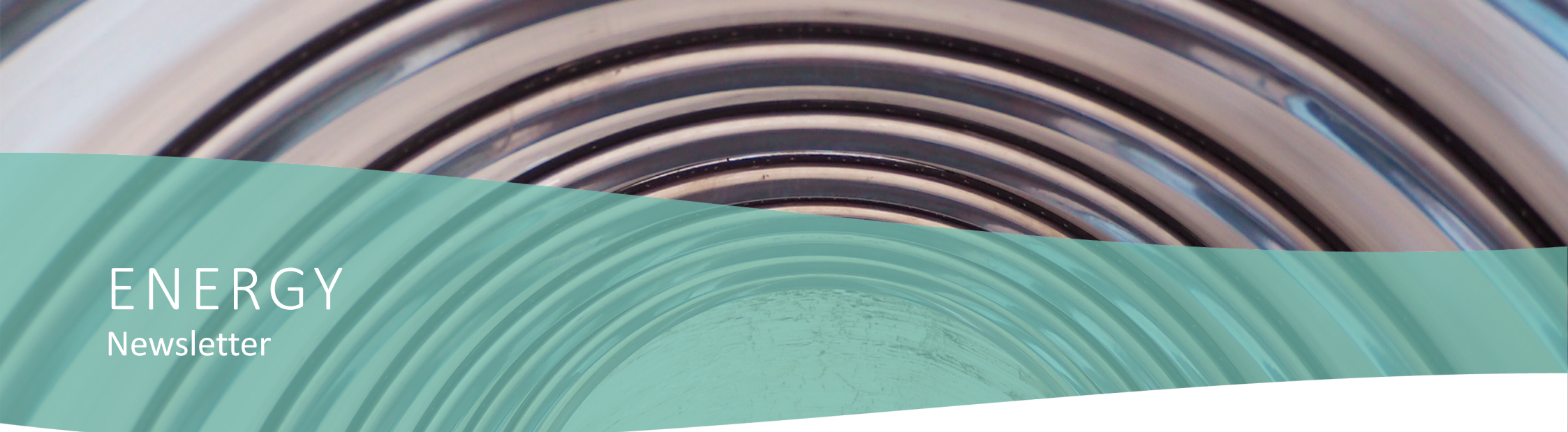




ENERGY

Newsletter

No. 13 / FEBRUARY 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, Carolina Delamare and Bruna Brossa

DEMAREST

Demarest's View

Highlights

Regulatory Matters

Public Hearings and
Inquiries

Regulatory Calendar

Non-levy of the Tax on Circulation of Goods and Services - ICMS on the assignment of amounts of electric energy

In a report published on JOTA, Raphael Gomes, a partner at Demarest Advogados, Energy area, comments the main consequences of the non-levy of ICMS on the assignment of amounts of electric energy. [Check the full text.](#)

Judiciary Branch x Regulatory Agency – Change to the Regulatory Periods under an Interlocutory Decision

In a report published in Canal Energia, Raphael Gomes, a partner at Demarest Advogados, Energy area, comments the change to the period of limitation in the event of reimbursement for excessive billing of the electric power to the consumer. [Check the full text.](#)

Demarest's View

Highlights

Regulatory Matters

Public Hearings and
Inquiries

Regulatory Calendar

ANEEL cancels resolution on division of hydrological risk.

Also, Resolution 788 on the renegotiation of non-tax debts is no longer valid and the agency declared that it lapsed. [Check the full text.](#)

GSF may cost R\$ 22 billion in 2019, says the Chamber for the Commercialization of Electric Energy - CCEE

The Generation Scaling Factor - GFS is a well-known problem of the electric sector, responsible for taking to court the short-term market since 2015. In his speeches, Bento Albuquerque, Minister of Mines and Energy, repeatedly emphasizes that the solution for the problem is the highest priority on the agenda of the new government. [Check the full text.](#)

Ricardo Cyrino is appointed secretary of Electric Energy of the Ministry of Mines and Energy

The Head of the Special Assistance to Monitor Sectorial Policies, Strategies, and Performance of the Ministry was also appointed. [Check the full text.](#)

ANEEL approves regulatory agenda with 36 items for 2019

Among such items are the revision of the rules on distributed micro and mini-generation and the role of the Energy Re-Allocation Mechanism - MRE. [Check the full text.](#)

Demarest's View

Highlights

Regulatory Matters

Public Hearings and
Inquiries

Regulatory Calendar

Revision of the rules for distributed generation is submitted to public hearing.

