

**TURKS AND CAICOS ISLANDS
RENEWABLE ENERGY AND RESOURCE PLANNING
BILL 2023**

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TURKS AND CAICOS ISLANDS

A

Proposal

for a

BILL

for

AN ORDINANCE TO PROVIDE FOR RENEWABLE ENERGY SOURCES; TO PROVIDE FOR THE LICENSING AND GENERATION OF ELECTRICITY FROM RENEWABLE ENERGY SOURCES; TO PROVIDE FOR THE LICENSING OF ENERGY PRODUCERS, TO PROVIDE FOR INTERCONNECTION FOR ENERGY PRODUCERS AND TO PROVIDE FOR INTEGRATED RESOURCE PLANNING FOR THE ENERGY SECTOR; AND FOR CONNECTED PURPOSES.

ENACTED by the Legislature of the Turks and Caicos Islands.

PART I

PRELIMINARY

Short title and commencement

1. (1) This Ordinance may be cited as the Renewable Energy Ordinance 2023 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

(2) Different dates may be appointed for different provisions and different purposes.

Interpretation

2. In this Ordinance—

“electricity” has the same meaning as in the Electricity Ordinance;

“energy producer” means a person licensed to generate renewable energy;

“Energy and Utilities Commissioner” has the same meaning as in the Electricity Ordinance;

“grid” means the public supplier’s transmission and distribution network;

“integrated resource plan” means the plan referred to in section 36;

“licence” means a renewable energy licence;

“Minister” means the minister responsible for energy and utilities;

“public supplier” means the holder of a public supplier’s licence under the Electricity Ordinance;

“renewable energy” means the energy derived from the following sources—

- (a) solar energy;
- (b) wind energy;
- (c) combustion of biofuel derived solely from renewable biomass;
- (d) ocean energy;
- (e) waste to energy; or
- (f) any other clean energy or renewable energy that may be prescribed.

“renewable energy generation system” means a system used to convert renewable energy into electrical energy.

Purpose

3. The purpose of this Ordinance to encourage the development, generation and use of renewable energy.

PART II

ADMINISTRATION

Administration of Ordinance

4. The Energy and Utilities Commissioner shall be responsible to the Minister for the administration of this Ordinance.

Functions of the Energy and Utilities Commissioner

5. The functions of the Energy and Utilities Commissioner shall be—

- (a) to administer the licensing process under Part II;
- (b) to develop strategies for the implementation of the Government’s policies and objectives on renewable energy in the Islands;

- (c) to develop policy standards and procedures related to the regulation of renewable energy in the Islands;
- (d) to monitor the performance of a renewable energy generation system;
- (e) to implement the policies and to enforce this Ordinance and any regulations made under this Ordinance;
- (f) to advise the Minister on the matters related to the purposes of the Fund as provided for under section 56;
- (g) to advise the Minister on any matter the Minister may refer to the Energy and Utilities Commissioner or any matter the Energy and Utilities Commissioner considers necessary or expedient;
- (h) to provide public education and training on renewable energy;
- (i) to develop policies to safeguard consumer interests in the renewable energy sector;
- (j) to propose to the Minister appropriate amendments to be made to the Ordinance or regulations;
- (k) to submit reports required under this Ordinance to the Minister; and
- (l) to perform other functions as are conferred on him by virtue of this or any other Ordinance or any regulations made under this Ordinance.

Powers of the Energy and Utilities Commissioner

6. (1) The Energy and Utilities Commissioner in carrying out the functions under section 5 and for the purpose of ascertaining whether or not this Ordinance or the regulations is being complied with, may by prescribed notice —

- (a) request information and documents from an energy producer or a public supplier for the purposes of this Ordinance;
- (b) inspect premises and documents—
 - (i) for the purpose of determining whether the prescribed standards are met for the licensing of a renewable energy generation system;

- (ii) for the purpose of ascertaining compliance with this Ordinance, the regulations, the licence or an interconnection agreement or any agreement required by this Ordinance or the regulations;
- (c) require an energy producer or a public supplier to attend at such time and place as specified in the notice for the purpose of being examined on oath before the Energy and Utilities Commissioner;
- (d) require an energy producer or public supplier to produce any document in the control of that person that the Energy and Utilities Commissioner may require him to produce for the purpose of paragraph (c);
- (e) require the appearance of an energy producer or the employee or officer of a public supplier for the purpose of conducting interviews (which interview may be recorded);
- (f) require any other assistance from an energy producer or a public supplier that may be reasonably necessary for the Energy and Utilities Commissioner to carry out his functions and his powers.

(2) Where the notice requires the provision of access to a premises to which subsection (1) refers, the Energy and Utilities Commissioner may request the energy producer or a public supplier to give him such reasonable assistance in connection with the examination or inspection as may be necessary and to answer orally or in writing any questions relating to the examination or inspection.

(3) Where the notice requires the production of a document, it is sufficient if such document is described in the notice with reasonable certainty.

(4) This section shall have effect despite any rule of law relating to privilege or the public interest in respect of the furnishing of information or the production of documents.

(5) The information furnished or the documents produced under this section shall be used only for the purposes for which they are furnished or produced.

(6) Any power conferred by subsection (1) to require the production of any register, copies of statements, accounts, books or other documents shall, if they are not produced, include the power to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

(7) A person who fails to comply with a request or requirement under this section commits an offence and is liable on conviction to a fine not exceeding \$10, 000.

(8) In this section—

“documents” includes any data, plans, maps, correspondence, memorandum, book, machine-readable record or other documentary material, in hard or soft copy.

Access to records, computers and documents on premises

7. (1) Where the Energy and Utilities Commissioner has reasonable grounds to believe that an offence is about to be committed on any premises, or that evidence of the commission of such an offence is to be found on the premises, the Energy and Utilities Commissioner shall apply to a Magistrate for a warrant to allow the Energy and Utilities Commissioner —

- (a) without prior notice and at any time, to enter any premises or place where records and documents are kept and on such premises search for any records and documents;
- (b) in carrying out a search referred to in paragraph (a) and in any manner, to open or cause to be opened or removed and opened, any article in which the officer suspects that any records are kept;
- (c) to seize any records and documents which in the Energy and Utilities Commissioner opinion may afford evidence that may be material in determining the requirement for information under this Ordinance;
- (d) to retain any records and documents seized under paragraph (c) for as long as the records and documents may be required for determining a person's obligations under this Ordinance or for any proceeding under this Ordinance;
- (e) to examine and make extracts from, and copies of, any records, and require from any person an explanation of any entry in the records and access to records, documents and computers; and
- (f) where a hard copy or computer disk of computer-stored information is not provided, to seize and retain the computer in which the information is stored for as long as is reasonable to copy the information required.

