

SAINT CHRISTOPHER AND NEVIS

No. of 2015

A Bill to amend the Saint Christopher Electricity Supply Act 2011, to provide for the establishment of a legal framework ruling the electricity sector, to make provisions for the promotion of renewable energy sources and for matters connected thereto.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis by the authority of the same as follows:

1. Short Title and commencement

(1) Section 1 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the substitution of section 1 by the following subparagraph:

- (i) "This Act may be cited as the Saint Christopher Electricity Act (2014), and shall come into operation on such date as the Minister may appoint by Order in the Gazette".

2. Interpretation

(1) Section 2 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the elimination of definition of:

- (i) "Electricity Department";

(2) Section 2 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the substitution of the definition of "consumer" by the following subparagraph:

- (i) "consumer" means any final consumer of electricity.

(b) by the substitution in the definition of "potential consumer" by the following subparagraph:

- (i) "potential consumer" means any person entitled to be supplied with electricity and to be recognised any other rights granted to consumers by this Act or any regulation adopted pursuant to it.

(3) Section 2 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the addition of the following definitions:

- (i) "auto-production" means the generation of electricity carried out by an auto-producer ;
- (ii) "auto-producer" means the person authorised by this Act and by the regulations adopted pursuant to it, to carry out electricity generation to

meet all or part of its electricity need and to sell its excess to the electricity supplier as prescribed;

- (iii) "Consumer-generator" means any consumer allowed to produce electricity under a net metering system.
- (iv) "co-generation" means the combined production of heat and electricity;
- (v) "co-generator" means a person authorised pursuant to this Act and as prescribed by regulations to carry out cogeneration;
- (vi) "distribution" means the transport of electricity through the distribution network;
- (vii) "distribution network" means medium and low voltage networks and associated equipment as prescribed by regulations;
- (viii) "electricity activity" means any activity carried out in the electricity sector of Saint Christopher, including electricity generation, transmission, distribution and supply;
- (ix) "energy conservation" means the reduction in the amount of energy consumed in a process or system or by a person through economy elimination of energy waste and rational use;
- (x) "energy efficiency" means the use of less energy to provide the same service;
- (xi) "generation" means the production of electricity from renewable and/or non renewable energy sources;
- (xii) "generation plant" means the electrical facility used for the generation of electricity;
- (xiii) "independent power producer" means any person other than the SKELEC which, is authorised by this Act, the regulations adopted pursuant to it or any other legislation, to carry out electricity generation;
- (xiv) "licence" means a licence issued pursuant to this Act;
- (xv) "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located in Saint Christopher.
- (xvi) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.
- (xvii) "person" means—
 - (a) any natural person; or
 - (b) any public body, company or association or any person corporate or unincorporate;
- (xviii) "prescribed" means prescribed by regulations;
- (xix) "production" means the generation of electrical power from renewable and/or non renewable energy sources;
- (xx) "SKELEC" means the St. Kitts Electricity Company Limited;

- (xxi) “renewable energy sources” means energy generated from natural and alternative energy sources, including wind, solar, biomass, geothermal, hydro, ocean and tidal energy, landfill gas, and biogases and biodegradable fraction of municipal and industrial waste, and such other sources as are prescribed by regulations;
- (xxii) “supplier” means a person authorised pursuant to this Act to supply electricity to consumers;
- (xxiii) “supply” means the sale and resale of electricity to consumers;
- (xxiv) “system operation” means the co-ordination of transmission services so as to ensure that the system is constantly in state of static equilibrium, equalling power demand and power supplies in the electricity system;
- (xxv) “transmission” means the transport of electricity through the transmission network;
- (xxvi) “transmission network” means the transmission of electricity through high voltage electricity networks as prescribed, and the transmission of electricity for interconnecting the island of Saint Christopher with another island or country;

3. Title of Part II.

(1) Part II of the Saint Christopher Electricity Supply Act 2011, is hereby amended by:

- (a) The amendment of the name of the Part by the following paragraph:
 - (i) **“CONTROL OF ELECTRICITY ACTIVITIES”**

4. Amendment of Section 3

(1) Section 3 of the Saint Christopher Electricity Supply Act 2011, is hereby amended by:

- (a) The amendment of the name of the Section by the following paragraph:
 - (i) **“Licences required for electricity activities”**.

(2) Subsection 3.(1) of the Saint Christopher Electricity Supply Act 2011, is hereby amended by the following subparagraph:

- (a) “(1) Subject to subsection (2), no company or person shall generate, transmit, distribute or supply electricity except under an Act or under a licence granted under this Act or regulations adopted pursuant to it.”

