

# Electricity Regulatory Commission Rules, 2018

In exercise of powers conferred by Section 41 of the Electricity Regulatory Commission Act-2017, the Government of Nepal has made the following Rules.

## Chapter-1

### Preliminary

1. **Short Title and Commencement:** (1) These Rules may be called the “Electricity Regulatory Commission Rules, 2018”.  
  
(2) These Rules shall commence forthwith.
2. **Definitions:** Unless the subject or the context requires otherwise, in these Rules,-
  - (a) “**Act**” means the Electricity Regulatory Commission Act, 2017.
  - (b) “**Ministry**” means the Government of Nepal, Ministry of Energy, Water Resources and Irrigation.
  - (c) “**National Electricity Transmission System**” means the electricity lines prescribed by the Government of Nepal from time to time by incorporating transmission lines of various voltage capacities to be linked for electricity transmission nationally and this term also denotes the substation and switching station associated with the transmission line.
  - (d) “**Recommendation Committee**” means the Recommendation Committee pursuant to Sub-Section (1) of Section 7 of the Act.

## Chapter-2

### Appointment of the Chairperson and Member

3. **Submission of Application for the Post of the Chairperson or Member:**(1) Any candidate who wish to be appointed to the post of the Chairperson or Member shall have to submit an application, accompanied by professional plan of action, to the Recommendation Committee in the format as specified in Schedule-1 within the time-frame of the notice published pursuant to Sub-Section (2) of Section 7 of the Act.  
  
(2) The candidate submitting an application pursuant to Sub-Rule (1) shall also attach a self-declaration of not being disqualified for that post in the format as specified in Schedule-2.
4. **To Recommend for Appointment:** The Recommendation Committee shall have to recommend to the Government of Nepal the names of suitable candidates in accordance with Sub-Section (3) of Section 7 of the Act upon making evaluation on the basis of the plan of action submitted by the candidates applying pursuant Sub-Rule (1) of Rule 3, their interview, educational qualifications and also the experience in the concerned field.
5. **Records to be Maintained:** The Recommendation Committee shall, after recommending the names of candidates pursuant to Rule 4, submit to the Ministry the applications, personal details and self-declaration submitted for appointment to the post of the Chairperson and Member, and the documents and details relating to evaluation made by the Recommendation Committee and the Ministry shall maintain records of the documents and details so received.

## Chapter-3

### Code and Standards

6. **Grid Code and Distribution Code:** (1) The Commission shall, while developing Grid Code and Distribution Code relating to electricity service pursuant to Clause (a) of Section 12 of the Act, do the same as to be consistent with the grid linked to transnational distribution system and the grid of international level.  
  
(2) While developing the Grid Code and Distribution Code pursuant to Sub-Rule (1), the Commission may consult the stakeholders and experts in the concerned area.

- (3) The Commission may carry out or cause to be carried out monitoring by forming a Monitoring Committee, also consisting of the stakeholders, in relation to implementation of the Grid Code and Distribution Code developed by the Commission pursuant to Sub-Rule (1).
7. **To Develop Standards:** (1) The Commission may develop the standards with regards to the performance to be abided by the licensee, quality and safety level of the National Grid System and the determination of responsibilities of electricity system operators.
  - (2) While developing the standards pursuant to Sub-Rule (1), the Commission may consult the stakeholders and experts in the concerned area.

## **Chapter-4**

### **Tariff and Charges**

8. **Submission of Application for Fixation of Electricity Tariff:** (1) A Distribution licensee shall have to submit an application to the Commission, mentioning the criteria referred to in Clause (a) of Sub-Section (1) of Section 13 of the Act for fixation of tariff prior to distributing electricity to the consumers.
  - (2) The Commission may, if deems necessary while examining the application submitted pursuant to Sub-Rule (1), solicit additional details and documents from the distribution licensee and it shall be the duty of the distribution licensee to provide the details and documents so solicited.
  - (3) The Commission shall, on the basis of the application submitted pursuant to Sub-Rule (1) and also the details and documents referred to in Sub-Rule (2), fix the tariff to be paid by the consumers pursuant to Clause (a) of Sub-Section (1) of Section 13 of the Act.
  - (4) The format of the application to submitted pursuant to Sub-Rule (1) shall be as determined by the Commission.
  - (5) Notwithstanding anything contained in these Rules, there shall be no bar for the Commission to fix the electricity tariff merely because application from the distribution licensee has not been received.