(2) The Energy and Utilities Commissioner who attempts to exercise a power under subsection (1), is not entitled to enter or remain on any premises or at any place, if, upon being requested by the occupier of the premises or place, the Energy and Utilities Commissioner does not produce the warrant issued under subsection (1).

(3) The owner, manager or other person lawfully on the premises proposed to be entered under this section shall provide all reasonable facilities and assistance for the effective exercise of the power under this section.

(4) An owner whose records, documents or computer have been removed may examine or make copies or extracts from any records, documents or computers which are removed and retained under subsection (1) during regular office hours under such supervision as the Energy and Utilities Commissioner may determine.

(5) The Energy and Utilities Commissioner exercising a power under subsection (1) may request the assistance of a police officer as the Energy and Utilities Commissioner may consider reasonably necessary and any police officer shall render assistance as may be required by the Energy and Utilities Commissioner.

(6) An owner, manager or other person who contravenes subsection (3) commits an offence and is liable on conviction to a fine of \$25,000.

Delegation by the Energy and Utilities Commissioner

8. (1) The Energy and Utilities Commissioner may delegate in writing to the Deputy Energy and Utilities Commissioner and Energy Utilities Officer any of the functions conferred or imposed on him under section 5 or any other section of this Ordinance, than the power of delegation under this section.

(2) The Energy and Utilities Commissioner may at any time revoke a delegation made under subsection (1).

(3) A delegation under subsection (1) does not prevent the exercise by the Energy and Utilities Commissioner himself of a power so delegated.

PART III

RENEWABLE ENERGY LICENSING

Application and interpretation of Part III

9. This Part applies to—

- (a) a public supplier or an energy producer licensed under this Part; or
- (b) any person who purchases, sells or otherwise transfers electricity generated from a renewable energy source.

Requirement for licence

10. (1) A person shall not operate a renewable energy generation system without a licence granted by the Minister.

(2) Any person intending to operate a renewable energy generation system shall, before commencing any operation apply for a licence under section 11.

(3) For the avoidance of doubt, this section does not apply to the installation and operation of solar water heaters.

(4) A person who contravenes subsection (1) commits an offence and is liable on conviction to—

- (a) a fine of \$1,000 where the size of the renewable energy generation system is less than 5kWdc;
- (b) a fine of \$1,500 where the size of the renewable energy generation system is 5kWdc to 10kWdc;
- (c) a fine of \$2,000 where the size of the renewable energy generation system is 11kWdc to 30kWdc;
- (d) a fine of \$5,000 where the size of the renewable energy generation system is 31kWdc to 50kWdc;
- (e) a fine of \$5,000 where the size of the renewable energy generation system is 51kWdc to 100kWdc;
- (f) a fine of \$12,500 where the size of the renewable energy generation system is 101kWdc to 250kWdc;
- (g) a fine of \$12,500 where the size of the renewable energy generation system is 251kWdc to 500kWdc; or
- (h) a fine of \$50,000 where the size of the renewable energy generation system is greater than 500kWdc,

and in the case of a continuing offence to a further penalty of \$1,000 for each day the offence continues.

Application for licence

11. An application for a licence to operate a renewable energy generation system shall be made in the prescribed form to the

Minister and shall be accompanied by the non-refundable application fee, in the categories specified in Schedule 1 and the following documents and other information—

- (a) a description of the classification of the source of renewable energy which is to be generated (indicate size in kilowatts);
- (b) a statement outlining the equipment package which includes switchgear, inverters and other devices and components;
- (c) a description of the certified equipment to be used;
- (d) an operating plan of the proposed internal control system;
- (e) technical, electrical and mechanical drawings and plans;
- (f) a plan outlining the measures for establishing the electrical grounding system;
- (g) documentary evidence of any study undertaken by the applicant where applicable as prescribed;
- (h) an operation plan, including projected statement of production of renewable energy;
- (i) any other information the Energy and Utilities Commissioner considers relevant; and
- (j) or any other requirements or information that may be prescribed.

Grant or denial of licence

12. (1) In considering an application for a licence the Minister shall conduct any investigation he may consider necessary to ascertain that the criteria for approval of a licence are met.

(2) A licence shall not be granted by the Minister unless he is satisfied—

- (a) as to the validity of the documents submitted in accordance with section 11;
- (b) that the operation plan and renewable energy production projections are based on sound analysis under reasonable assumptions and that the operation plan meets all the prescribed technical specifications;
- (c) as to the adequacy of the electrical installations of the applicant;

- (d) as to the financial capability to build and maintain the proposed renewable energy generation system;
- (e) as to the adequacy of the health and safety standards to be implemented by the applicant in regards to the proposed renewable energy generation system;
- (f) as to the size and capacity of the applicant's proposed installation and the impact on the grid;
- (g) as to the technical capacity of the applicant to operate the proposed renewable energy generation system safely, reliably and efficiently;
- (h) as to the adequacy of the prescribed liability insurance acquired by the applicant; and
- (i) that regard is given to the approved integrated resource plan.

(3) Within three months of the receipt of a completed application for a licence, the Minister shall either—

- (a) grant the licence and may place any restrictions as the Minister considers to be prudent in respect of the licence;
- (b) refuse to grant the licence, if the Minister is of the opinion that it would be undesirable in the public interest to grant the licence or the criteria for approving a licence are not met; or
- (c) refuse to grant the licence, if the Minister is of the opinion that the renewable energy generation system does not meet the goals of an approved integrated resource plan pursuant to Part V.

(4) Upon payment of the application fee, a licence granted by the Minister under subsection (3) is valid until revoked.

(5) A licence granted under subsection (3) is not transferable or assignable.

Permissible renewable energy sources

13. (1) A person granted a licence shall not carry on any generation except as provided for in subsection (2).

(2) A person granted a licence may derive energy from the following sources—

- (a) solar energy;
- (b) wind energy;

- (c) combustion of biofuel derived solely from renewable biomass;
- (d) ocean energy;
- (e) waste to energy; or
- (f) any other clean or renewable energy that may be prescribed.

Conditions for licence

14. A licence issued under this Part is subject to any conditions that the Minister may impose, including the source of energy, the energy producer is permitted to produce and the area of supply, after consultation with the public supplier where applicable.

Variation of conditions for licence

15. The Minister may amend, add to, vary or cancel any condition attached to a licence.

Licence limited to Islander control

16. (1) A person shall not be granted a licence under this Part unless the person satisfies the Energy and Utilities Commissioner that the person is owned or controlled by Islanders.

(2) For the purposes of subsection (1), a person is owned or controlled by Islanders if in the case of a company—

- (a) not less than 51% of the members of its board of directors are individual Islanders;
- (b) otherwise than by way of security only, not less than 51% of the company's voting shares issued and outstanding are owned by Islanders; and
- (c) the company is not otherwise controlled by persons that are not Islanders.

