



**ELECTRICITY TARIFF REGULATIONS**  
for  
**SERVICE PROVIDERS**  
in the  
**ELECTRICITY SUPPLY INDUSTRY**

**May 2021**

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**REPUBLIC OF LIBERIA**  
**STATUTORY RULES AND ORDERS**

Published on 4<sup>th</sup> May 2021

Liberia Electricity Regulatory Commission

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IN EXERCISE of the powers conferred by section 8.1(4) of the 2015 Electricity Law of Liberia, the Liberia Electricity Regulatory Commission (LERC) makes the following Regulations this 4<sup>th</sup> day of May 2021

**ELECTRICITY TARIFF REGULATIONS**

LERC-REG.-004  
2021

**PART I - PRELIMINARY PROVISIONS**

**1. CITATION**

- (1) These Regulations may be cited as the Electricity Tariff Regulations, 2021.
- (2) The Regulations shall come into force on the 4<sup>th</sup> day of May 2021.

**2. AUTHORITY**

- (1) In accordance with Section 8.1.2 of the 2015 ELL, no person shall demand a tariff or a component of a tariff for electricity services unless the tariff or the component of the tariff has been approved by the Commission in accordance with the provisions of the Electricity Law of Liberia, these Regulations, the Tariff Methodology and the terms and conditions of the relevant License or Permit.
- (2) The Licensee or Permit Holder shall not directly or indirectly demand or receive for an electricity service, a tariff that is higher than the tariff approved by the Commission.
- (3) In accordance with Section 8.1.3 of the 2015 ELL, a Licensee or Permit Holder may, with the written permission of the Commission, demand and receive from a customer a special tariff agreed by the Licensee or Permit Holder and the customer or group of customers.

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- (4) For the purposes of these Regulations, a tariff negotiated by a Permit Holder and its customers, filed with the Commission and published in the Gazette shall be deemed to have been approved by the Commission.

### **3. PURPOSE, APPLICABILITY AND SEVERABILITY**

- (1) These Regulations provide the framework for approving tariffs by elaborating the principles, methodology and process for approving the tariffs and other terms of supply of electricity within the electricity industry of Liberia.
- (2) The Regulations apply to any person that has been granted a License or a Permit by the Commission to provide services relating to:
- (a) the generation, transmission, distribution, electricity trade, import, transmission system operation of electricity within the Liberia Interconnected Transmission System;
  - (b) the generation or distribution of electricity as a Micro Utility; or
  - (c) the generation of electricity by a Self-supplier that supplies excess production into a distribution network within the thresholds determined under the Regulations.
- (3) If any provision in these Regulations is, for any reason, held invalid or unenforceable, the other provisions not affected thereby shall remain in full force and effect.
- (4) These Regulations do not apply to:
- (a) the operator of a facility that does not offer electricity for sale to a customer or charge a fee for the services provided; or
  - (b) export of electricity;
  - (c) cross-border transmission of electricity through the West African Power Pool (WAPP) network where charges are determined solely by negotiation with a foreign operator or by ECOWAS Regional Electricity Regulatory Authority (ERERA).

#### 4. DEFINITIONS

Unless context requires otherwise, a reference in this Regulation to any Act or any other rule in this regulation, includes all amendments thereof.

Unless context requires otherwise, all terms defined in the Act or issued licenses shall have the same meaning when used in this regulation.

When used in this regulation, unless context requires otherwise, the following definitions of terms shall apply:

"Charge"	The amount of money required for electricity Service;
"Cross-border flow"	A physical flow of electricity through the transmission or distribution network of a country resulting from activities performed by generator and/or customer located outside of that country;
"Customer category"	A group of customers receiving electricity or using electricity services in the same or similar way;
"Day"	Working days
"Distribution"	The conveyance/delivery of electricity to customers/end-users at a voltage specified by the Regulator;
"Depreciation"	An accounting tool for allocating cost over the service life of a physical asset;
"Fee"	Amount of money per each unit of measurement for a particular service rendered;
"Generation"	The process of generating electric power from any primary source of energy;
"Levy"	A surcharge on the energy bills approved by the Legislature which is payable by electricity suppliers and consumers to fund the budget of the Regulator;
"Price"	Amount of money charged or paid for electricity or its services;