(3) Section 3 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the addition of the following subsections:
 - (i) “(4) Consumers authorised to install a generation plant to produce electricity from renewable energy sources under a net metering system are exempted from the obligation of obtaining a licence.”
 - (ii) “(5) The Minister may prescribe that a licence is not required by independent power producers or auto-producers if the application is

related to electricity generation or auto-generation from renewable energy sources and the generation plant is of limited installed capacity.”

- (iii) “(6) Licences required for generation and auto-generation of electricity from renewable energy sources shall be subject to the conditions established in Part XI of this Act.”

5. Amendment of Section 4

(1) Section 4 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the substitution of Section 4 by the following subparagraph:
 - (i) “This Act shall apply to any consumer and to any person who may, pursuant to the conditions established in this Act, be authorised to generate, transmit, distribute and supply electricity in Saint Christopher”.

6. Amendment of Section 5

(1) Section 5 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the substitution of its title by the following paragraph:
 - (i) **Minister may by licence grant right to carry out generation, transmission, distribution and supply of electricity**
- (b) by the substitution of subsection (1) by the following paragraph:
 - (i) “(1) The Minister may, from time to time, by licence, grant to any company or person the right to supply, generate, transmit or distribute electricity for any public or private purposes within any area and for such period as the Minister may consider proper but subject to the following provisions of this section.”
- (b) by the addition of following subsection (6):
 - (i) “(6) No person or company shall be granted an exclusive right to generate electricity in Saint Christopher”.

7. Amendment of Section 6

(1) Section 6 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the addition of the following subsection:
 - (i) “(2) Without prejudice to the generality of subsection (1), the Minister may make regulations on:
 - (a) quality of service standards;
 - (b) access and use of transmission and distribution networks;
 - (c) safety, security and health;
 - (d) auto-production;
 - (e) co-generation.”

8. Amendment of Part III and of Section 12

(1) Part III of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the amendment of its title by the following:

(i) **“SKELEC”**

(2) Section 12 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(b) by the amendment of its title by the following:

(i) **“SKELEC”**

(2) Section 12 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the substitution of subsection (1) by the following paragraph:

(i) **“(1) “SKELEC shall:**

- (a) provide electricity production, transmission, distribution and supply in Saint Christopher pursuant to this Act and the regulations adopted pursuant to it;
- (b) comply with this Act, the regulations, the decisions of the Commission and of the Minister adopted pursuant to it.”

(3) Section 12 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the substitution of subsection (2) by the following paragraph:

(i) **“(2) SKELEC shall provide transmission and distribution in Saint Christopher and shall:**

- (a) ensure the long-term ability of the system to meet reasonable demands for the transmission and distribution of electricity;
- (b) construct, operate, maintain, develop, repair, replace and extend its transmission and distribution network in an economical manner so as to ensure a secure, reliable and efficient transmission and distribution system with due regard to the environment;
- (c) maintain sufficient reserve capacity;
- (d) maintain and expand its transmission and distribution networks, and develop expansion plans so as to ensure security of supply;
- (e) inform their expansion plans to the Commission and to the Ministry;
- (f) comply with the technical and commercial quality of service standards set by the legislation adopted pursuant to this Act;
- (g) comply with the regulations on safety, security, health and environment any other technical regulation adopted pursuant to this Act;
- (h) comply with the obligations imposed by this Act and by any legislation, regulation or code adopted pursuant to this Act or related to the creation of SKELEC;
- (i) grant access and use of its transmission and distribution system pursuant to the conditions and requirements set by this Act and by any regulation or decision of the Commission or of the Minister adopted pursuant to this Act;
- (j) provide to potential consumers, consumers-generators, independent power producers, co-generators, auto-producers

- with the information they need to connect and use its transmission and distribution networks;
- (k) contribute to security of supply through an adequate transmission capacity and system reliability;
- (l) manage electricity flows on the system and ensure a secure, reliable and efficient electricity system and comply with the relevant regulations;
- (m) provide the quality of service as prescribed by regulations.”

(4) Section 12 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the substitution of subsection (3) by the following paragraph:

- (i) “(3) SKELEC is the system operator and it is responsible for:
 - (a) co-ordinating transmission services so as to ensure that the system is constantly in state of static equilibrium, equalling power demand and power supplies at each node of the network;
 - (b) dispatching all generation installations connected to transmission facilities;
 - (c) dealing with bottlenecks in the network while dispatching generation and balancing the system;
 - (d) co-ordinating planned generation and planned transmission outages;
 - (e) managing electricity flows on the system;
 - (f) ensuring a secure, reliable and efficient electricity system as well as all necessary ancillary services.”

