



**AN ACT TO AMEND CHAPTERS 85 OF THE 1973 PUBLIC
AUTHORITY LAW CREATING THE LIBERIA ELECTRICITY
CORPORATION AND AMENDMENT THERETO, TO ESTABLISH
THE 2015 ELECTRICITY LAW OF LIBERIA**

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ACRONYMS

kW	-	kilowatt
LEC	-	Liberia Electricity Corporation
LERC	-	Liberia Electricity Regulatory Commission (LERC)
MLME	-	Ministry of Lands, Mines and Energy
RREA	-	Rural and Renewable Energy Agency

**A BILL
ENTITLED
2015 ELECTRICITY LAW OF LIBERIA**

This law regulates the electricity sector and provides the legal and regulatory framework, methods and procedures for the purposes related thereto and shall be referred to as the **2015 Electricity Law of Liberia**.

PREAMBLE

WHEREAS, the Public Authorities Law was amended in 1973 to add Chapter 85 for the creation of the Liberia Electricity Corporation; and

WHEREAS, The Liberia Electricity Corporation was created to engage in the development, generation, transmission, distribution and sale of electrical energy and related electrical equipment and devices, to cities, towns, and the public in general for heating, lighting, and power purposes and for the carrying on of all business incidentals thereto; and

WHEREAS, the need for modern electric energy for economic development and national advancement has overwhelmed the capacity of the Liberia Electricity Corporation in satisfying said need; and

WHEREAS, the need for modern electric energy sector necessitates opening up the sector in Liberia to private investment in order to meet current and future demand, to enhance access, improve quality and lower cost of electricity ; and

WHEREAS, opening up the electric energy sector to competition demands the unbundling the sector among distinct institutions for policy oversight, regulatory functions and operations in accordance with international best practices;

Now therefore, it is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature Assembled:

PART I – PRELIMINARIES

Chapter 1: Amendment and Short Title

Section 1.1: Amendment

That from and immediately upon the passage of this **2015 Electricity Law of Liberia**; Chapter 85 of the 1973 Public Authorities Law creating the Liberia Electricity Corporation is hereby amended.

Section 1.2: This law shall also be cited as the **2015 Electricity Law of Liberia**.

PART II – GENERAL PROVISIONS AND POLICY

Chapter 2: General Provisions

Section 2.1: Purpose and Scope

This Law shall establish the legal and regulatory framework for the generation, transmission, distribution and sale of electricity within the territory of The Republic of Liberia and the import and export of the same. The purposes of this law are to facilitate the implementation of the National Energy Policy whose goals include but are not restricted to the following:

1. Expand on a sustainable basis the availability of electricity services with the goal of attaining universal service.
2. Assure availability of supply and quality of service in electricity at reasonable and cost compensatory prices, fully cognizant of the need to balance affordability to customers with the need to attract capital and private investment to the sector.
3. Increase availability of electricity services needed to support economic development.
4. Promote the development of renewable energy resources for electricity generation.
5. Encourage efficient use of electricity resources and facilitate economic development.
6. Promote regional and international cooperation in electricity trade and investment.
7. Maintain a financially viable and sustainable electricity industry.
8. Establish and maintain transparency, accountability, and sound principles of governance in the electricity sector through appropriate institutional, market, and regulatory arrangements.
9. Provide the necessary capacity building process for electricity sustainability and security.
10. Ensure the security of the supply of electricity in Liberia.
11. Ensure the promotion of sustainable and fair competition in the electricity sector where it is efficient to do so.
12. Protect the interests of all classes of consumers of electricity as to the terms and conditions and charge of supply.

13. Ensure, so far as it is practicable to do so, the continued availability of electricity for use in public hospitals; and facilities for the disabled, aged and sick.
14. Ensure the availability of health and safety guidance in relation to electricity supply to the public.
15. Ensure the financial viability of efficient regulated electricity undertakings.
16. Ensure the collection, publication, and dissemination of information relating to standards of performance by licensed operators and on the electricity sector in Liberia for the use by the industry, consumers and prospective investors.
17. Participate in regional and international matters relating to the regulation of electricity in Liberia; and
18. Develop annual supply targets for the purpose of ensuring that such services are accessible to the widest number of electricity users.
19. Achieve the aforementioned goals taking into account the protection of the environment and access to electricity for low income customers.

Section 2.2: Definitions

1. **Customer/Consumer** – current users of regulated electric services, and includes those under a contractual arrangement with a supplier, or who are entitled to have reasonable expectation of services or who are affected by the services or the manner in which they are delivered.
2. **Demand-Side Management** – also known as *energy demand management*, is the modification of consumer demand for electricity through various methods such as financial incentives and education with the goal to encourage the consumer to use less energy during peak hours, or to move the time of energy use to off-peak times such as nighttime and weekends.
3. **Distribution** – the conveyance/delivery of electricity to Customers/end-users at the voltage level specified by the Regulator.
4. **Generation** – the process of generating electric power from any primary source of energy.
5. **Grid** – the interconnected network for delivering electricity from supplier to customers.
6. **Large Consumer** – end users who consume more than a threshold number of kilowatt hours as defined by the regulations
7. **Liberia Electricity Corporation (LEC)** – the state owned entity created by Chapter 85 of the Public Authorities Law of the Republic of Liberia and all amendments thereto and includes any successor companies that may be created in the future.
8. **Liberia Electricity Regulatory Commission (LERC)** refers to the Commission authorized to be created pursuant to Chapter 13 of this law.
9. **Licensee** – the holder of a license granted or deemed to have been granted by the Regulator under this law.
10. **Micro Utility**– entities and/or individuals who generate, distribute, and/or supply electricity to a certain number customers or less and/or below a certain threshold of total power generated annually, to be defined by the Regulator

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11. **Minister** – the Minister of the Ministry of Lands, Mines and Energy.
12. **Ministry** – is the Ministry of Lands, Mines and Energy for the Republic, or any successor entity with responsibility for energy in the Republic of Liberia.
13. **Party** – any persons who are directly interested in or actively concerned with the prosecution, defense or other proceedings under this law.
14. **Person** – any entity, either natural person, Governmental entity, or corporate entity.
15. **Regulated Entity** – all entities providing electricity services or otherwise licensed pursuant to this law, including, but not limited to those engaged in the sale, distribution, transmission, and/or generation of electricity.
16. **Regulator** – the Ministry’s Department of Energy that is charged with the responsibility for regulating the electricity sector in the Republic of Liberia, until the Liberia Electricity Regulatory Commission shall be established consistent with Chapter 13 of this law.
17. **Renewable Energy** – energy that comes from resources which are naturally replenished constantly.
18. **Self-Supplier** – supplying electricity for one’s own needs directly from self-generation.
19. **Supply** – the trading and the generation, transmission or distribution of electricity.
20. **System Plan** – a plan that integrates all relevant resource options, such as conservation and demand management, distributed generation, large-scale generation, transmission and distribution.
21. **Tariff** – electricity pricing, including related charges such as, but not limited to, connection charges.
22. **Theft of Electricity** – the unauthorized or illegal acquisition of electricity and/or electric current.
23. **Transmission** – the conveyance/delivery of electricity above the voltage level specified by the Regulator.
24. **Transmission System Operator**– the entity licensed to undertake some or all of the following activities:
 - a. Co-ordinate the power supply system to obtain instantaneous balance between generation and use of electricity;
 - b. Dispatch all generation connected to the transmission infrastructure;
 - c. Co-ordinate planned generation and planned transmission outages;
 - d. Monitor the import and export of electricity;
 - e. Prepare forecasts of generation requirements
 - f. Perform such other functions as may be prescribed in its license or in the regulations issued by the Regulator.

