



NIGERIAN ELECTRICITY REGULATORY COMMISSION

MINI-GRID REGULATIONS, 2023

REGULATION NO: NERC – R – 117 – 2023

NIGERIAN ELECTRICITY REGULATORY COMMISSION

In exercise of the powers conferred on the Nigerian Electricity Regulatory Commission ("NERC" or the "Commission") to make regulations under section 226 of the Electricity Act ("EA" or the "Act") and other enabling powers, the Commission hereby makes the following regulations for mini-grids -

Arrangement of Sections

CHAPTER I GENERAL

1. Short Title
2. Commencement
3. Interpretation
4. Application of the regulation

CHAPTER II FEATURES OF MINI-GRIDS

5. Structure/arrangement
6. Geographical delineation of distribution systems

CHAPTER III REGISTRATION; GRANT OF PERMIT AND MANDATORY CONDITIONS

7. Isolated mini-grids larger than 100kW of distributed power and up to 1MW of generation capacity
8. Isolated mini-grids up to 100kW of distributed power
9. Interconnected mini-grids
10. Application procedure for a permit
11. Obligations of the mini-grid Permit Holder
12. Accounts of the mini-grid Permit Holder
13. Inspection of accounts
14. Transfer of mini-grid permit and business

CHAPTER IV MINI-GRID OPERATION UNDER A PERMIT OR REGISTRATION

15. Installation and maintenance of the mini-grid
16. Quality of service
17. Safety
18. Environmental protection

19. General provision for connection of customers
20. Interconnection of the distribution licensee's network to an isolated mini-grid operated under a mini-grid permit and re-integration of an interconnected mini-grid into the distribution licensee's network
21. Monitoring and evaluation of mini-grids

CHAPTER V COMMERCIAL ARRANGEMENT

22. Determination of tariffs and other charges

CHAPTER VI MISCELLANEOUS

23. Exclusivity period and site reservation for project development purposes
24. Procedure for rectification of non-compliance with the terms and conditions of a permit.
25. Proceedings before the Commission
26. Complaint procedure
27. Dispute resolution
28. Amendment or repeal

SCHEDULES

FORMS TO BE FILED BY THE MINI-GRID DEVELOPER FOR ENGAGEMENT WITH NERC

- Schedule 1A: Agreement Form for an Exclusive Project Development Period at A Site for an Isolated Mini-Grid
- Schedule 1B: Agreement Form for an Exclusive Project Development Period at A Site for an Interconnected Mini-Grid
- Form A – Initial Exclusivity Period Request Form
 - Form B – Supplementary Exclusivity Period Request Form
- Schedule 2: Registration form for mini-grids with distributed power of up to 100kW.
- Schedule 3: Application form for mini-grid permit
- Schedule 4: Reporting form

GUIDELINES

- Schedule 5: Application proceedings for permits
- Schedule 6: Health and safety guidelines
- Schedule 7: Technical requirements for registered mini-grid operators

Schedule 8: Recommendations for calculation of usage charges by distribution licensee in interconnected mini-grids

Schedule 9: Complaints procedure guidelines

CONTRACT TEMPLATES

Schedule 10: Tripartite contract between interconnected mini-grid operator, distribution licensee and connected community

Schedule 11: Contract template between isolated mini-grid operator and community

Schedule 12: Mini-grid customer contract template

Schedule 13: Asset handover document and compensation confirmation sheet

CALCULATION TOOLS

Schedule 14: Tariff calculation tool based on the MYTO methodology.

CHAPTER I GENERAL

1. Short Title

These Regulations may be cited as the **Mini-Grid Regulations, 2023**.

2. Commencement

1. These Regulations shall come into effect on the date it is approved by a resolution of the Commission.
2. The Regulations shall be signed by the Chairman of the Commission who shall cause the seal of the Commission to be affixed thereon.

3. Interpretation

1. In these Regulations, unless the context otherwise requires –

“Act” means the Electricity Act 2023.

“Business Rules” mean the Nigerian Electricity Regulatory Commission (Business Rules of the Commission) Regulations, 2006 or any subsequent amendment thereof.

“Commission” means the Nigerian Electricity Regulatory Commission (“NERC”).

“Community” means a group of people within the same geographical location organised under a recognised local leadership structure or a legal recognised corporate entity and in both cases capable of entering contracts and being capable of suing and being sued.

