



Proposed Licensing and Consent Regulation



BELIZE:

STATUTORY INSTRUMENT

NO. XXX OF 2023

for

REGULATIONS made by the Public Utilities Commission in exercise of the powers conferred upon it by Part III and Sections 13(2), 49 51 and 52 of the Electricity Act, Chapter 221 of the Substantive Laws of Belize, Revised Edition 2020, and all other powers thereunto it enabling.

(Gazetted, 2023)

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SCHEDULE I Application and Licence Fees





Electricity Licensing Regulations

Part I

PRELIMINARY

Short title.

1. These Regulations may be cited as the

ELECTRICITY LICENSING REGULATIONS, 2023

Interpretation

2. In these Regulations, unless the context otherwise requires

"Act" means the Electricity Act as amended from time to time;

"Aggregator" means a class a license issued under these regulations to a Person or group of Persons who own and operate DERs and seek to collectively undertake commercial arrangements with a Utility;

"Application" means an application for a license, a permit, a transfer, a renewal or modification of a license or permit under these regulations;

"Backup Generation and Supply" means a class of license issued to a Person (i) who generates electricity as a backup facility in order to supply power whenever there is an interruption to its main electricity supply; or (ii) who installs energy storage systems of less than 1 MW_e capacity, and if grid-connected, does not sell any electricity services to the Utility;

"Commission" means the Public Utilities Commission established under the Public Utilities Commission Act;

"Community Generation and Supply" means a class of license issued to a Person or a group of Persons who generate electricity with the entire output supplying themselves only. The generation capacity threshold for this class shall be less than 1MW for onshore renewable energy technologies and less than 2MW for combined heat and power sources;

"Defective filing" means a license application which does not meet all formal and procedural requirements of these regulations or another applicable rule;

"Distributed Energy Resources" or "DERs" means small-scale electricity supply or demand0side resources that are interconnected to the electrical grid. They are energy resources, located close to load centres, that can be used individually or in aggregate to provide value to the grid.

"Effective date" means the date on which a license takes legal effect;



"Electricity Activities" means electricity services that Persons undertake or intend to undertake, including electricity generation, cogeneration, provision of energy storage and ancillary services, system operations, and the transmission of electricity, its distribution, supply, provision of distributed energy resources, and trading.

"Grid Code" means the technical specifications which define the parameters a facility connected to a public electric grid has to meet to ensure safe, secure and proper functioning of the electric system;

"Independent Power Producers" means a class of license issued to a Person only after the Person is successful in any calls for competition administered by the Commission;

"Intermediate Distributed Generation" means a class of license issued to a Person who generates electricity from a capacity not exceeding its peak demand, for itself and is permitted to sell the excess. The generation capacity threshold for this class of license shall not exceed $250kW_e$ and/or install energy storage systems not exceeding 1 M Wh and be connected through a dedicated transformer or at the primary network. The holder of this class of license shall be permitted to trade electricity services with the Utility;

"Intermediate Self-Generation and Supply" means a class of license issued to a Person who generates electricity and the entire output is for the purpose of supplying itself only. The generation capacity threshold for this class of license shall not exceed 1MW for onshore renewable energy generation; not exceed 0.25MW for renewable energy generation in or near aquatic ecosystems; and not exceed 2MW for combined heat and power generation;

"**kW**" means a thousand Watts and "**kW**_e" means a thousand Watts peak;

"kWh" means a thousand Watts-hours;

"Large scale customer" means any person connected to a Medium or High Voltage networks who annually consumes an electricity quantity which is equal to or higher than the minimum quantity set by the Commission;

"License" refers to any document issued by the Commission which authorizes the licensee to carry out the activity specified in the license under the conditions prescribed in the license;

"License applicant" means any person who files an application for issuance of a license in accordance with these regulations;

"Licensee" means any person who holds one of the licenses issued by the Commission under these regulations;



"Major Distributed Generation" means a class of license issued to a Person who generates electricity from a capacity not exceeding its peak demand, for itself and is permitted to sell the excess. The generation capacity threshold for this class of license shall be over 250kW_e and less than 1MW_e, and may have energy storage capacity not exceeding 4 MWh;