Part III – LEGAL AND REGULATORY FRAMEWORK

Chapter 3: Institutional Arrangements

Section 3.1: Role of the Minister:

The Minister shall be responsible for the formulation and development of national energy policies and master plans and the administration of this law. The Minister shall, consistent with the applicable Laws of the Republic of Liberia, formulate and articulate the national energy policy on a prospective and ongoing basis.

Section 3.2: Role of the Department of Energy:

The Ministry's Department of Energy, headed by a Deputy Minister for Energy, shall regulate and monitor the electricity sector until the Liberia Electricity Regulatory Commission shall be established consistent with Chapter 13 of this law.

Section 3.3: Powers and Duties of the Regulator

The powers and duties of the Regulator shall include but not be restricted to the following.

- A. The Regulator must:
1. consider applications for licenses and may issue licenses for:
 - a. the operation of generation, transmission and distribution facilities;
 - b. the import and export of electricity;
 - c. trading;
 2. regulate tariffs;
 3. register persons who are required to register with the Regulator where they are not required to hold a license;
 4. issue regulations designed to implement this law;
 5. establish, maintain, review and amend as appropriate technical and performance standards for the electricity sector and monitor and enforce compliance with such technical standards;
 6. establish, maintain, review and monitor safety standards for the electricity sector and monitor and enforce compliance with such safety standards;
 8. enforce performance and compliance, and take appropriate steps in the case of non-performance;
 9. take the necessary protective measures and may impose temporary limitations on the use of electricity and operation of power plants and electricity supply facilities in the case of an emergency crisis affecting the availability of electricity or where physical safety or security of persons, installations, or system integrity is threatened;
 10. promulgate regulations and guidelines for regulated entities to develop a curtailment and emergency plan, in which the priorities for supplying regulated services in case of curtailment shall be defined;

11. resolve disputes between licensees and customers or end users by acting either as an adjudicator or mediator as appropriate;
 12. compel the production of such information and/or physical evidence as may be reasonably needed to fulfill obligations under this law
- B. The Regulator may:
1. undertake investigations and inquiries into the activities of licensees;
 2. require audited financial statements of licensees;
 3. conduct audits and inspection of records, facilities and equipment of licensees;
 4. establish, maintain, review, monitor, and amend, as appropriate, customer care standards; and
 5. perform any other act incidental to its functions.

Section 3.4: Advisory forums

The Regulator may appoint forums consisting of as many of its members and employees and other persons as may be necessary to advise the Regulator in general or on a particular matter, or as may be prescribed in regulations issued by the Regulator.

Section 3.5: Customer and end user forums

- A. The Regulator may establish customer or end user forums consisting of as many members and employees of the Regulator, licensees, and categories of customers or end users as may be necessary to advise the Regulator on matters affecting customers or end users, in general, or a category of customers or end users in particular.
- B. The Regulator may require a licensee to establish and fund a customer or end users' forum in the manner set out in the license held by such a person.

Chapter 4: Procedures the Department of Energy

The Department of Energy shall report to the Minister.

Section 4.1: Procedures

1. The Department of Energy shall articulate and publish formal and binding procedures for decision making on all non-rulemaking processes, and establish a formal docketing system for tracking matters pending before the Department of Energy. The procedures must include the following:
 - a. Issuance of public notice of the pendency of any matter brought before the Department of Energy, and the assignment of an official docket number for the matter.
 - b. Once the pendency is formally noted and a docket number is assigned, publication of a formal schedule for deciding the matter.
 - c. That schedule shall include date(s) for formal intervention by interested parties, date(s) for permitted or required submissions, time(s), date(s), and

location(s) of public hearings, and such other information as may be required for affording all parties a fair and meaningful opportunity for participation.

- d. All persons, natural, Governmental, or other legal entities, who seek to become formally recognized as parties, must file written notification with the Department of Energy of their desire to do so.
- e. All persons, unless they are completely unaffected by the outcome of a particular matter, as formally determined by the Department of Energy, are entitled to party status.
- f. The Department of Energy shall provide all affected parties a meaningful opportunity to participate in the process of deciding pending matters.
- g. Such opportunity includes, but is not necessarily limited to, providing all parties the ability to obtain necessary information and documentation from other parties to the matter, the right to submit evidence and argument to the Department of Energy, and the opportunity to examine all of the evidence which the Department of Energy considers before making a decision on a matter.
- h. The Department of Energy shall conduct public hearings on all matters related to the setting of tariffs and regulations, formally adjudicated consumer complaints, and other types of disputes, and on all other matters where an affected party requests such a hearing.
- i. The Department of Energy shall, in all matters related to tariffs and to quality and availability of service, afford all members of the public a formal opportunity to be heard by the Department of Energy through public hearing(s) and written submissions.
- j. All decisions must be in writing and published.
- k. Decisions shall include a procedural history of the matter, a precise description of the issues to be decided, recitation of facts, summary of the evidence and arguments presented by each formal participant in the matter, factual and legal analysis, clear statement of conclusions and decision, as well as complete explanation of reasoning underlying the decision.
- l. All Department of Energy decisions shall become final 30 days after publication, unless an eligible party to the matter files a written application for formal reconsideration prior to the expiration of that 30 day period.
- m. In requesting reconsideration, an eligible party must specifically set forth the specific issues on which reconsideration is sought and the grounds for doing so.
- n. Reconsideration may only be sought by a party who participated in the original proceeding and who either formally addressed the subject on which reconsideration is being sought in the Department of Energy proceedings, or who was precluded from doing so for reasons beyond that party's control.
- o. While eligible parties may raise as many issues as they choose for seeking reconsideration, no party may make more than one application for reconsideration.

- p. In considering an application for reconsideration, the Department of Energy may, within 30 days of the filing of an application, either issue a formal decision granting or denying reconsideration, re-open the matter in order to seek out further information or argument, or take no action.
 - q. If the Department of Energy takes no action within 30 days after an application for reconsideration shall have been filed, the decision shall be deemed denied, by operation of Law.
2. The Department of Energy shall follow the following Rule Making procedure:
- a. Publish a Notice of Proposed Rule Making that sets forth the subject on which regulations are being contemplated, initial Department of Energy views on the subject, and/or questions or information requests regarding that subject on which the Department of Energy is soliciting written comments from stakeholders and other members of the public.
 - b. State the date, which, absent an emergency, shall be no less than 30 days, by which it is looking for feedback.
 - c. Following receipt of the comments, the Department of Energy, having fully considered the comments received, may choose to go no further, or it may seek further comment. Should the Department of Energy seek to go forward with rulemaking, it shall proceed as follows:
 - i. The Department of Energy, after following the processes set forth in subsections a. and b. of this Section, shall publish proposed regulations or the proposed Set of Rules.
 - ii. In so doing, the Department of Energy shall ask for written comments from stakeholders and members of the public.
 - iii. The Department of Energy shall state the date, which shall be no less than 30 days, by which comments are to be made.
 - iv. Following receipt of the comments, and full consideration thereof, the Department of Energy may request a second round of comments, may discontinue the contemplation of the regulations proposed, or may publish and adopt a Final Rule or set of Rules.
 - v. When regulations are adopted, the action of the Department of Energy shall include promulgation of the regulations, as well as an explanation of the Department of Energy's reasoning for adopting the regulations.

