



**MICRO UTILITY LICENSING
REGULATIONS**
for
SERVICE PROVIDERS
in the
ELECTRICITY SUPPLY INDUSTRY

September 2020

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REPUBLIC OF LIBERIA

STATUTORY RULES AND ORDERS

Published on 17th September 2020

Liberia Electricity Regulatory Commission

IN EXERCISE of the powers conferred by chapters 3,4,5,6,9 and 13 of the 2015 Electricity Law of Liberia, the Liberia Electricity Regulatory Commission (the Commission) makes the following Regulations this 17th day of September 2020.

MICRO UTILITY LICENSING REGULATIONS

LERC - REG. – 002

2020

PART I - PRELIMINARY PROVISIONS

1. CITATION

- (1) These Regulations may be cited as the Micro Utility Licensing Regulations, 2020.
- (2) These Regulations come into force on the 17th day of September 2020.

2. PURPOSE, APPLICABILITY AND SEVERABILITY

- (1) These Regulations provide a framework for the registration and licensing of persons engaged in or intending to engage in the provision of Micro Utility services within the electricity supply industry under the Law.
- (2) These Regulations apply to a person that –
 - (a) generates or procures *bulk* electricity of not more than 10 MW for distribution, or
 - (b) provides off-grid energy generation and supply services to up to 20,000 customers within an area specified by the Commission.
- (3) If any provision in these Regulations shall for any reason be held invalid or unenforceable, the other provisions not affected thereby shall remain in full force and effect

3. DEFINITIONS

In these Regulations -

“Affiliate”	For the purposes of these Regulations means a person who owns, directly or indirectly, more than 10% share in an entity
“Ancillary Services”	Means a service necessary to support the transmission of energy from the source of supply to the load while maintaining reliable operation of the power system in accordance with Prudent Utility Practice and includes voltage control, operating reserves and frequency control;
“Applicant”	Means a person who applies for a License or Permit under these Regulations;
“Application”	Means an application submitted under these Regulations to be considered for issuance of a License or a Permit or for an amendment, renewal or extension of the validity of a License, or Permit under the Law;
“Application Fee”	Means the sum of money charged by the Commission for the processing of the Application as specified in Schedule 1 – Table of Fees and Levies;
“Capacity”	Means the maximum power output or load for which a generating unit, generating station, power transformer or other electrical apparatus or equipment is rated. Common units include kilovolt-ampere(kVA), kilowatt (kW) and Megawatt (MW);
“Chairman”	Means the Chairman of the Liberian Electricity Regulatory Commission;
“Commission”	Means the Liberia Electricity Regulatory Commission;
“Compliance Plan”	Means a written scheme established by the licensee describing the processes, practices and strategies for managing, auditing and reporting on its compliance with the requirements under the Law, regulations issued, the Distribution Code and the License or Permit;

“Composite License or Permit”	Means a single License or Permit that allows the holder to engage in more than one regulated activity under that one instrument, rather than operating the various segments of the industry under separate instruments;
“Condition”	Means, collectively, the conditions applicable to an Applicant’s development, construction and operation of any facility or transaction authorized by the Commission under any type of license or Permit recognized by these Regulations;
“Cross-subsidy”	Means a subsidy granted to a business or activity out of the profits of another business or activity;
“Days”	Means working days, excluding Saturdays, Sundays, and public holidays declared by the Republic of Liberia;
“Grid”	Means the interconnected electrical transmission and distribution network infrastructure for delivering electricity from generation source to customer load points;
“Grid Code”	Means the various components of the technical code that applies to the Grid within Liberia, which include, a separate governance code; planning code; connection code; operating code; scheduling & dispatch code; metering code; performance code; information and data exchange code as well as others, issued by Commission for regulating the planning, connection, both domestic and international as well as the operational and management activities of the Liberian electricity supply system;
“Initial Issuance”	Means the first time a particular type of License or Permit is issued for the benefit of specific entity, except in the case of a Transfer;
“Issue Date”	Means the date on which a License or Permit is issued by the Commission, which date shall be inscribed within the header of the License or Permit;
“Law”	Means the 2015 Electricity Law of Liberia;
“License”	Means an instrument issued by the Commission to an entity to engage in an electricity activity above a threshold as defined in these regulations;

“Licensee”	Means a person to whom a valid License has been issued by the Commission, including any successor permitted under these Micro Utility Licensing Regulations;
“License Fee”	Means the sum of money charged by the Commission, which is paid by the Licensee at the time of receipt of a License, granting the Licensee the right to perform the business authorized by the License;
“Light-handed Regulation”	Means relaxation of regulation that allows for a Permit Holder a degree of self-regulation in respect of fixing tariffs and technical standards;
“Material Change”	means a change that would reasonably be expected to have a significant effect or impact on the value, cost, or quality of service of the business operations;
“Micro Utility”	Means a person that generates, procures, distributes, or supplies electricity as an isolated grid or off-grid system up to a capacity of 10MW or serves a customer threshold of up to 20,000 within a single network;
“Mini Grid”	Means a small electricity supply system with its own power generation capacity or source of supply, supplying electricity to customers and can operate in isolation (Isolated Mini-grid) from or be connected to a distribution or transmission network (Interconnected Mini-grid);
“Modification”	Means a decision made by the Commission in the context of reviewing an Application to amend, vary, suspend, remove, or add any Condition in a License, which decision may be made upon the Commission’s initiative or upon request of the Applicant;
“Month”	Means a calendar month;
“Off-grid”	Means a stand-alone power system designed to function without the support of another electricity network;
“Officer”	Means a staff or authorized representative of the Commission;
“Permit”	Means an instrument issued by the Commission to an entity to engage in an electricity activity at a threshold as defined in these regulations;

“Permit Holder”	Means a person issued with a Permit under these Regulations;
“Person”	Shall include an individual, a company, partnership or any association of individuals, whether incorporated or not;
“Public Hearing”	Means a formal meeting initiated by the Commission for the purpose of consulting or debating public comments or testimony concerning a matter that is before Commission;
“Prudent Utility Practice”	Means any practice, method and act engaged in or approved by a significant proportion of electric utility industry or any practice, method or act that in the exercise of reasonable judgment could have been expected to accomplish the desired result at a reasonable cost, consistent with good business practices, reliability, safety and expedition;
“Regulated Activity”	Means any of the activities specified in regulation 2;
“Regulations”	Means these Micro Utility Licensing Regulations, 2020;
“Regulation”	Means a clause within these Regulations;
“Renewal”	Means a decision made by the Commission in the context of reviewing an Application to extend the Term upon request of the relevant Applicant;
“Regulatory Levy”	Means the monies charged by the Commission, which is paid by the Licensee or Permit Holder, throughout the validity period of the instrument, meant to cover the cost of the regulation;
“RREA”	Means the Liberia Rural and Renewable Energy Agency established under the RREA Act 2015;
“Schedule”	Means the Schedule appended to this Regulation;
“Service Provider”	Means a licensee, permit holder or a person granted an authorization by the Commission to provide electricity services;
“Sub-regulation”	Means a sub-clause within a regulation in these Regulations

“Transfer”	Means a decision made by the Commission in the context of reviewing an Application to permit a change in ownership of the applicable License or Permit to a new entity, upon the request of the Applicant;
“Underserved Area”	Means an area within a Distribution Licensee’s network with an existing but poor, weak or non-functioning distribution system;
“Unserved Area”	Means an area within a Distribution Licensee’s area of operation without an existing distribution network.

4. REQUIREMENT FOR REGISTRATION

- (1) A person engaged in or intending to engage in the provision of a Micro Utility Service shall register with the Commission.
- (2) The Registrant shall register using the Form provided in [Appendix A](#) or download it at the Commission’s website <http://www.lerc.gov.lr>.

5. REQUIREMENT FOR A LICENSE OR PERMIT

- (1) Except expressly exempted under these Regulations, no person shall engage in the provision of a Micro Utility service unless that person has been authorized under a License or a Permit issued by Commission.
- (2) A person that requires a License or Permit shall apply to the Commission in accordance with Part II of these Regulations in respect of a License and Part V in respect of a Permit.

6. TYPES OF MICRO UTILITY LICENSE AND PERMIT

The types of Micro Utility License or Permit are as follows:

- (a) Composite Micro Utility License or Permit which authorizes the holder to generate electricity at a specified location and distribute it within a specified zone or area;
- (b) Generation Micro Utility License or Permit which authorizes the holder to generate electricity and supply in bulk to another entity; and
- (c) Distribution Micro Utility License or Permit which authorizes the holder to procure electricity in bulk from another entity for distribution within a specified zone or area.

7. CATEGORIES OF MICRO UTILITY AND THRESHOLDS FOR LICENSE AND PERMIT

(1) In addition to the types of Micro Utility License and Permit specified in regulation 6, the Commission has further classified Micro Utilities by the capacity of the facilities operated as Large Micro Utility, Medium Micro Utility and Small Micro Utility respectively as set out in Schedule 2.

(2) The thresholds for classification of the facilities of Micro Utilities are as follows:

- (a) Large Micro Utility facility: plant and equipment with a capacity greater than or equal to 1MW but less than 10MW;
- (b) Medium Micro Utility facility: plant and equipment with a capacity greater than or equal to 500kW but less than 1MW; and
- (c) Small Micro Utility facility: plant and equipment with a capacity less than 500kW.

(3) A person who operates or intends to install or operate –

- (a) a Large Micro Utility facility shall obtain a Micro Utility License;
- (b) a Medium Micro Utility facility shall obtain either a Medium Micro Utility License or a Medium Micro Utility Permit; and
- (c) a Small Micro Utility facility shall obtain a Small Micro Utility Permit.

(4) The limits of each threshold for a Composite Micro Utility License or Permit or a Generation Micro Utility License or Permit shall consist of the aggregate of the plant and equipment of various sites and technologies within the zone or area.

(5) A Licensee or Permit Holder may subsequently expand and operate the facility beyond the capacity that was authorized, provided that person secures the Commission's approval of an amendment of the existing License or Permit or applies to the Commission for the appropriate License or Permit.

(6) The Commission shall take into consideration the financial viability of a project in the determination of limits of the zone or area covered by a License or Permit.

8. DURATION OF LICENSE AND PERMIT

(1) Subject to these Regulations, the duration of each category of License and Permit is as follows -

- (a) Large Micro Utility License is valid for 15 to 25 years;
- (b) Medium Micro Utility License is valid for 10 to 20 years;
- (c) Medium Micro Utility Permit is valid for 7 to 10 years;
- (d) Small Micro Utility Permit is valid for 5 to 10 years.

(2) The number of years specified in this regulation is the indicative range of duration and the Commission shall specify the actual term within each individual License or Permit which may be renewable.

