



UNTAET

United Nations Transitional Administration in East Timor

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10 May 2002

DIRECTIVE NO. 2002/07**AMENDMENT ON THE SCHEDULE OF
FEES AND CHARGES FOR ELECTRICITY AND RELATED SERVICES**

The Transitional Administrator,

Pursuant to the authority given to him under United Nations Security Council Resolution 1272 (1999) of 25 October 1999,

For the purpose of establishing appropriate fees and charges with respect to the continued provision by UNTAET of electricity and related services in East Timor, and for assuring collection of such fees and charges as earmarked funds for purposes of the Power Authority, as provided in UNTAET Regulation 2001/13,

Bearing in mind UNTAET Directive 2000/6, of 26 July 2000, O.G. vol. I at p. 157,

Hereby promulgates the following:

The new Schedule of User Fees and Charges for Electricity and Related Services as set forth in the attachment hereto shall apply as from 10 May 2002, until replaced or modified;

The present Directive and its accompanying Schedule supersedes and replaces UNTAET Notification on Fees in Relation to Electricity Services of 30 November 2000, O.G. vol II at p. 44;

The present Directive and its accompanying Schedule shall be published in the Official Gazette of East Timor.

Sergio Vieira de Mello
Transitional Administrator

SCHEDULE
Of
Fees and Charges for Electricity and Related Services

Section 1
Purpose of Schedule

The purpose of this Schedule is

- (a) to specify services to be provided in East Timor by the Power Service of UNTAET (hereinafter Power Service), in relation to the provision of electricity to the public;
- (b) to establish fees and charges to be paid for electricity and related services; and
- (c) to provide for collection of such fees and charges as a result of goods and services provided by the Power Service.

Section 2
System of Supply

- 2.1 Electricity supplied by the Power Service will be alternating current 50-Hertz, with voltage generally maintained within plus or minus 4% of nominal voltage.
- 2.2 Domestic supply will generally be single-phase 230 volt.
- 2.3 Commercial Supply may be single-phase 230 volt or 3-phase 400/230 volt.
- 2.4 Social supply will be of domestic or commercial type according to a given situation.
- 2.5 The Power Service may provide supply at higher voltages as may be agreed with particular consumers.
- 2.6 Supply of electricity by private generators may be authorized under the following conditions:
 - (a) License issued by the Power Service following a request by the interested party explaining the reason of the request.
 - (b) Capacity of the generator over 50 v (lethal voltage) and above 1 KW.
 - (c) Industrial, commercial and private purposes.
 - (d) During development of projects.
 - (e) Use of permutators that allow for access to the distribution network of electricity to be supplied by the Power Service.
 - (f) Connection of generators to the distribution network of the Power Service, allowing for parallel operation.

Section 3
Consumer Categories

- 3.1 Consumer categories shall be Domestic, Commercial and Social.
- 3.2 Domestic premises are those used for residential accommodation, including blocks of individually metered units.
- 3.3 Commercial premises are those used for business, foreign missions, hotels, boarding houses, companies, Government buildings and services, boarding schools and other institutions.
- 3.4 Social premises are those used by non-profit humanitarian and religious organizations.

Section 4
Standards of Installations and Works

The Power Service shall establish standards and requirements for electrical installations and works in East Timor.

Section 5
Electricity to be Metered

- 5.1 All consumption of electricity provided by the Power Service from the Comoro and Caicoli power stations shall be metered.
- 5.2 The occupant of any premises receiving electricity provided by the Power Service from the Comoro and Caicoli power stations or from power stations of any other district or sub-district which is not presently metered shall immediately regularize his or her situation by making an application for supply to the Power Service and shall pay the prescribed connection fee.
- 5.3 Failure to comply with the provision of Section 5.2 shall entail disconnection of illegal supply of power.