(2) Section 12 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the addition of subsections (4), (5) and (6):

- (i) “(4) SKELEC shall supply electricity to all consumers located in their area at the tariffs set by the Commission.”
- (ii) “(5) Subject to the requirements, conditions and prices prescribed by regulations, consumers-generators and auto-producers authorised to generate electricity pursuant to Section XI of this Act as well as co-generators have the right to sell their excess of electricity production to the SKELEC, and to be supplied by SKELEC with the electricity that they cannot generated by its own installations.”
- (iii) “(6) SKELEC shall provide the Ministry and the Commission accurate information on:
 - (a) its estimations of electricity demand growth
 - (b) its estimation of new generation, transmission and distribution capacities necessary to meet new demand in the short term;
 - (c) its plans of expansion of generation, transmission and distribution to meet new demand in the short and medium term and to comply with the National Energy Policy;
 - (d) any other information that the Commission or the Ministry may require.
- (iv) “(7) The expansion plans of the Commission shall be subject to review of the Commission who may amend or give instructions on modifications when that is necessary to comply with the National Energy Policy

9. Amendment of Section 13

(1) Section 13 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (b) by the substitution of its title by the following title:
 - (i) “Access and use of SKELEC electricity transmission and distribution networks.”

(2) Section 13 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the substitution of section 13 by the following paragraphs:
 - (i) “(1) SKELEC shall grant non-discriminatory access to its transmission and distribution networks to independent power producers, auto-producers, co-generators and consumers-generators as prescribed by this Act and to the regulations adopted pursuant to it.”
 - (ii) “(2) SKELEC shall not deny access and use to its electricity transmission and distribution networks except if there is not sufficient capacity and it is properly justified.”
 - (ii) “(3) “SKELEC shall within 6 months of the publication of this Act, publish:
 - (a) the rules governing access and use of its transmission and distribution networks;
 - (b) the procedures governing requests to connection access to and use of its transmission network;
 - (c) the connection agreement models offered to consumers, auto-producers, independent power producers and co-generators who request access and use of its distribution and transmission networks;which shall be subject to review, amendment and approval by the Commission.”

10. Amendment of Section 14

(1) Section 14 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the substitution of its title by the following title:
 - (i) “Regulations on access and use of electricity networks.”

(2) Section 14 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the substitution of section 14 by the following paragraphs:
 - (i) “(1) The Commission may propose and the Minister approve regulations ruling all aspects of access and use of electricity transmission and distribution networks in Saint Christopher”.
 - (ii) “(2) Without prejudice to the generality of subparagraph (1), the Commission may propose and the Minister approve:
 - (a) regulations setting the technical conditions of access and use of electricity transmission and distribution networks;
 - (b) regulations on safety, security and health;
 - (c) regulations on electrical installations;
 - (d) standard connection agreements between SKELEC and independent power producers, auto-producers, co-generators and consumer-generators.”

- (ii) “(3) The Commission shall settle any dispute related to access and use of transmission and distribution networks between SKELEC and any potential consumer-generator, independent power producer, auto-producer or co-generator within 3 months of being submitted by one of the parties.”

11. Amendment of Section 15

(1) Section 15 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the addition of the following paragraphs to subsection (2):

- (i) (k) “to promote the use of renewable energy sources in electricity generation;”
- (ii) (l) “to encourage investments in the electricity sector in addition to improving the operational efficiency and sale of energy at reasonable prices;”
- (iii) (m) “to promote energy efficiency and energy conservation in the electricity sector;”
- (iv) (n) “to ensure the provision of safe, secure, reliable and high quality services when performing activities related to the electricity sector;”
- (v) (o) “to ensure that all persons operating in the energy sector shall comply with applicable environment protection standards and with general public safety conditions;”
- (vi) (p) “to protect the interests of consumers, provided that they comply with the terms or obligations related to the provision of electricity service;”
- (vii) (q) “to monitor and ensure that SKELEC, independent power producers, auto-producers, co-generators and consumers-generators comply with their legal and licences’ obligations and with quality of service standards;”
- (viii) (r) “to monitor and enforce all applicable legislation;”

12. Amendment of Section 16

(1) Section 16 of the Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the addition of the following paragraphs to subsection (1):

- (i) “(k) enforce this Act, the regulations, licences, decisions and other legislation adopted pursuant to this Act;”
- (ii) “(l) organise consultation documents and public hearings procedure;”
- (iii) “(m) regulate the internal procedure for the imposition of sanctions in the event of statutory, regulatory or contractual infringements, ensuring due process;”
- (iv) “(n) Ensure publicity of its decisions;”
- (v) “(o) Perform any other function that may be imposed to it by the regulations, codes, licences and any other legislation to be adopted pursuant to this Act;”
- (vi) “(p) do any such other act as may be conducive to the best attainment of its functions and objectives of this Act;”
- (vii) “(q) prepare and publish its annual report;”
- (viii) “(r) propose regulations setting the technical conditions of connection and use of electricity networks;”
- (ix) “(s) propose regulations on safety, security and health related to electricity;”
- (x) “(t) propose any other regulation necessary to implement this Act;”