**9. Criteria for Fixation of Electricity Tariff:** (1) While fixing the electricity tariff to be paid by the consumers pursuant to Rule 8, the Commission shall fix on the following basis:

- (a) Operation cost of electricity system or production mechanism,
  - (b) Depreciation rate,
  - (c) Repayment of principal and interest,
  - (d) Maintenance cost,
  - (e) Mode of construction and operation of electricity structures,
  - (f) Reconstruction and rehabilitation and returns to be received on an annual basis in consideration of share investment,
  - (g) Power Purchase Agreement,
  - (h) Changes in consumers' price index,
  - (i) Revenue rate and changes therein,
  - (j) Policy adopted by the Government of Nepal in relation to electricity development,
  - (k) Other criteria deemed appropriate by the Commission.
- (2) The Commission shall, also take the marginal cost of the electricity generation, the exchange rate of convertible foreign currency, cost of the fuel to be used for the production of electricity and the financial agreement entered between the licensee and the financial institution providing loan or investing capital in the concerned electricity project as the base while fixing electricity tariff pursuant to this Rule.

Provided, however, that while fixing the tariff and other fees/charges of electricity to be consumed by the Government of Nepal itself or a corporate body with more than fifty percent of share capital of the Government of Nepal, the Commission shall fix the tariff and other fees/charges in such a way as to abide by the agreement entered into by the Government of Nepal or by that corporate body with the financial institutions in relation to the concerned electricity project.

- (3) The Commission may develop and implement necessary standards in relation to the fixation of electricity tariff.

**10. Fixation of Power Purchase/Sales Rate:** (1) The Commission may, pursuant to Clause (b) of Sub-Section (1) of Section 12 of the Act, develop and implement necessary standards for the purpose of fixation of power purchase/sales rate between the persons obtaining distribution license and the persons obtaining generation license or persons obtaining trade license or a corporate body established by the Government of Nepal under the prevailing law.

- (2) The Commission may, while fixing power purchase/sales rate, also bring into use the two-part tariff system – Capacity Charge incorporating loan investment made in the

project and Energy Charge incorporating equity, returns, tax, royalty, operation and maintenance cost.

- (3) The Commission may, while fixing power purchase/sales rate, adopt Availability Based Capacity Charge to make the electricity producers responsible by maintaining such a condition in which they are able to produce electricity at their rated capacity.
- (4) While bringing into use the Capacity Charge pursuant to Sub-Rule (3), the Commission shall make a provision in such a way that the generation licensee is entitled to full Capacity Charge where 100% (cent percent) availability is achieved as per the standards prescribed by the Commission and enjoy less Capacity Charge accordingly in proportion to the degree of availability achieved in case of achievement of less availability.
- (5) While implementing Capacity Charge system pursuant to Sub-Rule (4), Capacity Charge shall not be fixed in the case of a project which has not borrowed loans or has already repaid the loans.
- (6) While fixing power purchase/sales rate pursuant to this Rule, matters like loan interest, depreciation or accumulated depreciation, investment returns, general expenses, operation cost, maintenance cost, revenue, tax, additional capitalization, loan and equity ratio shall be taken as the base.

**11. Rate May be Fixed on Mutual Understanding:** (1) In a case where an agreement has been entered into between the generation licensee and electricity consuming industry or institution as to purchase/sell electricity, the generation licensee and such an industry or institution may specify power purchase/sales rate on a mutual understanding by obtaining consent of the Commission.

- (2) While specifying power purchase/sales rate pursuant to Sub-Rule (1), it shall be done as to be maintained uniformity with the power purchase/sales rate agreed with other industries or institutions of similar types.
- (3) While specifying power purchase/sales rate pursuant to Sub-Rule (1), it shall not be done in collusion with each other in a manner to have adverse impacts on the consumers.

**12. Terms and Conditions of the Agreement to be Submitted:** The licensed persons shall, to conclude an agreement for power purchase/sales pursuant to Clause (c) of Sub-Section (1) of Section 13 of the Act, have to submit also the terms and conditions of the agreement while making an application for the consent of the Commission.