“Connected Community” means a defined community of end-use customers in a designated geographical location connected to the distribution network of a distribution licensee.

“Connection Point” means an entry or an exit point on a distribution network.

“Distributed Generation” means electricity generation from various small-scale, decentralized sources connected to the mini-grid or distribution system or directly to the point of use.

"Distribution Code" means the code and guidelines approved by the Commission for electricity distribution systems in Nigeria.

"Distribution Company" or **"DisCo"** means a holder of a Distribution Licence who operates a distribution network that is connected to the transmission system operated by the system operation licensee.

"Distribution Licensee" means a holder of a distribution licence issued by the Commission.

"Distribution Network" means any connection of cables, service lines and overhead lines, electrical apparatus/equipment and having design voltage of 33kV and below used to transport electric power on a distribution system.

"Feeder" means a low voltage or medium voltage line on a distribution network that is capable of supplying or absorbing at least 30kVA of electricity in compliance with the Distribution Code.

"Fuel" means materials such as gas, or diesel that is burned to produce electric or heat energy.

"Generation" means the production of electricity that is fed into an isolated mini-grid, interconnected mini-grid or directly to an end-use customer.

"Generation Capacity" means the aggregate power that a generation plant can produce at any point in time for at least (1) one hour under specified environmental constraints (temperature, humidity, etc.) with a power factor of 0.8 (inductive).

"Independent Electricity Distribution Network" or **"IEDN"** means a distribution network not directly connected to a transmission system operated by the system operator. For the specific purpose of this Regulation, the term IEDN shall exclude mini-grids.

"Independent Electricity Distribution Network Operator" or **"IEDNO"** means the holder of an IEDN licence issued by the Commission.

"Interconnected mini-grid" means a mini-grid that is connected to the network of a Distribution Licensee.

“Isolated mini-grid” means a mini-grid that is not connected to a Distribution Licensee’s network.

“Licence” means a licence granted by the Commission under the Act.

“Licensee” means any person who holds a Licence issued by the Commission.

“Metering Code” means the Nigerian Metering Code approved by the Commission for use in measuring the flow of energy in transmission and distribution systems in Nigeria.

“Mini-Grid” means any electricity supply system with its own generation capacity, supplying electricity to more than one customer and which can operate in isolation from or be connected to a Distribution Licensee’s network. In these Regulations, the term mini-grid is used for any isolated or interconnected mini-grid generating between 0kW and 1MW of generation capacity per site.

“Mini-Grid Developer” means a legal entity established under Nigerian law that has applied for registration or a permit with the Commission for the operation of an isolated or interconnected mini-grid.

“Mini-Grid Operator” means a person or an entity that is registered or issued a permit by the Commission for the operation of isolated or interconnected mini-grids.

“Mini-Grid Permit” or ***“Permit”*** means a permit granted by the Commission to a mini-grid operator.

“Mini-Grid Permit Holder” means a person that holds a mini-grid permit issued by the Commission for the operation of isolated or interconnected mini-grids.

“NESIS Regulation” means the Nigerian Electricity Supply and Installation Standards Regulation.

“Portfolio of Interconnected Mini-Grids” means a set of interconnected mini-grids as determined by the mini-grid developer, for which tripartite agreements with the same Distribution Licensee have been signed and filed simultaneously with the Commission for approval.

“Portfolio of Isolated mini-grids” means a set of isolated mini-grids as determined by the mini-grid developer, which is filed with the Commission for approval simultaneously.

“Registered Mini-Grid Operator” means a mini-grid developer that has completed the Commission’s registration process for the operation of one or more systems of less than 100kW of Distributed Generation capacity per site.

“Registration” means the filing with the Commission of a registration form by a mini-grid developer for one or more system(s) of up to 100kW of distributed power per site.

“Technical Codes” means the Grid Code, Distribution Code, Metering Code, Health & Safety Code, NESIS Regulation and other codes approved by the Commission for the technical regulation of the Nigerian Electricity Supply Industry.

“Tripartite Contract” means the contract executed by the Interconnected Mini-Grid Developer, Distribution Licensee and Connected Community and approved by the Commission.

“Underserved Area” means an area within a distribution licensee’s network with an existing but dysfunctional distribution system resulting in poor quality of supply.

