

A Research on the Issue of License under the Electricity Act, 2003

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Abstract:

In the current modernised world of technology, the power of electricity is considered to be the source of life and is to be the blood of life. Miracles of science and technology are the resultant of the power of electricity. Given its importance of it, law ought to be created to regulate and delegate its functional responsibilities to separately formed department to ensure that the source of life in the 21st century is free from inefficient and incompetence of the members. The Parliament of India after rounds of discussion formed the Electricity Act in the year of 2003 to form and regulate the generation, licensing, distribution and billing of electricity consumed by consumers all over India, including the individual and Corporate Offices. The Act the parliament gave to the public ensured in its due course that electric energy is utilised efficiently in through the National Electricity Policy And Plan with the allocated segments of tariff policies in the lines of optimum utilisation of resources. Moreover the said act issues license to companies for the purpose of generating electricity, directions to maintain electric grid from the place of production of electricity to the consumers and few specific company which may operate without the required license. The said act also penalises the failure to maintain the regular supply of electricity, of maintaining electric grid and operating without the required license. With all being said, The Electricity Act is one of its kinds, making it a regulating legislation to overlook and govern the functionality of the electric supply in India.

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I. INTRODUCTION

Electricity, being the source of life for the 21st century technology and life on the earth ought to be sorted out to have administrative control by the government to ensure that such potential dangerous energy resource is made available to people all over India without prejudicially. Thus the Parliament created the Electricity Act, 2003 with the sole motive of administering and regulating the generation, distributing, licensing and pricing of electricity consumed and stored by both individuals and private corporations. The said act, however has one important characteristic that is, it issues license to those authorities which are recognised as that of an electricity generating one. Among side the issue of licenses, the said act also formulates The National Electricity Policy and Plan which propagates optimum utilisation of natural resources made available at any point of

time, thus ensuring the future generations do not suffer the mistakes of its past ones. In Maharashtra Electricity Board V. Future El. Pvt. Co, the court stated that prices as tariffs for units of electricity consumed are priced and billed under the said act. Moreover with the advent of the said act, the appropriate government has taken the due responsibility for the supply of electricity.

The act lays importance on the generation of electric energy by the electricity generating company through hydroelectric power plants and distributing the generated energy through the interlinked laid down electric power grids from the generating plant to local power stations all over the State. In Punjab Electricity Board V. HyperX, the court stated that the company under the said act is to only supply to those licensees who have duly registered under the said act and who in turn transmit it to the local power stations.

Without the appropriate license, the distributor ought not to transmit, distribute or undertake trading in electric energy. The licensee seeking the license shall submit an application under Section 14 to the Appropriate Commission accompanied by the prescribed fee. With no further objections from thirty days from the date of submission of the said application. The said commission shall survey the place of distribution's main grid for contains of defence aerodrome, arsenal or dockyards surrounded nearby. The commission ought to issue the license with ninety days from the date of application. In the absence of the above, the said Commission grants the issue of the license and subject matter is transferred to the Central and State Transmission Utility.

The Central Transmission Utility and the State Transmission Utility the government run electric power grids have the duty of regulating and monitoring the licensing procedure and issues arising from it. The State Transmission Utility works under the Central and it responsible for its actions. In the Karnataka Electricity Board V. Beatt Power Pvt. Co, the court stated The Transmission Utilities publish notices in any two newspapers in the local and state level about the issue of the said license with the name of the licenser and address of residence. Ultimately the State and Central Transmission Utility provide recommendations and suggestions of change in its objectives to the Appropriate Commission formed under the said act. The issued license shall be in force of existence for a period of twenty five years. However the license given isn't always free from any conditions. The commission shall prescribe any general or specific series of conditions to the licensee, which the licensee ought to abide by to ensure the validity of the issued license. Some of it would include the condition of non purchase or takeover and utilities of other licensees or merge a licensees' utilities with another.

