

SABAH RENEWABLE ENERGY ENACTMENT 2024

SABAH RENEWABLE ENERGY (FEED-IN APPROVAL AND FEED-IN
TARIFF RATE) RULES 2024

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SABAH RENEWABLE ENERGY ENACTMENT 2024

(No. 18 of 2023)

SABAH RENEWABLE ENERGY (FEED-IN APPROVAL AND FEED-IN TARIFF RATE) RULES 2024

(G.N.S 2 of 2024)

IN exercise of the powers conferred by paragraphs 63(b) and (d) of the Sabah Renewable Energy Enactment 2024, the Minister makes the following rules:

PART I

PRELIMINARY

Citation and commencement

1. (1) These rules may be cited as the Sabah Renewable Energy (Feed-In Approval and Feed-In Tariff Rate) Rules 2024.

(2) These Rules come into operation on 3 January 2024.

Interpretation

2. In these Rules, unless the context otherwise requires —

“acceptance test report” means a report prepared by a qualified person under rule 14 of the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024;

“application”, in relation to an application for a feed-in approval, means an application which has fulfilled all applicable requirements under Part II of the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024;

“associate”, in relation to a distribution licensee, means —

- (a) a person holding, directly or indirectly, more than forty-nine per centum of the voting power or issued share capital (excluding preference shares) of the distribution licensee;

- (b) a company, in which the distribution licensee holds, directly or indirectly, more than forty-nine per centum of the voting power or issued share capital (excluding preference shares); or
- (c) a company, in which a third person holds, directly or indirectly, more than forty-nine per centum of the voting power or issued share capital (excluding preference shares) of the company and such third person also holds more than forty-nine per centum of the voting power or issued share capital (excluding preference shares) in the distribution licensee;

“basic feed-in tariff rate” means —

- (a) in relation to a renewable energy installation utilizing biogas, biomass or solar photovoltaic as its renewable resource, the basic feed-in tariff rate as set out in row (a) of the third column of the Schedule to the Enactment; and
- (b) in relation to a renewable energy installation utilizing small hydropower or geothermal as its renewable resource, the basic feed-in tariff rate as set out in the third column of the Schedule to the Enactment,

and as reduced progressively under section 19 of the Enactment;

“bonus feed-in tariff rate”, in relation to a renewable energy installation utilizing biogas, biomass or solar photovoltaic as its renewable resource, means the bonus feed-in tariff rate as set out in row (b) of the third column of the Schedule to the Enactment and as reduced progressively under section 19 of the Enactment;

“buildings” means roofed building structures which can be independently used and entered into by human beings and are primarily designed for the purpose of sheltering human beings, animals or objects from the external environment;

“connection point” has the meaning assigned to it in rule 2 of the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024;

“foreign company” has the meaning assigned to it in the Companies Act 2016 [Act 777];

“initial operation date” has the meaning assigned to it in rule 2 of the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024;

“interconnection cables” means the cables or lines for transporting electricity from a renewable energy installation to a connection point;

“milestone” means a significant stage or event in the development of a renewable energy installation;

“qualified person” has the meaning assigned to it in rule 2 of the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024; and

“revenue meter” has the meaning assigned to it in rule 2 of the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024.

PART II

APPLICATION FOR FEED-IN APPROVAL

Eligibility criteria to apply for a feed-in approval

3. An eligible producer shall be as follows:

- (a) a Malaysian citizen of not less than eighteen years of age;
- (b) in respect of an application for a feed-in approval relating to a renewable energy installation utilizing solar photovoltaic as its renewable resource and having an installed capacity of up to and including seventy-two kilowatts peak only, a non-Malaysian citizen or Malaysian permanent resident of not less than eighteen years of age;
- (c) a company incorporated in Malaysia other than —
 - (i) a company in which a non-Malaysian citizen, Malaysian permanent resident or foreign company holds, directly or indirectly, more than forty-nine per centum of the voting power or issued share capital (excluding preference shares);
 - (ii) a distribution licensee, where the application for a feed-in approval relates to a renewable energy installation proposed to be connected to that distribution licensee’s electricity distribution network; or
 - (iii) an associate of a distribution licensee, where the application for a feed-in approval relates to a renewable energy installation proposed to be connected to that distribution licensee’s electricity distribution network;

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- (d) a local authority as defined in the Local Government Ordinance 1961 [No. 11 of 1961];
- (e) a body corporate constituted or established under any written law excluding the Commission;
- (f) a registered society as defined in the Societies Act 1966 [Act 335];
- (g) a co-operative society as defined in the Co-operative Societies Act 1993 [Act 502];
- (h) a firm as specified in section 6 of the Partnership Act 1961 [Act 135];
- (i) a business registered under the Trades Licensing Ordinance (*Cap. 144*);
or
- (j) such other persons or classes of persons as may be determined by the Commission from time to time.

Application for feed-in approval

4. (1) Every application for a feed-in approval under these Rules shall be made to the Commission using a form as may be determined by the Commission and shall be accompanied by the fees as specified in the Second Schedule.

(2) An application made under subrule (1) which is duly executed by an eligible producer shall be submitted by —

- (a) the eligible producer; or
- (b) any person authorized in writing,

in a physical form at the Commission's office or by an electronic medium or by way of an electronic transmission.

