

BHUTAN ELECTRICITY AUTHORITY



PUBLIC CONSULTATION GUIDELINE 2022

Contents

Introduction	1
Commencement.....	1
Purpose.....	1
Scope	1
Repeal.....	1
Amendment	1
Pre-Consultation Process for License and Tariff related Petitions	2
Consultation Proceedings for License and Tariff related applications	3
Post Consultation Process	4
Consultation Process for Regulations, Standards, Codes Etc.	4
Definitions.....	5
FORM-A	6
FORM-B	8

Introduction

As empowered by the Electricity Act of Bhutan 2001 to develop regulations, standards, codes, principles, guidelines; process petitions and issue, modify and revoke a license for generation, transmission, distribution, system operation, export, import and sale of electricity and; determine or approve tariffs proposed by the Licensee; the Bhutan Electricity Authority hereby adopts the Guidelines for Public Consultation to provide a platform for the public and licensees to consult and share views on related issues.

Title

1. This Guideline shall be cited as the Public Consultation Guideline of Bhutan Electricity Authority 2022.

Commencement

2. This Guideline shall come into force with effect from 1st March 2022.

Purpose

3. The Guideline establishes procedures for the conduct of public consultation amongst stakeholders in the scope as empowered by the Act. and format for conducting consultation meeting among the Authority, Applicant and Person while processing petition for a license, tariff, or charges and while developing regulations, standards, codes, guidelines in a transparent manner.

Scope

4. This Guideline shall apply to
 - (1) Authority;
 - (2) Applicant; and
 - (3) Person.

Repeal

5. This Guideline replaces the Public Hearing Procedures established under the Tariff Determination Regulation 2016 in Annexure I.

Amendment

6. The Authority may amend this Guideline as and when deemed necessary.

Pre-Consultation Process for License and Tariff related Petitions

7. The Authority may conduct public consultation on receiving petitions or concerns from the Applicant in the:
 - (1) issuance of a license in accordance with Part 3 of the Act;
 - (2) modification or transfer of license issued; and
 - (3) determination of tariff and charges upon receipt of representations and objections.
8. Upon receipt of the complete petition, the Authority shall notify the general public in at least one national print media, national television, and Authority website and also inform concerned Local Authorities.
9. The notification on the petition or concerns shall include, but not be limited to, the following:
 - (1) the subject matter of the petition;
 - (2) location of the project site, where applicable; and
 - (3) invitation of objection and representation, if any, from the directly affected person.
10. The affected person shall submit the objection and representation to the Authority within thirty (30) days from the date of the notification or within the timeframe as specified in the notification.
11. The objection and representation shall include, but not be limited to, the following:
 - (1) name, address and contact number of the person;
 - (2) the impact of the proposed petition; and
 - (3) a remedial or alternative proposal, if any.
12. The Authority shall review and assess the objection and representation and decide on the date and venue for holding the consultation.
13. Where the Authority decides to hold a consultation meeting, the Authority shall:
 - (1) send a copy of the objection and representation raised by the affected person to the Applicant within three (3) days; and
 - (2) notify the general public in at least one national print media, national television and Authority website.
14. All interested persons wishing to attend the consultation meeting shall submit duly filled registration form attached **as Form A** in this Guideline either through email or in person at least seven (7) days prior to the date of the meeting.

15. The Authority shall notify the time and venue for the consultation meeting five (5) days prior to the date of the meeting.
16. In case the affected person is unable to attend the meeting, but desires to send a representative, he or she shall nominate a person to attend the meeting by filling up Public Consultation Registration (**Form A**) and Letter of Nomination (**Form B**) of this Guideline, and submit the duly completed Forms to the Authority within the due date and modes prescribed under Clause 14 of this Guideline.
17. All objections and representations raised under Clause 10 of this Guideline shall become null and void if the affected person fails to attend the meeting either in person or through his or her representative.

