

Energy Regulatory Commission and Office of the Energy Regulatory Commission



NERC
ERC







“...Given the criticism that cutting trees will increase carbon emission into the air at such and such an amount and cause such and such water evaporation, we then have to choose whether to keep the forests or to use more electricity.

When the demand for electricity is increasing, we have to consider which type of fuel should be used. It has been proposed that we buy coal from Australia to use in thermal power plants, that is, to burn coal for generating steam to drive turbines which will then produce electricity.

Think how much we have to spend on coal purchase from Australia to burn in order to turn the turbines and how much carbon will go up into the air, compared with the loss of carbon-absorption capacity of 3-4 trees which would have to be cut. Will it be worthwhile?

If electricity can be generated from hydropower without cutting trees, but by cutting only grass, that would not cause any problem...”

Royal Speech
given to the audience of well-wishers
on the occasion of the Royal Birthday Anniversary
at the Dusidalai Hall, Chitralada Villa, Dusit Palace
on Monday, 4 December 1989





HRH Princess Maha Chakri Sirindhorn
presided over the official opening ceremony
at the Office of the Energy Regulatory Commission (OERC)
on Monday, 31 August 2009,
at 19th Floor, Chamchuri Square Building,
Phayathai Road, Pathumwan District, Bangkok



Minister of Energy (Dr. Wannarat Channukul)
Chairman of the Energy Regulatory Commission
(Prof. Emeritus Dr. Direk Lavansiri)
Energy Regulatory Commissioners
Executives of the Office of the Energy Regulatory Commission
and OERC staff members were in attendance
to welcome HRH Princess Maha Chakri Sirindhorn



MDW
ERC



Confidence

Balance

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Professor Emeritus Dr. Direk Lavansiri
Chairman of the Energy Regulatory Commission

Message from the ERC Chairman

Fiscal Year 2009 marked the second year of the commitment to duty execution of the Energy Regulatory Commission (ERC), and staff members of the Office of the Energy Regulatory Commission (OERC) are considered a key force in the foundation of energy industry regulation in Thailand, by driving the six energy regulatory strategies set by the ERC for continued success, particularly in issuing regulations, rules and criteria. These roles are not only instrumental to the foundation of energy regulation under the objectives of the Energy Industry Act of 2007, but also serve as tools for energy regulation covering all dimensions. As a result, the overall energy industry operation has grown efficiently with quality services, providing fairness to energy consumers in prices and service quality alike.

In addition, the ERC has valued energy consumers' roles in energy industry regulation, as seen in our moves to select Regional Energy Consumer Committees, the establishment of Power Development Funds, promotion of the use of renewable energy and environmentally friendly energy (including solar energy, wind energy, and agricultural residues). Consideration is also given to the efficiency of power business operations as well as the balance of natural resources. As for the institutional capacity building, the ERC has put in place the structural basis, processes and energy regulatory knowledge for our personnel to create a standard for efficient energy regulation for Thailand.

Another mission that the ERC is determined to accomplish with maximum transparency for the benefit of all Thais is the regulation of energy service tariffs for both power and natural gas. The underlying principle is that the regulation must lead to balance with due regard for maximum fairness to the public, business and industrial sectors.

Going forwards, the ERC's mission in determining energy regulatory strategies will be intensified, for example, the determination of mechanisms for efficient energy regulation to protect the public and national interests, promotion of fair competition, prevention of monopolistic abuses, and promotion of the public at large to play a role in national energy system development.

Finally, I would like to express my sincere appreciation to all OERC staff members and all agencies that have played a part in the success of ERC over the past year. On behalf of the ERC, I pledge to execute our work to achieve a national energy regulatory regime filled with security and sustainability that serves the best interests of Thailand and its people.



(Professor Emeritus Dr. Direk Lavansiri)
Chairman of the Energy Regulatory Commission

Energy Regulatory Commission



Prof. Emeritus Dr. Direk Lavansiri
Chairman of the Energy Regulatory Commission

Nopadon Mantajit
Commissioner

Chalit Ruengvisesh
Commissioner



Pallapa Ruangrong, Ph.D.
Commissioner

Lt. Thaksin Limsuvan
Commissioner

Chongchet Boonkerd
Commissioner

Supichai Tangjaitrong, Ph.D.
Commissioner

Profiles of the Energy Regulatory Commission



Professor Emeritus Dr. Direk Lavansiri
Chairman of the Energy Regulatory Commission

- Education**
- Ph.D. (Civil Eng.), Oregon State University, Oregon, U.S.A
 - M.S.C.E. University of Washington, Washington, U.S.A.
 - Bachelor Degree in Civil Engineering, Chulalongkorn University, Bangkok, Thailand
- Experience**
- Professor/Dean of the Faculty of Engineering, Chulalongkorn University
 - Member of the University Council of Chulalongkorn University
 - President of the Council of Engineering Deans of Thailand
 - Board Member of various State Enterprises, for example, Metropolitan Waterworks Authority, Mass Rapid Transit Authority of Thailand, The Transport Company Limited, and Provincial Waterworks Authority



Mr. Nopadon Mantajit
Commissioner -- Natural Gas Industry

- Education**
- National Defense College of Thailand, Class 37
 - MSc., University of Manchester
 - Bachelor Degree in Science, Chulalongkorn University, Bangkok, Thailand
- Experience**
- Director General, Department of Mineral Fuels, Ministry of Energy
 - Director General, Department of Mineral Resources, Ministry of Industry
 - Deputy Permanent Secretary, Ministry of Industry



Mr. Chalit Ruengvisesh
Commissioner -- Electricity Industry

- Education**
- Bachelor Degree in Engineering (2nd Class Honor) in Electrical Power
- Experience**
- Governor of the Metropolitan Electricity Authority
 - Deputy Governor of the Metropolitan Electricity Authority
 - Board Member of District Cooling System and Power Plant Co., Ltd.



Pallapa Ruangrong, Ph.D.

Commissioner -- Economics/Energy Management

- Education**
- Ph.D. in Energy Management & Policy, University of Pennsylvania, U.S.A.
 - MSc. in Energy Management & Policy, University of Pennsylvania, U.S.A.
 - Master Degree in Economic Development, National Institute of Development Administration, Thailand
 - Bachelor Degree in Economics, University of Chiang Mai, Thailand
- Experience**
- Served at the Office of National Economic and Social Development Board
 - Served at the Energy Policy and Planning Office
 - Served at the State Enterprise Policy Office
 - Member of the Committee of State Railway of Thailand
 - Member of the Committee of Water Works Authority



Mr. Chongchet Boonkerd

Commissioner -- Finance and Accounting

- Education**
- Master degree in Public and Private Management, National Institute of Development Administration, Thailand
 - Bachelor Degree in Science, Faculty of Economics, Kasetsart University, Thailand
- Experience**
- Senior Executive Vice President and Chief Financial Officer, Small and Medium Enterprise Development Bank of Thailand
 - Honorary Advisor, Committee on Privatization of the State Enterprises of the Senate
 - Vice President, Asset Management, Small Industry Finance Corporation (SIFC)



Lieutenant Thaksin Limsuvan

Commissioner -- Law

- Education**
- Bachelor Degree in Law (2nd Class Honor), Chulalongkorn University, Bangkok, Thailand
 - Certification of Thai Bar, Institute of Legal Education of the Thai Bar
- Experience**
- Legal Advisor, the Electricity Generating Authority of Thailand (EGAT)
 - Assistant Governor, EGAT
 - Chief of Legal Counseling Department, EGAT



Supichai Tangjaitrong, Ph.D.

Commissioner -- Natural Resources and Environment/Consumer Protection

- Education**
- Ph.D. in Geographic Science, Australian National University, Australia
 - M.Eng. Sc. in System Engineering, James Cook University, Australia
 - Master of Science in Physics, Chulalongkorn University, Thailand
 - Bachelor Degree of Science in Physics, Chulalongkorn University, Thailand
- Experience**
- Deputy-Director, Environmental Research Institute, Chulalongkorn University
 - Assistant Professor, Faculty of Science, Chulalongkorn University
 - Member of the Committee on Deliberation of the Environmental Impact Assessment of Projects on Petroleum Exploration and/or Production



After the promulgation of the Energy Industry Act of 2007

in the Government Gazette on 10 December 2007,

His Majesty the King appointed an Energy Regulatory Commission (ERC)

on 1 February 2008 to independently regulate energy industry operation

under state policy to ensure security of Thai energy businesses, bolster

confidence among the public and ensure fairness to all parties.



Thai Energy Legislation and Energy Industry Regulation

Energy Industry Act, B.E. 2550 (2007)

Electricity and natural gas industry are vital to national economic and social development, as well as to public utility systems and the environment. Promulgated on 10 December 2007, the Energy Industry Act of 2007 represented a new, concrete dimension of Thailand's energy regulation through clear separation of policymaking, regulating and operating functions to ensure that energy regulation under the policy framework of the government is fair to all, is independently administered, and can protect operators under fair rules of competition. The Act values support unities for energy consumers, the public and those affected by energy industry operation to participate in expressing views and playing greater roles in national energy management while safeguarding the rights, freedom and benefits of energy consumers countrywide.

Intended to efficiently protect all energy consumers, the Act can, therefore, extend fairness to all. That is to say, energy consumers across the board will enjoy protection and gain ready access to energy services at fair prices, with confidence in safety and service standards, and with due stewardship for efficient consumption of national resources.

Equally important is that the Act values participation in energy consumer protection through its provision of the appointment of "Regional Energy Consumer Committees," consisting of consumer representatives in each region, which handle complaints, advise energy consumers and propose to the ERC corrective measures to improve services of energy industry licensees – all of which will maximize the safeguarding of energy consumers' rights across the board. Therefore, energy consumers can be assured of fairness when filing complaints and can actually participate in the inspection of energy business operations.

The Energy Industry Act of 2007 can safeguard the rights of energy consumers across the board – whether they are local communities, the public or energy industry licensees – so that they could efficiently participate in the consumption of, gaining access to, and management of energy matters. Above all, only through the cooperation and participation of all Thais in energy management can the Act fulfill its objectives.

Authority and duties

Section 11 The Commission shall have the following authority and duties:

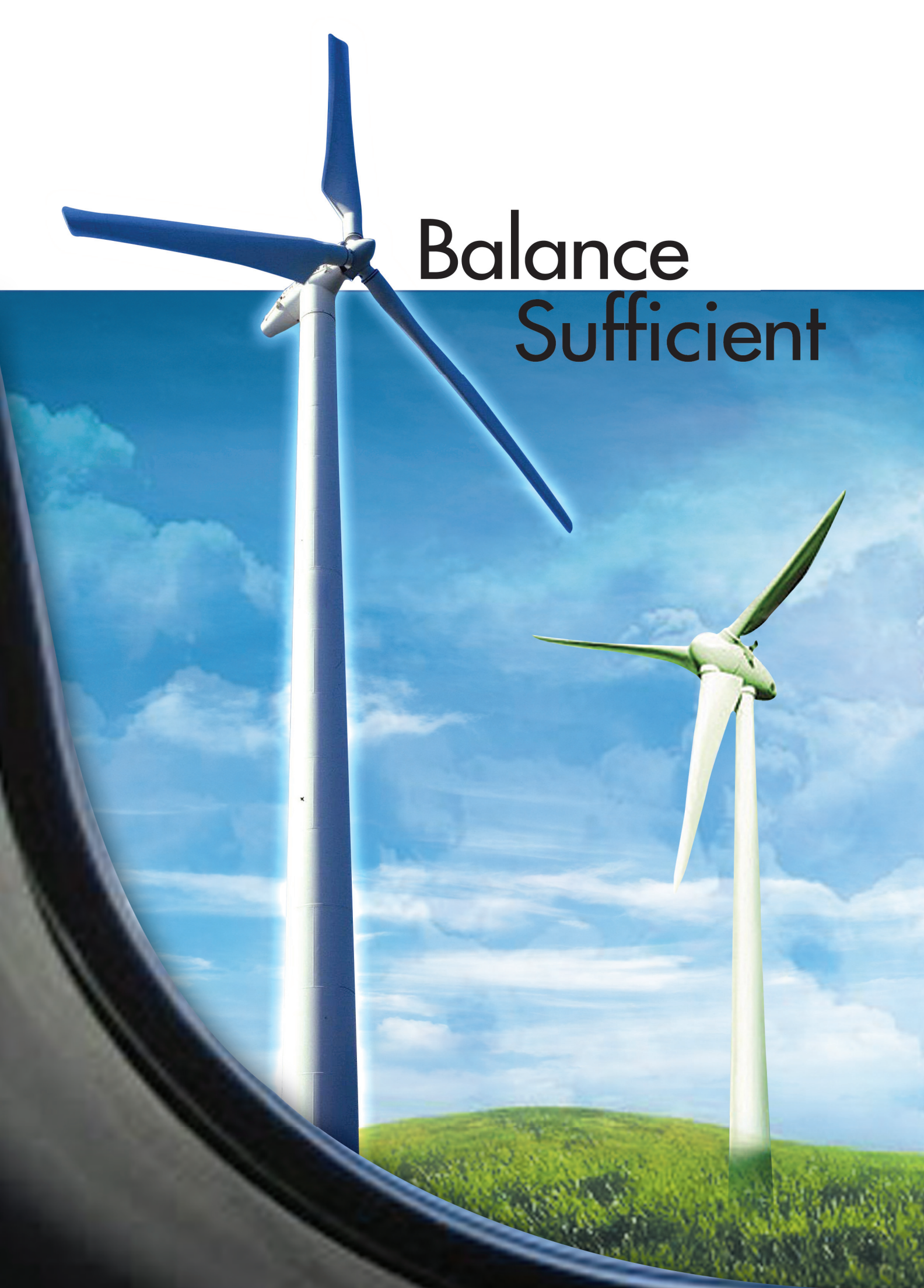
- (1) regulate energy industry operation to ensure compliance with objectives of this Act under the policy framework of the government;
- (2) issue an announcement determining types of licenses for energy industry operation, and propose an issuance of a Royal Decree to determine the categories, capacities and characteristics of energy industry which are exempt from license requirement;
- (3) impose measures to ensure security and reliability of electricity system;
- (4) impose the regulations and criteria of the electricity procurement and the issuance of Requests for the purchase of electricity as well as monitor the selection procedures to ensure fairness for all parties;
- (5) provide opinions on the power development plan, the investment plan of the electricity industry, the natural gas procurement plan and the energy network system expansion plan for submission to the Minister under Section 9 (3);
- (6) inspect the energy industry operation of the licensees to ensure efficiency and transparency;
- (7) issue regulations or announcements and supervise the customer service standards and quality, including measures to protect energy consumers against adverse impacts resulting from energy industry operation;
- (8) propose the rules and Codes of Conduct of the Commission's members and the competent officials to the Minister under Section 9 (10);
- (9) issue regulations or announcements on policy and guidelines with regard to the stakeholders or the conflict of interests of the Commission's members and the competent officials;
- (10) issue regulations or announcements on criteria, method and conditions of the contribution given to the Fund and the Fund utilization to be in line with the NEPC's policy under Section 9 (8);
- (11) issue orders and prescribe the administrative fines pursuant to Division 8 - Administrative Enforcement;
- (12) provide opinion or recommendations on energy industry operation to the Minister and the Cabinet;
- (13) promote and support study and research on energy industry operation;
- (14) promote and encourage the general public of energy awareness;
- (15) promote and support human resources development in order to increase efficiency in energy industry operation;
- (16) promote economical and efficient use of energy, renewable energy and energy that has minimal impact on the environment, with due consideration of efficiency of electricity industry operation and balance of natural resources;
- (17) coordinate with other agencies in relation to the execution of the duties stipulated in this Act; and
- (18) perform any other task as stipulated in this Act or in other laws as part of the Commission's authority and duties.

All regulations, rules, announcements or codes generally applicable shall take effect upon their publication in the Government Gazette.

All orders applicable to specific cases shall take effect upon their notification in accordance with the rules and procedures for notifying administrative orders under the law on administrative official procedure.



Balance Sufficient



**Conscientious consumption
of energy with appreciation
of its value leads to
sustainable energy balance.**



Vision

To be the core agency that regulates energy industry operation with transparency for security of Thai energy industry, enhancing public confidence and being reliable, with international standards and acceptance.



Mission

To regulate energy industry operation so as to establish a secure energy system that is reliable, efficient and fair for both energy consumers and energy industry operators, while remaining environmentally friendly, by being committed to fair and transparent execution of the defined duty and responsibilities for the benefit of sustainable development of the country in the social, economic and environmental aspects.

Core Value

TRUST

an acronym of the words reflecting the belief, value and desirable behavior for energy industry regulation, consists of:

Trust

Stakeholders can trust that commitments will be honored.

Reliability and Consistency

The ERC will regulate without prejudice and the ERC's decisions will be consistent over time.

Unity

The ERC will work together with a team spirit to achieve the defined vision.

Social Accountability

The ERC's operation and decisions will be accountable and open to public participation.

Transparency and Independence

The ERC's operation, decisions, appeal process and complaint-handling will be transparent and independent, in compliance with the law, with high relevance to stakeholders and financial independence.

Philosophy

Strive for fairness and balance in stakeholders' entitlements

OERC personnel

Personnel's capacity is upgraded in a learning organization where they enjoy independence in executing their duty with fairness and transparency, primarily to the interest of the public as a whole, under an efficient, modern and internationalized working system.

Energy consumers

Benefits are safeguarded, in terms of both service tariffs and service quality. Opportunities are given to energy consumers to access to the use energy and to participate in energy management impartially and expansively. Energy consumers have knowledge, awareness and proper behavior of economical, efficient consumption of energy.

Energy industry operators

Energy industry operators can compete under free and fair conditions and can provide quality and efficient services, with cost-effective returns of investment.

Communities and society

Efforts will be made to reduce impacts of energy production and consumption on the environment and natural resources. Communities and society can participate in the management and inspection of energy-related operations, and are assured of their entitlements from energy production and other related operations.

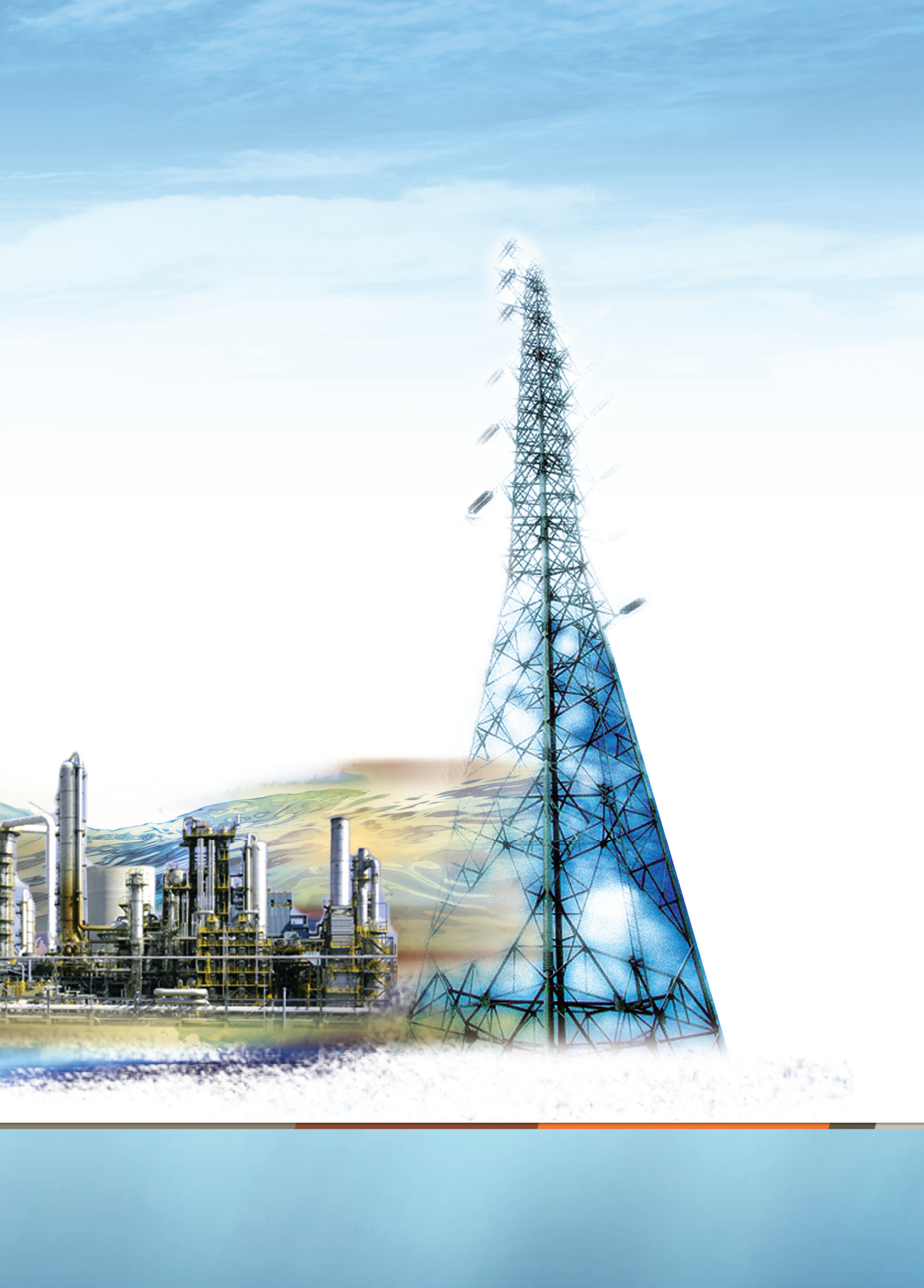
Country

The country will have adequate supply of energy with reliability, safety, reasonable and fair prices. Renewable energy and indigenous energy resources can be made use of, and hence can reduce the country's investment in securing energy resources and can reduce fuel costs. Environmental impact resulting from energy production and utilization can be reduced. Support will be given so that people nationwide could have access to energy networks.

Balanced Development

Founding impartial and fair energy regulation bolsters public confidence.





Office of the Energy Regulatory Commission (OERC)

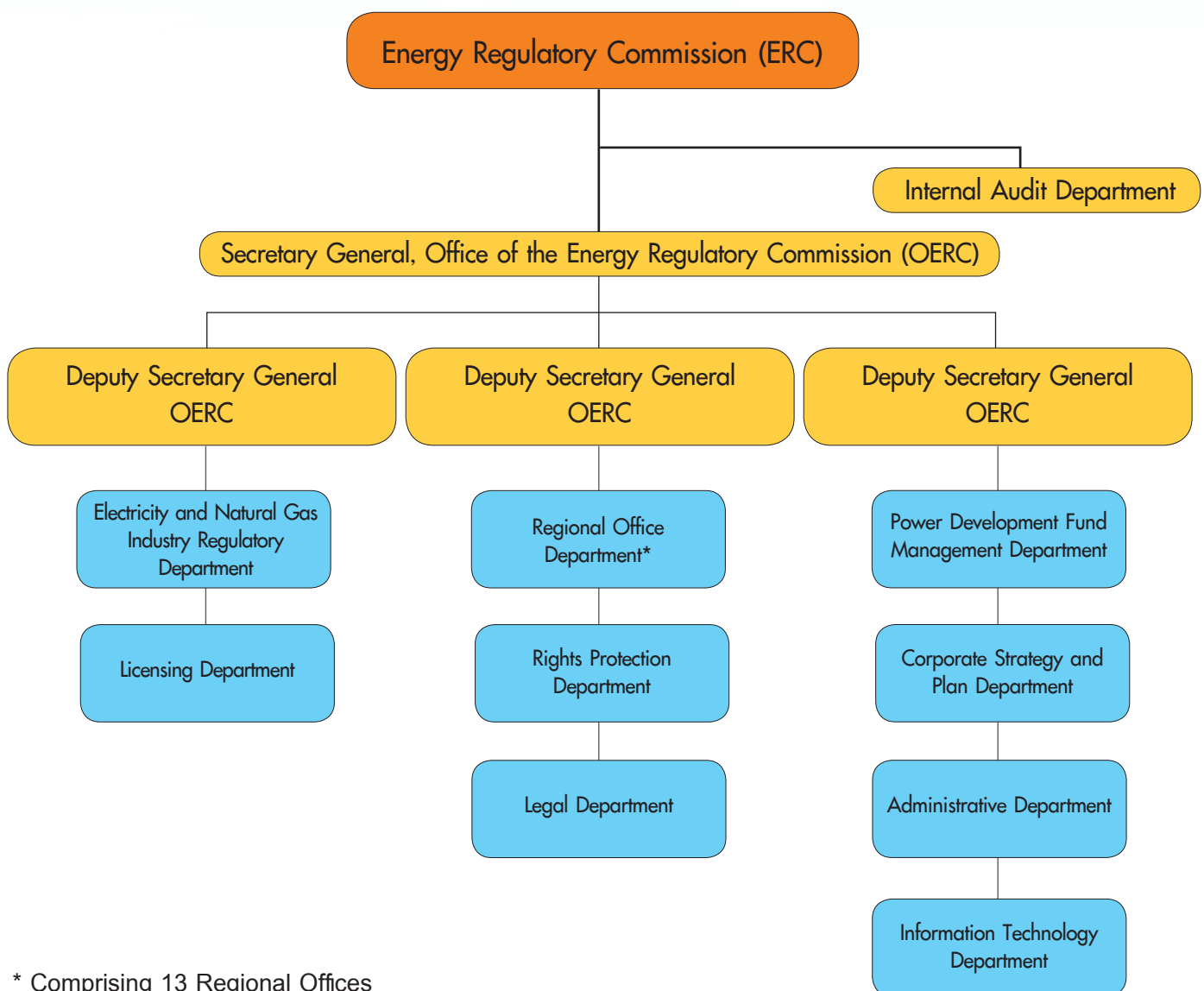


The Energy Industry Act of 2007 stipulates that the Office of the Energy Regulatory Commission (OERC) shall be established to serve as the secretariat to the ERC.

Being a state agency and juristic person under the supervision of the ERC, the OERC plays a key role in safeguarding the rights and benefits of energy consumers, and promoting public and community participation in energy industry regulation and in managing Power Development Funds.

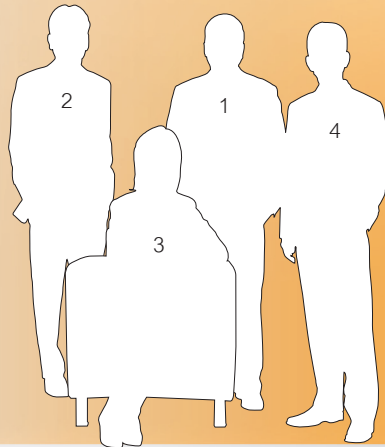
Organizational Structure of the Office of the Energy Regulatory Commission (OERC)

In order to efficiently undertake the duty of energy regulation and management, the ERC has issued the Regulation on the Organization of the Office of the Energy Regulatory Commission, B.E. 2551 (2008), dividing the work of the OERC into ten departments and prescribing the OERC organizational structure as follows.



* Comprising 13 Regional Offices

Management Team, Office of the Energy Regulatory Commission

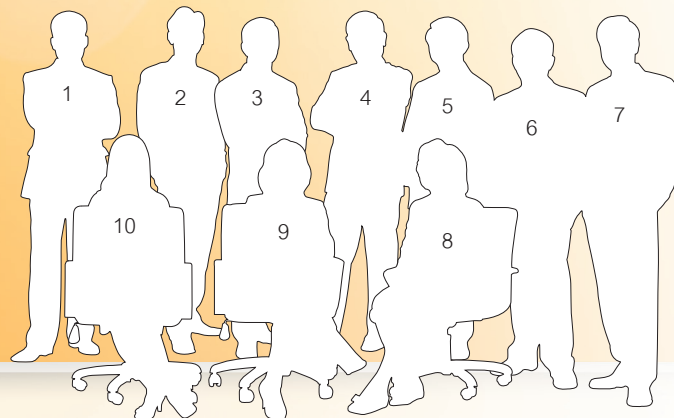


1. Kawin Thangsupanich
Secretary General

2. Atiluck Attapich
Deputy Secretary General

3. Narupat Amornkosit
Deputy Secretary General

4. Pornchai Patiparnprechavut
Deputy Secretary General



1. Pornthep Chotinuchit
Director of Corporate Strategy
and Plan Department

2. Niwet Jaratdamrong
Director of Information Technology
Department

3. Kamon Pintong
Director of Regional Office
Department

4. Kittipong Pinyotrakool
Director of Administrative Department

5. Sukit Angsuwan
Director of Licensing Department

6. Choosak Wongsavat
Director of Legal Department

7. Prated Srichomphu
Director of Rights Protection
Department

8. Kunphas Vajaranat
Director of Internal Audit Department

9. Narumon Intharak
Director of Electricity and Natural Gas
Industry Regulatory Department

10. Ruedee Paringkan
Director of Power Development
Fund Management Department

6 Strategies for Energy Industry Regulation to Drive Thailand's Energy System towards Sustainability

To enable Thailand's energy system to fulfill the objectives of the Energy Industry Act of 2007, a strategic plan for energy industry regulation for the period 2008-2012 has been devised, comprising six strategies to be used as a framework for duty execution of the ERC, focusing on earnest, efficient implementation while gearing the energy system development of the country towards a suitable direction.

Strategy 1

Issue licenses, regulate and safeguard interests of energy consumers, communities and the nation

Strategic Objective

Establishment of transparent licensing processes and regulation, with acceptable standards, that safeguard (short-term and long-term) the interests of energy consumers, communities and the nation

Strategy 2

Promote efficient energy industry operation and energy consumption

Strategic Objective

Efficiency improvement in the generation/production, transmission and distribution systems of electricity and natural gas, including tariff regulation to be transparent and fair

Strategy 3

Promote sound management and competition in energy industry

Strategic Objective

Sound management and fair competition in energy industry operation

Strategy 4

Promote security, reliability and safety of national energy supply

Strategic Objective

Secure, reliable and safe energy supply

Strategy 5

Promote participation in energy system development

Strategic Objective

Appointment of Regional Energy Consumer Committees and Power Development Funds to create participation of various sectors and promote public knowledge, appreciation and awareness of energy regulatory practices to enhance energy system development

Strategy 6

Develop the organization to be a high-performance one, with a positive image and ranked as national corporate excellence

Strategic Objective

Establishment of a highly efficient, transparent and fair management system that is internationally accepted

Five-year Action Plan, with Four Milestones

The six strategies have been translated into a five-year action plan for 2008-2012 in the form of a rolling plan, giving flexibility to the planning to suit changing circumstances and to be adjusted when necessary. Four milestones and related implementation stages have been established to lead our country towards sustainable development in social, economic and environmental dimensions.

Strategic Plan for Energy Industry Regulation No.1 (2008-2012)			
Stage of Foundation (2008-2009)	Stage of Efficiency and Effectiveness (2010-2011)	Stage of Modernization (2012-2014)	Stage of Regulatory Excellence (2015-2018)
<p>With the newly established energy regulatory body in Thailand, focus has been placed on laying foundation for energy industry regulation, with priorities given to:</p> <ul style="list-style-type: none"> • regulatory process • study & research • creation of knowledge, and • institutional development in line with the energy industry structure as well as national economic, social and environmental conditions. <p>Our goals are to:</p> <ul style="list-style-type: none"> • set up efficient and up-to-standard licensing process • regulate energy service tariffs • lay down regulatory criteria for quality standards and safety of energy industry operators • develop a sound organizational management system • build up corporate public relations • create public knowledge and understanding and induce public participation in energy industry regulation. 	<p>The focus is on enhancing energy industry effectiveness and efficiency, together with a push for practical results through the application of processes, tools, knowledge, and criteria to achieve efficient regulation. Surveys will be conducted on opinions of various parties on the execution of energy regulation. Assessment of regulatory work will be undertaken in economic, social, and environmental aspects, focusing on:</p> <ul style="list-style-type: none"> • quality improvement of operators' services • service tariffs that reflect actual costs • standards of energy industry competition that benefit consumers • more decentralization of energy industry regulation to provincial level. 	<p>The focus is on pushing for concrete processes and practical results and to make the organization widely known to the public. The ERC's roles are to compile outcomes for analysis to improve the execution of energy regulation to be more efficient and suitable for the national energy industry. To achieve this, a new strategic plan will be devised with a focus on reinforcing provincial regulatory strength and development of Thai energy industry under internationally practiced policies and approaches.</p>	<p>By this stage, the national energy industry will have in place operational mechanisms that are systematic and efficient, and the industry will be able to run with no need of strict regulation. The international principle of regulation, i.e. the conditions of demand and supply will be the factors determining the need for changes in rules of competition. Assessment of such changes and regulation improvement according to the results thereof will help maintain quality and efficient regulation and will give rise to a stable, transparent and accountable energy industry regime that benefits all parties, particularly consumers and the organization will be further developed to be a regulatory agency of international excellence.</p>



Achievements in Fiscal Year

2009



Achievements in Fiscal Year 2009

The ERC's first key step was to lay a foundation for balanced energy industry regulation to ensure adequate energy supply to enhance security of all aspects of the country. Throughout its existence and since the commencement of its duty execution on 1 February 2008, the ERC has implemented the Strategic Plan for Energy Industry Regulation 2008-2012, comprising six strategies.

The strategies during the early stage focused on "laying a firm foundation" to serve as a solid basis for building up electricity and natural gas industry regulation in Thailand. This means having in place efficient and up-to-standard tools and regulatory processes, educating the public and inspiring their participation, and developing the organization in terms of both personnel and management system to increase their competency in performing assigned duties efficiently and effectively. Key projects and activities will then be carried out under the Five-year Action Plan.

In Fiscal Year 2009, key projects and activities implemented and having tangible impacts on stakeholders in the energy industry, the public, energy users and the country as a whole involved three aspects, namely:

Economic

The ERC's regulation has led to competition and service provision with quality and efficiency, which has in turn led to fairness to energy consumers in terms of prices and service quality. Efficient energy businesses are critical to global competitiveness of Thailand.

Social and environmental

Regulation has enabled energy consumers' participation and enhanced their access to energy and economical, effective and efficient consumption of energy. It also promotes the use of renewable energy and environmentally friendly energy resources (such as solar energy, wind energy and agricultural residues), taking into consideration efficiency of the electricity industry operation and balance of natural resources.

Organizational capacity-building

The foundation of the structure, process and knowledge of energy industry regulation has been ongoing to create efficient standards for energy regulatory practices in Thailand.

Achievements under Strategy 1

Issue Licenses, Regulate and Safeguard Interests of Energy Consumers, Communities and the Nation

The goal is to establish licensing and regulation processes that are transparent, up to standard and that protect the interest, in both short-term and long-term, of energy consumers, communities and the nation.

1. Formulation of Efficient and Standard Regulatory Tools and Processes

1.1 The ERC has developed the criteria and approaches for energy industry regulation to be used as tools for promoting energy businesses and regulating licensees. Major proclamations and regulations issued are:

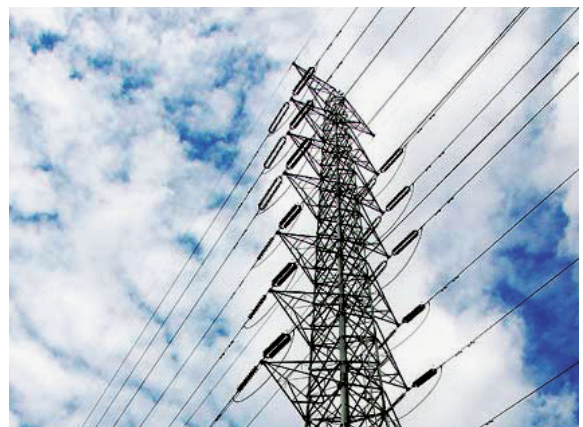
- five regulations on the issuance of licenses for energy industry operation to serve as the basics in informing prospective operators of the conditions and requirements for energy industry operation throughout the process, starting from the step of application for a license, energy businesses exempted from license requirement, fees, types and validity of licenses, to that of license renewal.

- two proclamations on determination and payment of compensation for land and property, specifically the provisions on the criteria, procedures and conditions for compensation determination and payment, to be used as a framework for consideration of cases of those affected by energy network systems to ensure that they get fair protection and reasonable compensation.

1.2 The ERC has developed regulatory criteria for energy industry operation, energy consumer protection, use of immovable property, deliberation of appeals, including regulations and criteria pertaining to Power Development Fund management so as to enhance and promote efficient operation and fair competition, which will lead to a secure, reliable, and safe energy industry structure of the country.

2. Issuance Energy Industry Licenses

The ERC has issued energy industry licenses to operators under Section 150 of the Energy Industry Act of 2007, namely the Electricity Generating Authority of Thailand (EGAT), Metropolitan Electricity Authority (MEA), Provincial Electricity Authority (PEA), and PTT Plc, and issued 126 licenses to operators under Sections 151, 152, and 154 of the Act, which can be divided into 122 licenses for the electricity industry and 4 for the natural gas industry. Details appear in the following table.



Summary of License Issuance in Fiscal Year 2009

Type of Energy Industry Licenses	Number of Licenses Granted	Installed Capacity (MW)
Energy Industry Licenses		
Electricity Industry License	122	
1. Electricity generation	97	30,390.16
- Less than 10 MW	48	153.58
- From 10 MW to 150 MW	18	624.59
- More than 150 MW	31	29,611.99
2. Electricity transmission system	5	
3. Electricity distribution system	11	
4. Electricity retail	8	
5. Electricity system operator	1	
Natural Gas Industry License	4	
1. Natural gas transportation through transmission pipeline system	2	
2. Natural gas procurement and wholesale	1	
3. Natural gas retail through distribution pipeline system	1	

Note: Data from 1 October 2008 to 30 September 2009

In addition, the ERC has issued 438 energy industry licenses to energy industry operators under Section 48 of the Act, broken down into 392 licenses for the production of regulated energy under the law on energy development and promotion, accounting for a total generating capacity of 9,278.33 MW, and 46 licenses to operators located in industrial zones under the Factory Act of 1992, accounting for a total generating capacity of 943.20 MW. Details appear in the following table.

