

**[DOE DEPARTMENT CIRCULAR NO. 2000-03-004,
March 17, 2000]**

**FURTHER AMENDING ENERGY REGULATIONS NO. 1-95 DATED
JANUARY 2, 1995 ENTITLED "RULES AND REGULATIONS
IMPLEMENTING EXECUTIVE ORDER NO. 215 ON PRIVATE
SECTOR PARTICIPATION IN POWER GENERATION" AS AMENDED
BY DEPARTMENT CIRCULAR NO. 97-01-001 DATED JANUARY 21,
1997**

WHEREAS, Executive Order No. 215 issued on July 10, 1987 allows the participation of private sector in power generation;

WHEREAS, the Department of Energy (the DOE) encourages the participation of the private sector in the power generation business consistent with the said Executive Order;

WHEREAS, the DOE recognizes the unique contribution to be made by Renewable Resource Power Production Facilities (RRPPF) also known as the New and Renewable Energy Facilities (NREF) in power generation in view of the country's growing electricity requirement;

NOW, THEREFORE, the DOE hereby adopts and promulgates the following amendments to Energy Regulations No. 1-95 as amended by Department Circular No. 97-01-001;

SECTION 1. Part I, Article IV, Section I of Energy Regulations No. 1-95 as amended by Department Circular No. 97-01-001 is hereby amended to read as follows:

"Section 1. Contents of the Application — The contents of applications for accreditation as a qualified Private Sector Generation Facility (PSGF) should generally contain the following information:

- a. Name and address of the applicant and location of the proposed facility;
- b. Project organizational set-up;
- c. Names of cooperating/participating companies, equity participation, incorporation documents, audited financial statements for the last two fiscal years, and records of successful experience in similar activities over the last five (5) years;
- d. Project -financing plans;
- e. Administrative and technical manpower complement;
- f. Facility classification and general plant description;
- g. Sale of PSGF generation (whether generation is solely for sale to the grid dedicated to an electric utility, or for internal use with provision for sale of excess power to the grid)
- h. Projected mode of operation (baseload or peaking);

- i. Power and annual energy production capacity (in kW and kWh, respectively) of the proposed facility;
- j. Primary energy source (fuel) of the facility, heating value, and net plant heat rate;
- k. Projected forced outage rate, maintenance days, dependable capacity, and station energy use;
- l. Projected economic life of project and proposed duration of interconnection/cooperation period;
- m. Interconnection plans with NAPOCOR or other electric utility;
- n. Detailed project timetable, including target periods for financial closing, groundbreaking, installation of major plant equipment, testing and commissioning of the facility;
- o. Any other information as may be required under the specific provisions of Parts II, III, IV or as may be deemed necessary by the EIAB for evaluation purposes.

However, records of successful experience in similar activities over the last five (5) years as requisite in Item c. above shall not be required for RRPPF/NREF projects provided that:

- 1. the technology being proposed has already achieved commercial status and can be demonstrated to be adaptable to local conditions; or
- 2. the project is being developed for purposes of self-generation, and the developer demonstrates the capability to provide or the financial capacity to retain the competent technical and financial capabilities necessary to implement the proposed project; or
- 3. if the project is being developed by a utility or independent power producer, the developer demonstrates the capability to provide or the financial capacity to retain the competent technical and financial capabilities necessary to implement the proposed project."

SECTION 2. Part I, Article VI, Section 3 of the same Energy Regulations as amended by Department Circular No. 97-01-001 is hereby amended to read as follows

"SECTION 3. Provision on Spinning Reserve — The owner of the PSGF shall maintain a continuous spinning reserve at all times to the extent possible and under terms to be agreed upon with NAPOCOR or the concerned electric utility. However, this provision on spinning reserve shall not apply to RRPPF/NREF projects if:

- 1. the project is not connected to either the national backbone grid, or regional or island mini grids; or
- 2. the project is connected to a regional or island mini-grid powered by convention generation reasonably capable of load following, e.g., peaking or intermediate diesel generation plants.

Further, if the RRPPF/NREF project is proposed for connection to the national backbone grid, the provision on spinning reserve shall be subject to negotiation with the transmission system.