Section 4.2: Budget of the Department of Energy

- 1. The Department of Energy shall propose its budget through the normal budgeting process.
- 2. The Department of Energy may impose a levy or surcharge on electricity bills for the purpose of strengthening the regulation of the electricity sector; until such time as the transition to the independent LERC shall have been completed, however, such levy or surcharge shall not continue after two (2) years from effectiveness of this law when such levy or surcharge may be imposed by the independent LERC for its operating budget.

3. The amount of the levy shall be set in terms of a per cent of the electricity bill within a billing cycle.
4. The funds derived from the levy shall be deposited in a separate account managed by the Ministry of Lands, Mines and Energy for purposes consistent with this law.
5. Information on the funds shall be included in the Department of Energy's annual report pursuant to this law.

Fines collected from regulated entities shall belong to the National Treasury and the Department of Energy shall have no institutional self-interest in the revenues derived there from.

Section 4.3: Annual Report by the Department of Energy

The Department of Energy shall publish an annual report of its activities within three months of the end of a fiscal year and a plan of activities for the subsequent year.

Section 4.4: Electricity Rationing

The Department of Energy may put into effect electricity rationing including enforced reductions in supply or requisitioning if extraordinary circumstances make this necessary. The procedure for rationing will be as prescribed by regulation.

PART IV – REGULATION

Chapter 5: Electricity Licenses and Registration

Section 5.1: Activities requiring licensing (regulated activity)

1. No person may, without a license or registration issued by the Regulator in accordance with this law:
 - a. operate any generation, transmission or distribution facility in excess of a threshold defined by the Regulator;
 - b. import or export electricity;
 - c. be involved in trading electricity; or
 - d. be a transmission system operator.
2. Notwithstanding subsection (1) of this Section, a person involved in regulated activities below the thresholds set by the regulations need not apply for or hold a license issued by the Regulator.
3. Nothing in this law precludes a potential licensee from discussing any contemplated regulated activity or any other activity relating thereto, prior to filing a license application with the Regulator.
4. The Regulator must furnish an applicant contemplated in this Section with all information necessary to facilitate the filing of an application for license.

5. No request for further information, notification or discussions referred to in this Section may in any way be construed as conferring any right or expectation on an applicant.

Section 5.2: Registration

1. Any person engaged in a regulated activity under this law must register with the Regulator.
2. Any person who must register with the Regulator must do so in the form and in accordance with the procedure prescribed in this law and in the regulations.

Section 5.3: Application for license

1. Application
 - a. A person who must hold a license under this law must apply to the Regulator for such a license in the form and in accordance with the procedure prescribed in this law and in the regulations.
 - b. Such an application must be accompanied by the prescribed application fee as determined by the Regulator.
2. Any application contemplated in subsection (1) must include:
 - a. a description of the applicant, including vertical and horizontal relationships with other persons engaged in regulated activities under this law or any other prescribed activity relating thereto;
 - b. such documentary evidence of the administrative, financial and technical abilities of the applicant as may be required by the Regulator;
 - c. a description of the proposed regulated activity, including maps and diagrams where appropriate; and
 - d. such other particulars as may be prescribed by regulations.

Section 5.4: Advertising of license application

1. When application is made for a license the Regulator may require that the applicant publish a notice of the application in appropriate newspapers or other appropriate media circulating in the area of the proposed activity.
2. The advertisement must state:
 - a. the name of the applicant;
 - b. the objectives of the applicant;
 - c. the place where the application will be available for inspection by any member of the public;
 - d. the period within which any objections to the issue of the license may be lodged with the Regulator;
 - e. the address of the Regulator where any objections may be lodged;
 - f. that objections must be substantiated by way of an affidavit or solemn declaration; and

- g. such other particulars as may be prescribed by regulations.

Section 5.5: Information to be supplied

Before considering an application for a license in terms of this law, the Regulator:

1. must furnish the applicant with all substantiated objections in order to allow the applicant to respond thereto; and
2. may request such additional information as may be necessary to consider the application properly.

Section 5.6: Finalization of application

1. The Regulator must make a decision on an application in the manner prescribed under Chapter 4 of this law.
2. The Regulator must provide the applicant with a copy of its decision as well as the reasons for the decision.

Section 5.7: Types of licenses

1. For all electricity undertakings with capacity above a defined threshold to be determined in the regulations, the Regulator must issue separate licenses with inherent rights and duties for the operation of:
 - a. a generation facility;
 - b. a transmission facility;
 - c. a distribution facility;
 - d. the import and export of electricity;
 - e. the trading of electricity; or
 - f. transmission system operator.
2. Micro-utilities or operations with capacity below the defined threshold may either be exempted from licensing or be given a single license authorizing all the functions related to regulated activities under this law
3. Self-supply by large consumers with capacity above the defined threshold may either be exempted from licensing or be given a single license authorizing all the functions related to regulated activities under this law.

Chapter 6: Conditions of License/Renewal of license

Section 6.1: Conditions for issuance and/or renewal of license

1. The Regulator may make any license or renewal of license subject to conditions relating to:
 - a. the establishment of and compliance with directives to govern relations between a licensee and its customers or end users, including the establishment of customers or end user forums;
 - b. the furnishing of information, documents and details that the Regulator may require for the purposes of this law;
 - c. the period of validity of the license in accordance with such other particulars as may be prescribed by regulations;
 - d. the setting and approval of tariffs charged by licensees;
 - e. the methodology to be used in the determination of tariffs which must be imposed by licensees;
 - f. the format of and contents of agreements related to activities regulated by this law and entered into among licensees;
 - g. the quality of electricity supply and service;
 - h. in the event of the failure of a licensee to perform an essential obligation under this law, the surrender, transfer or encumbrance of licenses, including the compulsory transfer of a license to another person;
 - i. the termination or reconnection of electricity supply in a neutral, nondiscriminatory manner and/or as prescribed by regulations;
 - j. the area of electricity supply to which a licensee is entitled or bound;
 - k. the categories of customers and end users to whom electricity may or must be supplied;
 - l. the types of energy sources from which electricity must or may be generated;
 - m. compliance with health, safety and environmental standards and requirements;
 - n. compliance with any regulations and/or, guidelines made under this law;
 - o. compliance with energy efficiency standards and requirements, including demand-side management;
 - p. to maintain facilities in a fully operational condition;
 - q. the period within which licensed facilities must become operational;
 - r. a licensee may assign or transfer a license upon prior approval and prior written consent of the Regulator; and
 - s. any other condition as prescribed by regulations under the law.

Section 6.2: Amendment of license

The Regulator may vary, suspend or remove any license condition, or may include additional conditions:

1. in the public interest; or
2. on application by the licensee and in the event that the benefit of the proposed amendment for the applicant does not outweigh any detriment or harm to another party or to society as a whole.

