

ORDER/NERC/208/2020

BEFORE THE NIGERIAN ELECTRICITY REGULATORY COMMISSION IN THE MATTER OF THE EXTRAORDINARY REVIEW OF MULTI YEAR TARIFF ORDER 2015 FOR YOLA ELECTRICITY DISTRIBUTION PLC

TITLE

 This regulatory instrument may be cited as MULTI YEAR TARIFF ORDER (MYTO) 2020 for Yola Electricity Distribution Plc.

COMMENCEMENT

2. This Order shall take effect from 1st September 2020 and shall cease to have effect on the issuance of a new Minor Review Order or an Extraordinary Tariff Review Order by the Nigerian Electricity Regulatory Commission ("NERC" or the "Commission").

CONTEXT

- 3. The Commission has reviewed an extra-ordinary tariff review application filed by Yola Electricity Distribution Plc ("YEDC") seeking approval to review its end user tariffs taking into account the impact of inflation, foreign exchange and its investment plan towards improving service to customers.
- 4. The Commission, pursuant to sections 32 and 76 of the Electric Power Sector Reform Act ("EPSRA"), issued the MYTO 2015 Tariff Order in December 2015 to address, amongst other objectives, the provision of cost-reflective tariffs thus ensuring that prices charged by licensees are fair to consumers and are sufficient to allow licensees that operate efficiently to recover the full cost of their activities, including a reasonable return on the capital invested in the business.
- 5. Section 6 of the MYTO Methodology (Amended) provides for the biannual minor review of the tariffs taking into consideration changes in exogenous variables outside the control of operators in the Nigerian Electricity Supply Industry ("NESI"). These variables are the Nigerian and United States inflation rates, NGN/USD foreign exchange rates, gas prices and available generation capacity.
- 6. Section 9(c) of the "Regulations on Procedure for Electricity Tariff Reviews in the Nigerian Electricity Supply Industry" provides the basis upon which the Commission may accept applications for the conduct of extraordinary tariff reviews.
- 7. The Commission has reviewed the application filed by YEDC taking into consideration the outcome of public consultations held in February March 2020 and approved end-user tariffs for the period 1st September 2020 to 30th June 2025. This Order reflects the impact

of changes in macroeconomic parameters on YEDC's revenue requirement and a revised tariff design that aligns rates paid by customers with the quality of service as measured by average availability of power supply over a one-month period. This Order takes cognisance of the varying levels of infrastructural development of the utility's network that is directly attributable to the level of investment which results in customers enjoying different levels of supply in the same network and further seeks to incentivise utilities to invest across their entire networks thus ensuring that the rates paid by customers is aligned with service improvements.

- 8. YEDC is hereby directed to continue engagement with their customers through all mediums of public consultations on guaranteed levels of quality of electricity supply on the basis of monthly average hours of supply per day.
- 9. Pursuant to the objective of incentivising a continuous improvement of service for all customers, there shall be no tariff reviews for customers experiencing an average power supply availability of less than 12-hours per day over a period of one month.
- 10. Unmetered customers within service bands A, B and C thus benefitting from a supply availability in excess of an average of 12hrs per day over a period of one month as affected by this tariff Order shall be protected by the provisions of "Order on the Capping of Estimated Bills in the NESI" and the FGN intervention on accelerated metering of all customers.
- 11. The Commission hereby orders that YEDC shall continue to maintain the lifeline tariff of NGN4.00/kWhr for all customers consuming less than 50kWHrs of energy per month as a safeguard for the less privileged members of the society.

OBJECTIVES

12. This Order seeks to:

- a. Ensure that prices charged by YEDC are fair to customers and are sufficient to allow YEDC to fully recover the efficient cost of operation, including a reasonable return on the capital invested in the business pursuant to the provisions of Sections 32(d) and 76(2)(a) of EPSRA.
- b. Provide a path to a transition to fully service-based cost-reflective tariffs by July 2021.
- Reclassify and disaggregate customers and customer clusters on the basis of YEDC's commitment on quality of service to customer clusters.
- d. Ensure that customer tariffs are commensurate and aligned with the quality and availability of power supply committed to customer clusters by YEDC.
- e. Ensure sustained improvement in reliability and quality of supply by incentivising YEDC to off-take energy in accordance with its Vesting Contract and MYTO load allocation.
- f. Provide a framework for settlement of imbalances between TCN and YEDC on delivery and off-take of available energy in accordance with the Market Rules, Vesting Contracts and other industry documents.