Change in particulars of application

5. (1) Where after the eligible producer has submitted his or its application under rule 4 and before the Commission grants a feed-in approval and issues a certificate of feed-in approval, there is any change in any of the particulars in the application,

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the eligible producer shall, as soon as possible, request in writing to the Commission to amend the relevant particulars in the application.

(2) Upon receipt of the request under subrule (1), the Commission may approve or reject the request.

(3) The processing fee as prescribed in the Second Schedule —

(a) to be charged to the eligible producer whose request has been approved and shall be paid after receipt of a notice from the Commission; and

(b) shall not be charged to the eligible producer when the change in particulars is due to any reasons attributable to the Commission.

(4) The Commission shall, at any time, after approving the request and receiving the processing fee, amend the relevant particulars as specified in the request and notify the eligible producer of such amendment.

Application for feed-in approval for renewable energy installation utilizing only one type of renewable resource

6. Where an eligible producer proposes to develop a renewable energy installation which utilizes one type of renewable resource, the eligible producer shall make an application for a feed-in approval in respect of the installation.

Application for feed-in approval for renewable energy installation utilizing more than one type of renewable resource

7. (1) Where an eligible producer proposes to develop a renewable energy installation which —

(a) utilizes more than one type of renewable resource; and

(b) does not have separate and dedicated interconnection cables and a separate and dedicated revenue meter in respect of renewable energy generated by each type of the renewable resource,

the eligible producer shall only make one application for a feed-in approval in respect of the installation.

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(2) Where an eligible producer proposes to develop a renewable energy installation which —

- (a) utilizes more than one type of renewable resource; and
- (b) has separate and dedicated interconnection cables and a separate and dedicated revenue meter in respect of renewable energy generated by each type of the renewable resource,

the eligible producer shall apply for a separate feed-in approval in respect of the installed capacity for each part of the renewable energy installation which generates renewable energy utilizing each type of the renewable resource.

Application for feed-in approval for increase in capacity of renewable energy installation utilizing different renewable resource

8. (1) Where a feed-in approval has been granted and the feed-in approval holder proposes to increase the installed capacity of his or its renewable energy installation which —

- (a) utilizes a new type of renewable resource; and
- (b) does not have separate and dedicated interconnection cables and a separate and dedicated revenue meter in respect of the increase in the installed capacity,

the feed-in approval holder shall apply for a new feed-in approval in respect of the total combined installed capacity of his or its installation after taking into account such increase in the installed capacity.

(2) Where a feed-in approval has been granted and the feed-in approval holder proposes to increase the installed capacity of his or its renewable energy installation which —

- (a) utilizes a new type of renewable resource; and
- (b) has separate and dedicated interconnection cables and a separate and dedicated revenue meter in respect of the increase in the installed capacity,

the feed-in approval holder shall retain his or its earlier feed-in approval and apply for a separate feed-in approval in respect of such increase in the installed capacity of the installation.

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(3) Where a new feed-in approval is granted by the Commission under subrule (1), the feed-in approval holder shall surrender his or its earlier granted feed-in approval to the Commission in accordance with rule 22 on or before the initial operation date of the total combined installed capacity of the installation.

(4) Upon the surrender of the earlier granted feed-in approval under subrule (3), the earlier granted feed-in approval shall be deemed to have been superseded by the new feed-in approval.

Application for feed-in approval for increase in capacity of renewable energy installation utilizing same renewable resource

9. (1) Where a feed-in approval has been granted and the feed-in approval holder proposes to increase the installed capacity of his or its renewable energy installation which —

- (a) utilizes the same type of renewable resource; and
- (b) does not have separate and dedicated interconnection cables and a separate and dedicated revenue meter in respect of the increase in the installed capacity,

the feed-in approval holder shall apply for a new feed-in approval in respect of the total combined installed capacity of his or its installation after taking into account such increase in the installed capacity.

(2) Where a feed-in approval has been granted and the feed-in approval holder proposes to increase the installed capacity of his or its renewable energy installation which —

- (a) utilizes the same type of renewable resource; and
- (b) has separate and dedicated interconnection cables and a separate and dedicated revenue meter in respect of the increase in the installed capacity,

the feed-in approval holder shall retain his or its earlier feed-in approval and apply for a separate feed-in approval in respect of such increase in the installed capacity of the installation.

(3) Where a new feed-in approval is granted by the Commission under subrule (1), the feed-in approval holder shall surrender his or its earlier granted feed-in approval

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to the Commission in accordance with rule 22 on or before the initial operation date of the total combined installed capacity of the installation.

(4) Upon the surrender of the earlier granted feed-in approval under subrule (3), the earlier granted feed-in approval shall be deemed to have been superseded by the new feed-in approval.

Application for bonus feed-in tariff rate

10. (1) Where an eligible producer proposes to apply for any bonus feed-in tariff rate in respect of a renewable energy installation which —

- (a) only part of the installation has met or shall meet the applicable criteria as set out in column (2) of the First Schedule; and
- (b) has separate and dedicated interconnection cables and a separate and dedicated revenue meter in respect of renewable energy generated by the part of the installation referred to in paragraph (a),

the eligible producer shall apply for a feed-in approval in respect of the installed capacity of the part of the installation referred to in paragraph (a) and a separate feed-in approval in respect of the installed capacity of the remaining part of such installation.

