

GRENADA**ARRANGEMENT OF REGULATIONS**

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GRENADA**STATUTORY RULES AND ORDERS NO. OF 2016**

THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM UNDER SECTION 61 OF THE ELECTRICITY SUPPLY ACT 2016 (ACT NO. OF 2016) MAKES THE FOLLOWING REGULATIONS

(Gazetted , 2016).

**PART I
PRELIMINARY****Citation and commencement**

1 (1) These Regulations may be cited as the Electricity Supply (Integrated Resource Planning and Procurement) Regulations 2016.

(2) These Regulations come into force on the commencement date.

Interpretation

2 (1) In these Regulations, unless the context otherwise requires—

“Act” means the Electricity Supply Act 2016;

“competitive tender rules” means the rules made under regulation 17(2)(a);

“IRP” means Integrated Resource Plan developed under Part 2;

“procedures” means the procedures referred to in regulation 17; and

“third party” means a person other than a network licensee or its affiliates;

These draft Regulations are presently under review by the Government and experts provided through technical assistance to Grenada. Afterwards they will be subjected to a 'scrubbing' process inherent with law making by an Independent Consultant and together with inputs from consultations, substantial revisions are anticipated. Dissemination at this stage is purely for the purpose of wider stakeholders' feedback.'

(2) Unless a term is defined in these Regulations or the context otherwise requires, terms defined by the Act have the same meaning when used in these Regulations.

PART 2 INTEGRATED RESOURCE PLANNING

Notice requesting IRP proposal

3 Within [2] years from the commencement date, and every 5 years or less as the Minister determines, the Commission shall issue a notice requesting an IRP proposal from a network licensee that contains—

- (a) a resource plan that includes the expected demand in its authorised area for the period referred to in subregulation 4(a) and the state of the network licensee's existing resources for supplying electricity to the authorised area; and
- (b) a procurement plan that details how the network licensee proposes to meet this demand.

Content of notice

4 The notice shall include—

- (a) the period, not longer than 5 years determined by the Minister, which the proposal is to cover;
- (b) the date by which the proposal is to be sent to the Commission;
- (c) the format of the proposal and the information and documentation that it is to contain as required by the procedures;
- (d) other guidance or instructions concerning procedures that the Commission decides including the proposal preparation requirements under these Regulations; and

- (e) any other information that the Commission considers relevant.

Delivery and publication of notice

5 The notice shall be sent to the network licensee by registered mail and published on the website of the Commission.

IRP proposal preparation requirements

6 In preparing the IRP proposal a network licensee shall—

- (a) consider—
 - (i) all possible resources, including new generation capacity, demand-side resources (including demand response and energy efficiency), and retirement of generation capacity; and
 - (ii) a range of renewable energy and efficient generation options, and a prudent diversification of the generation portfolio;
- (b) prioritize actions that meet the most objectives in section 9 of the Act, and conform to the National Electricity Strategy;
- (c) include proposed limits for total generation capacity authorised under permits in its authorised area over the planning period;
- (d) indicate recommendations regarding whether any resources should be procured through competitive bidding; and
- (e) include, in respect of any resources recommended under paragraph 6(d), a business case that includes—
 - (i) project feasibility—technical, economic, social, commercial and fiscal as applicable;
 - (ii) proposed project structure including identification of risks; and
 - (iii) parameters—for example technical and price—required for the project to be coherent with the National Electricity Strategy.

Submission of IRP proposal

7 The network licensee shall submit to the Commission an IRP proposal that complies with the notice under regulation 3 and with regulation 6.

Publication of IRP proposal

8 The IRP proposal shall be published on the website of the Commission.

Notice requesting comments and other proposals

9 After the publication of the IRP proposal under regulation 8, the Commission shall publish on the website of the Commission and in a newspaper of general circulation in Grenada a notice stating the availability of the proposal for review, requesting comments and other proposal for supply side or demand side resources.

Content of notice requesting comments and other proposals

10 Regulation 4 applies to a notice referred to in regulation 9.

Requirements for other proposals

11 (1) A proposal referred to in regulation 9 shall—

- (a) seek to demonstrate that its inclusion in the IRP would result in an electricity supply that is more consistent with the objectives in section 9 and the National Electricity Strategy; and
- (b) use technology that is in commercial operation elsewhere.

(2) The Minister may waive the requirement in paragraph 11(1)(b) if satisfied through other means that the technology is fit for the purpose for which it is proposed.

IRP consultations

12 The IRP must be the result of a stakeholder-driven iterative process, and for this purpose the Commission shall hold, for each proposal received before the stipulated deadline—

- (a) at least one public consultation, to consider the proposal on its own or together with other proposals received; and
- (b) as many meetings—that the Minister decides necessary—with the Minister, any Committee established under section 6, the Commission, proponents of a proposal and other persons that the Minister or Commission considers relevant for assessing the proposal.

IRP approval

13 (1) The network licensee shall prepare for the review and approval of the Minister a final draft IRP for its authorised area that takes into the consideration public comments, any other proposals that the Minister directs be included, and any comments or directions of the Minister.

(2) In performing the duties under this regulation, the Minister shall consult with the Commission and any Committee established under section 6.

(3) The Minister may approve the IRP if the Minister considers that the final draft IRP is the best approach to meeting the objectives in section 9 and the National Electricity Strategy.

(4) The approval of the IRP is an executive decision and not subject to appeal.

Publication of IRP

14 The Commission shall publish and maintain an IRP on its website for the period during which the IRP applies.

PART 3 GENERATION COMMITMENT AND PROCUREMENT

Compliance with IRP

15 (1) Subject to subsection (2), a network licensee shall, in accordance with the IRP approved under regulation 13, commit its own generation resources and procure resources from third parties.

(2) The Minister, after consulting with the Commission and any Committee established under section 6, may issue an instruction waiving or amending any provision of the IRP if the Minister considers that this is needed to achieve the objectives in section 9.

Requirements for purchase of third party power

16 Procurement of third party power must be done—

- (a) in accordance with the procedure that the Minister decides, and, if required by the IRP, in accordance with the competitive tender rules; and
- (b) under PPAs agreed and approved by the Minister.

Commission to determine procedure

17 (1) The Commission may determine the procedures for any activity under these Regulations.

(2) Without limiting subsection (1), the Commission—

- (a) shall make rules for the competitive tender process; and
- (b) may issue manuals to guide its members and staff in carrying out their functions.

(3) The competitive tender rules shall require that the network licensee be responsible for implementing the tender procedures and shall establish a process that avoids conflict of interest in accordance with natural justice principles.

(4) The Commission shall publish on its website any procedures made under this regulation.

(5) Procedures made under this regulation are not statutory instruments within the meaning of the Interpretation Act.