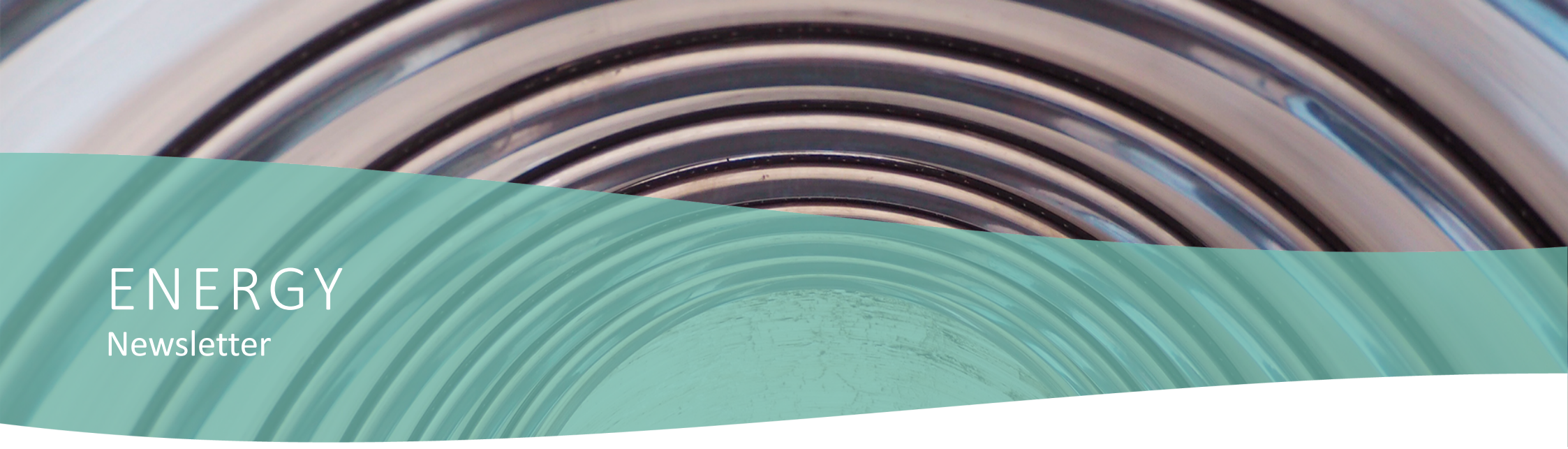

ENERGY
Newsletter

No. 12 / JANUARY 2019

This issue of the Energy Newsletter provides information on the main administrative, regulatory and legal acts related to regulation of the electric energy sector in Brazil. This material is informative and should not be used for decision making. Our attorneys are here to provide specific legal advice.

ENERGY AND NATURAL RESOURCES AREA

ENERGY TEAM
Rafael Gagliardi, Raphael Gomes, Pedro Dante, Bruno Crispim, Renato Edelstein and Carolina Delamare

DEMAREST

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With a full agenda, the electric sector waits for the definition of the technical team

In a report published by the newspaper Valor Econômico, Raphael Gomes, a partner at Demarest Advogados, Energy area, comments the need to define the Generation Scaling Factor (GSF) in order for the free market to develop and advance. Check the full text.

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Public inquiry to expedite the opening of the Free Contracting Environment - ACL divides opinions

The opening of the market is an issue included in the public inquiry 33 and is considered another step towards the modernization of the Brazilian electric sector. Check the full text.

Neoenergia is the winner of the transmission auction

The company was awarded four contracts that represent contributions over R$ 6 billion. The Consortium EMTEP and CPFL Geração were also a highlight being awarded three and four lots respectively. Check the full text.

Discounts at the transmission auction will be smaller in 2019, says Abrate.

The discount reached 46%, representing savings corresponding to R$ 986 million per year for the electric energy consumers. Check the full text.

Aneel defines the maximum and minimum Settlement Price of Differences - PLD for 2019

The minimum PLD is calculated based on the highest value between the Annual Generation Revenue (RAG) of the hydroelectric plants under the quota regime and the estimates of the generations costs of Itaipu. The maximum PLD will be the highest Unit Variable Cost (CVU) of a natural gas thermal plant in operation. Check the full text.

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The Accounting Court authorizes the disposition of the assets of CEB

The auction is scheduled for February 21, 2019; the company also approved the 2019-2023 business plan. Check the full text.

Auction of Ceal is postponed to December 28

The auction of Ceal (AL) was postponed to December 28 at 5 PM. According to the new schedule, the date for the delivery of documents is December 27, from 9 AM to noon. Check the full text.