Summary of License Issuance in Fiscal Year 2009

Type of Energy Industry Licenses	Number of Licenses Granted	Installed Capacity (MW)
Regulated Energy Production License	392	9,278.33
1. New application	96	3,250.77
2. Expansion	12	414.56
3. Renewal and expansion	27	213.15
4. Renewal	257	5,399.85
Power Plant Operation License	46	943.20

Note: Data from 1 October 2008 to 30 September 2009

3. Development of a Manual for Licensing and Improving Service Quality Standard of the Natural Gas Industry

Completion of this manual is expected in the middle of Fiscal Year 2010. To this end, the OERC has assessed the service quality of electricity industry operators for use in improving the efficiency of the operators and, for good measure, in granting electricity generation licenses.

Achievements under Strategy 2

Promote Efficient Energy Industry Operation and Energy Consumption

The goal is to increase efficiency of energy industry operation and to develop an energy price regulatory regime for clarity, transparency and fairness to energy consumers and energy industry operators. The key indicators consist of production, transmission and distribution efficiency; a manual for the measurement of co-generation efficiency; and recommendations on criteria and approaches for regulating energy tariff structures. Below is the summary of key achievements.

1. Energy Tariff Regulation

The ERC's regulation of energy tariffs is based on the principle of fairness to energy consumers and energy operators alike. While the tariffs must not pose burdens on energy users, they should be at a level that provides operators with adequate liquidity for operation and investment without posing burdens to the government. To this end, the ERC has taken the following actions.

1.1 Regulate power tariffs through the automatic power tariff adjustment mechanism (Ft formula). The ERC has regulated electric power tariffs through the use of automatic power tariff adjustment mechanism (Ft formula), a mechanism for determining power tariffs that reflect actual costs, particularly fuel cost used for power generation. Each time the Ft value was adjusted, the suitability of assumptions used would be considered by the ERC, e.g. differences in natural gas purchasing costs (take-or-pay) and the fines expected from gas supply shortfalls. These assumptions were carefully weighed to align Ft values with economic conditions, with due consideration given to impacts on the public and the liquidity of power utilities together with issues arising from hearing sessions. Ft adjustments in Fiscal Year 2009 can be summarized below.

Ft Adjustments in Fiscal Year 2009

Period	Retail Ft (excluding VAT) (levied on energy consumers)	Change
Oct – Dec 2008	77.70	+14.85
Jan – Apr 2009	92.55	+14.85
May – Aug 2009	92.55	-
Sep – Dec 2009	92.55	-

1.2 Adjust natural gas transmission tariffs. The ERC considered PTT's proposal on natural gas transmission tariff adjustment in line with the government policy, calling for deliberation pursuant to the framework for calculating natural gas transmission tariffs and EPPO's manual for natural gas price calculation and natural gas transmission tariffs, with transparency and fairness. The ERC decided to adjust PTT's tariffs levied on service users to 21.77 baht/million Btu (about 0.81 baht/million Btu lower than that proposed by PTT) because the ERC had brought down the investment cost and maintenance cost of the transmission

pipelines to extend their service lifespan and also delayed investment in some projects under the Natural Gas Transmission Pipeline System Master Plan, No. 3 (Additional Revision). In addition, to minimize impacts on service users, the ERC scheduled for the revised tariffs to be effective on 1 April 2009 to coincide with a period during which gas prices came down. The increase in tariffs reflected the burdens of investment and expansion of the natural gas transmission pipeline network under the Master Plan, No. 3 (2001-2011), accounting for 165,077 million baht in total, which would lead to an efficient transmission network to accommodate the rising gas demand for rising power generation according to the Thailand Power Development Plan (PDP) 2008-2021.

Summary of PTT's Natural Gas Transmission Tariff Adjustment, Fiscal Year 2009

Tariff (Baht/MMBTU)	Former Rate	Current Rate	Change
1. Fixed cost	19.4029	20.6553	1.2524
Zone 1	7.9365	8.5899	0.6534
Zone 3	11.4664	12.0654	0.5990
2. Variable cost	0.3418	1.1112	0.7694
Total	19.7447	21.7665	2.0218

1.3 Review power tariffs and determine suitable power tariffs Because the current power tariff structure has been in use since October 2005 and now that the period under the assumptions made for the estimated financial status of the three power utilities (EGAT, MEA and PEA) has been due, the ERC has assigned the OERC to study and review the regulation of energy service tariffs to ensure fairness to all. The outcome will be used for determining a revised power tariff structure which is suitable and fair for energy consumers and energy industry operators in line with the costs of each electricity business, and will serve as a database for efficient regulation of the tariffs. The study is expected to complete in Fiscal Year 2010.

2. Promotion of Power Generation from Renewable Energy

Following the NEPC resolution of 9 March 2009 approving the revised approach for promoting power generation from renewable energy, the ERC has prepared details of criteria and conditions, and drafted an announcement on provision of adders for power producers using renewable energy as fuel so that the three power utilities (EGAT, MEA and PEA) could proceed with the issuance of their respective announcements on adders accordingly.

Achievements under Strategy 3

Promote Sound Management and Competition in Energy Industry

The goal is to regulate energy industry operation on a level playing field, to examine the approach for promoting competition in the energy industry, and to develop and promote sound management in energy industry operation. The key indicator is recommendations for competition promotion in the energy industry. Below is the summary of major achievements.

1. Deliberation on Disputes and Appeals

The ERC had prepared a Draft Regulation of the Energy Regulatory Commission on Criteria, Procedures and Conditions of Lodging of Appeals and Appeal Deliberation, Objection and Objection Deliberation, B.E. 2552 (2009), and the OERC staged a hearing process to obtain stakeholders' views pursuant to Section 26 of the Energy Industry Act of 2007. The essences of the draft were publicized via the OERC website (www.erc.or.th) during 15-30 June 2009. (The regulation was published in the Government Gazette for enforcement on 11 November 2009.)

2. Power Purchase from Independent Power Producers (IPPs)

The Ministry of Energy had handed over to the ERC the task of negotiations on power purchase agreements (PPAs) with four selected IPPs, with which the ERC proceeded to ensure that power purchase from the private power producers would be efficient and serve the best interests of energy users. EGAT has so far signed PPAs with GHECO-One Co., Ltd., Siam Energy Co., Ltd., and Power Generation Supply Co., Ltd. All PPAs would be effective subject to the approval of the environmental impact assessment (EIA) reports, which would see 3,860 MW of electricity sold into the system.

3. Power Purchase from Small Power Producers (SPPs)

The Ministry of Energy had handed over to the ERC the task of power purchase from SPPs, upon which ERC took the following actions:

- Appointed a Working Group Regulating Power Purchase from SPPs to gear the implementation according to the government's plans and goals.
- Transparently and fairly ensured the scheduled commercial operation dates (SCOD) of SPPs using cogeneration system, with firm contracts, and accelerated PPA signing between SPPs and EGAT.
- Issued relevant regulations to ensure efficient power purchase from SPPs in line with the Act and amended the draft PPA models for each category of SPPs, after which EGAT has already proceeded with PPA signing with SPPs.
- After the NEPC had passed a resolution on 9 March 2009 approving the revised approach for promoting power generation from renewable energy, the ERC then prepared details of criteria and conditions, and drafted an announcement on provision of adders, and regulated the implementation under the policy framework of the government.

Achievements under Strategy 4

Promote Security, Reliability and Safety of National Energy Supply

The goal is to promote suitable, adequate, secure and safe energy supply for the country, in line with prevailing circumstances. The key indicator is a set of recommended measures for secure, reliable and safe power systems and energy network systems. Below is the summary of major achievements.

Duty Execution under Section 11 (5) of the Energy Industry Act of 2007

Pursuant to the provision of Section 11 (5) of the Energy Industry Act of 2007, the ERC has comprehensively undertaken its duties with regard to provision of its views on the power development plan, electricity industry investment plan, natural gas supply plan and energy network system expansion plan. Below is the summary of the deliberation on the mentioned plans.

1. Power Development Plan

The ERC reviewed Thailand Power Development Plan 2008-2021 (PDP 2007: Revision 2) and agreed with the principles underlying the PDP revision, i.e. to lower the power generation capacity in line with economic circumstances while maintaining the 15% reserve margin, which will help reduce Thailand's investment burdens. On 9 March 2009, the NEPC passed a resolution approving the PDP, and later the cabinet, at its 24 March 2009 meeting, also endorsed the NEPC's resolution.

2. Project on Efficiency Improvement of Electricity Distribution Systems

Having reviewed the PEA's energy network system expansion plan, the ERC agreed with the investment in the project because it would support, directly and indirectly, overall national development and would upgrade the capacity and efficiency of the distribution systems to accommodate greater power demand in existing areas. In addition, it would be an important tool to boost economic conditions of the country in compliance with the government's policy on economic recovery and decentralization of economic growth to regional areas.

3. Natural Gas Supply Plan

The ERC considered and viewed that PTT's Natural Gas Supply Plan for 2008-2021 was suitable and adequate for domestic demand. Also considered was the suitability of LNG (liquefied natural gas) procurement, in terms of volume and price, which would affect power tariffs. The ERC was in favor of investment in comprehensive LNG business and considered the development of guidelines on risk management in the event that energy imports somehow could not be procured.

Achievements under Strategy 5

Promote Participation in Energy System Development

The goal is to establish Regional Energy Consumer Committees and Power Development Funds to encourage participation of various social spheres in energy system development and to promote public appreciation as well as awareness of energy regulatory practices. The key indicators include a corporate communication strategic plan, satisfaction surveys among licensees and the public concerning energy regulation, and satisfaction surveys among energy consumers. Below are the highlights of major achievements.

1. Establishment of Power Development Funds

The Energy Industry Act requires that the ERC regulate the Power Development Funds in line with the NEPC's policy. At its 9 March 2009 meeting, the NEPC approved the policy on the sending of contributions to and disbursement of the Power Development Fund, together with the implementation guidelines during the transitional period, from the "Community Development Funds" for areas surrounding power plants to the "Power Development Funds." The ERC took actions to ensure that the rules, regulations and announcements, including the fund management approaches, were in line with the NEPC's policy and could be efficiently implemented through the following moves.

- Appointment of a Sub-committee Establishing the Power Development Funds and Regulating the Community Development Fund Implementation during the Transitional Period to recommend the approach to set up and administer the Power Development Funds in compliance with the policy framework specified by the NEPC as well as the NEPC Act, and to recommend approaches for administering both Community Development Funds and Power Development Funds for smooth transition.

- Organization of seminars to disseminate information about the Power Development Fund and collect ideas/opinions in order to determine the approaches for Power Development Fund implementation, and to obtain opinions of the Fund Management Committees and stakeholders nationwide for use in drafting rules, regulations and announcements related to Power Development Funds. In addition, the OERC has carried out the study on approaches for Power Development Fund management, including the determination of contribution rates to the Fund and the proportions of Fund utilization, etc. The development of the ERC Regulation on the Power Development Fund is expected to complete and come into force in the middle of Fiscal Year 2010.

2. Preparation for Setting Up "Regional Offices of the Energy Regulatory Commission (OERC Regional Offices)" and "Regional Energy Consumer Committees (RECCs)"

The OERC pondered the suitability of locations for the establishment of the OERC Regional Offices to serve as OERC's regional offices to facilitate contacts by energy consumers and energy industry operators with the OERC, to handle license applications, and to regulate the disbursement of money from Power Development Funds to be in line with the objectives of the Funds in areas under their jurisdiction. It was decided to establish 13 OERC Regional Offices in the following provinces: Chiang Mai, Phitsanulok, Nakhon Sawan, Khon Kaen, Ubon Ratchathani, Nakhon Ratchasima, Saraburi, Chonburi, Kanchanaburi, Ratchaburi, Surat Thani, Songkhla and Bangkok.

In addition, plans have been made to recruit Regional Energy Consumer Committees (RECCs). Drafting of the following regulations is ongoing: the regulation on RECC qualifications, the regulation on making announcements on delineation of energy consumer regions, and the regulation on making announcements on the selection of RECCs. Each RECC would consist of one chairperson and up to 10 members appointed from energy consumers in each of 13 regions nationwide to be announced, with a four-year office term. The RECCs would handle and consider complaints filed by energy consumers, and give them advice as well as propose to the ERC service improvement measures for the benefit of energy consumer protection. Applications and recruitment are to be conducted in 2010.

Achievements under Strategy 6

Develop the Organization to be a High-performance One, with a Positive Image and Ranked as National Corporate Excellence

This strategy supports the missions under other strategies, with a goal to institute an internationally accepted management system of high efficiency, transparency and fairness. The key indicators are: a code of conduct with regard to vested interests or conflicts of interest of the Commissioners, OERC staff members and officials; a master plan for human resources development; and the OERC database development. Below are the highlights of major achievements.

1. Execution of Memorandums of Understanding (MOUs)/Agreements

- On 26 March 2009, the ERC entered into a memorandum of agreement with the Public Utilities Commission of Oregon (OPUC), forging relations and cooperation between the two organizations in activities that enhance institutional capacity building and development and in technical cooperation.

- On 21 May 2009, the ERC entered into an MOU with Chulalongkorn University on technical cooperation in support of research and development to accommodate the ERC's Strategic Plan for Energy Industry Regulation for 2008-2012 and to increase competence in energy industry regulation of the country.

- The ERC entered into an MOU with Washington Utilities and Transportation Commission (UTC), an agency charged with regulating power and natural gas businesses of the US state of Washington, to initiate relations and cooperation in activities enhancing institutional capacity building and in technical cooperation, focusing on the following topics: 1) a long-term relationship, 2) specific activities related to capacity building, 3) institutional development, and 4) technical cooperation.

- The ERC entered into an MOU with the Energy Regulatory Commission of the Republic of the Philippines, an agency charged with regulating power and natural gas businesses. The cooperative areas included institutional capacity building, cooperation between senior management, and exchange of information about energy industry regulation.

- The ERC has planned to initiate technical cooperation with Thai academic institutions dealing with energy matters, which will be a means to support research and development while raising the competence in energy industry regulation of the country and to foster networking and exchange of experiences in related areas.

2. Training and Cooperation with Foreign Agencies

- The ERC has been a member of the National Association of Regulatory Utility Commissioners (NARUC), a public service regulator of the USA.

- Training was organized on Integrated Resource Planning in cooperation with Northwest Power and Conservation Council and a World Institute for a Sustainable Humanity.

3. Establishment of the Intelligent Energy Regulatory Centre (iERc)

The OERC initiated the establishment of the iERc, a clearing house for essential data on energy industry regulation in support of the management's decision-making. The year 2009 saw the first phase of the iERc establishment linking the data on real-time power dispatch order with EGAT's power dispatch control center, and a database on overall electricity industry operation. The iERc will be continuously developed to serve as an information center in support of energy industry regulation.

4. Dissemination of Knowledge through the Website: www.erc.or.th

To facilitate energy industry operators, the OERC launched a website to accommodate those who wish to apply for energy industry licenses, by allowing them to download necessary forms and check the list of licensees from the website. Upgrading of the website is being prepared so that energy industry operators could directly file online license applications. The website is also aimed to be a channel for e-learning, disseminating information to create knowledge and understanding about energy and energy conservation, and access is open for the staff, operators, interested persons and the general public.

5. Issuance of Regulations for Intra-organizational Management

The ERC has issued various regulations to serve as criteria and requirements for internal management of the OERC for transparency, clarity of procedures and accountability. Five ERC regulations on such matters have been announced and another four are being prepared. In addition, bylaws related to organizational management are being drafted so that the OERC could become a high-performance organization with a positive image, for example, the regulation on policies and approaches for dealing with vested interests or conflicts of interest of the ERC Commissioners and the staff members.

6. Expansion of Office Space to Accommodate Increasing Service Provision

The OERC has expanded its office space to accommodate the provision of services to those filing complaints or appeals and to operators coming to hand in application documents for energy industry licenses and pay relevant fees.



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Highlights of 2009

ERC's Three Mechanisms to Encourage Participation in Energy Industry Regulation in Regional Areas

A challenge faced by many countries worldwide lies in the conflict between development and conservation, and where the right balance is. When electricity – a key driving force of the development of quality of life and economic growth – is a product that must come along with power plants and power transmission/distribution systems that affect the way of life of people in the communities, opposition tends to arise. This gives rise to the emerging trend of alternative energy development and policy formulation, emphasizing public participation in the regulation to enable society and communities to take part in, more extensively, determining the direction of national energy management.

Recognizing the implication of such a trend, the ERC planned to develop three key mechanisms or tools to encourage participation of various sectors in decentralizing the national energy system development to regional level, to create knowledge and understanding of the public and their recognition of the importance of energy industry regulation in their localities, and to protect energy consumers by ensuring that they all have access to electricity services with acceptable standards and adequate amount for the demand in each area.

The first mechanism is the establishment of “**Regional Offices of the Energy Regulatory Commission (OERC Regional Offices)**” in 13 provinces to cover 13 regions across the country so as to ensure efficient and expansive energy industry regulation.

The second mechanism is the appointment of “**Regional Energy Consumer Committees (RECCs)**,” an important tool to protect energy consumers. RECCs will play a key role in encouraging and promoting fair participation of energy industry stakeholders. Numbering 11 per region, these committee members, elected from representatives of the local communities, will handle complaints, give information and advice to energy consumers, and propose to the ERC measures to improve energy service provision to safeguard the interests of energy consumers on such issues as collection of excessive tariffs or unfair service provision.

The third mechanism driving the efficiency of the local energy development system is the establishment of “**Power Development Funds.**” This key element will be elaborated in the following to provide understanding of the background and roles of these funds, specifically how they benefit energy users and local community development.

What is the Power Development Fund?

The “Power Development Fund” has been set up under the Energy Industry Act of 2007 to be used as a capital to enhance extensive electrification to local areas across the country, to develop or rehabilitate localities affected by power plant operation, to promote the use of renewable energy and environmentally friendly technologies for electricity industry operation with due consideration on the balance of natural resources, and to create fairness for power consumers.

Where does the Fund come from? The money comes from contributions from electricity industry licensees in accordance with the announcements issued by the ERC, fines paid by licensees that violate or fail to comply with the ERC orders (the so-called “administrative fines”), and donated money or assets, including interest or any benefit incurred from the money or assets of the Fund. The OERC is charged with the Fund management.

Who are beneficiaries of the Fund? In implementing activities financed by the “Power Development Fund,” concerned local people will manage, follow up and examine the implementation outcomes of each fund, with the ERC taking a supervisory role to ensure transparency and accountability under good governance, thus ensuring that the Fund is transparently managed and conform to the objectives of the Energy Industry Act of 2007. Below are the purposes of the Fund:

1. To compensate and subsidize electricity industry licensees who have provided services for underprivileged power consumers, or to enhance extensive electrification to facilitate development decentralization to provincial areas;
2. To compensate power consumers who have to pay more tariffs because a licensee with an electricity system operator has ordered electricity generation licensees to operate unfairly or discriminately;
3. To develop or rehabilitate local areas affected by power plant operation;
4. To promote the use of renewable energy and environmentally friendly power generation technologies;
5. To promote social and public knowledge and awareness of, and participation in power-related matters;
6. To pay for the administrative cost of the Fund.

The year 2009 saw the preparation of the Fund establishment in concerned localities as well as guidelines on the Fund management and the drafting of relevant regulations, emphasizing the participation process from the beginning to lay a firm foundation for the Power Development Fund and ensure transparent and accountable management, with community administration to earnestly address each community’s needs and locally specific problems. The drafting of regulations pertaining to the Fund must undergo hearings and secure views of a legal working group so that the draft regulations that conform to the Fund objectives and relevant laws would be achieved. It is expected that the drafting of regulations will be completed and enforced by mid-2010.

The ERC has set into motion the three mechanisms to enhance public participation in national energy system development so as to lay the foundations for development at provincial and community levels to practically decentralize economic growth to local areas. As a result, power users in local areas, society and communities can now play a part in determining suitable development directions, while potential conflicts between energy industry operators and energy consumers can be minimized. Equally important, the ERC hopes to cultivate a sense of joint responsibility in conscientious, efficient and environmentally friendly energy consumption, which should be a more secure and sustainable direction for national energy development than that in the past.



Financial Statements and Worksheet, Fiscal Year

2009

The background of the slide is a composite image. The top half shows a line graph with several data points connected by lines, overlaid on a light-colored grid. Below the graph is a horizontal line, and underneath that is a reflection of a lush green landscape with trees and a fence. The bottom portion of the slide is a solid blue gradient, with a decorative horizontal bar at the very bottom consisting of segments in orange, black, and white.



Auditor's Report (Unofficial Translation)

To The Energy Regulatory Commission

The Office of the Auditor General of Thailand has audited the accompanying balance sheet of the Office of the Energy Regulatory Commission as at September 30, 2009 and 2008, statement of income, statement of changes in capital position and statement of cash flows for the financial year ended September 30, 2009 and for the period from December 11, 2007 to September 30, 2008. These financial statements are the responsibility of the entity's management as to their correctness and completeness of the presentation. The responsibility of the Office of the Auditor General of Thailand is to express an opinion on these financial statements based on the audits.

The Office of the Auditor General of Thailand have conducted the audits in accordance with generally accepted auditing standards, which require that the Office of the Auditor General of Thailand plan and perform the audits to obtain reasonable assurance whether the financial statements are free of material misstatement. The audits include examining, on a test basis, evidences supporting the amounts and disclosures of information in the financial statements. The audits also include the assessment of suitability of the accounting principles used and significant financial estimates made by the management, as well as evaluating the overall financial statement presentation. The Office of the Auditor General of Thailand believes that the audits provide a reasonable basis for the opinion.

In the opinion of the Office of the Auditor General of Thailand, the aforementioned financial statements present fairly, in all material respects, the financial positions of the Office of the Energy Regulatory Commission as at September 30, 2009 and 2008, and the results of its operation and cash flows for the year ended September 30, 2009 and for the period from December 11, 2007 to September 30, 2008 in accordance with generally accepted accounting principles.

(Mrs. Duangporn Muennuch)
Director of Financial Audit Office

(Ms. Rutaichanok Sitthiphan)
Auditor-in-Charge

The Office of the Energy Regulatory Commission

Balance Sheet

As at 30 September 2009 and 2008

		Baht	
	Note	2009	2008
Assets			
Current Assets			
Cash and cash equivalents	4	464,822,726.72	49,129,216.11
Account receivable - income from fees		3,331,123.47	-
Account receivable - internal borrowings	5	4,499,029.02	3,135,655.00
Supplies	6	196,269.82	-
Accrued revenues		215,766.59	53,550.04
Other current assets	7	3,532,757.66	2,575,861.47
Total Current Assets		476,597,673.28	54,894,282.62
Non-current Assets			
Property, plant and equipment - net	8	18,695,523.13	441,705.38
Total Non-current Assets		18,695,523.13	441,705.38
Total Assets		495,293,196.41	55,335,988.00
Liabilities and Capital			
Current Liabilities			
Accounts payable	9	4,466,269.40	445,120.00
Accrued expenses	10	4,488,955.00	3,135,655.00
Deferred state revenue to the Ministry of Finance	11	27,308,728.92	14,066,703.68
Other current liabilities	12	8,062,360.14	38,033.64
Total Current Liabilities		44,326,313.46	17,685,512.32
Total Liabilities		44,326,313.46	17,685,512.32
Capital			
Surplus to accumulated expense		450,966,882.95	37,650,475.68
Liabilities and Capital		495,293,196.41	55,335,988.00

The accompanying notes are an integral part of these financial statements.



(Mr. Kawin Thangsupanich)

Secretary General of the Energy Regulatory Commission



(Mr. Kittipong Pinyotrakool)

Director of Administrative Department

The Office of the Energy Regulatory Commission

Statement of Income

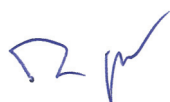
for the Year Ended 30 September 2009

and for the Period from 11 December 2007 to 30 September 2008

Baht

	Note	For the Year Ended 30 Sep 2009	For the Period 11 Dec 2007 - 30 Sep 2008
Operating Revenues			
Income from fees	13	556,739,871.68	57,407,873.75
Other incomes	14	1,304,499.52	94,279.54
Total Operating Revenue		558,044,371.20	57,502,153.29
Operating Expenses			
Expense on human resources	15	49,686,966.52	2,056,954.17
Expense on operations	16	59,059,483.05	3,724,605.14
Depreciaton and amortization	17	2,702,785.44	3,414.62
Cost subsidies		5,970,000.00	-
Total Operating Expense		117,419,235.01	5,784,973.93
Surplus to Net Expense		440,625,136.19	51,717,179.36

The accompanying notes are an integral part of these financial statements.



(Mr. Kawin Thangsupanich)

Secretary General of the Energy Regulatory Commission



(Mr. Kittipong Pinyotrakool)

Director of Administrative Department

The Office of the Energy Regulatory Commission

Statement of Changes in Capital Position

for the Year Ended 30 September 2009

and for the Period from 11 December 2007 to 30 September 2008

Baht

	Note	For the Year Ended 30 Sep 2009	For the Period 11 Dec 2007 - 30 Sep 2008
Surplus to accumulated expense at the beginning balance		37,650,475.68	-
Surplus to net expense		440,625,136.19	51,717,179.36
Less Deferred state revenue to the Ministry of Finance	11	(27,308,728.92)	(14,066,703.68)
Surplus to accumulated expense at the ending balance		450,966,882.95	37,650,475.68

The accompanying notes are an integral part of these financial statements.



(Mr. Kavin Thangsupanich)

Secretary General of the Energy Regulatory Commission



(Mr. Kittipong Pinyotrakool)

Director of Administrative Department

The Office of the Energy Regulatory Commission

Statement of Cash Flows

for the Year Ended 30 September 2009

and for the period from 11 December 2007 to 30 September 2008

Baht

	For the Year Ended 30 Sep 2009	For the Period 11 Dec 2007 - 30 Sep 2008
Cash Flows from Operating Activities		
Surplus to net expense	440,625,136.19	51,717,179.36
Adjustments for:		
Depreciation	2,690,751.83	3,414.62
Interest income	(1,198,268.91)	(94,279.54)
Surplus to Net Expense from Operating Activities before Changes in Operating Assets and Liabilities	442,117,619.11	51,626,314.44
Increase in fee income receivable	(3,331,123.47)	-
Increase in account receivable	(1,363,374.02)	(3,135,655.00)
Increase in supplies	(196,269.82)	-
Increase in other current assets	(956,896.19)	(2,575,861.47)
Increase in accounts payable (exclude asset payable)	3,963,712.28	
Increase in accrued expenses	1,353,300.00	3,135,655.00
Increase in deferred state revenue to the Ministry of Finance	(14,066,703.68)	
Increase in other current liabilities	7,782,160.11	38,033.64
Cash Inflows from Operating Activities	435,302,424.32	49,088,486.61
Interest income	1,036,052.36	40,729.50
Net Cash Provided by Operating Activities	436,338,476.68	49,129,216.11

The Office of the Energy Regulatory Commission

Statement of Cash Flows

for the Year Ended 30 September 2009

and for the period from 11 December 2007 to 30 September 2008

Baht

	For the Year Ended 30 Sep 2009	For the Period 11 Dec 2007 - 30 Sep 2008
Cash Flows from Investing Activities		
Cash payment for fixed assets	(20,644,966.07)	-
Net cash used in investing activities	(20,644,966.07)	-
Net Increase in Cash and Cash Equivalents	415,693,510.61	49,129,216.11
Cash and Cash Equivalents at Beginning of the Year	49,129,216.11	-
Cash and Cash Equivalents at Ending of the Year	464,822,726.72	49,129,216.11

Supplemental Cash Flow Information:

1. In 2009, the OERC has assets from donation at the amount of 254,200.00 baht and depreciation is 12,033.61 baht.
2. In 2009, the OERC has asset payable brought forward from 2008 at the amount of 445,120.00 baht and additional purchase of fixed assets at the amount of 20,702,403.19 baht, with liability payment at 20,644,966.07 baht and accrued expense on fixed assets at the amount of 502,557.12 baht.

The accompanying notes are an integral part of these financial statements.



(Mr. Kawin Thangsupanich)

Secretary General of the Energy Regulatory Commission



(Mr. Kittipong Pinyotrakool)

Director of Administrative Department

The Office of the Energy Regulatory Commission

Notes to Financial Statements

for the Financial Year Ended 30 September 2009

and for the Period from 11 December 2007 to 30 September 2008

1. Background Information and Objectives of the OERC

According to the government policy to restructure energy industry administration by distinctly separating policy and regulatory work from each other and promoting competition in energy businesses in the long term, the Ministry of Energy has, therefore, developed the national energy policy and energy development plan in line with the government policy. Energy regulation covers both electricity and natural gas industry. An independent entity, i.e. the Energy Regulatory Commission, has been established to regulate energy industry operation to yield optimum performance and to ensure the compliance with the objectives of the Energy Industry Act, B.E. 2550 (2007). The main principles of the Act are as follows:

1. Separate clearly the functions of energy policy setting, regulation and energy industry operation for independent regulation and higher efficiency. The Ministry of Energy is the policy maker, while the Energy Regulatory Commission (ERC) is responsible for regulating electricity and natural gas industry. The ERC has autonomous powers under the government's policy framework.

2. Since electricity and natural gas network system businesses are naturally monopolistic, regulation is essential to ensure fairness for both operators and service users.

3. Protect energy consumers and those adversely affected from the energy industry operation.

4. Set up the "Power Development Fund" to subsidize expansive electrification in remote areas and to decentralize prosperity to provincial areas.

5. Appoint the Regional Energy Consumer Committees for the benefit of energy consumer protection.

6. Provide authority for regulating energy business, including electricity and natural gas industry, with no intervention in petroleum businesses that are already regulated by other laws, for example, law on petroleum, law on joint organization, law on petroleum trading, etc.

7. Revise licensing procedures that are required by other laws to be under the powers and authority of the ERC after the enforcement of the Energy Industry Act so as to quicken the licensing process and remove obstacles for energy industry operators.

8. Set criteria and conditions of license issuance to cover competition and prevention of abusive use of monopoly power and set standards of energy industry operation and energy service quality.

9. Establish the Office of the Energy Regulatory Commission (OERC) as a state agency with a status of a juristic person under supervision of the ERC. A Secretary General shall be appointed to be responsible for the operation of the OERC. Appointment and dismissal of the Secretary General are the authority of the ERC. The Secretary General shall hold office for a term of five (5) years from the date of appointment and may be re-appointed, but not more than two (2) consecutive terms.

The OERC is responsible for administrative work of the ERC, receiving fees specified by law and receiving petitions, as well as studying, analyzing and distributing information about energy business, competitive conditions of energy business and forecasting electricity demand (load forecast) and other relevant information.

Objectives:

- (1) Promote sufficient, secure and fair energy services;
- (2) Protect energy consumers' benefits in terms of both tariffs and service quality;
- (3) Promote competition in energy industry and prevent abusive use of dominance in energy industry operation;
- (4) Promote fairness and transparency of the service provision of energy network systems, without unjust discrimination;
- (5) Promote the efficient energy industry operation and ensure fairness for both licensees and energy consumers;
- (6) Support efficient use of energy and resources with due consideration of environmental impacts;
- (7) Promote use of renewable energy that has minimal impact on the environment in energy operation.

2. Basis of Financial Statement Preparation

These financial statements have been prepared by illustrating details in the accompanying balance sheet, statement of income, statement of change in capital position and statement of cash flows, according to the Generally Accepted Accounting Principles (GAAP) and the Regulation of the ERC on Finance and Accounting of the Offices of the Energy Regulatory Commission, B.E. 2551 (2008).

3. Summary of Significant Accounting Policy

3.1 Revenue and expense recognition based on the accrual basis

3.1.1 Revenue is recognized when the ERC has approved license issuance and when the annual fee payments are due.

3.1.2 Interest income recognition is based on a proportional time basis, taken into consideration the interest rates specified by the banks.

3.1.3 Revenue from donation, for equipment with value per unit lower than 20,000 baht, is recognized on the date of acquisition.

3.1.4 Revenue from donation, for equipment with value per unit from 20,000 baht upwards, is recognized as unrealized revenue from donation on the date of acquisition and as revenue from donation in proportion of depreciation calculated for each type of equipment.

3.1.5 Utilities expenses shall be recorded as recognized expenses in the fiscal year in which billing is received.

3.1.6 Expenditure requiring a borrowing or cash advance authorized in the present fiscal year to be used in the following fiscal year shall be recognized as an expense of the fiscal year in which the borrowing is authorized, as follows:

- Travel expense for not more than 60 days
- Other operating expenses for not more than 15 days

3.2 Supplies

The method used for supply cost valuation is First In First Out (FIFO), and supply inventory adjustment is made at the end of accounting period (periodic method).

3.3 Property, plant and equipment (PPE)

The PPE is presented based on the costs as at purchasing date or date of acquisition or at completion of construction.

3.3.1 Record is made only for equipment with value per unit, when acquired, from 20,000 baht up.

3.3.2 Depreciation of the PPE is calculated by using the straight-line method (useful life basis), pursuant to the ERC resolution at its meeting No. 26/2009 (65th) dated 29 September 2009, as follows:

(1) Office equipment		
- Mobile phones	useful life	3 years
- Others	useful life	8 years
(2) Equipment – office appliances	useful life	5 years
(3) Equipment – vehicles & transportation	useful life	5 years
(4) Equipment – audio-visual aids	useful life	5 years
(5) Equipment – electronic devices	useful life	5 years
(6) Equipment – computers		
- Equipment – computers	useful life	3 years
(Delivered since fiscal year 2009)		
- Equipment – computers	useful life	5 years
(Delivered in fiscal year 2008)		
(7) Building & other construction	useful life	3 years
(Calculation of useful life based on office space leasing contract)		

3.4 Reserves for outstanding disbursement in the next fiscal year and deferred charge

Reserves for outstanding disbursement in the next fiscal year and deferred charge are the accounting transaction illustrating the earmarking of a budget for disbursement in the next fiscal year and recorded together as the same accounting transaction entry in the “Other current assets.” Additionally, they are defined as an item in the contra account.

3.5 Deferred state revenue to the Ministry of Finance

All revenue, except money or donated assets, after having deducted operating expenses and other costs, as appropriate, shall be remitted to the Ministry of Finance as state revenue within the following fiscal year. While pending delivery of the remittance, the money can be disbursed as advanced money for expenses in the following fiscal year.

4. Cash and Cash Equivalents:

	Baht	
	2009	2008
Cash on hand and petty cash	206,570.00	-
Cash at bank - savings deposit	264,089,101.92	49,126,216.11
Cash at bank - 3-month fixed deposit	200,527,054.80	-
Total	464,822,726.72	49,126,216.11

For the savings deposit, the interest rate is floated according to the rates specified by the financial institutes. The rate of 3-month fixed deposit is 1-1.15% per year and the maturity date is December 26, 2009.

5. Account Receivable - Internal Borrowings:

	Baht	
	2009	2008
Account receivable		
Official domestic travel expense	20,084.02	57,480.00
Official oversea travel expense	2,931,400.00	3,078,175.00
Training and seminar expense	1,418,995.00	-
Meeting expense	128,550.00	-
Total	4,499,029.02	3,135,655.00

6. Supplies:

	Baht	
	2009	2008
Office supplies	166,475.48	-
Office appliances	29,794.34	-
Total	196,269.82	-

7. Other Current Assets:

	Baht	
	2009	2008
Guarantee for lease and service contracts	2,850,418.47	2,575,861.47
Value added tax - Deferred input tax	203,173.61	-
VAT surplus payment	479,165.58	-
Total	3,532,757.66	2,575,861.47

8. Property, Plant and Equipment - Net:

Baht

	Account Balance as at 1 Oct 08	Change during year Increase	Decrease	Account Balance as at 30 Sep 09
Historical Cost				
Leasehold improvement	-	7,192,114.84	-	7,192,114.84
Equipment - computers	445,120.00	4,631,691.32	-	5,076,811.32
Office equipment	-	1,570,059.49	-	1,570,059.49
Equipment - office appliances	-	400,000.00	-	400,000.00
Equipment - audio-visual aids	-	1,080,299.55	-	1,080,299.55
Equipment - vehicles	-	3,828,000.00	-	3,828,000.00
Assets from donation	-	254,200.00	-	254,200.00
Work in process	-	2,000,237.99	-	2,000,237.99
Total	445,120.00	20,956,603.19	-	21,401,723.19
Less Accumulated depreciation				
Leasehold improvement		(1,293,923.58)	-	(1,293,923.58)
Equipment - computers	-	(473,539.64)	-	(476,954.26)
Office equipment	(3,414.62)	(78,829.03)	-	(78,829.03)
Equipment - office appliances	-	(42,082.56)	-	(42,082.56)
Equipment - audio-visual aids	-	(49,360.16)	-	(49,360.16)
Equipment - vehicles	-	(753,016.86)	-	(753,016.86)
Assets from donation	-	(12,033.61)	-	(12,033.61)
Total	(3,414.62)	(2,702,785.44)	-	(2,706,200.06)
Property, Plant and Equipment - Net	441,705.38			18,695,523.13
Depreciation				
For the Year Ended 30 September 2009				(2,702,785.44)
For the period from 11 December 2007 to 30 September 2008				(3,414.62)

9. Accounts Payable

Baht

	2009	2008
Account payable - asset	502,557.12	445,120.00
Account payable - equipment	270,927.80	-
Other account payable	3,692,784.48	-
Total	4,466,269.40	445,120.00

10. Accrued Expenses:

	Baht	
	2009	2008
Accrued travel expense	2,934,460.00	3,135,655.00
Accrued meeting expense	66,000.00	-
Accrued training and seminar expense	1,418,995.00	-
Accrued meeting allowance expense	69,500.00	-
Total	4,488,955.00	3,135,655.00

11. Deferred State Revenue to the Ministry of Finance:

	Baht	
	2009	2008
Beginning surplus to accumulated expense	37,650,475.68	-
Operating income	558,044,371.20	57,502,153.29
Operating expense	(117,419,235.01)	(5,784,973.93)
Net income	478,275,611.87	51,717,179.36
Add Accumulated depreciation of purchased equipment	2,694,166.45	3,414.62
	480,969,778.32	51,720,593.98
Less Reserves for outstanding disbursement in the next fiscal year (Note 18)	(428,784,498.73)	(34,632,908.83)
Supplies at end of year	(196,269.82)	-
Guarantee for lease and service contract*	(2,850,418.47)	(2,575,861.47)
Value Added Tax - Deferred input tax	(203,173.61)	-
VAT- surplus payment	(479,165.58)	-
Leasehold improvement	(7,192,114.84)	-
Work in process	(2,000,237.99)	-
Equipment expense	(11,955,170.36)	(445,120.00)
Deferred State Revenue to the Ministry of Finance	27,308,728.92	14,066,703.68

* Guarantee for lease and service contract must be remitted as state revenue when the contract maturity date is due.

