

FEED-IN TARIFF RULES & PROCEDURES

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The Feed-In Tariff Rules 2024 define the eligibility criteria to the Feed-In Tariff for Electricity produced from Renewable Energy Resources as required under the Renewable Energy Act 2013

PART I. PRELIMINARY

These Rules may be cited as the Feed- In -Tariff Rules 2024.

In these Rules, unless the context otherwise requires:

Generation License means a license granted by the Minister to a licensee to connect specified generation facilities either to the transmission grid at a grid receiving point or to a distribution receiving point, as defined under the Electricity Act 2005.

Annual Authority Announcement shall be the yearly announcement by the Authority on eligible technologies and applicable Feed in Tariffs

Authority means The Gambia Utilities Regulatory Authority established under The Gambia Public Utilities Regulatory Authority Act, 2001.

Consumer refers to any person or entity requiring the supply and delivery of electricity from the distribution or transmission network for its own use.

Commercial Operation refers to the state at which the Eligible Renewable Plant generated the first kilowatt-hour of energy after commissioning or testing, or two (2) months from the start of such commissioning or testing, whichever comes earlier.

Commercial Operation Date refers to the date when the Eligible renewable Plant starts Commercial Operations.

Declared Net Capacity in relation to a generating station, means the maximum capacity at which the station could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption) less the amount of electricity that is consumed by the renewable energy plant.

Deemed Foreign Link is the percentage of the tariff that is linked to foreign exchange, which is set by the Authority for the year that the Eligible Renewable Plant was commissioned, and is fixed for the duration of the Feed In Tariff, where the Deemed Foreign Link plus the Deemed Local Inflation Link are 100%.

Deemed Local Inflation Link is the percentage of the tariff that is linked to Inflation, which is set by the Authority for the year that the Eligible Renewable Plant was commissioned and is fixed for the duration of the Feed In Tariff, where the Deemed Foreign Link plus the Deemed Local Inflation Link are 100%.

The developer is an interested entity submitting an application to be certified as an eligible Renewable Energy Plant.

Ministry means the Ministry responsible for the electricity sub- sector.

Distribution System refers to a system composed of cables and aerial lines and any electric plant and its attachments, designed at named voltage of eleven (11) kilo volt or less for distributing electric energy from the connection points between the distribution system to the delivery points to the consumer.

Eligible Renewable Plant is as defined in Part II.

Eligible Renewable Technology is as defined in the Annual Authority Announcement.

Dollar Exchange Rate shall be the most recently announced annual exchange rate between Gambian Dalasi and the US Dollar published by the Central Bank of The Gambia.

Feed-In Tariff refers to a renewable energy policy offering guaranteed payments on a fixed rate per kilowatt-hour for renewable energy generation from eligible Renewable Energy Plant, excluding any generation for own use.

Grid Code refers to the Electricity Grid Code of The Gambia 2024

Inflation shall be the most recently announced annual rate of inflation in The Gambia published by the Central Bank of The Gambia.

Installation Target refers to the megawatt capacity target by Renewable Technology set by the Minister in consultation with the Authority.

Minister means the Minister responsible for the electricity sub-sector.

Ministry of Energy refers to the body entitled to formulate policies which relate to the energy sector.

On-Grid refers to a connection to the electrical system composed of interconnected transmission and distribution lines, substations, and related facilities for the purpose of conveyance of bulk power to the grid.

Person means a natural or juristic person.

Rules mean these Feed-In Tariff Rules.

Registry refers to the database or files where all renewable facilities and their Commercial Operation date are inscribed.

Regulatory Authority Act means The Gambia Public Utilities Regulatory Authority Act, 2001.

Renewable Plant Connection Agreement is an agreement for connection to and use of the electricity network entered between the generation facility and the Responsible Network Utility, which shall be of a form approved by the Authority.