Section 6
Application for Supply

- 6.1 A person taking or intending to take supply from the Power Service shall make an application for supply on a form provided by the Power Service and shall pay the prescribed connection fee.
- 6.2 The application for supply shall be signed by the applicant if the applicant is a natural person, or in other cases by a duly authorized representative of the applicant.
- 6.3 The application shall identify the premises in respect of which the application is made and shall state its use or intended use.
- 6.4 The applicant (hereinafter referred to as “applicant” or “customer”) shall be liable to pay all fees and charges prescribed in the present Directive for electricity and related services provided pursuant to the application or provided to the premises to which the application relates.
- 6.5 New applications for supply of electricity for commercial purposes shall have the license to carry out commercial activities attached thereto, otherwise they shall be refused.
- 6.6 Continuation of current supply of electricity for commercial purposes shall be subject to production of the respective license to carry out commercial activities within fifteen (15) days from the entry into force of the present Directive, after which electricity will be disconnected without further notice.

Section 7
Connection of Supply

- 7.1 Upon receipt of an application for supply, the Power Service shall undertake arrangement for the connection and supply of electricity to the premises specified in the application.
- 7.2 Prior to making a connection, the Power Service may inspect the electrical installation at the affected premises to determine the safety and adequacy thereof, and may require the applicant to carry out additions, alterations or repairs to the electrical installation before completing the connection.
- 7.3 The Power Service may not connect and supply electricity to any premises unless it is satisfied that its electrical installation is safe and suitable to receive supply.
- 7.4 Where the premises has previously been disconnected for default in payment, the Power Service will not reconnect to the premises until the outstanding account is settled.
- 7.5 The Power Service may refuse to connect or supply electricity to an installation if
 - (a) the installation is able to generate its own electric power and requires more than 60 amps of electricity supply at low voltage; or
 - (b) the installation is likely to cause the supply of electricity to be overloaded, unreliable or dangerous.

Section 8 Connection Fees

- 8.1 Connection fees shall be levied and payable at the time an application for supply is submitted to the Power Service, as follows:
 - (a) USD\$ 10 for all Domestic premises;
 - (b) USD\$ 15 for all Social premises;
 - (c) USD\$ 20 for all Commercial premises;
 - (d) USD\$ 100 for 3-phase Commercial premises without current transformer metering, or with current transformer metering installed by the customer;
 - (e) Estimated total cost for 3-phase Commercial premises with current transformer metering installed by the Power Service. If actual total cost exceeds the estimate, the difference shall be paid by the customer prior to commencement of service.
- 8.2 The Power Service may refuse to complete a connection more than 20 meters from the nearest suitable power line. Where the Power Service agrees to provide such supply, an additional charge reflecting the cost of this extension shall be levied and paid prior to commencement of service.

Section 9
Electricity Tariff

9.1 A tariff for each kWh of electricity supplied by the Power Service is established as follows and shall be applied as specified in the present section:

$$\text{USD\$ tariff per kWh} = \text{USD\$ } 0.117 + (\text{USD\$}0.0986 \times \text{CFP/BFP})$$

Where CFP = Current Fuel Price in USD\$ per litre delivered to Comoro and Caicoli power stations; and BFP = Base Fuel Price of USD\$ 0.26 per litre.

9.2 The tariff per kWh shall be rounded up to the nearest USD\$ 0.001 per kWh.

9.3 The tariff per kWh shall be applied to all electricity supplied by the Power Service, without waiver or exemption; *however*,

(a) For Domestic and Social premises, the first 25 kWh consumed per month shall be free of charge on a provisional and exceptional basis *provided* that USD\$ 1.00 is paid every month to the Power Service.

9.4 The tariff shall be reviewed and adjusted upward or downward, if necessary, at least every six months. If a change in the tariff requires an increase in billing rates, customers shall be given advance notice of at least one month before the higher rate goes into effect.

