

ANWAR KAMAL LAW ASSOCIATES

Ref. No.C/NEPRA/239/17

BY EMAIL, FAX & UMS

Dated: 11th April, 2017

<office@nepra.org.pk>

051-2600026

The Chairman,
National Electric Power
Regulatory Authority (NEPRA),
Attaturk Avenue (East), NEPRA Tower,
Sector G-5/1, Islamabad.

Subject: Notice of Admission - Generation Licence Application of Noor Solar Energy (Pvt.) Limited for its Wind Power Plant of 50.0 MW Installed Capacity.

- Reference:
- i) Advertisement Published on 25.03.2017.
 - ii) AKLA's Intervention Request and other letters written in the matter of determination of Up-front Tariff for Solar and Wind Power Plants.
 - iii) AKLA's letter dated 27.04.2015 written in the matter of grant of Generation License to Nine (09) Solar Power Plants.
 - iv) AKLA's letters written in the matter of Authority Proposed Modification for de-commissioning of GENCO-II and GENCO-III Power Plants.
 - v) AKLA's letter written in the matter of grant of Generation License to Quaid-e-Azam Thermal Power Plant dated 08.02.2016.
 - vi) AKLA's letter written in the matter of grant of Generation License to Hub Power Company Limited dated 23.02.2016.
 - vii) AKLA's letters written in the matter of grant of Generation License to CHASNUPP-3 and CHASNUPP-4 dated 01.04.2016.
 - viii) AKLA's letters written in the matter of Licensees' Proposed Modifications of HAWA and Jhimpir Wind Power Projects.
 - ix) AKLA's letter dated 01.02.2016, written in the matter of Monthly Fuel Charges Adjustment for Ex-WAPDA Distribution Companies for the month of December, 2015.
 - x) AKLA's letters written in the matter of grant of Generation Licence to Tricon Boston-A, Tricon Boston-B and Tricon Boston-C dated 18.04.2016.
 - xi) AKLA's letters written in the matter of grant of Generation Licence to Three Gorges Second and Third Wind Farm Pakistan Limited dated 22.04.2016.
 - xii) AKLA's letter written in the matter of grant of Generation Licence to Gul Ahmed Electric Limited (GAEL) for its WIND Power Plant dated 22.06.2016.

- xiii) AKLA's letter written in the matter of grant of Generation Licence to Jan Solar (Private) Limited (JSPL) for its Solar Power Plant dated 24.06.2016.
- xiv) AKLA's letters written in the matter of grant of Generation Licence to Act2 Wind (Private) Limited and Artistic Wind Power (Private) Limited dated 13.07.2016.
- xv) AKLA's letters written in the matter of grant of Generation Licence to Din Energy Limited and Zulaikha Energy (Private) Limited dated 22.07.2016.
- xvi) AKLA's letter written in the matter of grant of Generation Licence to Norinco International Thatta Power (Private) Limited (NITPPL) dated 09.08.2016.
- xvii) AKLA's letter written in the matter of grant of Generation Licence to Iran-Pak Wind Power (Pvt.) Ltd dated 18.08.2016.
- xviii) AKLA's letters written in the matter of grant of Generation Licence to Zhenfa Pakistan New Energy Company (Private) Limited and Siachen Energy Limited dated 03.09.2016.
- xix) AKLA's letter written in the matter of grant of Generation Licence to Catalyst Energy (Pvt.) Limited dated 06.03.2017.
- xx) Supreme Court Judgment in Human Rights Case No. 790-G/2009, Suo motu Case No. 01/2013 and Civil Petition No. 455/2013.
- xxi) Section 9 of the National Accountability Ordinance, 1999 (NAO) which defines 'Corruption and Corrupt practices'.

Dear Sir,

Mr. Anwar Kamal, senior Associate of Anwar Kamal Law Associates (AKLA), is a tax paying citizen of Pakistan and a consumer of electricity. Since 2002 he has assisted the National Electric Power Regulatory Authority on various issues with regard to grant of Generation Licenses, Tariff Determinations, framing of Rules etc. It is also a great honor for him that the Supreme Court of Pakistan and the Lahore and Islamabad High Courts have appointed him as amicus curiae in various cases to assist the Honorable Courts.

2. AKLA have been participating in many of the proceedings of NEPRA conducted by it in the matter of the grant of Licenses, Modification of Licenses, Tariff Determinations etc. AKLA have also been participating in the process of Monthly Fuel Charges Adjustment since May 2014 without any gap. The participation of AKLA in NEPRA's proceedings and assisting the Authority is only in the 'Public Interest'. Though the number of letters written by AKLA to NEPRA

to protect the interest of all categories of electricity consumers may be the highest in the country, AKLA have not seen any meaningful action from NEPRA on the issues which have been presented before NEPRA. Still, they have decided to continue to make their submissions on issues which are adversely affecting the Pakistan Power Sector.

3. Through the above referred letters AKLA have discussed in detail the issues of Surplus Capacity & Under-utilization of Power Plants and the induction of new Power Plants, that too on Take or Pay or Must Run Plants basis. Being relevant to the issue now under discussion, AKLA request the Authority to consider those letters also, while deciding the matter of the grant of Generation License to the subject Power Plant.

4. Through the Notice referred to above, NEPRA has invited comments of stakeholders in favor / or against the grant of Generation License to Noor Solar Energy (Pvt.) Limited for its proposed Wind Power Plant of 50 MW, being set up at Jhampir Nooriabad, District Thatta, Sindh.

5. AKLA understand that the main purpose and objective to induct new Power Plants may be to either increase the electric Power Capacity to meet the growing electricity demand or to replace the expensive electric Power Capacity with cheaper electricity Power Plants. It is, therefore, necessary to establish first the demand of the System for which this addition in Capacity is required. And if the purpose of the addition of new Power Plant Capacities is to off-set the expensive Power Plants, it needs to be specified as to which expensive Capacity will be off-set by the proposed Power Plants.

6. In order to check the Capacity requirement criteria, AKLA have compiled the data of 'Plant Under-utilization Factor' of all Power Plants which are supplying electricity to the CPPA and K-Electric Generation Baskets. The thirty-six (36) months' data, from January 2014 to December 2016, of the Power Plants that are already supplying electricity to CPPA on a Long-Term PPA, that too on the basis of 'Take or Pay', has been compiled and is given below for the consideration of the Regulator, which is still granting Generation Licenses under the Long-Term 'Take-or-Pay' basis PPA regime. The details of Power Plants along with their Capacities which are in their construction phase and to which NEPRA has already granted the Generation Licenses must be available in NEPRA's record. The details of available Generation Capacity of conventional Thermal Power Plants which were either not utilized or under-utilized in the last thirty six (36) months have been