As times evolve, the needs of the public change. When such needs are obstructed by the any of the licensee's action, the Commission can make alterations and amendments to the conditions laid on the issued license and when circumstances demand it, the commission can revoke the license back any point of time during the twenty five

years course. However in Tamil Nadu Electricity Board V. SriRam Electricity Pvt. Co, the standard events for which it would be revoked, laid under the act are when the licensee makes any wilful mistake on their part or prolongs in the default of supply of energy through the grid. The worst case being the inability of the licensee to provide satisfactory signs to the Commission of the licensee being in full capability to efficiently discharge the duties and responsibilities, financially, laid down to the issued licensee and the failure to make deposits or securities and pay the due fees. No license shall be cancelled without the notice given by the Commission not less than three months notice in writing stating the reasons for revocation of license. At times with the interest of the local public, the license may be revoked for a particular part of distribution, transmission or trading of electricity as it sees fit. The Electricity Act, 2003, one of its kind has certainly regulated the licensing of electrical authorities in India. The aim of the present paper is to understand the concept of electricity generation, to critically analyse the nature of issue of license to the Electricity Boards in India and to examine the procedure of issue of such license to such Boards all over India.

II. OBJECTIVES OF THE STUDY

The objective of the present paper is

1. To understand the concept of electricity generation,
2. To critically analyse the nature of issue of license to the Electricity Boards in India and
3. To examine the procedure of issue of such license to such Boards all over India.

III. REVIEW OF LITERATURE

People's needs depends on its scarcity and replenishment (Zipp 2008). In the 21st Century, resources being finite and hard to replenish, Legislations ought to be formed to ensure that scarce and finite resources are utilised optimally and are administered by a government headed body to eliminate the possibilities of favoritism and complete ignorance of the poor (Queensland 1977). Thus the Electricity Act, 2003 was formed to consolidate the matters relating to its distribution and production to the people, equitable pricing levels and to regulate issuing

licenses to competent authorities (Kumar and Chatterjee 2012). However in the bigger picture, various other issues not addressed in the legislation arose after its advent as regulating legislation to regulate matters relating to electricity (Bihar State Electricity Board 1974). Its aim of administering and control electric energy in India by the appropriate government had been achieved, however in its hindsight forgot one very important element in regulating issues through legislations, the element of human interference and behaviour (Malaysia 1973).

Issues with licenses for electricity generating companies arises when these companies with action of default of supply of sufficient volts of electricity to a particular grid in the entire power supply grids or to the entire grid, with inconsistent supply of electricity by supplying only particular blocks of area with power (Mallick 2006). The said act was consolidated with one of its many purposes to create and promote a tone of competition in the electric energy industry. However it only resulted in an increase of unlawful practices to rise prices, create artificial scarcity of energy with artificial demand plus supply and using false and wrongful practices to create (Mobashar 1979). These generating companies run on profit on marginal bases. With subsidiaries being given to the public and slab rates have been reduced in favor of the people, these generating companies suffer in the long haul with difficulties to assure its investors and its shareholders (Henneman et al. 2019). Long as it has been a time where these companies use to run its work on the funds provided by the appropriate government and now it is the time where they have been procuring funds from their own private sources, sources which are not answerable and detectable by the said government. Thus creates a false illusion of these companies investing money from honest means and ultimately creates false transparency between the required authorities and the company ("Act of 2 July 1998 Providing Rules in Relation to the Production, Transmission and Supply of Electricity (Electricity Act) [Including All Amendments Pursuant to the Gas Act 26463 and the Electricity Production Sector (Transition) Act 27250],” n.d.).

With cutting down prices and providing electricity in a subsidized price makes it an

affordable resource for the public eliminates the scope of earning back the revenue from the public through high tariff plans and National Electricity Planning (Maize 1992). Through several state government ordinances, the minimum threshold of accountable electric use in an individual house has been raised above what has been the past decades, thus enabling people use a little more electricity than before (Isser, n.d.). People are to be made aware about the insufficiency of electricity in India (Vader 2001). People are to employ energy saving options and schemes to ensure that their precious energy resource is utilised properly (Lévêque 2011). Electronics are to be designed in a manner to support energy saving options and thus the electricity produced is optimally utilised (Karnataka Electricity Board 1982).