Section 6.3: Revocation of license on application

1. The Regulator may revoke a license:
 - a. in the event of a significant breach of an essential obligation of the licensee under this law; and
 - b. repeated failure by the licensee to cure the breach.
2. A licensee must, in the circumstances contemplated in subsection (1), give the Regulator reasonable notice in writing of intent to cure the breach.
3. The procedure to be followed in revoking a license will be as prescribed by the regulations.

Section 6.4: Powers and duties of licensee

1. A license issued in terms of this law empowers and obliges a licensee to exercise the powers and perform the duties set out in such license and this law, and no licensee may cede, transfer any such power or duty to any other person without the prior consent of the Regulator.
2. A licensee may not discriminate between customers or categories of customers regarding access, tariffs, and conditions of service, except for objectively justifiable and identifiable differences approved by the Regulator.
3. A transmission or distribution licensee must, to the extent provided for in the license, provide non-discriminatory access to the transmission and distribution power systems to third parties.
4. Access in terms of subsection (3) must be provided on the conditions set out in the license of such transmitter or distributor, which may relate to:
 - a. the circumstances under which access must be allowed;
 - b. the circumstances under which access may be refused;
 - c. the strengthening or upgrading of the transmission or distribution power system in order to provide for access, including contributions towards such upgrading by the potential users of such systems, if applicable;
 - d. the rights and obligations of other existing or new users regarding the use of such power systems;
 - e. compliance with any regulations, guidelines or practice made by the Regulator; or
 - f. the fees that may be charged by a licensee for the use of such power system.

5. A licensee may not reduce or terminate the supply of electricity to a customer, unless:
 - a. the customer fails to make payment within a reasonable time;
 - b. the customer has failed to honor, or refuses to enter into, an agreement for the supply of electricity;
 - c. the customer has violated the payment conditions of that licensee; or
 - d. the customer is found to have obtained electricity illegally or unauthorized
6. This Section 6.4 (Powers and duties of licensee) has priority over Section 6.1 (Conditions of license/Renewal of license) above, in the event of a conflict.

Section 6.5: Powers of entry and inspection

1. Any person authorized thereto by a licensee shall at all reasonable times be provided access to any premises to which electricity is or has been supplied by such licensee, in order to inspect the lines, meters, fittings, works and apparatus belonging to such licensee, or for the purpose of ascertaining the quantity of electricity used, or where a supply is no longer required, or where such licensee may cut off the supply, for the purpose of removing any lines, meters, fittings, works and apparatus belonging to such licensee.
2. Any person wishing to enter any premises in terms of subsection (1) shall:
 - a. if possible, make the necessary arrangements with the legal occupant of the premises before entering such premises and shall adhere to all reasonable security measures, if any, of the occupant or owner of the premises;
 - b. exhibit authorization at the request of any person materially affected by the activities.
3. Damage caused by such entry, inspection or removal shall be repaired or compensated for by the licensee.

Section 6.6: Electricity infrastructure not fixtures

1. Any asset belonging to a licensee that is lawfully constructed, erected, used, placed, installed or affixed to any land or premises not belonging to that licensee, remains the property of that licensee notwithstanding the fact that such an asset may be of a fixed or permanent nature.
2. An asset belonging to a licensee in terms of subsection (1):
 - a. may not be attached or taken in execution under any process of law, or be the subject of any insolvency or liquidation proceedings, instituted against the owner of the land, the landlord or the occupier of the premises concerned;
 - b. may not be subjected to a landlord's claims or rights for rent; and
 - c. may only be validly disposed of or otherwise dealt with in terms of a written agreement with the licensee.

Section 6.7: Rights over streets

1. A licensee may do all such things over, in or along roads or streets and associated infrastructure as may be necessary to carry out its licensed activities.
2. Any activity contemplated in paragraph (1) must be undertaken subject to the right of supervision and in accordance with the plans, routes and specifications of the authority or person in control of that street, except in cases of emergency or where the authority concerned fails or refuses to co-operate with the licensee.
3. A licensee may only exercise its rights in terms of this Section to the extent necessary to carry out its licensed activities, and must in doing so:
 - a. comply with any laws, regulations or guidelines that may be applicable;
 - b. complete its activities within a reasonable time; and
 - c. repair any damage caused or reimburse the person or authority in control of that road or street for any damage caused.
4. Nothing in this Section may be construed as giving a licensee any rights that it does not already have in terms of its license, or relieving a licensee from any liability in respect of any loss or damage caused by its negligence.
5. For the purposes of this Section 'street' includes any square or enclosed public place the control or care of which is vested in any person or authority.

Section 6.8: Acquisition of land

1. The Government may, in order to facilitate the achievement of the purposes of this law, acquire land, or any right in, over or in respect of land, on behalf of a licensee in accordance with the Constitution and the Eminent Domain law of the Republic of Liberia.
2. The regulations shall prescribe the procedure to be followed in giving effect to paragraph (1) of this section.
3. The Government may exercise the powers contemplated in paragraph (1) of this Section only if:
 - a. a licensee is unable to acquire land or a right in, over or in respect of such land by agreement with the owner; and
 - b. the land or any right in, over or in respect of such land is reasonably required by a licensee for facilities which will enhance the electricity infrastructure in the national interest.

Section 6.9: Self-Supply by Large Consumers

1. Large Consumers are the end users who consume more than a threshold number of kilowatt hours, as defined by the regulations, and who may be eligible to self-supply electricity pursuant to authorization from the Regulator.

2. These consumers may only self-supply upon obtaining specific authorization to do so from the Regulator.
3. Applicants must indicate in their applications the source of electricity supply and the quantity of the supply available to them.
4. In their application to the Regulator for such self-supply status, the consumer must show how it intends to supply itself, how it intends to obtain back-up supply, and what it intends to do with any surplus supply it may possess.
5. Self-suppliers may seek authorization from the Regulator to sell surplus to LEC or some other customers off the LEC grid.
6. The Regulator will waive this requirement for those consumers who own generating equipment that is not connected to the distribution system and that have a voltage lower than a number of kilo-volts determined by the Regulator.

Section 6.10: Micro-Utilities

1. Entities and/or individuals who generate, distribute, and/or supply electricity to a certain number customers or less and/or below a certain threshold of total power generated annually, to be defined by the Regulator are eligible for a micro-utility license.
2. Such licenses may include bundled services in providing electricity from generating to full provision to end users.

Section 6.11: Transmission System Operator

1. The Regulator shall issue regulations governing the responsibility for system operation.
2. The Regulator delegates the authority to exercise responsibility for system operation as prescribed by regulations.
3. The system operator see that there will be an instantaneous balance at any given time between the total generation and the total consumption of power taking account of the power exchanges with interconnected foreign systems.
4. Anyone who fully or partly owns or operates a grid, power generation or an organized marketplace with trading companies and end users are required to comply with the instructions of the entity responsible for system operation during the operation of the system, and to comply with the provisions relating to the responsibility for system operation specified in or pursuant to this law.

Section 6.12: Noncompliance/Penalties and Fines

The Regulator may impose penalties and fines for noncompliance or violation under this law as prescribed by regulations, included but not limited to:

1. Administrative fines
2. Coercive fines
3. Punitive fines/penalties
4. Suspension/revocation of license
5. Imprisonment

Section 6.13: Theft of Electricity

Theft of electricity is a criminal offense and shall be prosecuted under the laws of the Republic of Liberia. Obtaining or attempting to obtain electricity or electric current without payment is considered theft of electricity and shall be prosecuted under the laws of the Republic of Liberia.

