

Electricity (Net Metering) Regulations, 2018

ARRANGEMENT OF SECTIONS

Section

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13. Net metering participant register.
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FIRST SCHEDULE: Fees.

SECOND SCHEDULE: Forms.

It is hereby notified that the Minister of Energy and Power Development in consultation with the Zimbabwe Energy Regulatory Authority has, in terms of section 65 of the Electricity Act [Chapter 13:19], made the following regulations: —

Title

1. These regulations may be cited as the Electricity (Net Metering) Regulations, 2018.

Electricity (Net Metering) Regulations, 2018

Interpretation

2. (1) In these regulations --

“electric distribution system” means that portion of an electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer’s premises;

“fee” means a fee prescribed in the First Schedule;

“form” means a form prescribed in terms of the Second Schedule;

“licensee” has the meaning given to it in the Energy Regulatory Authority Act [Chapter 13:23];

“net export” means [exported units (kWh) *0.9–imported consumer units (kWh)];

“net metering” means a system of metering electricity under which electricity is generated by a participant and delivered to an electricity distribution licensee’s local distribution facilities and may be used to offset electric energy provided by the electricity distribution licensee to the participant during an applicable billing period;

“participant” means a residential, commercial or industrial customer of a licensee that generates electricity on the customer’s side of the billing meter from renewable energy source that is primarily intended to offset part or all of the customer’s electricity requirements;

“point of common coupling” means the point in the interconnection of a participant generator with an electric distribution system;

“renewable energy” has the meaning given to it in the Energy Regulatory Authority Act [Chapter 13:23].

Application for participation in net metering

3. (1) Where the generating capacity of a customer’s generator—

- (a) in the case of a residential premise, does not exceed the main electricity supply circuit breaker current rating; or

Interpretation

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“electric distribution system” means that portion of an electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer’s premises;

“fee” means a fee prescribed in the First Schedule;

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“point of common coupling” means the point in the interconnection of a participant generator with an electric distribution system;

“renewable energy” has the meaning given to it in the Energy Regulatory Authority Act [Chapter 13:23].

Application for participation in net metering

3. (1) Where the generating capacity of a customer’s generator—

- (a) in the case of a residential premise, does not exceed the main electricity supply circuit breaker current rating; or

- (b) in the case of an industrial or commercial premise does not exceed one hundred kilowatts (100 kW);

such customer can apply to the licensee to be a participant of net metering.

(2) The licensee shall—

- (a) inform the Authority in detail of any aggregate generation capacity limits contemplated in subsection (1), and the reasons thereof, within a reasonable period of such limits becoming known to the licensee; and
- (b) ensure that such aggregate generation capacity limits are subject to the technical appraisal and approval by the Authority before implementation.

(3) The licensee must approve applications on a non-discriminatory arrangement on first-come-first serve basis.

(4) Any person wishing to participate in net metering must complete Form ENM1 in duplicate, indicating which renewable energy source the participant intends to use, together with the prescribed application fee, which is non-refundable, to the licensee.

(5) The licensee shall, no later than 21 (twenty-one) working days after receiving an application for a certificate satisfy himself or herself that Form ENM1 has been properly completed, and if so satisfied shall, within that period, make a decision on the application by notifying the applicant by remitting to the applicant a copy of the application whereon it shall be indicated whether the licensee —

- (a) approves the application unconditionally; or
- (b) approves the application subject to specified conditions; or
- (c) rejects the application for specified reasons and a list of additional information or modifications to the participant's facility which would be required in order for the applicant to obtain approval under the level of interconnection the participant applied for;

Provided that, before the licensee approves an application for net metering, an assessment in terms of section 5 as to whether a participant's interconnection equipment is considered capable of

interconnected operation when it has been tested by the licensee for continuous interactive operation with a utility grid.

(6) If within the prescribed period the licensee finds that the Form ENMI has not been properly completed or he or she requires further information in connection with an application, he or she must remit a copy of the application back to the applicant to enable the applicant to take the remedial action or furnish the additional information requested (in which event the 21 (twenty-one) day period shall run from the date when the applicant resubmits the application back to the licensee having taken the remedial action or furnished the additional information requested):

Provided that, the participant will have ten (10) working days after receipt of the list to submit the listed information or to request an extension of time to provide such information and if the participant does not provide the listed information or a request for an extension of time within the deadline, the application will be deemed withdrawn.