**13. Electricity Transmission Charges:** (1) The Commission may, while fixing electricity transmission charges pursuant to Clause (e) of Sub-Section (1) of Section 13 of the Act, take all or any of the following matters as the base in addition to the criteria to be followed for fixation of purchase/sales rate as referred to in Rule 10:

- (a) Consumption capacity of the users or amount and distance,
  - (b) Point of Connection
  - (c) Zonal Transmission Charges,
  - (d) Investment to be made for the construction or extension of transmission line.
- (2) While fixing electricity transmission charges pursuant to Sub-Rule (1), separate charges may be fixed for National Transmission Grid and other transmission line sections.
- (3) Other criteria relating to fixation of electricity transmission charges shall be as determined by the Commission.

**14. To Cause to Be Competed in Tariff Rate of Electricity Distribution:** (1) The Commission shall make a provision for competition in tariff rate of electricity distribution in such a way that the consumers or the proxies of the consumers are permitted to select their service provider.

- (2) Other provisions relating to making competition in tariff rate of electricity distribution and selecting electricity distributor shall be as determined by the Commission.

**15. Electricity Distribution Charges:** Where any other institutions distribute electricity to the consumers by using the system of an institution licensed for electricity distribution, the distribution charges/fees to be paid in consideration of using such a distribution system shall be fixed by the Commission.

**16. To Regulate Trading Margin:** The Commission shall develop and implement the electricity trade standards to carry out regulation in relation to trading margin of electricity trade activities and resale by purchasing electricity between the persons licensed under this Rule.

**17. Service Charges May be Prescribed:** (1) The Commission may, pursuant to Section 20 of the Act, impose the following service charges/fees on the following matters:

- (a) Seven Thousand Rupees while fixing wholesale purchase/sales rate of electricity,
- (b) It shall be as follows while giving consent for power purchase agreement:

- (1) One Hundred Thousand Rupees for 100 kilowatt to 1 megawatt,
  - (2) At the rate of Ten Thousand Rupees per megawatt from above 1 megawatt to up to 1000 megawatt, and
  - (3) Two Million Rupees in lump sum for above that.
- (c) Twenty-Five Thousand Rupees while fixing wheeling charge including any other tariffs or charges of similar kinds.
- (d) While giving consent for merger between the licensees, sale of plant, acquisition or takeover, One Hundred Thousand Rupees for base price of up to 100 Million Rupees on the basis of base price of such structure or institution and Fifty Thousand Rupees for each up to 100 Million Rupees above that,
- (e) While settling a dispute pursuant to Section 18 of the Act, Five percent of such a claimed price if the dispute is of identified claimed price and the price set by the Commission if the dispute is of unidentified claimed price,
- (f) In a case where the base price on other matters prescribed by the Commission is disclosed, the amount pursuant to Clause (d) based on such price and the price fixed by the Commission if the base price is unidentified.
- (2) While imposing service charges/fees pursuant to Sub-Rule (1), the Commission shall make public the matters on which service charges/fees are imposed and the names of licensed persons or institutions through its website or daily newspapers of national circulation.

## **Chapter-5**

### **Protection of Consumers' Interest and Public Hearing**

**18. Protection of Consumers' Interest:** The Commission shall carry out the following acts for the protection of consumers' interest pursuant to Section 14 of the Act:

- (a) Determine and implement the quality of electricity (standards of acceptable voltage change, average period of disruption in electricity distribution and frequency of average disruption) distributed by distribution licensee;
- (b) Determine the performance level of public service providers and give direction to such persons or institutions to perform on the basis thereof;

- (c) Determine the process of grievance redressal mechanism and of settling the grievances of consumers;
- (d) Determine the measures to avoid disruption in electricity distribution and cause to provide compensation in case of disruption for a period longer than prescribed by the Commission;
- (e) Determine and make public the time to be taken for electricity connection and the process thereof;
- (f) Cause the person or institution to compensate for violation of the standards relating to the quality prescribed by the Commission; and
- (g) Carry out or cause to be carried out other acts deemed necessary by the Commission for the protection of consumers' interest.

**19. Public Hearing to be Conducted:** (1) The Commission shall conduct a public hearing prior to taking decision on the matters relating to fixation of electricity tariff, fixation of power purchase/sales rate, fixation of transmission charges and power trade.

- (2) The methods to be adopted pursuant to Sub-Rule (1) shall be as mentioned in Schedule-3.
- (3) Other procedures and formats of the public hearing to be conducted pursuant to Sub-Rule (1) shall be as determined by the Commission.