1. Offenses:

- a. It shall be unlawful for any person(s) who knowingly, with the intent to defraud, obtain or attempt to obtain, for themselves or for others, electric current, power and/or electricity services, through any illegitimate means, or where such services have been disconnected by the supplier and notice of disconnection has been given.
 - b. A customer or end user who engages in any of the activities set forth in subsection 1(a) above, commits the offence of energy or power theft for which he/she is liable and may be imprisoned and/or fined.
2. Remedy to offenses: An aggrieved Regulated Entity, such as the LEC, may seek relief in a criminal or civil proceeding in any court of competent jurisdiction, and be awarded damages, including attorney's fees and costs.

Section 6.14: Liability of licensee for damage or injury

In any civil proceedings against a licensee arising out of damage or injury caused by a regulated activity by the licensee under this law, such damage or injury shall be deemed to have been caused by the negligence of the licensee, unless there is credible evidence to the contrary.

Chapter 7: Dispute Resolution

Section 7.1: Resolution of disputes by the Regulator

1. The Regulator, in relation to any dispute arising out of this law that the parties thereto are unable to amicably resolve, shall:
 - a. Enforce the provisions of this law, the approved tariffs, and the rules of the Regulator;
 - b. If it is a dispute between licensees, act as mediator if so requested by a party to the dispute;
 - c. If it is a dispute between a customer or end user, on the one hand, and a person subject to regulation under this law, on the other hand, resolve the dispute by such means and on such terms as the Regulator shall determine, including by adjudication of matters within the scope of the Regulator's authority under this law.
2. The Regulator may appoint a suitable person to act as mediator on its behalf and any action or decision of a person so appointed shall be deemed to be an action by or decision of the Regulator.

3. The Regulator shall prescribe the procedure to be followed in the mediation and the fees required to be paid.

Section 7.2: Remedies against Decisions of Regulator

Any decision by the Regulator taken under this law, provided that said decision has been subject to formal reconsideration, if requested under subsection 4.1 of this law, shall be binding pending any appeal which may be lodged in the Civil Law Courts and any other subsequent court of competent jurisdiction in the Republic of Liberia.

Chapter 8: Tariffs and Terms of Supply

Section 8.1: Tariff Principles

1. License conditions determined under this law relating to the setting or approval of tariffs:
 - a. must enable an efficient licensee to recover the full cost of its licensed activities, including a reasonable margin or return;
 - b. must provide for or prescribe incentives for continued improvement of the technical and economic efficiency with which services are to be provided;
 - c. must give end users proper information regarding the costs that their use imposes on the licensee's business;
 - d. must avoid undue discrimination; and
 - e. may permit the subsidy of tariffs to certain classes of customers;
2. A licensee may not charge a customer any other tariff and make use of provisions in agreements other than that determined or approved by the Regulator as part of its licensing conditions.
3. Notwithstanding subsection (2), the Regulator may, in prescribed circumstances, approve a deviation from set or approved tariffs.
4. The Regulator may issue regulations to further detail the regulation of tariffs and terms of supply, including conditions and charges for connection.

Section 8.2: Tariff Methodology

1. Tariffs methodology shall include appropriate incentives, both positive and negative, for performance, compliance with all applicable standards, and efficient operations.
2. Regulated entities shall propose tariffs in accordance with tariff methodologies approved by the Regulator which will analyze the proposal and, after following the processes set out in this law, shall issue a decision.
3. In making its decision(s) on tariff methodologies, the Regulator shall first determine the company's overall revenue requirement, based upon either:
 - a. verified costs of the company whose tariffs methodologies are being established over the course of a stated test year, no more than six (6) months of which may be projected, so that at least one-half of the test year reflects historic costs; or

- b. verified benchmark costs of a similarly situated company which is efficiently engaged in the same business activity; or
 - c. a combination of a and b.
4. Tariffs shall be reflective of those costs necessary and prudently incurred to the efficient operation of the power system in accordance with reasonable and applicable standards of quality of service as well as extension of services to potential customers.
 5. Anyone employed by the Regulator, including consultants, may not have financial or other ties to interested parties.
 6. The Regulator shall review tariff methodologies no less than every five (5) years. However, in no event, absent clear demonstration of error or need, shall tariffs have a life of less than two (2) years.
 7. The component of rate of return in tariffs shall only reflect those costs borne by the regulated entity itself, and must not reflect the costs of any portion of the regulated entity's asset base that was acquired by contribution from a third party.
 8. However, tariffs may reflect any costs incurred by the regulated entity in maintaining and/or operating a contributed asset.
 9. The Regulator may permit that the tariff reflects the cost of contributions to capital reserve for investment and maintenance within the electricity sector.

Section 8.3: Tariffs

1. Tariffs can consist of a fixed charge, energy charge and load charge. There may also be connection charges.
2. Tariffs shall include all charges and taxes that the Government of Liberia lawfully levies upon the generation, transmission, distribution licensee.
3. The tariffs shall consist of separate components for each licensed activity.
4. When approving tariffs, the Regulator shall take into consideration providing appropriate incentives for improvements in productivity and efficiency.
5. Although tariffs may include specified fuel costs, currency fluctuations, or other costs not fully controlled by the licensee, such costs may only be adjusted at pre-set intervals pursuant to an index or methodology set out at the time of the fixation of tariffs, provided that:
 - a. The Regulator does so in fashion consistent with the Procedures set forth in this law;
 - b. The Regulator identified the type of costs subject to periodic adjustment in advance of those costs actually being incurred;
 - c. The licensee's conduct in regard to the incurring of the costs was prudent; and
 - d. The adjustments are on a dollar-for-dollar pass-through basis with no markup and are adjusted upwards and downwards to reflect the actual costs.

Section 8.4: Consideration of Tariff Adjustment

Adjustments in tariffs shall seek to send correct price signals to customers of electricity, but also reduce economic disruption or hardship.

Section 8.5: External Contributions in Foreign or Development Aid

When there is an external financial contribution from a foreign country or development agency for investments in the electricity sector, a mechanism by which a portion of the tariff is directed to a separate bank account where the funds shall be used for specific purposes in the electricity sector may be allowed by the Regulator; provided that this earmarking of funds does not pose an undue risk to any Regulated Entity's capacity to cover all its costs.

Section 8.6: Power Purchase Agreements/Energy Purchases and Sales

To minimize the potential for abuse of market power, the Regulator shall have the right to review contracts for sales of excess electricity and/or competitive procurement of additional electricity, such as power purchase agreements from Regulated Entities, or self-suppliers to LEC or any other eligible buyer. The review shall be focused on minimizing potential for abuse of market power.

Section 8.7: Sales of Excess Electricity by Self-Suppliers

The Regulator shall regulate the tariffs of electricity sold by any licensee pursuant to the principles contemplated in this law.

Section 8.8: Process Limitations for Changing Tariffs

Changes in tariffs or terms of supply shall follow the processes required of the Regulator in accordance with this law.