"Major Self-Generation and Supply" means a class of license issued to a Person who generates electricity and the entire output is for the purpose of supplying itself only. The generation capacity threshold for this class of license shall be over 0.25MW for renewable energy generation in or near aquatic ecosystems; over 1MW for onshore renewable energy generation; and over 2MW for combined heat and power generation;

"Minor Distributed Generation" means a class of license issued to a Person who generates electricity for itself and is permitted to sell the excess. The generation capacity threshold for this class of license shall be: less than 2.5kWe for residential premises; less than 5kWe for commercial premises utilizing a 120V, 240V or 480V network; and less than 25kWe for commercial premises with a dedicated transformer or primary network;

"Minor Self-Generation and Supply" means a class of license issued to a Person who generates electricity and the entire output is for the purpose of supplying itself only. The generation capacity threshold for this class of license shall be: up to 75kW for fossilfuel energy generation and renewable energy generation in or near aquatic ecosystems; less than 250kW_e for renewable onshore energy generation; and less than 500kW for combined heat and power generation;

"MW" means a million Watts and "MWe" means a million Watts peak;

"MWh" means a million Watts-hours;

"Network Licence" means a licence issued to a Person for the transmission of electricity in an authorized area;

"Network and Retail" means a licence issued to a Person for the transmission, distribution and supply of electricity in an authorized area;

"Person" means an individual, company or organization.

"Reseller" means a class of license issued to a Person or group of Persons who procure electricity for the purpose of supplying electricity services to other Persons within a defined physical area;

"Temporary Generation" means a class of license issued to a Person, other than a Utility, who shall provide electricity services



for a pre-determined period using a mobile generation unit of capacity exceeding 75 kW; and

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"Utility Licence" means a license issued to a Person for public electricity generation under a competitive process and for the transmission and supply of electricity to the public.

3.

- (1) The primary instrument used to regulate the activities of Persons who intend to or are undertaking generation, transmission, distribution or supply of electricity is through the prescribed Licence and Consent regime.
 - i. These regulations set out the nature of electricity activities that require licences by said Persons, the rules of procedures for a Person to obtain a licence and the conditions imposed on those licenced activities.
 - ii. These regulations set out the types of electricity facilities that require the consent of the Commission, the rules of procedures to obtain a consent and the terms and conditions under which such facilities are so constructed and operated.
- (2) Subject to the Public Utilities Commission Act and the Electricity Act, these regulations shall govern the granting, modification, renewal, suspension and cancellation of Licences and Consents.

4. Operation of a project meant for electricity self-generation for less than seventy-five kilowatts (75 kW) shall not require any license issued by the Commission or any consent proceedings by the Commission.

Part II

LICENCE CATEGORIES AND RESPONSIBILITIES

Types of Licenses

Electricity

operations not requiring a license

Application and Scope.

5.

(1) The Commission shall issue licenses for the following activities under these regulations:

- i. Generation;
- ii. Transmission; and
- iii. Supply.



- (2) The licensed activities in sub-section (1) above shall be further categorized into the following:
 - i. Licence to All Persons
 - (a) Minor Self-Generation and Supply;
 - (b) Minor Distributed Generation;
 - (c) Backup Generation and Supply
 - ii. Licence to Persons of a Class
 - (a) Intermediate Self-Generation and Supply;
 - (b) Intermediate Distributed Generation;
 - (c) Community Generation and Supply;
 - (d) Reseller;
 - (e) Aggregator;
 - (f) Temporary Generation
 - iii. Licence to a Particular Person
 - (a) Major Self-Generation and Supply;
 - (b) Major Distributed Generation;
 - (c) Independent Power Producers;
 - (d) Network Licence;
 - (e) Network and Retail;
 - (f) Utility Licence.

License for Electricity Generation

- 6.
- (1)The generation of electric power shall be subject to a license issued by the Commission.
- (2)The holder of a license for generation of electricity shall, subject to the approval of the Commission, have the right to :
 - i. generate electrical power to enable a supply to himself;
 - ii. generate electrical power and may sell it to other licensees or other customers in an authorized area, subject to



market rules promoting competition, as promulgated by the Commission;

- iii. access the transmission or distribution networks in accordance with a contractual agreement between him and any Licensee.
- 7.
- (1) The transmission of electric power shall be subject to a license issued by the Commission.
- (2) The holder of a license for transmission of electricity has the right to:
 - i. buy/transmit/sell electrical energy, inside Belize, on his network to other Licensees connected to the transmission network inside his authorized area;
 - ii. use his transmission network for the provision of nonelectricity services, subject to any infrastructure sharing or joint use approved by the Commission.
 - iii. may buy/transmit/sell electrical energy, on a cross border basis, subject to terms and conditions approved by the Commission.