Responsible Network Utility means the holder of a distribution license or transmission license (as applicable) granted by the Authority under the Electricity Act 2005 at the receiving point at which electric

energy is delivered directly from an Eligible Renewable Plant, where distribution license, transmission license, grid receiving point and distribution receiving point have the meanings given to them in the Electricity Act 2005.

Specified Maximum Capacity of eligible installations is the maximum Declared Net Capacity for Eligible Renewable Plant set in the Annual Authority Announcement.

Standard Renewable Power Purchase Agreement is a standard agreement for the sale of renewable electricity entered into between the generation facility and the Responsible Distribution Utility, which shall be of a form approved by the Authority.

The Act means the Renewable Energy Act 2013

Unless otherwise defined, all other terms shall have the meaning given to them in the Electricity Act 2005.

The objective of these Rules is to establish the Feed-In Tariff system and to regulate the method of establishing and approving the Feed-In Tariffs.

PART II. ELIGIBILITY

The Authority shall certify such plant that are Eligible Renewable Plant, and therefore eligible to receive the Feed-In-Tariffs.

Only generation facilities meeting all of the below criteria shall be an "Eligible Renewable Plant":

- a) The generation facility is based on an Eligible Renewable Technology;
- b) The generation facility is On-Grid;
- c) The generation facility is in The Gambia;
- d) The capacity of the facilities on each renewable generation site shall be no greater than the Specified Maximum Capacity or not lesser than the Specified Minimum Capacity stated in the Annual Authority Announcement, where the site of the Eligible Renewable Plant will be determined as part of the Authority's assessment of an application for Feed-In Tariff accreditation;
- e) The generation facility is licensed to enter into commercial operation after the date of effectiveness of the Feed-In Tariffs, or such part of a facility built prior to the Feed-In Tariff taking effect that has been substantially modified (including such part of the plant that is re-powered, modernized or an expansion) after the date of effectiveness of the Feed-In Tariffs;

The facility is operated in compliance with

- (i) the Feed-In Tariff Rules,
- (ii) the Standard Power Purchase Agreement terms and conditions attached to it
- (iii) the terms of its Generation Licence
- (iv) Grid Code and Network Connection Agreement, and
- (v) all pertinent laws of the Gambia;

- f) The facility does not increase the installed capacity on site above the Specified Maximum Capacity;
- g) The Individual Persons or Directors of the corporation who own the facility are responsible owners and do not have a poor record of performance, have no record of non-compliance with contracts or any work deficiencies, do not have overdue debts towards authorities of Gambia or their country of incorporation, and do not have a criminal record, and have never been suspended or blacklisted by the Authority or Responsible Network Utility, whether as an individual contractor or corporation; and
- h) The facility complies with any special requirements which shall be imposed on Eligible Renewable Plants that the Authority may issue, and if necessary, amend.

PART III. FEED-IN TARIFF AND NET METERING

The Feed-In Tariff shall be set by the Authority.

The Feed-In Tariffs to be calculated by the Authority shall be in accordance with the methodology set out by the Authority and approved by the Minister. The Authority may set out and the Minister may approve different methodologies for the calculation of the Feed-In Tariff in the following reviews.

The cost of such Feed-In Tariffs shall be paid by the responsible Network Utility through tariff payments as approved by the Authority. The costs or benefits of Feed-In Tariffs shall be included in tariff reviews for the Authority.

The Eligible Renewable Plant shall enter into a Standard Renewable Power Purchase Agreement or Net Metering Agreement with the Responsible Network Utility.

Only Eligible Renewable Plants between twenty and one hundred kilowatts and that are sized primarily to offset part or all of Customer-generator's own electrical requirements will be suitable for a Net Metering Agreement. Within these parameters, the Responsible Network Utility may decide at its sole discretion whether such facility should be offered a Net Metering Agreement.

The Eligible Renewable Plants with a Net Metering Agreement shall receive credit through their meter based on the metered generation in kilowatt hours. The Responsible Network Utility shall not pay any cash value for this credit and the credit may only be redeemed against future electricity consumption. Periodic reconciliations shall be conducted between the Responsible Network Utility and Customer Generators as specified in the Net Metering Agreement.