12. Other Current Liabilities:

	Baht	
	2009	2008
VAT - accrued output tax	217,923.97	-
Accrued vouchers	4,682,185.10	33,033.64
Accrued social insurance	100,766.00	-
Retention and contract guarantee	2,214,808.44	5,000.00
Deferred withholding tax (Form PND 1)	529,537.88	-
Deferred withholding tax (Form PND 3)	1,117.04	-
Deferred withholding tax (Form PND 53)	73,855.32	-
Deferred income from donation (liability)	242,166.39	-
Total	8,062,360.14	38,033.64

13. Income from fees:

	Baht	
	For the Year Ended 30 Sep 09	For the Period 11 Dec 07 - 30 Sep 08
Fees from electricity industry licenses	3,404,700.00	-
Fees from natural gas industry licenses	200,000.00	-
Fees from electricity industry operation	397,282,521.68	57,407,873.75
Fees from natural gas industry operation	155,852,650.00	-
Total	442,117,619.11	57,407,873.75

14. Other Incomes:

	Baht	
	For the Year Ended 30 Sep 09	For the Period 11 Dec 07 - 30 Sep 08
Interest income from financial institutions	1,198,268.91	94,279.54
Income from donation	76,593.61	-
Income from returned budget in previous year (return from internal borrowings)	29,637.00	-
Total	1,304,499.52	94,279.54

15. Expense on Human Resources:

	Baht	
	For the Year Ended 30 Sep 09	For the Period 11 Dec 07 - 30 Sep 08
Salary and wage	26,856,722.11	2,052,266.67
Board compensation and other benefits	21,750,000.00	-
Overtime compensation	790,244.41	4,687.50
Special compensation	290,000.00	-
Total	49,686,966.52	2,056,954.17

16. Expense on Operations:

	Baht	
	For the Year Ended 30 Sep 09	For the Period 11 Dec 07 - 30 Sep 08
Meeting allowance	2,620,600.00	-
Compensation	-	405,500.00
Official domestic travel	1,051,703.98	57,480.00
Official overseas travel	12,227,014.85	3,078,175.00
Meetings and seminars	5,537,171.15	-
Office lease and services	10,107,746.77	-
Office equipment rent	505,540.00	-
Contribution to social insurance and Provident Fund	1,202,064.26	5,578.00
Health insurance, accident insurance and life insurance	2,827,844.00	-
Contracted services	4,555,893.62	-
Engagement of consultants and experts	8,614,447.93	100,000.00
Miscellaneous expense	1,235,586.25	77,872.14
Supplies expense	2,193,912.48	-
Equipment with value lower than specified standard	5,643,370.50	-
Utilities expense	736,587.26	-
Total	59,059,483.05	3,724,605.14

17. Depreciation and Amortization:

Baht

	For the Year Ended 30 Sep 09	For the Period 11 Dec 07 - 30 Sep 08
Leasehold improvement	1,293,923.58	-
Equipment - computers	473,539.64	3,414.62
Equipment - vehicles and transportation	753,016.86	
Equipment - office equipment	78,829.03	-
Equipment - office appliances	42,082.56	-
Equipment - audio-visual aids	49,360.16	-
Assets from donation	12,033.61	-
Total	2,702,785.44	3,414.62

18. Reserves for Outstanding Disbursement in the Next Fiscal Year:

Baht

	2009	2008
Beginning Reserves for Outstanding Disbursement in the Next FY	34,632,908.83	-
Less Disbursement in FY 2009	(31,504,711.05)	-
Obligated liabilities	(15,051,548.05)	-
Non-obligated liabilities	(16,453,163.00)	-
Balance of reserves for outstanding disbursement from previous year	3,128,197.78	-
Add Present year reserves for outstanding disbursement in the next FY	425,656,300.95	34,632,908.83
Obligated liabilities	182,938,774.95	17,717,426.23
Non-obligated liabilities	242,717,526.00	16,915,482.60
Ending Reserves for Outstanding Disbursement in the Next FY as at 30 September	428,784,498.73	34,632,908.83

According to the minutes of the meeting No. 26/2009 (65th) dated 29 September 2009, the Energy Regulatory Commission has approved the reserves of the FY 2009 for outstanding disbursement in the next FY at the amount of 425,656,300.95 baht, consisting of obligated liabilities at the amount of 182,938,774.95 baht and non-liabilities at 242,717,526.00 baht. The reserves are derived from cash and cash equivalents in the corresponding amount.

According to the minutes of the meeting No. 32/2008 dated 25 September 2008, the ERC approved the reserves of the Fiscal Year 2008 at the amount of 35,276,408.90 baht, comprising 8 items of obligated liabilities at the amount of 17,726,408.90 baht and 7 items of non-obligated liabilities at the amount of 17,550,000.00 baht.

The OERC undertook the purchase and engagement according to the approved items for outstanding disbursement in the next year at the amount of 34,632,908.83 baht, which was 643,500.07 baht lower than the approved budget, as detailed in the following:

	Baht	
	2009	2008
Obligated Liabilities		
Operating budget	4,870,460.70	13,066,340.03
Capital budget	2,489,074.67	4,186,086.20
Other expense	175,579,239.58	465,000.00
Total Obligated Liabilities	182,938,774.95	17,717,426.23
Non-obligated Liabilities		
Personnel budget	3,392,800.00	-
Operating budget	14,759,726.00	-
Capital budget	74,803,000.00	-
Other expense	149,762,000.00	16,915,482.60
Total Non-obligated Liabilities	242,717,526.00	16,915,482.60
Total	425,656,300.95	34,632,908.83

19. Staff Provident Fund

The OERC has established the Staff Provident Fund for all OERC permanent staff members, pursuant to the provision of the Provident Fund Act, B.E. 2530 (1987).

Staff members and the OERC contribute to the Fund under this scheme at a rate of 5%-10% of individual salaries. The staff members will be beneficiaries of contributions made to the Fund by the OERC pursuant to the regulations and rules of the Fund and subject to the length of service of each staff member. The OERC has assigned a fund manager to manage the Fund as required by the Provident Fund Act (1987).

The OERC's contribution to the Provident Fund for the year ended 30 September 2009 amounted to 821,597.26 baht.

20. Approval of Financial Statements

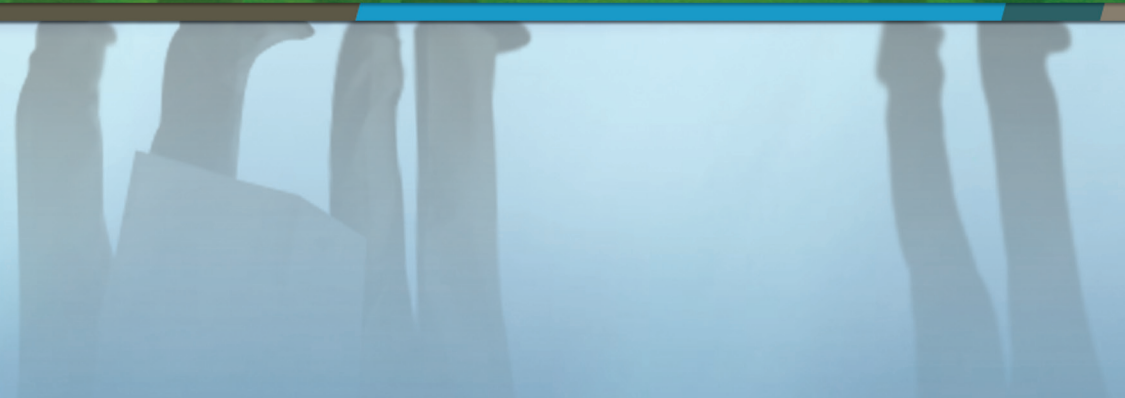
These financial statements were approved by the Secretary General of the Office of the Energy Regulatory Commission on 7 May 2010.

Balance Nation



Steering Thai economy
toward prosperity and security,
we've balanced sustainable national development





Action Plan for Fiscal Year

2010



Action Plan for Fiscal Year 2010

Making Strides into the Third Year of Energy Industry Regulation to Ensure Fairness and Competitive Environment

The action plan for Fiscal Year 2010 has been improved by the ERC to be more modernized and responsive to emerging circumstances, through the application of a rolling-plan approach which requires an annual review of implementation outcome and an assessment of the change in relevant factors so that the plan formulation would be more in line with the actual state of situations. What is important is that the plan will address the needs of target groups, as specified under the ERC's strategic plan, which will drive the organization towards the achievement of its objectives, vision and mission.

Therefore, the year 2010 is considered a challenging fiscal year for the ERC and a key step in which emphasis must be put on the creation of efficiency and effectiveness of energy industry. To this end, the ERC must exercise good regulatory practices and put into practice the well-founded processes, tools and knowledge for tangible and effective results.

Six Strategies and Action Plan for Fiscal Year 2010

The conceptual framework for the OERC's Action Plan for Fiscal Year 2010, therefore, arises from the approach and principles of the five-year Strategic Plan for Energy Industry Regulation (2008-2012), with due consideration of the direction and milestones of an excellent regulatory organization. Emphasis will be placed on projects and activities that enhance efficiency and effectiveness of the energy industry as a whole. Development of the industry and service quality improvement will be carried out on a level playing field, with the tariffs that clearly and transparently reflect actual costs. In addition, the ERC has set up strategic approaches for promotion of public participation, laying the foundations for decentralizing regulatory powers to provincial level, and clear determination of the ERC's roles under various contexts and circumstances. The determination of such strategic approaches will be compatible with the operational processes and goals, and correspond with the objectives of the Energy Industry Act of 2007, which can be briefed in the following.

Strategy 1

Issue licenses, regulate and safeguard interests of energy consumers, communities and the nation, consisting of five programs:

1. Revision of licensing scheme – to study and research into formats and criteria for granting energy industry licenses so that license issuance would be up to internationally standards, transparent and fair.
2. Development of inspection and monitoring systems – to inspect licensees' operating facilities to the benefit of standards inspection before and after licensing.
3. Assessment of service quality standards of power utilities – to recommend and prescribe the standards of power service quality of the power utilities that are compatible with the ERC's regulatory policy.
4. Study and development of power service quality standards – to upgrade the standards and services up to the international standards.
5. Database interconnection – to link the database on pollution measurement of EGAT and IPP power plants to that of the OERC.

Strategy 2

Promote efficient energy industry operation and energy consumption

This strategy is placed high on the agenda and the ERC is ready to forge ahead with its implementation, via the following two programs:

1. Regulation of natural gas service tariffs – to create fairness and to ensure that the regulation on natural gas service tariff structure will meet international standards and correspond with the types of natural gas industry licenses.
2. Study on approaches for regulating the prices of power purchase from foreign sources – to ensure that such power procurement is carried out at an appropriate level, with prices that reflect actual costs and that it is in line with legal provisions.

Strategy 3

Promote sound management and competition in energy industry

Execution under this strategy becomes critical once the national energy industry structure has evolved into a sound regulatory regime, and it is a continuation of the Action Plan for Fiscal Year 2009, involving one program, i.e.

1. Study on approaches for soliciting power purchase from private power producers (bidding) – to set up the bidding guidelines that leads to fair competition.

Strategy 4

Promote security, reliability and safety of national energy supply

The ERC pursues this strategy by examining security and reliability measures, both domestic and international, for natural gas network systems to collect data and produce recommendations as well as measures on the security and reliability of the network systems. This involves one program, i.e.

1. Study on security and reliability measures for natural gas network systems – to collect information about policies and measures relevant to natural gas network systems currently in use, both domestic and overseas.

Strategy 5

Promote participation in energy system development

This strategy envisages foundation laying and preparation for decentralizing regulatory powers to provincial level to a greater extent, fostering similar strength and efficiency to what the central office is enjoying. In Fiscal Year 2010, the ERC will speed up its execution for more concrete outcomes which will be assessed so as to improve the work execution for greater benefit to energy users. The strategy comprises 11 programs:

1. Study and establishment of OERC Regional Offices and Regional Energy Consumer Committees (RECCs) – to examine approaches and implementation to recruit or select representatives of energy consumers in each region as RECC members.

2. Training and capacity building of RECCs and officials – to make the RECCs understand their roles, authority and duties, and carry out their work transparently and fairly.

3. Creation of knowledge and understanding about the Power Development Fund – to foster accurate knowledge and understanding of people around power plants and all concerned, which will lead to their acceptance of the Fund implementation and power plant operation.

4. Support to the development of the Master Plan for Development or Rehabilitation of Localities Affected by Power Plant Operation – to monitor the preparation of reports on impacts of the operation of large-scale power plants and the preparation of the mentioned Master Plan.

5. Support to the Power Development Fund administration.

6. Development of bylaws under the Energy Industry Act and organization of hearings – to encourage stakeholders to participate in sharing views or providing information to the ERC before the enactment of such bylaws.

7. Legislative education for stakeholders – to provide knowledge and create understanding of stakeholders about their rights and duties stipulated in the Act and relevant bylaws.

8. Formation of networks to protect the rights and benefits of stakeholders – to protect stakeholders' rights and benefits in the energy industry.

9. Public communication – to disseminate information to make people aware of the work on energy industry regulation.

10. Licensee and general public satisfaction surveys on energy industry regulation.

11. Energy consumer satisfaction surveys on operators' services.

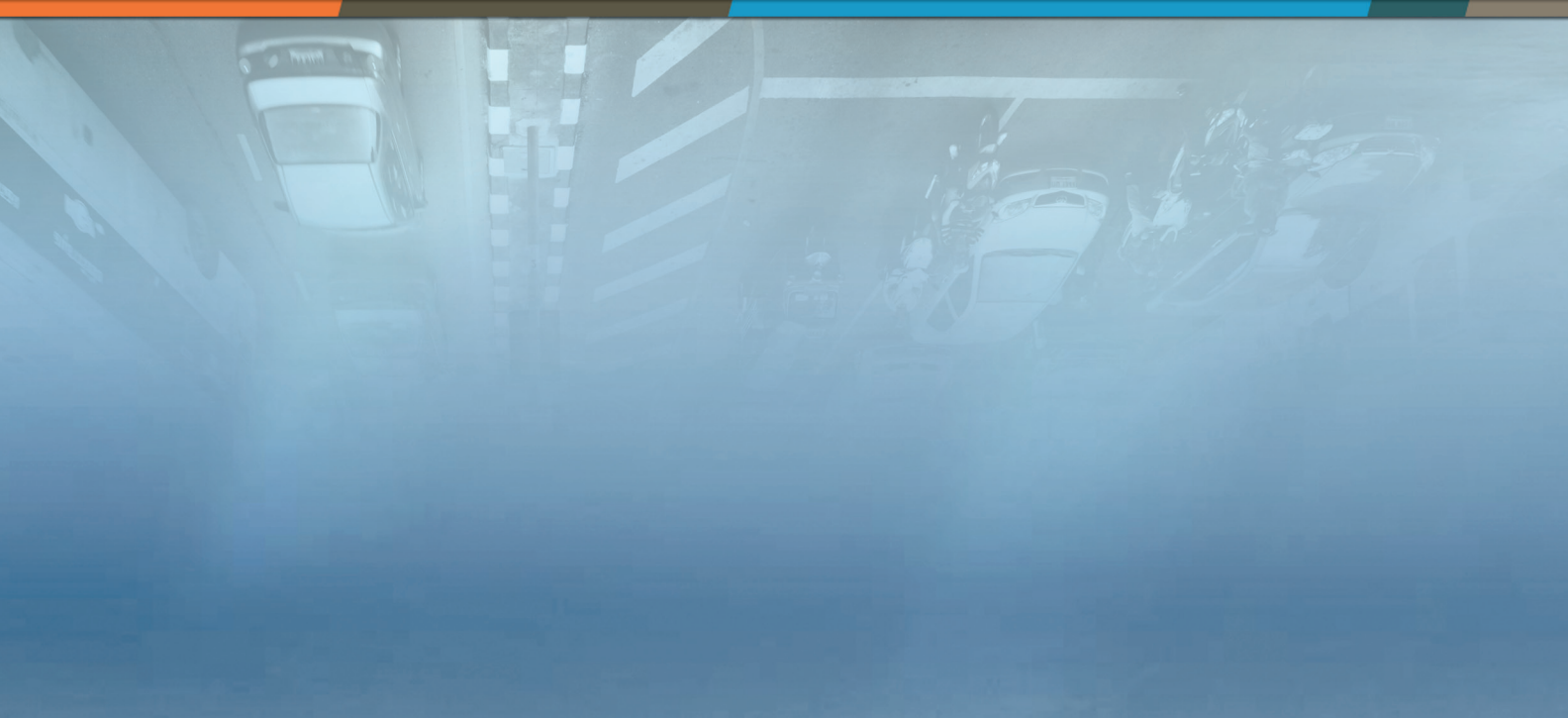
Strategy 6

Develop the organization to be a high-performance one, with a positive image and ranked as national corporate excellence

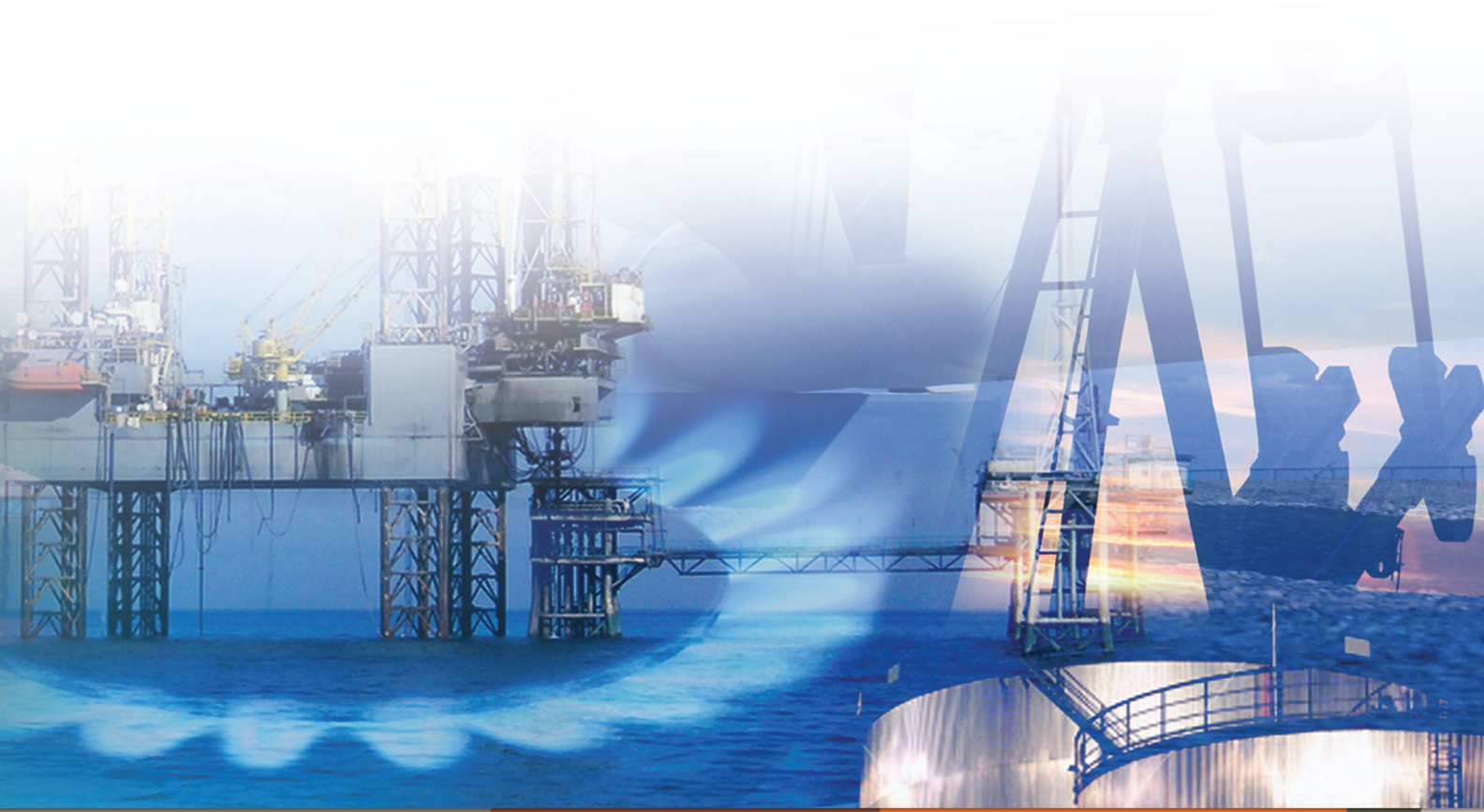
This strategy deals with the OERC's internal management for greater flexibility and efficiency through improvement of work processes, e.g. streamlining risk management and control; reviewing regulations concerning finance, accounting, budget and procurement; and setting up systems for fiscal and financial management of OERC Regional Offices; including hiring of project management consultants to deploy their experience in problem-solving for smooth project operation. Ten programs are involved, namely:

1. Design and development of the OERC's internal control system.
2. Hiring of project management consultants.
3. Knowledge management – to stimulate OERC personnel and all departments to upgrade themselves via learning, acquiring basic understanding about knowledge management, and to apply the knowledge acquired to their work.
4. Setting up fiscal and financial management systems of the OERC – to enhance flexible, efficient, quick and accountable work execution.
5. Reviewing ERC regulations concerning finance, accounting, budget and procurement.
6. Setting up the functional competency assessment system and preparation of approaches for capacity building – to be the basis for human resources management process.
7. Technological system development – to support duty execution pursuant to the ERC's networks and strategies.
8. Knowledge creation through e-learning – to provide the OERC with work tools and mechanisms to promote e-learning about energy industry operation among its personnel and the public.
9. Development of OERC's excellence, with international acceptance – through the application of "TQA Criteria for Performance Excellence" to the preparation of the summary of annual self-assessment reports.
10. Development of data mining based on energy operators' reports – for application to policy-making and regulation.

The expectation of these six strategies of the ERC is to drive the organization towards excellence and to be internationally accepted for its energy industry regulation. To this end, the ERC is ready to set one additional performance indicator in Fiscal Year 2010, i.e. "Thailand Quality Award (TQA) Criteria for Performance Excellence" to be applied to the success assessment of the development pursuant to the strategic plan and also to the summary of annual self-assessment reports.



Appendices





Appendix 1 : OERC Top Executives

Mr. Kawin Thangsupanich

Secretary General

Education

- 1991 - MBA (Finance), Sasin Graduate Institute of Business Administration of Chulalongkorn University
- 1985 - Bachelor of Economics (B Econ), Quantitative Analysis, Chulalongkorn University

Experience

- 2008-Present - Secretary General, Office of the Energy Regulatory Commission
- 2005-2008 - Head, Corporate Strategy Group, Office of the National Telecommunications Commission (NTC)
 - Head, Economics and Finance Group, NTC
- 2001-2005 - Director, State Enterprise Project Loan Division, Public Debt Management Office (PDMO)
 - Secretariate Team of the Office of Vayupak Mutual Fund

Mr. Pornchai Patiparnprechavut

Deputy Secretary General

Education

- 1993 - MBA (Finance), Chulalongkorn University
- 1989 - Master of Engineering, Chulalongkorn University
- 1987 - Bachelor of Engineering, Chulalongkorn University

Experience

- 2009-Present - Deputy Secretary General, Office of the Energy Regulatory Commission
- 2005-2009 - Senior Vice President, Agricultural Futures Exchange of Thailand (AFET)

Mr. Atiluk Attapich

Deputy Secretary General

Education

- 1988 - M.C.J. Howard University, School of Law, Washington D.C., U.S.A.
- 1984 - Certificate, Thai Barrister-at-Law, Institute of Legal Education of Thai Bar
- 1982 - Bachelor of Law, Ramkhamhaeng University

Experience

- 2009-Present - Deputy Secretary General, Office of the Energy Regulatory Commission
 - 2008-2009 - Legal Officer, Senior Professional Level, Bureau of Tax Appeals, Revenue Department
 - 2005-2008 - Manager, Legal and Administration Department, Malaysia-Thailand Joint Authority (MTJA)
-

Ms. Narupat Amornkosit

Deputy Secretary General

Education

- 1993 - M.A. (Economics), Queen's University at Kingston, Ontario, Canada
- 1989 - M.A. (English Language Program) in Economics, Thammasat University
- 1986 - B.Sc. (honors), Economics, Kasetsart University

Experience

- 2008-Present - Deputy Secretary General, Office of the Energy Regulatory Commission
- 2007-2008 - Director, Energy System Analysis Bureau, Energy Policy and Planning Office
- 2003-2007 - Director, Power Division, Energy Policy and Planning Office

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By pursuing personnel excellence,
we strive to become a savvy entity
of international standards





Appendix 2: Summary of the Meetings of the Energy Regulatory Commission of Thailand

NOTE

ERC	:	Energy Regulatory Commission
NEPC	:	National Energy Policy Council
MEA	:	Metropolitan Electricity Authority
EGAT	:	Electricity Generating Authority of Thailand
PEA	:	Provincial Electricity Authority
PDP Committee	:	Committee Reviewing Thailand Power Development Plan
Ft	:	Automatic Tariff Adjustment Mechanism
PTT	:	PTT Plc
OERC	:	Office of the Energy Regulatory Commission
OAG	:	Office of the Auditor General of Thailand
EPPO	:	Energy Policy and Planning Office
EIA	:	Environmental Impact Assessment
IPP	:	Independent Power Producer or Large-scale Power Producer
SPP	:	Small Power Producer
SPP Cogeneration	:	Small Power Producer Using Natural Gas as Fuel
VSPP	:	Very Small Power Producer

Summary of the Minutes of Meetings of the Energy Regulatory Commission

Fiscal Year 2009

No.	Commissioner's Name	Title	Meeting Attendance
1.	Mr. Direk Lavansiri	Chairman of the ERC	26/26
2.	Mr. Nopadon Mantajit	Commissioner	26/26
3.	Mr. Chalit Ruengvisesh	Commissioner	24/26
4.	Mrs. Pallapa Ruangrong	Commissioner	25/26
5.	Mr. Chongchet Boonkerd	Commissioner	25/26
6.	Lt. Thaksin Limsuvan	Commissioner	24/26
7.	Mr. Supichai Tangjaitrong	Commissioner	25/26

Meeting No. 33/2008 (33rd), 15 October 2008

1. Acknowledge and approve the resolution of the Sub-committee on Evaluation and Selection of Power Purchase Proposals from Private Power Producers at the Meeting No. 2/2008 (2nd) held on 3 October 2008, which has approved the following:

1.1 Adjustment of the exchange rate so as to set the Availability Payment (AP) in the power purchase agreement (PPA) to be executed with Siam Energy Co., Ltd. and that with Power Generation Supply Co., Ltd. due to the appreciation of Thai baht, compared with that on the deadline for submission of power purchase proposals (19 October 2007), thereby resulting in a reduction of the AP for the two companies, which has been adjusted in line with the exchange rate before the PPA signing.

1.2 EPPO is to return the bid security to Gecko-One Co., Ltd. because the EIA of the company's project was approved on 15 May 2008 and the company signed the PPA with EGAT on 10 September 2008, making the PPA legally effective since then.

1.3 Original documents of Bank BNP Paribas supporting the project of Chubu Electric Power Company Inc. are to be returned to the company, so that the investor could terminate its contract with the bank. Chubu Electric was a company submitting a proposal to sell power pursuant to the announcement on power purchase from IPPs issued in 2007, but was not selected.

2. Approve the issuance of electricity generation licenses to the following:

- (1) Siam Energy Trade Co., Ltd.
- (2) Bangkok Solar Power Co., Ltd.
- (3) Chantaburi Starch Power Co., Ltd.
- (4) Metropolitan Waterworks Authority (Ladprao Water Distribution Pumping Station).

3. Approve the issuance of regulated energy production licenses (new/re-application) to the following:

- (1) Muang Thai Pattara Complex Condominium Juristic Person
- (2) Kad Suan Kaew 2545 Co., Ltd.
- (3) Top Land Plaza Co., Ltd.

4. Approve electricity retail licenses to the following:

- (1) Cementhai Energy Conservation Co., Ltd.
- (2) The Siam Cement Thungsong Co., Ltd.

5. Consider the complaint filed by the Assembly of NGOs for the Protection and Conservation of Environment and Natural Resources urging for compliance with the Constitution of the Kingdom of Thailand B.E. 2550 (2007), Article 67, Clause 2, that is, comments from an independent body on environment and health on all of the four selected IPP projects must be obtained before granting them licenses for electricity industry operation. Following the consideration, the ERC views that the intention of the aforementioned complaint is to have the ERC postpone the issuance of electricity industry licenses to the IPP projects until the relevant independent organization is set up. Thus, for the purpose of transparency, the ERC should discuss this matter with the Office of the Council of State and the Office of the Ombudsman of Thailand so as to interpret the meaning of Article 67, Clause 2, of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) whether the ERC can issue a license to the IPP projects given the fact that such an independent organization has not yet been established. The ERC has assigned the Director of Legal Department of the OERC to discuss the issue with the aforementioned agencies.

6. Assign the OERC the task of establishing a working group to examine, screen and make recommendations in support of the ERC's consideration and granting of factory operation licenses.

Meeting No. 34/2008 (34th), 28 October 2008

1. Consider the Development Security deposits which Siam Energy Co., Ltd. and Power Generation Supply Co., Ltd. made with EGAT on the date the PPAs and supplementary agreements were signed. A resolution is passed to assign the OERC Secretary General to discuss with EGAT to ensure that the contents of the Development Security and supplementary agreements between EGAT and each of the companies fully comply with the ERC resolution of 29 August 2008. The companies' responsibilities and liabilities as from the PPA signing date must be stipulated and should also cover the terms specified in the bid security.

2. Approve the issuance of regulated energy production licenses (for capacity expansion) to the following:

- (1) Rojana Power Co., Ltd.
- (2) PTT Utility Co., Ltd.

3. Approve the issuance of regulated energy production licenses (renewal and capacity expansion) to the following:

- (1) Bangkok Hospital Pattaya Co., Ltd.
- (2) Buriram Sugar Co., Ltd.
- (3) Safeskin Medical & Scientific (Thailand) Co., Ltd.
- (4) Mae Hong Son Airport
- (5) Kaenkwan Co., Ltd.
- (6) Chotiawat Manufacturing Co., Ltd.
- (7) Kamphaeng Phet Hospital

4. Consider the applications for electricity industry licenses of Nakornphet Sugar Co., Ltd. and Erawan Sugar Co., Ltd. A resolution is passed not to grant licenses to both companies because they have not yet prepared the EIA for power plant projects according to the procedures stipulated in the Environmental Quality Promotion Act of B.E. 2535 (1992) and the OERC is assigned to notify the companies, in writing, to prepare the required EIA before applying for energy industry licenses.

5. Consider the office administration and a resolution is passed approving the draft appointment of the Sub-committee Regulating Energy Network Systems and Energy Network System Operator. The OERC Secretary General is assigned to proceed with the task. The aforementioned sub-committee is to be appointed by the ERC to assist with the regulatory work over energy network systems and energy network system operators, including the connection to the energy network systems by energy industry operators, to enhance efficiency and fairness to both energy network system owners and energy industry operators.

Meeting No. 35/2008 (35th), 14 November 2008

1. Acknowledge the meeting outcome on the review of Draft Royal Decree Determining the Type, Capacity and Characteristics of Energy Businesses Exempt from License Requirement, B.E....., and pass a resolution assigning the OERC to prepare a manual attached to the aforementioned

Draft Royal Decree to be a reference document as to the background, principles, intention, concepts and reasons for each provision of the Draft Royal Decree in line with the opinion of the Office of the Council of State.

2. Approve the issuance of electricity industry licenses to the following:

- (1) TSM Bio Energy Co., Ltd.
- (2) V & P Power Plant Co., Ltd. and a permit to Energy Plus Co., Ltd. to expand its power production capacity.

3. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Thai Biogas Energy Co., Ltd.
- (2) Uttaradit Sugar Industry Co., Ltd.
- (3) Buasomma Power Generation Co., Ltd.

4. Approve the issuance of regulated energy production licenses (renewal and capacity expansion) to the following:

- (1) Amari Co., Ltd. (Amari Orchid Resort and Tower)
- (2) Phaya Thai 1 Hospital Co., Ltd. (Phaya Thai 1 Hospital)
- (3) General Motor (Thailand) Co., Ltd.
- (4) LC (Thailand) Co., Ltd.
- (5) Buasomma Co., Ltd.
- (6) Phukhiao Bio Energy Co., Ltd.
- (7) Dan Chang Bio-Energy Co., Ltd.
- (8) Saha Viriya Steel Industry Plc.
- (9) Patong Merlin Co., Ltd. (Patong Merlin Hotel)
- (10) Chumporn Palm Oil Industry Co., Ltd.

5. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Thai Paper Co., Ltd.
- (2) Siam Kraft Industry Co., Ltd.
- (3) Eastern Sugar and Cane Co., Ltd.

6. Approve the issuance of electricity retail licenses to the following:

- (1) Nongbua Cogeneration Co., Ltd.
- (2) Energy Co., Ltd. (Branch 3)

7. Approve the issuance of factory operation licenses to the following:

- (1) Bangkok Solar Power Co., Ltd. (Nakhonsawan)
- (2) Bangkok Solar Power Co., Ltd. (Lopburi)
- (3) Thai Biogas Energy Co., Ltd.
- (4) Charoensompong Co., Ltd.

8. Approve the return of bid securities to Siam Energy Co., Ltd. and Power Generation Supply Co., Ltd., by assigning the OERC Secretary General to issue a letter of notification to the (EPPO) to proceed with the bid security return to the two companies because the bid securities have expired and EGAT has affirmed that the development security and Guarantee Supplement No.1 have effectively covered the two companies' responsibilities and liabilities as from the PPA signing date onwards.

Meeting No. 36/2008 (36th), 27 November 2008

1. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) PTT Plc. (PTT Oil Depot, Saraburi)
- (2) Compart Precision (Thailand) Co., Ltd.
- (3) Surat Bitumen Co., Ltd.
- (4) Cementhai Energy Conservation Co., Ltd. and Siam Cement (Tha Luang) Co., Ltd.
- (5) Man-A Frozen Foods Co., Ltd.
- (6) Chang Klan Way Co., Ltd. (The Empress Hotel, Chiang Mai).
- (7) Krung Thai Bank Plc.

2. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Khanom Electricity Generating Co., Ltd.
- (2) Chanwit Hotel Co., Ltd. (Pichit Plaza)
- (3) True Corporation Plc. (Ploenchit Switching Node)
- (4) S.W. and Sons Co., Ltd.
- (5) Red Bull Liquor Trading (1988) Co., Ltd.
- (6) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Suphanburi)
- (7) Asia Pattaya Hotel Co., Ltd.
- (8) Uthaithani Hospital
- (9) Ratchathani Hospital Plc. (10) Nan Hospital
- (11) Trang Seafood Products Plc.
- (12) Thai Life Insurance Co., Ltd. (Rattanathibet Branch)
- (13) Thanachart Capital Plc.
- (14) C.B. Property Co., Ltd. (Royal Phuket City Hotel)
- (15) Excellent Rubber Co., Ltd.
- (16) PTT Plc. (Songkhla Petroleum Terminal)
- (17) Kasemkij Co., Ltd. (Cape Panwa Hotel)

- (18) Suranaree Army Hospital
- (19) Silom Tower and Service Co., Ltd., (Silom Complex)
- (20) Narai Hotel Co., Ltd. (Narai Hotel)
- (21) Siam Modern Palm Co., Ltd.
- (22) J.H.C.C. International Co., Ltd. (Phuket Palace Hotel)
- (23) Siam PVS Chemicals Co., Ltd.
- (24) Ngamwongwan Shopping Mall Co., Ltd. (The Mall Ngamwongwan Department Store)
- (25) Big C Supercenter Plc.
- (26) Siam Chaopraya Holding Co., Ltd. (Peninsula Hotel)
- (27) Thaksin University (Songkhla Campus)
- (28) JDP Co., Ltd.
- (29) Petch Pailin Co., Ltd. (Pailin Hotel)
- (30) Kasemkij Co., Ltd.
- (31) Sanamchan Hospital Co., Ltd. (Sanamchan Hospital)
- (32) Rajamangala University of Technology Srivijaya (Trang Campus)
- (33) Vibhavadi Rangsit Hotel Co., Ltd. (Rama Gardens Hotel)
- (34) Rayong Star Co., Ltd. (Star Wing Hotel)
- (35) Big C Supercenter Plc. (Nakhon Pathom Branch)
- (36) Kantang Seafood Co., Ltd.
- (37) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Seacon Square Branch)

3. Approve the issuance of a regulated energy production license (renewal and capacity expansion) to Siam Fiberboard Co., Ltd.