Section 10
Estimation of Usage

10.1 The Power Service will estimate the number of kWh supplied by the Power Service to an installation in all cases where:

- (a) It appears to the Power Service that the installation received supply but was without a meter during all or part of a billing period; or
- (b) The testing of a meter discloses an error of plus or minus 3% or more; or
- (c) It appears to the Power Service that, as a consequence of damage to, destruction of, or tampering with a meter, the quantity of electricity supplied was not properly registered or recorded on that meter; or
- (d) Proper access to the meter was not given, or the meter reader was otherwise prevented from reading the meter when required by the Power Service; or
- (e) It appears to the Power Service that a bill has been rendered in respect of a lesser or greater quantity of electricity than that actually supplied during the billing period.

10.2 Estimations of usage will be based on all information available to the Power Service, including but not limited to prior and subsequent patterns of consumption at the affected installation and at other installations similarly situated. Estimations will be reasonable and will correspond as closely as practicable with actual usage of electricity supplied by the Power Service.

- 10.3 The information and methodology according to which an estimation was made shall be provided to the customer on request.

Section 11
Accounts and Billing

- 11.1 The Power Service shall maintain a separate account in respect of each installation to which service is provided. The account shall identify the premises, the applicant for service, and shall reflect the billing and payment history for electricity and related services.
- 11.2 Bills shall be based on metered consumption, at the prescribed rates applicable to each installation; *provided, however*, that if the conditions of Section 10.1 apply, then a bill may be based on estimated consumption.
- 11.3 Each bill shall state
- (a) The time period to which it relates;
 - (b) The charge for usage during the period;
 - (c) The rate or rates at which the charge was calculated;
 - (d) The number of kWh consumed;
 - (e) Whether the bill is based on metered or estimated consumption;
 - (f) The date of issuance of the bill; and
 - (g) The date by which payment is due.
- 11.4 Bills will be rendered at monthly intervals, or as agreed between the customer and the Power Service; *provided, however*, that the Power Service, where it deems it necessary or convenient, may render a bill at a different interval.
- 11.5 Upon application with at least 48 hours notice and payment of a fee of USD\$ 10.00, the Power Service shall perform a special meter reading and shall render a statement showing all fees and charges owing in respect of an installation as of a date specified in the application; *provided* that the applicant is the customer, occupier or owner of the premises, a duly authorized representative of the customer, occupier or owner, or is a person who, in the opinion of the Power Service, has a sufficient interest in the premises.
- 11.6 A final bill shall be rendered to the customer following any discontinuation of service pursuant to Sections 14 or 15.

Section 12
Adjustment of Accounts and Bills

- 12.1 The Power Service may adjust accounts and render adjusted bills in respect of such period or periods during which a customer was
- (a) supplied a lesser or greater quantity of electricity than that previously set forth and charged; or

- (b) charged at a different rate or tariff other than that which was properly applicable.
- 12.2 Where the period of adjustment cannot be accurately ascertained, adjustment will be made in respect of the full billing period immediately preceding the period during which the conditions requiring adjustment became evident, and for that portion of the current period during which the conditions requiring adjustment remain or have remained in place.
- 12.3 Adjusted bills shall be based on metered or estimated consumption as provided in Section 11.2, and may be rendered in respect of periods for which bills have already been rendered and paid.

Section 13
Payment of Fees and Charges

- 13.1 All fees and charges levied pursuant to the present Directive shall be paid within 14 working days following the issuance of a bill into the account of the Central Fiscal Authority at the Central Payments Office or in a manner authorized by the Head of the Central Fiscal Authority pursuant to Section 5.1 of UNTAET Regulation 2001/13.
- 13.2 Where any bill is not paid as provided in Section 13.1, supply of electricity to the premises may be disconnected immediately.
- 13.3 If disconnection is carried out as provided for in Section 13.2 and the commercial premises continues operating with generators, the Power Service may issue a Notice of Seizure indicating that the generators will be confiscated if a bill is not paid within 5 days following the delivery of such a notice.
- 13.4 Where however a generator is confiscated as provided for in Section 13.3 and a bill is not paid, the generator shall be declared forfeited for the State 60 days from the date of seizure, without further notice.
- 13.5 A generator declared forfeited for the State shall be immediately sold at a public auction and the value of the sale shall be used to pay the outstanding bill accrued of any other charges incurred by the seizure and the public auction, without prejudice to other legal action that may be taken.
- 13.6 The Central Fiscal Authority shall treat all revenues received pursuant to the present Directive as earmarked receipts of the Power Service as a designated services authority, under the provisions of Sections 9 and 10 of UNTAET Regulation 2001/13.