(7) As soon as possible after a decision on an application is made, the licensee shall notify the applicant of the granting or rejection of the application for a certificate by giving the applicant a copy of the application whereon it is indicated whether the application is granted or rejected and, if rejected the reasons for the rejection.

(8) Once an interconnection has been approved, the licensee shall not require a participant to test its facility except for the following—

- (a) an annual test in which the participant's facility is disconnected from the licensee's equipment to ensure that the generator stops delivering power to the grid; and
- (b) any manufacturer-recommended testing.

(9) The licensee shall have the right to inspect a participant's facility both before and after interconnection approval is granted, during business hours and with reasonable prior notice to the participant:

Provided that if the licensee discovers the participant's facility is not in compliance with the requirements of the Electricity (Distribution Code) Regulations and the non-compliance adversely affects the safety or reliability of the electric system, the licensee may

require disconnection of the participant's facility until it complies with this section.

Interconnection

4. (1) An application for interconnection shall be submitted on Form ENM2, in which shall be recorded the following—

- (a) basic information regarding the applicant and the licensee involved;
- (b) information regarding the type and specifications of the participant facility;
- (c) information regarding the contractor who will install the participant facility;
- (d) certifications and agreements regarding licensee access to the participant's property, emergency procedures, liability, compliance with electricity codes, proper operation and maintenance, receipt of basic information; and
- (e) other relevant information that is necessary to determine compliance with this section.

(2) After the licensee is satisfied with the information submitted in the application for interconnection, the licensee will authorise the participant to conduct commissioning tests on a specified date.

(3) An interconnection agreement shall be signed between the licensee and the participant, if the licensee is satisfied with the results of the commissioning tests.

Compliance of participant facility

5. (1) Pursuant to section 3(4) an electricity generation facility applied for must comply with the provisions of this section.

(2) For interconnection of a proposed generator—

- (a) that utilises inverter based protective functions to an area network, the aggregate electricity output on the load side of network protective devices, will not exceed 10% of the annual load on the network or 100 kW;
- (b) to area networks that do not utilise inverter based protective functions or inverter based generators that do

not meet the requirements of paragraph (a), the generator must utilise reverse power relays or other protection devices and methods that ensure no import of power into the participant's generator that could adversely affect protective devices on the network circuit.

(3) The proposed generator--

- (a) in aggregate with other generation on the distribution circuit, will neither cause any distribution protective devices and equipment (including but not limited to substation breakers, fuse cutouts, and line reclosers), or participant's equipment on the system, to exceed 90 percent of the short circuit interrupting capability; nor is the interconnection proposed for a circuit that already exceeds 90 percent of the short circuit interrupting capability;
- (b) in aggregate with other generation interconnected to the distribution low voltage side of the substation transformer feeding the distribution circuit where the generator proposes to interconnect, will not exceed 100 kW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (e.g., 3 or 4 distribution voltage level busses from the point of common coupling).
- (c) must not exceed the capacity of the participant's existing electrical service, therefore no construction of facilities by the licensee on its own system shall be required to accommodate the generator.

(4) The proposed generator's point of common coupling must be on a distribution line.

(5) Subject to subsection (6), where a participant's generator complies with all applicable standards above, the facility shall be considered to be in compliance with the technical requirements of this section and the licensee shall not require a participant to install additional controls including but not limited to a utility accessible disconnect switch, perform or pay for additional tests, or purchase additional liability insurance in order to obtain approval to interconnect except as agreed to by the participant.

(6) Additional protection equipment not included with the certified generator or interconnection equipment package may be added at the licensee's discretion as long as the performance of the system is not negatively impacted in any way and the participant is not charged for any equipment in addition to that which is included in the certified equipment package.

(7) Pursuant to subsection (6) in such a case, the licensee shall offer to perform additional review to determine whether minor modifications to the electric distribution system (for example, changing meters, fuses, or relay settings) would enable the interconnection to be made consistent with safety, reliability and power quality.