The Eligible Renewable Plants with a Standard Renewable Power Purchase Agreement shall invoice the Responsible Network Utility according to the timescales set out in the Standard Renewable Power Purchase Agreement based on the metered generation in kilowatt hours and the applicable Feed-In Tariffs. The Responsible Network Utility shall pay in accordance with the terms set out in the Standard Power Purchase Agreement.

Feed-In Tariff values will be set in Gambian Dalasi per kilowatt hour of delivered electricity.

Each year the Authority shall make an annual announcement (the "Annual Authority Announcement") of the matters required by these Rules. Such announcement shall be made no later than three (3) calendar months prior to the start of the first fiscal year to which it applies.

- a) The Authority shall annually approve and publish the adjusted Feed-In Tariffs as part of the Authority Announcement;
- b) The Authority shall review the Feed-In Tariffs for existing projects based only on an index to Inflation for the percentage of the Feed-in Tariff that is the Deemed Local Inflation Link and an index to the US Dollar Exchange Rate for the percentage of the Feed-in Tariff that is the Deemed Foreign Link, and not for any other reason; and
- c) The announcement of the Feed-In Tariff will be made annually following the announcement on a rolling basis, and once announced such Feed-In Tariff levels shall only be subject to review based on indexation as outlined in (b) above.

The Feed-In Tariffs to be established shall cover fifteen (15) years from the date of commissioning of a generation facility. After this period, should these renewable plants continue to operate, future tariffs may be freely negotiated with the responsible network utility or any other party, in compliance with such rules as the Authority may set from time to time.

The Authority may review the Feed-In Tariffs in the following cases:

- a) When the overall cap from the Annual Authority Announcement is achieved;
- b) When there are significant changes to the costs or when more accurate cost data becomes available, as this will allow the Authority to calculate the Feed-In Tariffs based on the methodology in force or better approaches; and
- c) Other analogous circumstances that justify reviewing and re-adjusting the Feed -In-Tariffs.

PART IV. PRIORITY CONNECTION AND PURCHASE

All Eligible Renewable Plants shall enjoy connection to the transmission or distribution system, subject to the compliance with the relevant standards, Grid Code and the required Generation License.

Eligible Renewable Plants must apply to the Responsible Network Utility for a connection.

The Responsible Network Utility will evaluate the implications of the connection and communicate the results to the Eligible Renewable Plant within two calendar months from the date of application.

The Responsible Network Utility may only refuse connection to the grid to an Eligible Renewable Plant only on basis of technical considerations that would affect the Responsible Network Utility's ability to meet its obligation to supply consumers. In the event of a refusal to connect, the Responsible Network Utility must give a full explanation of the reasons for the decision and the Eligible Renewable Plant has the right to appeal to the Authority to review this decision.

Whenever generation from their plants is available, Eligible Renewable Plants shall enjoy priority to inject

into the network the power output which shall be paid at the corresponding Feed-In Tariffs based on their metered generation in kilowatt hours.

PART V. REPORTING

The Responsible Network Utility and the Eligible Renewable Plants shall report to the Authority, and the Authority shall consolidate, the information on physical sales of all Eligible Renewable Plants and the renewable generation for the whole country and shall make this information available to relevant stakeholders.

The Authority shall conduct quarterly meetings on implementation to report on progress, assess overall system caps and perform other relevant functions to support these rules in conjunction with The Responsible Network Utility and The Ministry.

PART VI. ADMINISTRATION OF FEED-IN-TARIFFS

The developer must submit an application to the Authority requesting licensing as an Eligible Renewable Plant. The initial proposal shall include at least the following information.

- a) Name and address of the persons or corporation developing the facility;
- b) Project background including an identification of the renewable resource, production capacity in kilowatts, the technical means by which the facility will produce electricity, the identified Responsible Network Utility, the expected monthly production in kilowatt hours, the availability and ownership of the land for the project, and the financial structure planned for the project; and
- c) Such other information as the Authority may reasonably require.

