NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
CONSUMER ELIGIBILITY CRITERIA (ELECTRIC POWER SUPPLIERS) REGULATIONS, 2022

NOTIFICATION

Islamabad, the 28th day of March, 2022

S.R.O. 447(I)/2022. — In exercise of the powers conferred by section 47 read with sub-section (2) of section 23F of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (Act No. XL of 1997) and all other enabling provisions thereof, the National Electric Power Regulatory Authority is pleased to make the following regulations.—

1. Short title and commencement.— (1) These regulations may be called the National Electric Power Regulatory Authority Consumer Eligibility Criteria (Electric Power Suppliers) Regulations, 2022.

(2) These regulations shall come into force at once.

2. Definitions.— (1) In these regulations, unless there is anything repugnant in the subject or context,

(a) "Act" means the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (Act No. XL of 1997), as amended from time to time;

(b) "applicable documents" means the rules, regulations, terms and conditions of any licence, registration, authorization, determination, any codes, manuals, directions, guidelines, orders or notifications issued or approved under the Act;

(c) "applicant" means any person who applies to an electric power supplier for supply of electric power;

(d) "competitive supplier" means a person licensed under Section 23E of the Act to supply electric power to only those consumers who are located in the territory specified in its licence and meet the eligibility criteria specified in these regulations;

(e) "Consumer Supply Manual" means the manual of instructions developed by the electric power suppliers and approved by the Authority containing instructions and guidance to the consumers for requesting electric power supply services;

(f) "electricity connection" means a physical connection along with relevant meter and allied infrastructure installed at the premises of a consumer to enable the consumer to connect with the distribution system of the

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distribution licensee to purchase or receive electric power from an electric power supplier;

(g) "electric power supplier" shall include competitive supplier and supplier of last resort;

(h) "service territory" means the area specified in the licence within which the licensee is authorized to supply electric power to the consumers who meet the consumer eligibility criteria as specified in these regulations; and

(i) "supplier of last resort" means a person who holds an electric power supply licence for the service territory specified in its licence and is obligated to supply electric power to all consumers located in that service territory at the rates determined by the Authority and is also obligated to provide electric power supply to the consumers, located within its service territory, of any competitive supplier who defaults on its obligations of electric power supply.

(2) Words and expressions used but not defined in these regulations shall have the same meanings as assigned to them in the Act or the National Electric Power Regulatory Authority Licensing (Electric Power Supplier) Regulations, 2022 or other applicable documents.

3. Eligibility criteria for consumers of competitive supplier.— (1) Any person meeting the following eligibility criteria may apply to a competitive supplier for supply of electric power:

(a) the applicant has filed an application in the form and manner provided in the Consumer Supply Manual:

Provided that the competitive supplier shall make available on its website and in its offices the relevant application forms and information concerning all other requirements including guidelines for filing of the application by the consumers;

(b) the premises, where the supply of electric power is required, is located within the service territory of the competitive supplier;

(c) the applicant qualifies as a bulk power consumer as per the criteria provided under the Act or determined by the Authority;

(d) the applicant is not a defaulter of any electric power supplier;

(e) the applicant has not been convicted of an offence of electric power theft under the law:

Provided that if an undertaking to the satisfaction of the licensee is provided to compensate for any loss to the licensee which may accrue due to dishonest abstraction of electric power or non-payment of bills, the applicant shall be eligible to be supplied with electric power services;

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(f) where the applicant is a consumer of a supplier of last resort the requisite advance notice of one year for stoppage of purchase of electric power from the supplier of last resort has been given to the supplier of last resort by the applicant:

Provided that the requirement of notice under this clause shall not be applicable where the applicant was not a consumer of the supplier of last resort during last one year from the date of application:

Explanation.- For the purposes of this clause, a consumer of supplier of last resort shall be required to give advance notice of one year for stoppage of purchase of electric power from the supplier of last resort regardless of length of time for which the concerned person remained a consumer of the supplier of last resort during last one year;

(g) the applicant must have a valid electricity connection from the concerned distribution licensee:

Provided that if the distribution licensee has given written consent of providing electricity connection to the consumer but the electricity connection has not been installed at the time of submission of the application, the competitive supplier may process the application for supply of electric power in parallel;

(h) the applicant is competent to enter into a legally binding contract with the competitive supplier for supply of electric power; and

(i) the applicant is not declared as insolvent by any competent court of law.