- (xi) “(u) review, approve and impose amendments to standardised connection agreements between the SKELEC and producers, auto-producers, consumers-generators and consumers authorised to produce electricity pursuant to Part XI of this Act;”
- (xii) “(v) monitor the compliance of, and enforce, the regulations ruling access and use of electricity networks, regulations related to safety, security and health, and any other regulation adopted pursuant to this Act;”
- (xiii) “(w) settle any dispute concerning access and use of transmission and distribution network between the SKELEC and producers, auto-producers, co-generators, consumers-generators, and:
 - (i) when the dispute is related to the access and use of transmission or distribution networks, the Commission shall take a decision within three (3) months of the submission by one of the parties;
 - (ii) the Commission shall adopt internal procedures for dispute resolution which shall ensure compliance with the principles of due process.”

13. Addition of Part XI

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of Part XI: **“PROMOTION OF RENEWABLE ENERGY SOURCES”**.

14. New Section 50 on Principles for the formulation of the National Energy Policy

The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of the following Section 50:
 - (i) **“50. Principles for the formulation of the National Energy Policy.”**
 - (ii) “(1) The Ministry shall formulate and review the National Energy Policy.”
 - (i) “(2) The National Energy Policy shall pursue the objectives of ensuring:
 - (a) security of energy supply;
 - (b) the use and promotion of renewable energy sources in all sectors, including electricity, transport, industrial and any other sector consuming energy sources;
 - (c) protection of the environment;
 - (d) efficient use of energy and energy conservation;
 - (e) high quality of energy services;
 - (f) safe, secure, reliable energy operations;
 - (g) adequate protection of consumers.
 - (h) promotion of non-discrimination, equality and transparency;
 - (i) promotion of investments in clean and alternative technologies in the energy sector;
 - (j) identify the actions necessary for permitting the modification of the current energy matrix for more sustainable patterns of production and consumption of energy in all sectors”;

- (k) identify the actions necessary for replacing the use and consumption of fossil energy sources by renewable energy sources in all sectors consuming energy sources;
 - (l) set the basis for sustainable development in the country.
 - (m) promote regional cooperation.”
- (ii) “(3) Without limiting the generality of section (1) on the responsibility of the Ministry for the formulation of the National Energy Policy, the Ministry may establish an intergovernmental committee or commission, which may include representatives of other ministries and of the Nevis Island Administration;
- (iii) “(4) Any committee or commission created pursuant to subsection (3) may have any of the following functions and powers:
- (a) advice and assist the Ministry in the formulation and review of the National Energy Policy;
 - (b) advice, assist and make recommendations to the Ministry on
 - (i) all aspects related to the promotion of use of renewable energy sources and energy efficiency in all sectors;
 - (ii) reviewing and amending the energy planning;
 - (iii) actions necessary for the implementation of the National Energy Policy and attainment of the objectives indicated in subsection (2);
 - (iv) actions necessary for the promotion of investments in renewable energy alternatives and energy efficiency in all sectors;
 - (v) any aspect related to the electrical interconnection between the islands of Saint Christopher and Nevis, and between them with other countries and islands of the region;
 - (vi) any other issue linked to the National Energy Policy adoption and implementation.”
 - (vii)
 - (c) Identify and propose:
 - (a) studies and analysis related to the potential, economic and technical feasibility of different renewable energy technologies and sources available in the country;
 - (b) actions related to information and education campaigns necessary for the attainment of the objectives mentioned in subsection (2);
 - (c) any other aspect related to the formulation, review and implementation of the National Energy Policy.
 - (d) ensure an institutional framework of cooperation and coordination of policies between the federal authorities and the authorities of Nevis, and between the country with other countries of the region and regional institutions.
 - (e) co-opt a person to prepare any kind of studies or to advise it on matters of a technical or financial nature as necessary to carry out its functions and powers;

15. New Section on schemes of promotion of renewable energy sources

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of the following Section 51:

- (i) **“51. Adoption of schemes of promotion of renewable energy sources”**
- (ii) “(1) At any time, the Minister may make regulations as provided under this Part providing for one or more schemes for the promotion of renewable energy sources as follows:
 - (a) net metering;
 - (b) feed-in-tariffs;
 - (c) premium tariffs;
 - (d) renewable portfolio standard obligations;
 - (e) any other scheme of promotion of electricity produced from renewable energy sources.”