Section 8.9: Prospective Application of Tariff Changes

Unless explicitly authorized by the Regulator guidelines and regulations, all tariff changes may only be applied prospectively.

Section 8.10: Emergency Changes in Tariffs

1. A licensee which believes itself to be in an emergency financial situation, the scope of which could not have been anticipated, and which has a substantial likelihood of constraining its capability to meet its legal and/or service obligations, may seek to have its tariff revised on an expedited basis.
2. The Regulator may approve such adjustments, provided that:
 - a. The Regulator finds that there is clear and convincing evidence of an emergency financial situation, the scope of which could not have been anticipated, and which has a substantial likelihood of constraining its capability to meet its legal and/or service obligations; and
 - b. That public notice of the emergency application is given and that those affected are provided with the most meaningful opportunity to be heard on the matter that circumstances permit, before the Regulator renders its decision.

Section 8.11 Alternative forms of Regulation

Notwithstanding, other provisions of this chapter, the Regulator shall have the authority beginning three (3) years after the creation of the LERC to investigate alternative forms of regulation such as flexible tariffs, incentive based regulations, and the use of competitive markets. The Regulator may adopt one or more alternative methods of regulation following such investigation upon a finding made using an open and transparent process that the use of alternative forms of regulation will fulfill the purposes of this law and will result in rates that are just and reasonable for consumers and compensatory for licensees.

Chapter 9: Liberia Electricity Corporation (LEC)

Section 9.1: Liberia Electricity Corporation (LEC)

LEC is the state owned entity created by Chapter 85 of the Public Authorities Law of the Republic.

Section 9.2: LEC subject to regulation under this law

1. From the date that this law comes into effect, LEC shall continue to exist and be considered to be provisionally licensed to engage in all the activities for which it is authorized pursuant to the Act Creating the LEC, subject to the provisions of this law. This provided, however, that during a one (1) year transitional period, commencing on the date that this law comes into effect, LEC shall work closely with the Regulator to ensure that it brings itself into compliance with the terms and conditions for holding licenses for the activities it intends to engage in.

Section 9.3: LEC as transmission system operator and national grid company

For purposes of this law and pursuant to Paragraph 1 of the Act Creating LEC, LEC shall continue to be:

- a. the transmission system operator; and
- b. the national grid company.

For avoidance of doubt, in addition to engaging in the activities enumerated in subsections a and b, above, LEC shall continue, at its election, to engage in all of the activities including electricity generation, for which it is authorized pursuant to the Act Creating LEC, subject to the provisions of this Law.

Section 9.4: Section 85.2, Paragraphs 3, 4, 6, 7 and 8 of the Act Creating LEC amended

1. Paragraph 3 of the Act Creating LEC is hereby amended to require LEC to propose fair, reasonable rates, fees and charges to the Regulator for review and approval and to require LEC to allow third party access to the grid, consistent with this law.
2. Paragraphs 4 of the Act Creating LEC is hereby repealed and all powers granted thereunder shall be regulated pursuant to this law.

3. Paragraph 6 of the Act Creating LEC is hereby amended to reflect only those powers inherent in corporate entities in Liberia. All other powers contained in Paragraph 6 are hereby repealed and shall be regulated pursuant this law.
4. Paragraph 7 of the Act Creating LEC is hereby repealed and all the powers granted thereunder shall be regulated pursuant to this law.
5. Paragraph 8 of the Act Creating LEC is hereby repealed and all the powers granted thereunder shall be regulated pursuant to this law.

Chapter 10: Water Resources Management

The Minister, in consultation with the relevant stakeholders, shall commission a study for the suitability of the various river basins in the territory of the Republic of Liberia for development of hydroelectric facilities, taking into consideration the economic, social, and environmental impact associated with such an initiative, and shall advise the President of the results and recommendations from the studies, including the establishment of a legal and institutional framework for water resources.

Chapter 11: Planning Process

1. Licensed transmission and distribution entities and the Rural and Renewable Energy Agency (RREA) shall submit to the Regulator from time to time as prescribed by the regulations, a proposed system plan which sets out specific plans for new construction for expansion of the system.
2. The System Plan must include, where relevant:
 - a. Forecast of demand, supply, finances, fuel prices, operations and maintenance plan;
 - b. A safety plan;
 - c. An operational environmental compliance plan;
 - d. Estimated installed generating capacity needed to meet forecasted demand, including whether demand response and renewable resources are available to meet forecasted demand;
 - e. Transmission and distribution facilities needed to meet forecasted demand and/or to support new generating facilities;
 - f. Quality of service goals and current and planned activities intended to address quality of service issues;
 - g. Efficiency and loss reduction goals and current and planned activities intended to address and promote efficiency;
 - h. Current and planned activities intended to expand the connection to renewable resources;
 - i. Current and planned activities intended to expand the availability of services to all areas of the country, including a proposed schedule for accomplishing the stated objectives and estimates of the costs thereof, as well as a plan for cost recovery;

- j. Updates on international interconnections, either existing or prospective, the regional interconnection for the West Africa Power Pool (WAPP), and including imports and exports of energy, both actual and potential; and
- k. Other information requested by the Regulator.

Chapter 12: International Transactions

Section 12.1: Sale of Electricity and Interconnections Across International Borders

1. LEC, with the prior consent of the Regulator, may acquire or sell electricity outside of the Republic of Liberia both through short-term transactions to support the operation of the system and long-term transactions intended to meet demand.
2. Other transmission licensees are obliged to coordinate with LEC closely for planning, pooling, reliability, and economic purposes with other West African countries and the transmission entities serving them. Generating companies are to be permitted to operate in West African power pools (WAPP) and markets, unless expressly prohibited from doing so by operation of Liberian law or regulation.

Chapter 13: Liberia Electricity Regulatory Commission (LERC)

Section 13.1: Creation of Liberia Electricity Regulatory Commission

1. There is hereby authorized to be created within the Ministry with effect not later than two (2) years after the effective date of this law the independent Liberia Electricity Regulatory Commission (LERC). The LERC shall be created within the Ministry not later than one (1) year after the effective date of this law and a transition of functions to the LERC shall be completed within one (1) year after the LERC shall have been created.
2. LERC shall consist of a chairperson and two members, appointed by the President with the consent of the Senate.
The Chairperson and members of LERC shall be appointed no later than one (1) year after the effective date of this law.
3. The term of office of a Commissioner shall be four years. Commissioners may be reappointed for no more than two consecutive terms. To ensure continuity of institutional knowledge the terms of office of Commissioners shall be staggered.
4. To establish staggered terms, initial appointments of Commissioners shall be as follows:
 - a. The First Commissioner shall be appointed for a period of four years and shall serve as Chairperson;
 - b. The Second Commissioner shall be appointed for a period of three years; and
 - c. The Third Commissioner shall be appointed for a period of two years.
5. Following the initial appointments, all Commissioners shall be appointed for a period of four (4) years.
6. Commissioners shall have relevant professional and academic backgrounds in areas such as law, economics, accounting, finance, science, business, public administration and

policy, sustainable development, energy, environmental studies, and/or engineering. Commissioners shall be of acceptable moral character.

7. The President shall establish the salaries of the Commissioners. In setting salaries, the President shall not be bound by legal requirements used in other Government agencies, but shall consider what compensation is required to attract and retain highly qualified personnel.