4. Approve the issuance of an electricity retail license to the Department of Alternative Energy Development and Efficiency (Project on the Development and Installation of Wind Turbines for Power Generation, Ban Pang Tha Lay).

5. Approve the issuance of factory operation licenses to the following:

- (1) Bangkok Solar Power Co., Ltd.
- (2) V & P Power Plant Co., Ltd.
- (3) KMI Biomass Co., Ltd.
- (4) Energy and Environmental Engineering Center, Faculty of Engineering, Kasetsart University
- (5) Saha Cogen Green Co., Ltd.
- (6) Cargill Siam Co., Ltd.

6. Consider the complaint filed by the coordinator of Eastern People's Network requesting the ERC, being the license issuance

agency for electricity industry operation, to suspend license issuance to all power plants in Rayong Province until the required steps in line with the Constitution of the Kingdom of Thailand, B.E. 2550 (2007), Section 67, and the National Health Act, B.E. 2550 (2007), have been satisfactorily completed. The ERC passes a resolution that, for the purpose of clarity in considering the issuance of energy industry operation licenses, the OERC Secretary General should consult, in writing, the Office of the Council of State to seek approach to deal with the aforementioned issues and to prepare guidelines on addressing the complaint about the implementation procedures according to Section 67, Clause 2, of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007).

Meeting No. 37/2008 (37th), 8 December 2008

The OERC reports the progress of implementation pursuant to the ERC's resolution of 27 November 2008 regarding the guidelines on addressing the complaint made by the Eastern People's Network that a letter inquiring about the implementation procedures according to Section 67, Clause 2, of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007), was issued to the Office of the Council of State (OCS) and discussion was made with the concerned OCS officials who informed that, according to the OCS regulations on acceptance of complaints for consideration, the matters must first be discussed with responsible agencies or agencies that have the care and charge of concerned laws. Once the response to the inquiry is received, should the agency remain disagree with any legal issues, the matter will then be presented to the OCS for consideration.

Having considered the aforementioned, the ERC reaches a resolution to have the OERC Secretary General send a letter to the Office of Natural Resources and Environmental Policy and Planning (ONEP) to seek procedural approach for the implementation pursuant to Section 67, Clause 2, of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007). If clear guidelines cannot be obtained, the matter can then be brought up to the OCS for further discussion.

Meeting No. 38/2008 (38th), 11 December 2008

1. Approve the issuance of an electricity industry operation license to PJT Technology Co., Ltd. and a permit for Bangkok

Solar Power Co., Ltd. to expand its power generating capacity.

2. Approve the issuance of electricity retail licenses to the following:

- (1) Sime LCP Power Co., Ltd.
- (2) Bangkok Solar Power Co., Ltd.

3. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Krung Thai Bank Co., Ltd.
- (2) TCC Hotel Collection Co., Ltd. (Samui Boat House Hotel)
- (3) Bangkok Produce Plc., Muaklek Farm
- (4) Bangkok Produce Plc., Pa Mai Daeng Farm
- (5) Charung and Son Co., Ltd.
- (6) TOT Plc.
- (7) Bangkok Produce Plc.
- (8) Bangkok Solar Power Co., Ltd.
- (9) Bangkok Solar Power Co., Ltd. (Udon Thani 2)
- (10) Bangkok Solar Power Co., Ltd. (Ang Thong 1)
- (11) MWA (Ladprao Water Distribution Pumping Station)
- (12) The Foundation of the Church of Christ in Thailand (Overbrook Hospital)

4. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Mitrphap Samakkhi Hospital (Thong Sia Sieng Terng Foundation)
- (2) Nongkhae Cogeneration Co., Ltd.
- (3) National Synchrotron Research Center
- (4) The Evason Phuket Co., Ltd.
- (5) Jalapathan Cement Public Company Limited (Takli Plant)
- (6) Thai Ceramic Co., Ltd.
- (7) Siam Nissan Automobile Co., Ltd.
- (8) Rayan Management (Rayan Headland Villa)
- (9) Forward Garden Co., Ltd. (Iyara Park Hotel)
- (10) M.N.T. Co., Ltd.
- (11) Thai Namthip Co., Ltd. (Khon Khan Branch)
- (12) Home Products Center Plc., Phuket Branch

5. Approve the issuance of a factory operation license for power generation (Factory Category No. 88) to Mae Wong Energy Co., Ltd.

Meeting No. 39/2008 (39th), 24 December 2008

1. Approve the issuance of electricity retail licenses to the following:

- (1) Thai Biogas Energy Co., Ltd.
- (2) Energy and Environmental Engineering Center, Faculty of Engineering, Kasetsart University.

2. Consider the report on the Study of Cost Drivers of EGAT and approve the use of the Cost Drivers Report as criteria for improving the manual of account separation between the generation and transmission system businesses of EGAT for the year 2008. Furthermore, it is deemed fit that EGAT improve the cost index data collection system so that it could be used for data processing in the preparation of a financial statement with account separation for better consistency with activities in subsequent years. Also, EGAT should regularly review the suitability of the cost index criteria, at least once a year, so that the data would be up-to-date and correspond with real circumstances. Moreover, it is agreed that EPPO's opinions should be taken into consideration by EGAT when reviewing the Cost Drivers in the future in order to be in line with the ERC's regulation of the electricity industry under the Energy Industry Act, B.E. 2550 (2007), and that it could also be used as EGAT's performance indicator.

3. Consider the account separation manual of EGAT (4th revision) for use in the accounting report preparation with account separation between the generation and transmission system businesses of EGAT for the year 2008 and approval is given to the mentioned manual. It is also recommended that EGAT improve the account separation manual by dividing the account separation structure in compliance with the definitions in the Energy Industry Act, B.E. 2550 (2007), and the types of electricity industry operation licenses, which will be beneficial to ERC regulation in the future.

4. Consider the terms of connection to an electricity network system, terms of utilization of electricity network system facilities and terms of electricity network system operations of the MEA, PEA and EGAT. Approval is given to the mentioned terms as proposed by the MEA and PEA. As for the terms of EGAT, the ERC holds the view that EGAT should revise the terms related

to SPP to be in line with the opinions and observations of the Sub-committee Regulating Energy Network Systems and Energy Network System Operator before making an announcement and enforcement of the terms.

5. Approve the principles and calculation methods for natural gas transportation tariff, both for the Fixed Cost (Td – demand charge) and the Variable Cost (Tc – commodity charge), as proposed by the OERC's consultant. PTT is assigned to work out the approach for adjusting the Td factor of the pipeline tariff to be in line with the investment and pipeline transportation services of each pipeline route without creating burden on consumers, for presentation to the ERC for further consideration.

6. Consider the process of power purchase from SPPs and approve the criteria for setting the SCOD based on the principles proposed by the Working Group Regulating Power Purchase from SPPs. The OERC is assigned the task of sending additional data on cogeneration SPPs, acquired as per the Working Group's data check-list, to EGAT for further relevant action.

Meeting No. 1/2009 (40th), 7 January 2009

1. Approve the issuance of an electricity retail license to Sime LCP Power, a permit to Rojana Power Co., Ltd. to expand capacity and permission for the following electricity industry operators to change the names:

- (1) From Amata-EGCO Power Co., Ltd. to Amata B. Grimm Power 1 Co., Ltd.
- (2) From Amata Power (Bang Pakong) Co., Ltd. to Amata B. Grimm Power 2 Co., Ltd.

2. Approve the issuance of regulated energy production licenses (renewal and capacity expansion) to the following:

- (1) Bangkok Produce Plc., Papai Farm
- (2) Bangkok Produce Plc., Ban Muang Farm
- (3) Bangkok Produce Plc., Kamyai Farm
- (4) United Palm Oil Industry Plc.
- (5) Thaksin University (Pattalung Campus)

3. Approve the issuance of a regulated energy production license (capacity expansion) to Asian Seafoods Coldstorage (Surat Thani) Co., Ltd.

4. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Chaimongkol Refined Sugar Co., Ltd. (U-thong Sugar Industry)
 - (2) Provincial Waterworks Authority, Pattaya Office
 - (3) Robinson Department Store Plc., Bangrak Branch
 - (4) Patong Yi Deng Co., Ltd. (Novotel Phuket Resort)
 - (5) Krung Thai Bank Plc., Head Office
 - (6) Wattana Park Hotel Co., Ltd. (Wattana Park Hotel)
 - (7) Home Product Center Plc. (Rama II Branch)
 - (8) Riverside Pavilion Co., Ltd. (Pavillion Rim Kwai Resort)
 - (9) Bang Pa-in Land Co., Ltd. (Bang Pa-in Industrial Estate)
 - (10) Nakornphet Sugar Co., Ltd.
 - (11) Laemthong Farm Co., Ltd. (Hatchery)
 - (12) Thip Thani Co., Ltd. (Siam Thani Hotel)
 - (13) TD Service Co., Ltd. (Trisara Hotel)
 - (14) Raja Orchid Hotel Co., Ltd. (Sofitel Raja Orchid, Khon Kaen)
 - (15) Big C Supercenter Plc., Nakhon Sawan
 - (16) Pan Asia (1981) Co., Ltd.
 - (17) Rermudom Sugar Factory Co., Ltd.
 - (18) Rermudom Sugar Factory Co., Ltd.
 - (19) TOT Plc., Customer Service Center, Chiang Rai
 - (20) Stuk Biomass Co., Ltd.
 - (21) Ten M D Nakonsawan Co., Ltd. (Paknampo Hospital)
 - (22) Saraburi Somboon Ltd., Part. (Kiao An Hotel)
 - (23) Guardian Industries Corp Ltd.
 - (24) Kaset Phol Sugar Co., Ltd.
 - (25) M.J.B. Co., Ltd. (Courtyard Hotel)
 - (26) Plathong Industry Limited Partnership
 - (27) Muang Mai Guthrie Public Company Limited
 - (28) Bumrungrad Medical Center Co., Ltd. (Bumrungrad Hospital)
 - (29) SV City Condominium Juristic Person
 - (30) Department of Civil Aviation (agency under the Ministry of Transport)
 - (31) Sukhapiban 3 Mansion Condominium Juristic Person
 - (32) Seacon Development Plc.
 - (33) Wang Sila Limited Partnership
 - (34) O H Limited Partnership
 - (35) The Government Public Relations Department (The National Broadcasting Services of Thailand, Channel 11, Songkhla)
 - (36) Bangkok Television and Radio Co., Ltd.
 - (37) Royal Ceramic Industry Plc.
 - (38) Teo Hong Silom Co., Ltd. (Bangna Tower A, B and C)
5. Approve the issuance of factory operation licenses for power generation (Factory Category No. 88) to the following:
 - (1) Nongbua Green Power Co., Ltd.
 - (2) GR-Tech Co., Ltd.
 6. Approve the calculation of Ft factors for the months of August-October 2008.
 7. Approve in principle the power tariff calculation according to the Ft formula by using the fuel price estimation for the month in which the calculation is made instead of using the price in month N-2. The mentioned calculation method is to be effective for the Ft calculation as from January 2009 onwards. In addition, the following resolutions are passed:
 - (1) Approval of the retail Ft calculation for collection from power consumers in the billing round of January-April 2009, at 92.55 satang/unit (VAT not included), an increase of 14.85 satang/unit from the Ft of the previous round, which can be divided into the Ft for generation business, transmission system business and distribution system business at 99.07, -2.41 and -4.11 satang/unit, respectively.
 - (2) Approval of the wholesale Ft calculation for collection from the MEA and PEA in the billing round of January-April 2009 (VAT not included), at a rate of 91.82 and 90.62 satang/unit, respectively.
 - (3) Decision to allow EGAT to consider the difference between the Ft derived from calculation and the Ft charged in the billing round of January-April 2009 amounting 47.98 satang/unit, or approximately 20,967 million baht, as accrued income to be collected via the calculation of Ft for the next round.
 - (4) Approval of the implementation under Section 67 of the Energy Industry Act, B.E. 2550 (2007), i.e. a hearing of public opinion on the issue of Ft for the billing round of January-April 2009 is to be undertaken via the OERC website for approximately five days.

Meeting No. 2/2009 (41st), 12 January 2009

1. Consider power tariffs according to the Ft formula to be collected in the round of January-April 2009. The resolution is as follows:

(1) Acknowledge the results of the hearing of public opinion on the issue of Ft as presented by the OERC.

(2) Approve the retail Ft to be collected from power users in the billing round of January-April 2009 at a rate of 92.55 satang/unit (VAT not included), categorizing into the Ft for generation, transmission system and distribution system businesses at 99.07, -2.41 and -4.11 satang/unit, respectively.

(3) Approve the wholesale Ft to be collected from the MEA and PEA in the billing round of January-April 2009 (VAT not included) at a rate of 91.82 and 90.62 satang/unit, respectively.

(4) Authorize EGAT to use the difference between the Ft from calculation and the Ft charged during the January-April 2009 billing at a rate of 47.98 satang/unit, or approximately 20,967 million baht as accrued revenue receivable to be collected via the calculation of Ft for the next round.

2. Consider Thailand Power Development Plan 2008-2021 (PDP 2007: Revision 2) and the resolution is reached agreeing in principle with the adjustment of PDP 2007: Revision 2, thereby reducing power generation in compliance with economic conditions and maintaining the reserve margin at a suitable level of 15%, which will reduce the country's investment burden. In addition, the ERC has the following observations:

(1) There are significant changes in PDP 2007: Revision 2, compared with PDP 2007: Revision 1, i.e. there are several new power projects, such as the new IPP power project at Khanom, Bangpakong Power Plant #7 and new power projects of both EGAT and IPPs.

(2) The share of EGAT's investment in new power plants during 2009-2021 is much higher than that of the private sector, i.e. 15,769 megawatts belongs to EGAT while only 7,600 megawatts belongs to the private sector, which does not promote competition in power production. In addition, the mentioned EGAT's increased power generation capacity will be an investment burden and public debt of the country in the future.

(3) The load forecast used in the revision of Thailand Power Development Plan should be developed in line with economic conditions. Furthermore, power consumption efficiency must be considered, including the demand side management (DSM), in order to obtain suitable load forecast.

Meeting No. 3/2009 (42nd), 6 February 2009

1. Consider the implementation pursuant to the economic relief measures, "Six Measures, Six Months through the crisis for all Thais," and five measures to cut the cost of living, in particular the measure to cut expense on electricity for households using electricity no more than 150 units/month, according to the cabinet resolution of 9 September 2008 which approves the Bureau of Budget to allocate money from the central budget, under the emergency and contingency reserves for the fiscal years 2008, 2009 and 2010, to the MEA and PEA to be disbursed on a monthly basis through the supervisory ministry. However, the PEA continues deferring the expenditures resulting from the implementation of the relief measure for households using no more than 150 units of electricity per month, by not paying EGAT for electricity according to due schedules stipulated in the power purchase agreement, claiming that it has not received allocated money for the "Six Measures, Six Months" initiative. In this connection, EGAT has sent a letter to the Ministry of Energy to seek guidelines to have the PEA act in line with the cabinet resolution by speeding up the disbursement from the Bureau of Budget. Furthermore, should problems arise, government agencies should provide assistance with liquidity so that the money could be used to pay EGAT the due electricity bills under the agreement, together with late payment fines. EGAT has provided a copy of the aforementioned letter to the Chairman of ERC. The ERC considers and acknowledges the issue and assigns the OERC to invite EGAT and the PEA to jointly discuss the matter in order to seek a way for the PEA to act in line with the 9 September 2008 resolution of the cabinet by accelerating the disbursement from the central budget from the Bureau of Budget to pay for due electrical costs and late payment fines to EGAT.

2. Approve the issuance of regulated energy production licenses (renewal) to the following:
 - (1) Pa Daeng Industry Co., Ltd.
 - (2) P.C. Tower and Property (1996) (P.C. Tower)
 - (3) Island Resort Hotel Co., Ltd. (Dusit Island Resort)
 - (4) Suksaen Co., Ltd.
 - (5) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Chiang Mai Branch)
 - (6) Srisangwan Hospital
 - (7) Sriburin Medical Co., Ltd. (Kasemrad Hospital)
 - (8) Siam Makro Plc. (Chiang Mai Branch)
 - (9) Thai Silk Industry Co., Ltd.
 - (10) Thai Silk Industry Co., Ltd.
 - (11) Provincial Waterworks Authority (Chiang Mai Office)
 - (12) Siam Makro Plc. (Chiang Rai Branch)
 - (13) Southern Palm (1978) Co., Ltd.
 - (14) Royal Irrigation Department (Lower Pak Panang River Basin Irrigation and Maintenance Project)
 - (15) Thaksin Siam Co., Ltd. (Siam Center Hotel)
 - (16) Siam Makro Plc. (Nakhon Sawan Branch)
 - (17) Ekachai Distribution Center (Tesco Lotus, Minburi)
 - (18) Silk and Fabric Printing Industry Co., Ltd.
 - (19) Sing Buri Vejchakan Co., Ltd. (Sing Buri Vejchakan Hospital)
3. Approve the issuance of regulated energy production license (new application) to the following:
 - (1) Sufficiency Energy Co., Ltd.
 - (2) Panel Plus Co., Ltd. (Factory 2)
 - (3) Panel Plus Co., Ltd. (Factory 1)
 - (4) Surat Vechakit Co., Ltd. (Thaksin Hospital)
 - (5) Unicord Plc.
 - (6) Bangkok Produce Plc.
 - (7) Chiang Mai Plaza Co., Ltd.
 - (8) Pacific Estate Development Co., Ltd. (Pacific Place One Building)
 - (9) Thonburi Real Estate Co., Ltd. (The Mall Bang Khae)
 - (10) Decha Bio Green Co., Ltd.
 - (11) Green to Energy Co., Ltd.
 - (12) Sab Anan Biomass Co., Ltd.
 - (13) C.Y.Y. Bio Power Co., Ltd.
 - (14) EGAT (South Bangkok Power Plant, Block 3)
 - (15) Savee Palm Oil Industries Co., Ltd.
 - (16) Charoen Pokphand Food Plc.
 - (17) Bua Sommai Power Generation Co., Ltd. (Project 2)
4. Approve the issuance of factory operation for power generation licenses (Factory Category No. 88) to the following:
 - (1) TSM Bio Energy Co., Ltd.
 - (2) Loeng Nok Tha Bio Power Co., Ltd.
 - (3) Jarung and Son Co., Ltd.
5. Approve the energy industry license model as proposed by the OERC, with the assignment for the OERC to improve the font size to be more appropriate. The aforementioned license model is counterfeit preventive and the contents therein include the license type, information about the name and address of the energy industry operation facility, energy industry characteristics and the period of license term.
6. Approve the Draft Memorandum of Understanding (MOU) on Cooperation between the Oregon Public Utility Commission (OPUC) and the ERC. The cooperation will be beneficial to the ERC and OERC in terms of improvement of energy industry regulation, promotion of learning from regulatory experiences of agencies with knowledge and expertise, including coordination with agencies with similar functions, which will enhance organizational development to be a leading organization with efficiency, stability and credibility.
7. Approve the issuance of the following electricity industry licenses to EGAT:
 - (1) 16 electricity generation licenses
 - (2) 5 electricity transmission system licenses
 - (3) 1 electricity retail license
 - (4) 1 electricity system operator license
8. Approve the issuance of the following electricity industry licenses to the MEA:
 - (1) 1 electricity distribution system license
 - (2) 1 electricity retail license
9. Approve the issuance of the following electricity industry licenses to the PEA:
 - (1) 15 electricity generation licenses
 - (2) 4 electricity distribution system licenses
 - (3) 1 electricity retail license

10. Approval of the issuance of the following natural gas industry licenses to PTT:

- (1) Natural gas transportation through transmission pipeline system license
- (2) Natural gas procurement and wholesale license
- (3) Natural gas retail through distribution pipeline system license
- (4) Natural gas storage and transformation of liquid to gas license

11. Consider PTT's natural gas transportation tariff. A resolution is passed approving the outcome of the natural gas transportation tariff calculation, whereby PTT has adjusted projection results in line with the ERC comment, to be charged on service users from 2009 onwards, i.e. at a rate of 21.7665 baht per million BTU (MMBTU), dividing into a fixed cost portion at 20.6553 baht per MMBTU, which comprises Zone 1 rate at 8.5899 baht per MMBTU and Zone 3 rate at 12.0654 baht per MMBTU, and a variable cost portion at 1.1112 baht per MMBTU. Increase in the transportation tariff is allowed when the price of natural gas decreases so as to create minimal impact on users; it is projected that natural gas price will drop in April 2009. In this regard, the OERC is assigned to arrange for a hearing of public opinion, over a period of about three weeks, on natural gas transportation tariff to be collected from users from 2009 onwards.

12. Consider EGAT's terms on connection to an electricity network system, terms on utilization of electricity network system facilities and terms on electricity network system operation for SPPs. Approval is given to the mentioned terms on the three issues, which have been revised in line with the comments of the Sub-committee Regulating Energy Network System and Energy Network System Operator, and announcement is to be made on EGAT's terms on connection to an electricity network system, terms on utilization of electricity network system facilities and terms on electricity network system operation imposed on SPPs.

13. Consider the request to increase solar power purchase from Natural Energy Development Co., Ltd., an SPP generating power from solar energy, from 15 MW to 55 MW. The ERC views that, presently, the government, by the National Energy

Policy Council, being the policy-maker, is the one who sets the "Adder" rates and the power purchase volume from SPPs using renewable energy with a view to promoting power generation from renewable energy. The ERC, being the regulatory agency, will ensure that the implementation is carried out in compliance with the specified framework of power purchase volume and "Adder" provision set by the government. Thus, a resolution is passed to assign the OERC to notify the company of the implementation progress and the focal agency responsible for the setting of "Adder." The ERC also approves, in principle, for the OERC to apply the aforementioned approach to explain to other energy industry operators who may request increase in power purchase amount and "Adder" provision in the future.

14. Consider the request for leniency submitted by D & J Clean Energy System Co., Ltd. (D & J Clean), regarding the requirement of documents to be presented when signing a power purchase agreement (PPA), in the part of copies of documents showing rights to use the land or building which is a power plant, because the company aims to set up 120 power plants, each of which will require 100-120 rais of land [100 rais = 16 hectares], thus making a total of 10,000 - 12,000 rais of land. The company, therefore, would not be able to procure the land within the time frame of 60 days according to the regulation on power purchase from VSPPs. If this time frame is over and the company fails to execute a PPA with the PEA, the company's application to sell power and to connect to the grid system will be revoked. Thus, the company has requested the PEA to delay PPA signing for 30-60 days, starting from the date of receipt of PEA's notification of power purchase acceptance. In this regard, the PEA has preliminarily informed that it has considered the request and notified the company that the PEA agrees to postpone the PPA signing for 60 days, as requested by the company. After considering the matter, the ERC resolves to assign the OERC to coordinate with the PEA to discuss in detail the facts of the matter and guidelines for future implementation in order that the information could be used for the ERC's further consideration.

15. Approve the appointment of four working groups to consider subordinate legislation pursuant to the Energy Industry Act, B.E. 2550 (2007), namely:

- (1) the Working Group on Subordinate Legislation under the Energy Industry Act, B.E. 2550 (2007), Division 5;
- (2) the Working Group on Subordinate Legislation under the Energy Industry Act, B.E. 2550 (2007), Division 3;
- (3) the Working Group on Subordinate Legislation under the Energy Industry Act, B.E. 2550 (2007), Pertaining to Economics and Finance; and
- (4) the Working Group on Subordinate Legislation under the Energy Industry Act, B.E. 2550 (2007), Pertaining to the Power Development Fund and Regional Energy Consumer Committee.

Meeting No. 4/2009 (43rd), 18 February 2009

1. Approve the following electricity industry licenses to EGAT:
 - (1) 25 electricity generation licenses
 - (2) 5 electricity transmission system licenses
 - (3) 1 electricity retail license
 - (4) 1 electricity system control license
 - (5) Electricity generation licenses for power plants decommissioned in 2009, namely, Lan Krabue, Nong Chok, and Surat Thani power plants, to serve as emergency standby, as required by the electricity system operator.
2. Approval is given to the PEA to pay for electricity industry operation fees in four installments, i.e. 1st installment: 27,854,090.20 baht, payable by 18 February 2009; 2nd installment: 27,506,340.20 baht, payable by 18 March 2009; 3rd installment: 27,506,340.20 baht, payable by 18 April 2009; and 4th installment: 27,506,357.32 baht (including VAT), payable by 18 May 2009.
3. Consider the explanation by the Committee Reviewing Thailand Power Development Plan in response to the ERC observations on the PDP 2007 (Revision 2). The explanation can be summarized as follows: (1) the power purchase volume from new projects under the PDP 2007 (Revision 2) is 4,855.5 MW lower than that under the PDP 2007 (Revision 1) as a result of the cancellation of power purchases from abroad at 9,127.0 MW, whereas additional power purchases have been made from new EGAT, IPP and SPP power projects amounting to 4,271.5 MW; (2) power purchase volumes from new EGAT

and IPP power projects will increase at a similar rate at the end of the plan in 2021, with EGAT's volume increasing by 2,254.0 MW, or 16.7% change, and IPP's increasing by 1,800.0 MW, or 31% change, and EGAT is assigned to develop more power projects by constructing new power plants and those replacing EGAT's old power plants removed from the system; and (3) in developing the load forecast, since the March 2007 version, energy conservation measures and demand side management (DSM) have been included as assumptions in the projection so that the forecast would be in line with economic conditions, and review will be conducted annually. Following the consideration, the ERC assigns the OERC to inform the Committee, in writing, that PDP 2007 (Revision 2) is deemed suitable and consistent with new economic trend projection for 2009-2010, during which the growth rate will be significantly slowed down.

Meeting No. 5/2009 (44th), 23 February 2009

1. Approve the issuance of a factory operation for power generation license (Factory Category No. 88) to KI Biogas Co., Ltd.
2. Consider and approve, in principle, the following drafts of the ERC proclamations, for the benefit of energy industry regulation:
 - (1) Draft Proclamation of the ERC on Criteria for an Appointment and Execution Procedures of the Committee on Land and Property Price, B.E.
 - (2) Draft Proclamation of the ERC on Criteria, Procedures and Conditions of Determination and Payment of Compensation, B.E.
 - (3) Draft Proclamation of the ERC on Criteria, Procedures and Conditions for Transfer of Rights under an Energy Industry License, B.E.
 - (4) Draft Proclamation of the ERC on Demarcation of the Energy Network System Area and Notification to Owner or Occupier of Immovable Property or Other Right Holders, B.E., by assigning the OERC to arrange a hearing on the mentioned draft via the OERC computer network system for fifteen days and present the feedback to the ERC for further consideration.

3. Consider the manual for account separation between the electricity distribution system business and electricity retail and services business of the Distribution Utilities. Approval is given to the said manual of the MEA and the PEA for account separation implementation in 2008. However, the Utilities must explore the approach for improving the manual for account separation in compliance with the license categories received for account separation implementation in 2009.

4. Approve the guidelines on license granting for sugar factory operators, as proposed by the OERC. In considering energy industry licensing in the case of a sugar factory wishing to produce electricity for sale with a capacity of 10.0 MW and up, the applicant requesting an energy industry license must also submit for consideration the EIA report of the power plant which must be approved by the Office of Natural Resources and Environmental Policy and Planning. This is to assure that consideration of the energy industry licensing in such a case will comply with the ERC Regulation on Application for License and Permission for Energy Industry Operation (2008), and that there will be no conflicts with other related laws.

Meeting No. 6/2009 (45th), 3 March 2009

The Committee Reviewing Thailand Power Development Plan has presented the issues concerning PDP 2007 (Revision 2), which has been revised according to the comments obtained from a workshop, to the ERC for consideration and comments to be presented to the NEPC for further consideration. Having considered the matter, the ERC passes a resolution approving the response to the Committee's letter, providing comments, which can be summarized as follows:

The amendment made to the PDP is aimed at making the plan more suitable and consistent with the revised projection of economic trends in 2009-2010 which reflects rapid slowdown, while remaining compliant with the original ceiling of generating capacity. The revision is, therefore, in the interests of the country as a whole. With regard to the network system expansion plan stipulated in the PDP 2007, the plan still follows the initial scope, which is consistent with the number of power plants

to be constructed under the approved PDP and which has been adjusted to correspond with the decrease in power purchase from foreign countries and the development of new EGAT, IPP and SPP power plants. The consideration of a network system expansion plan will be undertaken when the concerned energy industry licensee has prepared a network system expansion plan with clear routing boundaries and project implementation areas, including power plant locations, and the plan will be further presented to the ERC for consideration.

Meeting No. 7/2009 (46th), 6 March 2009

Approve the extension period for filing applications for a license for energy industry operators eligible for an exemption from license requirement for additional 90 days, starting from 9 March 2009 to 7 June 2009 (while waiting for the enforcement of the Royal Decree on Determination of Categories, Capacities and Characteristics of Energy Industry Exempt from License Requirement, B.E. ...)

Meeting No. 8/2009 (47th), 13 March 2009

1. Approve the issuance of electricity generation licenses for installed generation capacity not exceeding 10 MW to the following:

- (1) Decha Bio Green Co., Ltd.
- (2) Siam Energy Trade Co., Ltd.
- (3) Jarung and Son Co., Ltd.
- (4) Sabanan Biomass Co., Ltd.

2. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) H.C. Stark Co., Ltd.
- (2) Bangkok Solar Power Co., Ltd.
- (3) V & P Power Plant Co., Ltd.
- (4) Pacific Estate Development Co., Ltd.
- (5) TCC Hotel Collection Co., Ltd. (Imperial Queen's Park Hotel)
- (6) Blue Fire Bio Co., Ltd.
- (7) Combined Heat and Power Producing Co., Ltd.
- (8) C. Gigantic Carbon Co., Ltd.

3. Approve the issuance of regulated energy production licenses (renewal and capacity expansion) to the following:

- (1) Natural Palm Oil Co., Ltd.
- (2) World Quality Co., Ltd.
- (3) Trang Palm Oil Co., Ltd.

4. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Srinakarin Branch)
- (2) Siam Riso Wood Product Co., Ltd.
- (3) Nonthavej Hospital Plc.
- (4) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Nongkhai Branch)
- (5) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Ayutthaya Branch)
- (6) Bangkok Produce Plc.
- (7) Siam Pattern Glass Co., Ltd.
- (8) B.P. Real Estate Co., Ltd. (B.P. Grand Tower Hotel)
- (9) Siam Pattern Glass Co., Ltd.
- (10) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Phuket Branch)
- (11) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Rama IV Branch)
- (12) Holiday Villages (Thailand) Co., Ltd. (Club Med Hotel)
- (13) Thai Central Chemical Plc.
- (14) Bangkok Ratchasima Hospital Co., Ltd.
- (15) Thai Asset Fund 1 (Bangkok City Tower)
- (16) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Bangkhae Branch)
- (17) Beerthip Brewery (1991) Co., Ltd.
- (18) TIPCO Foods (Thailand) Plc.
- (19) Bangkok Hospital Phrapradaeng Co., Ltd. (Bangkok Hospital Phrapradaeng)
- (20) Kumphawapi Sugar Co., Ltd.
- (21) Electro Ceramics (Thailand) Co., Ltd.
- (22) Hutchison Multimedia Service (Thailand) Co., Ltd. (Mahanakorn Gypsum Building)
- (23) I.S.A. Value Co., Ltd. (Samphran)
- (24) Big C Supercenter Plc. (Petchburi Branch)
- (25) Big C Supercenter Plc. (Suksawad Branch)

(26) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Mahachai Branch)

- (27) Buayai Hospital
- (28) Somdet Phra Phuttha Loetla Hospital
- (29) Siam Arun Property Co., Ltd.
- (30) Big C Supercenter Plc (Rat Burana Branch)
- (31) Sita Telecom
- (32) Siam Makro Plc.
- (33) Thai Merry Co., Ltd.
- (34) Punjab Development Co., Ltd. (Orchid Tower)
- (35) Plaza Athenee Hotel (Thailand) Co., Ltd. (Plaza Athenee Hotel, Bangkok)
- (36) Lucky Foods (Thailand) Co., Ltd.
- (37) CAT Telecom Plc., Chalie 2 Submarine Cable Station
- (38) Siam Cement Group (Lampang) Co., Ltd.
- (39) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Ramintra Branch)
- (40) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Sukhumvit 50 Branch)
- (41) Thai Merry Co., Ltd. (Branch 3)
- (42) Saraburi Sugar Co., Ltd.
- (43) Unicord Plc.
- (44) Thai Silk Industry Co., Ltd. (Weaving Factory)
- (45) Thai Silk Industry Co., Ltd. (Dying Factory)
- (46) Sura Bangyikhan Co., Ltd.
- (47) Trang Vejchakit Co., Ltd. (Tranguampat Hospital)
- (48) Siam Steel 2001 Co., Ltd.

5. Consider views and comments obtained from the hearing of stakeholders on various ERC's proclamations, and the following resolutions are reached:

(1) Approval of the Draft Proclamation of the ERC on Criteria for an Appointment and Execution Procedures of the Committee on Land and Property Price, B.E.....

(2) Approval of the original Draft Proclamation of the ERC on Criteria, Procedures and Conditions of Determination and Payment of Compensation, B.E.....

(3) Assignment for the OERC to amend the Draft Proclamation of the ERC on Demarcation of the Energy Network System Area and Notification to Owners or Occupier of Immovable Property or Other Right Holder in line with the hearing outcome, i.e. making

amendments to the part concerning the placing of boundary stakes along public roads, or where it may obstruct traffic, the announcement on demarcation of the right-of-way for an energy network system through local newspapers, and details about the size of pipe of the natural gas pipeline network.

(4) Approval of the amendment to the provision in Article 4 of the Draft Proclamation of the ERC on Criteria, Procedures and Conditions for Transfer of Rights under an Energy Industry License, B.E., by adding one additional license type, i.e. an electricity distribution system license, of which a licensee can request ERC's approval to the transfer of rights subject to the hearing of public opinion.

6. The National Economic and Social Development Board (NESDB) has sent a letter to the ERC requesting an opinion on power tariff reduction for the industrial sector, as proposed by the Federation of Thai Industries (FTI), for consideration by the Department of Industrial Works and the Council of Economic Ministers. The ERC has considered the matter and holds the view that the adjustment of power tariff by the Ft formula has given much consideration to impacts and financial burden on the people and the industrial sector. Thus, the ERC has approved the increase in Ft for the billing round of January-April 2009 by 14.85 satang/unit, which is still lower than the Ft derived from calculation at 47.98 satang/unit. This has caused a financial burden on EGAT, which is considered as accrued revenue receivable; as at April 2009, this accrued revenue amounted to 20,679 million baht. In other words, as a government agency, EGAT has absorbed the increased power generation cost on behalf of the people and the industrial sector to a certain extent. However, the ERC will take FTI's proposal into consideration of the Ft for the next round.

7. The Office of the Auditor General (OAG) has examined the evidence on power tariff calculations according to the Ft formula based on the actual fuel costs and power purchase costs in 2008. In this regard, the OAG would like the ERC to certify that EGAT's 2009 accrued revenue receivable resulting from the Ft adjustment, amounting to 19,565,606,207.40 baht, is genuinely the accrued revenue receivable in 2008 and that the accumulated difference in Ft charged will be collected until the complete amount is paid back. In this connection,

EGAT has requested the ERC to guarantee that EGAT will be authorized to collect the aforementioned accrued Ft no later than 2010 without writing it off as bad debt. After consideration, the ERC sees that EGAT's proposal may hinder the flexibility for ERC's work execution, thus the OERC prepares a draft letter to EGAT to inform, in summary, that "the ERC certifies that the accrued Ft receivable at the amount of about 19,565,606,207.40 baht is EGAT's 2008 accrued revenue receivable, and consideration will be made by the ERC to gradually and completely give the amount back to EGAT through the process of Ft consideration, without writing it off as bad debt for accrued liabilities." Having considered the draft letter, the ERC assigns the OERC to coordinate with EGAT to check out whether or not the draft certification letter corresponds with the OAG's requirement.

8. Consider the preparation and signing of a supplement to the power purchase agreement (PPA) between EGAT and National Power Supply Co., Ltd., and it is opined that the supplement must be prepared and signed so that EGAT could perform its duty of constructing new transmission facilities (NTF), and this is to adhere to the same standard used for the case of Siam Energy Co., Ltd. and Power Generation Supply Co., Ltd. A resolution is passed concurring with the opinion of the Sub-committee on Evaluation and Selection of Power Purchase Proposals from Private Power Producers of 17 December 2008, i.e. if EGAT needs to construct the NTF before the PPA is legally effective, it will be deemed fit that EGAT should be able to prepare and sign the supplement to the PPA with National Power Supply Co., Ltd. so that the NTF could be completed on time.