(3) In determining the actual duration of a License or Permit, the Commission shall be guided by the technology, the scale of the proposed operations and the provisions in the Electricity Master Plan.

9. OPERATIONAL AREA OF LICENSEE OR PERMIT HOLDER

(1) The Commission shall grant a Micro Utility Licensee or a Permit Holder the right to provide a Micro Utility service to customers in relation to a specified Unserved or Underserved Area to construct, commission, own and operate facilities to

- (a) generate and distribute or supply electricity to customers;
- (b) generate and supply electricity in bulk; or
- (c) procure and distribute or supply electricity to customers.

(2) In applying for a Micro Utility License or Permit, a developer shall provide an accurate description of the proposed generation and distribution system, including the proposed area of operation and a one-line diagram as provided in Schedule 3 and Schedule 4.

(3) Where the proposed area falls within the area of operation of another Licensee or a Distribution Licensee, the Applicant shall obtain the consent of that Licensee or Distribution Licensee and attach such consent to the Application.

10. SELECTION OF SERVICE PROVIDER

The Commission may request a procuring entity to select a Micro Utility service provider through a competitive procurement process consistent with existing policies and laws.

11. FEES AND LEVIES

(1) The fees applicable under these Regulations are –

- (a) Application fee which shall be paid upon submission of Application for the License or Permit;
- (b) Initial License or Permit fee which is payable upon the granting of the License or Permit by the Commission; and
- (c) Regulatory Levy which is assessed annually and payable in quarterly installments.

(2) The Applicant shall pay the initial fee to the Commission before collecting the License or Permit.

- (3) If the Regulatory Levy is owed in part or in full after a period of 30 days of the due date the License or Permit is invalid.
- (4) The Table of Fees and Levies is provided in Schedule 1.

12. PAYMENT OF FEES AND LEVIES

- (1) The Licensee or Permit Holder shall pay promptly fines or penalties for breach of License Conditions, Regulations or Directives of the Commission.
- (2) The Commission may suspend the License or Permit by not less than 30 days' notice in writing to the Licensee or Permit Holder if:
 - (a) the Regulatory Levy is not paid on or before the anniversary date;
 - (b) penalties and fines are not paid on the due dates;
 - (c) any other fees assessed are not paid on their due dates.

13. PENALTIES AND FINES

- (1) The Commission may impose fines and penalties for violation and breach of License or Permit conditions or other directives. The Commission shall determine the level of fine or penalty on a case by case basis in accordance with established guidelines.

PART II - LICENSE APPLICATION PROCEDURE

14. FORM, INFORMATION REQUIRED AND SUBMISSION OF APPLICATION

- (1) Each Application hereunder shall be –
 - (a) made in the form set out in [Appendix B](#): Application for Micro Utility License, and shall include the information and documents set forth in Schedule 3;
 - (b) addressed to the Commission signed and dated by or on behalf of the Applicant, indicating the positions of all signatories; and
 - (c) submitted in electronic format, together with three hard copies, delivered at the Applicant's expense to the Commission's principal office, as publicly announced.
- (2) An Applicant may obtain application forms in person at the Commission's office or it may be downloaded at the Commission's website (www.lerc.gov.lr)
- (3) The Applicant shall submit the Application along with the non-refundable fee in the form of a cashier's check, bank draft or wire transfer.
- (4) Applications shall be considered incomplete unless the required fee has been paid.

(5) An Application whose fee has not been received within 30 days shall be discarded.

15. REQUEST FOR ADDITIONAL INFORMATION

(1) Upon initial review of the Application and required documents, the Commission may within fifteen 15 days after the submission date request that the Applicant provides such additional information, as may be necessary to complete the review process.

(2) Notification of an incomplete application, or the need for additional information shall include –

- (a) description of the additional information required; and
- (b) the period within which additional information must be submitted.

(3) An application shall lapse if the applicant does not submit all required documents within the period prescribed by the Commission in the request for additional information.

(4) An application which lapses cannot be reactivated but may be resubmitted as a new application, upon payment of the prescribed application fee.

16. DATE OF APPLICATION AND ACKNOWLEDGEMENT OF RECEIPT

(1) The date of receipt of the Application by the Commission shall be acknowledged for purposes of the Commission's docketing system which shall be evidenced by submission date and docket number.

(2) The Commission shall within 10 days send the Applicant a written notice of acknowledgement.

(3) The Commission shall issue a public notice of pendency of the Application along with the acknowledgement on its website.

17. PUBLICATION OF NOTICE OF APPLICATION BY APPLICANT

(1) Within five days after receiving the Commission's acknowledgement that an Application has been duly made, the Applicant shall publish on its website, and in at least one newspaper of general circulation within Monrovia, Liberia as well as a radio station operating within the area of the proposed activity. Where possible such notice shall also be published in a community newspaper.

(2) The Applicant shall forthwith send a copy of each of the newspaper publications to the Commission.

(3) The notice shall include the information required under Section 5.4.2 of the Law and at a minimum the following:

- (a) date on which the Applicant submitted the Application;
- (b) description of the planned facility, including its nature and location;
- (c) dates on which the Application will be available for review during normal business hours at the offices of the Commission or the Applicant's facilities, subject however to usual limitations that may be imposed due to commercial confidentiality; and
- (d) invitation to all affected parties to file with the Commission and copy the Applicant within 15 days of the date of the Publication, any written comments on the Application or the facility, which may include objections to the implementation of the facility to be licensed.

18. SCHEDULE FOR DECIDING THE APPLICATION

- (1) Within 40 days after issuing the notice of pendency of the Application as required in regulation 16, the Commission shall publish a Schedule for deciding the Application in the Liberia Official Gazette, on its website and in a local newspaper of mass circulation.
- (2) The Schedule shall include:
 - (a) dates for formal intervention by interested parties;
 - (b) date and location of public hearings; and
 - (c) such other information as may be required to afford concerned parties fair and meaningful opportunity for participation.
- (3) The Commission shall make the decision to grant, or refuse to grant the license within 90 days of the date of the publication of pendency of the application, unless it indicates a contrary date in the Schedule published under this regulation.

19. OBJECTIONS TO THE APPLICATION

- (1) Any person desiring to object to the granting of a license shall file a written statement of objection, within 15 days from the date of the Public Notice. The objection shall be filed in the form of a petition and supported by an affidavit or a solemn declaration to the Commission in two paper copies and an electronic copy in Microsoft Office suite.
- (2) The petition shall be forwarded to the Applicant by the Commission within five days and the Applicant shall respond thereto within 10 days of receipt respectively.
- (3) Following the publication of the Public Notice and lapse of the time specified for filing objections, the Commission may proceed to place the Application for hearing upon its evaluation and consideration of any objection filed.

(4) Notice of the inquiry or hearing shall be given to the Applicant or persons that filed objections, and such other authority, individual or body as the Commission deems appropriate. The notice shall contain the hearing date, time and place, as well as, the matter to be considered.

(5) The hearing shall be in the form and manner prescribed by the Commission and shall take place not less than 40 days from the date of the publication of the Application, unless the Commission decides otherwise.

(6) The Commission may refuse such an inquiry if in its opinion the objection is baseless and frivolous.

(7) Findings of the Commission following the inquiry or hearing shall be recorded in writing and form part of the Commission's official records.

20. WITHDRAWAL OF APPLICATION FOR LICENSE

(1) An applicant may at any time withdraw the application for a License or renewal of a License by notifying the Commission in writing.

(2) The Applicant can only resubmit a withdrawn application upon the payment of the prescribed fees.

PART III - PUBLIC HEARING ON APPLICATION

21. PUBLIC HEARING

(1) The Commission shall conduct Public Hearings in relation to matters before it in accordance with the Law, these Regulations and provisions of its Administrative Procedures.

(2) The transcript of any such hearing(s) shall be produced, held and shall constitute a part of the public file established by the Commission for such Application.

22. NOTICE OF PUBLIC HEARING

(1) The Commission shall give notice of a public hearing –

(a) in at least one newspaper of wide circulation in Liberia; or

(b) in a newspaper (where available) having general circulation in the area of the proposed project or subject of the Application is to be located; or

(c) through any other form of mass media.

(2) The notice of public hearing shall be –

(a) in the form set out in [Appendix D](#): Notice of Public Hearing and

(b) published at least seven days before the hearing.

(3) The Commission shall post the notice of public hearing at the district or county headquarters in which the project or subject of the application is to be located and may -

- (a) serve an invitation for presentation at the hearing, upon any person, body, institution or organization; and
- (b) conduct multiple hearings on a matter or continue any hearing to a future date to accelerate the process.

23. DECISION AFTER HEARING

(1) After holding a hearing provided for in regulation 20, the Commission may accept or reject any objection brought before it in written submissions or at the hearing and, or may request:

- (a) the Applicant or any objecting party to provide it with additional information; and
- (b) in the case of the Applicant, to amend the Application as may be necessary to take into account any additional information the Commission may deem material to its deliberations, whether or not raised by an objecting party.

(2) The Applicant shall submit the information requested to the Commission within 10 days after the hearing date.

(3) The Commission shall specifically address in its written decision on the Application how it ultimately decided to evaluate the objection in question or any requested additional information under sub-regulation (1).

(4) The Commission shall take the decision to issue, or refuse to grant a License within the time specified in the Schedule for deciding Applications set out in regulation 18 and if no date is indicated, within 90 days from the date of the confirmation of a complete Application.

24 FACTORS CONSIDERED IN REVIEWING APPLICATION

(1) In granting or refusing an Application, the Commission shall consider and take the following factors into account and address each of them in its written decision, if applicable:

- (a) Economic and financial benefits to the affected parties and communities, and to the country as a whole;
- (b) Energy, economic and other policies in effect;
- (c) The country energy sector strategy and targets for off-grid electricity supplies development;
- (d) Land use and location;
- (e) Cost of the facility and adequacy of financing arrangements made by the Applicant;

- (f) Technical and financial capacity of the Applicant as they may relate to its ability to deliver the services related to the facility;
 - (g) Health and safety requirements as they may affect end-users of the facility and affected communities and the capabilities of the Applicant to operate in accordance with any such requirements;
 - (h) Tariff proposed by the Applicant;
 - (i) Impact of the facility on the economic, social, and cultural life of the affected parties and communities;
 - (j) Requirements to protect the environment and conserve natural resources;
 - (k) Any objections raised concerning the facility; and
 - (l) Any other matters that in the opinion of the Commission would have a bearing on the facility and its successful implementation.
- (2) The Commission may waive some or all of the requirements in sub-regulation (1) in the case of an Application for a Self-Supply Permit or Authorization.