Provided that, the licensee shall provide to the applicant an estimate of the costs of such additional review, or such minor modifications and shall undertake the additional review or modifications only after the applicant consents to pay for the review or modifications.

(8) The licensee that charges any fee other than the application fees set forth above shall provide the participant with a bill that includes a clear explanation of all charges.

(9) In addition to subsection (8), the licensee shall provide to the participant, prior to the start of the interconnection study, an estimate of the number of hours that will be needed to complete the interconnection study, and an estimate of the total interconnection study fee.

Conditions attaching to every approval

6. Every applicant is expected to—

- (a) construct an electricity generation facility;
- (b) conduct commissioning test pursuant to the Electricity (Distribution Code) Regulations, 2017, published in Statutory Instrument 47 of 2017, and in the presence of the licensee;
- (c) begin operation of the generator on the date specified in the certificate,
- (d) comply with the terms and conditions specified in the Third Schedule;

- (c) provide at least 5 (five) working days' notice to the licensee prior to the initiation of operations if the licensee requires an inspection of the participant generator facility.

Issuance, duration, surrender and renewal of certificates

7. (1) Every certificate shall be valid for a period of twenty (20) years and may be renewed on conditions specified by the licensee.

(2) If an application for approval to be a participant is successful (whether with or without conditions) the licensee shall —

- (a) inform the applicant accordingly; and
- (b) issue to the applicant a certificate; and
- (c) make an appropriate entry in the net metering participant register.

(6) Upon expiry of a certificate, a participant may make an application for a new certificate.

Suspension or cancellation of certificates

8. (1) Subject to subsections (2) and (4), a licensee may at any time suspend (for a period not exceeding sixty (60) days) or cancel any certificate of operation if the licensee has reasonable grounds for believing that —

- (a) the certificate was issued in error or through fraud or misrepresentation or non-disclosure of a material fact by the participant; or
- (b) the participant has contravened any provision of the Act or these regulations or any condition of his or her certificate; or
- (c) the participant has ceased the certificated operations.

(2) The licensee shall notify the participant in writing of its intention to suspend or cancel his or her participant and the reasons for doing so, and shall call upon the participant to show cause, within 14 days from the date of the notice, why the certificate should not be suspended or cancelled, as the case may be:

Provided that if in the opinion of the licensee the certificate needs to be immediately suspended or cancelled in the public interest or to avert an environmental emergency he or she can issue the notice

requiring the participant to show cause after suspending or cancelling the certificate.

(3) If, at the expiry of the period specified in the notice given in terms of subsection (2), and after considering any representations made by the participant, the licensee is satisfied for any reason specified in subsection (1) that the certificate concerned should be suspended or cancelled, the licensee shall, by notice in writing to the participant, suspend or cancel the certificate or take such other action as it considers appropriate.

(4) The penalty of suspension is only available where there has been a contravention of any provision of the Act or these regulations or any condition attaching to approval which, in the opinion of the licensee, is a contravention that can be easily or speedily remediated by the participant:

Provided that—

- (a) if after the expiry of the period of suspension the participant has not taken the remedial action, the licensee shall forthwith cancel the certificate; or
- (b) on good cause shown by the participant, the licensee may extend the suspension for a period not exceeding thirty (30) days to allow the participant to take the required remedial action.

(5) The licensee shall immediately make an appropriate entry in the register where he or she suspends or lifts a suspension of any certificate or cancels it in accordance with this section.

Amendment and replacement of certificates

9. (1) A licensee may at any time amend a certificate or any terms or conditions attached to it—

- (a) to correct any error in the certificate; or
- (b) if the participant requests the amendment; or
- (c) if the licensee considers the amendment necessary to reflect the true nature of the participant's activities; or
- (d) if for any other reason the licensee considers the amendment necessary or desirable in the interests of the environment or in the public interest.

(2) The licensee shall notify the participant in writing of its intention to amend a certificate on a ground referred to in subsection (1)(a), (c) or (d) and shall call upon the participant to show cause, within 14 days from the date of the notice, why the certificate should not be amended.

(3) Where a participant requests an amendment to his or her certificate, he or she shall make an application to the licensee therefor, together with the prescribed fee, if any.