9. Consider the objections and comments on PDP 2007 of the Network Monitoring the Impacts of Coal-fired Power Plant Projects, Khao Hin Sorn Sub-district; Phanom Sarakham District Network Protecting the Environment; the Sanam Chai Khet District Green Energy Network and the Network for the Conservation of Agricultural Practices. A resolution is passed to respond to the complainants' grievance and to publicize the ERC's opinion via the OERC's website. Should there be future complaints on the same ground, the complainants can be referred to the ERC's opinion on the website.

10. Consider the clarification to ERC's queries provided by the Department of Public Works and Town & Country Planning regarding the ERC's jurisdiction under Section 48 of the Energy Industry Act, B.E. 2550 (2007), related to the law on city planning. The ERC passes a resolution to adhere to the implementation guidelines pursuant to Section 48 of the Energy Industry Act, B.E. 2550, i.e. when the Department of Public Works and Town & Country Planning has notified the ERC of its comment not to grant permission, and when the ERC has accordingly issued an order not approving the undertaking [under Section 48], a notification of the rights to appeal shall be made, indicating that the appeal must be sent to the ERC and the ERC will be the party considering the appeal. In the case of amendment or revision to, or cancellation of terms on land usage, stakeholders must file a petition with the Town and Country Planning Board and must file an appeal with the Appeal Committee under Sections 70 and 72 of the Town and Country Planning Act, B.E. 2518 (1975), as the permission is not granted by virtue of Section 48 of the Energy Industry Act and thus the issue is not under the jurisdiction of the ERC. The OERC has then been assigned to take the aforementioned consultation and comments into consideration when setting the procedures of energy industry licensing.

11. Approve the setting of indicators for account separation as the criteria for assessing the 2009 performance of EGAT, MEA and PEA, by assigning the OERC to coordinate with TRIS Corporation Limited to further take relevant actions.

Meeting No. 9/2009 (48th), 25 March 2009

1. Approval is given to the OERC to submit the following information to the Senate Standing Committee on Corruption Investigation and Good Governance Promotion:

- (1) Details on pipe maintenance costs so as to extend the pipe lifespan;
- (2) Background (CV) of consultants;
- (3) Consultant's report providing opinions on the revised calculation of PTT's natural gas transportation service tariff [Revised Draft Report Economic Regulatory Framework Component]; and
- (4) Details of the length of each pipeline.

2. Acknowledge the public consultation results on the tariff adjustment of PTT's natural gas transmission pipeline services and approve the pipeline tariff adjustment as proposed by PTT, i.e. the tariff for the fixed costs will be at a rate of 20.6553 baht/MMBTU, divided into the tariff for off-shore transmission pipeline to Rayong (Zone 1) at 8.5899 baht/MMBTU and that for onshore transmission pipeline (Zone 3) at 12.0654 baht/MMBTU, and the tariff for the variable costs at a rate of 1.1112 baht/MMBTU. The revised natural gas transmission pipeline tariff will be effective as from 1 April 2009 onwards.

3. Approve the issuance of a letter of certification to assure the accrued revenue receivable of EGAT, according to the Ft calculation, to the OAG to use as account auditing data.

4. Approve the issuance of a factory operation for power generation license (Factory Category No. 88) to Green to Energy Co., Ltd.

5. Approve the issuance of electricity generation licenses to the following:

- (1) Natural Palm Oil Co., Ltd.
- (2) Green to Energy Co., Ltd.
- (3) Bua Sommai Power Generation Co., Ltd.
- (4) Bangkok Solar Power Co., Ltd.
- (5) Prachuab Industry Co., Ltd.

6. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Advance Agro Plc.
- (2) S.P.O. Agro Industries Co., Ltd.
- (3) Mae Sod Clean Energy Co., Ltd.
- (4) Suwadee Power Generation Limited Partnership

7. Approve the issuance of a regulated energy production license (capacity expansion) to Bangchak Petroleum Plc. (Bangchak Refinery).

8. Approve the issuance of regulated energy production licenses (renewal and capacity expansion) to the following:

- (1) Siam Makro Plc.
- (2) Sri Charoen Palm Oil Co., Ltd.
- (3) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Rama I Branch)

9. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Saharuang Co., Ltd.
- (2) General Starch Co., Ltd.
- (3) Thai Polymer Textile Co., Ltd.
- (4) TOT Plc.
- (5) Dole Thailand Co., Ltd. (Chumphon Branch)
- (6) Thai Polypropylene Co., Ltd.
- (7) Thai Polyethylene Co., Ltd.
- (8) Thai Polypropylene (1994) Co., Ltd.
- (9) Wang Kanai Sugar Group Co., Ltd.
- (10) Thai Polyethylene Co., Ltd.
- (11) Cholburi Sugar and Trading Co., Ltd.
- (12) Advance Agro Plc.
- (13) Cosmos Brewery (Thailand) Co., Ltd.
- (14) Rayong Sugar Co., Ltd.
- (15) Saha Cogen (Chonburi) Co., Ltd.
- (16) Ratchaburi Electricity Generating Co., Ltd.
- (17) Ratchaburi Electricity Generating Co., Ltd. (Ratchaburi Thermal Power Plant)
- (18) Star Petroleum Refining Co., Ltd. (Industrial Port, Map Ta Phut Industrial Estate)
- (19) Kosit Hill Co., Ltd. (Kosit Hill Hotel)
- (20) Uttaradit S.T. Trading Co., Ltd. (Friday Hotel)
- (21) Golden Grand Hotel Co., Ltd. (Golden Grand Hotel)
- (22) Centaco Farm Co., Ltd.

Meeting No. 10/2009 (49th), 2 April 2009

1. Approve the issuance of a regulated energy production license (new application) to Chantaburi Starch Power Co., Ltd.

2. Approve the issuance of regulated energy production licenses (capacity expansion) to the following:

- (1) Univanich Palm Oil Plc. (Plai Phraya Branch)
- (2) Univanich Palm Oil Plc.
- (3) Thai Glass Industries Plc.

3. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) District Cooling System and Power Plant Co., Ltd. (DCAP)
- (2) Thai Union Paper Product Plc.
- (3) Promsuk Condominium Juristic Person

4. Approve the use of the Regulations on Power Purchase from SPPs, B.E. 2550 (2007), approved by the NEPC on 9 April 2007, as the scope for purchasing power from SPPs, together with the issuance of an announcement to amend the terms and conditions in the said Regulations to comply with the provisions of the Energy Industry Act, B.E. 2550 (2007).

5. Consider the complaint filed by Mrs. Patcharin Tassanapayak on the issue of infringement upon her right on the land covered by the transmission line right-of-way. A resolution is passed that the complaint filed by the complainant is not within the ERC jurisdiction. The OERC is assigned to respond, in writing, to Mrs. Patcharin Tassanapayak's complaint to inform her of the result of the ERC consideration.

6. Consider the appeal against the amount of compensation for the property affected by a transmission line right-of-way, lodged by Mrs. Somsamai Phothong and Mrs. Walailuck Ruangjan. However, since there is still no definitive directive about appeal deliberation, whether it should be under the ERC's or EGAT's jurisdiction, for a case where an appeal was lodged while EGAT was still waiting for a license, the ERC then assigns the OERC to consult with the Office of the Council of State on the legal issues under Sections 146 and 147 to determine whether the ERC or EGAT has the authority to consider the appeal during the period when EGAT was waiting for a license under the Energy Industry Act, B.E. 2550 (2007).

7. Assign the OERC to draft ERC Orders on the Appointment of a Sub-committee on Deliberation of Appeals on an Energy Network System Area and a Sub-committee on Deliberation of Compensation in order that the appeal consideration of immovable property usage for the energy industry operation would be efficient, clear and fair in accordance with the intention and objectives of the Energy Industry Act, B.E.2550 (2007).

8. Consider the opinions provided by the National Human Rights Commission of Thailand (NHRC) about EGAT's violation of human rights of the inhabitants of Nongpai and Soephloe Sub-districts in Udon Thani Province, caused by the Nampong 2 – Udon Thani 3 high-voltage transmission line construction project, and assigned the OERC to send a letter to the NHRC informing that the ERC has acknowledged the provided policy recommendation.

9. Approve, in principle, the Draft Royal Decree Establishing a Government Agency pursuant to the Act on Liability for Wrongful Acts of Officials, B.E. 2539 (1996) (No....), B.E....., and assign the OERC to send the aforementioned draft, together with a memorandum on the principles and rationale [for establishing the OERC as a government agency] and a memorandum outlining the analysis of the Draft, to the Minister of Energy for further presentation to the cabinet for further consideration.

10. Consider the request of SLR 2000 Co., Ltd. for permission to construct buildings on the land in a high-voltage transmission line boundary and view that the ERC has no jurisdiction in cases of this kind. Hence, the OERC is assigned to refer the matter to EGAT for further consideration and to notify SLR 2000 Co., Ltd. that the aforementioned matter is not under the ERC's jurisdiction.

11. Approve the Draft Proclamation of the ERC on Criteria for an Appointment and Execution Procedures of the Committee on Land and Property Price, B.E....., and the Draft Proclamation of the ERC on Criteria, Procedures and Conditions of Determination and Payment of Compensation, B.E....., and assign the OERC the task of sending the aforementioned drafts for publication in the Government Gazette.

Meeting No. 11/2009 (50th), 23 April 2009

1. Due to the fact that persons seeking to operate energy business within the boundary of the Industrial Estate Authority of Thailand (IEAT) have filed requests with the OERC for permission to construct buildings, use the land and operate energy businesses, the OERC has undertaken preliminary assessment and has found that the aforementioned requests are actually for licenses to build structures for the projects. Furthermore, pursuant to Section 48 of the Energy Industry Act, B.E. 2550 (2007), it is not designated as the ERC's authority to grant permission for the construction or establishment of plants for energy industry operation on the property of IEAT. Having considered the issue, the ERC passes a resolution to wait for a decision from the Office of the Council of State to determine whether the granting of permission to build factories for energy industry operation under Section 48 of the Energy Industry Act, B.E. 2550 (2007) on

the IEAT's property is within the powers of the ERC or the IEAT.

2. Consider the office administration and pass the resolution on the following matters:

(1) Approval of the OERC's 2009 budgetary amendments;

(2) Approval, in principle, of the Draft OERC Regulations on Support for Activities that Promote and Enhance Work Execution of the ERC and OERC, B.E.....;

(3) Approval, in principle, of the capping on an expenditure budget earmarked as a subsidization budget for activities promoting ERC and OERC work in each fiscal year at no more than 1% of the estimated revenue to be received in that given year; and

(4) Approval of the transfer of the capital budget under the OERC's expenditure budget in the Fiscal Year 2009 to be the subsidy budget.

Meeting No. 12/2009 (51st), 30 April 2009

1. Approve the report on Ft factor calculation for the months of November 2008-February 2009 to be used as data for consideration of Ft adjustment for the billing round of May-August 2009.

2. Approve the calculation of the retail Ft to be collected from power users in the billing round of May-August 2009, at a rate of 92.55 satang/unit (VAT not included), divided into the Ft for generation, transmission system and distribution system businesses at 99.07, -2.41 and -4.11 satang/unit, respectively; and approve the wholesale Ft calculation result to be collected from the MEA and PEA for May-August 2009 billing (VAT not included) at a rate of 92.34 and 91.51 satang/unit, respectively. In addition, it is agreed that EGAT carry over the difference between the Ft derived from calculation and the Ft charged in the round of May-August 2009, i.e. 50.87 satang/unit, or approximately 19,136 million baht, as accrued income to be collected through the calculation of Ft in the next round. Approval is also granted for the implementation according to Section 67 of the Energy Industry Act of 2007 by organizing a public consultation on the Ft for collection in the round of May-August 2009 via the OERC website.

Meeting No. 13/2009 (52nd) Meeting, 12 May 2009

1. Acknowledge the results obtained from the public consultation on the revised electricity tariff according to the Ft formula for the May-August 2009 billing round and approve the retail Ft to be collected from power users in the billing round of May-August 2009, at a rate of 92.55 satang/unit (VAT not included), divided into the Ft for generation, transmission system and distribution system businesses at a rate of 99.07, -2.41 and -4.11 satang/unit, respectively. Also approved is the wholesale Ft for billing the MEA and PEA for the round of May-August 2009 (VAT not included) at 92.34 and 91.51 satang/unit, respectively.

2. Approve the (Draft) ERC Regulation on Power Purchase from SPPs, by assigning the OERC to publicize and carry out public consultation on the Draft Regulation via the OERC website for one week, and present the opinions obtained to the ERC for further consideration. Furthermore, the ERC deems it appropriate that the regulations on power purchase issued by the three power utilities remain effective until the regulation and criteria for power procurement are issued by the ERC.

3. Approve, in principle, the revision of all three draft models of power purchase agreement (PPA) for SPPs with firm contracts to be in compliance with the Energy Industry Act, B.E. 2550 (2007), and the (Draft) ERC Regulation on Power Purchase from SPPs, B.E., and assign EGAT to speed up discussions with the Association of Private Power Producers to reach a conclusion so as to proceed with the revision of draft model of PPA for SPPs using the cogeneration system, with firm contracts, to correspond with the changing context of related laws and present to the ERC for consideration before using the PPAs in negotiating and signing PPAs with SPPs and to use of the draft model of PPA under a firm contract for SPPs using renewable energy with supplementary fuel (Khor. 2) and the draft model of PPA under a firm contract for SPPs using renewable energy without supplementary fuel (Khor.1 and Khor. 3) as a framework for negotiating and signing PPAs with SPPs.

4. Approve the issuance of electricity generation licenses to the following:

(1) PJT Technology Co., Ltd.

(2) Thung Song Alternative Power Plant Co., Ltd. and approval is also given to the issuance of an electricity generation license, an electricity distribution system license and an electricity retail license to Sime LCP Power Co., Ltd.

5. Approve the issuance of regulated energy production licenses (new application) to the following:

(1) PTT Plc.

(2) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Sing Buri Branch)

(3) F & N Dairies (Thailand) Co., Ltd.

(4) Bangkok Solar Power Co., Ltd. (Chachoengsao 1)

(5) Pitak Palm Oil Co., Ltd.

(6) TOT Plc.

6. Approve the issuance of regulated energy production licenses (renewal) to the following:

(1) Thai Glass Industries Plc.

(2) Big C Supercenter Plc.

(3) Mae Klong Hospital Co., Ltd. (Mae Klong Hospital 2)

(4) Rajyindee Hospital Co., Ltd. Plc.

(5) TOT Plc. (Songkhla Switching Node)

(6) Thai Charoen Feeds Co., Ltd.

(7) Songkhla Marine Products Co., Ltd.

(8) Auto Alliance (Thailand) Co., Ltd.

7. Approve the use of land price as proposed by the Committees on Land and Property Price for Khon Kaen, Udon Thani, Nongbualampu and Loei provinces and the setting of compensation rates for land by using the criteria of compensation payment stipulated in the Proclamation of the ERC on Criteria, Procedures and Conditions of Determination and Payment of Compensation, B.E. 2552 (2009).

8. Approve the Draft OERC Regulation on OERC Information, B.E., and the Draft OERC Announcement on Fee Collection for a Request for a Copy or Certified Copy of Official Information, B.E., by assigning the OERC to carry out necessary steps to have the aforementioned drafts publicized in the Government Gazette.

9. Approve the Draft Proclamation of the ERC on Identification Cards of Competent Officials in accordance with the Energy Industry Act, B.E. 2550 (2007), and the Draft Proclamation

of the ERC on Criteria of Performance of Competent Officials in accordance with the Energy Industry Act, B.E. 2550 (2007), and assign the OERC to arrange for public consultation on the aforementioned draft proclamations via the OERC's computer network for a period of seven days.

10. Approve the hiring of a consultant for the project on energy tariff regulation to create fairness by using the selection method through international bidding and agree that the principles and scope of work (Terms of Reference: TOR) of the mentioned project should be discussed with EPPO to get a conclusion about the guidelines and TOR for the project implementation before opening for a hearing via the OERC website for one week so that the feedback could be used to improve the TOR to be more appropriate. In the event that there is no significant change in the key contents which will affect the specified objectives and goals, the OERC is to proceed with the hiring of a consultant, using the aforementioned TOR. Also approved is the use of EGAT's foreign consultant hiring contract as a framework for preparing contract details for the consultant hiring.

Meeting No. 14/2009 (53rd), 19 May 2009

Consideration is made on the issues related to permission to construct, renovate or demolish power plant buildings in the area of the IEAT under Section 39 bis of the law on building control. However, this case involves energy industry operations conducted in the IEAT compound, which is pending for a ruling by the Office of the Council of State regarding the jurisdiction for granting permission to construct building. If the Office of the Council of State issues a ruling that the ERC is the party with authority to grant permission, the ERC will then further consider granting permission for cases of this kind. The OERC is thus assigned to notify concerned companies on this matter.

Meeting No. 15/2009 (54th), 20 May 2009

1. Consideration is made on the implementation in compliance with the cabinet resolution dated 24 March 2009, which assigned EPPO as the focal agency on the development of a natural gas procurement plan to be in line with the PDP 2007 (Revision 2),

with PTT's support in terms of data provision and undertaking of related actions, for presentation to the NEPC. Consideration is also made on the implementation of power purchase with "Adder" provision, the amount of which can exceed the target volume set in the 15-year Renewable Energy Development Plan, so long as it does not affect the Ft. A resolution is then passed, acknowledging the work progress pursuant to the aforesaid cabinet resolution, together with the approval, in principle, the idea of setting a sub-committee regulating power purchase from private power producers in order to regulate and follow up on work related to power purchase from private power producers as a whole. In addition, the Working Group Regulating Power Purchase from Small Power Producers is assigned the task of regulating power purchases in compliance with the policy promoting power generation from renewable energy for the time being until the mentioned Sub-committee Regulating Power Purchase from Private Power Producers is appointed.

2. Approve the PPA negotiation results between EGAT and National Power Supply Co., Ltd., in the technical aspects. Furthermore, advice has been given to EGAT to revise Schedule 24 (Required Governmental Approvals) to be in line with the type of license to be received from the ERC.

3. Consider the amendment to the PPA and Supplementary Agreement between EGAT and Siam Energy Co., Ltd., and deem it appropriate that EGAT and Siam Energy Co., Ltd., being the contract parties, should jointly consider the amendment to the PPA and Supplementary Agreement and report the results to the ERC.

4. Acknowledge EGAT's consideration and reasons for the setting of scheduled commercial operation date (SCOD) of 19 cogeneration SPPs.

5. Approve the draft model of PPA for power purchase from SPPs, holding a firm contract and using the cogeneration system, as amended by EGAT according to the ERC's comments to be in compliance with the changing context of related laws and pursuant to the issues resolved with the Association of Private Power Producers, as proposed by EGAT on 26 May 2009; EGAT is to use the model in negotiating and signing PPAs with the 19 SPPs. Furthermore, it is deemed fit for EGAT

to use the draft model of PPA for SPPs with firm contracts, using cogeneration system, as the framework for revising the draft model of PPA under a firm contract with SPPs using renewable energy with supplementary fuel and the draft model of PPA under a firm contract with SPPs using renewable energy without supplementary fuel to assure their greater compliance with the legal context and to use the revised models in PPA negotiating and signing.

6. Consider the request for leniency on the requirements in relation to connecting points and transmission lines, submitted by Sime LCP Power Co., Ltd. It is resolved that approval should not be granted because the mentioned request does not correspond with the Regulations on Power Purchase from SPPs, B.E. 2550 (2007).

7. Consider the proposal to increase the power purchase volume by TRC Construction Plc. – an SPP using cogeneration system – and pass a resolution to decline the proposal, given the fact that the NEPC has already issued a resolution for EGAT to stop receiving proposals to sell power from SPPs using cogeneration system as from 31 August 2007 onwards. Furthermore, the PDP 2007 (Revision 2) has already set the power purchase volume from SPPs using cogeneration system during 2010-2014 at the amount of energy to be supplied by the 19 SPPs selected by the Ministry of Energy.

8. Approve the issuance of factory operation licenses (Factory Category No. 88) to the following:

- (1) EH & P Renewable Co., Ltd.
- (2) K.S. Bio-Plus Co., Ltd.

9. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Mr. Lek Attahakul
- (2) TSM Bio Energy Co., Ltd.
- (3) Thai-Indo Palm Oil Factory Co., Ltd.

10. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Murata Electronics (Thailand) Co., Ltd.
- (2) Advanced Info Service Plc.
- (3) N.D.S 34 Co., Ltd.

11. Consider the objection to the path of EGAT's 230-kV Ratchaburi 3-Samut Sakhon 4 transmission line and pass a resolution that Mr. Sombat Leusukprasert is the party eligible to file an appeal; however, the period for filing appeal with the

ERC has been over. It is also viewed that the announcement determining the right-of-way of EGAT's 230-kV Ratchaburi 3-Samut Sakhon 4 transmission line is legitimate and that EGAT's selected and announced transmission system right-of-way is suitable. In order to ease Mr. Sombat Leusukprasert's distress, the ERC concurs with the adjustment of the transmission line path, by letting Mr. Sombat Leusukprasert discuss this matter with landowners who would be affected more if the path is relocated, with EGAT acting as the negotiation coordinator. If the negotiations with persons to be affected by the path relocation are successful, a letter of consent will be required from the affected persons thereof. If an agreement cannot be reached, the original transmission line path will be affirmed.

12. Consider the query on eligibility to receive compensation from the Power Development Fund in the case where a power plant is situated within the compound of Sattahip Naval Base. The ERC's view is that, according to the provisions of the Energy Industry Act, B.E. 2550 (2007), any community within the area affected by power plant operations will be beneficiaries of the Power Development Fund.

Meeting No. 16/2009 (55th), 11 June 2009

1. Approve the implementation framework for development of the operational plan, expenditure budget and revenue estimate, including the plan to set fees and any other benefit to be obtained from the OERC's operation for the fiscal year 2010.

2. Approve the issuance of factory operation licenses (Factory Category No. 88) to the following:

- (1) Trang Palm Oil Co., Ltd.
- (2) Sangsiri Agro-Industry Co., Ltd.

3. Approve the issuance of electricity generation licenses to the following:

- (1) Khanom Electricity Generating Co., Ltd.
- (2) Ratchaburi Electricity Generating Co., Ltd.
- (3) Rayong Electricity Generating Co., Ltd.
- (4) Independent Power (Thailand) Co., Ltd.
- (5) Tri Energy Co., Ltd.
- (6) Glow IPP Co., Ltd.
- (7) BLCP Power Co., Ltd.
- (8) Eastern Power and Electric Co., Ltd.
- (9) Gulf Power Generation Co., Ltd.
- (10) Ratchaburi Power Co., Ltd.

- (11) Trang Palm Oil Co., Ltd.
- (12) Sangsiri Agro-Industry Co., Ltd.
4. Approve the issuance of regulated energy production licenses (new application) to the following:
- (1) Thai Containers Saraburi Co., Ltd.
 - (2) TPI Polene Power Co., Ltd.
 - (3) Lum Soong (Thailand) Plc.
 - (4) Ajinomoto Betagro Frozen Foods (Thailand) Co., Ltd.
5. Approve the issuance of regulated energy production licenses (capacity expansion) to the following:
- (1) Tha Chana Palm Oil Co., Ltd.
 - (2) United Palm Oil Industry Plc.
6. Approve the issuance of a regulated energy production license (renewal and capacity expansion) to Ocean Glass Plc.
7. Approve the issuance of regulated energy production licenses (renewal) to the following:
- (1) Shell (Thailand) Co., Ltd. (Samut Songkhram Terminal)
 - (2) Felix River Kwai Resort (Kanchanaburi) Co., Ltd.
 - (3) Thai Parkerizing Co., Ltd.
 - (4) Bank of Ayudhya Co., Ltd.
 - (5) Isuzu Motor (Thailand) Co., Ltd.
 - (6) TTL Industry Plc.
8. Approve the notification form for energy industry operation exempt from license application (Form OERC 02-01) and the form of receipt of notification of energy industry operation exempt from license application (Form OERC 02-02). Furthermore, the OERC is assigned the task of making improvements by adding documents to be submitted with the notification for the case of juristic persons, i.e. a copy of juristic person registration certification and a copy of commercial registration are required. And, for the case of a foreign juristic person registration certification, the copy must be certified by the embassy or consulate of the concerned country in Thailand, together with the information about the objectives and volume of power sales. Should there be any change in the information of the notifying person, the OERC must be notified so that the updated information could be used for the regulation of energy industry.
9. Approve the project on PEA's distribution system efficiency improvement with an investment budget of 12,690 million baht because the project will enhance the country's development

as a whole, both directly and indirectly, by upgrading the distribution system capacity and efficiency in order to accommodate increasing power demand in the original service areas. It will be an important tool to stimulate the country's economy, under Phase 2 of the economic rehabilitation plan, and will also create the infrastructure necessary for the expansion of economic development to provincial areas according to the government's policy. In order that the project implementation will genuinely achieve the specified objectives and goals with efficiency, the ERC deems it fit to have PEA prepare a detailed and clear operational plan by prioritizing work procedures step by step and present the plan to the ERC in order that it could be used as the framework for project regulation, and periodically report the project implementation progress to the ERC.

10. Approve the Draft Regulation of the ERC on Power Purchase from Small Power Producers, B.E....., and concur that it should be presented to the Office of the Secretariat of the Cabinet for consideration and publication in the Government Gazette.

11. Approve the operational plan of the Power Development Fund and the budgetary switching, as proposed by the OERC.

12. Approve the Draft Regulation of the ERC on Criteria, Procedures and Conditions of Lodging of Appeals and Appeals Deliberation, B.E....., and assign a Commissioner (Lt. Thaksin Limsuvan) to consider the additional part of the draft regarding the starting date for the counting of an appeal deliberation period and approve the Draft Regulation of the ERC on the Internal Audit of the OERC, B.E....., and assign the OERC to arrange for public consultation on the aforementioned draft regulations via the OERC's computer network for a period of seven days.

Meeting No. 17/2009 (56th), 25 June 2009

1. Approve the Natural Gas Procurement Plan for 2008-2015, as prepared by EPPO, and acknowledge PTT's Natural Gas Procurement Plan from 2016 onwards because all natural gas procurement plans must be reviewed and adjusted in order to concur with the new PDP which is currently under preparation and expected to be complete in early 2010.

Furthermore, PTT is tasked to consider suitability of natural gas volumes and prices to be procured from various sources and consider the impacts on power tariffs, including the development of risk management related to possible impacts on the security of natural gas procurement in the event of energy supply disruption from foreign sources. In addition, PTT is to consider value added creation of natural gas businesses, for example, finding opportunity to joint venture in LNG exploration, production and wholesale in order to reduce the impacts of supply and purchasing price risks so as to meet Thailand's demand in the long run, and the use of available assets of the LNG Receiving Terminal project for maximum benefits.

2. Approve the issuance of factory operation licenses (Factory Category No. 88) to the following:

- (1) Lam Soong (Thailand) Plc.
- (2) Aukkawat Plants Renewable Energies Co., Ltd.
- (3) Siam Solar Energy Co., Ltd.

3. Approve the issuance of an electricity distribution system license to EGAT and an electricity generation license to PTT.

4. Approve the issuance of an electricity distribution system license and an electricity retail license to Sattahip Electric Welfare and the issuance of electricity generation licenses to the following:

- (1) Phuket City Municipality Office
- (2) Defence Energy Department
- (3) Satuk Biomass Co., Ltd.
- (4) Advance Bio Power Co., Ltd.
- (5) Advance Agro (Project 1) Co., Ltd.
- (6) Advance Agro (Project 2) Co., Ltd.

5. Approve the issuance of electricity generation, distribution system and retail licenses to District Cooling System and Power Plant Co., Ltd. (DCAP) and PTT Utility Co., Ltd.

6. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Surin Beach Resort Co., Ltd.
- (2) May Flower Grand Hotel Co., Ltd.
- (3) Destination Properties (Tropicana) Co., Ltd.
- (4) Paolo Samutprakarn Co., Ltd.
- (5) Saphip Co., Ltd.
- (6) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Bangpu Branch)

(7) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Sena Branch)

(8) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Bang Pa-in Branch)

7. Approve the issuance of regulated energy production licenses (capacity expansion) to the following:

- (1) Phoenix Pulp and Paper Plc.
- (2) Pathumrak Co., Ltd.

8. Approve the issuance of regulated energy production licenses (renewal and capacity expansion) to the following:

- (1) Kuiburi Fruit Canning Co., Ltd.
- (2) Mitr Phuvieng Co., Ltd.

9. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) St. Camillus Foundation of Thailand
- (2) Central Sukhontha Hotel Co., Ltd.
- (3) Songkhla Rama Enterprise Co., Ltd.
- (4) Stock Exchange of Thailand
- (5) Thepsatri Rajabhat University
- (6) Santiphab (Huapeng, 1958) Co., Ltd.
- (7) Suanprung Psychiatric Hospital
- (8) TOT Plc. (Operation, Surin)
- (9) Kwangphaisal Food Products Plc.
- (10) Theppanya Business Co., Ltd.
- (11) Ekachai Distribution System Co., Ltd. (Tesco Lotus, Ratchaburi Branch)
- (12) Big C Supercenter Plc. (Bangplee Branch)
- (13) Tipco Asphalt Co., Ltd.
- (14) Ajinomoto Betagro Frozen Foods (Thailand) Co., Ltd.
- (15) Home Products Center Plc.
- (16) China Siam Seafoods Co., Ltd.
- (17) A.R. Holding Co., Ltd.
- (18) Hat Thong (Hat Yai) Co., Ltd.
- (19) BBTV Equity Co., Ltd. (Ploenchit Tower)
- (20) BBTV Equity Co., Ltd. (Ton Son Tower)
- (21) Big C Supercenter Plc. (Phuket Branch)

10. Approve the issuance of an energy industry license for natural gas transportation through transmission pipeline system to Trans Thai-Malaysia (Thailand) Co., Ltd.

11. Consider the authority to appoint competent officials under Section 11 (18) and Section 24 of the Energy Industry

Act, B.E. 2550 (2007), and assign the OERC to take necessary steps to make effective the Draft Proclamation of the ERC on Identification Cards of Competent Officials in accordance with the Energy Industry Act.

Meeting No. 18/2009 (57th), 16 July 2009

1. Consider the office administration and pass a resolution assigning the OERC to revise the performance indicators in the draft operational plan, expenditure budget and estimated revenue for the fiscal year 2010, and the plan determining fees and other benefits to be obtained from duty execution pursuant to the Energy Industry Act, B.E. 2550 (2007), and then present the matter to the ERC again for consideration.

2. Approve the issuance of factory operation licenses (Factory Category No. 88) to the following:

- (1) Sricharoen Palm Oil Co., Ltd.
- (2) True Energy Co., Ltd.

3. Approve the issuance of electricity generation licenses to the following:

- (1) P & Papop Renewable Co., Ltd.
- (2) S.P.O. Agro Industries Co., Ltd.
- (3) Green Glory Co., Ltd.
- (4) Lam Soong (Thailand) Plc.
- (5) Thaksin Palm (1978) Co. Ltd.
- (6) Saha Cogen (Chonburi) Plc.
- (7) Gulf Yala Green Co., Ltd.
- (8) Energy Plus Co., Ltd. (Branch 1)
- (9) Energy Plus Co., Ltd. (Branch 2)

4. Approve the issuance of electricity generation, electricity distribution system and electricity retail licenses to the following:

- (1) Sricharoen Bio Power Co., Ltd.
- (2) TPT Utilities Co., Ltd.

5. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Ratchasima Steel Products Co., Ltd.
- (2) NPC Safety and Environmental Service Co., Ltd.

6. Approve the issuance of regulated energy production licenses (capacity expansion) to the following:

- (1) Thaksin Palm (1978) Co., Ltd.
- (2) Sricharoen Palm Oil Co., Ltd.

7. Approve the issuance of regulated energy production licenses (renewal and capacity expansion) to Pioneer Manufacturing (Thailand) Co., Ltd. and Mitr Kalasin Sugar Co., Ltd.

8. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) Techapaiboon Co., Ltd. (Worawat Building)
- (2) Famous Group Co., Ltd (Mukdaharn Grand Hotel)
- (3) Thai Compressor Industry Co., Ltd.
- (4) Ekachai Distribution System Co., Ltd.
- (5) Taiping Towers Condominium Juristic Person
- (6) Laemthong Sahakarn Co., Ltd. (Wanich Building 2)
- (7) Laemthong Poultry Co., Ltd.
- (8) Siam Makro Plc. (Nakhon Ratchasima Branch)
- (9) Triratpanachai Co., Ltd. (Grande Ville Hotel)

9. Approve the draft order on the appointment of the Committee on Land and Property Price for Ratchaburi Province and that on the appointment of the Committee on Land and Property Price for Samut Sakhon Province.

Meeting No. 19/2009 (58th), 23 July 2009

1. Approve the guidelines on the development of the following:

- (1) Draft EGAT announcement on determination of adders for power purchase from SPPs using renewable energy.
- (2) Draft MEA announcement on determination of adders for power purchase from VSPPs using renewable energy.
- (3) Draft PEA announcement on determination of adders for power purchase from VSPPs using renewable energy.

The three power utilities are to prepare details thereof in compliance with the government policy in order to have the announcements enforced, with notification to the ERC of the implementation outcome following the announcements. Furthermore, the OERC is to prepare progress reports on the implementation pursuant to the NEPC resolution for presentation to the Minister of Energy for acknowledgement.

2. Approve the guidelines on improvement of the manual for measuring power generation efficiency of SPPs according to the comments of the Working Group Regulating Power Purchase from SPPs and the results of the meeting between EGAT and SPPs and the Association of Private Power Producers (APPP). EGAT has been assigned the task of preparing

details of the draft manual to be used as an addendum to a PPA and reporting to the ERC for acknowledgement. In this regard, the OERC is tasked to prepare guidelines on the establishment of an impartial agency from a public educational institution and present to the ERC for further consideration.

3. Approve, in principle, the Draft Regulation of the ERC on Meeting Allowances for the Committee on Land and Property Price for (name of province) Province and the Working Group on Survey and Examination of Land and Property Price, B.E....., and pass a resolution that the meeting allowances be paid by meeting at the following rates: 5,000 baht/time for the Chairperson of the Committee on Land and Property Price; 4,000 baht/time for a Committee Member; 1,500 baht/time for the Chairperson of the Working Group on Survey and Examination of Land and Property Price; and 1,000 baht/time for a Working Group Member.

4. Consider the report on development of the objection to power plant construction at Bang Khla District in Chachoengsao Province, and pass a resolution to have the OERC draft a letter to the Ministry of Energy to explain ERC authority and duty with regard to procuring a new power plant construction site.

The OERC is also tasked to undertake additional study and analyses in order to gain facts to enable clarification of the issues of objection and to act as the coordinator with concerned agencies, taking into consideration public interests as a key factor and periodically report to the ERC the development of the matter. Furthermore, the OERC is to study and analyze potential impacts in the event that the implementation fails to proceed as planned in Thailand Power Development Plan and report the outcome to the ERC on the next occasion. The OERC is also to speed up the drafting of the Regulation of the ERC on Suspension or Cancellation of Energy Industry Licenses, B.E....., according to Section 56 of the Energy Industry Act, B.E. 2550 (2007), and to have the regulation publicized and made known to energy industry operators as well as the general public.

Meeting No. 20/2009 (59th), 28 July 2009

1. Concur with the opinion of the Working Group Regulating Power Purchase from SPPs on 22 July 2009, i.e. approve, in principle, the postponement of the SCOD of SPPs receiving adders for power generation from renewable energy for sale to the grid systems of power utilities, as per the assessment and

selection which was approved by the Committee on Energy Policy Administration at its Meeting No. 6/2007 (23rd) on 12 October 2007, that is, consideration should be given only to SPPs with readiness and having completely acted in accordance with the requirements stipulated in related laws, with serious consideration on operational constraints of SPPs affected by changing legal contexts and economic conditions to the point that their operations were unable to proceed as planned. Furthermore, EGAT has been directed to adopt the aforementioned principle as the framework for negotiating with SPPs requesting the SCOD postponement.

2. Consider the issue on the news of Thai Power Supply Power Plant using unauthorized fuel for power production and pass a resolution assigning competent officials to inspect the matter at Thai Power Supply Power Plant as soon as possible and report the inspection outcome to the ERC on the next occasion.

3. Approve the Draft Proclamation of the ERC on Criteria of Performance of Competent Officials in accordance with the Energy Industry Act, B.E. 2550, and the Draft Proclamation of the ERC on Identification Cards of Competent Officials in accordance with the Energy Industry Act, B.E. 2550, with a correction to have the ERC Chairman be the authorizing person affixing a signature on competent officials' identification cards. The OERC is assigned to proceed with necessary process to have the mentioned draft proclamations publicized in the Government Gazette.

Meeting No. 21/2009 (60th), 6 August 2009

1. Approve the issuance of factory operation licenses (Factory Category No. 88) to the following:

- (1) Bua Sommai Biomass Co., Ltd.
- (2) Power Generation and Cogeneration Co., Ltd.
- (3) VG Energy Co., Ltd.
- (4) S.K. Power Co., Ltd.
- (5) Univanich Palm Oil Plc.

2. Approve the issuance of electricity generation licenses to the following:

- (1) Univanich Palm Oil Plc. (Plai Phraya Branch)
- (2) Pitak Palm Oil
- (3) Bua Sommai Power Generation Co., Ltd.

3. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) S.C. Industry Co., Ltd.

- (2) Srakaeo Charoen Co., Ltd.
 - (3) EGAT (Bangpakong Power Plant)
4. Approve the issuance of a regulated energy production license (renewal) to the Had Yai Provincial Water Works Authority.
 5. Approve the Draft Regulation of the ERC on Criteria, Procedures and Conditions of Lodging of Appeals and Appeals Deliberation, Objection and Objection Deliberation, B.E....., and assign the OERC to proceed with necessary process to have the mentioned draft regulation publicized in the Government Gazette.
 6. Approve the IPP Grid Code of 1994 and that of 2007 of EGAT and assign the latter to announce the enforcement of the mentioned grid codes. In this connection, the OERC is assigned to review the grid code to be in line with the observation of the Sub-Committee Regulating Energy Network Systems and Energy Network System Operator at its Meeting No. 3/2009 (5th) on 30 July 2009.

Meeting No. 22/2009 (61st), 20 August 2009

1. Consider the guidelines on ordering power dispatch from renewable energy power plants with firm contracts, pursuant to the NEPC resolution of 9 March 2009, and pass a resolution for EGAT to order power dispatch of SPPs exclusively from renewable generation based on the contracted generation capacity in both peak and off-peak periods in accordance with the above-referred NEPC resolution, with no need to amend the power purchase regulations or PPAs.
2. Approve the issuance of a factory operation for electricity generation license (Factory Category No. 88) to Sufficiency Energy Co., Ltd.
3. Approve the issuance of electricity generation licenses to the following:
 - (1) National Power Supply Co., Ltd.
 - (2) Thai Acrylic Fiber Co., Ltd.
 - (3) A.T. Biopower Co., Ltd.
 - (4) Biomass Power Co., Ltd.

The OERC has been assigned to discuss with the Office of Natural Resources and Environmental Policy and Planning (ONEP) whether the scope for preparing an environmental impact assessment (EIA) report covers the installed reserve margin and the ONEP advises that the development of an EIA report does not cover the installed reserve margin; therefore, the

OERC is instructed to issue electricity generation licenses to:

- (1) Roi-Et Green Co., Ltd. and (2) Mung Charoen Green Power Co., Ltd.
4. Approve the issuance of regulated energy production licenses (new application) to the following:
 - (1) Kaen Charoen Co., Ltd.
 - (2) J. Charoen Marketing Co., Ltd.
 - (3) Banpong Sugar Co., Ltd.
 - (4) K.S. Bio-Plus Co., Ltd.
 5. Approve the issuance of regulated energy production licenses (renewal) to the following:
 - (1) Chao Khun Agro Products Co., Ltd.
 - (2) Thailand Smelting and Refining Co., Ltd.
 - (3) Klong Suan Plu Co., Ltd.
 - (4) Dairy Farming Promotion Organization of Thailand
 6. Approve the Draft Regulation of the ERC on Code of Conduct of the Commission Members and Competent Officials B.E....., with assignment for the OERC to revise and improve the format and text, as commented by the ERC and further present it to the Minister [of Energy] for approval.
 7. Consider the appeal against the compensation for rice, related to the Bangpakong – Bangplee 230-kV transmission line, and pass a resolution to increase the compensation for rice from EGAT's rate at 4,400 baht per rai to 7,000 baht per rai, as requested by seven plaintiffs. The OERC is assigned to notify EGAT of the resolution so that the latter could act accordingly.

Meeting No. 23/2009 (62nd), 3 September 2009

1. Approve the report on Ft factor calculation for March - May 2009 to be used as data for consideration of the Ft adjustment for the billing round of September - December 2009.
2. Approve EGAT's proposal on the setting of retail Ft to be collected from power consumers for the September-December 2009 billing at 92.55 satang/unit (VAT not included), divided into the Ft for generation, transmission system and distribution system businesses at 99.07, -2.41 and -4.11 satang/unit, respectively; approval is also given to the wholesale Ft to be billed to the MEA and PEA for the round of September-December 2009 (VAT not included) at 92.66 and 91.79 satang/unit, respectively. EGAT is authorized to consider the difference between the Ft derived from calculation and the Ft charged in the round of September-December 2009 at 42.93 satang/unit,

or approximately 20,820.54 million baht, as accrued revenue receivable to be collected via the Ft calculation for the next billing round. The OERC is assigned to arrange for public consultation on the Ft for the September–December 2009 billing through the OERC website for approximately 11 days.

3. Approve the issuance of factory operation for power generation licenses (Factory Category No. 88) to the following:

- (1) United Palm Oil Industry Plc.
- (2) TPI Polene Power Co., Ltd.
- (3) Cementhai Energy Conservation and the Siam Cement (Tha Luang) Co., Ltd.

4. Approve the issuance of an electricity generation license to Univanich Palm Oil Plc., Ao Luek Branch.

5. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Kaen Charoen Co., Ltd.
- (2) Bangkok Produce Plc., Pho Ngam Farm
- (3) Bangkok Produce Plc., Champahom Farm
- (4) Bangkok Produce Plc., Thap Kwang Farm
- (5) Rak Baan Rao Co., Ltd.
- (6) Bangkok Mission Roman Catholic (Saint Louis Hospital)

6. Approve the issuance of a regulated energy production license (capacity expansion) to Phukhieo Bio-Energy Co., Ltd.

7. Approve the issuance of a regulated energy production license (renewal) to Bangkok Produce Plc., Cha-om Farm.

8. Approve the principles of the draft memorandum of agreement between the ERC and the Ministry of Industry on the guidelines on permission to establish factories and others for energy industry operation pursuant to Section 48 of the Energy Industry Act, B.E. 2550 (2007), and the laws on factories. The OERC is tasked to revise the aforementioned MOA to cover related issues as commented by the ERC and coordinate the matter so that the MOA could be signed without delay. It is also viewed that the MOA should be publicized via the OERC computer network so that the persons involved could follow the specified guidelines and procedures for permitting the establishment of a factory for energy industry operation.

9. Approve the Draft Proclamation of the ERC on Criteria, Procedures and Conditions for Starting Energy Industry B.E....., and assign the OERC to arrange for public consultation on the draft proclamation via the OERC computer network for seven days before its announcement and enforcement.

10. Approve the guidelines, format and draft covering letter

to the Minister of Energy to report the outcome of ERC performance, as revised according to the ERC's comments and observation.

Meeting No. 24/2009 (63rd), 10 September 2009

1. Acknowledge the hearing results on the Ft adjustment for the September-December 2009 billing round and approve the retail Ft to be collected from power consumers in the September-December 2009 billing round at 92.55 satang/unit (VAT not included) by dividing into the Ft for the generation, transmission system and distribution system businesses at 99.07, -2.41 and -4.41 satang per unit, respectively, and the wholesale Ft calculation to be billed to the MEA and PEA for the September-December 2009 round (VAT not included) at 92.66 and 91.79 satang/unit, respectively.

2. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Electricity Generating Plc. (Rayong Power Plant)
- (2) K.I. Biogas Co., Ltd.

3. Approve the issuance of a regulated energy production license (capacity expansion) to Dan Chang Bio-Energy Co., Ltd.

4. Approve the issuance of factory operation for power generation licenses (Factory Category No. 88) to the following:

- (1) Bangkok Solar Power Co., Ltd. [Anghong Plant]
- (2) Bangkok Solar Power Co., Ltd. [Petchaburi Plant]
- (3) PT Drive (Thailand) Co., Ltd.
- (4) Sab Anan Biomass Co., Ltd.
- (5) Bangkok Solar Power Co., Ltd. [Udonthani Plant]
- (6) Active Synergy Co., Ltd.
- (7) Energy Plus Co., Ltd. (Branch 3)
- (8) Bua Sommai Power Generation Co., Ltd.

5. Approve the transfer of rights of Rayong Electricity Generating Co., Ltd. under its energy generation license to Electricity Generating Plc., effective as from 1 October 2009 onwards.

6. Approve the Draft Regulation of the ERC on Establishment of Criteria to Prevent Merger, Competition Lessening or Restriction in Energy Service B.E.....; the OERC is assigned the task of arranging a hearing of opinions via the OERC computer network for 15 days and present to the next ERC meeting with the public opinion (if any).

7. Approve of the Draft Order of the ERC on the Appointment of Sub-committee Regulating Power Purchase from SPPs and VSPPs; the OERC is tasked to make some amendments pursuant to the ERC's comments and then present to the ERC Chairman for signing and subsequent announcement.

8. Approve for EGAT to adjust and amend the existing regulations for the purchase of power from SPPs to suit and correspond with the revised legal contexts, according to the principle, as approved by the ERC, of the (Draft) Regulation of the ERC on Power Purchase from SPPs, B.E.

9. Consider the retention of the terms and process for settling disputes stipulated in the draft PPA for the National Power Supply Co., Ltd. project and pass a resolution to retain the mentioned terms and process so that all four independent power producers (IPPs) selected in accordance with the announcement soliciting for power purchase from IPPs for supply during 2012-2014 could operate energy businesses on a fair and level playing field, which is in line with the resolution of the NEPC dated 4 June 2007 and the cabinet resolution dated 19 June 2007.

Meeting No. 25/2009 (64th), 24 September 2009

1. Approve the issuance of factory operation licenses (Factory Category No. 88) to the following:

- (1) Metropolitan Waterworks Authority
- (2) EGAT's North Bangkok Combined Cycle Power Plant, Block 1

2. Approve the issuance of electricity generation licenses to the following:

- (1) Erawan Sugar Co., Ltd.
- (2) United Palm Oil Industry Plc.
- (3) Sricharoen Palm Oil Co., Ltd.
- (4) Siam Power Generation Plc.

3. Approve the issuance of regulated energy production licenses (new application) to the following:

- (1) Siam Yamato Steel Co., Ltd.
- (2) Stats Chippac (Thailand) Co., Ltd.
- (3) Power Prospect Co., Ltd.

4. Approve the issuance of regulated energy production licenses (renewal) to the following:

- (1) MBK Plc. (MBK Shopping Center)
- (2) Krungthai Electric Co., Ltd. (Thanaphum Building)
- (3) Central Development Rama II Co., Ltd. (Central Plaza Rama II)

5. Approve the draft orders on the appointment of the Committees on Land and Property Price for Phichit, Tak, Lopburi,

Phetchabun and Nakhon Sawan Provinces, with a comment to have the committee components, in the part of member and secretary, changed from "Director of Legal Department of the OERC" to "OERC representative."

Meeting No. 26/2009 (65th), 29 September 2009

Approve, in principle, the implementation guidelines on remitting the remaining amount of expenditure budget to the Ministry of Finance as state revenue; the OERC is assigned the task of returning the remaining amount of the budget of expenses in the Fiscal Year 2008, which has been audited by the OAG, to the Ministry of Finance as state revenue via EPPO, according to the opinion of the Comptroller-General's Department.

Summary of the Minutes of Meetings

Sub-committee Regulating Energy Network Systems and Energy Network System Operator

Fiscal Year 2009

No.	Sub-committee's Name	Title	Meeting Attendance
1.	Mr. Chalit Ruangvisesh	Chairman	5/5
2.	Mr. Nopadon Mantajit	1 st Vice Chairman	5/5
3.	Lt. Thaksin Limsuvan	2 st Vice Chairman	5/5
4.	OERC Secretary General or assigned OERC Deputy Secretary General	Member	5/5
5.	EPPO Representative	Member	5/5
6.	Representative of the National Economic and Social Development Board (NESDB)	Member	5/5
7.	Mr. Naebboon Hooncharoen	Member	5/5
8.	Miss Sutharat Angchanpen	Member	5/5
9.	Mr. Pitsanu Pum-im	Member	5/5
10.	Mr. Yongyuth Prapasawad	Member	5/5
11.	Miss Jittima Mantajit	Member	5/5
12.	OERC Representative	Member and Secretary	5/5

Meeting No. 1/2008 (1st), 6 November 2008

1. Appointment of the Sub-committee Regulating Energy Network Systems and Energy Network System Operator (hereinafter “the Network System Sub-committee”) -- Acknowledge the ERC appointment of the Network System Sub-committee, entrusted with the following authority and duties:

1) Consider and provide opinions on an energy network system expansion plan of a licensee who owns an energy network system and is a government agency, to be inputs for the formulation of ERC’s opinions to be presented to the Minister of Energy.

2) Consider and provide opinions on an energy network system expansion plan of a licensee who owns an energy network system and is not a government agency, for presentation to the ERC for approval in accordance with the scope and criteria set by the ERC.

3) Consider and provide opinions on requirements/specifications related to energy network systems to ensure compliance with the principles under Section 81 of the Energy Industry Act of 2007 (the Act) for ERC’s further consideration.

4) Consider petitions/complaints of licensees or energy industry operators regarding the burden of implementation pursuant to the terms related to energy network systems and suggest guidelines to amend or improve the terms to be in compliance with Section 81 of the Act.

5) Recommend the guidelines for setting compensation for damage in the case where a licensee with an energy network system operator violates Section 87 of the Act and thereby causing damage to the complainant; the act is in accordance with the provisions of Section 88 of the Act.

Also entrusted is a duty to invite other individuals to attend a meeting, to perform any other task as assigned by the ERC, and to appoint a working group to assist with duty execution.

2. PEA regulations on the terms related to energy network systems and MEA’s terms related to energy network systems – Assign the PEA and MEA to examine and revise the terms to correspond with each other and better reflect the principles stipulated under Section 81 of the Act, e.g. the definitions and liability for a damage caused to an electricity network system. The PEA and MEA are requested to present their revised terms to the Network System Sub-committee within one week for consideration and further presentation to the ERC.

Meeting No. 2/2008 (2nd), 22 December 2008

1. Terms related to energy network systems -- Approve the revised terms related to energy network systems of the MEA and PEA that have been revised according to the Network System Sub-committee’s comments and concur that they should be presented to the ERC for approval.

2. EGAT’s terms on connection to and utilization of electricity network system facilities -- Opine that EGAT should revise the terms on connection to an electricity network system, the

terms on utilization of electricity network system facilities and the terms on electricity network system operation for service users who are SPPs, VSPPs and non-contracted power producers according to the Network System Sub-committee’s opinions, and present the revised versions to the ERC for consideration before announcement and enforcement of the terms.

Meeting No. 1/2009 (3rd), 17 February 2009

EGAT’s Approach for Ordering Power Dispatch -- Acknowledge the information about EGAT’s power dispatch order, which will be used for the Network System Sub-committee’s consideration of the guidelines on determination of compensation for damage pursuant to Section 88 of the Act.

Meeting No. 2/2009 (4th) Meeting, 28 May 2009

1. Project on the improvement of the PEA’s distribution system efficiency – Assign the PEA to prepare additional data/information for consideration, namely, a comparison on benefits to be gained from the project implementation versus the case where no project is undertaken, an analysis of the project implementation impact pursuant to Section 79 of the Act, and a sensitivity analysis in the event that the assumptions are changed from those forecasted. The PEA is requested to present the information to the ERC directly because the ERC needs to analyze the data related to the investment for the purpose of regulation as well.

2. Draft PEA’s announcement on fee collection for electricity system interconnection – Agree to include the PEA’s data in the consideration to determine interconnection fees in compliance with the NEPC and the cabinet resolutions.

3. Visit to the National Power Control Center at EGAT Headquarters -- Acknowledge the information about EGAT’s order for power plants to dispatch electricity to the grid, which can be used as information for duty execution of the Network System Sub-committee.

Meeting No. 3/2009 (5th), 30 July 2009

1. Request to change the OERC Representative to the Network System Sub-committee – The meeting acknowledges the change.

2. IPP Grid Code – Approve IPP Grid Code of 1994 and that of 2007 of EGAT and concur that the codes should be presented to the ERC for approval and then announced their enforcement by EGAT. Furthermore, it is deemed appropriate to postpone the appointment of a Sub-committee for Reviewing the Grid Code until the outcome of the terms on network review is obtained.

3. Visit to PEA Distribution System Dispatching Center at the PEA Headquarters and an SPP power plant connected to the PEA system -- Acknowledge the information about the above-mentioned Dispatching Center of PEA Headquarters in Bangkok and the power plant of PRG Agro Product Co., Ltd., in Muang District, Pathum Thani Province, which is a power plant in the PEA system; the information can be used for consideration of the Network System Sub-committee’s duty execution.

Summary of the Minutes of Meetings

Sub-committee Establishing the Power Development Fund and Regulating the Community Development Fund Implementation during the Transitional Period

Fiscal Year 2009

No.	Sub-committee's Name	Title	Meeting Attendance
1.	Mr. Nopadon Mantajit	Chairman	2/2
2.	Mr. Chongchet Bunkerd	Member	2/2
3.	Mr. Supichai Tangjaitrong	Member	2/2
4.	Chief Inspector General, Ministry of Energy	Member	2/2
5.	EPPO Representative	Member	2/2
6.	OERC Representative.	Member	2/2
7.	Representative of the Office of the Council of State	Member	2/2
8.	Representative of the Comptroller-General's Department	Member	1/2
9.	Representative of the Revenue Department	Member	2/2
10.	Representative of the Office of the Permanent Secretary, Ministry of Interior	Member	1/2
11.	Representative of the Department of Local Administration	Member	2/2
12.	Representative of the Community Development Department	Member	2/2
13.	Representative of the Community Organizations Development Institute	Member	2/2
14.	OERC Representative	Member and Secretary	2/2
15.	EPPO Representative	Member and Assistant Secretary	2/2
16.	Mr. Norkun Sitthiphong	Advisor	1/2
17.	Mr. Anuchart Puangsamli	Advisor	1/2

Meeting No. 1/2009 (1st), 29 June 2009

1. Appointment of the Sub-committee Establishing the Power Development Fund and Regulating the Community Development Fund Implementation during the Transitional Period (hereinafter “the Fund Sub-committee”) -- Acknowledge the appointment of the Fund Sub-committee, entrusted with the duty to recommend the guidelines on establishing and managing the Power Development Fund in compliance with the NEPC’s policy framework and the Energy Industry Act of 2007 (the Act).

2. The establishment of the Power Development Fund according to the Act – The meeting acknowledges the following key contents:

1) The ACT stipulates that the Power Development Fund be set up under OERC’s responsibility with the objectives to be used as a capital to enhance extensive electrification to various localities, to decentralize development to provincial areas; to develop communities affected by power plant operation; to promote the use of renewable energy and technologies for electricity industry operation that have minimal impact on the environment with due consideration on the balance of natural resources; and to create fairness for power users.

2) The Fund’s money and assets will be derived from contributions from electricity industry licensees, fines collected from electricity industry licensees, donated money or assets, interest or any benefits incurred from the money or assets belonging to the Fund, which do not need to be remitted to the Ministry of Finance as state revenue.

3) The OERC is responsible for the receipt, disbursement, keeping and management of the Power Development Fund separately from the OERC budget, according to the regulations set by the OERC.

4) Electricity industry licensees are required to send contributions to the Power Development Fund according to the regulations set by the ERC under the policy framework of the NEPC. Furthermore, the Fund accounts will be distinctly categorized by activity as stipulated in Section 97.

5) Disbursement from the Power Development Fund will comply with the regulations set by the ERC under the policy framework of the NEPC. Furthermore, the accounts will be distinctly separated by activity as stipulated in Section 97.

6) The ERC must issue regulations or announcements setting criteria, procedures and conditions for sending contributions to and utilizing money of the Power Development Fund in line with the NEPC policy and must disclose the key contents of the aforementioned regulations, while providing

opportunities for affected persons to express opinions or give information to the ERC. Once the process of opinion hearing set by the ERC has been completed, the regulations can then be announced in the Government Gazette.

3. The establishment of the Community Development Fund for development of communities in the areas surrounding power plants (the CD Fund) pursuant to the NEPC resolution – The meeting acknowledges the implementation pertaining to the CD Fund as follows:

1) A power plant with a PPA for a sale of 6 MW of electricity or higher must establish a CD Fund and send contributions to the CD Fund starting from 1 July 2007 onwards based on the volume of power sold to the system at rates varying according to the fuel type used for power generation. EGAT will pay the contributions in advance to the CD Fund and collect the amount back via the electricity billing using the Ft formula. For power plants selling power to a power utility system as from 1 January 2011 must contribute to the CD Fund based on the power sale volume with additional contributions during the construction period, based on the installed generating capacity. The requirement for contributions to the CD Fund is specified as a term in the Request for Proposals for Power Purchase from IPPs that the power plants must bear the burden. For SPPs and VSPPs, the contributions will be added to the power purchasing prices pursuant to the power purchase regulations.

2) The contributions are to be used mainly for the common benefit and first priority will be given to inner ring areas [within 5-km radius of a power plant].

3) A CD Fund management committee is to be established and selected from four sectors, namely, members representing the general public sector, the number of which must be more than half of the total committee members; government representatives appointed by the concerned provincial governor; a member representing the power plant; and experts selected by the above-mentioned committee members.

4) The NEPC has appointed a Sub-committee on the Community Development Fund Establishment, chaired by the Deputy Permanent Secretary of Energy (Mr. Norkun Sitthiphong), to prepare a draft regulation on the CD Fund establishment and coordinate with the agencies involved. The Sub-committee has prepared a document, “Guideline on the Establishment of a Community Development Fund” and presented to the NEPC meeting held on 18 October 2007.

5) EPPO, as the secretariat of the NEPC, has requested assistance from the Permanent Secretary of the Ministry of Interior

and concerned Provincial Governors to proceed with the CD Fund setting according to the aforementioned guidelines. At present, there are 72 funds set up by 98 power plants, scattered in 39 provinces nationwide.

6) EGAT has been collecting contributions via the Ft charge since the billing of July 2007 up to the present (April 2009) to send to the CD Funds nationwide, accounting for a total amount of approximately 3,242 million baht. A total of 2,596 million baht has been transferred to the CD Funds already established and ready to receive the transfers.

7) In establishing a CD Fund according to the aforementioned guidelines, it is required that an internal auditor be appointed to audit and evaluate the performance of the fund administration and the work execution of the CD Fund Management Committee. Furthermore, an account auditor must be appointed to verify the accuracy of accounting and financial reports and to assess the results of the deployment of the money and assets of the CD Fund.

4. The policy on delivering money and utilizing the Power Development Fund – The key contents of the NEPC resolution of 9 March 2009 are acknowledged by the meeting, which can be summarized as follows:

1) The ERC has set fines under Sections 128 and 140 to be delivered to the Power Development Fund (the Fund) for electricity industry licensees who violate or fail to comply with the criteria, procedures and conditions set forth by the ERC, and each type of electricity industry licensees is to contribute to the Fund, as follows:

(1) New generation licensees must contribute to the Fund during construction of a power plant on an annual basis, based on the installed generating capacity of the plant, at a rate of 50,000 baht/MW/year and during generation of electricity on a monthly basis, based on the quantity of energy produced and the type of fuel used for power production, generally at a rate of 1.0 satang/unit, 1.5 satang/unit for fuel oil and diesel, 2.0 satang/unit for coal, lignite and hydropower, and no contribution requirement for wind and solar power. Existing generation licensees are required to contribute to the Fund only during power production. Electricity retail licensees are required to contribute to the Fund on a monthly basis, by deducting from the tariffs at a rate announced and set forth by the ERC. For other electricity industry licensees, namely transmission system licensees, distribution system licensees and system control licensees, the ERC will recommend a contribution rate as deemed fit.

2) Approval of the utilization of the Power Development Fund according to individual activities as follows:

(1) Money acquired for use under Section 97(1) will be paid to electricity retail licensees providing services for underprivileged power users or to enhance extensive electrification or to support the policy on the development decentralization to provincial areas.

(2) Money acquired for use under Section 97(2) as compensation will be paid via the Ft mechanism to power users having paid for higher power tariffs due to the fact that the licensee with an electricity system operator has ordered electricity industry licensees to produce power unfairly or with discriminatory practice.

(3) Money acquired for use under Section 97(3) will be disbursed for development or rehabilitation of local communities affected by power plant operations, focusing on sustainable development and encouraging local residents to take part in developing their own communities.

(4) Money acquired for use under Section 97(4) will be paid to promote study and research, including the use of renewable energy and technologies for electricity industry operation that have minimal environmental impacts.

(5) Money acquired for use under Section 97(5) will be paid for activities increasing knowledge, awareness and participation of the public in electricity-related issues.

(6) Money acquired for use under Section 97(6) will be paid for administrative cost of the Fund, divided into three portions: 1) emergency reserves to heal or relieve, in the first instance, the impacts caused by power plants, as deemed fit by the ERC; 2) subsidization for the development or rehabilitation of local communities affected; and 3) Fund administration, including monitoring and evaluation of the Fund performance.

3) In order to avoid duplication of the implementation of the CD Fund and that of the Power Development Fund, the NEPC has passed a resolution for EGAT to stop collecting money into the CD Fund as from the enforcement of the regulations on sending contributions to and utilization of money from the Power Development Fund. As for generation licensees with PPAs signed before the Act becomes effective, the requirement for them to send contributions to the Power Development Fund may cause additional burden which is beyond the terms specified in the aforementioned PPAs and may result in lawsuits. Thus, it is deemed appropriate to have the PPAs reviewed and to set up a joint working group between EPPO and OERC so

that the implementation of both Funds during the transitional period would proceed smoothly.

5. Guidelines on the establishment and management of the Power Development Fund – The meeting approves the appointment of a working group to assist with the study on suitable criteria and terms for sending of contributions to and utilization of money from the Power Development Fund.

6. Guidelines on the CD Fund implementation during the transitional period -- The meeting approves the establishment of a working group to assist the Fund Sub-committee with the development of implementation guidelines of the two Funds during the transitional period and with the engagement of consultants to help with the work requiring specialized experience and expertise. Approval is also granted for EPPO and OERC to extensively and continuously disseminate the guidelines on the CD Fund implementation during the transitional period and the establishment of the Power Development Fund.

Meeting No. 2/2009 (2nd), 3 September 2009

1. Appointment of working groups – The meeting acknowledges the appointment of two working groups to assist with the work of the Fund Sub-committee, namely:

1) The Working Group on Criteria and Conditions of Delivering Contributions to and Utilizing Money from the Power Development Fund.

2) The Working Group on Guidelines on the Transition of the Community Development Fund.

2. A seminar to provide knowledge and understanding about the Power Development Fund – The meeting acknowledges the organization of the seminar on “The Power Development Fund and the Energy Industry Act, B.E. 2550 (2007), to be held on 11 September 2009. Attendances at the seminar will include governors or representatives of all 39 provinces with the establishment of Power Development Funds for areas surrounding power plants, representatives of the CD Fund management committees, representatives of power plants, experts, private development organizations, mass media, concerned officials and interested individuals, accounting for a total of approximately 400 persons.

3. Progress report on the establishment of the Power Development Fund – The meeting acknowledges the progress of the OERC’s establishment of the Power Development Fund on the issues of work plans, work execution and constraints or barriers affecting the establishment of the Fund.

4. Key message of the transition between the two Funds – The meeting approves the principle for establishing the key principles of the Power Development Fund and the improvement of the document “Knowing and Understanding the Power Development Fund,” according to the meeting’s comments, as follows:

1) Emphasize the principle of stakeholder participation in the Fund administration, comprising representatives from every sector, namely, the government, the general public and the power plants.

2) Minimize impacts of power plant operations by focusing on communities affected by the operations via provision of compensation and relief required for those affected.

3) The Fund operations must be transparent, accountable and the Fund allocation must be fair.

4) In administering the Fund, energy networks must be promoted and an open forum must be used.

5) Fund allocation regulations must be unified, using the same standards for every fund, with measureable overall performance under the same auditing and evaluation standards nationwide.

6) Promote decentralization of power to allocate the funds to provincial areas affected by power plant operations. The focal entity will be responsible for the setting of policy and guidelines on auditing. Any focal entity working in cooperation with communities must perform an additional duty of providing a pool of knowledge and building strength of the communities or the fund management committee for sustainability of the Fund operations as this will genuinely respond to the needs and problems in each particular area. The key principle is that the communities will manage the Fund themselves while the government sector will only monitor the implementation. The fund administration with cooperation between the internal management (the community) and the external management (the government) will help reduce conflicts and oppositions/objections while helping resolve community problems and enhancing efficient administration.

5. Work plan on the drafting of the regulation on the Power Development Fund – The meeting approve the work plan regarding the drafting of the regulation on the Power Development Fund in compliance with Section 97(3) for development or rehabilitation of localities affected by power plant operation, by advancing the implementation timeframe so that the regulation could be publicized in the Government Gazette and become effective by December 2009.

Summary of the Minutes of Meetings

Sub-committee on Evaluation and Selection of Power Purchase Proposals from Private Power Producers

Fiscal Year 2009

No.	Sub-committee's Name	Title	Meeting Attendance
1.	Mr. Nopadon Mantajit ERC Commissioner	Chairman	3/3
2.	Mrs. Pallapa Ruangrong ERC Commissioner	Member	2/3
3.	Lt. Thaksin Limsuvan ERC Commissioner	Member	3/3
4.	Mr. Viraphol Jirapraditkul Director General of EPPO	Member	3/3
5.	Representative of the National Economic and Social Development Board (NESDB)	Member	3/3
6.	Representative of the Public Debt Management Office (PDMO)	Member	3/3
7.	Miss Narupat Amornkosit, Director of Energy System Analysis Bureau, EPPO	Member & Secretary	3/3

Meeting No. 2/2008 (2nd), 3 October 2008

Adjustment of the exchange rate for setting the Availability Payment (AP) before PPA signing with Siam Energy Co., Ltd., and Power Generation Supply Co., Ltd. –The meeting approves the adjustment of exchange rate to set the AP in Table 1 of Schedule 2 to use as the AP in the PPAs to be signed with Siam Energy Co., Ltd. and Power Generation Supply Co., Ltd., as proposed by the companies. In this regard, the value of APR2 [reflecting fixed O&M] shall be expressed to four decimal places as that of APR1 [reflecting debt liabilities and returns for shareholders]. The AFC [Actual Fuel Cost] value will remain to have two decimal places because there is already a monthly net value. The matter was proposed to ERC for consideration on 15 October 2009. ERC passed the following resolutions.

1) Acknowledged and ratified the resolution on the evaluation and selection of power sale/purchase proposals from private power producers on 3 October 2009. EGAT signed power purchase/sales contracts with Siam Energy Co., Ltd. and Power Generation Supply Co., Ltd. on 10 October 2008. The contracts were presented to ERC for consideration on 15 October 2009.

2) Acknowledged and ratified the resolution on the evaluation and selection of power sale/purchase proposals from private power producers on 3 October 2009. EGAT signed power purchase/sales contracts with Siam Energy Co., Ltd. and Power Generation Supply Co., Ltd. on 10 October 2008.

Meeting No. 3/2008 (3rd), 17 December 2008

A supplement to PPA with National Power Supply Co., Ltd. – If EGAT needs to construct new transmission facilities (NTF) before the PPA becomes legally effective, the meeting agrees that EGAT should be able to prepare and sign the supplement to the PPA with National Power Supply Co., Ltd., in order to be able to complete the NTF construction on time.

Meeting No. 1/2009 (4th), 7 May 2009

1. The result of PPA negotiation with National Power Supply Co., Ltd. – The meeting approves the result of PPA negotiation between EGAT and National Power Supply Co., Ltd., in terms of technical aspects, with comments for EGAT to revise Schedule 24 (Required Governmental Approvals) to correspond with the type of license to be granted by the ERC, namely, an electricity generation license, which must be obtained before the COD date. Approval is also granted for the project schedule as revised by EGAT and National Power Supply Co., Ltd. according to the scheduled commercial operational date (SCOD) base on the PDP (Revision 2), by adding as Addendums 1-3 in Schedule 11 and approves the PPA negotiation results in the Main Text, Table 1 in Schedules 2, 3 and 9.

2. Amendments to the PPA and additional agreement executed with Siam Energy Co., Ltd. – Because EGAT has signed a PPA with Siam Energy Co., Ltd., it is deemed appropriate to have the contract parties jointly consider amending the PPA and additional agreement, and then report the results to the ERC for acknowledgement.

Meeting No. 2/2009 (5th), 26 May 2009

Amendments to the PPA and additional agreement executed with Siam Energy Co., Ltd. – The meeting acknowledges the amendments to the PPA and additional agreement between Siam Energy Co., Ltd. and EGAT.

Summary of the Minutes of Meetings

Sub-committee on Deliberation of Complaints of Energy Industry Stakeholders

Fiscal Year 2009

No.	Sub-committee's Name	Meeting Attendance
1.	Lieutenant Thaksin Limsuvan	3/3
2.	Mr. Chalit Ruengvisesh	3/3
3.	Mr. Supichai Tangjaitrong	3/3
4.	OERC Secretary General	3/3
5.	Representative of EPPO	3/3
6.	Representative of the Office of the Attorney General	3/3
7.	Representative of the Office of the Council of State (Miss Nuchanat Kasempiboonchai)	3/3
8.	Representative of the Office of the Consumer Protection Board	3/3
9.	Representative of the Federation of Thai Industries	3/3
10.	Representative of the Thai Chamber of Commerce	3/3
11.	Mr. Wiwek Jinasiri	3/3

Meeting No. 1/2009 (4th), 24 March 2009

A.T. Biopower (Nakhon Sawan) Co., Ltd. requested a review of EGAT's order, confiscating its security for application and proposed sale of electricity (proposal security).

A.T. Biopower (Nakhon Sawan) Co., Ltd. submitted an application, as an SPP, to sell 20 megawatts of electricity, under a firm-contract terms of 25 years, to EGAT on 29 November 2002, together with its proposal security of ten million baht. Later, on 25 December 2006, the company requested to withdraw the proposal to sell electricity and requested the return of its proposal security by citing the reason that the company could not seek loans for its power project because financial institutions considered the project at risk of both quantity and price of fuel supply, i.e. rice husks. EGAT consulted this matter with EPPO and held the opinion that the project could be canceled. Concerning the return of proposal security, it was deemed fit for EGAT to proceed according to the regulations for the purchase of power from SPPs. EGAT then notified the confiscation of the company's proposal security according to the conditions of the EGAT announcement on power purchase from SPPs.

Having considered the matter, the Sub-committee has the opinion that EGAT's confiscation of the company's proposal security is in compliance with the regulations for the purchase of power from SPPs, exclusively for electricity generated using non-conventional energy, residues or waste materials as fuel and that using cogeneration system, issued in 2005, and with the EGAT announcement on the purchase of power from SPPs using non-conventional energy, residues, wastes, municipal solid waste or wood chips as fuel, dated 1 April 2005, and the cabinet resolution dated 8 October 2002. EGAT's exercising the authority in the aforementioned issue did not violate or conflict with the provision of the Energy Industry Act, Section 147. Furthermore, in this case, the complainant against EGAT is A.T. Biopower (Nakhon Sawan) Co., Ltd., which is not yet considered an energy industry operator, thereby Sections 120 and 154 of the Act are not enforceable on the company. Hence, this matter is not under the jurisdiction of the ERC. Thus, the meeting concurs that this request should be declined and that the company should be notified of the reasons for not accepting the request for consideration. Also, the Secretary of the Sub-committee is assigned to present this issue to the ERC for comment.

Meeting No. 2/2009 (5th), 4 June 2009

P & Papop Renewable Co., Ltd. appealed the order of the ERC.

P & Papop Renewable Co., Ltd. applied to sell electricity and connect its electrical system to the system of the Provincial Electricity Authority (PEA) and received notification of acceptance to purchase electricity and permit the power producer to connect to its electrical system to the grid at the purchasing point

according to the regulations for the purchase of power from Very Small Power Producers (VSPPs). The company signed the power purchase agreement with the PEA on 18 September 2007, and the company appealed to the ERC on 13 May 2008 against the issuance of a license for the company to sell electricity based on the generator capacity, totaling 3,570 kVA as from 13 May 2008 onwards. The company provided the grounds that the ERC had not issued a license for the company to conduct electricity industry operations once the Act was enforced until 10 April 2008, when the ERC issued a license for electricity industry to the company. The company has recorded meter reading with the PEA after the Power Utility had checked the electrical system connection and other installed equipment to determine whether they meet the specified standards; then power dispatch to the PEA's system has been made, with recording of the sales units (credits) in compliance with the regulations for the purchase of power from VSPPs (for from the generation using renewable energy), and the PEA has received electric current from the company into the PEA's distribution system. As a result, the company can be considered entitled to receive permission to sell electricity as from the date of dispatching power into the PEA system (18 January 2008) and entitled to receive payment for electric current from the PEA according to the PPA, which is the company's legal right.

The Sub-Committee resolves that the Secretary to the Sub-committee is to check the completeness of the information submitted by the company, when applying for a license, to the Department of Energy Business against that cited by the company in the appeal, and present to the Sub-committee for consideration at the next meeting. The company is to be invited to provide additional information to the Sub-committee at the next meeting as well.

Meeting No. 3/2009 (6th), 29 July 2009

P & Papop Renewable Co., Ltd. appealed the order of ERC.

Following the appeal lodged by P & Papop Renewable Co., Ltd., against the order of the ERC and the resolution of the Sub-committee to have the Secretary invite representatives of the company to provide information for consideration by the Sub-committee at the latter's next meeting, the Secretary has invited representatives of the company and officials of the Department of Energy Business to provide additional information to the Sub-committee at this meeting and the resolution reached can be summarized as follows. Five of the seven Sub-committee members have the opinion that the ERC should issue a license for conducting electricity industry, covering generation and retail, to the company, with effectiveness as from 10 April 2008, to be in line with the regulations set forth by the NEPC, and because this date is also the date the company received an energy industry license. This is aimed to ensure fairness for the company.