The present problems in electric energy production is that no matter the MegaVolts is been produced everyday, the ever increasing demands for electric energy also exceeds the planned capacity to produce electricity (Maharashtra State Electricity Board 1969). Hydro-Electrical energy depending on fast flowing water currents from the dam makes it difficult to produce as dams, in common circumstances are opened when the water stored uphill is filled up and about to fall off, however that's never the issue here (South of Scotland Electricity Board 1956). India being a monsoon dependent country, in the event of monsoon failure, the entire plan behind producing energy from hydro-electric turbines is thrown out the window (Kumar 2012). Producing electricity from Solar energy resource also has its fallacies

in it. Solar energy produced from usually solar panels being laid down in large stretch of land requires huge amounts on maintenance, is not efficient for the land it uses to produce a small amount of electricity and from its base idea, always depends on the bright sun (Treesubsuntorn et al. 2019). Energy produced from coals always has the element of harmful pollution behind, thus rendering a source of energy not to be dependent upon (Madhya Pradesh Electricity Board 1968). Energy produced from Nuclear too has its issues, one being nuclear a dangerous and volatile substance and two, nuclear energy is produced by splitting of uranium atoms, an element which isn't exactly cheap economically (Electricity and Midlands Electricity Board 1984).

IV. MATERIALS AND METHODS

A total number of 1559 sample respondents in the age group of 18-60 years were selected randomly from Chennai, one of the four metropolitan cities in India. The study used percentage, Pearson Chi-Square test and frequency for meaningful analysis of the results of the study.

Crosstab

	Electricity Act is more efficient in regulating electricity related issues.					Total
	Agree	Disagree	Strongly Agree	Strongly Disagree	Neutral	
18-30	74	62	136	39	6	317
31-40	204	155	78	63	17	517
41-50	70	209	94	63	22	458
51-60	83	49	80	32	6	250
above 60	0	7	5	3	1	16
Total	431	482	393	200	52	1559

In the cross tab between age of the respondent and the question of whether Electricity Act is more efficient in regulating electricity related matter among 18-30 years age group, 74 of them agreed, 62 of them disagreed, 136 of them strongly agreed, 39 of them strongly disagreed and 6 of them neutral about it. Among 31-40 years age group, 204 of them agreed, 155 of them disagreed, 78 of them strongly agreed, 63 of them strongly disagreed and 17 of them neutral about it.

V. DISCUSSION & RESULTS

Table 1

Null Hypothesis H0: People in the 18-30 years age group are not aware of the prevalence of Electricity Act with regulating electricity related issues.

Alternate Hypothesis H1: People in the 18-30 years age group are aware of the prevalence of Electricity Act with regulating electricity related issues.

Among 41-50 years age group, 70 of them agreed, 209 of them disagreed, 94 of them strongly agreed, 63 of them strongly disagreed and 22 of them neutral about it. Among 51-60 years age group, 83 of them agreed, 49 of them disagreed, 80 of them strongly agreed, 32 of them strongly disagreed and 6 of them neutral about it and among 60 years age and above, 7 of them disagreed, 5 of them strongly agreed, 3 of them strongly disagreed and 1 of them neutral about it.

Table 2

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	193.442 ^a	16	.000
Likelihood Ratio	195.615	16	.000
Linear-by-Linear Association	.420	1	.517
N of Valid Cases	1559		

In the crosstab between age of the respondent and the question of whether Electricity Act is more efficient in regulating electricity related matter, the Pearson Chi-Square value is 0.000, $P < 0.05$. Thus the null hypothesis is rejected and the alternate hypothesis is accepted.

Table 3

Null Hypothesis H0: People in the 31-40 years age group are not aware tend of the act to increase competition among other distributors.

Alternate Hypothesis H1: People in the 31-40 years age group are aware tend of the act to increase competition among other distributors.

Crosstab

		Do you know that electricity Act tends to create competition among the electricity distribution?		Total
		Yes	No	
Age	18-30	179	138	317
	31-40	327	190	517
	41-50	198	260	458
	51-60	109	141	250
	above 60	8	8	16
Total		821	737	1559

In the cross tab between age of the respondent and the question of whether Electricity Act tends to create competition among other distributors among 18-30 years age group, 179 of them said yes and 138 of them said no. Among 31-40 years age group, 327 of them said yes and 190 of them

said no. Among 41-50 years age group, 198 of them said yes and 260 of them said no. Among 51-60 years age group, 109 of them said yes and 141 of them said no and among 60 years age and above, 8 of them said yes and 8 of them said no.