Required information for application for feed-in approval

11. (1) Every application for a feed-in approval under rule 6, 7, 8, 9 or 10 shall be submitted, wherever applicable, with the following information:

- (a) the particulars of the eligible producer;
- (b) a description of the renewable energy installation which shall be owned by the eligible producer, including —
 - (i) the renewable resource to be used for the operation of the renewable energy installation;
 - (ii) the proposed installed capacity of the renewable energy installation and the capability level of the renewable energy installation to provide renewable energy;

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- (iii) the proposed location of the renewable energy installation;
 - (iv) the proposed feed-in tariff commencement date which where applicable, shall take into account the requirements of the connection confirmation check or power system study conducted in accordance with the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024; and
 - (v) the proposed milestones and dates by which such milestones are to be achieved;
- (c) the name of the distribution licensee whose electricity distribution network is proposed to be connected to the renewable energy installation;
- (d) the location, details and specifications of the proposed connection between the renewable energy installation and the connection point and, where applicable, accompanied by a copy of the report of the connection confirmation check or power system study conducted in accordance with the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024;
- (e) particulars of any feed-in approval currently or previously held by the eligible producer;
- (f) evidence of the eligible producer's ownership of, or other conditional or unconditional rights to utilize, the site or building on which the renewable energy installation is to be located;
- (g) where the eligible producer applies for any bonus feed-in tariff rate, such documents that are required under subrule 24(1); and
- (h) such other information or document as the Commission may require in writing.
- (2) In the case of an application for a feed-in approval by a company, the application shall be accompanied by the information required under subrule (1) and, where applicable, with the following additional information:
- (a) corporate information of the company including the ultimate beneficial shareholders of the company;
 - (b) the audited accounts, memorandum and articles of association or

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constitution of a company, and a certified copy of documents under sections 17, 46, 58, 68 and 78 of the Companies Act 2016 [Act 777]; and

(c) the financial model of the company.

Acknowledgement of receipt

12. Upon receipt of an application for feed-in approval under these Rules, the Commission shall issue an acknowledgement of receipt to the eligible producer in such manner as the Commission may determine.

PART III

FEED-IN APPROVAL

Grant or refusal of feed-in approval

13. (1) If the Commission has decided whether to approve or to refuse an application for a feed-in approval made under rule 6, 7, 8, 9 or 10, the Commission shall, by written notice, communicate its decision to the eligible producer and the relevant distribution licensee as soon as practicable.

(2) If the application is approved under subrule (1), the Commission shall issue a certificate of feed-in approval to the feed-in approval holder.

Standard conditions of feed-in approval

14. (1) A feed-in approval holder shall comply with the following standard conditions:

- (a) subject to subrules (2) and (3), the feed-in approval holder shall continue to comply with the eligibility criteria described in rule 3;
- (b) the feed-in approval holder shall meet such milestones by such dates as may be determined by the Commission;
- (c) the feed-in approval holder shall observe and comply with the conditions

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of his or its feed-in approval, the provisions of the Enactment and any subsidiary legislation made under the Enactment, and all other applicable laws;

- (d) the feed-in approval holder shall provide information, in such format and at such intervals, as may be required by the Commission in accordance with the Enactment and its subsidiary legislation;
- (e) subject to subrule (2), the feed-in approval holder shall obtain written approval of the Commission in respect of any change in circumstances —
 - (i) which would result in the feed-in approval holder not complying with the eligibility criteria described in rule 3; and
 - (ii) which would otherwise result in the feed-in approval holder being no longer entitled to be granted a feed-in approval under the Enactment and these Rules; and
- (f) the feed-in approval holder shall comply with such other conditions as may be determined by the Commission from time to time.

(2) Where a feed-in approval of a renewable energy installation has been assigned or transferred to a distribution licensee or an associate of the distribution licensee due to a breach of a renewable energy power purchase agreement by a feed-in approval holder or a distribution licensee, the distribution licensee or associate of the distribution licensee is not required to comply with paragraph (1)(a) within twelve months from the date of such assignment or transfer or such longer period as may be approved by the Commission.

(3) A feed-in approval holder shall not make or permit to be made any material modification to the design or physical form of the renewable energy installation except with the prior written consent of the Commission if the modification results in any change in any information earlier submitted by or on behalf of the feed-in approval holder to the Commission in the application for a feed-in approval under these Rules.

(4) After the expiry of the period referred to in subrule (2), the distribution licensee or associate of the distribution licensee shall comply with the standard conditions specified in paragraph (1)(a) by selling its rights, titles and interests in the renewable energy installation so that the distribution licensee's or the associate

of the distribution licensee's direct or indirect ownership of the renewable energy installation shall not exceed forty-nine per centum.

Application to relocate renewable energy installation utilizing solar photovoltaic

15. (1) A feed-in approval holder may apply to the Commission to relocate a renewable energy installation utilizing solar photovoltaic to another location.

(2) The application made under subrule (1) shall be made to the Commission in writing in a form as may be determined by the Commission and accompanied by the fees as specified in the Second Schedule.

(3) The Commission may, after being satisfied that the relocation referred to in subrule (1) is not reasonably foreseeable at the time of the application for the feed-in approval, grant or refuse the application.