Section 13.2: Removal from Office

1. A Commissioner may be removed from office by the President before the end of the term for which the Commissioner is appointed for non-performance, inability to perform, or for legal or ethical misconduct

Section 13.3: Autonomy and Independence

1. LERC shall initially reside within the Ministry for administrative purposes only. LERC shall be independent with respect to its budget, management, staffing and in the exercise of its duties and authorities. Notwithstanding its independent role, LERC shall work closely with the Ministry during the transition period described in Section 13.6 to ensure that the transfer of authority is conducted in a smooth manner and that employee transfers, if any, are coordinated to serve the needs of both LERC and the Ministry.
2. LERC shall be an independent agency and shall act independently from any regulated entity and shall not seek or take directions from any Government or public or private entity when carrying out its regulatory tasks other than as required under this Law. LERC shall be qualified, within the scope of its legal authority and jurisdiction, to make final adjudicatory and administrative decisions, subject only to the appellate process.

Section 13.4: Funding and Budget

1. LERC shall propose its budget through the normal budgeting process.
2. The revenues to meet the budgeted amount shall be derived from a levy or surcharge on the energy bills paid by jurisdictional energy suppliers and consumers. The amount of the levy shall be set by the Legislature in terms of a percent of revenues collected in the regulated sector(s). That percent shall be calculated from time to time to reflect the level which shall be needed to produce the amount of revenue needed to meet the budgeted amount. The percent shall be included in the legislative approval of LERC's budget.
3. The levy shall be treated as a permissible pass-through expense by the regulated entities.
4. To the extent that the levy or surcharge is insufficient to meet the budgeted amount in any fiscal year, LERC may seek a supplemental appropriation from the Legislature for that year. To the extent that there is a surplus at the end of any fiscal year, that amount shall be credited to the next year's budget for LERC with the levy or surcharge for that year being correspondingly reduced.

Section 13.5: Staff

1. LERC shall employ a Managing Director who shall manage the staff of LERC and the affairs of LERC.
2. LERC will recruit personnel with expertise in required fields, specifically including, although not necessarily limited to, economics, finance, law, consumer relations, accounting, science and technology, and engineering.
3. LERC's staff shall be recruited through a publicly solicited, competitive selection process.
4. LERC shall have the authority to allocate resources and to promote training and education programs for its staff.
5. LERC shall have the authority and resources to hire external Liberian consultants and experts (or international consultants and experts when no qualified Liberian staff are deemed by LERC to be available) as it deems necessary for specified assignments.
6. LERC, in consultation with the Minister of Finance and Development Planning, shall have set the compensation levels, including fringe benefits, for the staff. In doing so, LERC shall be mindful of compensation levels of other civil servants, but also of what is required to recruit and retain highly skilled and competent personnel.

Section 13.6: Transition

1. LERC shall have all necessary authority required to perform the duties transferred to LERC under this Section as if the duties had been assigned to LERC two (2) years after enactment of this Law.
2. During the one-year period following the creation of the LERC, the Ministry and the LERC shall coordinate closely in the transfer of functions and duties of the regulator from the Department of Energy to the LERC. The transition shall ensure that the regulation of licensees is not impaired or interrupted and that services provided to the public and to licensees are not diminished or delayed.
3. At the commencement of the one-year transitional period, the Ministry and LERC shall constitute a transitional committee composed of the commissioners of LERC and staff from the Ministry to develop a detailed transition plan, which will guide the implementation of the transition of LERC from the Ministry. Said plan shall first be discussed with the oversight committees of the Legislature prior to submission to the President of Liberia for approval.
4. At the end of the one-year transitional period, LERC shall be fully established and completely separated from and housed outside the Ministry.

Section 13.7: Practices and Procedures of LERC; Judicial Review

1. LERC shall articulate and publish formal and binding procedures for decision making on all non-rulemaking processes, and establish a formal docketing system for tracking matters pending before LERC. The procedures must include the following:

- a. Issuing a public notice of the pendency of any matter brought before LERC, and assigning the matter an official docket number.
- b. Once the pendency is formally noted and a docket number is assigned, publish a formal schedule for deciding the matter.
- c. That schedule shall include date(s) for formal intervention by interested parties, date(s) for permitted or required submissions, time(s), date(s), and location(s) of public hearings, and such other information as may be required for affording all parties a fair and meaningful opportunity for participation.
- d. All persons, natural, Governmental, or other legal entities, who seek to become formally recognized as parties, must file written notification with LERC of their desire to do so.
- e. All persons, unless they are completely unaffected by the outcome of a particular matter, as formally determined by LERC, are entitled to party status.
- f. LERC shall provide all affected parties a meaningful opportunity to participate in the process of deciding pending matters.
- g. Such opportunity includes, but is not necessarily limited to, providing all parties the ability to obtain necessary information and documentation from other parties to the matter, the right to submit evidence and argument to LERC, and the opportunity to examine all of the evidence which the LERC considers before making a decision on a matter.
- h. LERC shall conduct public hearings on all matters related to the setting of tariffs, promulgation of rules and regulations, formally adjudicated consumer complaints and other types of disputes, and on all other matters where an affected party requests such a hearing.
- i. LERC shall, in all matters related to tariffs and to quality and availability of service, afford all members of the public a formal opportunity to be heard by LERC through public hearing(s) and written submissions.
- j. Regulatory decisions shall be taken during public meetings.
- k. All decisions must be in writing and published.
- l. Decisions shall include a procedural history of the matter, a precise description of the issues to be decided, recitation of facts, summary of the evidence and arguments presented by each formal participant in the matter, factual and legal analysis, clear statement of conclusions and decision, as well as complete explanation of reasoning underlying the decision.
- m. All LERC decisions become final 30 days after publication, unless an eligible party to the matter files a written application for formal reconsideration prior to the expiration of that 30 day period.
- n. In requesting reconsideration, an eligible party must specifically set forth the specific issues on which reconsideration is sought and the grounds for doing so.
- o. Reconsideration may only be sought by a party who participated in the original proceeding and who either formally addressed the subject on which reconsideration is being sought, in LERC proceedings, or who was precluded from doing so for reasons beyond that party's control.

- p. While eligible parties may raise as many issues as they choose for seeking reconsideration, no party may make more than one application for reconsideration.
 - q. In considering an application for reconsideration, LERC may, within 30 days of the filing of an application, either issue a formal decision granting or denying reconsideration, re-open the matter in order to seek out further information or argument, or take no action.
 - r. If LERC takes no action within 30 days of an application for reconsideration being filed, the decision is, by operation of Law, deemed to be denied.
2. In regard to rulemaking LERC shall adopt rules that include the following elements:
- a. Publish a Notice of Proposed Rule Making setting forth the subject on which Rules are being contemplated, initial LERC views on the subject, and/or questions or information requests regarding that subject on which LERC is soliciting written comments from stakeholders and other members of the public.
 - b. State the date, which, absent an emergency, shall be no less than 30 days, by which it is looking for feedback.
 - c. Following receipt of the comments, LERC, having fully considered the comments received, may choose to go no further, or it may seek further comment. Should LERC seek to go forward with rulemaking, it shall proceed as follows:
 - i. LERC, after following the processes set forth in subsection a. and b. of this Section, shall publish a Proposed Rule, or Proposed Set of Rules.
 - ii. In so doing, it shall ask for written comments from stakeholders or members of the public.
 - iii. LERC shall state the date, which shall be no less than 30 days, by which it is looking for comments.
 - iv. Following receipt of the comments, and full consideration thereof, LERC may, by action of LERC, ask for a second round of comments, may discontinue the contemplation of the rules proposed, or may publish and adopt a Final Rule or Rules.
 - v. If Rules are adopted, the action of LERC shall include the rule(s) itself /themselves, as well as a full explanation of LERC's deliberations and analysis of the comments received, a summary of those comments, and a full explanation of LERC's reasoning for adopting the rule(s), and justification for the terms thereof.
3. Decisions of LERC –
- a. must be consistent with its authority under this law;
 - b. must be consistent with LERC's own rules;
 - c. must be consistent with the national electricity policy as published by the Ministry;
 - d. must be supported by legal or factual record evidence established in a public process before LERC;