- g. Provide a framework that ensures customer tariffs are consistent with the services they receive from YEDC.
- h. Develop and implement a framework for enforcing market discipline in respect of market remittances and managing future revenue shortfalls in the industry including a minimum market remittance requirement to account for differences between costreflective tariffs and allowed tariffs in the settlement of invoices issued by the Nigerian Bulk Electricity Trading Plc ("NBET") and the Market Operator ("MO").
- Support the interim arrangements for payments to the electricity market and reaffirm the payment securitisation requirement and flow of funds from YEDC to NBET and MO.

BASIS FOR THE REVIEW

13. Change in Rate Design

Pursuant to the outcome of the public hearings held in February/March 2020 on the extraordinary tariff application filed by YEDC, the Commission directed the utility to adopt a revised rate design that aligns tariffs with service level experience of customers in different clusters/locations. Upon evaluation of YEDC's application, the Commission considered and approved five (5) tariff 'Service Bands' representing relative quality of service experience as measured by the committed minimum average hours of supply per day over a period of one month, interruptions (frequency and duration), service voltage levels and a number of other service parameters. These service bands are further subdivided into tariff classes as follows:

- (i) Non-Maximum Demand (Non-MD).
- (ii) Low voltage Maximum Demand (MD 1).
- (iii) Medium/High voltage Maximum Demand (MD 2).
- (iv) Lifeline tariff class (R1) (for consumption of not more than 50kWh/month).

Table -1 below is a comparative analysis of the new and old tariff classes:

Table - 1: YEDC Tariff Classification

Service Bands	New Tariff Class	Old Tariff Class
Lifeline	R1	R1
	A - Non-MD	R2, C1, D1, A1 (single and three phase)
A	A - MD 1	R3, C2, D2, A2 Street Light
(minimum of 20hrs/day)	A - MD 2	R4, C3, D3, A3
	B - Non-MD	R2, C1, D1, A1 (single and three phase)
B	B - MD 1	R3, C2, D2, A2 Street Light
(minimum of 16hrs/day)	B - MD 2	R4, C3, D3, A3
	C - Non-MD	R2, C1, D1, A1 (single and three phase)
C	C - MD 1	R3, C2, D2, A2 Street Light
(minimum of 12hrs/day)	C-MD2	R4, C3, D3, A3
_	D - Non-MD	R2, C1, D1, A1 (single and three phase)
D (0) (1)	D - MD 1	R3, C2, D2, A2 Street Light
(minimum of 8hrs/day)	D - MD 2	R4, C3, D3, A3
_	E - Non-MD	R2, C1, D1, A1 (single and three phase)
E	E - MD 1	R3, C2, D2, A2 Street Light
(minimum of 4hrs/day)	E-MD2	R4, C3, D3, A3

YEDC shall be liable for service improvements in accordance with commitments under its universal service obligations for providing electricity supply to customers. Attached herewith as Appendix 2 are details of the service improvement commitments made by YEDC to customers in various tariff bands for the period 1st September 2020 to 31st December 2021.

14. Capital Expenditure ("CAPEX") Plan

YEDC has applied to the Commission for an upward review of the CAPEX provisions in its tariffs to support the implementation of its Performance Improvement Plans ("PIP") over the next 5 years. Pursuant to the request, the Commission has shared a CAPEX Request Template with YEDC as a guide for a revised submission to qualify for consideration in the tariffs. Accordingly, the rates as contained in this Order and valid to December 31, 2020 are based on current CAPEX provision as contained in MYTO-2015 Order, with necessary adjustments for changes in relevant macroeconomic indices. Any verified and approved investments beyond the CAPEX allowances during this period shall be recognised and applied in the Tariff Order commencing on 1st January 2021. CAPEX review proposals for the period 2021 – 2025 shall be evaluated and upon approval applied in the Tariff Order commencing on 1st January 2021.