(4) The Commission shall, by written notice, communicate its decision to the feed-in approval holder as soon as practicable.

Duration of feed-in approval

16. The duration of a feed-in approval shall be the same as the effective period applicable to a feed-in approval holder.

Change in particulars of information

17. (1) Where after a feed-in approval has been granted and a certificate of feed-in approval has been issued, there is any change in the particulars of information submitted to the Commission under rule 11, the feed-in approval holder shall, as soon as possible, request in writing and submit the certificate of feed-in approval to the Commission in order to amend the relevant information as submitted to the Commission.

(2) After receipt of the request under subrule (1), the Commission may approve or reject the request.

(3) The processing fee as prescribed in the Second Schedule —

(a) shall be charged on the feed-in approval holder whose request has been

approved and shall be paid by the feed-in approval holder after receipt of a notice from the Commission; and

(b) shall not be charged to the feed-in approval holder when the change in particulars is due to any reasons attributable to the Commission.

(4) The Commission shall, at any time, after approving the request and receiving the processing fee —

(a) amend the relevant information as specified in the request;

(b) notify in writing to the feed-in approval holder on the amendment; and

(c) make the endorsement or amendment in the certificate of feed-in approval or issue a new certificate of feed-in approval, as the case may be.

(5) The Commission may reject the request under subrule (2), if after such enquiry as it deems necessary and expedient, it is satisfied or has reason to believe that the change in information —

(a) would result in the feed-in approval holder not complying with the eligibility criteria described in rule 3; or

(b) would otherwise result in the feed-in approval holder being no longer entitled to be granted a feed-in approval under the Enactment or these Rules.

(6) A rejection under subrule (5) shall be without prejudice to the Commission's right to revoke the feed-in approval under section 12 of the Enactment.

Replacement of certificate of feed-in approval

18. (1) Where a certificate of feed-in approval is lost or destroyed, a feed-in approval holder shall lodge a report to the Commission in respect of the loss or destruction.

(2) The feed-in approval holder referred to in subrule (1) shall make an application to the Commission in writing for a replacement of the certificate of feed-in approval and the application shall be accompanied by any information as required by the Commission and the fee as prescribed in the Second Schedule.

(3) If the Commission is satisfied that the loss or destruction of a certificate of feed-in approval under subrule (1) did not involve any fraud, the Commission may issue a replacement for the certificate of feed-in approval with the word “DUPLICATE” endorsed on the new certificate of feed-in approval.

(4) The duplicate certificate of feed-in approval issued under subrule (3) shall have the same effect as the original certificate of feed-in approval.

Assignment or transfer of feed-in approval due to purchase of renewable energy installation by distribution licensee or associate of distribution licensee

19. A feed-in approval holder whose renewable energy installation has been purchased by a distribution licensee or an associate of the distribution licensee as a result of a breach of a renewable energy power purchase agreement registered under the Enactment shall assign or transfer his or its feed-in approval to the distribution licensee or associate of the distribution licensee in accordance with these Rules.

Application to assign or transfer feed-in approval

20. (1) A feed-in approval holder may apply to assign or transfer his or its feed-in approval by submitting a written application to the Commission and such application shall be accompanied by —

- (a) the relevant particulars of the proposed assignment or transfer, including the particulars of the proposed assignee or transferee; and
- (b) the processing fee as prescribed in the Second Schedule.

(2) The Commission may, at any time after the receipt of an application under subrule (1), request the feed-in approval holder to give to the Commission the additional information or other documents within such time as may be specified in the request.

(3) Upon receipt of the request under subrule (2), the feed-in approval holder shall give the additional information or other documents to the Commission.

(4) If the additional information or other documents required under subrule (2) are not provided by the feed-in approval holder within the time specified in the request, the application shall be deemed to have been withdrawn and shall not be

further proceeded with.

(5) Any application deemed to have been withdrawn under subrule (4) shall not affect the right of the feed-in approval holder to make a fresh application.

Approval to assign or transfer feed-in approval

21. (1) The Commission may, after considering the application made under subrule 20(1) and being satisfied with the additional information or other documents given under subrule 20(3), approve, with or without conditions, or refuse the application.

(2) The Commission shall not grant an approval under subrule (1) unless the feed-in approval holder has furnished sufficient evidence to the Commission's satisfaction that the proposed assignment or transfer —

- (a) is not reasonably foreseeable at the time of the application for the feed-in approval;
- (b) is just and reasonable; and
- (c) is not inconsistent with the matters set out in subsection 5(3) of the Enactment.

(3) The Commission shall communicate its decision under subrule (1) to the feed-in approval holder by written notice as soon as practicable.

(4) The written notice referred to in subrule (3) shall specify —

- (a) in the case where the application is approved, any condition imposed on such approval, if any; and
- (b) in the case where the application is refused, the grounds for such refusal.

(5) Notwithstanding subrule (2), the Commission may approve an application for a feed-in approval holder to assign or transfer a feed-in approval if —

- (a) the feed-in approval holder or distribution licensee breaches the renewable energy power purchase agreement; or
- (b) in the case of a renewable energy installation utilizing solar photovoltaic renewable energy, the feed-in approval holder submits the evidence to the Commission a subsidiary title of a building, or sale or transfer

of land on which the renewable energy installation is installed.