## **Chapter-6**

### **Functions, Duties and Powers**

**20. Functions, Duties and Powers of the Chairperson:** (1) In addition to the functions, duties and powers mentioned in the Act and these Rules, other functions, duties and powers of the Chairperson shall be as follows:

- (a) Prepare or cause to be prepared the short-term and long-term policies, plans and programs of the Commission;
- (b) Implement, monitor and evaluate or cause to be implemented, monitored and evaluated the approved policies, plans and programs;



- (c) Formulate or cause to be formulated necessary programs for enhancement of the quality of electricity generation, transmission and electricity;
  - (d) Maintain or cause to be maintained coordination with electricity producers, transmitters and institutions carrying out similar works;
  - (e) Cause to be prepared the matters to be submitted to the Commission;
  - (f) Implement or cause to be implemented the decisions of the Commission; and
  - (g) Cause to be prepared the program and budget necessary for the Commission;
- (2) The Chairperson may, if it is necessary to liaise or conclude any agreement with the regulatory associations/organizations/bodies in the country and abroad on behalf of the Commission, do so by obtaining approval of the Commission.

Provided, however, that prior approval of the Government of Nepal shall be obtained in case of necessity to conclude an agreement on the matters chargeable to or resulting in liabilities on the Commission or the Government of Nepal.

- (3) The Chairperson may delegate the powers conferred on him/her to a member, committee, sub-committee or officer employee of the Commission as necessary.

**21. The Chairperson to be Accountable:** (1) The Chairperson shall be accountable to the transactions to be carried out on behalf of the Commission.

- (2) The Chairperson shall maintain accounts of the revenue and government money to be received by the Government of Nepal under the prevailing law, and deposit or cause to be deposited them in bank.
- (3) It shall be the responsibility of the Chairperson to maintain the records and accounts of revenue, submit statements, have them audited and maintain records thereof.

**22. Functions, Duties and Powers of the Secretary:** The functions, duties and powers of the Secretary shall be as follows:

- (a) Minute the decisions of the Commission, affix on it the signatures of the Chairperson and members who attended at the meeting of the Commission and certify the decisions;
- (b) Keep safe and care for the decisions of the Commission and the records relating thereto;
- (c) Implement or cause to be implemented the decisions of the Commission;

- (d) Maintain separate records of the decisions relating to dispute settlement and implement or cause to be implemented thereof;
- (e) Keep safe and inspect or cause to be inspected from time to time the applications received by the Commission, applications obtained for review or all the documents related to the applications and the Commission;
- (f) Appoint, control and supervise the employees of the Commission; and
- (g) Carry out other acts in accordance with the directions of the Commission.

**23. Internal Control System of the Commission:** (1) The Commission shall have to develop and implement the internal control system to carry out the performance of the functions to be performed by the Commission in an economic, efficient and effective manner, make the financial reporting system reliable and carry out performance under the prevailing law.

- (2) While developing the internal control system pursuant to Sub-Rule (1), the Commission shall have to make arrangements of necessary matters consistent with the nature of functions to be performed by the Commission, and the matters like environment of control, identification of risk areas, information sharing, monitoring and evaluation etc. shall be included therein.
- (3) In order to carry out monitoring of the internal control system pursuant to Sub-Rule (1), the Commission shall make arrangements of monitoring by assigning the responsibility to any member of the Commission.
- (4) The member assigned pursuant to Sub-Rule (3) shall carry out monitoring and supervision at least twice a year to ascertain if the Commission has performed in an effective manner and has abided by the financial discipline and directions, and submit a report thereof to the Commission.
- (5) If any irregularity is found in the report submitted pursuant to Sub-Rule (4), the Commission shall give direction to the concerned authority to improve such an irregularity and it shall be the duty of the concerned authority to abide by such direction.

**24. Providing Opinion:** (1) The Government of Nepal may seek opinion of the Commission on any matter relating to electricity generation, transmission and distribution.

- (2) In case opinion is sought pursuant to Sub-Rule (1), the Commission shall have to provide its opinion to the Government of Nepal on such a matter.