"Regulatory asset base"	The regulatory asset value on which the allowed rate of return or Weighted Average Cost of Capital (WACC) is earned;
"Regulatory period"	A period set by the Commission in which tariffs are determined and approved;
"Service provider"	A Licensee or Permit Holder;
"Self-supplier"	Supplying electricity for one's own need directly from self-generation;
"Shallow charging principle"	A principle of charging where any person being connected to a network reimburses the relevant network company for direct costs related to a particular physical connection and where the network company is eligible for reimbursement for costs of further system expansion through use of system charge;
"Spot market"	Real time market where trade of electricity takes place;
"Tariff"	Electricity pricing, including related charges such as, but not limited to connection charges;
"Tariff adjustment"	A change in the level or structure of charges that a service provider offers to customers;
"Tariff review"	A regulatory evaluation of tariffs to inform a decision by the Board of Commissioners of LERC;
"Tariff structure"	A set of different charges contained in a tariff that is offered to customers by a service provider.

## PART II – TARIFF PRINCIPLES

### 5. REGULATORY PHILOSOPHY

- (1) The philosophy of the Commission relating to electricity tariffs is to ensure that –
  - (a) an efficient service provider is able to recover the full cost of its authorized activities, including a reasonable margin or return;
  - (b) incentives are provided for continued improvements of the technical and economic efficiency with which services are to be provided;
  - (c) end users or customers are given proper information regarding the costs that their use of the services imposes on the service providers' business;
  - (d) undue discrimination by service providers is avoided and to promote preservation of consumption and efficiency; and
  - (e) subsidies may be permitted on tariffs to certain classes of customers.
  
- (2) In approving electricity tariffs, the Commission will also base its determinations on principles that include the following:
  - (a) assessment of the Licensee's investment plan against the demand and supply balance and to establish the Licensee's Asset Base for adequately covering:
    - (i) justified costs of operations;
    - (ii) maintenance, replacement, construction, reconstruction or rehabilitation of facilities, plants, and networks;
    - (iii) environmental protection; and
    - (iv) a reasonable return on investment approved by the Commission that incorporates key risks such as sectoral and country risks.
  - (b) ensuring impartiality and objectivity;
  - (c) stimulating efficiency of electricity activities in the electricity supply industry;
  - (d) promoting principles for transparent regulation and non-discriminatory third-party access to transmission and distribution networks;
  - (e) establishing mechanisms for electricity operational efficiency and promoting an increased use of renewable electricity resources;
  - (d) developing stable conditions for an increased investment and sustainable growth of electricity industry;
  - (e) creating stable and equal conditions for all investors;
  - (f) adopting shallow charging principle for connections to transmission and distribution networks; and



- (g) encouraging investment in rural and remote areas that are unserved or underserved.

## **6. TARIFF PERIOD**

- (1) Subject to these Regulations, the Commission shall approve tariffs for a period of three years in the absence of demonstrated error or need.
- (2) The Commission may review the tariffs if there is a change between the forecast and actual costs that exceed a threshold defined under the Trigger for Reopeners in Section 10 of the Tariff Methodology.
- (3) The Commission shall account for differences between forecast and actual costs annually or half yearly through an automatic adjustment formula to cover inflation and fuel prices, impact of foreign exchange fluctuation, levies and charges by the Commission and any other factors which are outside the control of the licensee.

## **7. TARIFF METHODOLOGY**

- (1) A Licensee or relevant Permit Holder shall submit proposals for new tariffs, adjustment of existing tariffs in accordance with the provisions of the Law, these Regulations and the Tariff Methodology.
- (2) The Commission shall determine the revenue requirements of the service provider and approve the tariffs in accordance with the provisions of the Law, these Regulations and the Tariff Methodology.
- (3) The Tariff Methodology shall provide for appropriate incentive for efficient performance and compliance with applicable standards.
- (4) Subject to the provisions of the Law and these Regulations, the approved Tariff Methodology shall have a duration of 5 years and shall be subject to adjustment(s) thereafter.