The focus of the discussion is the revision of the current energy compensation system, which, according to the distributors, disguises subsidies. [Check the full text.](#)

Hearing discusses amendments to the commercialization rules

ANEEL will open the public hearing proposing an amendment to the Commercialization Rules to meet the criteria for treatment of the financial exposures set in Normative Resolution 817. [Check the full text.](#)

[Demarest's View](#)[Highlights](#)[Regulatory Matters](#)[Public Hearings and
Inquiries](#)[Regulatory Calendar](#)

ORDER No. 3147 OF THE SUPERINTENDENT OF THE DISTRIBUTION SERVICES REGULATION, published on January 3, 2019.

Ratifies the Monthly Revenue Difference assessed in the application of the Social Electric Energy Tariff and the funds in the Energy Development Account to be transferred to the distributors by the Chamber for the Commercialization of Electric Energy - CCEE. Period: November 2018 and residual amounts.

ORDER No. 04 OF THE SUPERINTENDENT OF THE MARKET ECONOMIC REGULATION AND STUDIES, published on January 4, 2019.

Approves the model of the Assignment Instrument, according to the appendix to Technical Note No. 01/2019-SRM/ANEEL, of January 2, 2019.

ORDER No. 10 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on January 4, 2019.

Sets 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 November 2018, according to Sub-module 6.8 of the Tariff Regulation Procedures - PRORET, approved by Normative Resolution No. 826, of August 13, 2018.

[Demarest's View](#)[Highlights](#)[Regulatory Matters](#)[Public Hearings and
Inquiries](#)[Regulatory Calendar](#)

**ORDER No. 18 OF THE GENERAL DIRECTOR OF
THE NATIONAL AGENCY OF ELECTRIC POWER
- ANEEL, published on January 7, 2019.**

Informes that the period of limitation provided in article 205 of the Civil Code must be observed in the event of reimbursement for excessive billing of the electric energy to the consumer, making item II of article 113 of Normative Resolution No. 414, of September 9, 2010, ineffective while the decision rendered by the 19th Federal Civil Court of São Paulo, on December 18, 2018, in the Public-Interest Civil Action No. 5024153-93.2018.4.03.6100 remains in force.

**ORDER No. 42 OF THE SUPERINTENDENT OF
THE TARIFF MANAGEMENT, published on
January 9, 2019.**

Sets the amounts of the quotas related to the charge of the Energy Development Account - CDE for November 2018. Period for payment: up to February 10, 2019.

**ORDER No. 43 OF THE SUPERINTENDENT OF
THE TARIFF MANAGEMENT, published on
January 9, 2019.**

Sets the value of the funding quotas related to the Program for Incentive to Alternative Sources of Electric Energy - PROINFA for March 2019. Period for payment: up to February 10, 2019.

Demarest's View

Highlights

Regulatory Matters

Public Hearings and
Inquiries

Regulatory Calendar

ORDER No. 44 OF THE SUPERINTENDENT OF THE TARIFF MANAGEMENT, published on January 10, 2019.

Sets the Electric Energy Services Inspection Fee - TFSEE, for the fiscal year of 2019, for Self-Producers and Independent Producers of Electric Energy.

LAW No. 13806/19 OF THE BRAZILIAN PRESIDENT, published on January 11, 2019.

Amends Law No. 5764, of December 16, 1971, which defines the Brazilian Cooperativism Policy and institutes the legal system of the cooperative corporations that authorizes the cooperative corporations to be procedural substitutes of their members.

ADMINISTRATIVE RULE No. 58, OF THE MINISTER OF MINES AND ENERGY - MME, published on January 25, 2019.

Submits to Public Inquiry the draft of an Administrative Rule on the System for Auctions of Acquisition of Electric Energy and Power from Selling Agent, made available through the Supply Solution to meet the demand of the consumer markets located in the Isolated Systems of Boa Vista and connected locations, addressed by MME Administrative Rule No. 512, of December 21, 2018.

Demarest's View

Highlights

Regulatory Matters

Public Hearings and
Inquiries

Regulatory Calendar

**ORDER No. 231 OF THE SUPERINTENDENT OF
THE MARKET ECONOMIC REGULATION AND
STUDIES, published on January 29, 2019.**

Publishes the Annual Reference Value - VR for 2020 and 2021.

**ADMINISTRATIVE RULE No. 5571 OF ANEEL
GENERAL DIRECTOR, published on January
30, 2019.**

Approves the ANEEL Regulatory Agenda for the 2019-2020 period and amends Administrative Rule No. 4821/2017, which approved the ANEEL Regulatory Agenda for the 2018-2019 period.

