

SABAH RENEWABLE ENERGY ENACTMENT 2024  
SABAH RENEWABLE ENERGY (RECOVERY OF MONEYS BY  
DISTRIBUTION LICENSEE) RULES 2024

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FOR REFERENCE ONLY (March 2024)

SABAH RENEWABLE ENERGY ENACTMENT 2024  
(No.18 of 2023)

SABAH RENEWABLE ENERGY (RECOVERY OF MONEYS BY DISTRIBUTION  
LICENSEE) RULES 2024  
(G.N.S 5 of 2024)

IN exercise of the powers conferred by section 21 and paragraph 63(e) of the Sabah Renewable Energy Enactment 2024, the Minister makes the following rules:

**Citation and commencement**

1. (1) These rules may be cited as the Sabah Renewable Energy (Recovery of Moneys by Distribution Licensee) Rules 2024.
- (2) These Rules come into operation on 3 January 2024.

**Claim for recovery of moneys from Renewable Energy Fund**

2. (1) A distribution licensee shall, not later than the seventh day of each month, submit a written claim to the Commission in such manner as prescribed by the Commission for the recovery from the Fund a sum equivalent to the difference between —

- (a) the amount of feed-in tariffs paid by the distribution licensee to feed-in approval holders in accordance with section 18 of the Enactment; and
- (b) the cost which the distribution licensee would have otherwise had to incur to generate the same amount of electricity generated by such feed-in approval holders based on the displaced cost which is determined in accordance with rule 11,

in respect of such sum incurred in the previous month.

(2) A distribution licensee who makes a claim under subrule (1) shall provide the Commission with the following information:

- (a) details of the feed-in tariffs paid by the distribution licensee to each feed-in approval holder under section 18 of the Enactment for the previous month;
- (b) details of the quantity of electricity purchased by the distribution licensee from each feed-in approval holder in consideration of the feed-in tariffs referred to in paragraph (a);
- (c) the distribution licensee's calculation of the difference between the amount of the feed-in tariffs referred to in paragraph (a) and the cost which it would have otherwise had to incur to generate the same quantity of electricity purchased under paragraph (b) based on the applicable displaced cost at the time of such purchase as determined in accordance with rule 11; and
- (d) such other information as may be determined by the Commission.

(3) Notwithstanding subrule (1), if a distribution licensee fails to make a claim on or before the seventh day of the month, the distribution licensee may include the unclaimed amount on or before the seventh day of the following month.

#### **Commission to verify claim**

3. The Commission shall verify any claim made by a distribution licensee under subrule 2(1) before payment is made to the distribution licensee from the Fund under rule 7.

#### **Overstatement of claim**

4. (1) Upon verification of a claim under rule 3, if the Commission finds that a distribution licensee has overstated a claim made under subrule 2(1), the Commission may request the distribution licensee to explain in writing regarding the overstatement of claim within a period specified in the request or any extension of time granted by the Commission.

(2) Upon receiving the request under subrule (1), the distribution licensee shall provide the explanation within the period specified in the request or any extension of time granted by the Commission.

(3) Upon the expiry of the period specified in the request or extension of time granted under subrule (1), the Commission shall make a decision on the claim having regard to the following matters:

- (a) the explanation provided by the distribution licensee, if any;
- (b) whether the distribution licensee acted in good faith; and
- (c) such other matters as the Commission may deem relevant.

(4) The decision of the Commission under subrule (3) shall be final and shall, by written notice, be informed to the distribution licensee.

### **Discovery of overstatement of claim by distribution licensee**

5. (1) If a distribution licensee, at any time, finds that it has overstated a claim made under subrule 2(1), the distribution licensee shall notify the Commission in writing and specify the overstated amount in the notification.

(2) Upon receipt of the notification under subrule (1), the Commission shall verify the overstatement of claim.

(3) The Commission may, for the purpose of verification under subrule (2), request the distribution licensee to provide any information and other supporting documents within a period specified in the request or any extension of time granted by the Commission.

(4) Upon receiving the request under subrule (3), the distribution licensee shall provide such information and other supporting documents within the period specified in the request or any extension of time granted by the Commission.

(5) Upon the expiry of the period specified in the request or any extension of time granted by the Commission and after the verification under subrule (2) is carried out by taking into consideration the information and other supporting documents referred to in subrule (3), if any, the Commission shall make a decision on the claim.

(6) The decision of the Commission under subrule (5) shall be final and shall, by written notice, be informed to the distribution licensee.