“Unserved Area” means an area within a distribution licensee’s network without an existing distribution system, otherwise called off-grid.

2. Unless otherwise specified, in these Regulations –

- a. Words importing any one gender includes the other gender and the singular includes the plural and vice versa;
- b. Words or expressions used in the Regulation but not defined shall have the same meanings respectively assigned to them in the Act.
- c. Any reference to a statute or statutory provision includes a reference to that provision as amended, re-enacted or replaced and any regulations or orders made under such provisions from time to time; and

- d. If the date on which an event is scheduled to occur by this regulation is a day which is not a business day, then the event shall be deemed to occur on the next business day.

4. Application of the Regulations

Without prejudice to the provisions of sections 2(2), 63(2)(b) and 230 of the Act, these Regulations shall apply to all mini-grids with generation capacity of up to 1MW per site, the owners, mini-grid permit holders, mini-grid operators, and customers served by mini-grids as well as all other private or public stakeholders such as the distribution licensees.

CHAPTER II FEATURES OF MINI-GRIDS

5. Structure/Arrangement

1. A mini-grid may be an –
 - a. Isolated mini-grid; or
 - b. Interconnected mini-grid
2. A mini-grid shall have a dedicated power generation facility that provides electricity supply to its network which may be operated by the mini-grid operator, or a person contracted by the mini-grid operator to provide generation capacity to the mini-grid network.

6. Geographical Delineation of Distribution Systems

1. The Commission may, upon consideration of an application filed by a mini-grid developer –
 - a. grant a permit to construct, own, operate or maintain an isolated mini grid in a designated unserved area.
 - b. approve a tripartite agreement to construct, operate and/or maintain an interconnected mini-grid in an underserved area within a geographical location.
2. All mini-grid developers applying for mini-grid permits shall file application with the Commission providing information that includes –

- a. Details of the generation system that shall supply the mini-grid network.
 - b. An accurate description of the proposed distribution network.
 - c. Geographical details of the network.
 - d. Any other information that the Commission may require.
3. The geographical depiction referred to in sub-section (2) of this section shall be in the format prescribed schedule 3 to these Regulations or as requested by the Commission.
4. Where there are different feeders being connected to the same generator, the Commission may –
- a. define each feeder as separate mini-grid; or
 - b. all feeders grouped together as one mini-grid;
- to the extent that the aggregate power generated and distributed through these feeders does not exceed 1MW, or any capacity as may be approved by the Commission.

CHAPTER III

REGISTRATION; GRANT OF PERMIT AND MANDATORY CONDITIONS

- 7. Isolated mini-grids larger than 100kW of distributed power and up to 1MW of generation capacity**
- 1. The Commission may grant a permit referred to in section 6(1) of these Regulations for an isolated mini-grid where the applicant is in compliance with the underlisted conditions –
 - a. the application has complied with requirements for the grant of a permit for the proposed location to be served by the mini-grid;
 - b. confirmation that the mini-grid investment into the designated unserved area shall not interfere with the Distribution Company's ("DisCo") network expansion plans as contained in the Performance Improvement Plan ("PIP")/investment plan

accompanying the most recent tariff review application submitted to the Commission OR a written consent from the DisCo for the proposed mini-grid if the project area is covered by the DisCo's expansion plan as approved by the Commission;

- c. the intended geographic location is an unserved area which has not been assigned to an IEDNO or any other mini-grid developer;
 - d. filing of executed agreement between the community and mini-grid developer for permit by the Commission in the form of schedule 11 or in a form mutually agreed between the parties;
 - e. submission of the verifiable coordinates for the geographic location where the mini-grid shall be installed and where its network shall cover, having acquired all other necessary permits in respect of the location from all relevant authorities;
 - f. the end-user tariff is calculated based on the MYTO methodology and approved by the Commission; and
 - g. the health and safety confirmation form in schedule 6 to these Regulations have been executed and submitted to the Commission.
2. The confirmation and consent required under section 7(1)(b) and (c) of these Regulations shall be provided by the DisCo within 15 business days of being addressed to the DisCo's managing director and served at the DisCo's headquarters. Where the DisCo neglects, fails, or refuses to respond within 15 business days of being served the request for confirmation and consent by the mini-grid developer, it shall be deemed that the DisCo has consented to the request of the mini-grid developer.

