

L.N. 120 of 2017**REGULATOR FOR ENERGY AND WATER SERVICES ACT
(CAP. 545)****Feed-in Tariffs Scheme (Electricity Generated from Solar
Photovoltaic Installations) (Amendment No. 3) Regulations, 2017**

IN exercise of the powers conferred by article 37(1) of the Regulator for Energy and Water Services Act, the Prime Minister, after consultation with the Regulator for Energy and Water Services, has made the following regulations:

Citation. **1.** The title of these regulations is the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) (Amendment No. 3) Regulations, 2017, and these regulations shall be read and construed as one with the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) Regulations, hereinafter referred to as "the principal regulations".

S.L. 545.27.

Amends
regulation 2 of
the principal
regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:

(a) the definition "marginal cost per unit" shall be deleted;

(b) immediately after the definition of "premises code", there shall be added the following new definition:

" "proxy for the market price" means the average of the estimated variable cost of meeting the demand forecast for a given year from locally generated conventional and imported electricity, with the demand assumption excluding that portion of the forecast demand which is not expected to be met by conventional and imported electricity;"

Amends
regulation 4 of
the principal
regulations.

3. In paragraphs (b) and (c) of sub-regulation (6) of regulation 4 of the principal regulations, the words "marginal cost" shall be substituted wherever they occur by the words "proxy for the market price established under the Fourth Schedule".

Amends
regulation 4A of
the principal
regulations.

4. Regulation 4A of the principal regulations shall be amended as follows:

(a) the words "marginal cost of electricity" shall be substituted by the words "proxy for the market price established";

(b) in the English version of the principal regulations, in paragraph (b) thereof the words "marginal cost" shall be deleted and substituted by the words "proxy for the market price established"; and

(c) in paragraph (d) (i) and (ii) thereof, the words "marginal cost" shall be substituted by the words "proxy for the market price established under the Fourth Schedule".

5. In regulation 6 of the principal regulations, the words "marginal cost per unit incurred by the distribution system operator as established in the Fourth Schedule" shall be substituted by the words "proxy for the market price established under the Fourth Schedule".

Amends regulation 6 of the principal regulations.

6. In sub-regulation (2) of regulation 12 of the principal regulations, the words "marginal cost" shall be substituted by the words "proxy for the market price established under the Fourth Schedule".

Amends regulation 12 of the principal regulations.

7. Immediately after regulation 4A of the principal regulations there shall be added the following new regulation:

Adds new regulation 4B to the principal regulations.

"Transitory provision.

4B. Any installation operator, who in force of the Feed-In Tariffs (Electricity Generated From Solar Photovoltaic Installations) Regulations, or in force of these regulations, is being paid or may be paid the marginal cost, however so described, shall as from the entry into force of this regulation, be paid the proxy for the market price."

8. The Fourth Schedule to the principal regulations shall be substituted by the following new Schedule:

Substitutes the Fourth Schedule to the principal regulations.

"FOURTH SCHEDULE (Regulations 4, 4A, 6, 9, 12)

Electricity rate per kWh applicable for electricity generated and exported to the distribution system:

(a) in the case referred to in regulation 4(6)(b) and 4(6)(c); or

(b) in the case referred to in regulation 4A; or

(c) after the expiry of the period of guaranteed payment of the feed in tariff; or

(d) where the thresholds established in the Second Schedule for the eligibility of the FIT are exceeded the rate shall be determined to be the proxy for the market price for electricity to be incurred by the distribution system operator for the particular year as approved by the Regulator.

The Regulator may define which cost items may be considered in the determination of the proxy for the market price of electricity incurred by the distribution system operator.

The rate determined to be the proxy for the market price for the year 2017 shall be of seven cents and twenty-five mils (€0.07,25) per kWh."