Summary of the Minutes of Meetings

Sub-committee on Deliberation of Appeal on

Use of Immovable Property

Fiscal Year 2009

No.	Sub-committee's Name	Title	Meeting Attendance
1	Mr. Thaksin Limsuvan	Chairman	7/7
2	Mr. Chongchet Boonkerd	Member	7/7
3	Mr. Supichai Tangjaitrong	Member	7/7
4	Mr. Kawin Thangsupanich	Member	6/7
5	Mr. Chuchai Akra	Member	7/7
6	Mr. Jakrapan Nutanong Representative of the Land Department	Member	6/7
7	Mr. Wiwek Jinasiri Qualified Expert	Member	7/7
8	Mr. Chen Wipatbawornwong Qualified Expert	Member	7/7
9	Mr. Damrong Jirasutat Representative of the Department of Agriculture	Member	3/7
10	Mr. Choosak Wongsavat Director, Legal Department, OERC	Member and Secretary	7/7
11	Miss Narumon Intharak Technical Expert, Senior Professional Licensing Department, OERC	Member and Assistant Secretary	6/7

Meeting No. 1/2009 (1st), 29 June 2009

1. EGAT's presentation on the procedures for electricity network system construction.

The Sub-committee acknowledges the procedures and methods for the construction of an electricity network system, as practiced by EGAT as follows. Before commencing the project, information will be given to community leaders about the characteristics and objectives of the project. Next, notification will be made demarcating survey areas for transmission line installation. After an appropriate area can be identified, presentation will be made to the Committee on Deliberation of Transmission Line Route of EGAT, for consideration and further announcement on demarcation of the right-of-way, or transmission line installation area. At this step, if people disagree with the right-of-way, they can appeal to the above-mentioned Committee of EGAT. Following the announcement on the right-of-way, surveys and inspections will be conducted on the properties in order to determine compensation for owners or occupiers of property or other right holders. In the case where any owner or occupier of property or right holder disagrees, an appeal concerning the amount of compensation can be filed with EGAT. After EGAT has paid compensation to the owners or occupiers of property or other right holders, notifications will be made to them before entering the venue for project construction.

2. The appeal against the amount of compensation for the property covered by the right-of-way, lodged by Mrs. Somsamai Phothong and Mrs. Walailuck Ruangjan.

The Sub-committee acknowledges the matter raised by Mrs. Somsamai Phothong, a landowner in Bang Nam Prieu District, Chachoengsao Province, to the OERC on 16 September 2008 that she had been affected by the announcement on the right-of-way for construction of EGAT's power system. Therefore, on 25 July 2008 both complainants submitted to EGAT appeals against the amount of compensation for their land covered by the right-of-way for construction of the 500-kV Pluak Daeng – Nong Chok grid connection point– Wang Noi, Line 2, because the Committee on Compensation for Land and Property for Chachoengsao Province, Line 2, had set compensation for land and property in 2007 at a lower rate than that set in 1997 by the Committee on Compensation for Land and Property for Chachoengsao Province, Line 1. EGAT later checked the appeals and found that both complainants submitted appeals on 25 July 2008, which was beyond the 15-day period set forth in the law on administrative procedure. Therefore, EGAT could not proceed with appeals deliberation of both complainants.

Both complainants then appealed to the OERC on 16 September 2008 in order to have EGAT reconsider the compensation for the land covered by the right-of-way, by not using the compensation principle based on the type of land because both complainants had the opinion that the rights of the owner of the affected land, regardless of the type of land, would be restricted pursuant to Section 32 of the EGAT Act. At this meeting, the Sub-committee decides to invite EGAT to the next meeting to provide information about the jurisdiction in considering appeals, according to Sections 47, 146 and 147 of the Act.

3. Setting of guidelines on deliberation of appeals concerning an energy network system area and compensation for property.

The Sub-committee approves the separation of the Sub-committee on Deliberation of Appeal into two sub-committees, i.e. the Sub-committee on Deliberation of Appeal on an Energy Network System Area and the Sub-committee on Deliberation of Appeal for Compensation because different issues are involved in considering appeals on these two matters.

4. Opinions of the National Human Rights Commission of Thailand (NHRC), resulting from the inspection of violation of human rights of the inhabitants of Nongpai and Soephloe Sub-districts in UdonThani Province, caused by the Nampong 2 – Udon Thani 3 high-voltage transmission line construction project of EGAT.

The Secretary-General of the NHRC sent a letter to the Chairman of ERC on 8 December 2008 informing that the inhabitants of Nongpai Sub-district, Muang District, and those of Soephloe Sub-district, Kumpawapee District, Udon Thani Province, had filed complaints with the NHRC requesting the latter to investigate EGAT's Nampong 2 – Udon Thani 3 high-voltage transmission line construction project because those people had not been notified and EGAT had not arranged for a hearing of public opinion before commencing the project. The NHRC then assigned the Sub-Commission on Land and Forest Management the task of investigating and preparing a report on the results of the investigation into the violation of human rights for presentation at the policy level involving participation of people in considering and deciding to construct the transmission lines, pursuant to the NHRC Act, B.E. 2542 (1999), and the regulations of the NHRC on the criteria and procedures for investigating violations of human rights, B.E. 2545 (2002). The Sub-Commission on Land and Forest Management had the opinion that, according to the examination of information, documentary evidence and explanations from all parties, EGAT's provision of project information, surveys of transmission line routes, hearing of public opinion and decision on the

selection of the transmission line route before carrying out the project had been undertaken with unfair discrimination and failed to comply with the Constitution. That is, the meetings organized to explain the project information only involved tambon (sub-district) headmen, village headmen, Tambon Administrative Organization (TAO) Chairmen and TAO members. In addition, EGAT had explained only the positive information without explaining all aspects, especially potential impacts on health, quality of life and infringement upon rights to the land which will occur in the future. Therefore, the acts of EGAT were considered unfair discrimination towards the complainants. Furthermore, it was opined that the criteria for payment of compensation was unfair and was in violation of human rights on the issue of rights to properties of the complainants, as well as the rights of persons to have access to official information under the Constitution of the Kingdom of Thailand of B.E. 2550 (2007), Sections 41 and 57. This meeting holds the opinion that the NHRC has no jurisdiction to investigate the work execution of ERC and assigns the Director of Legal Department (Mr. Choosak Wongsavat) the task of summarizing the facts and relevant details for presentation to the ERC meeting in order to prepare a reply letter clarifying this matter to the NHRC.

5. Infringement upon the rights of Mrs. Patcharin Tassanapayak to the land covered by the right-of-way for a transmission line.

Mrs. Patcharin Tassanapayak, a landowner in Bang Duan Sub-district, Muang Samut Prakan District, Samut Prakan Province, sent a letter to the Chairman of ERC on 21 January 2009 reporting that she had not been treated fairly regarding the infringement upon her rights to the land covered by the right-of-way for Bang Kapi – South Bangkok transmission line installation of EGAT. In 1967, Yan Hee Electricity Authority declared the right-of-way for laying the Bang Kapi – South Bangkok transmission line. Later, as a result of the Electricity Generating Authority of Thailand Act of B.E. 2511 (1968), the properties, rights and duties of Yan Hee Electricity Authority were transferred to EGAT. On 30 December 1970, EGAT paid compensation for land affected by the transmission line right-of-way to Mrs. Niramon Nap and Mrs. Ruenkaew Baird. On 18 July 1994, all three plots of land were transferred from Mrs. Niramon Nap and Mrs. Ruenkaew Baird to Mrs. Patcharin, together with the obligations set forth by EGAT. Mrs. Patcharin held the opinion that her rights had been infringed upon to the point that she was unable to make use of her own land, except for those stipulated in the EGAT announcement. In addition, the infringement upon rights should be temporary and not indefinite

as such. If EGAT wishes to utilize immovable property permanently, EGAT should expropriate those immovable properties under the Expropriation Act. At this meeting, EGAT informs the meeting that EGAT currently has no policy to expropriate land, but pay compensation for the land crossed over by the transmission line right-of-way to the persons whose rights have been infringed upon and views that the aforementioned complaint is not under the ERC jurisdiction. Hence, the Sub-committee assigns the Director of Legal Department (Mr. Choosak Wongsavat) the task of gathering facts and details for presentation to the ERC meeting in order to reply, in writing, to the complaint sent by Mrs. Patcharin Tassanapayak.

Meeting No. 2/2009 (2nd), 9 March 2009

1. The appeal against the amount of compensation for the property covered by the right-of-way for a transmission line installation, lodged by Mrs. Somsamai Phothong and Mrs. Walailuck Ruangjan.

Following the case where Mrs. Somsamai Phothong and Mrs. Walailuck Ruangjan had filed appeals against the amount of compensation for the property covered by the right-of-way for a transmission line installation, at this meeting the Sub-committee deems it fit to consult the Office of the Council of State (OCS) on the issue of Articles 146, 147 and 148 concerning which agency between ERC and EGAT has jurisdiction to consider the appeals in the case where EGAT had not been licensed under the Act, and, if the jurisdiction over appeals on compensation belongs to the ERC, whether EGAT's act of notifying the people of the amount of compensation and rights to appeal against the amount of compensation would be considered as having no effect on appeal submission and whether affected people still have the rights to appeal against the amount of compensation to the ERC. The Sub-committee also requests to be kept informed of the issues sent to the OCS for advice and assigns the Director of Legal Department (Mr. Choosak Wongsavat) the task of gathering facts and legal issues for presentation to the ERC meeting regarding the aforementioned consultation to be made with the OCS.

2. Request to build structures within the area of high-voltage transmission line installation.

SLR 2000 Co., Ltd. conducted the business of automobile trading and maintenance by constructing buildings and structures within the area of high-voltage transmission line installation. EGAT later filed a lawsuit with the Court of Nonthaburi Province to evict the company and order the company to remove the structures, and the Court reached a verdict ordering the company

to remove the structures from the right-of-way for high-voltage transmission line installation. The company completed the removal of the structures in compliance with the court verdict. Then, on 28 January 2009, the company requested to construct a building or other structures within the area. The Sub-committee, at this meeting, views that the announcement on the right-of-way of the disputed route of transmission line was made under Section 29 of the Electricity Generating Authority of Thailand Act of B.E. 2511 (1968), not under Section 106 of the Energy Industry Act. Therefore, this issue does not fall under the jurisdiction of the ERC and the Sub-committee deems it fit that the OERC refers this request to EGAT for consideration.

Meeting No. 3/2009 (3rd), 24 April 2009

Objection to EGAT's 230-kV Ratchaburi 3 – Samut Sakhon 4 transmission line route.

Mr. Sombat Leusukprasert, a landowner in Bang To Rat Sub-district, Muang District, Samut Sakhon Province, filed a complaint with the ERC on the issue of EGAT's failure to notify him of the fact that his land would be crossed over by a 230-kV Ratchaburi 3 – Samut Sakhon 4 transmission line construction project. He later learned about this when EGAT officials entered his land to survey properties (12 February 2009). Mr. Sombat objected to the route of the transmission line passing through the middle of his land and requested EGAT to redirect the transmission route to be adjacent to the southern edge of the parcel of land, which will be closer to the former transmission route. This project is a sub-project of Phase 11 of the electricity transmission network system expansion project (2007 – 2011), approved by the cabinet. EGAT had the notification of survey areas for transmission line installation publicized on 2 May 2007 in the Government Gazette, Volume 124. The Sub-committee, at this meeting, has the opinion that Mr. Sombat has the right to appeal; however, his appeal was lodged after the period for filing appeals was over. Moreover, the announcement on the right-of-way for the transmission line installation was carried out legally and the route was considered proper. Nevertheless, in order to relieve distress for Mr. Sombat, the Sub-committee deemed it fit to adjust the transmission route by letting Mr. Sombat discuss this matter with landowners who would be affected more by the adjustment of transmission route, with EGAT acting as the coordinator in the negotiations. If Mr. Sombat can successfully negotiate with the persons who would receive additional impact from such adjustment, letters of consent from those persons will have to be prepared. If he is unable to reach an agreement with the other persons, the original route will be affirmed.

Meeting No. 4/2009 (4th), 24 July 2009

1. Announcement on demarcation of the right-of-way for the 230-kV Bangpakong – Bangpli transmission line installation.

The Sub-committee acknowledges that EGAT has a project to upgrade and construct the 230-kV Bangpakong – Bangpli transmission line, which is part of the project on power system expansion in Bangkok and its vicinities, Phase 2 (2006-2010). The cabinet has already approved the project on 8 August 2006 as part of the Thailand Power Development Plan 2004 – 2015 (PDP 2004). The mentioned transmission line passes over the areas of two provinces, i.e. Chachoengsao and Samut Prakan, thereby causing the owners or occupiers of property or other right holders to be affected by the infringement upon rights to properties located within the right-of-way. EGAT has appointed Provincial Committees on Land and Property Price, chaired by respective Provincial Governors, with representatives from related agencies as committee members, to consider the prices of land and properties. The criteria for considering compensation for crops/trees will be based on the prices under the list of standard prices for trees and agricultural products that EGAT has developed for use as guidelines for consideration of compensation for trees/agricultural products covered by the right-of-way. The criteria for the standard price calculation are based on the agricultural principles, comprising the information about the costs of seedling, planting, fertilizer and maintenance, including opportunity cost. In addition, EGAT used relevant facts obtained from various government agencies for comparison. EGAT has used higher prices of trees to prepare EGAT's compensation price list for trees/agricultural products. As for the criteria for considering compensation for locations of electricity poles, proper land prices based on the source factors of land prices are used. The Committee on Land and Property Price for Samut Prakan Province deemed it appropriate to use the cost estimate for the purpose of fee collection for registration of right and juristic act concerning immovable property by the Treasury Department (2007).

2. Announcement on demarcation of the right-of-way for installation of a 500-kV transmission line, linking Pluak Daeng –Nong Chok grid connection point – Wang Noi, Line 2.

EGAT has a project to construct a 500-kV transmission line, linking Pluak Daeng – 500-kV Nong Chok grid connection point – Wang Noi, Line 2, which was approved by the cabinet on 15 October 1996. The aforementioned transmission line crosses over the areas of five provinces, namely, Rayong, Chonburi, Prachinburi, Chachoengsao and Bangkok, thereby resulting in

impacts on owners or occupiers of properties or other right holders caused by infringement upon rights to properties within the project right-of-way. EGAT has appointed provincial committees on land and property price to handle the matter. The criteria for considering the prices of land are based on the source factors of land prices, such as the cost estimate for the purpose of fee collection for registration of right and juristic act, market purchasing prices, conditions and locations of such land together with EGAT's reasons and objectives for using the land. Because EGAT does not transfer ownership or proprietary rights to the land covered by the right-of-way, it will not pay compensation at the full value of the land, but pay in percentage of the determined land prices, taking into consideration the types of land use. For example, EGAT pays 100% of the determined land price for land to be used for pole location, 90% of the determined land price for home location, 70% of the determined land price for orchard land, and 50% of the determined land price for rice paddy land. In considering compensation for crops/trees, EGAT has developed a list of standard prices for use as guidelines in considering compensation for crops/trees covered by the project right-of-way.

3. The appeal for compensation for rice affected by the 230-kV Bangpakong – Bangpli transmission line.

According to seven appeals lodged against the amount of compensation for rice in the area of Khao Din Sub-district, Bangpakong District, Chachoengsao Province, it is stated that EGAT has constructed a 230-kV Bangpakong – Bangpli transmission line and caused damages to the rice of the appellants. EGAT set the rate of compensation for rice at 4,400 baht per rai, which is viewed by the appellants to be unjust and, therefore, requested EGAT to consider compensating for rice at a rate of 7,000 baht per rai [$1 \text{ rai} = 1,600 \text{ m}^2 = 0.16 \text{ hectare}$]. The Sub-committee, at this meeting, deems it fit to increase the compensation for rice from 4,400 baht per rai to 7,000 baht per rai to all seven appellants.

4. Appeals on the issue of compensation for electrical pole locations (230-kV Bangpakong – Bangpli transmission line).

Mr. Attapan Lertwanitkitchakul and Mr. Suttipan Laosakul, shareholders of Bangna Land Industry Co., Ltd. which operates the business of land trading by purchasing large plots of land and dividing the land into small plots for distribution, hold the joint ownership of five land title deeds in Bangpli Yai Sub-district, Bangpli District, Samut Prakan Province, which are covered by the right-of-way EGAT's 230-kV Bangpakong – Bangpli transmission line because EGAT has installed compact transmission lines on all five plots of land and paid compensation for the land where the

compact lines are located at the amount of 218,600 baht, which equals to the compensation for the land price at a rate of 8,000 baht per square wah [$1 \text{ wah}^2 = 4 \text{ m}^2$; $400 \text{ wah}^2 = 1 \text{ rai}$] for three title deeds and 10,000 baht per square wah for the other two title deeds. The appellants viewed that the aforementioned amount of compensation was inaccurate and unfair because all five plots of land were purchased in 1989 and the current market price is no less than 19,500 baht per square wah. Therefore, the appellants requested EGAT to consider setting the price of all five plots of land where the compact lines are located, using the present purchasing price, at 19,500 baht per square wah. Therefore, the additional money EGAT is required to pay is as follows: 180,550 baht for Title Deeds No. 19505, 19507 and 19,488 and 88,350 baht for Title Deeds No. 19393 and 19392, accounting for a total of 268,900 baht. Having considered the issue, the Sub-committee, at this meeting, passes a resolution to dismiss the appeal of Mr. Attapan Lertwanitkitchakul and Mr. Suttipan Laosakul by affirming the compensation for land where the compact lines are located in line with the criteria set by the Committee on Land and Property Price for Samut Prakan Province.

As for the appeal of Mr. Nattapat Chinpak-angwara, he has requested an increase in compensation to 6,532,000 baht for his 12 plots of land where the compact lines are located because it is viewed that EGAT has constructed the compact lines on all 12 plots of land and thus preventing the appellant from selling or utilizing the land as usual. In addition, the current price of land is no less than 10,000 baht per square wah, which would make the land worth 6,000,000-7,000,000 baht if sold. The Sub-committee, at this meeting, decides to dismiss the appeal by affirming the compensation for the land where all 12 electricity poles are located because the locations of the poles do not create any obstacle to the use of land by the appellant and the amount of compensation set by Committee on Land and Property Price for Samut Prakan Province is considered suitable and just.

5. The appeals on the issue of compensation resulting from the 500-kV transmission line, linking Pluak Daeng – Nong Chok grid connection point – Wang Noi, Line 2.

1) Miss Suchada Sinpipat and Miss Sriwipa Sinpipat have appealed against the amount of compensation for land set by EGAT at 1,055,879.30 baht and the compensation for crops/trees set at 434,970 baht, making a total of 1,490,849.30 baht. The appellants request EGAT to pay compensation for the land covered by the transmission line right-of-way at the same rate of 90% of the market price of 300,000 baht per rai, accounting for a total of 3,569,400 baht, an increase of 2,078,550.70 baht from the original amount paid by EGAT, together with compensation for

the remaining 41-3-2.8 rai of land outside the right-of-way at the amount of 4,182,000 baht. The appellants also request EGAT to pay additional compensation for crops/trees covered by the right-of-way at 1,763,950 baht and to pay 496,000 baht in compensation for crops/trees and structures outside the right-of-way but located on the aforementioned plot of land, thus making a total additional amount of 8,520,550.70 baht that EGAT is required to pay. The Sub-committee passes a resolution affirming the determined compensation to be paid to the appellants for the land which runs for a distance of 100 meters adjacent to Nongpradu – Nong Pai Kaew Road at a rate of 140,000 baht per rai and the land which runs for 100 meters adjacent to a public route at a rate of 112,000 baht per rai. However, the compensation for the land which is beyond the distance of 100 meters is to be increased from 56,000 baht to 80,000 baht per rai, which will be paid in line with the criteria set by the Committee on Land and Property Price for Chonburi Province. The Sub-committee also deems it fit to increase compensation for small eucalyptus trees, which are less than four meters high, from a rate of 150 baht per tree to 220 baht per tree, and for large eucalyptus trees, which are four meters high or more, from 300 baht per tree to 330 baht per tree. As for other crops/trees belonging to the appellants, it is deemed fit to affirm the compensation set by the Committee on Land and Property Price for Chonburi Province. The Sub-committee declines to consider the appeal for payment for trees, buildings and structures located outside of the right-of-way because they do not fall under its jurisdiction. Nevertheless, it is deemed appropriate to have the issue considered by EGAT according to the regulations and criteria set forth by EGAT.

2) Mr. Anan Jirarattanakunchai has appealed against the compensation paid by EGAT at 112,000 baht per rai for his land with an area of 2-3-24.5 rai being covered by the right-of-way. He claims [1 rai = 4 ngan = 400 wah² = 1,600 m² = 0.16 hectare; an area such as 41-3-2.8 means 41 rai, 3 ngan and 2.8 wah²] that the mentioned land originally had an area of 45-0-00 rai and was purchased by the appellant and Mr. Lak Nuangjamnong on 6 July 1996 at a price of 60,000 baht per rai. Later on, Mr. Lak Nuangjamnong sold part of the land amounting to 22-2-00 rai to Mr. Satorn Jirarattanakunchai on 18 January 2007 at 1,500,000 baht, an average of 67,000 baht per rai. Afterwards, the land ownership was divided between the appellant and Mr. Satorn Jirarattanakunchai. The appellant then mortgaged the land belonging to him with Kasikorn Bank PLC for a sum of three million baht, accounting for an average of 140,000 baht per rai with the appellant continuing to hold rights to plant sugarcane. Therefore, the appellant requested EGAT to pay compensation

for the 2-3-24.5 rai of land covered by the right-of-way at an average price of 140,000 baht per rai, which is the price of the appellant's land mortgaged with Kasikorn Bank PLC, together with payment of the advanced compensation for sugarcane for ten years, during which time the appellant can no longer plant sugarcane. The Sub-committee passes a resolution to dismiss the appeal of Mr. Anan Jirarattanakunchai by affirming the compensation for the land and sugarcane according to the prices and criteria set by the Committee on Land and Property Price for Chonburi Province.

3) Mrs. Neungruthai Sriprasert, Miss Orathai Raseesap, Mr. Bancha Raseesap and Mrs. Winai Raseesap have appealed against the amount of compensation for land paid by EGAT because the current price of land is 250,000 baht per rai and the transmission line passes over the entire front of the land, thereby causing difficulty and inconvenience in accessing the land and the purchase of inner land will not be convenient and will not have the same price as at present. Therefore, the appellants request EGAT to reconsider the amount of compensation for their land. The Sub-committee passes a resolution affirming the determined amount of compensation to be paid to the appellants at a rate of 112,000 baht per rai for the 100 meters of land adjacent to the public route, but increasing the compensation for the land beyond the 100-meter distance from 56,000 baht per rai to 75,000 baht per rai, with the payment to be made according to the criteria set forth by the Committee on Land and Property Price for Chonburi Province.

Meeting No. 5/2009 (5th), 14 August 2009

Consideration of the appeals in relation to the 500-kV transmission line, linking Pluak Daeng – Nong Chok grid connection point – Wang Noi, Line 2.

1. The appeal of Mrs. Chonlada Mongkonwanich and Miss Wilawan Jeungprasert against the amount of compensation for land (Survey Plot No. D108).

Mrs. Chonlada Mongkonwanich and Miss Wilawan Jeungprasert have appealed against the amount of compensation for land determined by EGAT at a rate of 56,000 baht per rai, accounting for a total amount of 547,643.60 baht. The appellants consider the price unfair because, about five years ago, the adjacent land which belonged to their relatives could be sold at 80,000 baht per rai. Furthermore, the present purchasing price of nearby land on the other side of the road is a bit over 100,000 baht per rai. The Sub-committee passes a resolution to dismiss the appeal by affirming compensation for the land according to the price and criteria set forth by the Committee on Land and Property Price for Chonburi Province.

2. The appeal of Miss Suchaya Chen against the amount of compensation for land (Survey Plot No. D116).

Miss Suchaya Chen disagrees with the amount of compensation set by EGAT for the properties covered by the transmission line right-of-way, i.e. 946,433.60 baht for land, 1,750 baht for crops/trees and 4,274.40 baht for structures, totaling 952,458 baht, because it is viewed that the determined compensation was unjust, and it is requested that EGAT increase the compensation as follows: for the land covered by the right-of-way at 650 baht per square wah, totaling 3,971,630 baht. After deducting the former amount of compensation determined by EGAT, the additional amount appealed for is 3,025,196.04 baht in compensation for the land, together with depreciation of the price of the remaining 35-0-84.8 rai of land outside of the right-of-way at a rate of 455 baht per square wah, accounting for a total of 6,399,484 baht, plus compensation for loss of future business opportunity at 100 million baht because Miss Suchaya cannot use the land for construction of industrial factories. Furthermore, Miss Suchaya requests EGAT to pay compensation for removal of structures at 20,000 baht. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to public routes for a distance of 100 meters and for which EGAT set compensation at 140,000 baht per rai, but increasing the compensation for the land beyond the distance of 100 meters from 56,000 baht per rai to 80,000 baht per rai, with the payment to be made according to criteria set forth by the Committee on Land and Property Price for Chonburi Province, together with affirming the compensation for structures set by EGAT to be paid to the appellant because it is deemed that the price is suitable and just. The Sub-committee declines to consider the issues appealed by Miss Suchaya Chen regarding payment for depreciation cost for the land outside of the right-of-way and compensation for loss of future business opportunity because the issues are not within its jurisdiction.

3. The appeal of Mrs. Wipa Pinyochotiwong against the amount of compensation for land (Survey Plots No. E054 and E055).

Mrs. Wipa Pinyochotiwong disagrees with the amount of compensation of 332,432.80 baht determined for payment by EGAT and requests EGAT to compensate her for the land at no less than 1,633,800 baht, or 1,500 baht per square wah. Mrs. Sudarane Satapattanasook, the attorney-in-fact of Mrs. Wipa Pinyochotiwong, disagrees with the amounts of compensation for Survey Plot No. E055, which has been set by EGAT at 566,839 baht for land, 14,000 baht for trees and 77,580 baht for structures. The appellant has requested EGAT to pay additional compensation of 550,000 baht for land and sent a letter dated 29 March 2008 together with

additional documents to support the appeal. The appellant cites the reason supporting the appeal that a piece of land of the appellant, Survey Plot No. E054, is adjacent to public routes and the official estimated price is at 480,000 baht per rai, or 1,200 baht per square wah, and the market price is approximately 600,000 baht per rai, or 1,500 baht per square wah. However, EGAT has determined to pay compensation at an average price of 122,400 baht per rai, or 306 baht per square wah, which is five times lower than the market price. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to public routes, for a distance of 100 meters. However, the Sub-committee decides to increase the compensation for the land adjacent to the Nong Samed – Om Phanom Highway (Route 3340) for a distance of 100 meters from the formerly determined price at 336,000 baht per rai to 400,000 baht per rai and for the land beyond the distance of 100 meters from 56,000 baht per rai to 80,000 baht per rai, by making payment in compliance with the criteria set forth by the Committee on Land and Property Price for Chonburi Province.

4. The appeal against the amount of compensation for land, lodged by Mrs. Kanya Jongchansithitho (Survey Plot No. E056).

Mrs. Kanya Jongchansithitho has appealed against the amount of compensation of 509,656 baht for her land paid by EGAT, by requesting EGAT to pay compensation according to the actual purchasing price for the entire plot of land in the amount of 1,200,000 baht and to pay for the land tax as the land user, including an annual rent as from the second year onwards at a rate of 10% of the compensation for the land until EGAT ceases to utilize the land. The Sub-committee passes a resolution affirming the compensation for the land of the appellant in the area of 100 meters adjacent to public routes, but increasing the compensation for the area of land adjacent to the Nong Samed – Om Phanom Highway (Route 3340) for a distance of 100 meters, from the formerly determined price at 336,000 baht per rai to 400,000 baht per rai and for the land beyond 100 meters from 56,000 baht to 80,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chonburi Province.

5. The appeal against the amount of compensation for land, lodged by Mrs. Nongyao Srikhun (Survey Plot No. E059).

Mrs. Nongyao Srikhun has appealed against the amount of compensation paid by EGAT. The appellant requests EGAT to pay compensation for the entire plot of 15-3-23 rai of land in the amount of 5,400,000 baht with the following reasons to support the appeal. As the land is covered by the transmission line right-of-way, the width of land adjacent to the highway is reduced to only 12 meters, thus making it unusable and resulting in loss of future benefits. The appellant acquired the land by inheritance and has only one plot of

land where she intends to construct a house and use the land to make a living. Currently, the appellant rents a piece of land of St. Joseph Catholic Church Phanat Nikhom where a house was built, by making a three-year rental agreement and paying a rental fee of 210 baht per month. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to a public canal, for a distance of 100 meters and increasing the compensation for the land adjacent to the Nong Samed – Om Phanom Highway (Route 3340) for a distance of 100 meters from the formerly determined price of 336,000 baht per rai to 400,000 baht per rai and for the land beyond the distance of 100 meters from 56,000 baht per rai to 80,000 baht per rai, by making payment in compliance with the criteria set forth by the Committee on Land and Property Price for Chonburi Province. The Sub-committee declines to consider the compensation for the remaining portion of land outside the right-of-way because the issue is not under its jurisdiction. Nevertheless, it is deemed appropriate for EGAT to take the issue into consideration according to the regulations and criteria set forth by EGAT.

6. The appeal against the amount of compensation for land, lodged by Mr. Chalermkiat Janprasert (Survey Plot No. E062).

Mr. Chalermkiat Janprasert has appealed against the amount of compensation for his land determined by EGAT and requested EGAT to pay 300,000 baht per rai in compensation for 7 rai and 3 ngan of land covered by the transmission line right-of-way, giving the reason that the appellant initially possessed 25-3-00 rai of land, of which 7-3-00 rai has been covered by the right-of-way, thereby causing the appellant to lose benefits from investment, purchase or mortgage of the remaining 18 rai of land. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to public routes, for a distance of 100 meters and that adjacent to public canals for a distance of 100 meters because the prices are considered proper and just. The Sub-committee, however, gives consent to increase the compensation for the land beyond the distance of 100 meters from the formerly determined price of 56,000 baht per rai and 80,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chonburi Province.

7. The appeal against the amount of compensation for land, lodged by Krung Thai Feed Mill PLC, Survey Plots No. E067, E068, E069, E070, E071, E072 and E073.

Krung Thai Feed Mill PLC has appealed against the amount of compensation for seven plots of land covered by the transmission line right-of-way, determined by EGAT at 1,077,574.40 baht and requested EGAT to compensate for the land at a price of 100,000

baht per rai, or a total of 19,951,000 baht. The Sub-committee passes a resolution affirming the compensation for the land belonging to the appellant, which is adjacent to public routes, for a distance of 100 meters because the price is deemed suitable and just, but increasing the compensation for the part of land beyond a distance of 100 meters from public routes from the formerly determined price of 56,000 baht per rai to 75,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chonburi Province. The Sub-committee declines to consider compensation for land outside the right-of-way because the issue does not fall within its jurisdiction. Nevertheless, it is deemed fit to have EGAT consider the issue according to the regulations and criteria set forth by EGAT.

8. The appeal against the amount of compensation for land, trees and structures, lodged by Miss Boonjua Saptaweepoonboon (Survey Plots No. E078 and E079).

Miss Boonjua Saptaweepoonboon, the party filing the appeal, disagrees with the compensation for land, teak trees and structures, determined for payment by EGAT and has requested EGAT to compensate for the land at a rate of 400,000 baht per rai, for teak trees at a rate of 1,320 baht per tree and for structures at a price of 170,000 baht. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to the Nong Ket – Nern Hin Tang – Beung Taku, for a distance of 100 meters because the price is considered suitable and just, but increasing the compensation for the part of land beyond the distance of 100 meters from public routes from the formerly determined compensation at 56,000 baht per rai to 80,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chonburi Province. The Sub-committee affirms the compensation for large teak trees at 1,000 baht per tree and increases compensation for small teak trees surveyed by EGAT to the same rate as that for large ones at 1,000 baht per tree, together with increasing compensation for removal of structures to the appellant to 170,000 baht.

9. The appeal against the amount of compensation for land, lodged by Mr. Tanong Wongman (Survey Plot No. E080).

Mr. Tanong Wongman has appealed against the rate of payment of compensation for the land beyond a distance of 100 meters from public routes, which has been paid at 50% of the determined price. The appellant requests EGAT to increase compensation for the land by compensating at a rate of 80% together with payment for the cost of the remaining land outside the right-of-way, giving the reason that the appellant's father

intended to divide the aforementioned plot of land amongst ten children; therefore, it becomes great difficulty in dividing the land once part of the land has been covered by the right-of-way and thus causing the appellant to lose the rights to sell the land, plant crops/trees or construct structures. In addition, the remaining land outside the right-of-way becomes a small plot of land which cannot be used. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to public routes, for a distance of 100 meters because the price is deemed suitable and just, but increasing compensation for the land beyond the distance of 100 meters from public routes from 56,000 baht per rai to 75,000 baht per rai, by making payment at a rate of 50% according to criteria set forth by the Committee on Land and Property Price for Chonburi Province. Nevertheless, the Sub-committee deems it fit for EGAT to accept the issue for consideration according to the regulations and criteria set forth by EGAT.

10. The appeal against the amount of compensation for land and trees, lodged by Mrs. Napaporn Singhapan (Survey Plot No. E081).

Mrs. Napaporn Singhapan has appealed against the amount of compensation determined by EGAT for her land and teak trees and requested EGAT to pay compensation for the land at a rate of 300,000 baht per rai and for teak trees at rate of 1,560 baht per tree, giving the reasons that the compensation set by EGAT for her land and teak trees is too low because when the transmission line crosses over the land, the appellant is unable to use the land at full capacity. Furthermore, the teak trees have been planted for 15 years, with an average circumference of 40-50 centimeters. The amount of wood is calculated at approximately 1.2 cubic feet per tree; with a price of 1,300 baht per cubic foot, the value of a teak tree will be 1,560 baht. Furthermore, if the trees were allowed to grow for another 20-30 years, they would have an average circumference of 100-120 centimeters, thereby bringing the calculated amount of wood to about 12 cubic feet per tree. Given the price of 2,400 baht per cubic foot, the value of each teak tree would be 28,800 baht.

The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to public routes, for a distance of 100 meters because the price is deemed suitable and just, while increasing the compensation for the part of land beyond the distance of 100 meters from the initially determined rate of 56,000 baht per rai to 75,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chonburi Province, together with increasing the compensation for teak trees of the appellant from the rate determined by EGAT at 1,000 baht per

large tree and 500 baht per small tree to be the same rate for all at 1,155 baht per tree.

11. The appeal against the amount of compensation for land, lodged by Mr. Daeng Jujarem and Mrs. Lamoon Jujarem (Survey Plot No. E084).

Mr. Daeng Jujarem and Mrs. Lamoon Jujarem have appealed against the amount of compensation paid by EGAT by requesting EGAT to pay compensation for their land at a rate of 180,000 baht per rai, giving the reason that the transmission line crosses over the entire front of the plot of land, which is the most important part of the land because it can be used to build houses or stores due to its excellent location, thereby causing the land to have less value if it were to be sold in the future. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to public routes, for a distance of 100 meters because the compensation specified by the Committee on Land and Property Price is deemed suitable and just.

12. The appeal against the amount of compensation for the land, lodged by Mr. Alee Nitsawong (Survey Plot No. E088).

Mr. Alee Nitsawong has appealed against the compensation for his land paid by EGAT and requested EGAT to pay compensation at a rate of 150,000 baht per rai according to the current land purchasing price. In addition, Mr. Alee requests EGAT to pay for the southern side of the land outside the transmission line right-of-way which the appellant can no longer make use of. The Sub-committee passes a resolution affirming the compensation for the land of the appellant, which is adjacent to public routes, for a distance of 100 meters because the price is deemed suitable and just, while increasing the compensation for the land beyond the distance of 100 meters from public routes from the initially determined price of 56,000 baht per rai to 80,000 baht per rai, by making payment at a rate of 50% according to the criteria set forth by the Committee on Land and Property Price for Chonburi Province. The Sub-committee declines to consider the compensation for the remaining land beyond the right-of-way because the issue does not fall within its jurisdiction. Nevertheless, the Sub-committee deems it fit to have the issue considered by EGAT according to the regulations and criteria set forth by EGAT.

13. The appeal against the amount of compensation for land and trees, lodged by Mr. Saman Daengkomen (Survey Plots No. E087 and E092).

