standard Offer Contract to the Public Utilities Commission, giving it an opportunity, during a period of 90 days from the date of submission, to object to the Contract for any one or more of the following reasons—

(i) the maximum quantity of distributed generation eligible for the Standard Offer Contract will negatively affect grid stability or reliability of service,

(ii) the technical requirements contained in the grid and distributed generation code will not allow safe interconnection,

(iii) the price will not compensate the owners for the Licensee's cost of generation that is offset by distributed generation under realistic dispatching conditions, and

(iv) the term is not the minimum number of years that corresponds to the useful lifetime of a distributed renewable energy system;

(f) within 30 days from the receipt of an objection by the Public Utilities Commission, refer the matter to mediation by a mediator chosen from the roster of Court appointed mediators of the Eastern Caribbean Supreme Court;

(g) where the issues are not resolved through mediation, refer the matter to Arbitration in accordance with the United Kingdom Arbitration Act 1996, for determination within 45 days from the referral, whether the Public Utilities Commission's objection is supported by valid and accurate information and is therefore justified (with the costs of the arbitration to be borne in such a manner as the Arbitrator shall decide); and

(h) consider that the Standard Offer Contract as approved by the Public Utilities Commission where the Licensee receives no objection in writing before the expiry of the 90 days from the date of submission of the Standard Offer Contract.

Citation

4. These Regulations may be cited as the Electricity (Renewable Energy Supply) Regulations, Revised Regulations of Anguilla, E35-5.

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