15. MYTO Load Allocation

The current MYTO load allocation to DisCos was presented as a subject matter for consultation during the public hearings in consideration of the applications for extraordinary tariff review. Several DisCos and the Transmission Company of Nigeria Plc ("TCN") consider the current MYTO Load Allocation as sub-optimal, given the changes that have occurred in load growth and capacities of the transmission and distribution networks. However, a full justification for a holistic review of the MYTO load allocation could not be established during this Extra-Ordinary Tariff Review process. Accordingly, the Commission orders that the current MYTO load allocation shall be maintained for the purpose of computing the relevant tariffs of all DisCos.

16. Tariff Assumptions

Pursuant to the provisions of the MYTO Methodology and the Regulation on Procedure for Electricity Tariff Review in NESI, Table 2 below provides the key indices considered in evaluating the tariff application by YEDC in this Extraordinary Tariff Review process. The projected parameters in this Order shall be reviewed and retrospectively adjusted during the December 2020 Minor Review of Tariffs to align the assumptions with actuals.

- a. Nigerian rate of inflation: The Nigerian rate of inflation for July 2020 as obtained from the National Bureau of Statistics (NBS) was 12.82%. This rate was adopted to project Nigerian inflation rates for year 2020 and beyond.
- b. Exchange Rate: In accordance with the provisions of the MYTO Methodology, CBN official exchange rates were used in this review. The MYTO Methodology provides for a premium of 1% above the CBN rate as transaction cost and this was applied in the current review. The applicable NGN/USD exchange rate for the period



September 01, 2020 and beyond is computed as NGN380 $\pm 1\%$ premium = NGN383.80.

- c. US rate of inflation: Based on the data obtained from the website of the United States Bureau of Labor Statistics (http://www.bls.gov), the US inflation rate for the month of July 2020 was 1.0%. This rate was adopted for the purpose of this review to project US Inflation rates for year 2020 and beyond.
- d. Gas Price: The price of natural gas for the power sector has been regulated since the inception of MYTO in 2008. The Commission has maintained the gas price of US\$2.50/MMBTU and gas transportation cost of US\$0.80/MMBTU for this review. Other grid connected generation companies with contracted gas prices outside the regulated rates and as provided in their respective Gas Sale Agreements ("GSAs") are also provided for in the MYTO model as a pass-through cost.

Table – 2: Key Indices Considered in Evaluating YEDC Application

Table - 2. Key maices considered in	i roc Application						
Parameter	Sep - Dec 2020	Jan — Jun 2021	Jul – Dec 2021	Jan – Dec 2022			
Nigerian Inflation	12.82%	12.82%	12.82%	12.82%			
Exchange Rate (H/US\$)	383.8	383.8	383.8	383.8			
US Inflation	1.00%	1.00%	1.00%	1.00%			
Sent out Generation (MWh/h)	4,646	4,974	4,974	5,325			
Weighted Generation Price (₦/kWh)	25.6	25.6	25.6	25.6			
TCN and Admin Charge (₦/kWh)	7.8	8.3	8.3	8.2			
Delivered to YEDC (MWh/h)	140	151	151	162			
ATC&C Losses	23.71%	20.85%	20.85%	20.85%			
End-use Cost-reflective Tariffs (₦/kWh)	59.99	60.15	60.15	60.31			
End-use Allowed Tariffs (₩/kWh)	50.05	50.05	60.15	60.31			
Tariff Shortfall (₦/kWh)	9.94	10.10	-	-			



17. Approved End-user Tariffs Effective from 1st September 2020

Pursuant to YEDC's application for extraordinary tariff review and consistent with paragraph 13 of this Order, the Commission considered and approved the tariffs in Table-3A below with effect from 1st September 2020 and shall remain in force until the issuance of a new Minor Review Order or an Extraordinary Tariff Review Order by the Commission.