(3) The Energy and Utilities Commissioner shall exempt a prescribed person from this section.

Register of energy producers

17. (1) The Energy and Utilities Commissioner shall keep a central register which shall be available to the public on request, in which the Energy and Utilities Commissioner shall record each licence granted to a person under this Part.

(2) The Energy and Utilities Commissioner shall also maintain a list of licences which have been revoked in the register.

Revocation of licence

18. (1) The Minister may revoke a licence where the energy producer—

- (a) fails to commence operations within a period of twelve months following the granting of the licence as set out in Schedule 2;
- (b) in connection with the application for the licence, provided false, misleading or inaccurate information or suppressed material information;
- (c) fails to comply with the terms or conditions of his licence;
- (d) is in breach of any of the provisions of this Ordinance or Regulations which is applicable;
- (e) ceases to operate as an energy producer; or
- (f) fails to maintain his equipment and installations in accordance with prescribed specifications.

(2) Before revoking any licence under subsection (1), the Minister shall give the energy producer notice in writing of his intention to do so, specifying the grounds upon which he propose to make the revocation and shall require the energy producer to submit to the Minister within a specified period not less than thirty days, a written statement of objections to the making of the revocation.

(3) Where the Minister is satisfied that an energy producer has failed to provide grounds as to why the proposed revocation should not be taken, the Minister may revoke the licence.

(4) Where the decision referred to in subsection (2) is to revoke the licence, the notice shall include a statement of the reasons for the decision and the effective date of the revocation.

(5) Notice under subsection (2) shall be served at the last known address of the energy producer or shall be published in the *Gazette* or in at least one newspaper in national circulation in the Islands.

(6) If an energy producer is aggrieved by any decision made under subsection (2), the energy producer may appeal to the Supreme Court within twenty-one days of the decision.

PART IV
INTERCONNECTION

Interpretation Part IV

19. For the purposes of this Part—

“interconnection” means the electrical connection of a renewable energy generation system to the grid;

“net bill” means a statement showing the two way flow of power, that is, supplied and received energy, in kilowatt-hour by an energy producer who has a renewable energy generation system interconnected to the grid;

“net billing arrangement” means a mechanism for an energy producer to sell or be credited with the value for the excess electricity generated under an interconnection service agreement.

Requirement for connection to grid

20. (1) All consumers of a public supplier including an energy producer licensed under Part III shall be connected to the grid at all times.

(2) A person who contravenes subsection (1), commits an offence and is liable on conviction to—

- (a) a fine of \$1,000 where the size of the renewable energy generation system is less than 5kWdc;
- (b) a fine of \$1,500 where the size of the renewable energy generation system is 5kWdc to 10kWdc;
- (c) a fine of \$2,000 where the size of the renewable energy generation system is 11kWdc to 30kWdc;
- (d) a fine of \$5,000 where the size of the renewable energy generation system is 31kWdc to 50kWdc;
- (e) a fine of \$5,000 where the size of the renewable energy generation system is 51kWdc to 100kWdc;
- (f) a fine of \$12,500 where the size of the renewable energy generation system is 101kWdc to 250kWdc;
- (g) a fine of \$12,500 where the size of the renewable energy generation system is 251kWdc to 500kWdc; or
- (h) a fine of \$50,000 where the size of the renewable energy generation system is greater than 500kWdc,

and in the case of a continuing offence to a further penalty of \$1,000 for each day the offence continues.

Power to exempt from the requirement to connect to the grid

21. (1) The Minister may by Order published in the Gazette, acting in accordance with the advice of the Energy and Utilities Commissioner, exempt an energy producer from remaining connected to the grid—

- (a) in specified cases; or
- (b) for a specified category of energy producer,

where the electricity from the public supplier is not readily available on reasonable terms.

(2) The Energy and Utilities Commissioner shall consult with the public supplier before giving advice to the Minister under subsection(1).

(3) The exemption granted by the Minister under subsection (1) may be—

- (a) given unconditionally; or
- (b) on specified conditions.

Interconnection

22. (1) In fulfilment of the renewable energy policy objectives of this Ordinance, and to promote the generation of renewable energy generation in the Islands and as a result, to facilitate interconnection to a public supplier's grid, there are imposed conditions obliging the public supplier to provide for—

- (a) direct interconnection with an energy producer to the grid of the public supplier; and
- (b) direct interconnection with an independent power producer to the grid of the public supplier,

on the written request of an energy producer or independent power producer.

(2) In respect of the public supplier's obligations pursuant to subsection (1), the Energy and Utilities Commissioner shall require a public supplier to—

- (a) comply with prescribed guidelines and standards to facilitate interconnection;
- (b) provide, upon request, interconnection at points of interconnection on the grid;

- (c) respond to a request for interconnection, in writing, within a period of two weeks from the date the request was made;
- (d) promptly negotiate, within a period of four weeks, upon the request of an energy producer and within eight weeks upon the request of an independent power producer, and endeavour to conclude, an interconnection agreement with regard to the cost and the technical and other terms and conditions for interconnection;
- (e) first submit the proposed interconnection agreement to the Energy and Utilities Commissioner for approval, before entering into an interconnection agreement or before implementing an interconnection service, and the approval shall be in writing;
- (f) indicate the time agreed by both parties during the negotiation, in which the interconnection shall be effected by the public supplier
- (g) provide interconnection service—
 - (i) at reasonable prescribed cost; and
 - (ii) on terms and conditions that are reasonable, transparent and non-discriminatory.
- (h) deposit with the Energy and Utilities Commissioner a copy of the concluded interconnection agreement, after it has been approved pursuant to paragraph (e);
- (i) submit to the Energy and Utilities Commissioner for prompt resolution, in accordance with section 32 and any prescribed procedures as the Minister may make, any dispute that may arise relating to—
 - (i) any aspect of interconnection;
 - (ii) where the parties cannot agree to a date for the interconnection to commence;
 - (iii) where the date for interconnection is thirty days overdue from the date agreed by the parties;
 - (iv) where the public supplier refuses to respond to a request;
 - (v) where the public supplier refuses to negotiate;
 - (vi) where the public supplier refuses to conclude or enter into an interconnection agreement

(j) submit to any decision rendered by the Minister made pursuant to paragraph (i) and section 32(4);

(3) A public supplier to whom a request for interconnection is made may in his response refuse that request in writing on reasonable technical grounds only, which shall be prescribed.

Interconnection service agreement

23. (1) A person who applies for a licence under Part III, and is approved for interconnection and who is not an independent power producer is required to enter a standardised service agreement with the public supplier.