(6) Where the feed-in approval holder dies, the Commission may, on application in writing and subject to any conditions as determined by the Commission, assign or transfer the feed-in approval to a fit and proper person for the benefit of the feed-in approval holder's estate until the expiration of the feed-in approval or such earlier date as the Commission may deem fit and such person shall be deemed to be the feed-in approval holder.

Surrender of feed-in approval

22. (1) Any feed-in approval holder who wishes to surrender his or its feed-in approval shall notify the Commission in writing and submit such notification together with the certificate of feed-in approval.

(2) The surrender of a feed-in approval shall not take effect until the Commission is satisfied that the feed-in approval holder has fulfilled all his or its liabilities and obligations that are outstanding at the time of the notice of surrender.

(3) The surrender of a feed-in approval shall be without prejudice to any proceedings for an offence under subsection 10(3) of the Enactment.

(4) A surrender of a feed-in approval may not be withdrawn by the feed-in approval holder.

PART IV

BASIC FEED-IN TARIFF RATE AND BONUS FEED-IN TARIFF RATE

Basic feed-in tariff rate

23. A feed-in approval holder shall be eligible to receive the basic feed-in tariff rate based on —

- (a) the installed capacity of his or its renewable energy installation; and
- (b) the type of renewable resource to be utilized by such installation,

in accordance with the Enactment and Part V of these Rules, and as set out in his

or its feed-in approval.

Bonus feed-in tariff rate

24. (1) Subject to rule 26, a feed-in approval holder shall be eligible to receive a bonus feed-in tariff rate if the feed-in approval holder fulfills the criteria for the feed-in tariff rate and submits the documents as specified in the First Schedule.

(2) The feed-in approval holder shall certify all copies of the documents referred to in subrule (1) in such manner as may be determined by the Commission.

(3) A feed-in approval holder who submits the documents under subrule (1) shall ensure that the documents provided are true, accurate and complete and shall provide a representation to that effect, including a representation that he or it is not aware of any other information or document which would make the documents submitted untrue or misleading.

PART V

CALCULATION OF BASIC FEED-IN TARIFF RATE, EFFECTIVE PERIOD AND BONUS FEED-IN TARIFF RATE

Calculation of basic feed-in tariff rate and effective period

25. (1) Where an application for a feed-in approval under rule 6 is granted by the Commission, the applicable basic feed-in tariff rate, bonus feed-in tariff rate, feed-in tariff commencement date and effective period of such installation shall be as provided in the Schedule of the Enactment.

(2) Where an application for a feed-in approval under subrule 7(1) is granted by the Commission —

- (a) the basic feed-in tariff rate in respect of all renewable energy generated by such installation shall be calculated based on —
 - (i) the lowest basic feed-in tariff rate among the types of renewable resources utilized; and
 - (ii) the total combined installed capacity of such installation; and

- (b) the effective period in respect of all renewable energy generated by such installation shall be calculated based on the shortest effective period among the types of renewable resources utilized.

(3) Where an application for a separate feed-in approval under subrule 7(2) is granted by the Commission, the renewable energy generated by each type of the renewable resource shall be deemed to be generated by a separate renewable energy installation for the purposes of determining the applicable basic feed-in tariff rate, bonus feed-in tariff rate, feed-in tariff commencement date and effective period.

(4) Where an application for a feed-in approval under subrule 8(1) is granted by the Commission —

- (a) the basic feed-in tariff rate in respect of all renewable energy generated by the renewable energy installation shall be calculated based on —

- (i) the lowest basic feed-in tariff rate among the types of renewable resources utilized; and

- (ii) the total combined installed capacity of such installation; and

- (b) the effective period in respect of all renewable energy generated by the renewable energy installation shall be calculated based on the shortest effective period among the types of renewable resources utilized and shall commence on the new feed-in tariff commencement date for the new feed-in approval and continue for the full period as specified in the fourth column of the Schedule to the Enactment.

(5) Where an application for a separate feed-in approval under subrule 8(2) is granted by the Commission, the renewable energy generated by the increase in installed capacity shall be deemed to be generated by a separate renewable energy installation for the purposes of determining the applicable basic feed-in tariff rates, bonus feed-in tariff rates, feed-in tariff commencement date and effective period.

(6) Where an application for a feed-in approval under subrule 9(1) is granted by the Commission —

- (a) the basic feed-in tariff rate in respect of all renewable energy generated by such installation shall be calculated based on the total combined installed capacity of such installation; and

- (b) the effective period in respect of all renewable energy generated by the renewable energy installation shall commence on the new feed-in tariff commencement date for the new feed-in approval and continue for the full period as specified in the fourth column of the Schedule to the Enactment.

(7) Where an application for a separate feed-in approval under subrule 9(2) is granted by the Commission, the renewable energy generated by the increase in installed capacity shall be deemed to be generated by a separate renewable energy installation for the purposes of determining the applicable basic feed-in tariff rates, bonus feed-in tariff rates, feed-in tariff commencement date and effective period.

Calculation of bonus feed-in tariff rates

26. Where an application for a separate feed-in approval under rule 10 is granted by the Commission, the renewable energy generated by each part of the installation shall be deemed to be generated by a separate renewable energy installation for the purposes of determining the applicable bonus feed-in tariff rate, feed-in tariff commencement date and effective period.