## Chapter-7

### Professional Conduct

25. **To Maintain Dignity of Office and Discipline:** The member shall demonstrate discipline at work by maintaining dignity of his/her office and post.
26. **Punctuality:** The member shall carry out his/her prescribed responsibilities by adhering to the office hours specified by the Government of Nepal.
27. **Prohibition on Accepting Donation, Gift, Money, Borrowing or Engaging in Financial Dealing:** No member by himself/herself or through any member of his/her family shall accept donation, gift and money from or borrow from or engage in financial dealing with the persons related to functions of the Commission, and shall fall into financial temptation or receive commission or unlawful amount.
28. **Prohibition on Having Political or Inexpedient Influence or Connection in the course of Work Performance:** The member shall stay away from making any political or inexpedient influence with the objective of fulfilling his/her personal interest and shall not establish improper relationship with any institution or person in contrary to the dignity of the post.
29. **Not to Participate in Politics:** No member shall participate in or obtain membership of any political party or organization or file candidacy in election of any political post or engage in publicity or give statement or solicit votes on behalf of any candidate, political party or organization in such election.

Provided, however, that nothing shall be deemed to be a bar to exercise his/her right to vote under the prevailing law without expressing views on who was or will be voted for.

30. **Prohibition on Publication of News:** (1) No member shall, without obtaining prior approval of the Commission, give or disclose to press or any others the information, any confidential or legally forbidden matters received or any document written or collected by him/her in the course of discharging the duties of office.
- (2) The provision pursuant to Sub-Rule (1) shall be applicable even in the case of former member of the Commission.

31. **Not to Publish or Broadcast Article, Statement or Speech:** No member shall publish or broadcast article, statement or speech through any media by using imaginary or real name

in a manner to imperil the sovereignty and territorial integrity of Nepal; disturb peace and security, foreign relations and public decency of the country; defame the decisions of the court; contravene to the prevailing law and the policy of the Government of Nepal; and hamper the relations between the Government of Nepal and people.

Provided, however, that nothing shall be deemed to be a bar to write or publish articles of academic and investigative nature on subjects relevant to the profession.

- 32. Not to Carry Out Acts Which Spread Communal Hatred:** No member shall carry out or cause to be carried out any such an act which creates animosity or spreads communal hatred among the people from different castes, ethnicities, religions, groups, areas and sects of Nepal.
- 33. Not to Establish and Operate Company and Carry Out Business:** No member shall carry out the following works without obtaining prior approval of the Government of Nepal:
- (a) Participation in establishment, registration or operation of any bank or company,
  - (b) Carrying out of any trade or business which is required to get registered under the prevailing law,
  - (c) Obtaining license of electricity generation and transmission or purchasing share of or otherwise getting involved in any form with a company or institution carrying out such functions.
- 34. Not to Carry Out Act that Harms the Interest the Commission:** No member shall carry out any such an act which harms the interest of the Commission.
- 35. Not to Cause Damage or Loss to the Commission:** No member shall cause loss or harm to the Commission intentionally, carelessly or negligently.
- 36. Membership of Institution:** No member shall become a member of any institution other than that of his/her occupational, professional and social institution/organization in contrary to the prevailing law and the policy of the Commission.
- 37. Property Details to be Submitted:** The member shall submit the details of moveable and immovable property available in the name of himself/herself and his/her family members to the prescribed body in such a format as specified under the prevailing law.
- 38. Work Performance to be Carried Out According to the Policy Approved by Government of Nepal:** The member shall carry out work performance in a manner to be

capable of facing the challenge emerged in the course of State governance by keeping in mind seriously the essence and spirit of the policies approved by the Government of Nepal.

- 39. Professionalism and Expertise:** The member shall carry out his/her work performance as a professional and expert according to the concept of modern State by adhering to the notion and practice of the citizens as per the policy of open society, open politics and liberal economy.
- 40. Clean, Logical and Good Conscience:** The member shall carry out his/her work performance in a clean, logical, good conscience and justified manner.
- 41. Concept/View of Stakeholders to be Considered:** Motivated by the objective of doing good in the interest and welfare of the general people, the member shall carry out his/her work performance by seriously studying, considering and analyzing the suggestions/inputs, views and concepts/views received from all stakeholder citizens, groups or professional associations/organizations without being limited to the interest of any specific person.
- 42. Not to Do Job or Service Anywhere Else:** (1) The member shall not do any job or otherwise serve as a consultant, advisor, and expert or in any capacity as to enjoy financial gain or any facility anywhere else.
- (2) Notwithstanding anything contained in Sub-Rule (1), the member may carry out the following works:
- (a) Participate in the function of national or international educational, academic or research associations/organizations or in the function of regional or international associations/organizations to which Nepal is a Member State;
  - (b) Participate, deliver speech or present work paper at programs in the country and abroad without contrary to the policies of the Government of Nepal;
  - (c) Provide service for human welfare, charity and social good in a manner to not hamper the business of the office; and
  - (d) Affiliate to any other social organizations as to not enjoy financial gain or facility, hamper the business of the office and harm the interest of the Government of Nepal.