Table 4

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	49.711 ^a	4	.000
Likelihood Ratio	50.054	4	.000
Linear-by-Linear Association	25.876	1	.000
N of Valid Cases	1559		

In the crosstab between age of the respondent and the question of whether Electricity Act tends to create competition among other distributors, the Pearson Chi-Square value is 0.000, $P < 0.05$. Thus the null hypothesis is rejected and the alternate hypothesis is accepted.

Null Hypothesis H0: Males are not in an agreement that Electricity Act is more efficient in regulating matters relating to electricity.

Alternate Hypothesis H1: Males are in an agreement that Electricity Act is more efficient in regulating matters relating to electricity.

Table 5

Crosstab

		Electricity Act is more efficient in regulating electricity related issues.					Total
		Agree	Disagree	Strongly Agree	Strongly Disagree	Neutral	
Gender	Female	247	248	71	84	21	671
	Male	182	211	321	115	31	860
	Transgender	2	23	2	1	0	28
Total		431	482	394	200	52	1559

In the cross tab between gender of the respondent and the question of whether Electricity Act is more efficient in regulating electricity related matter among females, 247 of them agreed, 248 of them disagreed, 71 of them strongly agreed, 84 of them strongly disagreed and 21 of them were neutral about it. Among

males, 182 of them agreed, 211 of them disagreed, 321 of them strongly agreed, 115 of them strongly disagreed and 31 of them were neutral about it and among transgenders, 2 of them agreed, 23 of them disagreed, 2 of them strongly agreed and 1 of them strongly disagreed.

Table 6

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	194.446 ^a	8	.000
Likelihood Ratio	201.346	8	.000
Linear-by-Linear Association	48.517	1	.000
N of Valid Cases	1559		

In the crosstab between age of the respondent and the question of whether Electricity Act is more efficient in regulating electricity related matter, the Pearson Chi-Square value is 0.000, $P < 0.05$. Thus the null hypothesis is rejected and the alternate hypothesis is accepted.

Table 7

Null Hypothesis H0: Females are not aware of the increase of competitors through the implementation of the Electricity Act.

Alternate Hypothesis H1: Females are aware of the increase of competitors through the implementation of the Electricity Act.

Crosstab

		Do you know that electricity Act tends to create competition among the electricity distribution?		Total
		Yes	No	
Gender	Female	336	335	671
	Male	465	395	860
	Transgender	20	8	28
Total		821	738	1559

In the cross tab between gender of the respondent and the question of whether Electricity Act tends to create competition among other distributors among females, 336 of them

said yes and 335 of them said no. Among males, 465 of them said yes and 395 of them said no and among transgenders, 20 of them said yes and 8 of them said no.

Table 8

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	6.441 ^a	2	.040
Likelihood Ratio	6.598	2	.037
Linear-by-Linear Association	4.727	1	.030
N of Valid Cases	1559		

In the crosstab between age of the respondent and the question of whether Electricity Act tends to create competition among other distributors, the Pearson Chi-Square value is 0.000, $P < 0.05$. Thus the null hypothesis is rejected and the alternate hypothesis is accepted.

Table 9

Null Hypothesis H0: Postgraduates are no in the opinion that the Electricity Act is more efficient in regulating matters related to electricity.

Alternate Hypothesis H1: Postgraduates are no in the opinion that the Electricity Act is more efficient in regulating matters related to electricity.

Crosstab

		Electricity Act is more efficient in regulating electricity related issues.					Total
		Agree	Disagree	Strongly Agree	Strongly Disagree	Neutral	
Educational Qualification	Illiterate	0	7	1	2	1	11
	High School	26	185	150	23	12	396
	Diploma	21	88	42	35	14	200
	U.G	176	74	104	63	6	423
	P.G	88	94	86	48	15	331
	Professional Degree	106	19	10	22	4	161
	Ph.d	14	15	1	7	0	37
Total		431	482	394	200	52	1559