After the sale, it is expected an improvement in the quality of the services of Amazonas Energia

In the next five years of the concession, the winner consortium will have to invest around R$ 3.2 billion in the distributor. Check the full text.

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ORDER No. 2807 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on December 4, 2018

Set the credits and debts of the Centralized Account of Tariff 'Flags' Funds for the Settlement of the short-term market transactions at the Chamber for the Commercialization of Electric Energy - CCEE, for October 2018, according to Sub-module 6.8 of the Tariff Regulation Procedures - PRORET, approved by Normative Resolution no. 826, of August 13, 2018.

RATIFYING RESOLUTION No. 2491 OF THE GENERAL DIRECTOR OF THE NATIONAL AGENCY OF ELECTRIC POWER - ANEEL, published on December 10, 2018

Sets the amount of the Updated Reference Tariff - TAR and the Average Price of the Hydraulic Power - PMEH to be effective in 2019.

RATIFYING RESOLUTION No. 2492 OF THE GENERAL DIRECTOR OF ANEEL, published on December 10, 2018

Ratifies the factors of the physical guarantee quotas to the electric energy distribution agents in 2021, among other provisions.

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ORDER No. 2792 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on December 4, 2018

Establishes the green tariff 'flag' for December 2018, according to version 1.6 of Sub-module 6.8 of the Tariff Regulation Procedures - PRORET.

ORDER No. 2836 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on December 10, 2018

Sets the Electric Energy Services Inspection Fee - TFSEE to the electric energy distribution agents with contractual anniversary in November 2018.

ADMINISTRATIVE RULE No. 495 OF THE MINISTER OF MINES AND ENERGY, published on December 11, 2018

Submits to Public Inquiry the draft of an Administrative Rule intended to regulate the provision in art. 15, par. 3, of Law no. 9074, of July 7, 1995.

ORDER No. 2912 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on December 11, 2018

Procedure no. 48500.004583/2017-90 Interested parties: Transmission concessionaires, free consumers and self-producers, and Eletrobras Decision: Sets the amounts of the quotas related to the charge of the Energy Development Account - CDE for October 2018. Period for payment: up to January 10, 2019.

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ORDER No. 2913 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on December 11, 2018

Sets the value of the funding quotas related to the Program for Incentive to Alternative Sources of Electric Energy - PROINFA for February 2019.

RATIFYING RESOLUTION No. 2501, OF THE GENERAL DIRECTOR OF ANEEL, published on December 21, 2018

Sets the tariff for transfer of the contracted power of Itaipu Binacional to be charged by Centrais Elétricas Brasileiras S.A. - Eletrobras at an amount in Reais equivalent to US$ 27,71 kW/month, applicable to the sales from January 1 to December 31, 2019.

ORDER No. 2821, OF THE GENERAL DIRECTOR OF ANEEL, published on December 19, 2018

Authorizes the Chamber for the Commercialization of Electric Energy - CCEE to apply, in the event of a grouping of concession areas addressed in Normative Resolution no. 716/2016 and at the request of the interested agent, premise 3.83 of the Commercialization Procedure - PdC, Sub-module 3.2 - Regulated Environment Contracts, without the corresponding registration of the CCEAR in the accounting and settlement system - CliqCCEE, for a provisional period until the CliqCCEE is definitively adjusted.

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ADMINISTRATIVE RULE No. 498 OF THE MINISTER OF MINES AND ENERGY, published on December 20, 2018

Submits to Public Inquiry the Technical Report "Inclusion of Additional Security Mechanism in the Energetic Planning Models - Minimum Operative Volume," prepared by the Methodology Group of the Permanent Commission for Analysis of Methodologies and Computer Programs of the Electric Sector - CPAMP.

RATIFYING RESOLUTION No. 2501, OF THE GENERAL DIRECTOR OF ANEEL, published on December 21, 2018

Sets the tariff for transfer of the contracted power of Itaipu Binacional to be charged by Centrais Elétricas Brasileiras S.A. - Eletrobras at an amount in Reais equivalent to US$ 27,71 kW/month, applicable to the sales from January 1 to December 31, 2019.

RATIFYING RESOLUTION No. 2508 OF THE GENERAL DIRECTOR OF ANEEL, published on December 21, 2018

Sets for 2019 the funding quotas and the electric energy quotas resulting from the proration of costs and electric energy generated within the ambit of the Program for Incentive to Alternative Sources of Electric Energy - PROINFA.

ORDER No. 3144 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on December 26, 2018

Sets the Electric Energy Services Inspection Fee - TFSEE to the electric energy distribution agents with contractual anniversary in September 2018.