16. New Section on the functions and powers of the Commission with regard to the promotion of renewable energy sources

1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (b) by the addition of the following Section 52:
 - (i) **“52. Functions and powers of the Public Utilities Commission with regard to the promotion of renewable energy sources”**
 - (ii) “(1) With regard to the promotion of renewable energy sources, the Public Utilities Commission shall:
 - (a) propose an strategy for the implementation of policy goals;
 - (b) review and coordinate with the Ministry the short and long term energy planning for the attainment of the National Energy Policy;
 - (c) review and approve the technical and meter requirements as well as the related connection agreement models to be required to consumers-generators under a net metering system;
 - (d) approve the technical requirements and model of connection agreements necessary for the implementation of a feed-in-tariff, premium tariff or any other scheme of promotion mentioned in this Part;
 - (e) propose and advice the Minister on specific schemes to foster and support the use of renewable energy sources for the production of electricity, and propose modifications to existing schemes;
 - (f) propose to the Ministry the tariffs that may be paid to independent power producers, auto-producers or consumers-generators shall be paid for the electricity sold to SKELEC under a net metering, a feed-in-tariff or a premium tariff scheme;
 - (g) conduct studies necessary for the adoption of any scheme of promotion of renewable energy sources;
 - (h) advice and propose to the Ministry tariffs of electricity to paid to independent power producers, auto-producers or consumers-generators for the electricity sold to SKELEC under a net metering, a feed-in-tariff or a premium tariff scheme;
 - (i) develop and implement national information and consumers education programmes to foster and develop public awareness and education in all levels related to the promotion of the use of renewable energy sources and energy efficiency in electricity;

- (j) develop, implement and maintain technical training programmes, being allowed to make agreements with universities, professional associations or other organisations to that effect;
- (k) advise and make recommendations the Minister in all matters related to the promotion of renewable energy sources;
- (l) carry out studies and analysis related to the potential of different renewable energy technologies and sources available in the country;
- (m) propose legislation on measures and support options to promote the use of renewable energy sources;
- (n) advice, make studies and propose the adoption of schemes of promotion of renewable energy sources, including Feed-in-Tariffs, Power Purchase Agreements and Renewable Portfolio Standards, and the creation of funds to support investments in renewable energy technologies;
- (o) advice, make studies and propose to the Minister and to any other authority on the need of adoption of other financial or tax incentives, including among others direct subsidies, loans at privileged rates, investment grants and any kind of tax incentives, including tax rebates, reductions, credits and exemptions;
- (p) make recommendations on standards related to renewable energy equipments.
- (q) make available in its website this Act, all regulations, decisions and other legislation adopted pursuant to it, including its own decisions and annual report;
- (r) issue public consultation documents and/or conduct public hearings on issues on which the Commission shall take a decision or make a recommendation that will have an important impact on the electricity sector or on the interests of consumers, consumers-generators, independent power producers, auto-producers, co-generators, SKELEC and any other licensee.

17. New Section on public availability of data and consultation mechanisms

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of the following Section 53
 - (i) **“53. Public availability of data and consultation mechanisms**
 - (ii) “(1) The Commission shall The Commission shall foster transparency while exerting its powers and duties and adopting decisions, making also available relevant data and information.”
 - (iii) “(2) The Commission shall provide the Minister, the Cabinet of Ministers and the Parliament with the annual report of the Sector and any other decision or report relating to the electricity sector.”
 - (iv) “(3) The Commission shall publish its decisions and the resolutions that it issues, together with the reasons for those decisions and resolutions as well as the annual report via such publishing and advertising tools as it thinks fit”