- e. must be taken in an open, transparent process, including public hearings for all significant matters;
- f. are subject to review in a court of competent jurisdiction to consider whether LERC regularly pursued its authority and whether its decision is supported by legal or factual evidence.

Section 13.8: LERC Planning Process

1. A most significant function of LERC is to oversee the planning processes of licensees to ensure that the long-term plans of licensees are adequate and consistent with the national energy policy as set forth by the Ministry. Review and acceptance of approved plans will be closely tied to approval of major investments by licensees.
2. Licensed transmission and distribution entities shall submit to LERC no less often than every three years, a proposed system planning document (System Plan) which sets out plans for new construction and for expansion of the system over the next ten years, with a specific action plan addressing the next three years.
3. The System Plan must include:
 - a. Forecast of demand, supply plan, cost estimates, operations and maintenance plan;
 - b. A Safety Plan
 - c. An operational environmental compliance plan
 - d. Estimated installed generating capacity needed to meet forecasted demand (including whether demand response and renewable resources are available to meet forecasted demand);
 - e. Capital Investment Plan for transmission and distribution facilities needed to meet forecasted demand and/or to support new generating facilities;
 - f. Quality of service goals and current and planned activities intended to address quality of service issues;
 - g. Efficiency/loss reduction goals and current and planned activities intended to address and promote efficiency and metrics to measure performance;
 - h. Current and planned activities intended to expand the connection to renewable resources;
 - i. Current and planned activities intended to expand the availability of services to all areas of the country, including a proposed schedule for accomplishing the stated objectives and estimates of the costs thereof, as well as a plan for cost recovery.
 - j. The System Plan shall include incentives and penalties associated with the expansion of service to all customers. Such incentives may include accelerated depreciation and increased return on capital for expansion projects completed during earlier years of implementation as well as penalties for non-completion of expansion projects by agreed set dates.
 - k. Updates on international interconnections, either existing or prospective, the regional interconnection for West Africa, and including imports and exports of energy, both actual and potential; and

4. Once entity Business Plans have been reviewed and accepted by LERC following an open, transparent process,
 - a. Licensees shall follow through with the implementation of the plans unless compelling reasons, acceptable to LERC, dictate otherwise.
 - b. Should any licensee believe there is good cause to deviate significantly from the accepted plan, it shall notify LERC and seek consent to deviate.
 - c. All prudently costs incurred in fulfilling the relevant mandates of the approved plan shall be recoverable in rates.

PART V – PRINCIPLES OF LAW

Chapter 14: Relationship to Other Laws

Section 14.1: Application and Interpretation of Law

In the event of any conflict or inconsistency between this law or any other Liberian law or executive order relating to electricity, the provisions of this law shall be given priority and shall be interpreted to prevail.

Section 14.2: Other laws or provisions repealed by this law

Paragraphs 3, 4, 6 and 7 of the Act Creating the Liberia Electricity Corporation, 1973 are hereby repealed and amended by this law.

Section 14.3: Transitional provisions after law becomes effective

1. On the date of enactment, all operators shall be deemed licensed for their respective activities until new license forms, procedures and requirements are promulgated.
2. All ongoing projects already approved prior to the effective of this law shall be automatically granted a license hereunder until new license forms, procedures and requirements are promulgated.

Chapter 15: Effective Date

This Law shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.

-2015-

FOURTH SESSION OF THE FIFTY-THIRD LEGISLATURE
OF THE REPUBLIC OF LIBERIA

SENATE'S ENGROSSED BILL NO. 01 ENTITLED:

"AN ACT TO AMEND CHAPTER 85 OF THE 1973 PUBLIC
AUTHORITY LAW CREATING THE LIBERIA
ELECTRICITY CORPORATION AND AMENDMENT
THERETO, TO ESTABLISH THE 2015 ELECTRICITY LAW
OF LIBERIA"

On motion, Bill read. On motion, the Bill was adopted on
its first reading and sent to committee Room on Thursday,
July 9, 2015 at 12: 25 G.M.T.

On motion, Bill taken from the Committee Room for its
second reading. On motion, under the suspension of the
rule, the second reading of the Bill constituted its third and
final reading and the Bill was adopted, passed into the full
force of the law and ordered engrossed today, Thursday,
September 17, 2015 @ 15: 09 G.M.T.


SECRETARY, LIBERIAN SENATE, R.L.

-2015-

FOURTH SESSION OF THE FIFTY-THIRD LEGISLATURE
OF THE REPUBLIC OF LIBERIA

HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED BILL
NO. 01 ENTITLED:

"AN ACT TO AMEND CHAPTER 85 OF THE 1973 PUBLIC
AUTHORITY LAW CREATING THE LIBERIA
ELECTRICITY CORPORATION AND AMENDMENT
THERETO, TO ESTABLISH THE 2015 ELECTRICITY LAW
OF LIBERIA"

On motion, Bill read. On motion, the Bill was adopted on
its first reading and sent to Committee Room on Tuesday,
September 22, 2015 @ 14:35 G.M.T.

On motion, Bill taken from Committee Room for its second
reading. On motion, under the suspension of the rule, the
second reading of the Bill Constituted its third and final
reading and the Bill was adopted, passed into the full force
of the law and ordered engrossed today, Thursday,
September 24, 2015 @ 13: 03 G.M.T.


CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.



THE SECRETARY OF THE SENATE



The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA
WEST AFRICA

E-mail: singbehlisen@hotmail.com

2015

FOURTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE
REPUBLIC OF LIBERIA.

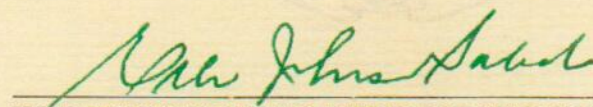
SCHEDULE OF SENATE'S ENROLLED BILL NO. 9 ENTITLED:

“AN ACT TO AMEND CHAPTER 85 OF THE 1973 PUBLIC AUTHORITY
LAW CREATING THE LIBERIA ELECTRICITY CORPORATION AND
AMENDMENT THERETO, TO ESTABLISH THE 2015 ELECTRICITY LAW
OF LIBERIA”

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR
EXECUTIVE APPROVAL.

APPROVED THIS 23rd DAY OF OCTOBER A.D. 2015

AT THE HOUR OF 5:05 P.M.



THE PRESIDENT OF THE REPUBLIC OF LIBERIA