(2) An independent power producer who applies for a licence under Part III, and is approved for interconnection and who is an independent power producer is required to enter into a **power purchase agreement** with the public supplier.

(3) The Minister may prescribe the form and contents of the agreements under subsection (1) and (2).

(4) The Minister, after consultation with the Energy and Utilities Commissioner, shall approve an interconnection agreement if he is satisfied that the interconnection agreement—

(a) is consistent with the provisions of this Ordinance and the Regulations;

(b) does not create risks to power quality or reliability or unreasonable financial risks for the public supplier.

(5) In this section—

“independent power producer” means a person who is not a public supplier of electricity.

Conditions for interconnection

24. (1) An energy producer who interconnects to the grid of a public supplier shall—

(a) follow the interconnection standards established by the—

(i) Institute of Electrical and Electronics Engineers of New Jersey, United States of America;

(ii) Underwriters Laboratory of Illinois, United States of America, and

(iii) National Electrical Code as published by the National Fire Protection Association of Boston, Massachusetts, United States of America,

as amended or replaced from time to time.

- (b) adopt the most recent and in effect standards of the respective bodies specified in paragraph (a);
- (c) ensure that the prescribed safety and security standards are implemented; and
- (d) ensure that the electrical fittings and equipment meet the prescribed specifications.

(2) Subject to subsection (1) an energy producer or independent power producer who applies for interconnection shall be subject to an inspection of his renewable energy generation system by the Energy and Utilities Commissioner and the public supplier in accordance with the prescribed procedures.

Minister to ensure fairness for interconnection

25. (1) The Minister shall ensure that interconnection services are provided—

- (a) on terms and conditions that are reasonable, transparent and non-discriminatory; and
- (b) within a reasonable time.

Other matters regarding interconnection

26. The Minister may prescribe—

- (a) a mechanism for expediting interconnection to the grid;
- (b) the circumstances under which interconnection shall be permitted;
- (c) the circumstances under which interconnection may be refused;
- (d) the procedures to be followed by the public supplier and energy producer when negotiating interconnection agreements;
- (e) procedures for issuing directions and taking enforcement action;
- (f) the rights and obligations of users regarding the use of the grid and renewable energy generation systems;

- (g) a code of practice for use of the grid; and
- (h) any other matters or conditions that are appropriate to facilitate the interconnection under this Part.

Approval for request to interconnect

27. A person who was granted a licence under section 12 may apply for approval, to make a request to interconnect to the grid and shall comply with the following requirements—

- (a) filing any prescribed document;
- (b) the signing of the interconnection service agreement;
- (c) the periodic updates to be agreed to report the progress being made to erect a renewable energy generation system; and
- (d) the participation in an online or physical orientation by the public supplier.

Certification and approval

28. (1) The renewable energy generation system of a person who has applied for a licence under Part III and under this Part for approval to make a request to interconnect to the grid shall be subject to an inspection and certification process, which shall be conducted by the Energy and Utilities Commissioner, a building inspector from the Planning Department and the public supplier in consultation.

(2) The process and the specifications for the inspection and certification shall be prescribed.

(3) The Minister may, on the recommendation of the Energy and Utilities Commissioner in consultation with the public supplier, make Regulations for the purpose of giving effect to subsection (2).

Publication of application process

29. The public supplier and the Energy and Utilities Commissioner shall publish on their respective websites all information, procedures, rules and fees pertaining to the application, certification and inspection process for renewable energy generation and interconnection.

Interconnection study

30. (1) A person who applies for a licence under Part III to operate a renewable energy generation system at or greater than

500 kWdc, shall contract an independent advisor to conduct a comprehensive interconnection study at his own expense.

(2) A person contracted as an independent advisor under subsection (1) shall be a person with recognised standing and experience in the field and shall be approved in writing by the Energy and Utilities Commissioner.

Inspection of system

31. (1) The electrical installation of a distributed energy generation system shall be approved before construction and certified after construction, by the Planning Department and the Energy and Utilities Commissioner respectively, as having met—

- (a) the prescribed specifications; and
- (b) the specifications required by the public supplier.

(2) When an inspection results in an approval an energy producer may make a request for interconnection to the grid.

Dispute resolution

32. (1) Any dispute between an energy producer and a public supplier under this Ordinance or any other dispute, shall be conducted in accordance with this section and any prescribed dispute resolution procedures.

(2) Where a dispute occurs during the negotiation of an interconnection agreement or any other dispute the parties shall—

- (a) first seek to resolve the matter through direct negotiations following the prescribed procedures;
- (b) if they are unable to resolve the matter within thirty days or within a prescribed time period, they may file a written complaint to the Energy and Utilities Commissioner, which shall contain all the relevant information on the matter, within three months after the day on which the act or omission gave rise to the complaint.

(3) Where the Energy and Utilities Commissioner is unable to facilitate an informal resolution of the matter in thirty days, the Energy and Utilities Commissioner with the approval of the Minister shall—

- (a) if both parties consent, refer the matter to a prescribed mediation process, at the parties expense;
- (b) if the Energy and Utilities Commissioner with the approval of the Minister determines the complaint

is with merit, to make a determination to issue a decision;

- (c) if the Energy and Utilities Commissioner with the approval of the Minister determines the complaint is without merit, issue a decision and order dismissing the complaint.

(4) In any case where the Energy and Utilities Commissioner with the approval of the Minister issues a decision on the merits, the Energy and Utilities Commissioner may, where appropriate take one or more of the following actions—

- (a) issue a warning;
- (b) issue a direction to the party at fault to take action that is necessary to remedy the matter or to restore it to a position of compliance with the Ordinance;
- (c) require the payment of compensation for loss to an energy producer directly injured as a result of the contravention of this Ordinance;

(5) A person who fails to act in compliance with a decision, determination or direction made against him under subsection (4) commits an offence and is liable on conviction to a fine not exceeding \$10, 000.

(6) Any warning, determination or direction made under subsection (4)—

- (a) shall be in writing;
- (b) shall be subject to any prescribed procedures;
- (c) may be amended or revoked at any time by the Energy and Utilities Commissioner with the approval of the Minister.

Net billing arrangement

33. (1) An energy producer who generates electricity for his personal use may sell the excess electricity to the grid at avoided cost of fuel, while purchasing power at the retail rate from the public supplier under a net billing arrangement, subject to a prescribed interconnection access fee.

(2) Any credit standing to a customer under a net billing arrangement shall be retained by a public supplier for a period not exceeding six months.

Net bill

34. (1) A public supplier shall provide an energy producer who is interconnected to the grid in accordance with sections 22, 23 and 24, with a net bill at the end of each billing period.

(2) A public supplier may measure consumption under subsection (1) either through physical or remote access.

PART V

INTEGRATED RESOURCE PLAN

Interpretation Part V

35. For the purposes of this Part—

“Group” means the Energy Stakeholder Consultation Group established under section 38.