## **8. TARIFF STRUCTURE**

- (1) The Commission shall approve a separate tariff for each licensed activity and shall determine the tariff structure during each tariff review or from time to time as may be necessary.

- (2) The approved tariffs shall comprise all Government of Liberia taxes and levies including the Regulatory Levy as approved by the Legislature for covering the regulatory activities of the Commission.

## **9. CONSIDERATION OF ADJUSTMENTS**

- (1) Despite regulation 6, the Commission shall make a minor adjustment to the existing tariffs within such periodicity as the Commission may determine.
- (2) The criteria detailing the factors to be taken into account and the frequency of the adjustments are as prescribed in Section 10 of the Tariff Methodology.

## **10. EXTERNAL CONTRIBUTIONS**

- (1) Subject to sub-regulation 3, the Commission shall take due cognizance of external contributions in the tariff approval process as follows:
  - (a) a capital investment support to a service provider which is not considered for repayment shall not be added to the value of the Regulatory Asset Base;
  - (b) any recurrent subsidies or grants which are received during any tariff year within the Regulatory Period shall be adjusted during the regular adjustments process in order to pass the benefits through to customers;
  - (c) other funds which do not constitute external support or subsidies shall be treated as normal debt or equity.
- (2) The Commission may allow the service provider to operate separate bank accounts into which a portion of the tariff may be paid for use for specific purposes, as the Commission shall approve.
- (3) If the Government of Liberia, a development agency or other entity provides support in the nature of a subsidy to the tariff level of a category of customers of a service provider, the provider of the subsidy shall detail the nature of the subsidy in writing and submit it to the Commission, prior to its implementation.
- (4) The details of how contributions and subsidies to the service provider shall be treated in both new developments and existing facilities is provided in Section 7 of the Tariff Methodology.

## **11. APPROVAL OF POWER SYSTEM AGREEMENTS**

- (1) Each Licensee or Permit Holder shall submit all its system agreements including the connection agreement, transmission service agreement, ancillary service agreement, operation and maintenance agreement to the Commission for approval.



- (2) In addition to the requirements of sub-regulation (1), a Distribution Licensee shall also submit the following documents to the Commission for approval:
  - (a) the procedure for competitive procurement of bulk power for distribution to its customers;
  - (b) the relevant power supply and purchase contracts;
  - (c) the transmission service agreement for delivering power from the generation station to the Distribution Licensee's facilities.
- (3) The Commission may, after a review of the relevant agreements reject any unreasonable prices or other terms of the agreements.

## **12. SALE OF EXCESS ELECTRICITY BY SELF-SUPPLIER**

- (1) A self-supplier who intends to sell its excess power shall enter into an agreement with a Distribution Licensee or other customers to sell the excess power generated.
- (2) The Commission shall approve special tariffs for the Self-supplier which shall be benchmarked to the avoided cost of procuring power from an embedded generator or wholesaler in accordance with Section 11 of the Tariff Methodology.

## **13. PROSPECTIVE APPLICATION OF TARIFFS**

- (1) When approved, the tariffs shall be implemented from an effective date which is prospective.
- (2) Despite sub-regulation 1, tariffs may be applied retrospectively as a corrective measure through a minor adjustment or automatic adjustment in accordance with the relevant specified in Section 10 of the Tariff Methodology.

## **14. DUTY TO PROVIDE A BILL AND STATEMENT**

- (1) Except in the case of the user of a prepayment meter, a Licensee or Permit Holder shall provide a bill relating to its service to a customer based on a measurement of the service obtained within a 30-day cycle or any other period that the service provider and its customer shall agree.
- (2) The service provider may use an alternative measurement or estimation method subject to agreement with the customer and approval of the Commission.
- (3) The service provider shall:
  - (a) on demand provide a customer with a statement of the customer's consumption for a period of up to 24 months;

- (b) keep a record of the electricity consumption and charges of each customer for a minimum of 5 years.