PART VI

MISCELLANEOUS

Fees

27. (1) The fees to be paid in respect of an application for a feed-in approval shall be as specified in the Second Schedule.

(2) The fees shall be paid to the Commission in such manner and within such time as may be determined by the Commission.

Extension of time

28. (1) Notwithstanding anything contained in these Rules, in any condition of a feed-in approval or in any request by the Commission, where a time period is specified for an act to be done or a condition to be fulfilled, the person affected may request for an extension of such time in writing to the Commission and shall be

accompanied by the fees as specified in the Second Schedule.

(2) The Commission may, upon receipt of the request made by the affected person under subrule (1), grant such extension of time as it deems fit, provided that such person has furnished sufficient evidence to the Commission's satisfaction that the proposed extension of time —

- (a) is required not as a result of such person's act, omission or negligence;
- (b) is not reasonably foreseeable at the time of the application for the feed-in approval;
- (c) is just and reasonable; and
- (d) is not inconsistent with the matters set out in subsection 5(3) of the Enactment.

(3) The affected person may request for an extension of time under subrule (1) not more than three requests for each feed-in approval and each request for the extension of time shall not exceed a period of eighteen months.

Giving false or misleading information or document

29. A person who fails to disclose or omit to give any relevant information or document to the Commission under these Rules, or provides to the Commission under these Rules any information or document that he knows or has reason to believe is false or misleading, commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

FIRST SCHEDULE

[Paragraph 11(1)(g) and subrule 24(1)]

CRITERIA AND DOCUMENT REQUIRED FOR BONUS FEED-IN TARIFF RATE

<i>(1)</i> <i>Renewable Resource</i>	<i>(2)</i> <i>Criteria for Bonus Feed-in Tariff Rate</i>	<i>(3)</i> <i>Documents Required</i>
Biogas	<p>(a) Use of gas engine technology with electrical efficiency of above 40%</p>	<p>(a) At the time of application of the feed-in approval:</p> <p>Any relevant manufacturer's specifications and data sheet as tested according to the international standards by testing bodies as may be determined by the Commission.</p> <p>(b) After the acceptance test:</p> <p>A written verification by the Commission or any person appointed by the Commission that the technology specified in the manufacturer's specifications referred to in paragraph (a) was installed in the renewable energy installation.</p>

(1) <i>Renewable Resource</i>	(2) <i>Criteria for Bonus Feed-in Tariff Rate</i>	(3) <i>Documents Required</i>
	(b) Use of locally manufactured or assembled gas engine technology	<p>After acceptance test:</p> <p>(a) A certified copy of the manufacturing licence issued under the Industrial Co-ordination Act 1975 [Act 156] or a certified copy of the confirmation letter issued by the Malaysian Investment Development Authority exempting a company from the provision of manufacturing licence under the Industrial Co-ordination Act 1975 [Act 156], whichever applicable</p> <p>(b) A certificate of factory acceptance test or its equivalent</p> <p>(c) A written verification by the Commission or any person appointed by the Commission that the equipment of gas engine technology from the manufacturer specified in the document referred to in paragraphs (a) and (b) was installed in the renewable energy installation</p> <p>(d) A written confirmation from the Commission that the manufacturer or assembler is listed in the list of local manufacturer or assembler registered with the Commission</p>

(1) <i>Renewable Resource</i>	(2) <i>Criteria for Bonus Feed-in Tariff Rate</i>	(3) <i>Documents Required</i>
	(c) Use of landfills, sewage gas or agricultural waste including animal waste as fuel source	<p>(a) At the time of the application of the feed-in approval:</p> <p>(i) A written document of the eligible producer's ownership of a landfill, sewage system or agricultural activity, or a certified copy of a conditional or unconditional letter from, or an agreement with, the relevant municipal council or other entity agreeing to supply the eligible producer with the relevant fuel source</p> <p>(ii) A written document setting out the design of the renewable energy installation utilizing biogas including the relevant equipment for the combustion process of the biogas, the calculation of the indicative quantity of biogas required and the calculation of the indicative quantity of renewable energy to be generated by the installation</p>

(1) <i>Renewable Resource</i>	(2) <i>Criteria for Bonus Feed-in Tariff Rate</i>	(3) <i>Documents Required</i>
		<p>(b) After the acceptance test:</p> <p>A written verification by the Commission or any person appointed by the Commission that the commissioning of the renewable energy installation utilizing biogas has been met</p>
Biomass	(a) Use of gasification technology	<p>(a) At the time of application of the feed-in approval:</p> <p>Any relevant manufacturer's specifications and data sheet as tested according to the international standards by testing bodies as may be determined by the Commission</p> <p>(b) After the acceptance test:</p> <p>A written verification by the Commission or any person appointed by the Commission that the commissioning of the renewable energy installation has been met by utilizing biomass using the gasification technology including plasma technology</p>