The Authority shall process such applications on a first come, first served basis.

PURA will have to make a decision on whether the plant is an Eligible Renewable Plant and to communicate the decision to the Developer within two calendar months from the date of application.

Prior to certifying that the plant is an Eligible Renewable Plant:

- a. The details of application shall be studied by the Authority for compliance with these Rules and other relevant regulation;
- b. Prior to submission, the details of application shall be studied by Responsible Network Utility to identify conflicts, if any, with other ongoing activities or projects, as well as a tentative grid connection point at low or medium voltage level; and
- c. In this process, both the Authority and the Responsible Network Utility will state if the project is prima facie technically viable.

The Authority shall perform the following for all renewable generation:

Collecting and publishing information for all renewable production in any distribution or mini-grid network across the Gambia;

Auditing the metered production;

Incorporating Feed-In Tariffs in the tariff reviews for Responsible Network Utility(s) to ensure that the correct costs are recovered from consumers;

The Authority shall create a Registry to track the deployment of renewable facilities and be aware of when is achieved the policy target in order to carry out policy reviews; and

In case of dispute between or among electricity sector participants, the Authority shall adjudicate in the first instance in accordance with Dispute resolution Guidelines set by The Authority

The Responsible Network Utility shall perform the following for all renewable generation:

Based on applicable Feed-In Tariffs and Feed-In Tariff duration, entering into a Standard Power Purchase Agreements with Eligible Renewable Plants;

Receive and check invoices from Eligible Renewable Plants connected to their system based on the applicable Feed-In Tariff and the actual production;

Making payments based on checked invoices; and

Reporting to the Authority on Eligible Renewable Plant facilities, production and payments.

For clarity, approval as an Eligible Renewable Plant does not affect the normal requirements under law for a generation plant or construction project, including but not limited to requirements for environmental approval, permission to use water resources, construction permits, permission for the installation of the required equipment, health and safety requirements, Generation License requirements, title to the land or permission to use the land.

Once the Eligible Renewable Plant has been approved by the Authority and received the relevant consents, it has one year to begin construction, and the application for such consents is not to be unreasonably delayed.

PART VII. FINAL PROVISIONS

If any provision or part of a provision of these Rules is declared invalid or unconstitutional by a court of competent jurisdiction, those provisions not affected thereby shall continue to be in full force and effect.

All prior rules and guidelines, or portions thereof, issued by the Authority not consistent with these Rules are hereby repealed or modified accordingly.

PART VIII: EFFECTIVENESS

These rules shall become effective from the date of signature.

ISSUED BY

THE HONOURABLE MINISTER OF PETROLEUM AND ENERGY

DATED THIS 13th DAY OF August2024

H. E. S. M.



ANNUAL AUTHORITY ANNOUNCEMENT

The information below constitutes the 'Annual Authority Announcement' as defined in the Feed-In Tariff Rules 2024.

This announcement is for the fiscal year starting from 1 January 2025.

Eligible Renewable Technology means:

- ☐ Solar PV Systems;

Where:

- ☐ Solar PV Systems refers to energy systems that produce electricity from solar irradiation employing photovoltaic panels.

Specified Maximum Capacity on a single site commissioned from 1 January 2025 shall be 1.5 megawatts.

Specified Minimum Capacity on a single site commissioned from 1 January 2025 shall be greater than or equal to 500 kilowatts.

	Deemed Foreign Link	Feed-In Tariff level to be paid in fiscal year 1 January 2025 to 31st December 2025
Any Eligible Renewable Plant commissioned in fiscal year 1 January 2025 to 31 December 2025	50%	6.33 Gambian Dalasi

Once announced, Feed-In Tariff levels for plant commissioned in specific fiscal year will only be varied based on applicable indexation.

The overall cap for renewable technologies eligible for Feed-In tariffs is set at 6 megawatts.