Table - 3A: Approved End-user Tariffs (\\ /kWh) for YEDC

Tariff Class	Sep - Dec 2020	Jan — Jun 2021	Jul – Dec 2021	Jan - Dec 2022	Jan - Dec 2023	Jan - Dec 2024	Jan – Dec 2025
Life-line (R1)	4.00	4.00	4.00	4.00	4.00	4.00	4.00
C - Non MD	51.12	51.12	62.74	62.92	63.06	61.74	61.82
C-MD1	56.12	56.12	65.87	66.08	66.22	64.84	64.92
C - MD2	59.12	59.12	67.96	68.16	68.31	66.89	66.97
D - Non MD	46.46	46.46	55.60	55.90	56.02	54.86	54.92
D - MD1	50.57	50.57	60.82	60.18	60.31	59.06	59.13
D - MD2	53.57	53.57	63.78	62.27	62.40	61.10	61.18

18. Tariff Freeze for Customers in Bands D and E

Following consultations and directions on tariff policy, the Commission hereby approves a deferment of the applicable tariffs for customers in service bands D and E (that is customers with a service commitment of less than an average of 12-hours supply per day over a period of one month for the period 1st September 2020 to 1st January 2021. Accordingly, YEDC shall continue to charge customers in Bands D & E the tariffs applied prior to this Order as provided in Table – 3B below and shall only be allowed to charge the approved tariffs in this Order upon investments that improve quality of service experience thus migrating customers to higher service bands or another Order of the Commission.

Table - 3B: Applicable Tariffs for Customers in Bands D and F

						1 1				-						-		
Old Tariff Class	R1	R2S	R2T	R3	R4	C1S	C1T	C2	C3	D1S	D1T	D2	D3	A1S	A1T	A2	A3	L1
Rate (N/kWh)	4.00	23.25	24.75	41.22	0.00	32.44	34.30	43.78	44.88	33.60	34.76	44.46	45.32	29.49	31.75	34.02	37.43	33.39
New Category	Life- Line	Non- MD	Non- MD	MD-1	MD-2	Non- MD	Non- MD	MD-1	MD-2	Non- MD	Non- MD	MD-1	MD-2	Non- MD	Non- MD	MD-1	MD-2	MD-1



19. Service Band Adjustment

Where there is a failure to deliver on committed service level by YEDC over as evaluated over a period of 60 days, rates payable by all customers in the affected load cluster shall be retroactively adjusted in line with the quality of service delivered over the same period, upon verification by the Commission.

20. Minimum Remittance Threshold for September – December 2020:

The Power Sector Recovery Plan ("PSRP") provides for a gradual transition to cost-reflective tariffs with safeguards for the less privileged in the society. The Federal Government, under the PSRP Financing Plan, has committed to fund the revenue gap arising from the difference between cost reflective tariffs determined by the Commission and the actual end-user tariffs during the transition to cost-reflective tariffs. The waterfall of market revenues during the transitional period shall be -

- a. All DisCos are obligated to settle their market invoices in full as adjusted and netted off by applicable tariff shortfall approved by the Commission.
- b. In the determination of compliance with the minimum remittance threshold in this Order, the Commission shall consider verified receivables from MDAs for the settlement period and DisCo's historical collection efficiency for MDAs.
- c. All FGN intervention from the financing plan of the PSRP for funding tariff shortfall shall be applied through NBET and MO to ensure 100% settlement of market invoices as issued by Market Participants.
- d. Under this framework, the minimum market remittance threshold for YEDC is determined after deducting the revenue deficit arising from tariff shortfall from the aggregate NBET and MO market invoices. YEDC shall be availed the opportunity to earn its revenue requirement only upon fully meeting the following payment obligations:
 - i. Repayment of CBN-NEMS facility.
 - ii. 100% settlement of MO's invoice.
 - iii. Full settlement of 48.7% of NBET's monthly invoices being the minimum remittance threshold prescribed in this Order.
- e. YEDC shall be liable to relevant penalties/sanctions for failure to meet the minimum remittance requirement in any payment cycle in accordance with the terms of its respective contracts with NBET, MO and the provisions of the Market Rules and Supplementary TEM Order.
- f. YEDC shall maintain an adequate and unencumbered letter of credit covering three (3) months of the minimum payment obligations to NBET and MO in accordance with the provisions of the Market Rules and Market Participation Agreement.
- g. Where YEDC is unable to comply with its minimum remittance threshold to the market prescribed in this Order from its operations as a utility, the company may seek



external financing under the CBN intervention to cover the payment deficit but subject to the following conditions:

- (i) A submission to the Commission providing details of the market remittance ramp up period, lenders term sheet, draw down period, moratorium (where applicable) and the repayment period of the loan.
- (ii) The terms and conditions for the financing of the remittance shortfall shall be mutually agreed between YEDC and the lenders and filed with the Commission.
- (iii) The submission to the Commission, no later than two (2) weeks from the effective date of this Order, of the utility's financial model covering the remittance ramp up period and projections for the repayment of the external financing.

Table 4 provides the minimum market remittance threshold for **YEDC**, with an effective date of 1st September 2020:

Table – 4: Minimum Remittance Threshold for September – December 2020

	YEDC's Minimur	n Remittance	Table - September 2020 - December 2020						
Head	Subhead	₩,000,000	Remarks						
	NEMSF	17	CBN - Loan						
	NBET Invoice	10,479	Projected Generation cost						
Revenue Required	MO Invoice	3,185	Projected TCN and Admin Services cost						
	YEDC	5,032	Approved recovery of capital and operating expenses						
	Total	18,713	Total Revenue Required						
Allowed	Recovery	13,339	71% Being Amount recoverable through allowed end- user tariffs of YEDC in 2020						
Tariff	Shortfall	5,375	29% Being the difference between YEDC's revenue requirement and its allowed recovery						
	NEMSF	17	1st - Line Charge on Collection as per loan Agreement						
Total 18,713 Total Revenue I Allowed Recovery 13,339 71% Being Amount recoverab user tariffs of YEI Tariff Shortfall 5,375 29% Being the difference be requirement and its al NEMSF 17 1st - Line Charge on Collection NBET Minimum Remittance Collection Remittance Solution MO Minimum Remittance Collection Mo	Being Minimum Remittance Obligation of 48.7% of NBET's Monthly Invoices for September to December 2020. Full settlement to be supplemented by the FGN intervention funds.								
Remittance	Minimum	3,185	Being Minimum Remittance Obligation of 100% of MO's monthly Invoices of September to December 2020.						
2.19411011	YEDC	5,032	Being opportunity availed the DisCo to earn its revenue requirement based on its efficient operations and upon full settlement of the minimum remittances to NEMSF, NBET and MO.						
	Total Distribution	13,339							



CAPACITY PAYMENT

- 21. The average tariff for YEDC was determined considering the projected energy offtake of the company based on its percentage load allocation in the Vesting Contract. NBET shall continue to invoice YEDC for capacity charge and energy based on its load allocation and metered energy respectively in accordance with the December 2019 Minor Review of MYTO-2015 and Minimum Remittance Order for Year-2020.
- 22. Where it is established that TCN is unable to deliver YEDC's load allocation, TCN shall be liable to pay for the associated capacity charge. Where YEDC fails to take its entire load allocation due to constraints in its own network, YEDC shall be liable to pay the capacity charge as allocated in its Vesting contract.