Requirement for integrated resource plan

36. A public supplier licensed under the Electricity Ordinance is required to implement an approved integrated resource plan to optimize its energy resource use to produce cost effective, reliable and environmentally sustainable energy supply for the Islands.

Development of integrated resource plan

37. The Energy and Utilities Commissioner in consultation with a public supplier shall develop an integrated resource plan taking into account the elements set out in section 39.

Energy Stakeholder Consultation Group

38. (1) The Energy Stakeholder Consultation Group is established.

(2) The Group shall be responsible for reviewing—

- (a) the energy needs of the Islands;
- (b) the optimal amount of energy resources necessary for the sustainable energy supply for the Islands; and
- (c) the integrated resource plan developed pursuant to section 37 taking into account section 40 and 41.

(3) The Group shall comprise of the following persons appointed by the Minister—

- (a) a chairperson being a person with at least five years' experience and knowledge in any of the following areas—
 - (i) energy sector;
 - (ii) renewable energy;
 - (iii) utilities;
- (b) the Director of Planning;
- (c) Director of Crown Land;
- (d) Energy and Utilities Commissioner;
- (e) a representative from the community college with responsibility for lecturing in energy;
- (f) Director of the Department of Environment and Coastal Resources; and
- (g) Chairperson of the Turks and Caicos Hotel and Tourism Association.

(4) A person appointed under subsection (3) may be appointed for a period of up to two years, and may be reappointed.

(5) The chairperson of the Group may call a meeting whenever a matter is referred to the Group and the Group shall meet at least quarterly throughout the year.

(6) The chairperson may invite any person to attend and participate in, or provide briefings or papers to the Group on measures related to an integrated resource plan under this Part.

(7) The chairperson, acting in his own discretion, may call a meeting of the Group whenever—

- (a) he considers it desirable to do so;
- (b) the Energy and Utilities Commissioner so request;
or
- (c) a public supplier so request.

(8) Within seventy-two hours of the conclusion of a meeting of the Group, the Energy and Utilities Commissioner shall prepare and issue to the press and broadcasting organizations a summary of that meeting, containing in an accurate manner information on the attendees and the principal items which were discussed or decided at that meeting.

(9) At any meeting of the Group, a quorum is constituted where at least three members are present and the decisions of the Group shall be by a majority of the votes of members present and voting.

(10) The Group may regulate its own procedure as it thinks fit.

Secretary to the Group

39. (1) The Minister shall appoint a person to be secretary of the Group for such term as may be specified in the instrument of appointment.

(2) The secretary shall—

- (a) attend all meetings of the Group but shall not be a part of the quorum or vote on a matter or question before the Group;
- (b) prepare minutes of the meetings of the Group;
- (c) keep a record of the proceedings and decisions of the Group; and
- (d) carry out such other duties as the Group may require.

Elements of an integrated resource plan

40. Where the Energy and Utilities Commissioner and a public supplier develop an integrated resource plan under this Part they shall ensure that the integrated resource plan—

- (a) contains projections for up to fifteen years;
- (b) includes the expected demand for the period and the state of the public supplier's existing resources; and
- (c) details how the public supplier proposes to meet this demand.

Factors to be considered by the Group

41. The Group in its review of an integrated resource plan pursuant to section 38 shall take into account the following—

- (a) long range planning framework for residents and businesses of the Islands;
- (b) delivery of safe, reliable and least cost service;
- (c) a systematic comparison between demand side management measures and the supply of electricity to minimise the cost of adequate and reliable services to consumers;
- (d) adopting an operating system that features diversity, reliability, dispatchability and other factors of risk;

- (e) the treatment of demand and supply of electricity to consumers on a consistent and integrated basis;
- (f) any other recommendations that may benefit the public interest; and
- (g) any technical requirements in respect of paragraphs (a) to (f) and, other criteria and conditions as may be prescribed by the Minister acting on the advice of the Energy and Utilities Commissioner.

Infusion study

42. (1) An integrated resource plan developed under this Part shall be supported by an infusion study to be undertaken by the Energy and Utilities Commissioner.

(2) The infusion study shall be based upon agreed assumptions to be determined by the Energy and Utilities Commissioner in consultation with the public supplier.

Integrated resource plan necessary for capital expenditure

43. Any proposed capital expenditure for—

- (a) the generation of electricity;
- (b) the transmission and distribution of electricity; or
- (c) for any single project by a public supplier,

amounting to \$5,000,000 and more, shall be based on an approved integrated resource plan.

Increased generation capacity

44. (1) Where a public supplier seeks to make or increase its generation of electricity to the grid, he shall apply to the Energy and Utilities Commissioner for approval.

(2) Subject to section 36 the Energy and Utilities Commissioner shall grant his approval under subsection (1), on the following grounds—

- (a) a certificate of need is issued by the public supplier;
- (b) the certificate of need is determined by an integrated resource plan approved under this Part; or
- (c) the need for increased generation capacity is sent out to tender by the Energy and Utilities Commissioner.

(3) Notwithstanding subsection (1) and section 36, the Minister may make a determination for increased generation capacity in the public interest and any such determination shall be subjected to the provisions in subsection (3) and (4).

(4) Any request for an increase in renewable energy generation capacity shall be subject to a tendering process to be managed and conducted by the Energy and Utilities Commissioner.

(5) The tendering process shall be conducted on the following principles—

- (a) tenders shall be submitted in the prescribed manner;
- (b) the cost associated with a tender is not recoverable through a consumer rate mechanism;
- (c) bidders shall use the least cost approach;
- (d) bidders shall adhere to their bid;
- (e) there shall be no cost adjustment after a tender has been accepted; and
- (f) if there is any cost adjustment after a bid has been made and accepted, the adjusted cost cannot be passed to the consumer.

Certificate of need

45. (1) Where an integrated resource plan is approved under this Part and is published in the *Gazette* pursuant to section 49, the public supplier shall issue a certificate of need in the prescribed form.

(2) A public supplier shall ensure that each certificate of need takes into account the approved integrated resource plan and the infusion study undertaken pursuant to section 42.

(3) For each certificate of need issued, a public supplier shall invite public tenders to provide the energy need stated in the certificate of need.

Certificate of need leading to increased renewable energy needs

46. For the avoidance of doubt, whenever a certificate of need is issued where a public supplier is to provide increased renewable energy resources, the public supplier shall be subjected to the tendering process under section 44(3).

Certificate of need leading to use of additional fossil fuels

47. Whenever a certificate of need is issued, where a public supplier indicates that additional fossil fuel generation is required, the Minister may approve the use of additional fossil fuels, upon the written request of a public supplier.