(4) Where a certificate is lost or destroyed, the participant may apply to the licensee together with the prescribed fee if any, for a replacement licence:

Provided that if the participant finds the lost licence he or she shall forthwith surrender it to the licensee

(5) Any person who contravenes the proviso to subsection (4) shall be guilty of an offence and liable to a fine not exceeding level three or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

Net Metering

10. (1) A licensee shall provide to participants electricity services at non-discriminatory rates that are identical, with respect to rate structure, retail rate components, and any monthly charges, to the rates that a participant would be charged if not a participant, including choice of retail tariff schedules.

(2) No licensee shall charge a participant any fee or charge other than fees prescribed in the First Schedule.

(3) A net metering facility shall be capable of operating in parallel and safely commencing the delivery of power into the distribution network at a single point of interconnection.

(4) Subject to subsection (5), to prevent a net metering participant from back-feeding a de-energized line, a net metering facility shall have a visibly open, lockable, manual, disconnect switch, which is accessible by licensee and clearly labelled.

(5) This requirement for a manual disconnect switch shall be waived if the following conditions are met—

- (a) the generation system must be designed to shut down or disconnect and cannot be manually overridden by the participant upon loss of utility power;
 - (b) the generation system must be warranted by the manufacturer to shut down or disconnect upon loss of utility power; and
 - (c) the generation system must be properly installed and operated, and inspected and tested by the licensee.
- (6) The aggregate generation capacity of net metered facilities in a particular licensee's license area shall be determined by the licensee in accordance with the licensee's electrical infrastructure capacity and thermal ratings upstream of net metered facilities, and limits imposed by the distribution network's stability requirements as determined by technical studies performed by, and practical experiences of, the licensee.

Compensation of energy exported and billing

11. (1) For every kWh that the Participant exports to the grid the participant shall receive a credit of 0.9 kWh in the billing period.
- (2) No participant shall claim monetary compensation from the distribution licensee for energy (kWh) exported to the licensee.
- (3) The reconciliation procedures and conditions for perpetual rollover of excess generation or net exports shall be on a monthly basis. The licensee shall rollover net exports from previous monthly billing periods and offset any future consumption bills of the participant.
- (4) If the net exports of a participant is negative (the participant is a net importer) during the monthly billing period, the participant shall be billed for the energy supplied by the distribution utility in accordance with the rates and charges under the customer's standard rate schedule.
- (5) A licensee must read the meter of a participant for every billing period.
- (6) Participants must ensure that the meter is easily accessible and clearly marked in order to allow licensee to read the meter. Participants must grant licensees access to their property at least once a month for the purpose of maintaining and reading their meter.

Termination of net metering participation

12. (1) Where a participant wishes to terminate a net metering arrangement, the participant shall make an application to the licensee to that effect.

(2) On receipt of an application made in terms of subsection (1) the licensee shall treat the end of the service period as if it were the end of the annualised period and compensate the participant in monetary terms.

(3) If the participant closes the electricity account, any net exports (after subtracting the participant's consumption during the final billing period) shall expire.

Net metering participant register

13. (1) The licensee shall establish and maintain a register of net metered participants to be known as a net metered participant register, in which the following shall be recorded—

- (a) the name and address of every net metered participant; and
- (b) the date of approval; and
- (c) the total number of net metered participant facilities, by energy source type;
- (d) the individual and total rated generating capacities of net metered participant facilities, by energy source type;
- (e) the individual and total monthly number of kWh received from net metered participants; and
- (f) the total estimated annual amount of kWh produced by net metered participants.

(2) The licensee, shall, at the request of the Authority, make available a copy of its register or any extract thereof free of charge: Provided that in the case of the whole register the Authority shall not request more than one copy per quarter of a calendar year.

(3) The licensee shall keep and maintain the register in both material and electronic form.

Metering arrangement

14. (1) Meters shall be provided as specified in the Electricity (Distribution Code) Regulations, 2017, published in Statutory Instrument 47 of 2017, for the purpose of metering under these regulations.