In the cross tab between educational qualification of the respondent and the question of whether Electricity Act is more efficient in regulating electricity related matter among Illiterates, 7 of them disagreed, 1 of them strongly agreed, 2 of them strongly disagreed and 1 of them were neutral about it. Among High School Passouts, 26 of them agreed, 185 of them disagreed, 150 of them strongly agreed, 23 of them strongly disagreed and 12 of them were neutral about it. Among Diploma Holders, 21 of them agreed, 88 of them disagreed, 42 of them strongly agreed, 35 of them strongly disagreed and 14 of them were neutral about it. Among

Graduates, 176 of them agreed, 74 of them disagreed, 104 of them strongly agreed, 63 of them strongly disagreed and 6 of them were neutral about it. Among Post-Graduates, 88 of them agreed, 94 of them disagreed, 86 of them strongly agreed, 48 of them strongly disagreed and 15 of them were neutral about it. Among Professional Degree Holders, 106 of them agreed, 19 of them disagreed, 10 of them strongly agreed, 22 of them strongly disagreed and 4 of them were neutral about it. Among Ph.d Scholars, 14 of them agreed, 15 of them disagreed, 1 of them strongly agreed and 7 of them strongly disagreed.

Table 10

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	393.884 ^a	24	.000
Likelihood Ratio	423.371	24	.000
Linear-by-Linear Association	45.499	1	.000
N of Valid Cases	1559		

In the crosstab between educational qualifications of the respondent and the question of whether Electricity Act is more efficient in regulating electricity related matter, the Pearson Chi-Square value is 0.000, $P < 0.05$. Thus the null hypothesis is rejected and the alternate hypothesis is accepted.

Table 11

Null Hypothesis H0: Diploma Holders are not in the opinion that Electricity Act results in an increase in the competition among the distributors.

Alternate Hypothesis H1: Diploma Holders are in the opinion that Electricity Act results in an increase in the competition among the distributors.

Crosstab

		Do you know that electricity Act tends to create competition among the electricity distribution?		Total
		Yes	No	
Educational Qualification	Illiterate	7	4	11
	High School	90	306	396
	Diploma	104	96	200
	U.G	293	130	423
	P.G	171	160	331
	Professional Degree	129	32	161
	Ph.d	27	10	37
Total		821	738	1559

In the cross tab between educational qualification of the respondent and the question of whether Electricity Act tends to create competition among other distributors among Illiterates, 7 of them said yes and 4 of them said no. Among High School Passouts, 90 of them said yes and 306 of them said no. Among Diploma Holders, 104 of them said yes and 96 of

them said no. Among Graduates, 293 of them said yes and 130 of them said no. Among Post-Graduates, 171 of them said yes and 160 of them said no. Among Professional Degree Holders, 129 of them said yes and 32 of them said no. Among Ph.d Scholars, 27 of them said yes and 10 of them said no.

Table 12

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	244.659 ^a	6	.000
Likelihood Ratio	256.783	6	.000
Linear-by-Linear Association	149.370	1	.000
N of Valid Cases	1559		

In the crosstab between educational qualifications of the respondent and the question of whether Electricity Act tends to create competition among other distributors, the Pearson Chi-Square value is 0.000, $P < 0.05$. Thus the null hypothesis is rejected and the alternative hypothesis is accepted.

VI. CONCLUSION

The Electricity Act of 2003 had been created to the public with the intention of regulating all aspects related to the production, distribution, licensing and pricing of electricity and with the sole notion of it making the lives of the public and the Corporates having electric power as their source of life. The planned objective has been achieved and continues to be achieved with a few unplanned events occurring. With the power of monitoring in the hand of the governmental departments, there is always the presence of the element of Red-tapism. Execution followed by frequent regulations makes the actual planned goal's execution difficult, here it being the issue of license to such Boards. Such fallacies in the plans prevents newer agencies and governmental organisation from being started up and thus creates a unique form of nepotism in the hands of corrupt officials and departments. Ultimately, the said act had proved to be certainly one of its kinds. Delicate future planning has to be done considering the future electric energy demands with the depleting levels of natural resources used for the generation of the said resource. In the foreseeable future, the law ought to be changed to encourage easier setting up procedures for the generation companies and for the issue of license for the Electricity Boards.

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