

RENEWABLE ENERGY (ALLOCATION FROM ELECTRICITY TARIFFS) ORDER 2011

PU(A) 384/2011

IN exercise of the powers conferred by subsection 24(1) of the **Renewable Energy Act 2011**[*Act 725*], the Minister makes the following order:

1. Citation and commencement

(1) This order may be cited as the **Renewable Energy (Allocation from Electricity Tariffs) Order 2011**.

(2) This Order comes into operation on 1 December 2011.

2. Interpretation

In this Order, unless the context otherwise requires-

"allocation month" means a calendar month commencing from 1 December 2011.

3. Allocation and payment from electricity tariffs

(1) Tenaga Nasional Berhad shall allocate and pay into the Fund for each allocation month a sum equivalent to one per centum of the tariffs levied and collected, after deducting any applicable discount, under subsection 26(1) of the **Electricity Supply Act 1990**[*Act 447*] from its consumers in Peninsular Malaysia other than-

(a) domestic consumers utilizing electricity supply of three hundred kilowatt hours and below per month; and

(b) NUR Distribution Sdn. Bhd.

(2) The tariffs levied and collected under subparagraph (1) shall be based on-

(a) the actual electricity supplied (in kilowatt hour); and

(b) wherever applicable, the availability of a supply of electricity (in kilowatt).

(3) The allocated sum referred to in subparagraph (1) shall be paid into the Fund monthly in arrears in the following manner:

(a) the first monthly payment comprising allocations made in the allocation month of December 2011 shall be paid by Tenaga Nasional Berhad into the Fund on or before 1 April 2012; and

(b) each subsequent monthly payment comprising allocations made for each allocation month after December 2011 shall be paid by Tenaga Nasional Berhad into the Fund on or before the first day of the fourth month after the respective allocation month.

4. Reconciliation of payments

(1) The Authority shall annually reconcile all payments made by Tenaga Nasional Berhad under subparagraph 3(3) with the sum equivalent to one *per centum* of the tariffs levied and collected under subsection 26(1) of the **Electricity Supply Act 1990** as specified under subparagraph 3(1) based on the audited financial statements of Tenaga Nasional Berhad.

(2) The Authority may, at any time, for the purpose of the annual reconciliation referred to in subparagraph (1), request Tenaga Nasional Berhad to provide such information or other supporting documents within the period specified in the request, or any extension of time granted by the Authority.

(3) Upon receiving the request under subparagraph (2), Tenaga Nasional Berhad shall provide such information or other supporting documents within the period specified in the request or any extension of time granted by the Authority.

(4) After the annual reconciliation under subparagraph (1) is carried out by taking into consideration the information or other supporting documents referred to in subparagraph (3), the Authority shall issue a report to Tenaga Nasional Berhad.

(5) Notwithstanding the information or other supporting documents requested under subparagraph (2) are not provided by Tenaga Nasional Berhad under subparagraph (3), the Authority shall proceed with the reconciliation under subparagraph (1) and issue a report to Tenaga Nasional Berhad.

(6) The Authority shall provide a copy of the report issued under subparagraph (4) or (5) to the Minister.

(7) The report issued by the Authority under subparagraph (4) or (5) shall be final.

5. Recovery of shortfall

(1) If the report referred to in subparagraph 4(4) or (5) shows that there is a shortfall in the allocation or payment made by Tenaga Nasional Berhad under paragraph 3, the Authority shall, as soon as possible, notify Tenaga Nasional Berhad in writing of the shortfall and request Tenaga Nasional Berhad to pay the shortfall into the Fund.

(2) Tenaga Nasional Berhad shall pay the shortfall under subparagraph (1) into the Fund without any interest within thirty days from the date of receipt by Tenaga Nasional Berhad of the notification.

6. Refund of overpayment

If the report referred to in subparagraph 4(4) or (5) shows that there has been an overpayment in the allocation or payment made by Tenaga Nasional Berhad under paragraph 3, the Authority shall refund such overpayment without interest to Tenaga Nasional Berhad from the Fund within thirty days from the date of issuance of such report.