Mr. Saman Dangkomen has appealed against the compensation for land and trees determined by EGAT at a rate of 112,000 baht per rai for land, or an average of 280 baht per square wah. EGAT

has paid the compensation for land at a rate of 90%, or 252 baht per square wah. The appellant has raised the fact that, pursuant to the official land cost estimate for purpose of fee collection for registration of right and juristic act for Title Deed No. 668, Bo Kwang Thong Sub-district, Bo Thong District, Chonburi Province, the price of land is 300 baht per square wah, or calculating at 90%, it would be 270 baht per square wah, thereby causing a difference of 18 baht per square wah. For the 1,150.6 square wah of his land covered by the right-of-way, there would, therefore, be a difference at the value of 20,710 baht. For Title Deed No. 3652, Tat Thong Sub-district, Bo Thong District, Chonburi Province, the official cost estimate is 400 baht per square wah and thus having the value of 360 baht when calculated at 90%, thereby causing the price difference from that set by EGAT of 108 baht. The amount of his land covered by the right-of-way is 1,572.4 square wah, thereby causing the difference to be 169,819 baht. As a result, the total difference of both plots of land for which the appellant has requested additional compensation is 190,529 baht. Concerning the compensation for the teak trees of the appellant, which currently have an average age of 12-14 years and a height of over six meters with an average circumference at mid-trunk of approximately 45-49 centimeters, the selling price set by the Forest Industry Organization, a government agency, is at least 5,100 baht per cubic meter. The maximum rate for trees with circumferences of over 140 centimeters can be as high as 24,800 baht. EGAT has set compensation for 631 large teak trees at 1,000 baht per tree and for 144 small teak trees at 500 baht per tree. The Sub-committee passes a resolution affirming the compensation for the land in Survey Plot No. E087 which is adjacent to public routes for a distance of 100 meters because the price is deemed suitable and just, and increasing the compensation for the land in Survey Plot No. E092 which is adjacent to public routes for a distance of 100 meters from the formerly determined price at 112,000 baht per rai to 120,000 baht per rai.

Meeting No. 6/2009 (6th), 3-4 September 2009

1. The appeal against the compensation for good-species rubber trees, lodged by Miss Chutima Jaremwoot, Miss Nitaya Jaremwoot, Mr. Patompong Jaremwoot and Mr. Chalermchai Jaremwoot (Survey Plot No. F020).

Miss Chutima Jaremwoot, Miss Nitaya Jaremwoot, Mr. Patompong Jaremwoot and Mr. Chalermchai Jaremwoot have appealed against the amount of compensation for 356 good-species rubber trees paid by EGAT at a rate of 2,000 baht per tree. The appellants request EGAT to pay compensation for good-species rubber trees at a rate of 21,797.75 baht per tree. The Sub-committee

passes a resolution affirming the compensation for good-species rubber trees paid to the appellants according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

2. The appeal against the compensation for good-species jackfruit trees, lodged by Mrs. Malee Udom (Survey Plot No. F065).

Mrs. Malee Udom has appealed against the compensation paid by EGAT for 31 good-species jackfruit trees at 2,500 baht per tree. She requests EGAT to pay compensation at a rate of 139,500 baht per tree. The Sub-committee passes a resolution affirming the compensation for good-species jackfruit trees paid to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

3. The appeal against the compensation for land, lodged by Mrs. Kalayakorn Pijan (Survey Plot No. F006).

Mrs. Kalayakorn Pijan has appealed against the amount of compensation for her land, paid by EGAT at 332,552.50 baht, and requested EGAT to pay additional compensation of 3,512,500 baht. The Sub-committee passes a resolution affirming the compensation for land paid to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

4. The appeal against the compensation for land, lodged by Mrs. Jariya Pomprapan (Survey Plots No. F070 and F072).

Mrs. Jariya Pomprapan has appealed against the amount of compensation for her land, paid by EGAT at a total of 2,952,411 baht, and requested EGAT to pay compensation for two plots of land covered by the right-of-way and a nearby plot which is not covered by the right-of-way, making a total three plots of land accounting for a total area of 65 rai, at the current purchasing price of 75,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for both plots of land paid to the appellant as set by the Committee on Land and Property Price because the price is deemed suitable and just. The Sub-committee declines to consider the appellant's request for payment for the land plot outside the right-of-way because the issue does not fall within its jurisdiction; nevertheless, it is deemed fit to have EGAT consider the issue according to the regulations and criteria set forth by EGAT.

5. The appeal against the compensation for land, lodged by Mr. Preecha Ruamnikom, Mr. Anon Ruamnikom and Mr. Amompan Ruamnikom as the heirs of Mrs. Wae Ruamnikom (Survey Plot No. F088).

Mr. Preecha Ruamnikom, Mr. Anon Ruamnikom and Mr. Amompan Ruamnikom, as the heirs of Mrs. Wae Ruamnikom, have appealed against the amount of compensation for land paid by EGAT at a rate of 140,000 baht by requesting EGAT to pay compensation at a rate

of 400,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for land paid to the appellants according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

6. The appeal against the compensation for land, lodged by Mrs. Boonyang Ruamnikom (Survey Plots No. F096 and F099).

Mrs. Boonyang Ruamnikom lodged an appeal against the amount of compensation for land, determined by EGAT at the rates of 560,000 baht, 280,000 baht and 140,000 baht per rai, and requested EGAT to compensate for both plots of land at the same rate of 600,000 baht per rai, giving the reason that the front side of both plots of land of the appellant are adjacent to the highway; when they are covered by the right-of-way, their value has been depreciated and the appellant has been deprived of the opportunity to sell the land because persons interested to purchase the land want to construct buildings decline to purchase it after learning that it is covered by the right-of-way. The purchasing price of nearby land is 600,000 baht per rai. Therefore, the appellant requests fairness in setting compensation according to the actual purchasing prices. The Sub-committee passes a resolution affirming the compensation for both plots of land paid to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

7. The appeal against the compensation for land and eucalyptus trees, lodged by Mr. Kittu Kongniwatsiri (Survey Plots No. F127 and F128).

Mr. Kittu Kongniwatsiri has appealed against the amount of compensation for land and trees paid by EGAT at a total amount of 3,837,641.50 baht and requested EGAT to compensate for both plots of land covered by the transmission line right-of-way at a rate of 300,000 baht per rai, thereby bringing the total additional compensation which EGAT is required to pay to 2,379,075.50 baht, together with compensation for loss of land development opportunity at an amount of 3,000,000 baht, compensation for opportunity cost and damages from premature cutting of eucalyptus trees at 4,784,700 baht, and compensation for opportunity cost resulting from restriction of rights to plant tall trees and for crops/trees that need to be burned at 5,000,000 baht. The Sub-committee passes a resolution affirming the compensation for both plots of land paid to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just. It is also deemed fit to increase the compensation for large eucalyptus trees with a height of four meters and higher to 330 baht per tree. The Sub-committee dismisses the appeal requesting compensation for loss of land development opportunity, damages from premature

cutting of eucalyptus trees and opportunity cost resulting from limitation of rights in planting tall trees and crops/trees that need to be burned because this is only a plan for land development project with price assessment in the future. There are currently no tangible facts as to whether or not the project can be carried out, so there is uncertainty with insufficient reason and weight for consideration.

8. The appeal against the compensation for land, lodged by Mrs. Thongpoon Prametiyan (Survey Plots No. F130 and F133).

Mrs. Thongpoon Prametiyan has appealed against the amount of compensation for both plots of her land paid by EGAT and requested EGAT to compensate for the land at a rate of 250,000 baht per rai, together with compensation for sugarcane at 30,000 baht per rai and compensation for one rice paddy hut at 50,000 baht. The Sub-committee passes a resolution affirming the compensation for both plots of land paid to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

9. The appeal for compensation for land and industrial sugarcane, lodged by Mr. Arun Prametiyan (Survey Plot No. F134).

Mr. Arun Prametiyan has appealed against the amount of compensation for his land and industrial sugarcane [for sugar production] paid by EGAT at 63,921.60 baht and requested EGAT to compensate for the land at a rate of 200,000 baht per rai together with compensation for industrial sugarcane at 30,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for land paid to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just, and deeming it appropriate to affirm the compensation for industrial sugarcane paid to the appellant because the price is considered suitable and just.

10. The appeal against the compensation for land, lodged by Mr. Boon Laphrom (Survey Plot No. F152).

Mr. Boon Laphrom has appealed against the amount of compensation for his land, paid by EGAT at 220,411.80 baht, and requested EGAT to compensate for the land at a rate of 90% of the determined price, giving the reason that the compensation paid by EGAT, using the rate based on the land type and calculated in percentage, is deemed by the appellant to be unsuitable and unjust for a landowner who will be unable to use the land and earn a living from the land in the long term due to the rules and conditions for land use set forth under Article 31 and Article 32 [of the EGAT Act]. The aforementioned law showed limitation of the appellant's rights to full utilization of the land. Furthermore, the compensation paid by EGAT is not in line with presently changing economic situations with a high inflation rate of 6%.

The Sub-committee passes a resolution affirming the compensation for the land according to the price and criteria set forth by the Committee on Land and Property Price.

11. The appeal against the compensation for land, lodged by Mrs. Aree Rodkong (Survey Plot No. F160).

Mrs. Aree Rodkong has appealed against the amount of compensation for her land, paid by EGAT at a rate of 112,000 baht per rai and 84,000 baht per rai, and requested EGAT to compensate for the land at a rate of 200,000 baht per rai, giving the reason that her plot of land is adjacent to public routes and thus is unsuitable for growing seasonal plants due to natural causes and land characteristics, but suitable for planting trees. However, due to the transmission line right-of-way covering the land, the appellant has been unable to plant trees, thereby resulting in loss of future opportunities and income. The fact that EGAT has set the compensation for the land beyond a distance of 100 meters from the public routes at 84,000 baht per rai and actually paid at 50% of the price has caused the appellant to actually receive compensation at only 42,000 baht per rai, with the burden of paying the income tax; therefore, the actual amount of compensation received is even less. The Sub-committee passes a resolution affirming the compensation for land at the rate determined by the Committee on Land and Property Price because the price is deemed suitable and just.

12. The appeal against the compensation for land and eucalyptus trees, lodged by Mrs. Yim Sae-Jiao (Survey Plot No. F170).

Mrs. Yim Sae-Jiao has appealed against the amount of compensation for her land and eucalyptus trees, paid by EGAT as humanitarian assistance to a possessor and user of land with a Sor Por Kor document [land allotted by the Land Reform Committee with the strict provision of agricultural or forestry usage; it is not allowed for anyone to buy, and it may only be transferred to the direct heirs of the owner] at a rate of 112,000 baht per rai and 84,000 baht per rai, together with compensation for eucalyptus trees at 150 baht per tree and 300 baht per tree. The appellant has requested EGAT to pay humanitarian assistance at a rate of 200,000 baht per rai and to compensate for eucalyptus trees at 1,200 baht per tree. The Sub-committee declines to consider the appeal for humanity assistance because the appellant is a possessor and user of Sor Por Kor land. EGAT must request permission to use such land and pay compensation for the land to the Agricultural Land Reform Office (ALRO) according to the regulations set forth by the ALRO. For the case of the appellant, the Committee on Land and Property Price for Chonburi Province has passed a resolution to pay humanitarian assistance to ease suffering from the impact of the land being covered by

the right-of-way. The Sub-committee, however, deems it fit to increase compensation for large eucalyptus trees with a height of four meters and up from 300 baht per tree to 330 baht per tree and for small eucalyptus trees with a height of less than four meters from 150 baht per tree to 220 baht per tree.

13. The appeal against the compensation for land, lodged by Miss Atcharee Panatamporn (Survey Plot No. F177).

Miss Atcharee Panatamporn, via Miss Jintana Panatamporn -- the authorized person, has appealed against the amount of compensation for her land paid by EGAT at a rate of 84,000 baht per rai and requested EGAT to compensate for the land at a rate of 2,000,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for the land as determined by the Committee on Land and Property Price because the price is considered suitable and just.

14. The appeal against the compensation for land, lodged by Mr. Krerkprayut Panatamporn (Survey Plot No. F178).

Mr. Krerkprayut Panatamporn, via Miss Jintana Panatamporn -- the authorized person, has appealed against the compensation for his land paid by EGAT at a rate of 84,000 baht per rai and requested EGAT to compensate for the land at a rate of 2,000,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for the land as determined by the Committee on Land and Property Price because the price is considered suitable and just.

15. The appeal against the compensation for land, lodged by Miss Jurairat Panatamporn (Survey Plot No. F180).

Miss Jurairat Panatamporn, via Miss Jintana Panatamporn -- her attorney-in-fact, has appealed against the amount of compensation for her land paid by EGAT at a rate of 84,000 baht per rai and requested EGAT to compensate for the land at a rate of 2,000,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for the land as determined by the Committee on Land and Property Price because the price is considered suitable and just.

16. The appeal against the compensation for land and good-species rubber trees, lodged by Miss Kalaya Panatamporn (Survey Plot No. F181).

Miss Kalaya Panatamporn has appealed against the amount of compensation for her land paid by EGAT at a rate of 112,000 baht per rai and 84,000 baht per rai, and requested EGAT to compensate for the land at a rate of 2,000,000 baht per rai, together with compensation for 138 good-species rubber trees covered by the right-of-way at an amount of 3,337,440 baht. The Sub-committee passes a resolution affirming the compensation for the land and

good-species rubber trees paid to the appellant according to the prices set by the Committee on Land and Property Price because the prices are considered suitable and just.

17. The appeal against the compensation for land, lodged by Miss Wisa Jarempongpooon (Survey Plot No. F187).

Miss Wisa Jarempongpooon has appealed against the amount of compensation for her land paid by EGAT at 224,000 baht per rai and 140,000 baht per rai together with requesting EGAT to compensate for 8-2-30.5 rai of land covered by the right-of-way at a rate of 224,000 baht per rai, with the actual payment at 90% of the determined price. The Sub-committee passes a resolution affirming the compensation for the land and criteria of paying compensation for land to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

18. The appeal against the compensation for building and structure removal, lodged by Mr. Ketkaew Pornkuna (Survey Plot No. F250).

Mr. Ketkaew Pornkuna has appealed against the amount of compensation for a building and structures paid by EGAT at 494,818.30 baht and requested EGAT to consider increasing the compensation, giving the reason that EGAT has paid for the cost of removing his wooden house and bathrooms and that of land filling cost at an amount lower than the actual damages caused. In addition, the costs of the materials and equipment in the house have increased and the electrical system for the entire house needs to be rewired. The Sub-committee passes a resolution affirming the compensation for the building and structure removal paid to the appellant according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just and assigning EGAT to investigate the facts regarding impacts of the appellant's house removal and rebuilding a new one and report to the Sub-committee on Deliberation of Appeal on Use of Immovable Property. In the event that the impacts can be proved, EGAT is assigned to take the issue under consideration in order to provide assistance according to the regulations on aid to the people affected by the transmission line construction.

19. The appeal against the compensation for teak trees, lodged by Mrs. Thanida Ngamsiri (Survey Plot No. G004)

Mrs. Thanida Ngamsiri has appealed against the compensation for 177 teak trees, determined by EGAT at 500 baht per tree for those with a circumference of no more than 50 centimeters at the height of 130 meters from the ground and 1,000 baht per tree for

those with a circumference of more than 50 centimeters at the height of 130 meters from the ground, and requested EGAT to pay 990,000 baht in compensation for 177 teak trees (an average of 5,593.22 baht per tree). The Sub-committee passes a resolution to increase compensation for teak trees of the appellant by using the compensation rate of the Royal Irrigation Department, which uses the plant age as criteria for calculating compensation to the appellant. However, because the facts regarding the age of the appellant's teak trees are still unclear, the meeting has assigned a working group to investigate the facts and report to the Sub-committee in order to determine the compensation for teak trees for the appellant.

20. The appeal against the compensation for pine trees, lodged by Mrs. Surak Udomrerkchai (Survey Plot No. G070), Mr. Sommai Udomrerkchai (Survey Plots No. G072, G072/2) and Mr. Somchai Kusonkunbaworn (Survey Plot No. G073).

The three appellants have appealed against the amount of compensation for pine trees determined by EGAT at a rate of 200 baht per tree for trees with a height of four meters and up, by requesting EGAT to pay the compensation at a rate of 400 baht or at the price equal to compensation for eucalyptus trees. Also, it is requested that EGAT set proper compensation for 34 pine trees aged more than 25 years covered by the right-of-way. The Sub-committee passes a resolution affirming the compensation for pine trees with a height of four meters and up and large pine trees aged 25 years at a rate of 200 baht per tree, as determined by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just. However, the Sub-committee deems it fit to increase compensation for pine trees with a height of less than four meters from 100 baht per tree to 126 baht per tree.

21. The appeal against the compensation for land, lodged by Mr. Prapit Nantawisit (Survey Plot No. H018).

Mr. Prapit Nantawisit has appealed against the amount of compensation for his land, determined by EGAT at 60,000 baht per rai and paid at a rate of 60%, and requested EGAT to compensate for the land at a rate of 60,000 baht and to pay at a rate of 100%, which will cause the appellant to receive an additional of 133,324.50 baht in compensation for land. The Sub-committee passes a resolution affirming the compensation for land to be paid to the appellant at the rate and criteria set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just.

22. The appeal against the compensation for land and hedge bamboo, lodged by Mr. Jaran Jarupaisankit and Mr. Pornchai Jitamornkun (Survey Plot No. H029).

Mr. Jaran Jarupaisankit and Mr. Pornchai Jitamornkun have appealed against the amount of compensation for their land and hedge bamboo as determined by EGAT and requested EGAT to compensate for the entire plot of 6-2-13.7 rai of land covered by the right-of-way at a price of 700,000 baht per rai and pay at a rate of 100%, which amounts to 4,573,975 baht. The appellants have also requested EGAT to pay 1,500,000 baht for depreciation cost of 19-2-16.3 rai of land outside the right-of-way together with compensation for seven groves of hedge bamboo at a rate of 1,500 baht per grove, was accounting for a total of 10,500 baht. The Sub-committee passes a resolution to increase compensation for the land of the appellants for the part within a distance of 80 meters adjacent to Highway Route 304 (detour) from the formerly determined price of 528,000 baht per rai to 600,000 baht per rai and the payment is to be made according to the criteria set by the Committee on Land and Property Price for Chachoengsao Province, while affirming the compensation for the land beyond the distance of 80 meters on the same plot at the determined price of 252,000 baht per rai because the price is deemed suitable and just. Furthermore, the Sub-committee deems it fit to affirm the compensation for hedge bamboo paid to the appellants according to the price set by the Committee on Land and Property Price for Chachoengsao Province and declines to consider the depreciation cost of the land outside the right-of-way of the appellants because the issue is not under the jurisdiction of the Sub-committee.

23. The appeal against the compensation for land, lodged by Hevta Co., Ltd. (Survey Plot No. H031).

Hevta Co., Ltd. has appealed against the amount of compensation determined by EGAT and requested EGAT to compensate for 10-3-90.5 rai of land covered by the right-of-way and the remaining 2-0-42.3 rai of frontage land on the east of the right-of-way, accounting for a total land area of 13-0-32.8 rai, at a rate of 528,000 baht per rai and to pay at a rate of 100%, which makes a total sum of 6,907,296 baht. The company has also requested compensation for the expense of 2,000,000 baht on employing a consultant company to design and carry out cadastral survey for the construction of factory buildings and office buildings, including the area within the project which has a total value of 70,000,000 baht. The Sub-committee passes a resolution to increase compensation for the frontage land of the company next to Highway Route 304 (detour) for a distance of 80 meters from the initially determined price at 528,000 baht per rai to

600,000 baht per rai and to pay according to the criteria set forth by the Committee on Land and Property Price for Chachoengsao Province, while affirming the compensation for the land beyond 80 meters in the same plot at 252,000 baht per rai because the price is deemed suitable and just. The Sub-committee dismisses the appeal of the company for the expense of engaging a consultant company to design and carry out cadastral survey for the construction of buildings and factories because it is viewed that there remains a large amount of land outside right-of-way which Hevta Co., Ltd. can use to construct factories as designed. Furthermore, the Sub-committee declines to consider the compensation for the remaining land outside the right-of-way on the east side adjacent to the road because the issue is not under the ERC jurisdiction. Nevertheless, the Sub-committee deems it fit to have EGAT take the issue under consideration according to the regulations on aid to the people affected by the transmission line construction set forth by EGAT.

24. The appeal against the compensation for land and trees, lodged by Mr. Chawalit Thanyabut, Survey Plots No. H048 and H052.

Mr. Chawalit Thanyabut has appealed against the amount of compensation for his land and trees determined by EGAT and requested EGAT to calculate compensation for the land at 150,000 baht per rai and pay at 100%, accounting for 1,500,000 baht, together with compensation for 1,874 trees covered by the right-of-way at a rate of 500 baht per tree, accounting for another 937,000 baht. The Sub-committee passes a resolution affirming the compensation for land determined for payment to the appellant according to the rate set by the Committee on Land and Property Price for Chachoengsao Province because the price is considered suitable and just. It is also deemed fit to increase compensation for eucalyptus trees with a height of four meters and up to 330 baht per tree and 220 baht per tree for those with a height of less than four meters. Concerning compensation for neem trees, golden flamboyant trees, star jasmine and Siamese rough bushes, the Sub-committee deems it fit to affirm the compensation as set by the Committee on Land and Property Price for Chachoengsao Province because the price is considered suitable and just.

25. The appeal against the compensation for land, lodged by Mr. Satit Suksamran, Miss Tidawan Suksamran, Mrs. Pakakrong Srisanit and Mrs. Rawing Netampai (Survey Plot No. H135).

Mr. Satit Suksamran and associates have appealed against the amount of compensation for their land determined by EGAT and requested EGAT to compensate for the land according to the list of property valuation 2008-2011 at 140,000 baht per rai and, should EGAT construct transmission line towers on the land of the

appellants, EGAT will be required to pay compensation to the appellants at a rate of 100%. The Sub-committee passes a resolution to increase compensation for the land to be paid to the appellants from 84,000 baht per rai to 140,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chachoengsao Province.

26. The appeal against the compensation for land, lodged by Mr. Samat Netampai, Mr. Sirichai Netampai and Miss Nipapan Netampai (Survey Plot No. H136).

Mr. Samat Netampai, Mr. Sirichai Netampai and Miss Nipapan Netampai have appealed against the amount of compensation for their land determined by EGAT and requested EGAT to compensate for the land according to the list of property valuation 2008-2011 at 140,000 baht per rai and, if EGAT constructs transmission line towers on the land of the appellants, EGAT will be required to pay compensation to the appellants at a rate of 100%. The Sub-committee passes a resolution to increase compensation for the land to be paid to the appellants from 84,000 baht per rai to 140,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chachoengsao Province.

27. The appeal against the compensation for land, lodged by Mr. Wichai Worakundamrong (Survey Plot No. H158).

Mr. Wichai Worakundamrong has sent a letter of appeal dated on 14 June 2008, expressing his disagreement with the amount of compensation determined by EGAT and requested EGAT to compensate for his land at 500,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for the part of land adjacent to the road to Wat Nong Bua, for a distance of 40 meters, because the price is deemed suitable and just, but increasing the compensation for the part of land beyond the distance of 40 meters to 100,000 baht per rai, by making payment according to the criteria set forth by the Committee on Land and Property Price for Chachoengsao Province.

28. The appeal against the compensation for land, lodged by Mr. Suchat Kittimingmongkon (as the attorney-in-fact of Mrs. Mangkiao Sae Kua) (Survey Plot No. I001).

The appellant disagrees with the compensation paid by EGAT and requests EGAT to purchase the entire plot of land covering an area of 23-2-85.0 rai at a price of 120,000 baht per rai, accounting for the total sum of 2,845,500 baht, giving the reason that Mrs. Mangkiao Sae Kua and Mr. Boonchai Boonprasitkun jointly purchased the land in 1989 at a price of 120,000 baht per rai and Mrs. Mangkiao later purchased

the portion of land owned by Mr. Boonchai in 2003 at the same price. EGAT has paid 546,075.10 baht in compensation for 8-1-50.8 rai of land, which is inaccurate according to the facts because the land covered by the right-of-way is valued at 1,005,240 baht, which is much different from the compensation set by EGAT. Furthermore, because the right-of-way crosses the middle of the land, causing the land to be divided into two parts, the right to use the entire plot of land has been limited and the value of land has depreciated, thereby preventing the owner from using the land as desired or selling the land to others. The Sub-committee passes a resolution to affirm the compensation paid to the appellant according to the price and criteria set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just. The Sub-committee declines to consider the appeal for the purchase of entire plot of land because the issue is not under its jurisdiction.

29. The appeal against the compensation for land, lodged by Mr. Wittaya Sokun and Mr. Somsong Sokun (Survey Plot No. I035).

Mr. Wittaya Sokun and Mr. Somsong Sokun have appealed against the amount of compensation paid by EGAT and requested EGAT to pay compensation for the land adjacent to public routes for a distance of 40 meters at a price of 250,000 baht per rai and 150,000 baht per rai for the land beyond the distance of 40 meters. The Sub-committee passes a resolution affirming compensation for the land paid to the appellants according to the price set by the Committee on Land and Property Price because the price is deemed suitable and just.

30. The appeal against the compensation for land, lodged by Miss Chonlada Mansurin (Survey Plot No. I039).

Miss Chonlada Mansurin has appealed against the amount of compensation determined by EGAT to be paid to the appellant at a rate of 120,000 baht per rai and 100,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for land paid to the appellant according to the price and criteria set by the Committee on Land and Property Price because the price is deemed suitable and just.

31. The appeal against the compensation for land, lodged by Miss Cheunkamon Mansurin (Survey Plot No. I040).

Miss Cheunkamon Mansurin has appealed against the amount of compensation determined by EGAT for the appellant's land at a rate of 100,000 baht per rai, with the actual amount paid of 102,100 baht, and requested EGAT to compensate for the land at a rate of 120,000 baht per rai and paid at a rate of 100%, which accounts for a total amount of 245,040 baht. The

Sub-committee passes a resolution affirming the compensation for land to be paid to the appellant according to the price and criteria set by the Committee on Land and Property Price because the price is deemed suitable and just.

32. The appeal against the compensation for land, lodged by Mr. Tawat Thongdaeng (Survey Plot No. I047 and I048).

Mr. Tawat Thongdaeng has appealed against the amount of compensation for his land and trees determined by EGAT and requested EGAT to consider paying compensation for the land covered by the right-of-way at a rate of 400,000 baht per rai and pay at a rate of 100%; compensation for opportunity cost on the land at the back beyond the right-of-way at 300 baht per square wah (120,000 baht per rai); compensate for all items of trees, totaling 31 trees, covered by the right-of-way at 1,500 baht per tree, accounting for a total of 46,500 baht; compensation for risk insurance against danger of high-voltage transmission lines at 500,000 baht; and perpetual local administration tax at 150,000 baht. The Sub-committee passes a resolution affirming the compensation for land to be paid to the appellant according to the price and criteria set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just. The Sub-committee deems it fit to increase the compensation for eucalyptus trees with a height of less than four meters to 220 baht per tree and 126 baht per tree for pine trees with a height of less than four meters, but to affirm the compensation for pine trees with a height of four meters and up and for earpod wattle acacia trees as determined by the Committee on Land and Property Price for Chachoengsao Province because the price is considered suitable and just. The Sub-committee deems it fit to decline to consider the issues of opportunity cost on the land at the back outside the right-of-way, the risk insurance against danger of high-voltage transmission lines and local administration tax because they are not under its the jurisdiction.

33. The appeal against the compensation for land, lodged by Mrs. Jamnong Tancharern (Survey Plots No. I083, I084 and I094).

Mrs. Jamnong Tancharern has appealed against the amount of compensation for her land and trees determined by EGAT and requested EGAT to pay compensation for 15 rai of land covered by the right-of-way at 300,000 baht per rai, accounting for a sum of 4,500,000 baht, together with compensation for all items of trees, totaling 400 trees, at 1,500 baht per tree, was accounting for another sum of 600,000 baht. The appellant gives the reason that the current purchasing price of her land is 300,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for land paid to the appellant according to the price and criteria set

by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just. The Sub-committee agrees to increase the compensation for mango trees bearing fruit to 1,008 baht per tree, 126 baht per tree for pine trees with a height of less than four meters and 63 baht per tree for large lebbek trees, but to affirm the compensation for good-species mango trees, coconut trees, acacia trees, East Indian Walnut Raintrees, Jambolan plum trees and copper pod trees, as determined by the Committee on Land and Property Price for Chachoengsao Province because the prices are considered suitable and just.

34. The appeal against the compensation for land, lodged by Mrs. Boonmee Sae Lim (Survey Plot No. J002).

Mrs. Boonmee Sae Lim has appealed against the determination of compensation for her land by EGAT, between the compensation for the land adjacent to the canal for a distance of 40 meters and that for the land beyond 40 meters. The Sub-committee passes a resolution affirming the compensation for land and the rate of payment to the appellant according to the price and criteria set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just.

35. The appeal against the compensation for land and trees, lodged by Mr. Prawet Lertsuwankun and Mrs. Sooksri Jai-ua (Survey Plot No. J040).

Mr. Prawet Lertsuwankun and Mrs. Sooksri Jai-ua have appealed against the amount of compensation for land and trees paid by EGAT to the appellants at 1,402,851 baht because their land is near Rajanagarindra Rajabhat University and the Office of Hua Sai Tambon Administrative Organization, and the land is adjacent to a highway, a concrete road and an asphalt road with access to the Hua Sai – Sam Yaek Bang Krajed Road. The Land Office has set the price of the aforementioned plot of land at 550 baht per square wah. Therefore, the appellants should receive compensation at 1,649,450 baht for the 7-1-99 rai of land covered by the right-of-way. In addition, in 1997 the appellants were offered a purchasing price for this plot of land covering an area of 11-0-78 rai at 3,258,500 baht (an average of 291,067 baht per rai). The current price for the land of the appellants and nearby plots of land is 500,000 baht per rai. Therefore, the appellants petitioned for fairness by requesting EGAT to increase the compensation for their land. In addition, the appellants requests EGAT to increase compensation for trees by 172,687.50 baht and to compensate for the remaining 3-2-79 rai of land outside the right-of-way which belongs exclusively to the appellants. The Sub-committee passes a resolution affirming the compensation

for land paid to the appellants according to the price set by the Committee on Land and Property Price for Chachoengsao Province because the price is considered suitable and just. The Sub-committee also deems it fit to affirm the compensation for trees paid to the appellants as determined by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just. The Sub-committee declines to consider the cost of the land outside the right-of-way because the issue does not fall within its jurisdiction, but deems it fit to have EGAT take the issue under consideration according to the regulations on aid to the people affected by the transmission line construction set forth by EGAT.

[36. The appeal against the compensation for land, lodged by Mr. Wattanachai Komduan and associates, totaling five persons, \(Survey Plot No. J047\).](#)

Mr. Wattanachai Komduan has appealed against the amount of compensation for land paid by EGAT at 911,463 baht due to the fact that the entire plot of his land is adjacent to public canals. However, EGAT paid compensation at a rate for land not adjacent to canals. Therefore, the appellant requests EGAT to justly consider payment of compensation for the land according to the fact. The Sub-committee passes a resolution affirming the amount of compensation for land paid to the appellant according to the price set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just.

[37. The appeal against the compensation for land, lodged by Mrs. Piyawadee Apichatboot \(Survey Plot No. J052\).](#)

Mrs. Piyawadee Apichatboot has appealed against the amount of compensation for her land paid by EGAT at 686,394 baht and requested EGAT to pay compensation for the entire plot of land at 240,000 baht per rai because the determined compensation is not commensurate with market prices, together with the fact that the value of land has depreciated when covered by the right-of-way, thereby preventing the appellant from developing the land within the right-of-way or selling either part or all of the plot of land at a price commensurate with market prices. The Sub-committee passes a resolution affirming the compensation for land paid to the appellant according to the price set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just.

[38. The appeal against the compensation for land, lodged by Mrs. Boonsom Kwankao \(Survey Plot No. J067\).](#)

Mrs. Boonsom Kwankao has appealed against the amount of compensation for her land paid by EGAT at 163,266 baht and

requested EGAT to pay compensation for the land covered by the right-of-way at 240,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for land paid to the appellant according to the price set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just. The Sub-committee declines to consider the compensation for land outside the right-of-way because the issue is not within its jurisdiction, but deems it fit to have EGAT consider the issue according to the regulations on aid to the people affected by the transmission line construction as set forth by EGAT.

[39. The appeal against the compensation for land, lodged by Sergeant Major Third Class Prasert Buranapakdee, as the attorney-in-fact of Miss Kamonwan Buranapakdee and Miss Sarawan Buranapakdee \(Survey Plot No. J068\).](#)

Sergeant Major Third Class Prasert Buranapakdee, as the attorney-in-fact of Miss Kamonwan Buranapakdee and Miss Sarawan Buranapakdee, has appealed against the amount of compensation for the land paid by EGAT at 428,340 baht and requested EGAT to compensate for the land at 240,000 baht per rai. The Sub-committee passes a resolution affirming the compensation for land paid to the appellant according to the price set by the Committee on Land and Property Price for Chachoengsao Province and declines to consider the compensation for the land outside the right-of-way because the issue is not within its jurisdiction, but deems it fit for EGAT to take the issue under consideration according to the regulations on aid to the people affected by the transmission line construction as set forth by EGAT.

[40. The appeal against the compensation for land, lodged by Mrs. Plabpleung Lobtan and Mr. Chamnan Bamroongsalee \(Survey Plots No. J078 and J079\).](#)

Mrs. Plabpleung Lobtan and Mr. Chamnan Bamroongsalee have appealed against the amount of compensation for their land paid by EGAT and requested EGAT to pay compensation for both plots of land covered by the right-of-way at 150,000 baht per rai and pay at a rate of 100%. The appellants have also requested payment for depreciation of the remaining 17-0-17.7 rai of land outside the right-of-way on the north side of Survey Plot No. J079 at 50,000 baht per rai and for 60 square wah of land on the south side which cannot be used, at 150,000 baht per rai. In addition, the appellants have requested compensation for loss of benefits from shrimp farming at 270,000 baht, thereby bringing the total compensation for the land to 2,332,824 baht. The Sub-committee passes a resolution affirming the compensation for land and payment rate according to the price and criteria set by the

Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just. The Sub-committee declines to consider compensating the appellants for the loss of benefits from shrimp farming because there is no prohibition against shrimp farming on the land covered by the right-of-way and there is no fact indicating that the access to the land for construction of transmission lines has caused damages, in which case compensation for damages caused to the appellants must be calculated. The Sub-committee declines to consider the depreciation cost for the remaining land outside the right-of-way because the issue is not under its jurisdiction, but deems it fit to have EGAT consider the issue according to the regulations on aid to the people affected by the transmission line construction as set forth by EGAT.

41. The appeal against the compensation for land, lodged by Mr. Tammanoon Kladsook (Survey Plot No. J095).

Mr. Tammanoon Kladsook has appealed against the amount of compensation for land paid by EGAT for 0-1-38 rai of land under the type of a pond adjacent to a canal for a distance of 40 meters at a price of 240,000 baht per rai with the payment rate at 50% and requested EGAT to increase compensation for such type of land from 50% to 90%. The Sub-committee passes a resolution affirming the compensation for the land and the rate of compensation paid to the appellant according to the price and criteria set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just.

42. The appeal against the compensation for land, lodged by Mr. Sutep Yimnui and Mrs. Saiyud Yimnui (Survey Plot No. J100).

Mr. Sutep Yimnui and Mrs. Saiyud Yimnui have appealed against the amount of compensation for their land determined by EGAT at 120,000 baht per rai and the payment rate only at 50% of the determined price. The appellants have requested EGAT to pay compensation equal to the evaluated price of 120,000 baht per rai because, when the land is covered by the right-of-way, the appellants are affected from the price depreciation of the land outside of the right-of-way and they are prohibited from constructing an industrial factory due to close proximity to the right-of-way which is under the law on EGAT. The Sub-committee passes a resolution affirming the compensation for land and the rate of compensation paid to the appellants according to the price and criteria set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just.

43. The appeal against the compensation for land, lodged by Mrs. Boonjan Chaiyo (Survey Plot No. J105).

Mrs. Boonjan Chaiyo has appealed against the amount of

compensation for 5-2-79.6 rai of land with ponds beyond the distance of 40 meters paid by EGAT at 50% of the determined price of 120,000 baht per rai and requested EGAT to pay an addition of 40%, making it 90%, because EGAT has paid compensation for 2-0-70.6 rai of land with ponds adjacent to public routes in the distance of 40 meters at a rate of 90%. It is unfair that EGAT paid only 50% for the land beyond the distance of 40 meters because the land is on the same plot. The Sub-committee passes a resolution affirming the compensation for land and the rate of compensation paid to the appellant according to the price and criteria set by the Committee on Land and Property Price for Chachoengsao Province because the price is deemed suitable and just.

44. The appeal against the compensation for land, lodged by Mr. Prajak Janmanee (Survey Plot No. J110).

Mr. Prajak Janmanee has appealed against the amount of compensation for his land paid by EGAT at 2,236,656.72 baht and requested EGAT to pay compensation for 21-1-76.3 rai of land at 280,000 baht per rai, accounting for a sum of 6,003,410 baht; compensation for 34 banana trees at 300 baht per tree, accounting for a sum of 10,200 baht; compensation for home removal at 200,000 baht; depreciation of utilization value of the remaining 32-0-83.7 rai of land outside the right-of-way at 50,000 baht per rai; compensation for loss of benefits from shrimp farming in four ponds at 600,000 baht; and compensation for filling soil in the four ponds to adjust the landscape at 400,000 baht, thus making a total of 8,824,072 baht in compensation for land and properties. The Sub-committee passes a resolution affirming the compensation for land, trees, building and structure removal according to the prices and criteria set by the Committee on Land and Property Price for Chachoengsao Province and deems it fit not to pay compensation to the appellant for the loss of benefits from shrimp farming and damages from adjusting land conditions because there is no prohibition against shrimp farming on the land covered by the right-of-way and there is no fact indicating that the access to the land for the construction of transmission lines has caused the appellant to lose shrimp farming benefits or damages requiring calculation of compensation to the appellant. The Sub-committee declines to consider the price depreciation of the remaining land outside the right-of-way because the issue is not within its jurisdiction, but deems it fit for EGAT to take the issue into consideration according to the regulations on aid to the people affected by the transmission line construction as set forth by EGAT.