25. FINAL DECISION

(1) The Commission shall in accordance with section 13.7(1)(k) of the Law, render its decision in writing and promptly publish it in the Liberia Official Gazette, on its website and in a newspaper with mass circulation.

(2) The decision of the Commission shall be contained in a full report and shall include-

- (a) all the relevant views presented;
- (b) factual findings; and
- (c) a list of all persons, institutions and organizations that made contributions and presentations.

(3) The report of the public hearing shall be made available at the Commission's website.

(4) A public hearing shall not be re-opened after a report has been issued by the Commission.

PART IV - ISSUANCE OF LICENSE

26. ISSUANCE OF LICENSE

(1) Subject to the Law and these Regulations, the Commission shall grant a License following an Application made under regulation 14.

(2) If the Commission grants the License, it shall inform the Applicant within 10 days by a written notice of the grant and the terms and conditions of the License and simultaneously publish the decision in the Liberia Official Gazette.

(3) Any decision which is not the subject of reconsideration by the Commission, shall become final 30 days after publication.

27. REJECTION OF APPLICATION FOR LICENSE

- (1) The Commission may reject an Application for a License if -
- (a) the application or the information provided fails to meet the requirements set out in Schedules 3 and 4;
 - (b) the information submitted is false, invalid or misleading; or
 - (c) the Applicant fails to produce, when requested, additional information, within the specified time.

(2) If none of the conditions under sub-regulation (1) exist, the Commission shall refuse to grant a License based on reasons relating to the financial, technical and managerial capability of the Applicant and the likely negative impact on the Applicant's ability to render the service for which the License is sought.

(3) An Applicant aggrieved by the decision of the Commission may apply for reconsideration of the matter within 30 days of receipt of the notification of the decision.

(4) The Commission shall consider any representations made and shall duly make a decision on the reconsideration within 30 days of the date it was filed and inform the party accordingly.

(5) If the Commission refuses to grant a License after its reconsideration, it shall within 30 days of the decision provide the Applicant with a statement detailing its reasons for the refusal.

PART V – PERMIT APPLICATION PROCEDURE

28. APPLICATION FOR A PERMIT

(1) Subject to sub-regulation two an Applicant for a Small Micro Utility or Medium Micro Utility Permit shall follow the procedure in regulation 14 to 16 of these Regulations.

(2) The Applicant shall use the Application Form in [Appendix C](#): Application for Micro Utility Permit.

29. INFORMATION REQUIREMENT FOR PERMIT

(1) An Applicant for a Permit shall submit the following documents along with the Application:

- (a) Description and drawing of the geographical area in respect of which the Applicant seeks the Permit;

- (b) Agreement with the Distribution Licensee in whose designated area the Applicant will be offering the Micro Utility services if applicable;
- (c) Consent of the Local Authority in the area of intended operations;
- (d) List and class of customers categorized as residential, commercial and industrial customers, if applicable with each customer's estimated load;
- (e) Source of financing for the Applicant's proposed business;
- (f) Relevant portions of the Strategic Environmental Assessment, if applicable;
- (g) Estimated cost of major equipment, the estimated costs and the proposed rates;
- (h) Power purchase agreement, where the Permit Holder does not generate its own electricity.

30. WITHDRAWAL OF APPLICATION FOR PERMIT

- (1) An applicant may at any time withdraw the application for a Permit or renewal of a Permit by notifying the Commission in writing.
- (2) The Applicant can only resubmit a withdrawn application upon the payment of the prescribed fees.

31. ISSUANCE OR REJECTION OF PERMIT

- (1) Within 60 days of submitting a complete Application, the Commission shall issue or refuse to issue a Permit and inform the Applicant in writing of its decision.
- (2) The Commission shall be guided by the technical, financial, economic, social and environmental considerations in granting or refusing the Permit.
- (3) An Applicant dissatisfied by the decision of the Commission may apply for reconsideration within 30 days of receipt of the notification. Upon review of the reconsideration request, the Commission shall, within 30 days, make a final decision.

PART VI- AMENDMENT, TRANSFER, RENEWAL, SUSPENSION OR REVOCATION

32. AMENDMENT OF LICENSE OR PERMIT

- (1) The conditions of a License or a Permit may be amended –
 - (a) on application by the licensee or permit holder in the form specified in [Appendix D](#): Application for Amendment of Micro Utility License or Permit of these Regulations; or
 - (b) by the Commission on its own motion.

- (2) When the Licensee or Permit holder applies for amendment, the Commission shall within 30 days review the application and communicate its response by –
- (a) approving the application;
 - (b) requesting for additional information; or
 - (c) rejecting the application.
- (3) The Commission shall initiate an amendment when:
- (a) it is in the public interest as provided in Section 6.2.1 of the 2015 Electricity Law of Liberia and where it does not negatively impact the service provider's investment; or
 - (b) the Licensee or Permit Holder fails to report significant changes to its License or Permit conditions.
- (4) A written decision of the amendment by the Commission shall be submitted to the Licensee or Permit Holder and shall be made public.
- (5) The Commission may amend the License or Permit Terms and Conditions if satisfied that:
- (a) any circumstance exists which renders it necessary in the public interest to amend the License or Permit and where it does not negatively impact the service provider's investment;
 - (b) the Licensee or Permit Holder is unable to meet certain requirements set by the Commission in the Terms and Conditions;
 - (c) the Licensee or Permit Holder has defaulted in complying with certain provisions of the Law, Regulations, Rules and Codes; and
 - (d) there is a material change in circumstance of the License or Permit.
- (6) Unless otherwise specified in writing by the Commission, the Applicant shall pay a non-refundable fee for the processing of the Application as provided in these Regulations.
- (7) Where a Licensee or Permit Holder makes an application for the amendment of a License or Permit, the Licensee or Permit Holder shall publish a notice of the proposed amendment to the License or Permit in the form and manner specified by the Commission.
- (8) In considering the Application for amendment, the Commission shall follow the same procedure prescribed for License or Permit Applications under these Regulations except that when the proposed amendment is as a result of the Commission's initiative, the Commission shall be responsible for the publication of the public notice stating the proposed amendments, if required.

33. RENEWAL OF LICENSE OR PERMIT

- (1) The Commission may renew a License or Permit subject to the inspection, test and certification of an independent expert that the equipment or facility is in good technical and economic operating condition.
- (2) An application for the renewal of a License or Permit granted by the Commission, shall be made no later than three (3) months before the expiration of the License or Permit and the procedure for renewal of the License or Permit shall be similar to the procedure applicable to the grant of the original License or Permit.
- (3) Unless otherwise specified in writing by the Commission, the Applicant shall pay a non-refundable fee for the processing of the Application as provided in the Regulations.
- (4) Where a Licensee or Permit Holder fails to renew its License or Permit or the Application for renewal is rejected by the Commission, the Applicant shall cease operations.

34. TRANSFER OF LICENSE OR PERMIT

- (1) A License or Permit granted under these Regulations shall not be transferred except with the written approval of the Commission.
- (2) A Licensee or Permit Holder that intends to transfer or assign a License or Permit shall submit an Application in the form set out in [Appendix E](#): Application for Transfer of License or Permit.
- (3) The Commission shall, before approving a transfer or assignment of a License or Permit, establish that-
 - (a) the transferee or assignee has fulfilled the requirements for licensing under the Law;
 - (b) the transferee or assignee has accepted and is willing to assume obligations under the License or Permit; and
 - (c) the transferee or assignee has paid the transfer fee to the Commission.
- (4) The Commission shall, within 30 days following the review and acknowledgement of an application to transfer or assign a License or Permit—
 - (a) instruct transferee or assignee to publish the Application in the Liberia Official Gazette as well as newspapers or other appropriate media outlets within the area of the activity for a period of not less than 10 days; and
 - (b) ensure that the transferee or assignee shall forthwith send a copy of each of the newspaper publications to the Commission.
- (5) The Commission may invite comments and representations regarding the transfer within 10 days after the publication period and take into account the related comments and representations made by the public.

(6) The Commission shall, in considering the Application, take into account the same matters as it considered during process for the grant of a new License or Permit.

(7) The amount paid by the transferee or the assignee to the asset owner shall take the residue or unrecovered capital cost of the facility into account, and in the case of the transfer of a License or Permit the amount shall be subject to the approval of the Commission.

(8) The Commission shall render its decision regarding the Application for transfer within 30 days after the time allotted for receiving comments.

35. PROCEDURES FOR SUSPENSION OF LICENSE OR PERMIT

(1) The Commission may suspend a License or Permit granted if the Licensee or Permit Holder –

- (a) is unable to fully discharge the functions or perform the duties imposed on it by the Terms and Conditions of the License or Permit, the Law, Rules and Regulations, and Codes;
- (b) has defaulted in complying with the Terms and Conditions of the License or Permit, any Decisions or Orders of the Commission;
- (c) is carrying out its business in a form and manner which constitutes an immediate threat to public health and safety or the health or safety of any person; or
- (d) if the Licensee or Permit Holder refuses to submit itself to investigations or inquiry by the Commission or obstructs any officer assigned to do so or fails to produce documents for inspection as directed by the Commission.

(2) The Commission shall inform the Licensee or Permit Holder in writing of its intent to suspend the License or Permit and give adequate opportunity to make representation and rectification of the situation in a timely manner.

(3) If the Licensee or Permit Holder is willing to make a representation or rectification of conditions that gave rise to the suspension notification, it shall make its representation and/or rectification within 30 days from the date of the Commission's notice.

(4) The Commission shall take into cognizance the representation made by the Licensee or Permit Holder in reaching a final decision and the decision of the Commission shall be communicated to the Licensee or Permit Holder in writing.

(5) If the Commission decides to suspend a License, it shall notify the Licensee or Permit Holder of the date on which the suspension shall take effect, and the Commission may make orders regarding the undertaking of the Licensee or Permit Holder including an order empowering another Licensee or Permit Holder to take over the operations in order to maintain continuity in the provision of electricity services.

(6) The Commission may after the imposition of the suspension order, review the order and either cancel the License or Permit in accordance with the provisions of

regulation 36 or lift the suspension.

(7) The Commission shall not impose a suspension order in excess of six months and may review the order before the expiration of the suspension term imposed.

