



Is BPL acting illegally - if so, should you be obliged to pay?



It is with great pleasure to advise that "Inside the Chamber" will

resume monthly publications, commencing with this Article.

Inside the Chamber is a monthly legal Bulletin, written by attorneys in the firm, Halsbury Chambers. We do hope that

you will find the articles enlightening.

Our first Article is entitled *"Is BPL Acting Illegally—If so, should you be obliged to pay?"* written by Syann Thompson Wells.

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Is BPL Acting Illegally – If so, should you be obliged to pay?

Frustration mounts when homeowners, business owners, institutions or consumers of any kind find out that they will have increases in their electricity bill.

It was just in October of 2022 that Bahamas Power and Light advised consumers that due to the rising cost of fuel the company must adjust the monthly Fuel Charge to 'ensure the sustainability of its operations'.

This move by BPL has caused the public to question if the company is acting illegally, by automatically increasing its Fuel Charge Rate without allegedly getting permission to amend the current legislation that regulates the Fuel Charge Rate.

There were numerous questions left to be answered – did the Utilities Regulation and Competition Authority (URCA) give approval prior to BPL implementing the increases? Do consumers have a say in being classed differently? If BPL is acting illegally can a class-action lawsuit be brought against them by consumers?

Take a look below at the increases outlined in October 2022 by BPL:

PHASES	Less than 800 kilowatts (increases of 2 cents increments per quarter)	Greater than 800 kilowatts (increases of 4.3 cents increments per quarter)
Oct. 1 to Nov. 30, 2022	12.5 cents	14.8 cents
Dec. 1, 2022–Feb. 28, 2023	14.5 cents	19.1 cents
Mar. 1 – May 31, 2023	16.5 cents	23.3 cents
June 1 – Aug. 31, 2023	18.5 cents	27.6 cents
Sept. 1–Nov. 30, 2023	18.5 cents	25 cents

So what does the law say about BPL creating different classes of rates for consumers? Under Section 20(3) of the Electricity Act 2015 it states:

Rates and Scales of Charges for Electricity at BPL

"Subject to the approval of URCA, BPL may where no undue preference is given to any class of customer or locality, fix the charges under this section at different rates and scales for different classes of customers, including residential, commercial, general service and other service categories."

Did BPL receive approval by its regulator URCA prior to implementing the increases? The press release for BPL was issued on 4th October, 2022 and highlighted increases that began on 1st October, 2022.

While it is questionable on the timing of BPL's increase and their approval from URCA, Section 20(3) of the Electricity Act 2015 clearly outlines that BPL is able to create different rates and scales for different classes of customers.



Meantime, URCA informed the media on 15th December, 2022 that it is satisfied that BPL made an adequate case to carry out the increases.

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