<i>(1) Renewable Resource</i>	<i>(2) Criteria for Bonus Feed-in Tariff Rate</i>	<i>(3) Documents Required</i>
	<p><i>(b)</i> Use of steam-based electricity generating systems with overall efficiency of above 20%</p>	<p><i>(a)</i> At the time of the application of the feed-in approval:</p> <p>A written document setting out the design efficiency of the renewable energy installation accompanied by the relevant efficiency calculations</p> <p><i>(b)</i> After the acceptance test:</p> <p>A written verification by the Commission or any person appointed by the Commission that the criteria for use of steam-based electricity generating systems with overall efficiency of above 20% were met during the commissioning of the renewable energy installation</p>

<i>(1)</i> <i>Renewable Resource</i>	<i>(2)</i> <i>Criteria for Bonus Feed-in Tariff Rate</i>	<i>(3)</i> <i>Documents Required</i>
	<i>(c)</i> Use of locally manufactured or assembled boiler or gasifier	After the acceptance test: <ul style="list-style-type: none"> <i>(a)</i> A certified copy of the manufacturing licence issued under the Industrial Co-ordination Act 1975 [Act 156] or a certified copy of the confirmation letter issued by the Malaysian Investment Development Authority exempting a company from the provision of manufacturing licence under the Industrial Co-ordination Act 1975 [Act 156], whichever applicable <i>(b)</i> A certificate of factory acceptance test or its equivalent <i>(c)</i> A written verification by the Commission or any person appointed by the Commission that the boiler or gasifier from the manufacturer specified in the document referred to in paragraphs <i>(a)</i> and <i>(b)</i> was installed in the renewable energy installation <i>(d)</i> A written confirmation from the Commission or any person appointed by the Commission that the manufacturer or assembler is listed in the list of local manufacturer or assembler registered with the Commission

(1) <i>Renewable Resource</i>	(2) <i>Criteria for Bonus Feed-in Tariff Rate</i>	(3) <i>Documents Required</i>
	(d) Use of solid waste as fuel source	<p>At the time of application of the feed-in approval:</p> <p>(a) A written document of the eligible producer's ownership of a landfill, or a certified copy of a conditional or unconditional letter from, or an agreement with, the relevant local authority or other entity agreeing to supply the eligible producer with the relevant fuel source</p> <p>(b) A written document verified by the Commission or any person appointed by the Commission setting out the design of the renewable energy installation utilizing biomass including the relevant equipment for the combustion process of the biomass, the calculation of the indicative quantity of biomass required and the calculation of the indicative quantity of renewable energy to be generated by the installation</p> <p>(c) A written verification by the Commission that the commissioning of the renewable energy installation has been met by utilizing the biomass</p>

<i>(1) Renewable Resource</i>	<i>(2) Criteria for Bonus Feed-in Tariff Rate</i>	<i>(3) Documents Required</i>
Solar photovoltaic	(a) Use as installation in a building or building structure	<p>(a) At the time of application of the feed-in approval:</p> <p>Design drawings accompanied by the written confirmation by a Professional Engineer with Practising Certificate relating to civil engineering that the criteria for use as installation in buildings or building structures will be met based on such design drawings</p> <p>(b) After the initial operation date:</p> <p>(i) A written confirmation by the Professional Engineer with Practising Certificate relating to civil engineering that the solar photovoltaic module is used as installation in the buildings or building structures</p> <p>(ii) Photos of the solar photovoltaic module being used as installation in the buildings or buildings structures</p>

<i>(1) Renewable Resource</i>	<i>(2) Criteria for Bonus Feed-in Tariff Rate</i>	<i>(3) Documents Required</i>
	<p>(b) Use as building material</p>	<p>(a) At the time of application of the feed-in approval:</p> <p>Design drawings accompanied by the written confirmation by a Professional Engineer with Practising Certificate relating to civil engineering that the criteria for use as buildings material will be met based on such design drawings</p> <p>(b) After the initial operation date:</p> <p>(i) Photos of the installation of the solar photovoltaic module being used as building material and activities carried out in the buildings, the description of the functionality of such building material and the layout plan</p> <p>(ii) A written confirmation from a Professional Engineer with Practising Certificate relating to civil engineering that in his opinion the building structures will be sound during the applicable effective period</p>

<i>(1)</i> <i>Renewable Resource</i>	<i>(2)</i> <i>Criteria for Bonus Feed-in Tariff Rate</i>	<i>(3)</i> <i>Documents Required</i>
	<p>(c) Use of locally manufactured or assembled solar photovoltaic modules</p>	<p>(a) At the time of the application of the feed-in approval:</p> <p>Product technical parameters of the solar photovoltaic modules</p> <p>(b) After the initial operation date:</p> <p>(i) A certified copy of the manufacturing licence issued under the Industrial Co-Ordination Act 1975 [Act 156] or a certified copy of the confirmation letter issued by the Malaysian Investment Development Authority exempting a company from the provision of manufacturing licence under the Industrial Co-ordination Act 1975 [Act 156] whichever is applicable, of the local manufacturer or the local assembler of the solar photovoltaic modules, as the case may be</p> <p>(ii) A certified copy of the local manufacturer's solar photovoltaic module manufacturing certificate issued by testing bodies as may be determined by the Commission</p>

<i>(1) Renewable Resource</i>	<i>(2) Criteria for Bonus Feed-in Tariff Rate</i>	<i>(3) Documents Required</i>
		<p>(iii) A test certificate of the solar photovoltaic modules testing bodies as may be determined by the Commission</p> <p>(iv) A written confirmation by a qualified person that the solar photovoltaic modules from, the manufacturer specified in the product technical parameters or any other manufacturers or assembler listed in the list of local manufacturer or assembler registered with the Commission, was installed in the renewable energy installation</p>