8.

(1) The supply of electricity shall be subject to a license issued by the Commission. License for Electricity Supply

License for Electricity

Transmission

- (2) The holder of a license for supply of electricity shall have the right to:
 - i. purchase electrical power from generation, transmission or other supply Licensees and sell it to consumers inside Belize, consistent with license conditions set by the Commission;
 - ii. access the distribution network in accordance with a licence obligations and associated general terms and conditions set by the Commission;
 - iii. use its distribution and supply network for the provision of non-electricity services, subject to any infrastructure sharing or joint use approved by the Commission;



- 9. No license holder is allowed to:
 - (1) Perform other electricity functions or activities outside those authorized in the licence conditions, explicitly set by the Commission for such licences;
 - (2) Perform any modifications which might influence the compatibility of the network with generators, distribution networks and neighbouring networks, thereby adversely affecting safety and the security of supply.

Part III LICENSE APPLICATION PROCEDURE

- 10.
- (1) An applicant for license shall complete the license application in the form prescribed by the Commission;
- (2) Application forms shall be collected from the Commission headquarters, website or any other areas specified by the Commission;
- **11.** All licensees shall comply with license conditions attached to a particular license.

12.

- (1) Following submission of the license application, the Commission shall process the license application in accordance with licensing process and procedures prescribed herein;
- (2) The licence shall be submitted along with payment of the application fee prescribed in Schedule I.
- (3) Any license application determined by the Commission to be incomplete shall be considered a defective filing;
- (4) Any license application from an applicant who has not made full payment of all fees due to the Commission under a prior license shall be considered to be a defective filing until full payment of the outstanding balance is made;

Prohibitions for License Holders

License Application

License Conditions

> License Application Submission and Review



- (5) The Commission may require the applicant to cure the defective filing before any further Commission proceedings take place.
- 13.
- (1) Upon receipt of a license application, the Commission shall cause a file to be opened to track the application. The file shall reflect all procedural and substantive decisions on the license application. The applicant shall also publish a copy of the application in a newspaper of general circulation in Belize.
- (2) The Commission may upon scrutiny of the application, within twenty one (21) days after the receipt of the application, notify and require the applicant to furnish such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.
- (3) If the Commission determines that the license application is complete, before granting the licence, it shall publish a public notice in a newspaper of general circulation in Belize. The notice shall state that the Commission proposes to grant the licence, the reasons why it proposes to grant the licence, and specifying the time (not being less than twenty-eight days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made. Notice shall also be posted on the Commission's website and at its headquarters.
- (4) Directly affected parties and local authorities shall be invited to lodge with the Commission objection within a specified time being not less than twenty-eight (28) days after the publication.
- (5) The Commission, after receiving an objection from the public, shall notify, within a period not exceeding fifteen (15) days, the applicant and the objector in case the objection is found to be relevant.
- (6) The hearing shall be conducted under specific procedures issued by the Commission, and the duration of the hearing shall not be considered as part of the license processing timelines.
- (7) The Commission shall make known its decision regarding

License

Application Proceedings 11



any objection within thirty (30) days after the hearing.

- (8) Where the objection is accepted, the Commission shall
 - i. inform the applicant in writing its reasons for the rejection within thirty (30) days after the hearing;
 - ii. If necessary, the Commission shall request for amendments to the application or provision of additional information within fifteen (15) days to enable it reconsider the application.
 - iii. The Commission shall strive to complete consideration of a license application within sixty (60) days of receipt of the application. The sixty (60) days' period does not include the time for the applicant to respond or the Commission to request for additional information. This time limit is an internal administrative goal and not an enforceable deadline.

14.