Storage for renewable energy system

48. The public supplier, based on an approved integrated resource plan shall evaluate, plan and provide energy storage for—

- (a) optimal renewable energy integration;
- (b) fuel economy;
- (c) ancillary benefits; and
- (d) load management,

for the system.

Notice and publication of approved integrated resource plan

49. (1) Where an integrated resource plan is approved under this Part, the Energy and Utilities Commissioner shall give notice of the approved integrated resource plan in the *Gazette* and in at least one newspaper in national circulation.

(2) The Energy and Utilities Commissioner shall within fourteen days of the notice, publish the approved integrated resource plan in the *Gazette* and on the government website and the public supplier shall publish the integrated resource plan on its website.

Review and assessment

50. The Energy and Utilities Commissioner shall review an integrated resource plan approved under this Part every two years to—

- (a) assess the extent to which the public supplier has made progress towards achieving the projections in the integrated resource plan; and
- (b) make recommendation to the public supplier as is necessary having regard to the projections in the integrated resource plan.

Report on progress

51. (1) The Energy and Utilities Commissioner shall every two years prepare and present a report to the Minister on the progress of the implementation of the projections in an integrated resource plan approved under this Part within forty days of the end of the financial year within which the report is due.

(2) The Minister shall lay the report at the next meeting of the House of Assembly after receiving the report.

(3) The Minister shall publish the report in the *Gazette* and at least two newspapers in national circulation and on the Ministry's website, no later than twenty days after laying the report on the table of the House of Assembly.

PART VI

RESOURCE ENERGY INSTALLER

Installers

52. A person who wishes to provide services as an installer of a distributed renewable energy generation system, shall first apply for a licence under Part IX of the Electricity Ordinance.

PART VII

ENERGY LEVY

Interpretation

53. In this part—

“energy levy” means a throughput energy levy;

“Fund” means the Energy Levy Fund established under section 55.

Energy levy

54. (1) A person granted a licence under section 12 shall pay an energy levy of one dollar per kW per month for a renewable energy generation system greater than 15 kWdc.

(2) The energy levy payable by a person under subsection (1) shall be accounted for and shall be remitted by the public supplier in accordance with section 58.

Energy Levy Fund

55. (1) There is established the Energy Levy Fund for the Islands under the administration and control of the Permanent Secretary, Finance.

(2) All levies collected by a public supplier under section 54 shall be deposited into the Fund.

Purposes of Fund

56. The Fund shall be used for the following purposes—

- (a) to fund renewable energy projects approved by the cabinet;
- (b) to fund research and development into renewable energy resources approved by the cabinet;
- (c) to procure goods and services for renewable energy projects approved by the cabinet; and
- (d) for any other purpose related to the generation of renewable energy as the cabinet may from time to time approve.

Public supplier to keep accounts and records

57. A public supplier shall keep accounts of the collected energy levies and shall make returns in the form prescribed.

Monthly return

58. (1) A public supplier shall furnish to the Permanent Secretary, Finance not later than fifteen days after the end of each month a return showing the total energy levies payable on the generation of renewable energy for the said month together with such further information as the Permanent Secretary, Finance may require.

(2) The return shall be accompanied by the payment of the remittance of the energy levy due and payable.

(3) The Permanent Secretary, Finance may, upon application by a public supplier, extend the period within which a return is to be furnished where the Permanent Secretary, Finance is satisfied that it is reasonable to do so.

(4) Where the Permanent Secretary, Finance extends the time for a remittance to be paid under subsection (3), the remittance of the energy levy is due and payable at the expiration of that period.

Default in payment

59. (1) Where remittance of the energy levy is due and payable by a public supplier remains unpaid, the public supplier shall also be liable to pay, by way of a penalty, a sum calculated pursuant to subsection (2), and the penalty shall be recoverable, and the payment of the same enforceable, as a debt properly due and payable.

(2) The energy levy, or that part of the energy levy remaining unpaid, as the case may be, shall be increased by 1.5% for each month or part of a month during which the remittance of the energy levy remains unpaid.

Recovery of energy levy

60. Without prejudice to any other remedy, where—

(a) the remittance of the energy levy is due and payable; or

(b) any penalty payable under section 59 is payable,

may be recovered from a public supplier by the Government as a civil debt due to the Crown.

Power of Permanent Secretary Finance

61. (1) The Permanent Secretary, Finance or any person authorised by him in writing in that behalf may, for the purpose of ascertaining whether or not any of the provisions of this Part are being complied with and, in particular, for the purpose of ascertaining whether or not the proper amount of the energy levy is being collected and paid by the public supplier may—

(a) require production for inspection of such books and records as may be necessary for ascertaining or verifying the amount of energy levy that may be levied under this Part; and

(b) exercise such other powers and perform such other duties as may be necessary for carrying out the purposes of this Part.

(2) Any power conferred by subsection (1) to require the production of copies of statements, accounts or books shall, if they are not produced, include the power to require the public supplier who was required to produce them to state, to the best of his knowledge and belief, where they are.

Assessment

62. (1) If no return in respect of any period is submitted by a person granted a licence under Part III or if the return submitted by a person granted a licence under Part III appears to the Permanent Secretary, Finance to be incorrect or incomplete the Permanent Secretary, Finance shall, after giving the person granted a licence under Part III a reasonable opportunity of being heard, proceed in such manner as may be prescribed to assess to the best of his judgment the amount of the energy levy payable.

(2) The Permanent Secretary, Finance shall serve or cause to be served notice of an assessment under this Part on a person granted a licence under Part III.

(3) A person granted a licence under Part III shall pay the amount of energy levy assessed under subsection (1) within fifteen days after service of the notice of assessment whether or not an appeal from the assessment is pending.

(4) No assessment under this section shall be made after the expiry of four years.

Appeal against assessment

63. (1) A person granted a licence under Part III who is aggrieved by an assessment of the Permanent Secretary, Finance under section 62 may, within a period of one month from the date on which that assessment was made and on payment of the energy levy in conformity therewith, appeal against the assessment to the Supreme Court.

(2) Upon the hearing of the case the Supreme Court shall assess the energy levy payable.

(3) If the amount of energy levy assessed by the Supreme Court is less than the amount assessed by the Permanent Secretary, Finance, the excess of the energy levy paid shall be ordered by the Supreme Court to be repaid.

(4) If in the opinion of the Supreme Court the assessment of the Permanent Secretary, Finance is not excessive, the Supreme Court shall make an order confirming that assessment and dismissing the appeal.

(5) Costs upon any such appeal shall be in the discretion of the Supreme Court.

Criminal liability of directors

64. (1) Where an offence is committed by a body corporate under this Part and proved to have been committed with the consent or connivance of, or to be attributable to any neglect on

the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.