Consultation Proceedings for License and Tariff related applications

18. The BEA Secretariat shall conduct the consultation meeting.
19. The Authority Members may be invited to attend the consultation meeting.
20. Participants attending the meeting shall strictly observe the code of conduct that shall include, but not be limited to, the following:
 - (1) attend in formal dress;
 - (2) refrain using derogatory and abusive language during the meeting;
 - (3) switch off all electronic devices including mobile phone prior to commencement of the meeting;
 - (4) refrain from engaging in activities that causes disturbance or divert attention of participants; and
 - (5) refrain from video or voice recording of the proceedings of the meeting.
21. The BEA Secretariat shall, at the start of the meeting, introduce the petition and present the code of conduct for the conduct of the meeting.
22. Following the presentation of the BEA Secretariat, the affected person shall make a presentation on the objections or representation on the specific issue under discussion.
23. The Applicant shall thereafter make a presentation on the issue with focus on the rationale and justifications based on which the proposal was made.
24. Following the above presentations, the floor shall be opened for discussion. All participants shall ensure that the discussion, queries and views shall remain focused on the subject matter.

25. The BEA Secretariat reserves the right to intervene or deny a participant the opportunity to continue in cases where participants diverge from the main subject or engage in discussion of irrelevant issues or fail to observe the code of conduct of the meeting.
26. The BEA Secretariat shall maintain the record of the proceedings including video and voice recording.

Post Consultation Process

27. Following the consultation meeting, in the event the Petitioner or the Applicant desires to submit additional comments or information related to the issue, the same shall be submitted to the Authority within ten (10) days from the date of the consultation meeting.
28. The Authority shall review and decide on the petition taking into account the governing legal provisions, information submitted by the parties during and after the consultation and the broader national interest.
29. The decision of the Authority shall be conveyed in writing to the affected persons and the applicant within thirty (30) days from the date of the decision and it shall also be uploaded in the Authority website for general awareness.

Consultation Process for Regulations, Standards, Codes etc.

30. The Authority shall notify the relevant persons along with draft document on regulations, standards, codes, guidelines, principles and procedures through an appropriate communication channel for consultation.
31. The Authority shall notify the venue and time at least three (3) days prior to the consultation meeting.

Definitions

- (1) “**Act**” means the Electricity Act of Bhutan 2001;
- (2) “**Applicant**” means a person or licensee who has filed a petition to the Authority;
- (3) “**Authority or Bhutan Electricity Authority**” means the Authority established under Part 2 of the Electricity Act of Bhutan;
- (4) “**Petition**” means a formal written request made to the Authority;
- (5) “**Affected Person**” means a person who is adversely affected by the proposed petition;
- (6) “**Day**” means working days excluding Saturday, Sunday and Government holidays;
- (7) “**License**” means a license issued under Part 3 of the Electricity Act of Bhutan;
- (8) “**Licensee**” means any person issued with a license pursuant to Part 3 of the Electricity Act of Bhutan;
- (9) “**Local Authority**” means Local Governments comprising of Dzongkhag Tshogdu, Gewog Tshogde and Thromdey Tshogde;
- (10) “**Parties**” means applicants and affected person involved in public consultation process;
- (11) “**Person**” means individual, firm, company, association, partnership or body of persons, incorporated or not;



འབྲུག་གློག་ལྷན་ཁང་འཛིན།
Bhutan Electricity Authority



FORM-A

PUBLIC CONSULTATION REGISTRATION

Participant Information

1. Full Name

2. Citizenship Card/Work permit/Visa Number

3. Organization/Agency

4. Present Address

5. Email Address

6. Contact Number

A. Mobile:
B. Telephone Number:

7. Check (✓) nature of interest:

I am directly affected by the proposed petition.

I am indirectly affected by the proposed petition.

8. I will make a presentation (✓)

Yes

No

Signature



འབྲུག་གློ་བུ་ལྷན་ཁག་དབང་འཛིན།
Bhutan Electricity Authority



FORM-B

LETTER OF NOMINATION

I hereby authorize Mr/Mrsbearing Identity Card No.....of village Gewog Dzongkhag to attend the consultation meeting and act on my behalf to raise issues, discuss and take decisions in respect of the issue in hand.

I shall be liable for and bound by all acts of commission and omission of the nominated representative.

Authorized by:

Affix Legal Stamp

Signature.....

Name.....

Address.....

CID No.:.....

Contact No.....