(1) <i>Renewable Resource</i>	(2) <i>Criteria for Bonus Feed-in Tariff Rate</i>	(3) <i>Documents Required</i>
	(d) Use of locally manufactured or assembled solar photovoltaic inverters	<p>(a) At the time of application of the feed-in approval:</p> <p style="padding-left: 40px;">Product technical parameters of the solar photovoltaic inverters</p> <p>(b) After the initial operation date:</p> <p style="padding-left: 40px;">(i) A certified copy of the manufacturing licence issued under the Industrial Co-Ordination Act 1975 [Act 156] or a certified copy of the confirmation letter issued by the Malaysian Investment Development Authority exempting a company from the provision of manufacturing licence under the Industrial Co-ordination Act 1975 [Act 156], whichever is applicable</p> <p style="padding-left: 40px;">(ii) A certified copy of the manufacturer's inverter manufacturing certificate issued by testing bodies as may be determined by the Commission</p>

(1) <i>Renewable Resource</i>	(2) <i>Criteria for Bonus Feed-in Tariff Rate</i>	(3) <i>Documents Required</i>
		<p>(iii) A test certificate of the solar photovoltaic inverters issued by testing bodies as may be determined by the Commission</p> <p>(iv) A written confirmation by a qualified person that the solar photovoltaic inverters from the manufacturer specified in the product technical parameters or any other manufacturers or assembler listed in the list of local manufacturer or assembler registered with the Commission, was installed in the renewable energy installation</p>

For the purposes of the First Schedule —

- (a) “Professional Engineer with Practising Certificate” has the meaning assigned to it in the Registration of Engineers Act 1967 [Act 138];
- (b) “use as building material” means the use of the solar photovoltaic modules functioning as a principal roofing material on a building with no secondary roofing material beneath such solar photovoltaic modules serving the same function —
 - (i) with no roofing gap in between the modules or within the whole area of roof coverage; or
 - (ii) with roofing gap, if the roofing material is made of material which requires or needs the roofing gap, as may be approved by the Commission; and
- (c) “acceptance test” has the meaning assigned to it in rule 2 of the Sabah Renewable Energy (Technical and Operational Requirements) Rules 2024.

SECOND SCHEDULE

[Subrules 4(1) and 5(3), rule 15, subrules 17(3), 18(2), 20(1), 27(1) and 28(1)]

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Types of Fees</i>	<i>(3)</i> <i>Fees (RM)</i>
1.	Application fee for feed-in approval	10 per kilowatt of the installed capacity (subject to a minimum fee of RM100)
2.	Processing fee for an application of feed-in approval by — <i>(a)</i> an individual <i>(b)</i> other than an individual	100 per application 1,000 per application
3.	Processing fee for an application to relocate the renewable energy installation payable by the feed-in approval who is — <i>(a)</i> an individual <i>(b)</i> other than an individual	500 per application 2,500 per application
4.	Processing fee for an application of change in particulars payable by the eligible producer who is — <i>(a)</i> an individual <i>(b)</i> other than an individual	50 per application 100 per application
5.	Processing fee for an application of change in particulars of the feed-in approval payable by the feed-in approval holder who is an individual relating to — <i>(a)</i> the national registration identity card or passport <i>(b)</i> the installed capacity of the renewable energy installation <i>(c)</i> any other particulars	500 per application 500 per application 150 per application

(1) No.	(2) Types of Fees	(3) Fees (RM)
6.	Processing fee for an application of change in particulars of the feed-in approval payable by the feed-in approval holder who is other than an individual relating to — (a) the company registration number, business registration number or any equivalent registration number of the feed-in approval holder (b) the installed capacity of the renewable energy installation (c) any other particulars	2,500 per application 2,500 per application 300 per application
7.	Application fee for the replacement of the certificate of feed-in approval	50 per certificate
8.	Application fee for an assignment or transfer of a feed-in approval — (a) an individual (b) other than an individual	500 per application 2,500 per application
9.	Application fee for a request for an extension of time under rule 28 by a non-individual relating to — (a) milestones except the feed-in tariff commencement date (b) scheduled feed-in tariff commencement date — (i) where the extension of time is within a period of six months from the scheduled feed-in tariff commencement date as specified in the certificate of feed-in approval issued to the feed-in approval holder (ii) where the extension of time is more than a period of six months but not more than twelve months from the scheduled feed-in tariff commencement date as specified in the certificate of feed-in approval issued to the feed-in approval holder (iii) where the extension of time is more than a period of twelve months from the scheduled feed-in tariff commencement date as specified in the certificate of feed-in approval issued to the feed-in approval holder	300 per application 300 or 10% of the application fee for the feed-in approval as prescribed in item 1, whichever is higher 300 or 30% of the application fee for feed-in approval as prescribed in item 1, whichever is higher 300 or 50% of the application fee for feed-in approval as prescribed in item 1, whichever is higher

Made this 3 January 2024.

DATUK SERI PANGLIMA HAJI HAJIJI BIN HAJI NOOR,
Chief Minister of Sabah

Sabah Lawnet