## **15. EMERGENCY CHANGES IN TARIFFS**

- (1) A service provider that is in a financial emergency of such proportions as to prevent it from meeting its legal or service obligations may apply to the Commission for an emergency tariff review.
- (2) The Commission shall review the basis for the request for emergency tariff review and decide whether or not to proceed with the tariff review.
- (3) If the Commission decides to proceed with the emergency tariff review, it shall exempt that service provider from the provisions of the Regulations relating to the normal tariff review.

## **16. ALTERNATIVE FORMS OF REGULATION**

- (1) In accordance with the provisions of section 8.11 of the 2015 ELL, the Commission may introduce other forms of regulation such as flexible tariffs, incentive-based tariffs, the use of competitive markets and this may include:
  - (a) dynamic and innovative forms of tariff regulation with time of use, seasonal and interruptible tariffs;
  - (b) use of competitive and spot market trade.
- (2) The Commission shall develop guidelines for the implementation of the alternative forms of regulation.

## **PART III - TARIFF PROCESS: SPECIFIC PROVISIONS RELATING TO NETWORK LICENSEES**

### **17. APPLICATION**

Unless otherwise provided in the Regulations, this part is applicable only to licensees operating within the electricity interconnected transmission network of Liberia.

### **18. NEW TARIFFS AND CHANGE IN EXISTING TARIFFS**

- (1) A service provider that starts a new service for which tariffs are chargeable or desires to revise existing tariffs shall submit an application for the approval of the tariff, including the regulatory allowed revenue in the manner stated in the Tariff Methodology.



- (2) Within 5 days of receiving an application, the Commission shall –
  - (a) record it in a register;
  - (b) assign it with a docket number;
  - (c) and acknowledge receipt.
- (3) All official documents required by the Commission shall be delivered in original form or as certified copies.
- (4) To expedite the process, the Commission may accept facsimile or electronic transmission of all documents excluding the request for tariff approval. The original copies of documents shall be delivered to the Commission within 10 days.

## **19. INITIATION OF TARIFF REVIEW BY COMMISSION**

- (1) The Commission may, on its own motion initiate a tariff review in respect of the level or structure of tariffs relating to a particular Licensee or Permit Holder.
- (2) If the Commission launches its own tariff review exercise, it shall inform the relevant service provider of the reasons for doing so and shall follow the procedure.

## **20. CONTENTS OF APPLICATION FOR TARIFFS**

- (1) The application shall state:
  - (a) if it relates to tariffs for a new service:
    - (i) the schedule of the proposed tariffs;
    - (ii) the effective date of the tariffs;
    - (iii) the particulars specified in the Tariff Methodology;
    - (iv) other details as determined by the Commission;
  - (b) if it relates to revising existing tariffs:
    - (i) the schedule of existing tariffs;
    - (ii) the schedule of the proposed tariffs;
    - (iii) the effective date of the proposed tariffs;
    - (iv) the reasons for the change in the tariffs;
    - (v) the particulars specified in the Tariff Methodology;
    - (vi) other details as the Commission shall determine.

## **21. DOCUMENTATION TO BE SUBMITTED BY EACH APPLICANT**

- (1) Each applicant shall fill in and submit to the Commission an application form together with supporting documentation specific to the licensed activity(ies) of the applicant.
- (2) In the case of an applicant possessing more than one license, the applicant shall provide separate sets of information applicable to each of the licensed activities.
- (3) The application shall include, in addition to financial data, data on generation, transmission, distribution, imports, exports and trading of electricity as may be applicable, as well as other services rendered to customers.
- (4) Data used for calculating prices, fees and tariff schedules shall be based on quantities delivered in the year immediately preceding the year of submitting an application for an approval of the tariff.
- (5) If there is a compelling reason to do so, the Commission may use historical data from other applicable periods or forecasts covering the period in respect of which the tariff is requested, instead of data covering the previous year of operations.
- (6) Other details of data and documentation requirement for each licensed activity is provided in the Tariff Methodology.