(1) The Commission shall issue a license to an applicant that demonstrates the following:

Criteria for License Issuance

- i. the applicant fulfils all technical, operational, safety and other conditions in accordance with applicable laws, regulations, and standards;
- ii. the applicant has demonstrated the technical and financial capacity and readiness to perform all related activities applied for and to provide safe and reliable services in accordance with all applicable laws, regulations and standards;
- iii. the applicant has demonstrated the technical and financial capacity to decommission the physical facilities covered by the license upon termination of the license term, in full compliance with all applicable technical and environmental requirements;
- iv. the applicant has sufficient employees with appropriate qualifications to perform its activities;
- v. the applicant has demonstrated the capacity to provide accounting reports and other financial



information required by the Commission in the format and detail prescribed;

- vi. the applicant has provided appropriate financial guarantees of performance to assure that the licensee will fulfill all license conditions, including, but not limited to, surety bonds, escrow accounts or letters of credit;
- vii. the applicant fulfils all established criteria for the protection of the environment;
- viii. the applicant has right, title and interest to conduct the proposed activities on the site selected, or can obtain such right, title and interest;
- ix. the applicant has demonstrated that he/she will comply with all applicable laws and other regulations, including but not limited to, the Commission regulations and decisions;
- x. any other substantive criteria that the Commission determines are needed to fully protect the public health, safety and welfare.
- **15.** The Commission shall reject a license application when it is found that:
 - (1) the application was incomplete and the requested information was not submitted within the deadline set by the Commission;
 - (2) the applicant failed to demonstrate that it could meet the criteria for license issuance;
 - (3) the applicant failed to demonstrate the technical or financial capacity to carry out the licensed activities;
 - (4) the applicant does not have sufficient right, title and interest to conduct the license activities;
 - (5) the applicant failed to comply with the Commission orders, information requests, or other decisions during a prior license term;
 - (6) the applicant failed to pay an application fee or licence fee **PROPOSED LICENSING AND CONSENT REGULATION**

Reasons for Rejection of License Application



Electricity Licensing Regulations

due the Commission under a prior license;

- (7) the applicant is in, or about to enter, insolvency, bankruptcy or liquidation; or
- (8) any other basis the Commission determines is needed to protect the public health, safety and welfare.

Part IV CONSENT PROCEEDINGS

16.

- (1) Subject to Section 51 of the Act and any relevant Schedules to the Act, no generating station or facility may be constructed, extended or operated, except in accordance with a Consent granted by the PUC.
 - i. Consistent with the exercise of that power, the Commission may apply reasonable restrictions on the siting and operation of electric generators as they affect air emissions, water quality, noise, flora & fauna, archaeological patrimony and conflicting land uses.
 - ii. Consistent with the exercise of that power, the Commission may regulate the use of electric generators in order to promote health, safety, welfare gains and sustainable development goals.
- (2) Subject to Section 52 of the Act, and any relevant Schedules to the Act, no electric transmission line shall be installed or kept installed above or under the ground, except in accordance with a Consent granted by the PUC
 - i. Consistent with the exercise of that power, the Commission may apply reasonable restrictions on the siting of electric lines as they affect flora and fauna, archaeological sites and conflicting land uses.
 - Consistent with the exercise of that power, the Commission may regulate the use of electric lines in order to promote health, safety and sustainable development goals.

Consent required for generation facilities and transmission lines



- (3) A Consent may include such terms and conditions and such standards of construction or operation that the PUC may deem appropriate for the safe and proper operation and maintenance of any relevant facilities or for protection of, or mitigation against damage to, the physical environment.
- (4) Pursuant to Section 1 of the Second Schedule of the Act, the PUC may by Order further elaborate on the types of generating stations and any related or associated production process defined as "relevant proposals".
- (5) Pursuant to the Section 51 (2) and (4), and 52 (2) of the Act, and Part II of these regulations, certain facilities are exempt from having to obtain a consent from the Commission before construction and operating the said facilities.
- (6) Exempt generation facilities must be registered with the Commission.
- (7) Notwithstanding Sub-section (5) above, the PUC may grant exemption from obtaining a Consent, but nothing in these regulations relieves persons from having to
 - i. obtain the requisite wiring approval and thereby ensure compliance with the prevailing construction codes for electric systems;
 - ii. obtain other permits or approvals from *inter alia* local authorities, planning and building authorities, environmental compliance authorities as may be applicable.