8. Isolated Mini-Grids up to 100kW of Distributed Power

1. The mini-grid developer of an isolated mini-grid with a distributed power not exceeding 100kW may –
- a. apply for a permit referred to in section 6(1) of these Regulations in compliance with the procedures specified in section 7(1) of these Regulations with all rights and obligations

of a mini-grid permit holder as described under these Regulations; or

- b. apply for registration using the form prescribed in schedule 2 of these Regulations.

9. Interconnected Mini-Grids

1. Where a mini-grid is interconnected, the duly authorised representatives of the connected community, the mini-grid developer and DisCo shall sign a tripartite contract covering the transaction, and the tripartite contract shall be filed with the Commission for approval.
2. Where an application has been filed for an intended area, the Commission may register the tripartite contract and grant the mini-grid permit, where the –
 - a. the proposed retail tariff is calculated using the MYTO methodology and agreed by the mini-grid developer, the distribution licensee and connected community, and approved by the Commission;
 - b. the tripartite agreement shall cover the following arrangements –
 - (i) right to access the DisCo's network infrastructure for the purposes of interconnection.
 - (ii) construction and ownership right for additional infrastructure, where applicable,
 - (iii) tariff for electricity generated by the mini-grid and fed into the distribution licensee's network where applicable,
 - (iv) availability of stable nominal voltage and effective system protection at the connection point of the generator with the DisCo's network, where applicable,
 - (v) tariff for the purchase of electricity from the distribution licensee's network, where applicable; and.
 - (vi) consent of the connected community to purchase electricity from the mini-grid at the defined tariffs.

3. Where an area has been identified either by a connected community or mini-grid developer, and a notification is made to the Commission to consider the development of an interconnected mini-grid, a mini-grid developer shall submit a technical and investment proposal to the DisCo.

10. Application Procedure for a Mini-Grid Permit

1. The Commission may grant a permit where the conditions provided in sections 7 and 9 of these Regulations are fulfilled by the applicant.
2. The Commission may issue a permit pursuant to section 7 or 8 of these Regulations or approve a tripartite contract pursuant to section 9 of these Regulations to an applicant within a period not exceeding 30 working days from date of the applicant files an application that meets all the requirements.
3. The application proceedings in sections 7, 8, and 9 of these Regulations are described in schedule 5 and where schedule 5 deviates from these Regulations, these Regulations shall prevail.
4. A registered mini-grid operator who intends to operate as a mini-grid permit holder shall:
 - a. use the MYTO methodology or any other methodologies that may be approved by the Commission shall be adopted in the determination of its tariff.
 - b. be compensated by the DisCo as provided for in section 20(3) of these Regulations, where a mini-grid permit has been granted by the Commission.

11. Obligations of the Mini-Grid Permit Holder

1. The mini-grid permit holder shall construct, operate and/or maintain its distribution network in accordance with the relevant technical codes and standards.
2. The mini-grid permit holder shall comply with the Act, terms and conditions of the mini-grid permit, the tripartite contract, the agreement with the community or connected community as

applicable, customer contract, the rules, and regulations, as well as the decisions, orders, and directions of the Commission.

3. The mini-grid permit holder shall comply with all other regulations issued by the Commission.
4. The mini-grid permit holder shall grant the Commission and its duly authorised representatives' access to its sites and provide any information requested by the Commission.

12. Accounts of the Mini-Grid Permit Holder

1. The mini-grid permit holder shall -
 - a. maintain separate accounting records for the mini-grid business, including the business of utilising the assets of a DisCo's network, in the prescribed form and contain such particulars as may be specified by the Commission and in accordance with the Companies and Allied Matters Act.
 - b. prepare from the records referred to in paragraph (a) of this regulation, accounting statements for each financial year comprising a profit and loss account and a balance sheet; and
 - c. ensure that the accounting statements prepared in accordance with the foregoing paragraphs are duly certified by an independent auditor in respect of each financial year, stating whether in the opinion of the auditor, the statement has been properly prepared and giving a true and fair view of the revenue, costs, assets, liabilities and reserves reasonably attributable to the business to which the statement relates.