36. PROCEDURES FOR REVOCATION OF LICENSE OR PERMIT

(1) The Commission may revoke a License or Permit if –

- (a) the License or Permit has not been utilized within two years from the date of its issuance after notice of not less than 30 days has been served on the Licensee or Permit Holder, except if the Licensee or Permit Holder can demonstrate that reasonable efforts are being made to meet the milestones within its approved development plan;
- (b) the License or Permit was issued through fraud or the misrepresentation or non-disclosure of a material fact;
- (c) the Licensee or Permit Holder has willfully or unreasonably contravened any provisions of the Law, Rules and Regulations and Codes;
- (d) the Licensee or Permit Holder has failed to comply with any term or condition of the License or Permit, the breach of which is expressly declared to render it liable to revocation or cancellation;
- (e) the Licensee or Permit Holder becomes insolvent or is adjudged bankrupt; or
- (f) the financial position of the Licensee or Permit Holder is such that the Licensee or Permit Holder is unable to fully and efficiently discharge the duties and obligations imposed by the License or Permit.

(2) If the Commission determines that enough grounds exist for the revocation of the License or Permit, it shall give notice of proceedings for the revocation to the Licensee or Permit Holder and to such other persons, group of persons or body as it may consider necessary.

(3) The Commission shall proceed as follows in revoking a License or Permit-

- (a) notify the Licensee or Permit Holder in writing of its intention to revoke the License or Permit and the reasons for doing so; and
- (b) allow the Licensee or Permit Holder opportunity to demonstrate, within 60 days of the delivery of such notification, that the circumstances have changed such that the revocation may no longer be warranted.

(4) If the Commission decides to cancel the License or Permit after complying with procedure, it shall serve notice to the Licensee or Permit Holder specifying the date on which such revocation shall take effect.

(5) Rather than revoke the License or Permit, the Commission may issue an Order imposing further terms and conditions subject to which the Licensee or Permit Holder is permitted to operate thereafter.

(6) The Commission may upon the revocation of a License or Permit, issue an Order for the sale of the Licensee or Permit Holder's operation to maintain continuity in the provision of electricity service.

PART VII – CONDITIONS OF A MICRO UTILITY LICENSE OR PERMIT

37. COMPLIANCE WITH LAWS

(1) A Licensee or Permit Holder shall comply with the relevant provisions of the Law and the sector policies as well as the Regulations, Rules, Codes, Guidelines, Protocols and Conditions relating to its License or Permit.

(2) Without limiting the effect of sub-regulation (1) if applicable, a Licensee or Permit Holder shall –

- (a) provide a service that is safe, adequate, efficient, reasonable and nondiscriminatory;
- (b) carry out works relating to the Licensed or Permitted activity including engineering, construction, commissioning, repairs, rehabilitation, operation and maintenance in accordance with the Law, applicable standards and Prudent Utility Practice;
- (c) generate or supply and sell electricity to consumers within the area of operation without discrimination;
- (d) in the case of a Licensee, ensure that the charges and rates. or tariffs obtained in respect of the Licensed activity are as approved by the Commission;
- (e) in the case of a Permit Holder, ensure that the charges and rates obtained in respect of its operations are in accordance with the Commission Pricing Guidelines.

38. INSTALLATION AND OPERATION OF FACILITIES

(1) A Licensee or Permit Holder shall–

- (a) construct, operate and maintain, its facilities to ensure the adequate, economic, reliable and safe supply of electricity to its consumers;
- (b) adopt a metering system that conforms to the requirements of the Distribution Code, International Electrotechnical Commission or other international standards;

- (c) properly take into account the environmental effects of its activities under the License or Permit, including judicious use of land acquired for its operations;
- (d) maintain and operate the facilities in order to ensure efficiency, reliability, public and workers safety; and
- (e) grant the Commission and its authorized officers access to inspect its facilities, assets and information that it shall require.

(2) The Licensee or Permit Holder shall ensure that it operates in accordance with the Distribution Code, if applicable, and should achieve the minimum benchmarks established in Schedule 5: Technical Operations Standards and Benchmarks- for quality of service standards.

(3) Despite sub-clause (2), the Commission may revise the established benchmarks prescribed in Schedule 5 as it becomes necessary.

39. CONSTRUCTION OF TRANSMISSION LINE

(1) A Micro Utility Licensee may with the permission of the Commission own and operate a transmission line provided the transmission line is not connected to the Grid.

(2) The Micro Utility Licensee that intends to own or operate a transmission line (of 66KV or above) shall in addition to the provisions of this Part also comply with the legal and license requirements relating to the operation of the transmission network.

(3) When the Grid extends to the Micro Utility's transmission line, the Micro Utility shall transfer the operation of the transmission line to the TSO.

40. ELECTRICITY SUPPLY REQUIREMENTS

(1) A Licensee or Permit Holder that operates –

- (a) an isolated mini-grid or off-grid supply system shall have sufficient generation capacity to satisfy the needs of its customers and shall strive to maintain a 50% threshold of its annual energy supply from renewable energy;
- (b) an interconnected mini-grid shall ensure that it has a power purchase agreement with its supplier to satisfy the demand of its customers.

(2) Each Licensee or Permit Holder shall ensure that it has sufficient backup power and other relevant ancillary services to ensure reliability and system stability at all times.

41. COMPLIANCE WITH NON-TECHNICAL BENCHMARKS

(1) A Licensee or Permit Holder shall ensure annual improvements in the socio-economic and commercial benchmarks prescribed by the Commission including those considered during tariff review.

42. COMPLAINTS AND DISPUTE RESOLUTION

(1) A Licensee or Permit Holder shall submit its Complaints and Dispute Resolution Procedures to the Commission for approval and shall conform to the Procedures prescribed by the Commission.

43. SUBMISSION OF ESSENTIAL PLANS

(1) A Licensee or Permit Holder with existing facilities and equipment or proposes to install facilities and equipment, shall submit the following essential plans to the Commission for approval:

- a) Technical and Safety Management Plan in accordance with the outline provided in Exhibit 5 of Schedule 3- General Information Requirements;
- b) Operations and Maintenance Plan for the safe, efficient and effective operation of the Licensed Facility; and
- c) Decommissioning Plan which must also comply with the requirements of EPA.

(2) A Licensee having a License with a duration of up to 20 years, shall, once every five years, submit the Technical and Safety Management Plan and the Decommissioning Plan to the Commission for approval.

(3) A Permit Holder having a Permit with a duration of up to 10 years, shall, once every three years, submit the Technical and Safety Management Plan and the Decommissioning Plan to the Commission for approval.

(4) Two years before the expiry of the term of the License or Permit, the Licensee or Permit Holder shall provide a decommissioning plan to the Commission and may be required to provide a guarantee to undertake the required obligations.

44. FORCE MAJEURE

(1) If a Licensee or Permit Holder is prevented from performing any of its obligations hereunder due to unforeseeable circumstances, the Licensee or Permit Holder shall promptly inform the Commission of the suspension of its operations and estimated duration.

(2) The Licensee or Permit Holder shall duly inform the Commission when it resumes operations.

45. CHANGE OF NAME AND SHAREHOLDING STRUCTURE

(1) During the Term of this License, the Licensee shall give the Commission not less than 60 days' prior written notice of Licensee's intention to consummate one or more of the following transactions, and shall have received the written approval of the Commission for any such transaction prior to consummation thereof:

- (a) Any transaction or other action that may lead to a decrease in Licensee's authorized shares or paid-in capital (or where Licensee is not a stock corporation, any similar ownership interests in Licensee) as existing on the issued date;
 - (b) Sale to a non-affiliated third party of at least 10% of the ownership interests of Licensee;
 - (c) Changes in controlling interests; and
 - (d) Transfer.
- (2) For the purposes of this regulation –
- (a) each of the following shall constitute a “Change in Control”
 - (i) any change in the right to (A) vote or control the voting of a majority of Licensee or Permit Holder's voting shares, or where Licensee or Permit Holder is not a stock corporation, any similar ownership interests in Licensee or Permit Holder, or (B) appoint, elect or remove a majority of the directors, or where Licensee or Permit Holder is not a stock corporation, votes in any similar governing body of Licensee or Permit Holder;
 - (ii) any change in a joint venture or other consortium owning or controlling the Facility or the Licensee or Permit Holder; or
 - (iii) any transaction or series of transactions in which Licensee or Permit Holder sells or otherwise disposes of including by lease, any substantial portion of its assets to an unaffiliated third party, unless the proceeds of such disposition are used primarily to replace the assets disposed of.
 - (b) “Transfer” - an act intended to shift under any circumstance, benefits or obligations of the License or Permit to an unaffiliated third party.
- (3) The Commission shall establish threshold amounts of assets that a Licensee or Permit Holder may dispose of without the approval of the Commission.
- (4) A Licensee or Permit Holder shall request in writing the Commission's permission for a change of name. Upon receipt of the request, the Commission shall review the justifications and grant approval to proceed.
- (5) The Licensee or Permit Holder shall, as proof of change of name or shareholding structure, submit appropriate documentations from the Liberia Business Registry, Liberia Revenue Authority and other government agencies.
- (6) The Commission shall, within 15 days of receipt of the documentation, record the Licensee or Permit Holder's new name into the Commission's Register of Licenses and notify the Licensee or Permit Holder.

46. FINANCIAL REPORTING

- (1) A Licensee or Permit Holder's books and records shall at all times be kept in the manner and form as prescribed by the Commission.
- (2) A Licensee or Permit Holder shall ensure that revenues and their related expenses and costs resulting from activities that are separately licensed under the Law and these Regulations are shown separately on its books and records.
- (3) A Licensee shall retain a certified public accounting firm, authorized to do business in Liberia, to audit its books and records annually, provided that the Commission shall have the right at the Licensee's expense to address the Commission's inquiries.
- (4) A Permit Holder shall retain a certified public accounting firm or a Certified Public Accountant, authorized to do business in Liberia, to audit its books and records annually, provided that the Commission shall have the right at the Permit Holder's expense to address the Commission's inquiries.
- (5) Audit reports pertaining to a Licensee or Permit Holder and its Facility shall be submitted to the Commission no later than six months from close of financial year.

47. ENVIRONMENTAL AND SOCIAL MATTERS

- (1) A Licensee or Permit Holder shall comply with
 - (a) the environmental, social, cultural and economic requirements prescribed by the Environmental Protection Agency Act of Liberia, the Environmental Policy and Guidelines of Liberia; and
 - (b) the Liberia National Gender Policy.

48. HEALTH AND SAFETY

- (1) A Licensee or Permit Holder shall comply with safety standards and the Public Health Law of Liberia and shall take reasonable steps in protecting persons and property from injury and damage.
- (2) A Licensee or Permit Holder shall apply safety standards as prescribed in the Grid Code for the design, construction, commissioning, operation and maintenance of the facility's assets.
- (3) In addition to the Grid Code, the Licensee or Permit Holder shall deploy technical and operational design criteria, equipment, components and configurations for safe, reliable, and cost-effective energy service that meets the needs of consumers.