## **22. CONSIDERATION OF THE TARIFF APPLICATION FOR A LICENSEE**

- (1) Within 5 days from the date of receipt, the Commission shall inform the Licensee of the completeness of the application or serve a notice of incomplete application or request for additional information from the service provider.
- (2) A notice of incomplete application or a request for additional information shall specify the reasons for the incompleteness of application or the specific information required and the timeframe for submission.
- (3) The Commission shall, on request for additional time by service provider for submission of the documentation extend the time by not more than 10 days after the previous date for submission.
- (4) Within 5 days after receiving a complete application, the Commission shall –
  - (a) publish the abridged application for tariffs on its website;
  - (b) issue a notice of pendency of matter on its website and in at least three newspapers of mass circulation in Liberia.
- (5) The notice of pendency of matter shall:
  - (a) contain, place, time and form of hearing;
  - (b) invite affected persons to submit written comments including objections on the application to the Commission within 15 days of the publication;



- (c) announce the date and place of a public hearing in accordance with the provisions of the Law and the Administrative Procedure Regulations, which shall be within a period of not more than 20 days after the publication.
- (6) The Commission shall provide the service provider with copies of objections to an application in respect of which a response is deemed necessary and the service provider shall respond within 5 days of receipt of the objection.
- (7) After the public hearing, the Commission shall render its decision on the application, taking into account the written and oral submissions by the affected parties as well as any responses provided by the service provider to objections.
- (8) The Commission shall complete the tariff application process for a service provider not more than 30 days after the confirmation of a complete proposal.

### **23. DECISION ON THE TARIFF APPLICATION**

- (1) In accordance with the Administrative Procedure Regulations, the Commission shall make the decision relating to grant or refuse the tariffs at a public meeting.
- (2) A licensee may apply to the Commission for a review of the Tariff Decision within 7 days after the notice of the decision.
- (3) The Commission shall consider an application for review of its Tariff Decision and render a final decision within 21 days of an application.

## **PART IV – TARIFF PROCESS: SPECIFIC PROVISIONS RELATING TO A MICRO UTILITY LICENSEE**

### **24. APPLICATION OF PART III AND PART IV**

- (1) This Part as well as regulations 18, 22 and 23 apply, with relevant amendments, to Micro Utility Licensees including a Composite Micro Utility Licensee, a Generation Micro Utility Licensee and a Distribution Micro Utility Licensee respectively.
- (2) The Micro Utility Licensee shall submit the other details of the application and the data and documentation requirement for an application for Tariffs as specified in Section 12 of the Tariff Methodology.

### **25. CONSIDERATION OF APPLICATION BY MICRO UTILITY LICENSEE**

- (1) Within 5 days of receipt of an application, the Commission shall acknowledge receipt and confirm the completeness of the application or request additional information, or

reject the application for incompleteness, specifying the time within which the applicant must comply.

- (2) Within 5 days of confirmation of the completeness of the application, the Commission shall publish on its website, and in at least one national newspaper as well as a newspaper that is published in the county or counties constituting the operational area of the Licensee a Notice of Pendency of Matter summarizing the proposal of and invite written comments on the submission from affected persons within 15 days of the publication.
- (3) The Commission shall consider the comments, if any, and render a decision on the licensee's application within 30 days after the confirmation of a complete proposal,

## **26. ALLOWED COSTS OF MICRO UTILITIES**

- (1) During the Review Period, the Commission shall fix the allowable cost to be recovered throughout the Regulatory Period using the following factors:
  - (a) the Licensee's investment plan and demand and supply balance to establish the Regulatory Asset Base;
  - (b) allowed depreciation to ensure recovery of assets by generating revenue to replace them during the life of the facilities;
  - (c) reasonable return representing revenues needed by developers for satisfying financing requirements;
  - (d) operating and maintenance costs;
  - (e) other costs of power generation and working capital.

## **27. COMPENSATION ON ARRIVAL OF THE GRID OR DISTRIBUTION LICENSEE'S NETWORK**

- (1) If the main grid or distribution licensee network is extended to the operational area of the Micro Utility Licensee during the unexpired term of License, the Micro Utility Licensee shall, before asset handover, receive compensation from the owner of the main grid equal to:
  - (a) the residual value of assets; or
  - (b) the depreciated value of the assets including the construction and development costs.
- (2) The Commission shall analyse the values specified in sub-regulation 1 against the audited revenue of the previous 12 months prior to the arrival of the main grid to arrive at the total value of assets of the Micro Utility Licensee.