- (v) “(4) Relevant documents, files, information, studies and documents related to electricity sector, to the promotion renewable energy sources and to the work of the Commission shall be opened to public information, except those containing confidential information.”
- (vi) “(5) The confidentiality mentioned in Subsection (4) is not presumed and it must be explicitly determined by the Commission.”
- (vii) “(6) The Commission shall make publicly available all information, files, records and data, to the extent not related to commercial secrecy and confidentiality obligations.”
- (viii) “(7) The Commission may hold public hearings and issue one or more consultation documents on any specific issue about which it must take a decision in order to inform and ask opinions to the operators and consumers that may be affected by the decision, or when the matter has significant impact in the electricity sector or in the promotion of renewable energy sources and/or energy efficiency”.
- (ix) “(8) Consultation documents contain:
 - (a) information about the subject on which the Commission shall a decision and the interests involved;
 - (b) any investigation and analysis on the matter that may have been carried out by the Commission;
 - (c) major opinions, comments or objections submitted by licences holders or consumers to the content of a previous consultation document;
 - (d) deadlines and formal requirements for submitting any comment or opinion to the consultation document;
 - (e) its evaluations, findings and reasons of any proposal.”
- (x) “(9) Consultation documents shall be sent to all licence holders, persons authorised to produce electricity, SKELEC and they shall be available on the web site of the Commission.”
- (xi) “(10) Public hearings shall be opened to the participation of SKELEC, licence holders, persons authorised to produce electricity, any authority, consumer or person with an interest in the matter related to the public hearing.”
- (xii) “(11) The Commission shall issue and publish its own rules on public hearing, indicating the requirements of participation and the related procedure.”
- (xiii) “(12) Public hearings are published in the website of the Commission and may be also published in the Official Gazette and/or a newspaper of major circulation in the country, and shall contain:
 - (a) indication of the subject to be analysed in the public hearing;
 - (b) date and place where the public hearing will be held.
 - (c) requirements for participation in the hearing and for submission of written opinions, studies or any other relevant information.
- (xiv) “(13) Before holding a public hearing, the Commission shall:
 - (a) make available all relevant information related to the objective of that hearing.
inform the deadlines and formal requirements for participating in the public hearing;
 - (b) inform the requirements for submitting written opinions, studies or any other relevant information.

- (c) inform the days and time during which any interested person may consult the information gathered by the Commission with relation to the matter to be analysed in the public hearing, including any application submitted to the Commission and information gathered by the Commission on the matter.”
- (xv) “(14) The Commission shall develop a web page making available all information of interest for all kind of consumers and licence holders, including:
 - (a) This Act and any regulation, legislation or decision adopted pursuant to it with regard to the electricity sector and to the production of electricity from renewable energy sources;
 - (b) statistics and relevant information on the electricity sector;
 - (c) information related to available schemes of promotion of energy efficiency and renewable energy sources, including applications criteria, related procedures, model contracts and on any requirement to be complied with;
 - (d) Information related to connection and use of electricity networks including model connection agreements;
 - (e) decisions and annual reports of the Commission;
 - (f) any information of interest.”

18. New Section on net metering

(1) The Saint Christopher Electricity Supply Act 2011, is hereby amended:

- (a) by the addition of the following Section 54 and subsections:
 - (i) “ **54. Net metering**”
 - (ii) “(1) SKELEC shall offer to make net metering available to consumers pursuant to the conditions established in the regulations adopted by the Ministry.”
 - (iii) “(2) Regulations shall indicate all the conditions and requirements for the implementation of a net metering system in Saint Christopher.”
 - (iv) “(3) Without prejudice to the generality of subsection (2), Regulations on net metering shall indicate:
 - (a) the maximum cumulative generating capacity to be installed under a net metering system.
 - (b) the maximum generation capacity allowed to each eligible consumer.
 - (c) eligibility criteria linked to the generation installation, including of energy sources and technologies from which electricity may be produced under this system;
 - (d) equipment necessary to meet applicable safety, power quality, and any other interconnection requirements.”
 - (v) “(4) SKELEC shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the Minister, that the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection.”

- (vi) “(5) The Minister may adopt by regulation additional safety, power quality, and interconnection requirements for consumer-generators, including limitations on the number of consumer generators and total capacity of net metering systems that may be interconnected to the electricity networks of SKELEC when that is necessary to protect public safety and system reliability.”
- (vii) “(6) Consumers shall not be required to obtain a licence to produce electricity under a net metering system.”
- (viii) “(7) Applicants for net metering shall comply with this Act, all applicable regulations and shall sign a connection agreement with SKELEC.”
- (ix) “(8) The Minister may decide to replace the net metering system establish by this Act by a feed-in-tariff or by a premium tariff scheme, or to complement it with any promotion scheme mentioned in this Part XI”.

19. New Section on net energy measurement and calculation

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

(a) by the addition of the following Section 55 and subsections:

- (i) **“55. Net energy measurement and calculation”**
- (ii) “(1) The net energy measurement must be calculated in the following manner:
 - (a) SKELEC shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices;
 - (b) if the electricity supplied by SKELEC exceeds the electricity generated by the consumer-generator and fed back to the electric utility during the billing period, the consumer-generator shall be billed for the net electricity supplied by SKELEC, in accordance with normal metering practices.”
- (iii) If the electricity generated by the consumer-generator exceeds the electricity supplied by the electric utility, the consumer-generator:
 - (a) Shall be billed for the appropriate consumer charges for that billing period, in accordance with details established in the regulations;
 - and
 - (b) Shall be credited for the excess kilowatt-hours or units generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.”
- (iv) “(3) Regulations determine whether or not a compensation is due to the consumer-generator for any remaining unused kilowatt-hour credit accumulated during the previous year.”