49. ASSURANCE

(1) A Licensee or Permit Holder shall develop, implement and file with the Commission reasonable and prudent policies relating to the management of risks associated with the Facility and its operations.

(2) A Licensee or Permit Holder shall provide to the Commission evidence of adequate insurance coverage against risks associated with the Facility and its operations.

50. PROHIBITION OF ANTI-COMPETITIVE PRACTICES

(1) A Licensee or Permit Holder is prohibited from conduct, practices, decisions, and agreements which have as their object or effect the prevention, distortion or limitation of competition in the Electricity Supply Industry.

PART VIII – COMMERCIAL PROVISIONS

51. SERVICE CONTRACTS

(1) A Licensee or Permit Holder shall enter into a service contract with their consumers.

(2) A Licensee or Permit Holder shall submit its service contract to the Commission for approval using the agreement template provided by the Commission.

52. TARIFFS AND CHARGES

(1) A Licensee or Permit Holder shall ensure that rates or charges are based on the Tariff Regulations as issued by the Commission.

(2) A Licensee or Permit Holder shall not demand rates or charges that have not been approved by the Commission unless under special circumstances as determined by the Commission.

(3) Tariffs charged by a Licensees or Permit Holder, shall be designed according to the Micro Utility provisions of the Tariff Regulations.

53. TARRIFS OF A MICRO UTILITY LICENSEE

(1) The Commission shall approve tariffs of Large and Medium Micro Utility Licensees based on their business plans and the Principles in the Tariff Regulations.

(2) The tariff structure of Large and Medium Micro Utilities shall also be approved by the Commission which may allow for different categorization of customers both in terms of nature of business and load.

(3) The frequency of tariff reviews shall be set out in the Tariff Regulations.

54. TARIFFS OF A MICRO UTILITY PERMIT HOLDER

(1) A Medium Micro Utility Permit Holder is exempted from the formal tariff regulatory process.

(2) Despite sub-regulation (1), a Permit Holder shall provide the Commission with its tariff design, proposed tariff levels, adjustment factors, cost recovery, structure and simplicity of implementation of the proposed tariff.

(3) Where it considers the tariff unreasonable or where the customers commence a class action, the Commission shall launch a tariff review by testing the Permit Holder's costs with the Tariff Methodology set out in the Tariff Regulations.

PART IX – MICRO UTILITY INTERCONNECTION PROVISIONS

55. EXCLUSIVITY RIGHTS

(1) Subject to the provisions of this regulation, a Micro Utility Licensee has exclusive rights to the area of operation delineated in its License.

(2) Despite sub-regulation (1), a Distribution Licensee, in whose area of operation a Micro Utility Licensee exists, may integrate a part or whole of the Micro Utility's network upon payment of compensation for its assets and on terms approved by the Commission.

(3) A Permit Holder shall not enjoy rights beyond what pertains in its agreement with the Distribution Licensee responsible for providing services in the Permit Holder's geographical area.

56. ARRIVAL OF DISTRIBUTION LICENSEE'S NETWORK TO THE MICRO UTILITY LICENSEE'S ZONE

(1) If a Distribution Licensee intends to connect its network to an area served by a Micro Utility Licensee, the Micro Utility Licensee may –

- (a) transform into an interconnected Micro Utility; or
- (b) terminate its operations and transfer such assets it does not wish to remove from its system to the Distribution Licensee in return for financial compensation in accordance with the methodology provided in the Tariff Regulations.

(2) In case the Parties fail to agree to the terms of interconnection or compensation, they shall submit the matter to the Commission for final determination in accordance with its Complaints Procedures.

(3) The Micro Utility Licensee shall remove equipment that is fully depreciated in accordance with the applicable environmental Regulations and Decommissioning Plan.

(4) The agreements signed between the Distribution Licensee and the Micro Utility Licensee in relation to transformation of the Micro Utility into an Interconnected Micro Utility or transfer of assets shall be subject to the Commission's approval.

57. ARRIVAL OF DISTRIBUTION LICENSEE'S NETWORK IN PERMIT HOLDER'S ZONE

(1) In accordance with the Agreement between Distribution Licensee and Permit Holder, the Permit Holder shall decommission and remove its assets and equipment when the Licensee's distribution network arrives.

(2) The Permit Holder shall not be entitled to any refund or compensation except where provided for in the Agreement with the Licensee.

(3) Subject to sub-regulation (1) and (2) if the other Licensee or Distribution Licensee opts to procure electricity from the Permit Holder, the Permit holder shall continue to generate and supply electricity to the Licensee at a negotiated price and under a Generation Micro Utility Permit issued by Commission.

PART X – MISCELLANEOUS PROVISIONS

58. PROCUREMENT

(1) A Licensee or Permit Holder shall ensure that all services, materials or equipment are procured through a competitive procurement process which ensures value for money.

59. CONFIDENTIALITY

(1) A Licensee or Permit Holder may mark as "**CONFIDENTIAL**," any of its proprietary or commercially sensitive information submitted to the Commission in connection with an Application.

(2) The Commission shall not disclose such information to the public or to any other person, nor use such information for any other purpose, other than the purpose for which a Licensee or Permit Holder disclosed to the Commission.

- (3) For purposes of this Section, the foregoing restrictions shall not apply to any information that:
- (a) is in the public domain;
 - (b) is or becomes publicly known other than through the action of the Commission; or
 - (c) relates to the performance and compliance levels of a Licensee or Permit Holder with any of the Standards.

60. PROHIBITION OF CROSS-SUBSIDIES

- (1) The holder of multiple Licenses or Permits issued by the Commission or a Licensee or Permit Holder which engages in another business is prohibited from cross-subsidizing activities undertaken under the other License or Permit or other business activity.
- (2) Despite sub-regulation (1) the holder of a Composite License or Permit or multiple Licenses or Permits may, with the approval of and on such terms as the Commission may determine, cross-subsidize the licensed or permitted activity.

61. INCIDENT REPORTING

- (1) The Licensee or Permit Holder shall notify the Commission as soon as is possible, and at most within three (3) days, of any major incident affecting any part of the Licensee or Permit Holder's activity in accordance with the Performance Standard Regulation, Technical and Operational Codes and other rules and procedures specified by the Commission.

62. TIMEFRAME FOR DECISIONS

- (1) Where no specific timeframe is provided for making a decision or taking some action under these Regulations, the Commission shall do so within 30 days of lodging the request unless the existence of extenuating circumstances make it impracticable to render the decision or take the action within this time frame.

63. REGISTER OF LICENSES AND PERMITS

- (1) The Commission shall maintain a Register of Licenses and Permits issued and shall provide the public an extract of the License or Permit on request.

(2) The register shall consist of copies of the entire License or Permit and other information pertaining to the License or Permit including the following:

- (a) Application for License or Permit;
- (b) Documents and enclosures submitted with the Application for License or Permit;
- (c) Public hearing documents
- (d) correspondences pertaining to the License or Permit Application and decisions of the Board of the Commission on the License or Permit or the Application; and
- (e) any documents pertaining to an enforcement action by the Commission related to the License or Permit.

64. EXEMPTIONS

(1) Subject to sub-regulation (2), a person that generates electricity by a facility which is rated between 10kW to 100kW is exempted from the licensing requirements of these Regulations but required to register with the Commission.

(2) The exemption does not apply if that person –

- (a) retails electricity to customers for a fee; or
- (b) supplies or intends to supply excess power to a distribution network.

65. COMMUNICATION

(1) Communication between a Licensee or Permit Holder and the Commission in connection with its License or Permit shall be given in writing and executed by a duly authorized officer of the Licensee or Permit Holder and the Commission, respectively.

(2) The Licensee or Permit Holder shall designate a person that will act as a primary contact with the Commission on matters related to the License and shall notify the Commission accordingly should the contact details change.

(3) The Licensee or Permit Holder shall make a copy of its License or Permit available for inspection by members of the public at its head office and regional offices during normal business hours; and when requested, provide a copy of the License or Permit to relevant government authorities.

66. TRANSITIONAL PROVISIONS

(1) An entity engaged in a Micro Utility service for which a License or Permit is required shall within 60 days of the coming into force of these Regulations register and apply to the Commission for the appropriate License or Permit.

67. JUDICIAL REVIEW

(1) A person dissatisfied with any decision, Order or other exercise of authority by the Commission pursuant to these Regulations may take an appeal by filing a petition

for judicial review in the Civil Law Court sitting in the City of Monrovia or other courts of competent jurisdiction within the Republic of Liberia.

68. AMENDMENT OR REPEAL OF REGULATION

(1) The Commission may amend or repeal the provisions of these Regulations as it deems necessary.

THE COMMON SEAL OF

LIBERIA ELECTRICITY REGULATORY COMMISSION

Was affixed pursuant to the ORDER OF THE COMMISSION

On this 17th day of September 2020.

A handwritten signature in black ink, appearing to read "Lawrence D. Sekajipo". The signature is written in a cursive style with large, flowing letters.

**Dr. Lawrence D. Sekajipo, CPA, CFE, DBA, JSM
CHAIRMAN
BOARD OF COMMISSIONERS**

SCHEDULE 1: TABLE OF FEES

LIBERIA ELECTRICITY REGULATORY COMMISSION						
MICRO UTILITY LICENSING REGULATION - FEE SCHEDULE						
CATEGORY	APPLICATION FEE	ISSUANCE FEE	AMENDMENT FEE	RENEWAL FEE	TRANSFER FEE	REGULATORY LEVY
LICENSE CATEGORY						
LARGE MU LICENSE [1MW ≤ Installed Capacity <10MW]:						
Generation License	\$ 500.00	\$ 12,000.00	\$ 6,000.00	\$ 12,000.00	\$ 24,000.00	2.9% Licensee's Charge/kWh
Distribution License	\$ 500.00	\$ 9,000.00	\$ 4,500.00	\$ 9,000.00	\$ 18,000.00	2.9% Licensee's Charge/kWh
Composite License	\$ 500.00	\$ 15,000.00	\$ 7,500.00	\$ 15,000.00	\$ 30,000.00	2.9% Licensee's Charge/kWh
MEDIUM MU LICENSE [500kW ≤ Installed Capacity <1MW]:						
Generation License	\$ 350.00	\$ 7,000.00	\$ 3,500.00	\$ 7,000.00	\$ 14,000.00	2.9% Licensee's Charge/kWh
Distribution License	\$ 350.00	\$ 5,250.00	\$ 2,625.00	\$ 5,250.00	\$ 10,500.00	2.9% Licensee's Charge/kWh
Composite License	\$ 350.00	\$ 8,750.00	\$ 4,375.00	\$ 8,750.00	\$ 17,500.00	2.9% Licensee's Charge/kWh
PERMIT CATEGORY						
MEDIUM MU PERMIT [500kW ≤ Installed Capacity <1MW]:						
Generation Permit	\$ 250.00	\$ 5,000.00	\$ 2,500.00	\$ 5,000.00	\$ 10,000.00	2.9% Licensee's Charge/kWh
Distribution Permit	\$ 250.00	\$ 3,750.00	\$ 1,875.00	\$ 3,750.00	\$ 7,500.00	2.9% Licensee's Charge/kWh
Composite Permit	\$ 250.00	\$ 6,250.00	\$ 3,125.00	\$ 6,250.00	\$ 12,500.00	2.9% Licensee's Charge/kWh
SMALL MU PERMIT [Installed Capacity <500MW]:						
Generation Permit	\$ 100.00	\$ 2,500.00	\$ 1,250.00	\$ 2,500.00	\$ 5,000.00	2.9% Licensee's Charge/kWh
Distribution Permit	\$ 100.00	\$ 1,875.00	\$ 937.50	\$ 1,875.00	\$ 3,750.00	2.9% Licensee's Charge/kWh
Composite Permit	\$ 100.00	\$ 3,125.00	\$ 1,562.50	\$ 3,125.00	\$ 6,250.00	2.9% Licensee's Charge/kWh