13. Inspection of Accounts for the Purpose of Adjustment of Tariffs and Ascertaining Depreciated Value

1. Any person authorised by the Commission shall be entitled to inspect and verify the accounts of a mini-grid permit holder at any reasonable time and the mini-grid permit holder shall be under obligation to render all necessary assistance and provide the required documents to the person authorised to inspect the accounts.
2. The mini-grid permit holder shall provide reports in the form prescribed in schedule 4 of these Regulations to the Commission for each mini-grid or a combined report for a portfolio of mini-grids at

least once every year, except where a different frequency is prescribed by the Commission.

3. Where following an inspection of accounts, the Commission proves that the actual costs incurred by the mini-grid permit holder exceeds the approved range of benchmark costs in the tariff model or the actual revenues earned by the mini-grid permit holder deviate from the revenues stated when the application was filed;
 - a. the input parameters for tariff calculation using the MYTO methodology shall be adjusted to the actual values; and
 - b. the tariffs as well as the calculation of the depreciated value shall be adjusted and approved by the Commission accordingly.

The new tariffs as adjusted in section 13(3) of these Regulations shall be applied within 30 days of approval by the Commission.

4. A mini-grid permit holder may request for an account inspection by the Commission to update its tariffs and depreciated assets value by filing a formal request with the Commission.
5. A community or connected community may request for inspection of accounts of the mini-grid operator by the Commission for the purpose of triggering a review of its tariffs, including a review of a fair value of any addition and/or retirement of capital assets by filing a formal request with the Commission.

14. Transfer of Mini-Grid Permit and Business

1. A mini-grid permit holder shall not, without the prior written consent of the Commission, transfer, assign, or sell to another person or in any other way dispose of all or any part of the permitted business carried out under a mini-grid Permit granted by the Commission.
2. An application for consent under these Regulations shall be filed along with the following documents:
 - a. Application letter to the Commission seeking consent.
 - b. Certificate of incorporation and memorandum and articles of association of the transferee.

- c. Board resolution of the mini-grid permit holder approving the transfer to the transferee.
- d. Board resolution of the transferee company accepting the transfer.
- e. Original mini-grid permit certificate and terms and conditions issued to the mini-grid operator by the Commission; and
- f. Documentary evidence of the technical capability or capacity of the transferee company to operate the mini-grid.

CHAPTER IV

MINI-GRID OPERATION UNDER A PERMIT OR REGISTRATION

15. Installation and Maintenance of the Mini-Grid Operated Under a Permit

- 1. The mini-grid permit holder shall design, construct, commission, operate or maintain and de-commission its distribution network and related facilities in compliance with the Technical Codes and Standards, terms and conditions of its permit and tripartite contract as applicable and in accordance with any other standards of design, construction, and maintenance as prescribed by the Commission.
- 2. Where there is any inconsistency between these Regulations and the Technical Codes and Standards, the provisions of the Technical Codes shall prevail.
- 3. The registered mini-grid operator is not bound by the Technical Codes and Standards for design, construction, commissioning, operation, and maintenance of its distribution systems, but may apply the minimum technical requirements as set out in schedule 7.

16. Quality of Service

- 1. The mini-grid permit holder shall supply electricity in accordance with the terms of the contract with the community or connected community as prescribed in schedule 10 and 11 of these Regulations.
- 2. The registered mini-grid operator shall supply electricity in accordance with the terms of his contract with the community.

17. Safety

All mini-grid operators shall apply the safety guidelines as described in schedule 6 of these Regulations for the design, construction, commissioning, operation and maintenance of their generation and distribution assets.

18. Environmental Protection

A mini-grid operator shall comply with the environmental laws affecting their operations and any compliance breach would be treated as an infraction leading to the suspension or termination of their permit.

19. General Provision for Connection to Customers

1. The mini-grid permit holder shall enter into the standardised connection agreements as prescribed in schedule 12 of these Regulations with any customer who accepts to connect to the mini-grid.
2. The provisions of the Metering Code shall apply to all mini-grid installations operated under these Regulations, except where specific derogation is given by the Commission to adopt other standards outside the Metering Code or pending a review of the Metering Code.
3. The Commission may, at the request of the mini-grid operator, grant a derogation from sub-section (2) of this regulation where it deems fit.
4. The tariff and billing model for mini-grids operated under a permit shall be described in the contract between the mini-grid operator and the customers in the community as prescribed in schedule 12.