(2) The net metering arrangement shall be provided with meter or meters which shall provide the following additional information to the licensee for every billing cycle—

- (a) total energy consumption by the participant;
- (b) energy generated by the renewable energy source;

(3) The cost of new or additional meter(s), including the cost of replacement, shall be borne by the participant. Meter(s) shall be installed and maintained by the licensee. No meter rentals shall be charged from the participant.

(4) It shall be the licensee's responsibility to satisfy itself regarding the accuracy of the meter(s) before it is installed.

(5) The meter reading taken by the licensee shall form the basis of all commercial settlements.

Disputes

15. (1) Any person who is aggrieved—

- (a) by a decision of the licensee to—
 - (i) reject an application in terms of section 3; or
 - (ii) grant an application subject to conditions;or

(b) any other decision made by the licensee

may appeal to the Authority in Form ENM 3 (or in a substantially similar form) together with the prescribed fee within 14 working days from the date he or she is notified of the decision.

(2) Subject to subsection (3), the period between the lodging of the appeal in terms of subsection (1) and its determination shall not exceed thirty days, and if the appeal has not been determined after that period it shall be deemed (except in the case of an appeal against the rejection of an application for approval or conditional granting or suspension or cancellation of approval) to have been determined in favour of the appellant.

(3) An appellate authority may before deciding an appeal, request the appellant to make such further written submissions or supply such further information as he or she considers will be of assistance in determining the appeal, in which event the thirty day period referred to in subsection (2) shall be extended by a further period of thirty days so that the appeal may be determined on a date no later than sixty days from the date when the appeal was lodged.

(4) On an appeal under this section the appellate authority may confirm, vary or set aside the decision or action appealed against.

(5) Upon making its determination, the Authority shall notify the determination to the appellant and the licensee by remitting back two copies of Form ENM 3 wherein the Authority states its reasons for the determination.

(6) If the determination is favourable to the appellant the licensee shall within seven working days from the date of such notification, grant to the appellant the approval in question.

(7) For the avoidance of doubt it is declared that where—

- (a) an appellant whose application for approval has been rejected or whose approval has been suspended or cancelled; and
- (b) the appeal has not been determined timeously in accordance with subsection (2);

such appellant has a right under the Administrative Justice Act [Chapter 10:28] to apply to the Administrative Court to compel the appellate authority to furnish reasons why the determination of his or her appeal has not been made timeously and for such other relief that the High Court may grant under that Act.

False entries and declarations in forms

16. Any person who provides any information in or together with an application for any certificate under these regulations knowing that such information is false or not having reasonable grounds for believing that such information is true shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment not exceeding six months or to both such fine or such imprisonment.

S.I. 86 of 2018

FIRST SCHEDULE (Section 2)

FEES

Section	Description	Form	Fee \$US
3	Application for participation in net metering	ENM1	20
10	Application for interconnection	ENM2	5
8	Electronic copy of the register		5
8	Hard copy of the register		1 per page
11	Appeal fee	FC12	5

SECOND SCHEDULE (Section 2)

FORMS

- Form ENM1. Application for participation in net metering.
 Form ENM2. Application for interconnection review.
 Form ENM3. Notice of appeal.

FORM ENM1

ENM1 SERIAL No.....

APPLICATION FOR PARTICIPATION FOR NET METERING

Issued in accordance with the Electricity(Net Metering) Regulations, 2018

Explanatory Notes

- Three copies of this Form must be completed by the applicant two of which the applicant must deliver to the licensee.
- If the spaces provided in this Form are insufficient an applicant may affix attachments to this Form.
- Where an ID number of an individual is required by this Form to be given the individual may give his or her National Registration Number, Driver's Licence Number or Passport Number and must indicate beside the number which of the foregoing he or she is using.
- Applicants are warned that the deliberate provision of any false information in or together with this application is a criminal offence.

Electricity (Net Metering) Regulations, 2018

Name of applicant

ID /Company registration number:

Physical Residential address of applicant:

.....

.....

Telephone No: Cellphone No: E-Mail address:

Declaration by applicant:

I declare that the particulars given by me in this Form are to the best of my knowledge and belief true.

Signature of applicant:

If signed in a representative capacity state in what capacity:

.....

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Name of Officer

Designation

Signature:

Receipt No.:

Application No. :

Permit number (if granted).....

Approved YES NO.....

