

Electricity (Network Performance) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2022, No.

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Special supply agreement
4. Performance targets
5. Additional performance targets
6. Reliability indicators
7. Compliance manual
8. Record keeping
9. Quarterly reports
10. Force majeure
11. Making available information to the commercial or industrial customer
12. Advance notice
13. Compliance and enforcement
14. Public disclosure of information

SCHEDULE 1

SCHEDULE 2

SAINT LUCIA

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In exercise of the power conferred under section [] of the Electricity Act, No. of 20 [] the Minister responsible for public utilities makes these Regulations:

Citation

1. These Regulations may be cited as the Electricity (Network Performance) Regulations, 2022.

Interpretation

2. In these Regulations —

“Act” means the Electricity Act, No. of 20[];

“commercial or industrial customer” means a customer other than a domestic customer;

“domestic customer” means a customer who subscribes to an electricity service for the supply of electricity to a dwelling place;

“performance target” means a performance target under regulation 5;

“reliability indicator” means a reliability indicator under regulation 7;

“special supply agreement” means an agreement for the supply of electricity which provides terms and conditions for network performance targets which are inconsistent with these Regulations.

Special supply agreement

3. A network licensee may require a special supply agreement from a commercial or industrial customer and the agreement must not provide for a waiver or alteration of the application of these Regulations unless with the prior written approval of the Commission which shall not be unreasonably withheld.

Electricity (Network Performance) Regulations

Performance targets

4.—(1) A network licensee shall comply with the performance targets in respect of an electricity service specified in Part 1 of Schedule 1 subject to the exemptions specified in Part 2 of Schedule 1.

(2) The Commission may, after consultation with a network licensee, having regard to the market needs or regulatory objectives of the Commission, make recommendations to the Minister to amend the performance targets set out in Part 1 of Schedule 1.

(3) The Minister may, on receipt of a recommendation under subregulation (2) amend Schedule 1.

Additional performance targets

5.—(1) Without prejudice to regulation 5, a network licensee may adopt additional performance targets to determine its quality of service.

(2) Where a network licensee adopts additional performance targets under subregulation (1) and introduces new procedures, parameters or criteria, the network licensee shall send a notice to the Commission, the Saint Lucia Bureau of Standards, the Chief Electrical Inspector and the public at least thirty days prior to the intended introduction of the additional performance targets.

(3) A notice sent to the Commission under subregulation (2), must give details of all relevant matters including the methods and system used for the measurement of the additional performance targets.

Reliability indicators

6. A network licensee shall, in order to measure, record and report on its quality of service and compliance with the performance targets, use the reliability indicators specified in Schedule 2.

Compliance manual

7.—(1) A network licensee shall keep and maintain a compliance manual in the form approved by the Commission in respect of its compliance with the performance targets.

Electricity (Network Performance) Regulations

(2) A network licensee shall not delete any part of the compliance manual referred to under subregulation (1) without the prior consent of the Commission.

(3) Where a performance target has been amended under regulation 4(3), a network licensee shall within thirty days of the coming into effect of the amendments include the performance target in the compliance manual under subregulation (1).

Record keeping

8. A network licensee shall retain data on its compliance with the performance targets, including all measurements and related records pursuant to these Regulations, for a minimum period of six years after the end of the reporting period or until such time as the Commission directs.

Quarterly reports

9.—(1) A network licensee shall submit to the Commission on a quarterly basis a report on its achievement for each performance target for the last reporting quarter.

(2) A report under subregulation (1) must contain —

(a) information on —

- (i) the number of breaches under each performance target and level of compliance with each standard as a percentage,
- (ii) details of any force *majeure* circumstances that would have exempted the network licensee from having to achieve a performance target,
- (iii) details of any extenuating circumstances that prevented the network licensee from achieving the performance targets,
- (iv) the number of commercial or industrial customers eligible for compensation during the previous financial year,
- (v) the total amount of eligible compensation paid by the network licensee for breach of the performance targets,

Electricity (Network Performance) Regulations

(vi) the number of commercial or industrial customers actually receiving compensation;

(b) reports of the reliability indicators and the average value of each index over the entire year at the end of each year.

(3) A network licensee shall in the quarterly report under subregulation (1) provide an explanation and reasons to the Commission if the network licensee continually fails to meet the standards or comply with these Regulations.

(4) A licensee shall submit the report under subregulation (1) on the last working day of the month following the end of the quarter.

Force majeure

10.—(1) In any case of force *majeure*, affecting the network licensee's performance, a network licensee shall, within the reporting period in which the force *majeure* occurred make available to the Commission and the public, details of the achieved level of compliance with the performance targets during the reporting period.

(2) The Commission shall take into account factors relating to any changes in environmental or operating conditions that could not have been reasonably foreseen by a network licensee which may affect the licensee's ability to achieve the performance targets.