## **PART V – TARIFF PROCESS: SPECIFIC PROVISIONS RELATING TO A MICRO UTILITY PERMIT HOLDER**

### **28. APPLICATION OF PART V AND INVESTMENT VALUE**

- (1) This part shall apply to a Micro Utility Permit Holder and includes a Medium and Small Micro Utility Permit Holder.
- (2) As part of the permitting process, an applicant for a Micro Utility Permit shall submit to the Commission, the estimated value and the estimated average project life of the facilities to be utilized in providing the service.

### **29. TARIFF PROCEDURE FOR A MICRO UTILITY PERMIT HOLDER**

- (1) Once every five years, the Micro Utility Permit Holder shall:
  - a) negotiate the level of tariffs with its customers;
  - b) prepare, fix and adjust the schedule of charges for its services based on the agreement with customers; and
  - c) submit it to LERC for its oversight role.
- (2) Despite sub-regulation 1, the permit holder may adjust its tariffs or charges in respect of costs that are outside its control once every twelve months
- (3) The schedule of tariff shall be submitted for the information of the Commission which shall on receipt of the schedule of charges:
  - (a) file and provide a docket number for the charges;
  - (b) publish the charges in the official Gazette.
- (4) Subject to sub-regulations 5 and 6, the Micro Utility Permit Holder shall proceed to collect the charges filed with the Commission.
- (5) If up to a total number of 200 customers or customers representing 5% of the energy consumed within a single operational area of a Micro Utility Permit Holder file a petition complaining about the level of tariff being collected, the Commission shall:
  - (a) conduct an independent assessment of the matter,
  - (b) require the Permit Holder to resubmit a schedule of charges based on the provisions of the Tariff Methodology;
  - (c) make a determination on what is a just and reasonable tariff for the service.
- (6) The Commission shall intervene in a matter relating to the charges of a Micro Utility Permit Holder only after granting it a hearing on the petition.

## **PART VI – TARIFF PROCESS: SPECIFIC PROVISIONS RELATING TO SELF-SUPPLIER SUPPLYING TO A DISTRIBUTION NETWORK**

### **30. APPLICATION OF PART VI**

- (1) A Self-supplier that wishes to supply electrical power and energy into a distribution licensee's network shall do so under a Power Purchase and Sales Agreement.
- (2) The Parties to the Power Purchase and Sales Agreement shall be guided by the provisions of 2015 Electricity Law of Liberia
- (3) Supply of energy from a facility that is less than 100 kWh shall be compensated for under the Net Metering Code of the Commission.

## **PART VII - FINAL PROVISIONS**

### **31. PUBLICATION OF TARIFFS**

- (1) The Commission shall publish the valid current tariff of each service provider in the Official Gazette of Liberia and on its website.
- (2) A service provider shall publish its tariffs and any changes relating to them on its website, make copies available at its offices for inspection, and provide it to a customer on demand.

### **32. RECONSIDERATION OF DECISION**

- (1) An eligible party may file a formal application for reconsideration of decision of the Commission within 30 days after publication.
- (2) The decision shall become final within 30 days after:
  - (a) the reconsideration; or
  - (b) after the date of application for reconsideration if the Commission fails to re-open the matter.

### **33. APPEALS**

Decisions of the Commission are subject to appeal to the Civil Law Courts and any other subsequent court of competent jurisdiction in the Republic of Liberia.

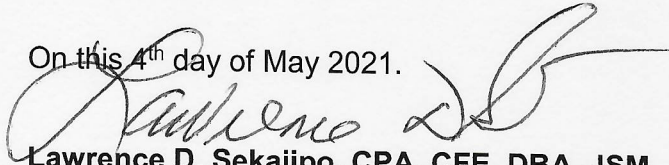
### **34. AMENDMENT OR REPEAL OF REGULATION**

- (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 4<sup>th</sup> day of May 2021.



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

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