SCHEDULE 2 – TYPES, CATEGORIES & DURATION OF MICRO UTILITY LICENSES AND PERMITS

Type of MU Operation	Category of Micro Utility (MU) License Or Permit		
	Large	Medium	Small
	1MW ≤ size <10MW	500kW ≤ size <1MW	100kW ≤ size <500kW
Generation & Distribution (combined)	Composite Micro Utility License	Composite Micro Utility License or Medium Micro Utility Permit	Small Composite Micro Utility Permit
Generation Only	Generation Micro Utility License	Generation Micro Utility License or Medium Generation Micro Utility Permit	Small Generation Micro Utility Permit
Distribution Only	Distribution Micro Utility License	Distribution Micro Utility License or Medium Distribution Micro Utility Permit	Small Distribution Micro Utility Permit
Duration of Licenses / Permits	Up to 25 years	License – up to 20 years	Up to 10 years
		Permit – up to 15 years	

SCHEDULE 3. GENERAL INFORMATION AND DOCUMENTS REQUIRED FOR MICRO UTILITY LICENSE APPLICATIONS

Exhibit #1 Financial Information

Where Applicant is a legal entity, the documents listed in paragraph (a) below shall be included:

- 1) Copies of:
 - a. Audited financial statements for the most recent three years, together with the respective auditors' reports, which if Applicant's financial information is consolidated with other companies, may be the consolidated financial statements of that larger group; and
 - b. Any available unaudited financial statements covering the interim period since the end of the most recent fiscal year or
 - c. Bank Statement
- 2) If all of the foregoing are not available, a written explanation as to why.
- 3) Financial projections relating to the proposed project, including the source of any proposed financing, for not less than a five-year period.

Exhibit #2 Proposed Project/Business

- 1) Description of the area or location of the proposed project and business to be developed and operated via map location or other similar means.
- 2) A detailed statement of the proposed business plan for not less than a five-year period, including an explanation of any assumption underlying the models used.
- 3) A schedule of capital expenditures required to meet projections, including any necessary decommissioning costs.
- 4) Annual cash flows for the projected period.
- 5) Engineer's report or comparable evaluation of feasibility.

Exhibit #3 Applicable Experience of Applicant

Detailed statement of Applicant's experience as it relates to the development, construction, and operation of the proposed project.

Exhibit #4 Environmental Approvals Necessary

A list of all required environmental approvals necessary to develop, build and operate the project, and the status of any approvals.

Exhibit #5 Safety and Technical Management Plan Outline

The Safety and Technical Management Plan should address the following issues relating the development and operation of the facility:

- (a) Company Safety Policy Statement
- (b) Company's Safety Codes and practices
- (c) Demarcation, protection and prevention of unauthorized entry of site
- (d) Employee health and safety requirements in accordance with the Decent Labor Act
- (e) Waste Management policy and plan in line with EPA or WHO regulations & standards (effluents, cooling water, drainage of runoff water etc.)

- (f) Compliance Plan
- (g) Environmental hazards impact mitigation measure, actions and plans (sampling, monitoring analyzing of air, aquatic toxicity, noise etc.)
- (h) Emergency preparedness
- (i) Deployment of disaster management measures
- (j) Fire safety (prevention and fighting measures)
- (k) Precautions for prevention of environmental hazards (oil spills, pollutants etc)
- (l) Operational and maintenance safety rules, procedure, and instructions
- (m) Company's operation and maintenance culture
- (n) Adherence to equipment manufacturer's recommended maintenance schedules, specific commitment, and arrangements to operate facilities/installations to ensure safe and reliable electricity supply

Exhibit #6 Any Government Action Required for Project Feasibility

- a) Any government action required—for example, to acquire any land or other property via purchase or eminent domain.
- b) Any subsidy that will be requested from government to make project feasible.
- c) Any resettlement that will be required for the project, and related costs.

SCHEDULE 4. SUPPLEMENTRY INFORMATION AND DOCUMENTS REQUIRED FOR SPECIFIC TYPES OF MICRO UTILITY LICENSES AND PERMITS

Generation

The following information and documents shall be submitted with any Application for a project proposing to generate electricity as part of the project scope:

- 1) Location of each generating plant proposed to be developed and operated as part of the project, via map location or other similarly convenient means.
[Note: Each generation plant *consisting of a number of units* and location should be specified]
- 2) One-line diagram showing all generation, storage, power conversion devices, protection relays, and metering
- 3) Statement of the following:
 - a. Total number of generating units to be deployed and indicative schedule for deployment at the plant;
 - b. Fuel type for each unit;
 - c. Expected date of commissioning;
 - d. Power (in MW) expected to be generated for each unit and in the aggregate over five years, net of any power estimated for consumption at the applicable plant;
 - e. Efficiency metrics for each mode of generation;
 - f. Expected useful life of each unit or plant;

- g. Approximate age of plant technology and, if relatively new, a statement of how Applicant expects to manage unanticipated downtime or equipment failure, and related costs; and
- h. Information about the buyer of the power that will be produced over the first five years of the project, including any expansion plans that such buyer may have.
- i. Applicant's plan and strategy for complying with all applicable parts of the relevant technical Codes of Practice affecting its operations

Distribution

The following information and documents shall be submitted with any Application for a project proposing to distribute electricity as part of the project scope:

- 1) Location of proposed supply lines relative to bulk supply connection points constituting a part of the proposed distribution system and the areas to be supplied, via map, location or other similarly convenient means, and in particular showing the limits or any parts of such system that will not be owned or controlled by the Applicant.
- 2) One-line diagram showing the types and extent of distribution network, distribution transformers and voltage levels, protection relays, and metering devices.
- 3) Statement of the following:
 - a. Identity the parties supplying electricity to be distributed over next five years, together with relevant quantities and interconnection points;
 - b. Details of any embedded generation sources owned or controlled by Applicant, or otherwise contracted for, and a description of each generating plant involved ("embedded" for this purpose means generation capacity that is located within the area of the distribution system, either connected or not connected to the distribution system);
 - c. Details of network voltage levels and types (AC or DC);
 - d. Details of estimated connections by voltage; and
 - e. Five-year forecast of demand (in kW) for proposed distribution system.
 - f. A map of the distribution system area showing all connected supply lines and the related connection points.
 - g. Applicant's plan to operate the distribution system in accordance with all applicable safety standards.
- 4) Applicant's plan and strategy to discourage and eliminate theft of electricity from its distribution system.
- 5) Applicant's plan and strategy for complying with all applicable parts of the Distribution Code affecting its operations.

In the case of Renewal or Amendment:

In the case of Renewal or Amendment of a micro utility distribution instrument, Applicant needs only to provide information or documents in support thereof relating to the extent to which the existing network/system differ in some material respect from such information or documents as most recently provided to Commission in the ordinary course of entity's compliance under an existing License or Permit (as may be relevant), or as part of an earlier application for such License or Permit.

- 1) Brief description of the retail trading structure including billing and/or collection strategies and infrastructure including vending systems to be deployed to ensure an efficient, reliable, and transparent services
- 2) **Estimated Number of Customers:** Provide an estimate of the potential number of customers to be supplied

Micro Utility Permit

The following information is required with an Application for Micro Utility Permit where applicable:

- 1) **Facility Vendor Information:** Provide the contact information for the primary vendor(s) and installer(s) of the system
- 2) **Certification of (Installation) Inspection:** Certification required from a qualified licensed Electrical Engineer indicating that the Micro Utility is in compliance with all standards and regulations pertaining to safety and other relevant codes of practice as may be determined by the Commission.
- 3) **One-line diagram** showing all generation and/or distribution facility including storage, power conversion devices, protection relays, transformers, voltage levels and metering schemes, where applicable.
- 4) **Agreement of Consent** secured with the Distribution Licensee responsible for electricity supply in that Concession Zone.
- 5) **Agreement of Consent** secured with the target communities for the provision of the electricity supply service.
- 6) **Estimated total number of customers** including a list of potential customers together with corresponding categories and estimated loads expected to be connected to the supply.
- 7) **Estimated maximum total expected load** and (if possible disaggregated by type of load) of consumers to be supplied by the proposed facility.

- 8) **Daily Operation Hours:** State the anticipated daily operational hours of the facility
- 9) **Use of LEC infrastructure:** Provide a list of LEC infrastructure that may be needed for the system, if any, either immediately or in the medium to long term
- 10) **Model Supply Contract:** The application shall include the following for review and approval by the Commission:
 - i. Model draft supply contract to be concluded with the customer
 - ii. Sample bill
- 11) **Average price/unit:** Provide an indicative average price/unit (kWh) of electricity anticipated to be charged
- 12) **Alternative Billing model:** Systems not able to bill on per kilowatt-hour (per-kWh) basis must submit their proposed alternative billing structure as well as calculations supporting the mode of billing.