Section 14
Application to Discontinue Supply

- 14.1 A customer intending to discontinue the taking of electricity supplied by the Power Service shall apply for disconnection on a form supplied by the Power Service, which

shall state the date upon which disconnection is requested.

- 14.2 Upon receipt of an application for disconnection, the Power Service shall undertake the requested disconnection.
- 14.3 In effecting a disconnection pursuant to the present Section, if it appears that the installation will remain disconnected for a period in excess of 14 days, the Power Service may, in its discretion, remove meters, wires, conduits and other apparatus which is the property of the Power Service from the installation.
- 14.4 If the Power Service is prevented or hindered in removing its property, it may levy a charge against the customer for the value of the property.

Section 15 Disconnection of electricity supply

- 15.1 The Power Service may disconnect electricity supply without further notice if bills are not paid as provided for in Section 13.1.
- 15.2 Where a meter or other property of the Power Service at a supplied installation is interfered with, damaged or destroyed, the Power Service may disconnect that installation without notice and may levy a charge for repair or replacement of the meter or other affected property.
- 15.3 Where personnel of the Power Service, who have presented to the occupant of the premises of a supplied installation proper identification as Power Service personnel, are prevented or hindered in meter reading or in the performance of any activity on the premises which is required or permitted under the present Directive, the Power Service may disconnect that installation without notice.
- 15.4 Taking into account the need to provide an effective supply of electricity to East Timor, and upon 10 days' notice to the customer, the Power Service may disconnect a supplied installation if
 - (a) the installation is able to generate its own electricity and requires more than 60 amps of electricity supply at low voltage; or
 - (b) continued connection is likely to cause the supply of electricity to be overloaded, unreliable or dangerous; or
 - (c) the customer has failed to comply with the terms of a notice of restriction on load, issued pursuant to Section 19.
- 15.5 Upon any disconnection pursuant to the present Section, the Power Service may, in its discretion, remove meters, wires, conduits and other apparatus which is the property of the Power Service from the affected installation.
- 15.6 If the Power Service is prevented or hindered in removing its property, it may levy a charge against the customer for the value of the property that could not be removed.

- 15.7 The Power Service will not reconnect an installation which was disconnected pursuant to the present Section unless
- (a) the reason or reasons for disconnection no longer exist; and
 - (b) an application for reconnection is lodged and the fee prescribed in Section 8 is paid, accrued of the reconnection fee of USD\$5, USD\$8, USD\$10 and USD\$50 respectively.
- 15.8 Disconnection pursuant to the present Section shall be in addition to any other remedies against any person, which are available by law to the Power Service.

Section 16
Customer's Duty to Report to Power Service

- 16.1 Whenever any accident occurs in connection with any electrical installation, plant or apparatus, which causes loss of life or serious injury to any person, or causes serious damage to property, the occupier of the premises should immediately report such accident to the Power Service.
- 16.2 The customer must inform the Power Service of any actual or intended change in the use of the premises, which would result in the application of a different rate or tariff to the premises that the rate or tariff presently applied.

Section 17
No Responsibility for Consequential Damages

- 17.1 The Power Service will not be held responsible for any damage caused to a customer's apparatus or equipment caused by fluctuations in voltage levels or for any other reason in connection with the supply of electricity to an installation.
- 17.2 The Power Service will not be held responsible for any consequential damage, including but not limited to the loss of food or other perishable items, where supply to an installation has been accidentally or incorrectly disconnected.