(7) If the Commission decides under subrule (5) that the distribution licensee has overstated the claim under subrule 2(1), the Commission shall —

- (a) if payment has not been made to the distribution licensee, deduct the overstated amount from the claim; or

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- (b) if overpayment has been made to the distribution licensee, the Commission may —
- (i) deduct the overstated amount from the subsequent claim made under subrule 2(1); or
  - (ii) require the distribution licensee to refund the overstated amount to the Commission without any interest within thirty days from the date of the written notice under subrule (6).

**Overstatement of claim by distribution licensee intentionally**

6. Notwithstanding rules 4 and 5, a distribution licensee who intentionally overstates a claim commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to an imprisonment for a term not exceeding three years or to both.

**Discovery of understatement of claim by distribution licensee**

7. (1) If a distribution licensee, at any time, finds that it has understated a claim made under subrule 2(1), the distribution licensee may notify Commission in writing and specify the understated amount in the notification.

(2) Upon receipt of the notification under subrule (1), the Commission shall verify the understatement of claim.

(3) The Commission may, for the purpose of verification under subrule (2), request the distribution licensee to provide any information and other supporting documents within the period specified in the request or any extension of time granted by the Commission.

(4) Upon receiving the request under subrule (3), the distribution licensee shall provide such information and other supporting documents within the period specified in the request or any extension of time granted by the Commission.

(5) Upon the expiry of the period specified in the request or any extension of time granted by the Commission and after the verification under subrule (2) is carried out by taking into consideration the information and other supporting documents referred to in subrule (3), if any, the Commission shall make a decision on the claim.

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(6) The decision of the Commission under subrule (5) shall be final and shall, by written notice, be informed to the distribution licensee.

(7) If the Commission decides under subrule (5) that the distribution licensee has understated the claim under subrule 2(1), the distribution licensee may include the understated amount in its subsequent claim under subrule 2(1).

**Payment of claim**

8. Subject to rule 3, paragraph 5(7)(a) and subparagraph 5(7)(b)(i), the Commission shall make the payment of the claim under subrule 2(1) to the distribution licensee not later than the last day of the month in which the claim was submitted.

**Refund of overpayment**

9. (1) If the Commission discovers that there has been an overpayment to a distribution licensee from the Fund, the Commission shall, as soon as possible, notify the distribution licensee in writing of the overpayment and request the distribution licensee to refund the overpayment to the Fund.

(2) The distribution licensee shall pay the overpayment under subrule (1) without any interest within thirty days from the date of receipt of the notification by the distribution licensee.

(3) If a distribution licensee discovers that there has been an overpayment to it from the Fund other than an overpayment under paragraph 5(7)(b), the distribution licensee shall, as soon as possible, notify the Commission in writing of the overpayment and refund the overpayment to the Fund without any interest within thirty days from the date of its notification to the Commission.

(4) A distribution licensee who fails to comply with subrule (2) or (3) commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to an imprisonment for a term not exceeding three years or to both.

**Payment of shortfall**

10. (1) If the Commission discovers that there has been a shortfall in the payment to a distribution licensee from the Fund, the Commission shall, as soon as possible,

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notify the distribution licensee in writing of the shortfall in the payment and pay the shortfall without interest to the distribution licensee within thirty days from the date of the shortfall being discovered by the Commission.

(2) If a distribution licensee discovers that there has been a shortfall in the payment to it from the Fund, the distribution licensee may notify the Commission in writing, as soon as possible, of the shortfall in the payment and such shortfall shall be paid by the Commission without interest to the distribution licensee within thirty days from the date of the shortfall being verified by the Commission.

**Displaced cost**

11. (1) Subject to subrule (2), the displaced cost in respect of each renewable energy installation shall be as follows:

<i>Particulars</i>	<i>Ringgit per kilowatt-hour</i>
(a) in respect of a renewable energy installation connected to a supply line at a voltage exceeding 50,000 volts up to and including 230,000 volts alternating current	0.2100
(b) in respect of a renewable energy installation connected to a supply line at a voltage exceeding 1,000 volts up to and including 50,000 volts alternating current	0.2200
(c) in respect of a renewable energy installation connected to a supply line at a voltage equal to or less than 1,000 volts alternating current	0.3000

(2) Following every revision in the tariffs levied by a distribution licensee under subsection 39(1) of the Electricity Supply Enactment 2024 after the date of coming into operation of these Rules, the displaced cost values shall be revised by the Commission, to reflect the change in tariffs due to the changes in the fuel and operational costs of the distribution licensee.

Made this 3 January 2024.

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