EFFECTIVE DATE

23. This Order shall be effective from 1st September 2020.

Dated this 27th day of August 2020

Dafe C. Akpeneye Commissioner Chairman



Appendix – 1: YEDC's Customer Classifications

Service Bands	New Tariff Class	Description						
Lifeline	R1	Life-Line customers with energy consumption of not more than 50kWh/month						
	A - Non-MD	Customers with single or three phase connection located within Band – A Service Level Feeders						
A (1.1)	A – MD 1	Customers with LV Maximum Demand connection located within Band – A Service Level Feeders						
(minimum of 20hrs/day)	A - MD 2	Customers with MV/HV Maximum Demand (11/33kV) connection located within Band – A Service Level Feeders						
	B - Non-MD	Customers with single or three phase connection located within Band – B Service Level Feeders						
B (minimum of 16hrs/day)	B – MD 1	Customers with LV Maximum Demand connection located within Band – B Service Level Feeders						
	B – MD 2	Customers with MV/HV Maximum Demand (11/33kV) connection located within Band – B Service Level Feeders						
	C - Non-MD	Customers with single or three phase connection located within Band – C Service Level Feeders						
C (10) (1)	C - MD 1	Customers with LV Maximum Demand connection located within Band – C Service Level Feeders						
(minimum of 12hrs/day)	C - MD 2	Customers with MV/HV Maximum Demand (11/33kV) connection located within Band – C Service Level Feeders						
	D - Non-MD	Customers with single or three phase connection located within Band – D Service Level Feeders						
D (0) (1)	D – MD 1	Customers with LV Maximum Demand connection located within Band – D Service Level Feeders						
(minimum of 8hrs/day)	D – MD 2	Customers with MV/HV Maximum Demand (11/33kV) connection located within Band – D Service Level Feeders						
	E - Non-MD	Customers with single or three phase connection located within Band – E Service Level Feeders						
E (minimum of Almo (days)	E – MD 1	Customers with LV Maximum Demand connection located within Band – E Service Level Feeders						
(minimum of 4hrs/day)	E – MD 2	Customers with MV/HV Maximum Demand (11/33kV) connection located within Band – E Service Level Feeders						



Appendix - 2: YEDC's Service Level Commitments

00000	Band D	Band D	Band D	Band D	Band D	Band D	Band D	Band D	Band C	Band C	Band C	Band C	Band C	Band C	Band C	Band C	Band C	Band C	Service Clusters	
James O'Aniai	Islingo Bursl	Damaturu Rural	Yola/Yelwa Rural	Wukari	Numan	Nguru	Mubi	Gombi	Kona Urban	Jalingo Urban	Damaturu Urban	Yola/Yelwa Urban	Yola/Jimeta	Yerwa	Potiskum	Kanem	Bulumkutu	Biu	Business Unit	
0.0	80	8.0	8.0	8.0	8.0	8.0	8.0	8.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	Minimum Duration of Supply (Hrs/Day)	Service L
CT.0	0 19	0.58	0.61	0.45	0.25	0.27	0.30	0.30	0.08	0.08	0.41	0.61	1.39	0.60	0.25	0.67	0.27	0.18	Average Frequency of Interruptions Per Day	evel Propos
0.00	0.80	0.36	1.92	0.73	0.48	0.53	0.15	0.15	0.24	0.24	0.48	1.92	0.29	0.64	0.19	0.69	0.71	0.14	Average Duration of Interruptions	Service Level Proposal for Period-1: July - Dec 2020
0.00	8 20	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	Average Response time to resolving complaints (Hrs)	d-1: July - D
23.00	29 00	28.67	28.90	26.00	29.40	28.00	26.20	26.20	30.00	30.00	32.50	28.90	30.00	29.28	28.10	29.31	29.70	29.20	Service Voltage Level	ec 2020
0.21	120	12.0	12.0	12.0	12.0	12.0	12.0	12.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	Minimum Duration of Supply (Hrs/Day)	Servi
0.13	0 19	0.58	0.61	0.45	0.25	0.27	0.30	0.30	0.08	0.08	0.41	0.61	1.39	0.60	0.25	0.67	0.27	0.18	Average Frequency of Interruptions Per Day	ce Level Pro
0.00	080	0.36	1.92	0.73	0.48	0.53	0.15	0.15	0.24	0.24	0.48	1.92	0.29	0.64	0.19	0.69	0.71	0.14	Average Duration of Interruptions	oposal for P
1.00	700	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	Average Response time to resolving complaints (Hrs)	Service Level Proposal for Period-2: Jan - Jun 2021
00.16	31 00	30.67	31.00	30.00	31.40	30.00	30.20	30.20	31.00	32.00	32.80	31.00	31.00	31.28	30.10	31.31	31.70	31.20	Service Voltage Level	1 - Jun 2021