

**SAMOA**

**ELECTRICITY (FEES) REGULATIONS 2017**

Arrangement of Provisions

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PURSUANT to section 54 of the Electricity Act 2010 (“Act”), **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** these Regulations:

DATED this ..... 20<sup>th</sup> ..... day of March ..... 2017.

Tui Atua Tupua Tamasese  
(Tui Atua Tupua Tamasese Efi)  
**HEAD OF STATE**

## REGULATIONS

**1. Citation and commencement-**(1) These Regulations may be cited as the Electricity (Fees) Regulations 2017.

(2) These Regulations commence on the date they are signed by the Head of State.

**2. Interpretation** - In these Regulations, unless the context otherwise requires:

“application” means an application made under section 13 of the Act;

“gross revenue” means the licensee’s annual gross electricity sales derived from the licensed services during a licence year;

“licence year” means the period from 1 January to 31 December in a year;

“qualified auditor” has the meaning under section 15(2) of the Samoa Institute of Accountants Act 2006.

**3. Application fees-**(1) An application must be accompanied by the non-refundable application fee set out in the Schedule.

(2) The Regulator may refuse to process an application until the application fee is paid.

**4. Annual licence fees-**(1) The licensee must (on or before 1 January in each licence year) pay to the Regulator the annual licence fee set out in the Schedule.

(2) However, if a licence is issued within a licence year, the annual licence fee is to be paid proportionate to the period up to 31 December for that licence year.

**5. Surcharge and debt-**(1) If a licensee fails to pay the annual licence fee by the date specified in regulation 4(1), the licensee must pay a surcharge of 5% of the unpaid licence fee, in addition to the licence fee.

(2) The licensee must pay the surcharge in sub-regulation (1) for each licence year the annual licence fee remains unpaid.

(3) Any unpaid annual fee, including surcharge is a debt owed by the licensee and is recoverable in court by the Regulator.

**Revenue forecasts-**(1) A licensee must (no later than 31 January in each licence year) submit to the Regulator forecasts:

- (a) of its gross revenue to the Regulator no later than 31 January in each licence year; and
- (b) clearly state the methods used in preparing the forecasts.

The Regulator may, in writing, request a licensee to provide to the Regulator any information that is reasonably necessary to verify the calculation of the annual licence fee, including the following:

- (a) audited financial statements;
- (b) information on adjustments required to compensate for under or overpayments of previous licence fee payments;
- (c) a report prepared by a qualified auditor that includes a statement that the information submitted complies with any requirements of the Regulator;
- (d) any other information relevant to preparing the gross revenue.

**Revised annual licence fees-**(1) This sub-regulation applies if the Regulator is satisfied that the information provided by the licensee under regulation 6 is incomplete or unreasonable compared to the estimates of the annual gross revenue for the last licence year.

If sub-regulation (1) applies, the Regulator may revise the annual licence fee to be paid under regulation 4 if the revised fee is additional to the annual fee already paid by the licensee.

A person who intentionally provides to the Regulator information that is false in order to pay a lesser annual licence fee commits an offence and is liable upon conviction to a fine not exceeding 4 penalty units.

**Adjustment of annual licence fees-**(1) A licensee must submit to the Regulator audited financial statements which disclose the licensee's actual gross revenue derived from the licensed services within four (4) months of the end of the licensee's financial year.

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(2) If there is a shortfall or excess between a licensee's estimate of gross revenue and the actual gross revenue for that licence year, the shortfall or excess shall be added to, or subtracted from, the annual licence fee payable for the next licence year that immediately follows the period under review.

**SCHEDULE**  
*(Regulations 3 and 4)*

**FEES**

<b>No.</b>	<b>item</b>	<b>Fee (\$)</b>
1	Application fee for generation licences	500.00
2	Application fee for electricity network services licences	1000.00
3	Annual licence fee for generation licences	0.5% of gross revenue
4	Annual licence fee for electricity network services licences	0.5% of gross revenue

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