Section 18
Interruption of Supply

The Power Service may, without notice, temporarily discontinue the supply of electricity to an installation, a class or group of installations, or a service area, for the purpose of tests, repairs, or construction of electrical lines or equipment used in the generation or distribution of electricity, or any other works incidental to the functions of the Power Service.

Section 19
Restriction on Load

The Power Service may from time to time, by notice in writing delivered to a customer, limit the quantity of electricity that the customer may use.

Section 20
Rationing of Supply

- 20.1 Where, in the opinion of the Power Service, the available quantity of electricity at any time is insufficient to provide adequate supply under full load, the Power Service may ration the supply of electricity within a supply area by one or more of the following measures:
- (a) Limiting or defining the periods during which electricity may be used;
 - (b) Prohibiting or restricting the use of specified appliances or classes of appliances;
 - (c) Cutting off temporarily the supply of electricity to all or any part of a supply area or to specified installations or classes of installations therein.
- 20.2 The Power Service shall give such public notice of an order under the present Section as is practicable under the circumstances.

Section 21
Generation of Electricity by the Customer

Metering installations shall be configured so that electricity generated by equipment of the customer is not recorded by the Power Service meter.

Section 22
Right of Review

- 22.1 A customer to whom a bill has been issued by the Power Service pursuant to the present Directive may, within 14 working days of the date of the bill, request a review of the bill by an independent panel (hereinafter the "Panel") as provided in the present Section.
- 22.2 The Panel shall be comprised of:
- (a) an appointee of the Head of the Central Fiscal Authority;
 - (b) an appointee of the Minister for Economic Affairs, the appointee not being an official or employee of the Power Service; and
 - (c) an appointee of the Secretary of State for Labour and Social Solidarity.
- 22.3 The Panel shall consider Power Service records pertaining to the contested bill, as well as any submission from the customer, and shall determine whether, under the provisions of the present Directive, the contested bill should be reduced or cancelled.

The Panel must report its decision to the Power Service and the customer within 14 working days of the request for review.

- 22.4 The customer may, within 14 working days of the date of the report of the Panel, appeal the decision thereof to the Administrative Tribunal of the East Timor Transitional Administration, or, pending its establishment, the District Court of Dili. The decision of the Administrative Tribunal of the East Timor Transitional Administration, or, pending its establishment, the District Court for the District of Dili shall be final and shall be implemented by the Power Service.
- 22.5 In the event the Panel, or the Administrative Tribunal of the East Timor Transitional Administration, or, pending its establishment, the District Court of Dili, orders a reduction, in whole or in part, of a contested bill, the Power Service shall withdraw the contested bill and shall issue a new bill in accordance with such order.
- 22.6 The customer's liability for payment of a bill contested under the present Section is not suspended during review proceedings. Any payment made between lodgment of a request for review pursuant to Section 22.1 and final disposition thereof shall be deemed to be paid under protest and shall be without prejudice to the request for review.

Section 23 Right of access

- 23.1 Personnel of the Power Service, who have presented proper identification as Power Service personnel, have the right of unrestricted access to any rural or urban, domestic, commercial, social or government building or to any other type of building in the performance of their duties and in accordance with provisions of this Directive.
- 23.2 Whenever personnel of the Power Service are required to have access as provided for in Section 23.1 a notice will be delivered in advance, excepting cases of emergency or *force majeure*.
- 23.3 Interference with any equipment of the Power Service, including a threat to interfere with an employee in the performance of his or her duties shall be a violation of the present Directive, carrying a penalty of 1000 points, without prejudice to any other criminal or civil action that the case may require.

Section 24 Entry Into Force and Transitional Provision

- 24.1 Fees and charges provided in the present legal instrument shall accrue as of 1 August 2001.
- 24.2 No disconnection of electricity supply or other penalty shall be applied to any customer for late payment of fees and charges accruing between 1 July 2001 and 15 August 2001, unless such fees and charges remain unpaid on the later of the following dates:

- (a) 30 calendar days after such fees and charges have been billed to the customer;
- or
- (b) 1 October 2001.