(2) For the purposes of this section, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of the body corporate or any of them act

PART VIII

MISCELLANEOUS

Notification of accidents, and inquiries

65. (1) An energy producer shall give notice in writing to the Energy and Utilities Commissioner of any accident by explosion, fire or otherwise which has occurred in or in connection with any part of the energy producer's renewable energy generation system, and which has caused, or is likely to have caused, loss of life or personal injury; and such notice shall contain particulars of any loss of life or personal injury caused by the accident.

(2) Where an accident as mentioned in subsection (1) has occurred, the notice required to be given to the Energy and Utilities Commissioner under that subsection shall be given as soon as may be reasonably practicable after the occurrence of the accident.

(3) An energy producer who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000.

(4) The Minister may direct the Energy and Utilities Commissioner or appoint any other person—

(a) to inquire into and report on any accident affecting public safety which may have happened in or in connection with any part of an energy producer's renewable energy generation system, whether notice under subsection (1) of the accident has or has not been received by the Energy and Utilities Commissioner; or

(b) to inquire into and report on the manner and extent to which the provisions of this or any other Ordinance, and the conditions of the energy producer's licence, in so far as they affect the safety of the public, have been complied with by the energy producer,

and any person appointed under this section to hold an inquiry shall, for the purposes of carrying out the inquiry, have all the powers exercisable by the Energy and Utilities Commissioner.

Injuring electrical plant to cut off supply

66. A person who unlawfully and maliciously cuts or injures any renewable energy generation system of an energy producer with intent to cut off any supply of electricity, or who incites any other person to do so, commits an offence and is liable on summary conviction to a fine of \$5,000 or to a term of imprisonment of two years or to both such fine and imprisonment.

False statements, etc.

67. If any person, for the purpose of obtaining a licence under this Ordinance, whether for himself or any other person, or for any other purpose connected with this Ordinance—

- (a) knowingly makes a false statement or false representation; or
- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he commits an offence and is liable on summary conviction to a fine of \$1,000 or to a term of imprisonment of twelve-months or to both such fine and imprisonment.

Obstruction

68. A person who obstructs—

- (a) a person authorised by a public supplier to exercise any of the public supplier's powers under this Ordinance or to perform any of the public supplier's duties under this Ordinance in the exercise of any of those powers or the performance of any of those duties; or
- (b) the Energy and Utilities Commissioner or a meter examiner in the exercise of his powers under this Ordinance or in the performance of any of his duties under this Ordinance,

commits an offence and is liable on summary conviction to a fine of \$500 or a term of imprisonment of three months or to both such fine and imprisonment.

Regulations

69. (1) The Minister may make regulations prescribing all matters authorised or required to be prescribed under this Ordinance or as may appear to him to be necessary or desirable for the purpose of giving effect to this Ordinance.

(2) Regulations under this section may—

- (a) make provision for the application form for a licence;
- (b) make provision for eliminating or reducing the risks of personal injury, or damage to property or interference with its use, arising from—
 - (i) the supply of electricity to the grid by an energy producer;
 - (ii) the use of electricity so supplied by a renewable energy generation system; or
 - (iii) the installation, maintenance or use of any renewable energy generation system;
- (c) make provision for relieving an energy producer from any obligation to supply electricity in cases where electrical fittings or their use do not comply with the regulations;
- (d) make provision requiring compliance with notices given by the Energy and Utilities Commissioner specifying action to be taken in relation to a renewable energy generation system for the purpose of—
 - (i) preventing or ending a breach of regulations under this section;
 - (ii) eliminating or reducing a risk of personal injury or damage to property or interference with its use;
- (e) make provision as to the keeping by an energy producer of maps, plans and sections and as to their production (on payment, if so required, of a reasonable fee);
- (f) provide for particular requirements of the regulations to be deemed to be complied with in the case of a renewable energy generation system complying with specified standards or requirements;

- (g) make provision for the minimum and maximum of electricity to be generated—
 - (i) from different sources of renewable energy;
 - (ii) on different types of premises, whether residential, industrial (commercial) or otherwise.
- (h) provide for the requirements for approving additional types of fossil fuels;
- (i) provide for the regulatory fees for infusion study and other work to be undertaken by the Energy and Utilities Commissioner;
- (j) make provision for safeguarding consumer interests and rights and fair pricing;
- (k) make provision for measurement and verification protocols to be used by energy producers’
- (l) make provision to regulate the capacity levels for the grid; and
- (m) provide for the granting of exemptions from any requirement of the Ordinance or regulations in regards to net billing.

(3) Regulations under this section may provide that a person contravening the regulations commits an offence against this Ordinance and is liable on summary conviction to a fine of \$500; and, if the offence in respect of which he is convicted is continued after the conviction, he commits a further offence and is liable to a fine of \$50 for each day on which the offence is so continued.

Injunctions

70. (1) In addition to any other remedy provided by this Ordinance, the Energy and Utilities Commissioner with the approval of the Minister, may institute a civil action for an injunction—

- (a) to prevent a person from violating this Ordinance;
- (b) to enforce a determination made under section 32;
- (c) to enforce a direction made under section 32 (4);
- (d) to require a person to do something which the Ordinance requires.

(2) Any civil action for an injunction by the Energy and Utilities Commissioner under this section, shall be instituted on the advice of the Attorney General.

(3) The Supreme Court may, in addition to any injunction which may be imposed, make such order as the circumstances may require.

(4) An order made under subsection (3) shall state the time, not being less than fourteen days, within which there shall be compliance with the order.

(5) The court may rescind or vary the injunction on an application by the Energy and Utilities Commissioner or any party affected by the injunction.

Appeals

71. If a person is aggrieved by a decision made under section 32, he may at any time within twenty eight days of the decision of the Energy and Utilities Commissioner, appeal against the decision, determination or direction made under section 32 and the Supreme Court may —

- (a) confirm, modify or reverse the decision, determination or direction or any part of it; or
- (b) dismiss the appeal and may make an order as to costs as it thinks fit.

Service of notices

72. Any notice or other document required or authorised to be given or served under this Ordinance shall be deemed served on or given to a person—

- (a) by delivering it to the person personally;
- (b) by leaving it at the usual or last known place of abode of that person;
- (c) by serving it on the attorney or agent who accepts service for and on behalf of an owner and occupier of the land;
- (d) by serving it on an attorney or agent holding a power of attorney where the attorney or agent is authorised to accept the service;
- (e) by publishing it in three consecutive issues of a newspaper in general circulation;
- (f) by publishing it in three consecutive issues of the *Gazette*;
- (g) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode or, where an address for service has been given by that person, at that address; or

(h) in the case of a body corporate, or other body, by delivering it to the secretary or other officer of that body at its registered or principal office in the Islands, or by sending it in a prepaid registered letter addressed to the secretary or other officer of that body at that office.