20. Interconnection of the Distribution Licensee's Network to an Isolated Mini-Grid operated under a Mini-Grid Permit and Re-integration of Interconnected Mini-Grid into a Distribution Licensee's Network

1. A mini-grid permit holder shall only operate in the defined geographical area approved by the Commission in its permit or tripartite contract.

2. Where a DisCo intends to extend its network to an isolated mini-grid operated under a permit, the DisCo shall notify the mini-grid operator in writing no later than 12 (twelve) months before the grid extension is expected to reach the isolated mini-grid.
3. Where a DisCo extends its network to an isolated mini-grid operated under a permit, the following options are available to the mini-grid permit holder –
 - a. convert to an interconnected mini-grid operator, in compliance with the provisions of sections 9 and 10 of these Regulations; or
 - b. transfer all the distribution assets of the mini-grid to the DisCo in return for compensation as follows –
 - (i) the isolated mini-grid permit holder shall receive a compensation from the DisCo before the handover of assets. Such compensation shall be composed of the following –
 - the book value of the depreciated network assets (based on the historical acquisition cost, including the construction and development cost) as defined during the tariff definition by the Commission.
 - an equivalent of the pre-tax profit the mini-grid developer earned from the mini-grid, commencing 24 months prior to the handover date.
 - (ii) The DisCo shall document the payment process as in schedule 13 and file the signed copy with the Commission;
 - c. Having transferred its distribution asset to the DisCo, the minigrid may, if mutually agreed, deploy its generation asset as an embedded generator to the DisCo or become an emergency supplier to niche customers during DisCo supply outages.
4. Pursuant to section 20(3)(b) of these Regulations, the mini-grid permit holder shall be allowed to continue operating the mini-grid in accordance with the mini-grid permit until they are fully compensated

by the DisCo and the DisCo shall not disrupt or obstruct the mini-grid permit holder's activities.

5. Notwithstanding the provisions of section 20(3)(b)(iii) of these Regulations, the capital costs and asset depreciation period fixed with the tariff approval shall apply and the costs of assets not covered in the rate base shall not be refunded to the mini-grid operator.
6. For the purpose of compensation, the depreciation of assets shall be in line with the MYTO methodology or as may be approved by the Commission.
7. The mini-grid permit developer shall, where possible, remove and recycle or dispose the assets and equipment that has expended their useful life in an environmentally friendly manner in accordance with environmental legislation and the mini-grid permit holder may follow the guidelines on environmental matters specified in schedule 6.
8. Where a DisCo extends its distribution network to an area covered by a registered mini-grid, on the request of the DisCo, the registered mini-grid operator shall decommission and remove all its assets and equipment within 2 (two) months after the DisCo has commenced operations in the area. Prior to the installation of DisCo infrastructure, both parties will jointly file a decommissioning plan to ensure safety during the transition.
9. Upon expiration of a tripartite contract for an interconnected mini-grid, and where it is not renewed, a DisCo may re-integrate the interconnected mini-grid into its network subject to –
 - a. the written proof of endorsement by the connected community; and
 - b. notification to the Commission; and
 - c. payment of compensation to the mini-grid permit holder
12. All mini-grid operators shall abide by the compensation procedure described in section 20(3)(b) of these Regulations unless otherwise mutually agreed in the tripartite contract.

21. Monitoring and Evaluation of a Mini-Grid

1. conduct regular monitoring and evaluation of activities on the mini-grid in order to ensure compliance with the Regulations, sustainability and enhance data-driven electrification planning.
2. The mini-grid operator shall file with the Commission a report of its monitoring and evaluation ("M&E") activities in compliance with the M&E reporting template in schedule 4, or in accordance with the terms and conditions of the permit and/or registration. The required information shall be filed in hardcopy or through digital platforms approved by the Commission.

CHAPTER V COMMERCIAL ARRANGEMENT

22. Determination of Tariffs and Other Charges

1. The interconnected mini-grid permit holder shall pay the DisCo a Distribution Use of System("DUOS") Charge which shall be agreed upon between the interconnected mini-grid permit holder and the DisCo and approved by the Commission.
2. Where the interconnected mini-grid permit holder and the DisCo are unable to agree on the usage charges, the methodology prescribed in schedule 8 of these Regulations shall be applied.
3. The MYTO methodology included in schedule 14 of these Regulations and approved by the Commission shall be used to determine the retail tariffs and other charges for a mini-grid permit, subject to a limitation that:
 - a. allowable technical losses shall not exceed 4%; and
 - b. allowable non-technical losses shall not exceed 3%.
4. A mini-grid permit holder may –
 - a. file a single tariff application for all sites under a portfolio of isolated mini-grids or a portfolio of interconnected mini-grids.