17.

- (1) An application for a Consent under this Part shall be made in writing in such form and in such manner, and shall contain such information and particulars pursuant to PART VI of, and any relevant Schedules to, the Act, and shall be accompanied by such details as may from time to time be specified by the Commission or as may be contained in any respective general authorization made by Order of the Commission.
- (2) Upon receipt of the application for a Consent, the PUC shall review the application and notify the applicant within twenty-eight (28) days of any further information required to process that application and of the deadline for submission

Application for Consent



of such further information.

- (3) An application for a Consent under this section shall be accompanied by a non-refundable fee as contained in the Schedule to these regulations.
- (4) Within fourteen (14) days after making an application, the applicant shall publish a notice of the application in at least two (2) local newspapers with national circulation and shall directly notify any relevant authorities having jurisdiction in respect of physical planning and approval of environmental compliance plans.
- (5) The notices referred to in sub-section (4) above shall specify a period of not less than twenty-eight (28) days in which any interested person or any relevant authorities having jurisdiction in respect of physical planning and approval of environmental compliance plans.
- (6) Where any relevant authority notified in by-law 17(4) above notifies the PUC that it objects to the application and its objection is not withdrawn, and where the PUC does not propose to accede to the application subject to such modifications or conditions as will give effect to the objections of the relevant authority, the PUC shall:
 - i. cause a public inquiry to be held; and
 - ii. before determining whether to give the Consent, consider the objection and the report of the person who held the inquiry.
- (7) Before granting a Consent, the PUC shall give notice:
 - i. stating that it proposes to grant the Consent;
 - ii. stating the reasons why it proposes to grant the Consent; and
 - iii. specifying the time, not being less than twenty-eight (28) days from the date of publication of the notice, within which representations or objections with respect to the proposed Consent may be made and shall consider any representations or objections which are duly made and not withdrawn.



publishing same in such manner as the Commission considers appropriate for bringing it to the attention of persons likely to be affected by the granting of the Consent.

- (9) In deciding whether to grant a Consent, the PUC shall take the following into account
 - i. the matters set out in the application;
 - ii. any submission received during the process of consultation as set out in sub-sections (4), (5) and (6) above;
 - iii. other relevant matters.

Part V LICENSE AMENDMENT AND RENEWAL

- 18. The License holder must file an application for any license renewal at least three hundred and sixty (360) days prior to the expiration of the current license or such shorter period as the Commission may determine.
- **19.** The license renewal proceeding shall be subject to the same procedures and approval criteria as an initial license application.
- **20.** Where the Commission has decided to renew a licence, the Commission shall issue the licence not later than thirty (30) days prior to the expiration of the current licence.

Part VI LICENSE SUSPENSION AND CANCELLATION

21.

- (1) The Commission may withdraw a licence not yet operational if the licensee:
 - i. obtained the licence through fraud or the misrepresentation or non-disclosure of a material fact; or
 - ii. wilfully or unreasonably contravenes any provisions of the Act, applicable Regulations, Regulations, Orders, or Codes of Practices.;

Withdrawal of Licence

Application for Renewal of Licence

Procedure for Renewal of Licence

Timing for

Renewal of Licence by

Commission

of Licence

Procedure for

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- iii. fails to comply with the milestones upon which the licence was issued;
- iv. contravenes any term or condition of the licence;
- v. becomes insolvent or is adjudged bankrupt..
- (2) The Commission shall inform the licensee in writing of the grounds upon which the Commission proposes to withdraw the licence and give the licensee a reasonable opportunity to make representations against the proposed withdrawal.
- (3) Where the licensee chooses to make a representation, it shall make its representation within thirty (30) days from the date of its receipt of the Commission's letter informing it of the grounds upon which the Commission proposes to withdraw its licence.
- (4) The Commission shall take into cognizance the representation made by the licensee in reaching a final decision. The decision of the Commission shall be communicated to the licensee in writing.
- (5) If the Commission decides to withdraw a licence, it shall notify the licensee of its decision in writing, and may make orders to that effect.
- (6) A licence which has been withdrawn cannot be reactivated, amended, renewed, or have the tenure extended.