- (v) “(4) The Commission shall set the price at which any unused kilowatt-hour credit shall be paid to consumers-generators.”

20. New Section on meter aggregation

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of the following Section 56:
 - (i) **“56. Meter aggregation”**
 - (ii) “(1) If a consumer-generator requests, SKELEC shall provide meter aggregation:
 - (a) for consumer-generators participating in meter aggregation, kilowatt-hours credits or units earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility;
 - (b) not more than the maximum generation capacity established by the Regulations shall be aggregated among all consumer-generators participating in a generating facility under this subsection.
 - (c) excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric utility to remaining meters located on all premises of a consumer-generator at the designated rate of each meter.”

21. New Section on feed-in-tariffs

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of the following Section 57:
 - (i) **“57. Feed-in-tariffs”**
 - (ii) “(1) A feed-in tariff may be established by the Minister by regulations.”
 - (iii) “(2) Without prejudice to the generality of subsection (2), regulations on feed-in-tariff may establish:
 - (a) the eligibility criteria applicable for being eligible for the for a feed-in-tariff scheme, including any financial, technical or any other requirement;
 - (b) the guaranteed tariffs at which electricity produced under a feed-in-tariff shall be purchased;
 - (c) the duration of such guaranteed tariffs;
 - (d) the duration of the fee-in-tariff scheme;
 - (e) any mechanisms of adjustment of the guaranteed prices;
 - (f) the type of renewable energy sources and technologies eligible for the feed-in-tariff;
 - (g) the maximum total new generation capacity which may be installed under a feed-in-tariff scheme;

- (h) requirements related to meters, equipment necessary to meet applicable safety, power quality conditions and any interconnection requirement;
 - (i) the criteria, requirements and the procedures that an applicant shall comply with to become eligible under the feed-in-tariff.”
- (iv) “(4) Feed-in-tariffs adopted pursuant to this Act may include:
- (a) different prices for different renewable energy sources used for the production of electricity;
 - (b) different duration of the guaranteed prices for different renewable energy sources used for the production of electricity;
 - (c) different prices for different capacity levels of eligible generation plants;
 - (d) Any obligation of SKELEC related to priority of dispatch and purchase of the electricity produced under a feed-in-tariff scheme.”
- (v) “(5) Regulations on feed-in-tariff may also make provisions for the following:
- (a) the establishment, implementation, monitoring and enforcement of the feed-in-tariff or bonus scheme
 - (b) requirements of generation plants and installations;
 - (c) eligibility conditions including any economic, financial, technical and other criteria, that shall be required to applicants of a feed-in-tariff;
 - (d) model of power purchase agreement;
 - (e) model interconnection agreements.”
- (vi) “(6) The Commission shall be responsible for the implementation, monitoring and enforcement of the regulations related to this section.”

22. New Section on premium tariffs

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of the following Section 58:
 - (i) **“58. Premium tariff”**.
 - (ii) “(1) A premium tariff scheme established pursuant to this Act sets guaranteed premium or bonus to be paid on top of an identified electricity price of reference for a period of time to be paid to market participants generating electricity from renewable energy sources.”
 - (iii) “(2) Regulations shall establish all the criteria, requirements and procedures that an applicant shall comply with to become eligible under the premium tariff.”
 - (iv) “(3) Without prejudice to the generality of subsection (2), premium tariff regulations set:
 - (a) the eligibility criteria applicable for being eligible for the for a feed-in-tariff scheme, including any financial, technical or any other requirement;
 - (b) the duration of such the premium tariffs;

- (c) any mechanisms of adjustment of the guaranteed premium tariffs;
 - (d) the type of renewable energy sources and technologies eligible for the premium tariffs;
 - (e) the maximum total new generation capacity which may be installed under a premium tariffs system;
 - (f) all requirements related to meters, equipment necessary to meet applicable safety, power quality conditions and any interconnection requirement.”
- (v) “(4) The premium tariff may include:
- (a) different premium tariffs for different renewable energy sources used for the production of electricity;
 - (b) different duration of the premium tariffs for different renewable energy sources used for the production of electricity;
 - (c) different premium tariffs for different capacity levels of eligible generation plants;
 - (d) any obligation of SKELEC related to priority of dispatch and purchase of the electricity produced under a premium scheme.”
- (vi) “(5) Regulations on premium tariffs may also make provisions for the following:
- (a) technical and other requirements of generation plants and installations;
 - (b) eligibility conditions including any economic, financial, technical and other criteria, that shall be required to applicants of a premium tariff;
 - (c) model of power purchase agreement;
 - (d) model interconnection agreements.”
- (vii) “(6) The Commission shall be responsible for the implementation, monitoring and enforcement of the regulations related to this section.

