



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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No. NEPRA/R/TRF-WPT/9487-9489
August 06, 2013.

Subject: **Decision of the Authority in the Matter of Motion for Leave for Review Filed by NBT Wind Power Pakistan (Pvt.) Limited Against Determination of Upfront Tariff for Wind Power Generation** - Intimation of Decision of Tariff pursuant to Section 31 (4) of the Regulation of Generation, Transmission and Distribution of Electric Power Act (XL of 1997)

Dear Sir,

Please find enclosed herewith the decision of the Authority (02 pages) regarding Motion for Leave for Review filed by NBT Wind Power Pakistan (Pvt.) Limited against determination of Upfront Tariff for Wind Power Generation for information.

Enclosure: As above

(Syed Safer Hussain)

Secretary,
Ministry of Water & Power,
Government of Pakistan
Islamabad.

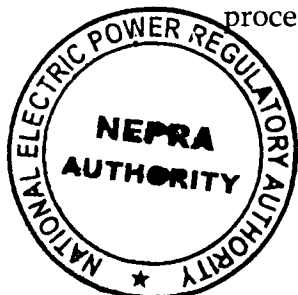
CC:

1. Secretary, Cabinet Division, Cabinet Secretariat, Islamabad
2. Secretary, Ministry of Finance, 'Q' Block, Pak Secretariat, Islamabad.



**DECISION OF THE NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
IN THE MATTER OF MOTION FOR LEAVE FOR REVIEW
FILED BY NBT WIND POWER PAKISTAN (PVT.) LIMITED
AGAINST DETERMINATION OF UPFRONT TARIFF FOR WIND POWER GENERATION**

1. National Electric Power Regulatory Authority (hereinafter referred to as the "Authority") issued its determination in the matter of upfront tariff for wind power generation on April 24, 2013 (hereinafter referred to as the "upfront tariff determination"). NBT Wind Power Pakistan (Pvt.) Limited (hereinafter referred to as "NBT"), which participated in the proceedings for upfront tariff determination as an intervener, being aggrieved with the said determination, filed a motion for leave for review on May 06, 2013 under rule 16 (6) of the NEPRA (Tariff Standards and Procedure) Rules, 1998 (hereinafter referred to as the "tariff rules") for review of the following issues:
 - a. 500 MW cap placed on the availability of upfront tariff for wind power generation companies;
 - b. Tiered pricing for net annual energy generation supplied to the power purchaser in a year, in excess of 31% net annual plant capacity factor;
 - c. Maximum construction time of 18 months allowed for wind power generation companies having installed capacity in excess of 50 MW; and
 - d. Extension in the validity of upfront tariff for wind power generation, determined by the Authority on 06 October, 2011, which had already expired on December 31, 2012.
2. In order to determine maintainability or otherwise of motion for leave for review, the Authority decided to hold a preadmission hearing on June 06, 2013. After having heard NBT, the Authority admitted the motion for leave for review for regular hearing.
3. In accordance with rule 16 (7) of the tariff rules, the Authority considered it just and appropriate to provide an opportunity of hearing to the parties to the proceedings. The Authority accordingly gave directions for service of notices to NBT and other concerned parties for attending the hearing. In response to the notices of hearing, comments in writing were filed by Tenaga Generasi Limited (an intervener in the proceedings for upfront tariff determination) and Mr. Akthar Ali (a commentator in



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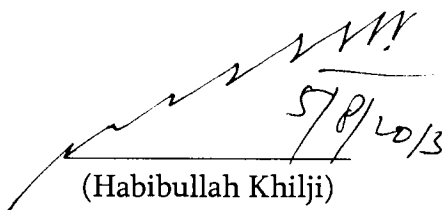
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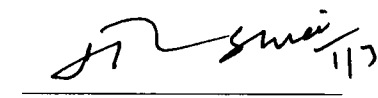


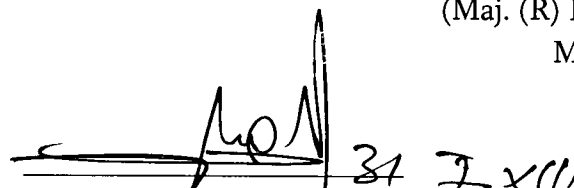
the proceedings for upfront tariff determination). The Authority directed that comments of Mr. Akhtar Ali be forwarded to all parties to the proceedings for upfront tariff determination, for reply. In response, Alternative Energy Development Board, Tenaga Generasi Limited and NBT submitted their replies. The hearing into the matter was conducted on June 21, 2013 at NEPRA main office and was attended by NBT, CPPA, Planning Commission – Energy Wing, various interveners and commentators.

4. During hearing, NBT reiterated its written submissions and requested to review the upfront tariff determination. Arguments heard. Record perused.
5. Having heard the contentions raised during the course of hearing, after having gone through the relevant record and consideration of all the grounds agitated by the petitioner, the Authority noted that NBT has failed to bring any new and important matter of evidence which was not considered by the Authority in the upfront tariff determination and has also failed to point out any mistake or error apparent on the face of record. The fact of matter which is also evident from the perusal of upfront tariff determination is that all material facts and circumstances were in the knowledge of the Authority and the record clearly shows that the Authority issued the determination after consideration of all the material facts and documents. Therefore, the Authority is of the view that the motion for leave for review cannot be considered in terms of regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009 read with rule 16 (9) of tariff rules and the same is hereby dismissed.

AUTHORITY


57/8/2013
(Habibullah Khilji)
Member


(Maj. (R) Haroon Rashid)
Member


31 J x(11)
(Khawaja Muhammad Naeem)
Vice Chairman/ Member