If No give reasons for rejection:

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.....

NOTIFICATION PARTICULARS

The decision on this application was notified to the applicant:

On Signed.....

FORM ENM2

ENM2

SERIAL No.....

APPLICATION FOR INTERCONNECTION

Issued in accordance with the Electricity(Net Metering) Regulations, 2018

Explanatory Notes

- Three copies of this Form must be completed by the applicant two of which the applicant must deliver to the licensee.
- If the spaces provided in this Form are insufficient an applicant may affix attachments to this Form.
- Where an ID number of an individual is required by this Form to be given the individual may give his or her National Registration Number, Driver's Licence Number or Passport Number and must indicate beside the number which of the foregoing he or she is using.
- Applicants are warned that the deliberate provision of any false information in or together with this application is a criminal offence.

Name of applicant:

ID /Company registration number:

Physical/Residential address of applicant:

.....

.....

Capacity installed (kW):

Telephone No: Cellphone No: E-Mail Address:

I/We herewith apply for a solar energy net-metering connection at the service connection and for the solar PV plant of which details are given below.

Solar grid inverter make and type:

Solar grid inverter has automatic isolation protection (Y/N).....

Has a solar generation meter been installed (Y/N).....

Expected date of commissioning of solar Pv system.....

Details of test certificates of solar pv plant/inverter for standards required under the regulations.....

.....

.....

.....

Electricity (Net Metering) Regulations, 2018

Declaration by applicant:

I declare that the particulars given by me in this Form are to the best of my knowledge and belief true.

Signature of applicant:

If signed in a representative capacity state in what capacity:

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.....
Name of officer

.....
Designation

Signature:

Date and Stamp

Receipt No.:

Application No. :

Permit number (if granted).....

Approved YES..... NO.....

If No give reasons for rejection:

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NOTIFICATION PARTICULARS

The decision on this application was notified to the applicant:

On signed.....

FORM ENM3

ENM3

Serial No.:

ELECTRICITY ACT [CHAPTER 13:19]

Electricity (Net Metering) Regulations, 2018

NOTICE OF APPEAL

Explanatory Notes

- Three copies of this notice must be completed by the appellant, one of which the appellant must deliver to the licensee.
- A copy of the notification of the decision being appealed against must be attached to this Form.
- Appellant has 14 days from date of notification of the decision to make this appeal.
- If the spaces provided in this Form are insufficient an appellant may affix attachments to this Form.

Appeal against decision of:

Lodged on this..... day of..... (Month).....(Year)

DETAILS OF APPEAL

I,,
(Name of the appellant)of,
(Address of appellant)

am aggrieved by (tick the appropriate box):

1	the 's decision to reject an application for approval for net metering/ interconnection review (<i>delete inapplicable</i>)
2	the decision of to cancel an approval for net metering (<i>delete inapplicable</i>)
3	the decision of to suspend an approval for net metering (<i>delete inapplicable</i>)
4	Other (<i>specify</i>)

Electricity (Net Metering) Regulations, 2018

Accordingly, I wish to appeal to the Director General of the licensee/Chief Executive Officer of the Authority (*delete inapplicable*) to reverse or rectify the aforementioned decision.

The following in brief are facts and grounds on which this appeal is based
(If the space provided below is inadequate, not more than two pages containing details of the grounds of the appeal may be attached to this form):

.....
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.....
.....
.....
.....
Signature of person noting the appeal

.....
if signed in a representative capacity state in what capacity you are signing this Form
.....
.....

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Received by the appellate authority (*delete inapplicable*)

I, the Director-General of the licensee/Chief Executive Officer of the Authority, having considered this appeal—

- (a) I am unable to make a determination until I receive the following information or documents from the appellant, or Director General of the licensee:

-
.....
.....
.....
(b) I have determined that the appeal should be—

- (i) granted in favour of the appellate:

-
.....
(ii) granted subject to the following condition:

(iii) rejected for the following reasons:
.....
.....

Date: Signature:

NOTIFICATION PARTICULARS

The decision on this application was notified to the applicant:

On signed.....

*Supplement to the Zimbabwean Government Gazette dated the 1st June, 2018.
Printed by the Government Printer, Harare.*