(3) Where a network licensee is unable to submit a report during the quarter as a result of force *majeure*, the network licensee may make an application to the Commission in writing for an extension of time.

(4) The Commission may extend the time to submit a report during the quarter in which the force *majeure* occurred until the subsequent quarter.

Making available information to the commercial or industrial customer

11.—(1) A network licensee shall, before it concludes a contract with a commercial or industrial customer, make available to that commercial or industrial customer clear and up-to-date information on its performance in respect of the electricity service.

Electricity (Network Performance) Regulations

(2) Notwithstanding subregulation (1), before the 31st day of January in each year, a network licensee shall publish on its website and in at least two newspapers in general and weekly circulation in Saint Lucia clear and up-to-date information —

- (a) on the average performance levels achieved by the network licensee during the previous year compared with each performance target; and
- (b) about the minimum performance targets it proposes to provide to commercial or industrial customers in the course of the ensuing year.

(3) Subject to subregulations (1) and (2), the Commission may determine the content, form and manner of information to be provided by the network licensee to its commercial or industrial customers.

Advance notice

12. A network licensee shall provide commercial or industrial customers with advance notice of planned interruption of an electricity service by publishing a notice by any media that the network licensee determines.

Compliance and enforcement

13.—(1) The Commission may conduct independent investigations that seek to determine the extent to which a network licensee is meeting the performance targets and complying with these Regulations.

(2) Sections 71 to 79 of the Act apply where a network licensee —

- (a) fails to comply with these Regulations after six months have elapsed from the commencement of these Regulations;
- (b) fails to submit during a time period specified in these Regulations or by the Commission, information requested by these Regulations or the Commission;
- (c) submits or publishes false or misleading information relating to its quality of service; or
- (d) obstructs or prevents an investigation by the Commission of the measurement of a network licensee's performance, reporting or record keeping procedures.

*Electricity (Network Performance) Regulations***Public disclosure of information**

14. The Commission shall publish the yearly statistics related to a licensee's performance in attaining the performance targets in such form and manner as the Commission determines.

*Electricity (Network Performance) Regulations***SCHEDULE 1****NETWORK PERFORMANCE STANDARDS**

(Regulation 4)

PART 1

This Schedule provides the performance standards that a network licensee is required to comply with.

SS1 – The time frame in which a licensee responds to customer complaints [to be reviewed against Customer Charter]

(1) A licensee shall address the complaints of customers within five working days of receiving the complaint subject to the following —

- (a) in the case of a complaint about a fault on a customer's electricity service which causes a problem with the quality of the power or an interruption in electricity supply, the electricity supply must be restored within twenty-four hours of fault being reported;
- (b) in the case of a fault on the licensee's distribution system which causes an interruption in an electricity service to multiple customers electricity supply, the electricity supply must be restored within twelve hours of a fault being reported;
- (c) in the case of a complaint that the voltage and power standards or power quality specified in regulation 6, the licensee is required to investigate the complaint and a plan of action for rectification of the problem within twenty-four hours if the voltage supplied to the customer's premises does not meet the voltage and power standards or power quality standards specified in regulation 8;
- (d) in the case of a customer complaint relating to billing, the network licensee is required to address the issue and respond to the customer within five days.

(2) A response under paragraph (1)(d) is deemed to have been provided when a licensee communicates to the customer, verbally, in writing or via email, the findings of the investigation, the provisions that are being made to rectify the problem and a time frame for rectification.

*Electricity (Network Performance) Regulations***SS2 — Provision of a simple service connection for a new installation — connection point within [30 metres]**

A network licensee shall connect a new installation which is within thirty metres of an existing circuit within two working days, after signing the contract for connection and the presentation of a valid certificate of approval from the Chief Electrical Inspector by the customer.

SS3 – Connection or transfer of a service to an existing installation

A network licensee shall connect a service or transfer an electricity account where there is a meter already installed on the premises, within two working days after the customer has signed the contract with the network licensee.

SS4 – Provision of a cost estimate for complex connection requiring a service visit

(1) A network licensee shall provide a cost estimate for a new or altered supply within three months of receipt of a customer request.

(2) A cost estimate under subparagraph (1) must include provision for installation of equipment and changes to the distribution system.

SS5 – Issue of first bill

A network licensee shall issue a first bill to a new customer within thirty days of the commencement of the electricity service.

SS6 – Billing Period - The period between two meter readings whether interim, estimated or actual)

The bills issued to customers by a network licensee in any billing period shall be for no more than thirty-three days of service.

SS7 – Reconnection of service on settling the bill after disconnection at the meter

(1) Where the arrears on a bill is settled by a customer after disconnection of electricity supply at the meter, a network licensee shall, subject to subparagraph (2), connect the customer's electricity supply within one working day after payment of arrears on the bill, including payment of the reconnection fee.