**Explanation:** For the purpose of this Clause, “**Social Organization**” means such a community based social association/organization which is active in the society for a long time in pursuance to fulfill the social needs and this term also includes the organizations related to literature, arts, culture, sports, music, science, religion or other genres or areas of similar kinds registered under the prevailing law.

- 43. Not to Obtain Permanent Resident Status:** No member shall obtain or otherwise apply to obtain permanent resident status of any foreign country.
- 44. Conduct of Employees of the Commission:** (1) The employees of the Commission shall follow the conducts to be followed under these Rules and the conducts pursuant to the employee by-laws developed by the Commission.
- (2) Any employee who fails to follow the conducts pursuant to Sub-Rule (1) shall be liable to departmental action according to the employee by-laws developed by the Commission.
- (3) In case the employee to be punished with departmental action is deputed by the Government of Nepal, the concerned agency shall be written requesting it to initiate departmental action against such employee.

## Chapter-8

### Miscellaneous

- 45. Requirement to Obtain Prior Approval of the Commission to Make Change in Share Structure:** Any company or institution licensed to carry out functions related to electricity generation, transmission, distribution or trade shall obtain prior approval of the Commission to issue shares publicly or to purchase/sell shares which constitutes change of more than Five percent in share structure.

Provided, however, that no prior approval shall be required to purchase/sell shares of a company or institution listed in Nepal Stock Exchange.

- 46. Minimum Cost Extension Action Plan:** (1) The Commission shall develop Minimum Cost Extension Action Plan by incorporating the matters related to electricity generation, transmission and distribution for domestic demand and supply of electricity service pursuant to Clause (f) of Section 12 of the Act.
- (2) While developing the Minimum Cost Extension Action Plan pursuant to Sub-Rule (1), the Commission may consult with the stakeholders and experts in the concerned area.
- (3) The Commission may, from time to time, cause the concerned producers, transmitters and distributors to submit details with respect to whether acts have been performed

as per the Minimum Cost Extension Action Plan or not and may also carry out monitoring thereof.

**47. Remuneration and Facilities of the Chairperson and Member:** (1) Remuneration and facilities of the Chairperson and member shall be as equal to that of a member of National Planning Commission and an officer of special class of the Government of Nepal, respectively.

(2) In addition to the remuneration and facilities pursuant to Sub-Rule (1), the Commission may provide performance based additional allowances to the Chairperson and member from its income by obtaining consent of the Government of Nepal, Ministry of Finance.

**48. Amount to be Deposited in the Consolidated Fund:** (1) In case there is a deposit of more than One Hundred Fifty percent of average operation cost of the Commission of latest Three Fiscal Years in the Fund referred to in Sub-Section (1) of Section 33 of the Act, the Commission shall deposit such a surplus amount in the Federal Consolidated Fund.

(2) Notwithstanding anything contained in Sub-Rule (1), if the amount available in the Fund is insufficient to conduct any project and additional amount is needed, the Commission may keep required additional amount in that Fund by obtaining consent of the Government of Nepal.

**49. To Obtain Consent of the Government of Nepal:** The Commission shall, in the course of implementation of these Rules, obtain consent of the Government of Nepal, Ministry of Finance on such a matter that will impose financial liabilities on the Government of Nepal.

**50. Repeal and Saving:** (1) The Electricity Tariff Fixation Rules, 1994 is hereby repealed.

(2) Any act performed or action taken under the Electricity Tariff Fixation Rules, 1994 shall be deemed to have been performed or taken under the Rules.





Schedule-2  
(Relating to Sub-Rule (2) of Rule 3)

**Self-Declaration**

I hereby make this self-declaration of not having the following disqualifications to be appointed to the post of the Chairperson/Member of the Commission as referred to in Section 6 of the Electricity Regulatory Commission Act, 2017. If I am proven not to be consonant with this self-declaration for any reason whatsoever, I agree to be punished according to the law.