SCHEDULE 5: Technical Operations Standards and Benchmarks – Micro Utility Operations
(for Licenses and Permits)

Level of Service standard	Benchmark for MU Licenses	Benchmark for MU Permits
A. Power Quality criteria		
<i>Micro Utility – AC Supply</i>		
(i) Voltage imbalance	Not more than 5%	Not more than 10%
(ii) Transients	Surge protection required	Surge protection required
(iii) Short duration voltage variation (each < 1 minute)	Not more than 1(no.)/day	Not more than 5(no.)/day
(iv) Long duration voltage variation (each > 1 minute)	Not more than 5(no.)/day	Not more than 10(no.)/day
(v) Frequency variation limit (50hz nominal)	Not more than 2%	Not more than 4%
<i>Micro Utility – DC Supply</i>		
(vi) Resistive voltage drop	Not more than 10%	Not more than 20%
(vii) Transients	Surge protection required	No protection required
(viii) Switching noise	Filtering required to minimize	No filtering required
(ix) Long and short duration fault conditions due to voltage variation	Not more than 2(no.)/day	Not more than 5(no.)/day
(x) DC Ripple (max. all'd)	5% of peak to peak	10% of peak to peak
B. Power Availability criteria		
(i) Peak available power	TBD (>200W/consumer)	TBD (>3W/consumer)
(ii) Energy available per time period	TBD (>73kWh/yr/customer)	TBD (>4.38kWh/yr/customer)
(iii) Duration of daily service	TBD (Not guaranteed)	TBD (Variable-Example:) [x hrs/day with y certainty]
C. Power Reliability criteria		
(i) Unplanned SAIFI	Less than 12 per year	Less than 52 per year
(ii) Unplanned SAIDI	Less than 438 hours per year	Less than 876 hours per year
(iii) Planned SAIFI	TBD	TBD
(iv) Planned SAIDI	TBD	TBD

Appendix A: Registration Form

1.0 Details of Contact Person

Name	
Position	
Physical address/location	
Postal address	
Phone number(s)	
Email address	

1.1 PARTICULARS OF REGISTRANT

Name of Business	
Physical address/location	
Postal address	
Phone number(s)	
Email address	
Website	

2.0 ACTIVITIES

2.1 Current and future activities

(a) Engaged in regulated electricity activity? Yes No

(b) Intend to engage in a regulated electricity activity? Yes No

2.1 Purpose

Personal

Commercial

3.0 Activity(ies) of interest (Check all that apply)

- | | |
|------------------------------------|--------------------------|
| Generation | <input type="checkbox"/> |
| Transmission System Operator (TSO) | <input type="checkbox"/> |
| Distribution | <input type="checkbox"/> |
| Import | <input type="checkbox"/> |
| Export | <input type="checkbox"/> |
| Trade/retail | <input type="checkbox"/> |
| Retail Sale | <input type="checkbox"/> |
| Self-Supply Only | <input type="checkbox"/> |
| Self-Supply Network | <input type="checkbox"/> |
| Micro Utility | <input type="checkbox"/> |
| Self-Supply and Retail/Sale | <input type="checkbox"/> |
| Others (Please specify) | <input type="checkbox"/> |

3.1 If others, specify

4.0 Information on Activities (of interest or engaged in)

4.1 Types of Generation (Fill all that apply)

Description	Size/rating (kW)	Voltage (V)	Fuel Type	GPS Coordinates
Thermal				
Hydro				
Solar				
Biomass				
Wind				
Other (specify)				

4.2 Transmission System Operator (TSO)

Circuit Length of line (m)	Voltage (V)	Line rating (W)	Line Location (e.g. from A to B)	Bulk Supply Points	
				Location	Capacity (MW)

4.3 Distribution

Circuit Length of line (m)	Voltage (V)	Line rating (W)	Location/map	No. of customers

4.4 Import

Quantity of power	Voltage (V)	Line rating (W)	Entry point (GPS)	Supplier

4.5 Export

Quantity of power)	Voltage (V)	Line rating (W)	Exit point (GPS)	Buyer

4.6 Trade/retail

No. of meters	Billing cycle	Estimated monthly sales (kWh)	Location (sale points)	No. of customers

4.7 Retail sale

No. of meters	Billing cycle	Estimated monthly sales (kWh)	No. of Point of Sale (POS)	No. of customers

4.8 Self-Supply Only

Generator size (kVA)	Voltage (V)	Self-Load (W)	Location (GPS)	No. of Units/sets

4.9 Self-Supply Network

Circuit Length of line (m)	Voltage (V)	Line rating (W)	Location (GPS)	No. of customers

4.10 Micro Utility

Circuit Length of line (m)	Voltage (V)	Line rating (W)	Location (GPS)	No. of customers

4.11 Others (Please specify and explain):

I hereby declare that the information provided above are, to the best of my knowledge, true and accurate; and the activity(ies) is not unlawful or contrary to the interest of the Republic of Liberia.

Signature & Title

Date

Appendix B: Application for Micro Utility License

DOCKET NUMBER/ACCESS CODE

A. PARTICULARS OF APPLICANT

Name of applicant	
Name of Business (if applicable)	
Physical address/location	
Postal address	
Phone number(s)	
Email address	
Website (optional)	

B. TYPE OF MICRO UTILITY ACTIVITY *(Check box or combination applicable)*

- Generation
- Distribution
- Retail sale
- Self-supply & Retail Sale
- Others (Please specify):

C. TYPE OF LICENSE REQUIRED *(Check box applicable)*

Large Micro Utility License

Medium Micro Utility License

Other (PLEASE SPECIFY)

D. REQUIRED ACTION *(Check box applicable):*

Initial Issuance

Renewal

1.0 LEGAL STATUS OF APPLICANT

1. Corporation

2. Sole Proprietorship

3. Partnership

4. Limited Liability Corporation

5. Cooperative/Association

6. Other (please specify)

2.1 Has A Shareholder Ever Been Convicted of a Felony in Liberia or in Any Other Country?

YES

NO

If yes, provide details of conviction:

(Attach additional information if necessary)

2.2 Has A Director Ever Been Convicted of a Felony in Liberia or in Any Other Country?

YES

NO

If yes, provide details of conviction:

(Attach additional information if necessary)

3.0 AFFILIATE OWNERSHIP/RELATIONSHIP

a) Does the Applicant own more than ten percent (10%) shares in another entity that has applied for a license?

YES

NO

Name of entity, percentage of shares etc.

(Attach additional information if necessary)

b) Does the Applicant own more than ten percent (10%) shares in another entity that has been granted a license?

YES

NO

Name of entity, percentage of shares etc.

(Attach additional information if necessary)

4.0 DENIAL, SUSPENSION OR CANCELLATION

4.1 Has The Applicant's License Ever Been :

- | | | | | |
|--------------|-----|--------------------------|----|--------------------------|
| a) Denied | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| b) Suspended | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| c) Cancelled | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |

If yes, give details

(Attach additional information if necessary)

5.0 FINANCIAL STATUS

5.1 Attach Audited or Unaudited Financial Statements for The Past 3 Years (*Refer to Schedule 3 Exhibit #1 of the MULR*)

5.2 Attach Tax Clearance Certificate

5.3 Attach Financial References

(Include name, address, contact person, telephone number and email address)

5.4 Attach Source(s) of Funding

a) Equity contribution (specify foreign or local)

b) Debt contribution (specify foreign or local)

c) Others (specify)

6.0 TECHNICAL CAPACITY AND MANAGERIAL EXPERIENCE

6.1 Attach Detailed Statement of Applicant's Technical Capacity and Managerial Competence as It Relates to The Development and Operation of the Activity

7.0 DESCRIPTION OF THE FACILITY(IES)

7.1 Attach the following:

- a) Major plant, equipment and machinery to be installed
- b) Proposed layout plan
- c) Operational nature of the applicant's proposed business

7.2 Attach Feasibility Study Report for New Facility(ies)

7.3 Attach Information On the Capacity of Existing Facility (ies)

7.4 Attach Implementation Schedule

7.5 Attach Land Documents for Facility(ies)

7.6 Is There a Need to Access Public Land?

YES NO

If yes, provide details

(Attach additional information if necessary)

8.0 COMMERCIAL ASPECTS OF THE FACILITY

8.1 Attach GPS Coordinates and/or Map of Operational Area

GPS coordinates:

8.2 Attach 5-Year Business Plan. [See Schedule 3 Exhibit 2 Of The Micro Utility Licensing Regulations (MULR)]

8.3 Applicants should attach all applicable and relevant agreements (e.g. PPA, distribution licenses agreement etc.)

9.0 ATTACH CLEARANCES/CERTIFICATES FROM THE FOLLOWING ENTITIES WHERE APPLICABLE

- a. Ministry of Public Works
- b. Liberia Business Registry
- c. Liberia Revenue Authority
- d. Environmental Protection Agency
- e. National Fire Service
- f. Others

10.0 DECLARATION BY THE APPLICANT

I hereby declare that the information provided above are, to the best of my knowledge, true and accurate; and the activity(ies) is not unlawful or contrary to the interest of the Republic of Liberia.

Signed: _____

Position: _____

Date: _____

IMPORTANT: THIS APPLICATION INCLUDING REQUIRED ATTACHMENTS AND ELECTRONIC COPY OF THE SAME (ON CD OR PENDRIVE) MUST BE SUBMITTED TO THE COMMISSION

=====

FOR OFFICIAL USE ONLY

Docket #: _____

NAME OF APPLICANT:

1. Date of receipt of Application:

2. Fees Paid and Receipt Number:

3. Newspapers and Dates in which Application is advertised:

4. Results of any Public Hearing:

5. Recommendation of the Head of Legal, Licensing & Public Affairs Unit:

6. Decision of Commission:

7. Date of Decision:

8. License/Permit Number:

9. Issuing date (License/Permit):

10. Expiration date (License):

11. Other Relevant information:

=====

Checklist

It is mandatory that the following documents be attached to process the application

Section 1.0

- *Business Registration Certificate*
- *Articles of Incorporation (where applicable)*
- *Partnership Agreement (where applicable)*

Section 5.0

- *Audited or Unaudited Financial Statements for the past 3 years (if applicable – refer to Schedule 3 Exhibit #1 of the ELR)*
- *Tax Clearance Certificate*
- *Financial References (Include name, address, contact person, telephone number and email address)*
- *Sources of Funding*
 - a) *Equity contribution (specify foreign or local)*
 - b) *Debt contribution (specify source and provide evidence)*

Section 6.0

- *Detailed statement of Applicant's technical capacity and managerial competence*

Section 7.0

- *7.1 (Detailed description of the facility(ies))*
 - a) *Major plant, equipment and machinery to be installed*
 - b) *Proposed layout plan*
 - c) *Operational nature of the applicant's proposed business*
- *7.2 Feasibility Study Report*
- *7.3 Capacity of the existing or proposed facility*
- *7.4 Implementation Schedule*
- *7.5 Title documents to the land*

Section 8.0

- *8.1 GPS coordinates and/or map*
- *8.2 5-year Business Plan*
- *8.3 Relevant agreements*

Section 9.0

- *Ministry of Public Works*
- *Liberia Business Registry*
- *Liberia Revenue Authority*
- *Environmental Protection Agency (EPA)*
- *National Fire Service*
- *Others*