Suspension of Licence

- 22.
- (1) The Commission may on its own initiative or upon receiving a complaint or information from any consumer, interested parties, other relevant authorities or other licensees, initiate an inquiry into the conduct or activities of any licensee.
- (2) The Commission, may if satisfied that one or more grounds listed hereunder exist, suspend the licence in the manner specified.
- 23.
- (1) The Commission may on its own initiative or upon receiving a complaint or information from any consumer, interested parties, other relevant authorities or other licensees, initiate an inquiry into the conduct or activities of any licensee.

Cancellation of Licence



- (2) The Commission may cancel a licence if the licensee:
 - i. obtained the licence through fraud or the misrepresentation or non-disclosure of a material fact;
 - wilfully or unreasonably contravenes any provisions of the Act, applicable Regulations, Regulations, Orders, or Codes of Practices;
 - iii. the licensee has failed to comply with any term or condition of the licence the breach of which is expressly declared to render it liable to cancellation;
 - iv. becomes insolvent or is adjudged bankrupt; or
 - v. the financial position of the licensee is such that the licensee is unable to fully and efficiently discharge the duties and obligations imposed by the licence.

Part VII MISCELANEOUS PROVISIONS

24.

25.

- (1) The Commission shall maintain a register of all licenses License Register issued in accordance with S. 24 of the Act.
- (1) The license applicant may request a specific period of time for the license term in the application;
- (2) The Commission shall issue a license for a defined period of time, and may make provisions for the licence to be renewed for a subsequent period thereafter;
- (3) The maximum term for a licence shall be fifteen years, and the maximum renewal period shall be ten years.
- (4) A licensee having enjoyed a licence term as prescribed in sub-section (3) above, if desirous of continuing to conduct said Electricity Activities, shall apply for a new licence as provided for in Part III. Such licences shall have a maximum term of ten years.



26.

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- (1) Where the Government of Belize grants a concession to a Person to utilize public assets and resources to generate and supply electricity services, such a government authorization does not prejudice or derogate from the duty of the Commission to issue licences and grant consents to said Persons.
- (2) Any Person operating under any government concession, franchise agreement or public private partnership for the generation and supply of electricity services shall procure a licence and consent from the Commission for the said Electricity Activities.
- 27.
- (1) Any Person conducting relevant Electricity Activities within Belize after the effective date of these regulations shall obtain a licence and a consent in conformity with these regulations.
- (2) Persons who are currently undertaking Electricity Activities pursuant to a licence grant by statute shall continue to do so until the expiry of their current term. Thereafter such persons shall apply for a new licence pursuant to these regulations for a period not exceeding ten years.
- (3) Persons who are currently undertaking Electricity Activities without a licence before the coming into force of these by-law must comply with its provisions no later than January 1, 2024.
- (4) Persons who are currently undertaking Electricity Activities subject to a public private partnership, shall obtain a licence pursuant to these regulations not later than January 1, 2024.

28.

(1) It is an offence to conduct relevant Electricity Activities within Belize without obtaining the appropriate licence or consent of the Commission. Offences

(2) Enforcement of offences shall be pursuant to the relevant provisions of the PUC Act and the Act.

Public Private Partnerships

Transitional Period



29. These regulations shall come into force on the date of its publication in the Gazette.

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MADE by the Public Utilities Commission this day of , 2023.

DEAN MOLINA CHAIRMAN PUBLIC UTILITIES COMMISSION

PROPOSED LICENSING AND CONSENT REGULATION



SCHEDULE I: APPLICATION / REGISTRATION FEES

CATEGORIES	Fees in BZD
Licence To All Persons	
Minor Self-Generation and Supply	\$100.00
Minor Distributed Generation	\$100.00
Backup Generation and Supply	\$100.00
Licence to Persons of a Class	
Intermediate Self-Generation and Supply	\$1,000.00
Intermediate Distributed Generation	\$1,000.00
Community Generation and Supply	\$1,000.00
Reseller	\$1,000.00
Aggregator	\$5,000.00
Temporary Generation	\$150.00
Licence to a Particular Person	
Major Self-Generation and Supply	\$10,000
Major Distributed Generation	\$10,000
Independent Power Producers	\$10,000
Network Licence	\$10,000
Network and Retail	\$10,000
Utility Licence	\$10,000
Network and Retail	\$10,000