(2) Supply of electric power to any person meeting the consumer eligibility criteria by a competitive supplier shall be subject to mutual agreement between such person and the competitive supplier.

4. Eligibility criteria for consumers of supplier of last resort.— (1) Within the service territory of a supplier of last resort, any person shall have the right to be supplied with electric power by the licensee provided that such person meets the following eligibility criteria:

(a) the applicant has filed an application in the form and manner provided in the Consumer Supply Manual:

Provided that the supplier of last resort shall make available on its website and in its offices the relevant application forms and information concerning all other requirements including guidelines for filing of the application;

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(b) the premises, where the supply of electric power is required, is located within the service territory of the respective supplier of last resort;

(c) where applicable, the applicant has made payment of security deposit;

(d) the applicant has not been convicted of an offence of electric power theft under the law:

Provided that if an undertaking to the satisfaction of the licensee is provided to compensate for any loss to the licensee which may accrue due to dishonest abstraction of electric power or non-payment of bills, the applicant, who has been convicted of an offence of electric power theft, shall be eligible to be supplied with electric power services;

(e) the occupier or owner of the premises in respect of which the application for supply of electric power is made, is not a defaulter of the supplier of last resort or any other electric power supplier;

(f) a consumer of a competitive supplier shall not be eligible to get supply of electric power from a supplier of last resort except in cases where the competitive supplier has either defaulted in its obligation to supply electric power and a notice of termination of the arrangement between the consumer and the competitive supplier has been served by the consumer, or the consumer has terminated the arrangement with the competitive supplier in accordance with the supply agreement between the competitive supplier and the consumer;

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(g) the applicant must have a valid electricity connection from the concerned distribution licensee;

(h) the applicant is competent to enter into a legally binding contract with the supplier of last resort for supply of electric power:

Provided that a minor or a person otherwise not competent to enter into a legally binding contract, may make an application through its guardian.

(2) Where an applicant does not meet any part of the eligibility criteria, the supplier of last resort shall explain the relevant deficiency in writing within ten working days and provide reasonable opportunity to the applicant to rectify the same before a final decision on the application.

5. Connection from a distribution licensee.— If an applicant does not have an electricity connection, the applicant shall be responsible for submitting an application and obtaining electricity connection from the distribution licensee as per the applicable documents.

6. Multiple electric power supplier arrangements.— (1) A person may have electric power supply arrangements from multiple competitive suppliers, subject to the condition that metering arrangement allows, for different time of use against a single electricity connection:

Provided that a consumer shall not be eligible to supply of electric power from supplier of last resort if it has a valid arrangement for supply of electric power from any competitive supplier.

(2) A person may have electric supply arrangements from multiple competitive suppliers at a single premises against separate respective electricity connections.

7. **Non-discriminatory treatment by supplier of last resort.**— The supply of electric power by the supplier of last resort to a consumer, including a consumer falling within purview of clause (f) of sub-regulation (1) of regulation 4, shall be on the same rates, terms and conditions as are being offered to other consumers of the same category by the supplier of last resort and there shall be no discrimination in this regard.

8. **Revision in the criteria.**— The Authority shall reserve the right to amend any provision of these regulations including the consumer eligibility criteria, from time to time and the electric power suppliers shall be obligated to comply with any such amendments.

9. **Savings.**— Nothing in these regulations shall adversely impact any rights or obligations accrued under the Consumer Eligibility Criteria, 2003 and subsequent amendments made therein, and these regulations shall be applicable only on such applicants who make an application for supply of electric power after notification of these regulations.

10. **Consumer complaints and dispute resolution.**— (1) An electric power supplier shall make available complaints-handling mechanisms that provide consumers or applicants with expeditious, fair, transparent, inexpensive, accessible, speedy and effective dispute resolution without unnecessary cost or burden.

(2) Any complaints or disputes in relation to these regulations that are not addressed by an electric power supplier to the satisfaction of the consumer or applicant, may be referred to the Authority for a decision.

28/3/22

(Syed Safeer Hussain)
Registrar

28/3/22.

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