[Demarest's View](#)
[Highlights](#)[Regulatory Matters](#)[Public Hearings and
Inquiries](#)[Regulatory Calendar](#)

PUBLIC HEARING	SUBJECT	MODALITY	PERIOD FOR CONTRIBUTION
1st phase - 001/2019	To obtain inputs for the Analysis of the Regulatory Impact - AIR relating to the improvement of the rules applicable to the distributed micro and mini-generation (Normative Resolution No. 482/2012).	Exchange documents and face-to-face meetings.	1/24/2019 to 4/19/2019
002/2019	To obtain inputs to improve the Rules for the Commercialization of Electric Energy, in compliance with Normative Resolution No. 822/2018.	Exchange documents	of 1/23/2019 to 2/25/2019
003/2019	To obtain inputs to improve the regulation on the criteria and procedures to calculate investments in non-amortized or non-depreciated irreversible assets of generation concessions, extended or not, under Law No. 12.783/2013.	Exchange documents	of 1/23/2019 to 2/25/2019

[Demarest's View](#)[Highlights](#)[Regulatory Matters](#)[Public Hearings and
Inquiries](#)[Regulatory Calendar](#)

PUBLIC HEARING	SUBJECT	MODALITY	PERIOD FOR CONTRIBUTION
004/2019	To obtain subsidies to improve the proposal related to the Fifth Periodical Tariff Revision of Companhia Energética do Ceará - Coelce (Enel CE), to be effective from April 22, 2019, and the definition of the corresponding limits of the indicators of continuity of the Equivalent Duration of Interruption per Consumer Unit - DEC and the Equivalent Frequency of Interruption per Consumer Unit - FEC, for the period from 2019 to 2023.	Exchange documents and to-face meeting	of 1/23/2019 to 3/11/2019
005/2019	To obtain inputs to improve the proposed amendment to the Rules for the Commercialization of Electric Energy, in compliance with Normative Resolution No. 817/2018 and Order No. 1400/2018.	Exchange documents	of 1/31/2019 to 3/1/2019

[Demarest's View](#)[Highlights](#)[Regulatory Matters](#)[**Public Hearings and
Inquiries**](#)[Regulatory Calendar](#)

PUBLIC INQUIRIES**SUBJECT****MODALITY****PERIOD FOR
CONTRIBUTION**

001/2019

To obtain subsidies as to the technical specifications of the services of the Testing Plant to be contracted by the Agency in the current year.

Exchange
documents

of 1/28/2018 to
2/8/2019

Demarest's View

Highlights

Regulatory Matters

Public Hearings and Inquiries

[Regulatory Calendar](#)



02.02

End of the period to submit suggestions for Public Hearing no. 62/2018. [Check the full text.](#)



02.04

Beginning of the period to insert statements of surpluses and deficits (MCSD) of Existent Energy for February/2019.



02.06

Debt of the Financial Settlement of the Short-Term Market (MCP) - December/2018.



02.06

End of the period to submit suggestions for Public Inquiry No. 021/2018. [Check the full text.](#)



02.07

Credit of the Financial Settlement of the Short-Term Market (MCP) - December/2018.



02.08

End of the period to submit suggestions for Public Inquiry No. 001/2019. [Check the full text.](#)

Demarest's View

Highlights

Regulatory Matters

Public Hearings and Inquiries

[Regulatory Calendar](#)



02.08

End of the period to insert statements of surpluses and deficits (MCSD) of Existent Energy for February/2019.



02.14

Face-to-Face Meeting concerning Public Hearing No. 004/2019. [Check the full text.](#)



02.15

Financial Settlement of Angra I and II for January/2019.



02.17

End of the period to submit suggestions for the Public Hearing no. 61/2018. [Check the full text.](#)



02.18

Financial Settlement of the Physical Guarantee Quota Regime for January/2019.



02.18

End of the period to submit suggestions for the public hearing no. 60/2018. [Check the full text.](#)

Demarest's View

Highlights

Regulatory Matters

Public Hearings and Inquiries

Regulatory Calendar



02.19

Debt of the Financial Settlement of the Reserve Energy for January/2019.



02.20

Credit of the Financial Settlement of the Reserve Energy for January/2019.



02.21

Deadline for the contribution of financial guarantees (except for the distribution agents) for January/2019.



02.21

First face-to-face meeting concerning Public Hearing No. 001/2019. [Check the full text.](#)



02.25

Financial Settlement of MCSD of the Existent Energy for January/2019.



02.25

End of the period to submit suggestions for Public Hearing No. 002/2019. [Check the full text.](#)

Demarest's View

Highlights

Regulatory Matters

Public Hearings and Inquiries

[Regulatory Calendar](#)

02.25

End of the period to submit suggestions for Public Hearing No. 003/2019. [Check the full text.](#)

02.28

End of the period to submit suggestions for Public Hearing no. 63/2018. [Check the full text.](#)

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