23. New Section on renewable portfolio standards

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

- (a) by the addition of the following Section 59:
 - (i) **“59. Renewable portfolio standards”**
 - (ii) “(1) The Minister may adopt regulations to establish a renewable portfolio standard obligation pursuant to this Act, under which the SKELEC shall be obliged to supply a certain amount or proportion of electricity generated from renewable energy sources.”
 - (iii) “(2) Without prejudice to the generality of subsection (1), Regulations setting a renewable portfolio standard obligation may determine:
 - (a) if SKELEC is obliged to generate the electricity, or if SKELEC is allowed or obliged to purchase it from other independent power producers, auto-producers or consumers; .
 - (b) the specific renewable energy sources which shall be used to comply with the renewable portfolio standard obligation;
 - (c) sanctions in the case of a breach of obligations.

- (d) the establishment of a certification system related to control the compliance of the renewable portfolio standard obligation.”
- (iv) “(3) The Commission shall be responsible for the implementation, monitoring and enforcement of the regulations adopted pursuant to this Act and it administers the certification system.

24. New Section on tenders.

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

(a) by the addition of the following Section 60:

- (i) **“60. Tenders”**
- (ii) “(1) The Minister may in consultation with the Commission launch a competitive tender for the establishment of new electricity generation capacity from renewable energy sources.”
- (iii) “(2) The calls for tender shall:
 - (a) specify the nature of the primary energy source;
 - (b) the installed capacity and technical aspects of the new power plant;
 - (c) provide for the eligibility requirements of the applicant;
 - (d) determine that the mechanism for the purchase of the electricity thus generated by the new power plant;
 - (e) set the conditions for the selection of the best bidder; and,
 - (f) any other conditions or requirements as may be determined by the Minister in consultation with the Commission.”
- (iv) “(3) A purchase power agreement granted pursuant to this Section shall establish:
 - (a) quantity of electricity and power to be generated;
 - (b) installed capacity of the new generation plants that may be subject to it;
 - (c) all rights and obligations of the parties of that power purchase agreement.
 - (d) sanctions in case of breach of obligations.”

25. New Section on information and education programmes

(1) The Saint Christopher Electricity Supply Act 2011 is hereby amended:

(a) by the addition of the following Section 61:

- (i) **“61. Information and education programmes”**
- (ii) “(1) The Commission shall develop and implement national information and consumers’ education programmes on the promotion and use of renewable energy sources, in order to develop and enhance public awareness and education at all levels.”
- (iii) “(2) Information on all related financial, economic, social, environmental as well as available subsidies, loans and other advantages shall be properly disseminated.”

- (iv) “(3) The Commission may require SKELEC to provide consumers with information on any issue related to renewable energy promotion, advantages of the use of renewable energy technologies and energy efficiency in electricity.”
- (v) “(4) The Commission may require sellers and installers of equipment using renewable energy sources to provide information specified by the Commission.”

26. New Section on obligations of persons authorised to generate electricity pursuant to this Part XI

(1) The Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the addition of the following Section 62 :

- (i) **“62. Obligations related to the generation of electricity pursuant to this Part XI.”**
- (ii) “(1) Applicants to net metering or any of the schemes of promotion indicated by this part shall:
 - (a) comply with all the criteria established by this Act, the regulations adopted pursuant to it;
 - (b) comply with all obligations established in the Development Control and Planning Act, and obtain the permissions required by that Act;
 - (c) comply with all obligations related to the preparation and approval of an environmental impact study;
 - (d) comply with the National Conservation and Environmental Protection Act and by any other applicable legislation.”
- (iii) “(2) Persons authorised to generate electricity pursuant to this part shall:
 - a) comply with all the obligations established by this Act, and by the regulations, legislation and decisions adopted pursuant to it;
 - b) comply with all obligations established in the licences, connection agreements and any other legal document allowing them to generate electricity;
 - c) operate and maintain their facilities and equipment without endangering safety, security and health, and comply with technical regulation related to the access and use of electricity networks, to safety, security, health and any other applicable regulation;
 - d) allow inspections of their facilities as prescribed.”

27. New Section on Transitional Provision

(1) The Saint Christopher Electricity Supply Act 2011, is hereby amended:

(a) by the addition of the following Section 63 :

- (i) **“63. Transitional provision”**
- (ii) “(1) Until the Commission is effectively established, the Minister will exercise the functions of the Commission.”