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PUBLIC HEARING	SUBJECT	MODALITY	PERIOD FOR CONTRIBUTION
2nd phase - 028/2018	To obtain inputs for the draft of Module 5 of the Distribution Procedures - PRODIST and the provisions of Normative Resolution no. 414/2010 addressing measurement and reading.	Exchange of documents	12/13/2018 to 2/11/2019
055/2018	To obtain inputs to define the regulatory levels of non-technical losses of electric energy in the distribution system of Enel Distribuição Rio in the 2019-2022 period.	Exchange of documents	12/6/2018 to 1/21/2019
056/2018	To obtain inputs for the Report on the Analysis of the Regulatory Impact and the draft of a normative act adjusting art. 24 of Normative Resolution no. 414/2010, which addresses the assignment imposed on the Observatório Nacional, which was given the task of carrying out studies regarding the daily period of energy consumption related to street lighting and lighting of condominium streets considering the specificities of each locality.	Exchange of documents	12/6/2018 to 2/4/2019

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057/2018	To obtain inputs to improve the proposed revision of the Rural Universalization Plan of Centrais Elétricas do Pará - Celpa.	Exchange of documents	12/14/2018 to 1/28/2019
058/2018	To obtain inputs to improve the proposed regulation of Sub-module 12.2 of the Tariff Regulation Procedures - PRORET concerning the adjustment process for the Annual Generation Revenue - RAG of the Hydroelectric Plants under the Quota Regime, in accordance with Law no. 12783/2013.	Exchange of documents	12/20/2018 to 2/4/2019
059/2018	To obtain inputs for the Analysis of the Regulatory Impact - AIR in regard to the improvement of the Tariff Structure applied to consumers of group B - Low Voltage - Binomial Tariff.	Exchange of documents	12/20/2018 to 3/18/2019

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060/2018	To obtain inputs to improve the proposed Regulation of the Voltage Compliance in a Permanent Regime.	Exchange of documents	12/20/2018 to 2/18/2019
061/2018	To obtain inputs for the Analysis of the Regulatory Impact - AIR regarding the regulation of the geospatial location of the transmission facilities.	Exchange of documents	12/20/2018 to 2/17/2019
062/2018	To obtain inputs for the revision of par. 3 of art. 18 of Normative Resolution no. 614/2014.	Exchange of documents	12/20/2018 to 2/2/2019
063/2018	To obtain inputs for the proposed revision and consolidation of the Tariff Regulation Procedures - PRORET.	Exchange of documents	12/21/2018 to 2/28/2019

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PUBLIC HEARING	SUBJECT	MODALITY	PERIOD FOR CONTRIBUTION
020/2018	To obtain inputs for the changes to the Commercialization Procedures - PdCs that address the implementation of a new platform for registration of agents and other improvements to and simplifications of the text of the impacted sub-modules, namely: 1.1 - Adhesion to CCEE, 1.2 - Register of Agents, and 1.6 - Retail Commercialization; and (ii) To obtain information in order for ANEEL to decide in favor of the use of electronic notification within the ambit of the CCEE by revising Normative Resolution no. 545/2013 and for such decision not to be made by the agents of the Chamber through the approval of an amendment to the Chamber's Bylaws.	Exchange of documents	12/10/2018 to 1/23/2019
021/2018	To obtain inputs to improve the procedures related to the collection and estimate of the measurement data, registration of the Contracts of Free Environment Energy Commercialization - CCEALs in the Accounting and Settlement System - SCL, accounting and re-accounting of the Short-Term Market - MCP, financial settlement of the MPC, and measurement penalties contained in Sub-modules 2.1, 3.1, 5.1, 5.2, and 6.1 of the Commercialization Procedures - PdC.	Exchange of documents	12/24/2018 to 2/6/2019

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01.05

End of the period to submit suggestions for Public Inquiry no. 19/2018. Check the full text

01.09

Debt of the Financial Settlement of the Short-Term Market (MCP) - November/18

01.10

Credit of the Financial Settlement of the Short-Term Market (MCP) - November/18

01.16

Financial Settlement of Angra I and II - December/18

01.17

Financial Settlement of the Physical Guarantee Quota Regime - December/18

01.21

End of the period to submit suggestions for Public Hearing no. 55/2018. Check the full text

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01.22

Deadline for the contribution of financial guarantees, except for the distribution agents – December/18

01.23

Debt of the Financial Settlement of the Reserve Power - December/18.

End of the period to submit suggestions for Public Inquiry no. 20/2018. Check the full text

01.24

Credit of the Financial Settlement of the Reserve Power - December/18

01.28

Financial Settlement of the Compensation Mechanism of Surpluses and Deficits (MCSD) of the Existent Power - December/18

End of the period to submit suggestions for Public Hearing no. 57/2018. Check the full text

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