- b. file an individual tariff application for each site under a portfolio of isolated mini-grids or a portfolio of interconnected mini-grids.
 - c. the tariff control period in the MYTO model shall be 5 years.
- 5. The registered mini-grid operator may decide to determine retail tariffs and other charges by –
 - a. the use of the MYTO calculation tool in schedule 14 of these Regulations; or
 - b. an agreement between the mini-grid operator and the community (represented by customers consuming not less than 60% of the electrical output of the mini-grid). This is subject to the Commission's right in section 13 of these Regulations, to intervene and review the tariff that has been agreed with the Community for equity and fairness.
 - c. The executed agreements in sub-section 22(5)(b) of these Regulations shall be filed with the Commission for purposes.

CHAPTER VI MISCELLANEOUS

23. Exclusivity Period and Site Reservation for Project Development Purposes

- 1. The procedure to acquire or renew an exclusivity agreement for project development purposes by an isolated mini-grid developer shall be –
 - a. A community may grant –
 - (i) an exclusive right to develop an isolated mini-grid project at a certain site; and
 - b. to the mini-grid developer; an exclusivity period of up to 12 (twelve) months as shown in schedule 1 of these Regulations, or as may be amended and agreed between the mini-grid developer and the community. re required, the isolated mini-grid developer may request the Commission for an extension beyond 12 (twelve) months upon justification as prescribed in

schedule 1 of these Regulations.

- c. The mini-grid developer shall file the exclusivity agreement and the extension to the Commission for registration upon execution by the parties.
 - d. The DisCo and the community may grant an exclusive right to develop an interconnected mini-grid project at a certain site as shown in schedule 1 to these Regulations, or as may be amended and agreed between the mini-grid developer, the DisCo and the community.
 - 2. The community or the DisCo may request the developer to provide proof of its commitment e.g. Letter of Intent ("LoI") from an investor or endorsement letter from the State Government before signing the exclusivity agreement.
 - 3. The Commission shall not grant a mini-grid permit to a mini-grid developer for any site, where an exclusivity agreement or tripartite contract has been executed in respect of that site by a different mini-grid developer and registered with the Commission for the duration of the exclusivity arrangement.
 - 4. Notwithstanding the right granted in section 23(1)(a) of these Regulations, DisCos reserve the right to integrate the community into their distribution network.
- 24. Procedure for Rectification of Non-Compliance with the Terms and/or Conditions of a Mini-Grid Permit.**
- 1. Where the Commission, on the basis of material evidence in its possession is satisfied that the mini-grid operator has contravened, or is likely to contravene, the terms and conditions of the mini-grid permit or tripartite contract as applicable, it shall serve a notice on the mini-grid operator to do, or refrain from doing anything specified in the notice, to rectify or avoid any contravention or threatened contravention of any term or condition of the permit or tripartite contract as applicable.
 - 2. The notice referred in this section shall specify the period within which the mini-grid operator shall rectify or avoid the contravention or

threatened contravention of any term or condition of the mini-grid permit or tripartite contract as applicable.

3. Failure to comply with the directives in the notice of rectification shall attract applicable sanctions from the Commission.

25. Proceedings before the Commission

All proceedings before the Commission under these Regulations shall be governed by the Business Rules of the Commission.

26. Complaints Procedure

All customer complaints shall be resolved in accordance with the Complaints Procedure Guidelines in schedule 9.

27. Dispute Resolution

Any dispute between parties in connection with these Regulations shall be resolved in compliance with the dispute resolution mechanism provided in these Regulations or any other relevant instruments issued by the Commission.

28. Amendment or Repeal

The Commission may amend or repeal, in whole or in part, the provisions of these Regulations.

**THE COMMON SEAL OF NIGERIAN ELECTRICITY REGULATORY COMMISSION
was affixed pursuant to the ORDER OF THE COMMISSION**

Dated this 29 day of December 2023



Sanusi Garba
Chairman