(2) Where payment of the arrears on a bill is settled after three months of a disconnection the customer's installation is deemed to be a new installation

Electricity (Network Performance) Regulations

and the network licensee shall not reconnect the customer's electricity supply unless the customer presents a valid certificate of approval from the Chief Electrical Inspector in accordance with the Electricity (Wiring) Regulations 20[].

SS8 – Reconnection after wrongful disconnection

A network licensee shall reconnect a customer who has been wrongfully disconnected within five hours of a complaint being made.

SS9– Frequency of meter reading

A network licensee shall read one hundred per cent of domestic [commercial] service meters at least once every two months.

A network licensee shall read one hundred per cent of instrument rated meters monthly.

SS10 – Outage notice

All potentially affected customers are to be notified by a network licensee of planned outages forty-eight hours before the outage is instituted in ninety-five per cent of instances.

PART 2

EXEMPTIONS [other reasonable possible exemptions to be supplied]

The requirement under these Regulations to comply with a performance target specified in Part 1 of this Schedule may be temporarily suspended —

- (a) where a licensee's ability to meet the performance target is impeded by —
 - (i) a fault on a customer's equipment for example, socket base, load ends, underground cable,
 - (ii) adverse weather conditions,
 - (iii) inability to gain access to premises or the licensee's facilities where needed,
 - (iv) the failure of the customer's installation to meet the licensee's requirements for installation or is considered unfit for service as published by the licensee,

Electricity (Network Performance) Regulations

- (v) the customer's or the customer's agent's failure to fulfil the customer's obligations,
 - (vi) legal constraints, or
 - (vii) the inappropriate use of equipment for example, welding, equipment, large motors on an electricity supply service not designed for such loads,
 - (viii) defects in the customer's installation in respect of grounding, wiring overload, imbalance, harmonics or transient voltages,
 - (ix) difficulties in obtaining the required permissions from property owners or planning permission to carry out the work,
 - (x) a defect in the customer's appliances or equipment, and
 - (xi) the customer's failure to provide information required for determining the estimated costs.
- (b) where —
- (i) the customer informs the licensee that customer does not want further action to be taken on a matter,
 - (ii) the customer requests the licensee to take action at a later date than required by the standard,
 - (iii) the licensee reasonably considers that the customer's request or complaint is frivolous or vexatious;
 - (iv) an offence has been committed through interference with the licensee's metering equipment,
 - (v) the customer's electricity account remains unpaid after the licensee has given the customer notice of its intention to disconnect the customer's supply for non-payment,
 - (vi) the licensee is requested by a public authority to provide emergency electricity supply to assist in emergency action and the provision of such services restricts the connection of a customer to a specified service or the rectification of a fault or service difficulty,
 - (vii) the customer is required to pay a charge to the licensee for connection to the service or for the use of the service and the licensee has reasonable grounds to believe, based on the customer's prior debt service record in respect of the licensee, that the customer would be unwilling or unable to pay the charge as it becomes due,

Electricity (Network Performance) Regulations

- (viii) there are difficulties in obtaining required permissions from property owners or the Physical Planning and Development Division to carry out work,
- (ix) it would not have been reasonable for the licensee to know that the customer supply has been lost or that it had not been restored since the loss occurred,
- (x) in the case of an outage, such outage is due to a fault on the underground cable and the prevailing conditions are such that it is not practical for the licensee to be able to locate excavate and repair fault within the stipulated time frame,
- (xi) urgent remedial work is planned but the time frame is such that written notice forty-eight hours prior is not practical. For outages that are expected to exceed three hours, a licensee should use an alternative method of advising customers, for example, through personal visits to the premises or radio broadcast where a large number of customers are involved,
- (xii) there are other unforeseeable circumstances beyond the control of the parties against which it would have been unreasonable for the affected party to take precautions and which the affected party cannot foresee by using its best effort.

(Regulation 6)

System Average Interruption Duration Index (SAIDI) — This index — measures the average time of service interruptions per customer in a given year, its units are hours per customer. It is defined as the sum of the duration of interruptions of service in hours in the year, divided by the total number of customers.

Customer Satisfaction Index — This index is an indicator which is calculated as the customer perception of service quality as a percentage of their expectation of quality of service.

System Average Interruption Frequency Index (SAIFI) — This index measures the average number of interruptions that a customer experiences in a year, its units are number per customer. SAIFI is calculated as the total number of service interruptions divided by the total number of customers. This measure is important because repeated interruptions may cause damage to equipment. Similar to SAIDI, this indicator is inversely related to the quality of service. The higher the indicator, the lower the quality of service.

Customer Average Interruption Duration Index (CAIDI) — This index is the average duration of service interruptions, its units are hours per interruption; calculated as SAIDI over SAIFI. A higher CAIDI means a lower quality of service.

Made this day of , 2022.

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Minister responsible for public utilities.