Amendment of Schedules

73. The Minister may by Order amend the Schedules from time to time.

Transitional

74. (1) A person who immediately before the date of the commencement of this Ordinance was operating a renewable generation system may continue to operate the renewable generation system without a licence under this Ordinance, during the period of six months beginning with that date.

(2) The public supplier’s utility owned renewable energy system, which was installed and which was in operation prior to the coming into force of this Ordinance, shall on the coming into force of this Ordinance, be deemed to have been licensed under this Ordinance.

(3) For the avoidance of doubt—

- (a) a person to whom subsection (1) applies, shall at the conclusion of six months apply for a licence under this Ordinance;
- (b) subsequent to the coming into force of this legislation, any new renewable energy system to be undertaken by the public supplier shall be subject to the licensing process under this Ordinance;
- (c) the public supplier shall pursuant to section 54 pay the energy levy in respect of its utility owned renewable energy system, deemed to have been licensed under subsection (2).

Schedule 1

(Sections 11,12)

LICENCE FEES UNDER PART III

Size of System	Category	Application Fee
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Less than 5kWdc	Residential	\$250
5kWdc to 10kWdc	Residential	\$350
11kWdc to 30kWdc	Residential	\$500
31kWdc to 50kWdc	Commercial	\$1,000
51kWdc to 100kWdc	Commercial	\$1,500
101kWdc to 250kWdc	Industrial	\$3,000
251kWdc to 500kWdc	Industrial	\$5,000
Greater than 500kWdc	Independent Power Producer	\$10,000

Schedule 2

(Section 18(1)(a))

REVOCATION OF LICENCE GRANTED UNDER PART III FOR FAILURE TO COMMENCE OPERATION UNDER SECTION 18 (1)(A)

Size of System	Revocation
Less than 30kWdc	Within twelve months
Less than 100kWdc	Within eighteen months
Less than 500kWdc	Within twenty-four months
Greater than 500kWdc	Within thirty-six months

PASSED by the House of Assembly this day of 2023.

Tracey Parker
Clerk to the House of Assembly

Gordon Burton
Speaker

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the development and use of renewable energy; interconnection; integrated resource planning and to impose an energy levy. The Government finds that there is the need to encourage the development, generation and use of renewable energy in the Islands. The Government also finds that while allowing for the generation and use of renewable energy that the integrity of the grid is to be maintained to allow for the efficient generation of electricity and in this regard persons who generate renewable energy will be required to connect to the public supplier's grid. The Government further finds that it is necessary to have in place long range planning to ensure that there are sufficient resources to meet the growing demand for electricity in the Islands.

Therefore, the purposes of this Ordinance is to provide for the following—

- (a) to provide for the Administration of the Ordinance by setting out the functions and powers of the Minister and the Energy and Utilities Commissioner;
- (b) to restrict renewable energy for the time being to the following sources: solar, wind, ocean, combustion of biofuel derived solely from renewable biomass and any other clean energy or renewable energy that may be prescribed;
- (c) to provide a licensing regime to allow persons to operate a renewable energy generation system;
- (d) to provide a comprehensive mechanism to allow persons who operate a renewable energy generation system to interconnect to the public supplier's grid;
- (e) to provide a comprehensive dispute resolution process for disputes arising under the Ordinance and in particular for disputes in relation to interconnection;
- (f) to make it mandatory for all consumers to be connected to the public supplier's grid at all times;
- (g) to provide a net billing arrangement for persons who operate a renewable generation system to transfer the generated renewable energy to the public supplier;

- (h) to impose a mandatory requirement for a public supplier to implement an integrated resource plan with projections for up to fifteen years;
- (i) to provide for the establishment of the Energy Stakeholder Consultation Group who will be responsible for reviewing—
 - (i) the energy needs of the Islands;
 - (ii) the optimal amount of energy resources required; and
 - (iii) the integrated resource plan developed by the Energy and Utilities Commissioner and the public supplier.
- (j) to impose an energy levy on a person granted a renewable energy licence (under Part III) to generate electricity;
- (k) to set the rate of the energy levy at one dollar per kW for a renewable generator system greater than 15kWdc;
- (l) to establish the Energy Levy Fund and to provide the purposes for which the Fund will be utilized;
- (m) to impose the duty to collect the levy on the public supplier and for the public supplier to remit the same to the Government.

THE BILL

The Bill is made up of eight Parts.

PART I

Part I provides the preliminary provisions and contains clause 1-3.

PART II

Part II of the Bill provides for the administration of the Ordinance and makes provisions for the functions of the Energy and Utilities Commissioner; the powers of the Energy and Utilities Commissioner; access to records, computers and documents on premises and for the Energy and Utilities Commissioner to delegate those functions and powers in clauses 4 to 8.

PART III

Part III of the Bill deals with renewable energy and provides for the requirement of a licence to operate a renewable energy generation system; it also provides for the application process, the grant or denial of a licence, the conditions for a licence and the revocation of a licence in clauses 9 to 18.

PART IV

Part IV of the Bill sets out the provisions for interconnection to the grid of the public supplier; it mandates the requirement for connection to the grid; it grants the Minister power to exempt persons from the grid in limited circumstances; it provides the process for an energy producer to make a request for interconnection; it provides for the interconnection service agreement, conditions for interconnection, dispute resolution, net billing arrangement, interconnection study, storage and inspection of the system in clauses 19 to 34.

PART V

Part V of the Bill provides for an integrated resource plan by providing for the requirement for an integrated resource plan; the development of an integrated resource plan; the establishment of the Energy Stakeholder Consultation Group; the factors to be considered by the Group; the conduct of an infusion study to be undertaken by the Energy and Utilities Commissioner; the certificate of need to be issued for increased generation capacity, the notice and publication of the approved integrated resource plan and the assessment and reporting process in clauses 35 to 51

PART VI

Part VI of the Bill sets out the requirement for a person who wishes to provide services as an install to first obtain a licence under Part IX of the Electricity Ordinance in clause 52.

PART VII

Part VII makes provision for the imposition of an energy levy on a person granted a licence for a renewable energy generation system greater than 15kWdc; it sets the levy at one dollar per kW; it provides for the establishment of an Energy Levy Fund; the purposes for which the Fund can be used; and the collection and reporting of the energy levy in clauses 53 to 64

PART VIII

Part VIII addresses the various miscellaneous provisions by providing for the notification of accidents and inquiries, the injuring of electrical plant to cut off supply; the offence of making false statements, the offence of obstruction; the making of regulations; the ability to apply for an injunction as part of the enforcement regime; to provide for appeals to the court; for the service of notices; for the amendment of schedules to the Ordinance and sets out transitional provisions in clauses 65 to 74.