- (a) Non-Nepali Citizen,
- (b) Having obtained permanent resident status of a foreign country,
- (c) Having convicted of offences related to corruption, rape, trafficking in persons, drug smuggling, money (asset) laundering, abuse of passport and kidnapping, and of other criminal offences involving moral turpitude,
- (d) Having included in black list under the prevailing law or at least Three years have not elapsed after removal from such list,
- (e) I myself or any member of the same family being worked in the capacity of a promoter, manager, shareholder, or director, auditor or advisor in any company engaged in electricity generation, transmission, distribution or trade or any subsidiary company, firm or organization of such company, or at least Three Years have not elapsed after retirement from that capacity,
- (f) Three Years have not elapsed from the date of serving sentence after being convicted of and punished in criminal offences relating to electricity generation, transmission, distribution or trade,
- (g) Incumbent employee of the Government of Nepal, Provincial Government or Local Level or of corporate body under the ownership of the Government of Nepal, Provincial Government or Local Level or of licensee,
- (h) Declared insolvent due to failure of repayment of debts to lender,
- (i) Being a member or office-bearer of any political party.

Signature:

Name:

Address:

Date:

Schedule-3  
(Relating to Sub-Rule (2) of Rule 19)

**Methods of Public Hearing**

**1. Procedures of conducting program for public hearing and subjects to be included:**

A public notice shall be published in a daily newspaper of national circulation by mentioning the following subjects along with the venue, date and time of public hearing no less than Fifteen days before conduction of the public hearing:

- (a) Details related to domestic consumers, traders/businesspersons, representative organizations of general consumers, concerned Local Level and media to be participated in the public hearing,
- (b) Name of official and representative to be participated in the public hearing on behalf of the Commission and mode of contact with him/her,
- (c) Name of power producer institutions/organizations, distribution licensees, transmitter institutions/organizations, power purchasers/sellers and representatives of the persons licensed for thereof to be participated in the public hearing, and mode of contact with him/her,
- (d) Subject/theme and area of public hearing,
- (e) Matters related to code of conduct of public hearing,
- (f) Matters related to code of conduct to be followed by the persons attending the public hearing, wishing to hold conversation or participating in question-answer,
- (g) Matters related to criteria and standards of fixation of tariff,
- (h) Name of licensed person or institution,
- (i) Number of customers in the area where public hearing is to be conducted and electricity units to be consumed,
- (j) Necessary details relating to electricity transmission line and electricity connection.

**2. Procedures of conduction of public hearing program:**

- (a) The Commission shall itself conduct the public hearing.
- (b) The Chairperson and member shall attend the public hearing turn by turn.
- (c) Agenda along with subjects of discussion to be held in the public hearing shall be prepared and distributed,
- (d) Venue of public hearing shall be fixed considering the number of participants.
- (e) People's representatives of Local Level, subject experts, intellectuals of the concerned field, local media and journalists, representatives from organizations/institutions related to electricity distribution and consumption and representatives working for protecting the interest of consumers shall be involved in the public hearing.

- (f) Subjects/issues raised and response made to address such subjects/issues in the course of public hearing shall be noted down and it shall be certified by the official attended on behalf of the Commission.

### **3. Subjects/themes to be presented in public hearing**

- (a) Objectives of the program shall be explained.
- (b) Information about the subject-matters shall be provided.
- (c) Information shall be provided about the method of questioning and answering by the participants.
- (d) Code of conduct to be followed by the participants while putting forth queries or questioning and answering in the course of public hearing shall be explained.
- (e) Public hearing shall be reviewed as a whole.

### **4. Code of conduct of public hearing program**

- (a) No one shall make presentation in a manner to imperil the sovereignty and territorial integrity of Nepal, threaten to social harmony, cause gender discrimination, harm the relations of any specific class/group or community or provoke ethnic hatred.
- (b) No presentation shall be made against the political system or political mechanism of Nepal or its administrator or any political level or agency.
- (c) No presentation shall be made on such a matter/issue which is under consideration in a court.
- (d) No one shall be permitted to select subjects and make presentation on the basis of guesswork.
- (e) Polite and decent language shall be used.
- (f) Answer shall be given or another speaker shall be provided with an opportunity to speak, only after the concerned participant completes his/her saying.
- (g) Visual records of the program shall be maintained.