Appendix C: Application for Micro Utility Permit

DOCKET NUMBER/ACCESS CODE

A. PARTICULARS OF APPLICANT

Name	
Physical address/location	
Postal address	
Phone number(s)	
Email address	
Website	

B. TYPE OF MICRO UTILITY ACTIVITY FOR WHICH PERMIT IS REQUIRED *(Check box or combination applicable):*

Generation,	<input type="checkbox"/>
Distribution	<input type="checkbox"/>
Retail sale	<input type="checkbox"/>
Self-supply & Retail Sale	<input type="checkbox"/>
Others (Please specify):	<input type="checkbox"/>

C. TYPE OF PERMIT REQUIRED

Medium Micro Utility Permit

Small Micro Utility Permit

D. REQUIRED ACTION (Check box that applies):

Initial Issuance

Renewal

1.0 LEGAL STATUS OF APPLICANT

- 1. Corporation
- 2. Sole Proprietorship
- 3. Partnership
- 4. Limited Liability Corporation
- 5. Cooperative/Association
- 6. Other (please specify)

2.1 Has A Shareholder Ever Been Convicted of a Felony in Liberia or in Any Other Country?

YES

NO

If yes, provide details of conviction:

(Attach additional information if necessary)

2.2 Has A Director Ever Been Convicted of a Felony in Liberia or in Any Other Country?

YES

NO

If yes, provide details of conviction:

(Attach additional information if necessary)

3.0 AFFILIATE OWNERSHIP/RELATIONSHIP

c) Does the Applicant own more than ten percent (10%) shares in another entity that has applied for a license?

YES NO

Name of entity, percentage of shares etc.

(Attach additional information if necessary)

d) Does the Applicant own more than ten percent (10%) shares in another entity that has been granted a license?

YES NO

Name of entity, percentage of shares etc.

(Attach additional information if necessary)

4.0 DENIAL, SUSPENSION OR CANCELLATION

4.1 Has The Applicant's License Ever Been

a) Denied	YES <input type="checkbox"/>	NO <input type="checkbox"/>
b) Suspended	YES <input type="checkbox"/>	NO <input type="checkbox"/>
c) Cancelled	YES <input type="checkbox"/>	NO <input type="checkbox"/>

If yes, give details

(Attach additional information if necessary)

5.0 FINANCIAL STATUS

5.1 Attach Audited, Unaudited Financial Statements (for The Past 3 Years) or Bank Statement (Refer to Schedule 3 Exhibit #1 of the MULR)

5.2 Attach Tax Clearance Certificate

**5.3 Attach Financial References
(Include name, address, contact person, telephone number and email address)**

5.4 Attach Source(s) of Funding

- a) Equity contribution (specify foreign or local)
- b) Debt contribution (specify foreign or local)
- c) Others (specify)

6.0 TECHNICAL CAPACITY AND MANAGERIAL EXPERIENCE

6.1 Attach Detailed Statement of Applicant’s Technical Capacity and Managerial Competence as It Relates to The Development and Operation of the Activity

7.0 DESCRIPTION OF THE FACILITY/IES REQUIRED FOR THE PERMIT

7.1 Attach a), b) and c) below

- (a) major plant, equipment and machinery to be installed;
- (b) proposed layout plan and single line diagram of plant; and
- (c) operational nature of the applicant’s proposed business.

7.2 Attach Information indicated in (a) and (b) below

- (a) List of equipment required and specifications;
- (b) Facility map indicating
 - access roads,
 - generation plant,
 - distribution lines,
 - retail equipment and
 - other auxiliary equipment required for the project

7.3 State Initial Capacity of the Proposed Facility

- (a) Initial power capacity and energy capability
- (b) Estimated future capacity (if applicable)

7.4 Attach Implementation schedule

7.5 Attach Land Documents for Facility(ies)

7.6 Is There a Need to Access Public Land?

8.0 COMMERCIAL ASPECTS OF THE FACILITY

8.1 Attach GPS Coordinates and/or Map of Operational Area

GPS coordinates:

8.2 Attach Agreement secured with the Distribution Licensee responsible for electricity supply in that Concession Zone.

8.3 Attach Agreement secured with the target communities for the provision of the electricity supply service.

8.4 Attach a list of potential customers together with corresponding categories and estimated loads expected to be connected to the supply

8.5 Provide an estimate of the maximum total expected load and number of consumers to be supplied.

8.6. Proposed tariff structure, tariff rates and charges agreed with the community

8.7. Attach the proposed draft sample of the proposed *customer service agreement*. (NB: Refer to template provided Appendix H)

8.8. Provide an outline of the procedures for resolution of customer dispute

9.0 ATTACH CLEARANCES/CERTIFICATES FROM THE FOLLOWING ENTITIES *WHERE APPLICABLE*

- a. Ministry of Public Works
- b. Liberia Business Registry
- c. Liberia Revenue Authority
- d. Environmental Protection Agency
- e. National Fire Service
- f. Others

10.0 DECLARATION BY THE APPLICANT

I hereby declare that the information provided above are, to the best of my knowledge, true and accurate; and the activity(ies) is not unlawful or contrary to the interest of the Republic of Liberia.

Signed: _____

Position: _____

Date: _____

=====

FOR OFFICIAL USE ONLY

Docket #: _____

NAME OF APPLICANT:

1. Date of receipt of Application:

2. Fees Paid and Receipt Number:

3. Newspapers and Dates in which Application is advertised:

4. Results of any Public Hearing:

5. Recommendation of the Head of Legal, Licensing & Public Affairs Unit:

6. Decision of Commission:

7. Date of Decision:

8. License/Permit Number:

9. Issuing date (License/Permit):

10. Expiration date (License):

11. Other Relevant information:

=====

Checklist

It is mandatory that the following documents be attached to process the application

Section 1.0

- *Business Registration Certificate*
- *Articles of Incorporation (where applicable)*
- *Partnership Agreement (where applicable)*
- *Tax Clearance Certificate*

Section 5.0

- *Audited or Unaudited Financial Statements for the past 3 years (if applicable – refer to Schedule 3 Exhibit #1 of the ELR)*
- *Tax Clearance Certificate*
- *Financial References (Include name, address, contact person, telephone number and email address)*
- *Sources of Funding*
 - a) *Equity contribution (specify foreign or local)*
 - b) *Debt contribution (specify source and provide evidence)*

Section 6.0

- *Statement of Applicant's technical capacity and managerial competence*

Section 7.0

- *7.1 (Detailed description of the facility(ies))*
 - a) *Major plant, equipment, and machinery to be installed*
 - b) *Proposed layout plan*
 - c) *Operational nature of the applicant's proposed business*
- *7.2 Pre-Feasibility Study Report*
- *7.3 Capacity of the existing or proposed facility*
- *7.4 Implementation Schedule*
- *7.5 Title documents to the land*

Section 8.0

- *8.1 GPS coordinates and/or map*
- *8.2 -Agreement with Concession Zone Distribution Licensee*
- *8.3-Agreement with Target Community for supply*
- *8.4 list of potential customers with corresponding categories and estimated loads*
- *8.5 - Estimated maximum total and number of consumers*
- *8.6 - Proposed tariff structure, tariff rates and charges agreed with potential consumers*
- *8.6 - Proposed Draft Customer Supply Contract*
- *8.7- Outline of customer dispute resolution procedure*

Section 9.0

- *Ministry of Public Works*
- *Liberia Business Registry*
- *Liberia Revenue Authority*
- *Environmental Protection Agency (EPA)*
- *National Fire Service*
- *Others*

**Appendix D: Application for Amendment of Micro Utility License or
Micro Utility Permit**

MU-License

MU-Permit

1.0 PARTICULARS OF APPLICANT

Name of applicant	
Name of Business (if applicable)	
Physical address/location	
Postal address	
Phone number(s)	
Email address	
Website (optional)	

2.0 REFERENCE INFORMATION

Docket No.:

Date of issuance:

3.0 TYPE OF ACTIVITY(IES) *(Please check box or combination applicable)*

Generation,	<input type="checkbox"/>
Distribution	<input type="checkbox"/>
Retail sale	<input type="checkbox"/>
Self-supply & Retail Sale	<input type="checkbox"/>
Others (Please specify):	<input type="checkbox"/>

4.0 ATTACH DETAILS OF CONDITION(S) THAT IS THE SUBJECT OF THE AMENDMENT REQUEST

I hereby declare that the information provided above are, to the best of my knowledge, true and accurate; and the activity(ies) is not unlawful or contrary to the interest of the Republic of Liberia.

Signed: _____

Position: _____

Date: _____

=====

FOR OFFICIAL USE ONLY

Docket #: _____

NAME OF APPLICANT:

1. Date of receipt of Application:

2. Fees Paid and Receipt Number:

3. Newspapers and Dates in which Application is advertised:

4. Results of any Public Hearing:

5. Recommendation of the Head of Legal, Licensing & Public Affairs Unit:

6. Decision of Commission:

7. Date of Decision:

8. License/Permit Number:

9. Issuing date (License/Permit):

10. Expiration date (License):

11. Other Relevant information:

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Appendix E: Application for Transfer of Micro Utility License

MU-License

MU-Permit

1.0 PARTICULARS OF APPLICANT

Name of applicant	
Name of Business (if applicable)	
Physical address/location	
Postal address	
Phone number(s)	
Email address	
Website (optional)	

2.0 REFERENCE INFORMATION

Docket No.:

Date of issuance:

3.0 TYPE OF ACTIVITY(IES) *(Please check any combination applicable)*

Generation,	<input type="checkbox"/>
Distribution	<input type="checkbox"/>
Retail sale	<input type="checkbox"/>
Self-supply & Retail Sale	<input type="checkbox"/>
Others (Please specify):	<input type="checkbox"/>

4.0 ATTACH DETAILS OF CONDITION(S) THAT IS THE SUBJECT OF THE TRANSFER REQUEST

I hereby declare that the information provided above are, to the best of my knowledge, true and accurate; and the activity(ies) is not unlawful or contrary to the interest of the Republic of Liberia.

Signed: _____

Position: _____

Date: _____

=====

FOR OFFICIAL USE ONLY

Docket #: _____

NAME OF APPLICANT:

1. Date of receipt of Application:

2. Fees Paid and Receipt Number:

3. Newspapers and Dates in which Application is advertised:

4. Results of any Public Hearing:

5. Recommendation of the Head of Legal, Licensing & Public Affairs Unit:

6. Decision of Commission:

7. Date of Decision:

8. License/Permit Number:

9. Issuing date (License/Permit):

10. Expiration date (License):

11. Other Relevant information:

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