

HIGHLIGHT OF THE MONTH

In December 2025, the Ministry of Mines and Energy (“MME”) opened Public Hearing No. 210 to discuss rules for financial compensation to wind and solar generators impacted by generation cuts in the National Grid, as provided for in Law No. 15,269/2025. At the same time, the Brazilian Electric Energy Agency (“ANEEL”) initiated Public Hearing No. 23/2025 to evaluate international experiences in assessing the costs and benefits of distributed micro and mini generation (“MMGD”) and propose alternatives for regulating Article 17 of Law No. 14,300/2022.

Also in the power generation segment, the MME submitted to the Executive Office of the President a proposed decree to extend Incentive for Alternative Sources of Electric Energy Program (“Proinfa”) contracts, establishing criteria for extending the supply period and new reference prices.

In the power transmission segment, the MME instituted the National Policy for Access to the Transmission System (“PNAST”) through Decree No. 12,772/2025, replacing the first-come, first-served model with a process structured around “Access Seasons,” coordinated by the National Grid Operator (“ONS”). In addition, ANEEL opened a public consultation to regulate Decree No. 11,314/2022, which deals with the bidding and extension of transmission concessions, and extended the deadlines for charging termination fees for Transmission System Use Contracts (“CUST”), in view of the operational and legal difficulties faced by transmission companies in protesting debts.

In the area of ancillary services, ONS concluded the first competitive mechanism for contracting reactive power support, with an average discount of 21% on the ceiling price and contracting of 400 Mvarh. The event, held in the context of a Regulatory Sandbox, represents a milestone for the modernization of ancillary services and already provides for new editions starting in 2026.



NEWS

POWER GENERATION

MME OPENS PUBLIC CONSULTATION ON COMPENSATION FOR CURTAILMENT EVENTS

On December 31, the MME launched Public Hearing No. 210 to discuss rules for financial compensation to wind and solar photovoltaic power generators impacted by curtailment events in the National Grid.

The proposal is in line with Law No. 15,269/2025, which established an administrative transaction mechanism to deal with liabilities accumulated since September 2023 as a result of the cuts. The objective is to establish transparent and predictable rules, compatible with the reality of the electrical system, in addition to detailing situations eligible for compensation, differentiating systemic restrictions from specific technical events.

The initiative submits to society the draft Term of Commitment that defines criteria for compensating agents affected by operational restrictions. Among the changes brought about by Law No. 15,269/2025, we highlight the inclusion of Article 1-B of Law No. 10,848/2004, which provides for financial compensation for wind and solar generators that suffered cuts determined by ONS between September 1, 2023, and November 25, 2025.

Contributions should be submitted until January 16.

ANEEL MAINTAINS REVOCATION OF UFV AUTHORIZATIONS FOR NON-COMPLIANCE WITH SCHEDULES

ANEEL's board of Directors denied a request to reconsider the decisions that revoked the authorizations of UFVs Solar Newen Bahia for non-compliance with implementation schedules. The Agency inspected the plants in 2022. In 2023, it rejected requests for exemption from liability for the delay and for a change in the schedule. In 2024, it revoked the authorizations.

In its reasoning, ANEEL acknowledged the unfeasibility of the projects, considering that, on the date they were supposed to start commercial operations, the UFVs had not begun construction, had not signed energy contracts, had not begun to procure equipment, and were expected to start operations more than two years late.

The board clarified that, according to the understanding of the Office of the Prosecutor General with ANEEL, the fact that the company is in judicial reorganization does not prevent the application of the revocation penalty. It also determined to suspend the effects of the administrative decision while the court decision that suspended the enforceability of Transmission System Use Tariffs ("EUSTs") and prohibited the imposition of sanctions until the final judgment remain in effect.

MME PROPOSES DECREE ON CONDITIONS FOR EXTENDING PROINFA CONTRACTS

On December 24, the MME sent to the Executive Office of the President a proposed decree amending Decree No. 10,798/2021, which establishes rules for the extension of Proinfa contracts. The measure defines criteria for extending the supply period, under the management of Empresa Brasileira de Participações em Energia Nuclear e Binacional S.A. ("ENBPar"), with a maximum term of 20 years from the expiration of the current contracts.

The proposal eliminates obligations already removed by legislation, such as the requirement for ANEEL to calculate tariff benefits and the termination of subsidies on transmission and distribution systems use tariffs, considering the date of signature of the contractual amendment. In addition, it introduces new reference prices based on the 2019 New Energy Auction A-6, adjusted by the IPCA: R\$ 285/MWh for hydro power and R\$ 189/MWh for Wind power. It also guarantees rights to generators, such as maintaining the hydrological risk

renegotiation mechanism, the possibility of costly extensions, and the option to reduce the contracted amount, with no changes allowed after signing the addendum.

Interested generators must sign an addendum by February 27, 2026. ENBPar will be responsible for formalizing the extensions and publishing, within 30 days after the decree is issued, the addendum template and the implementation schedule. The MME estimates savings of approximately R\$ 2.2 billion for consumers between 2026 and 2031, as a result of the new contract prices and the reduction in subsidies.

ANEEL OPENS CONSULTATION ON THE VALUATION OF COSTS AND BENEFITS OF MMGD

On December 4, ANEEL initiated Public Hearing No. 23/2025 to gather contributions on international experiences in assessing the costs and benefits of MMGD and alternatives for regulating Article 17 of Law No. 14,300/2022. This article defines the tariff rules applicable to consumer units with MMGD.

The legislation establishes that these units must be billed considering all tariff components not associated with the cost of energy, applied to the energy consumed from the grid and to usage or demand, with a deduction for the benefits provided by MMGD plants to the electrical system.

The guidelines for assessing costs and benefits must be defined by the National Energy Policy Council ("CNPE") within six months, while ANEEL has 18 months to establish the calculations. After the deadlines have passed, the units participating in the Electric Energy Compensation System ("SCEE") will be billed using the same tariff modality in force for their consumption class. The deadline for submitting contributions is March 4, 2026.

ENERGY TRANSMISSION

MME ESTABLISHES NATIONAL POLICY FOR ACCESS TO THE TRANSMISSION SYSTEM

On December 5, Decree No. 12,772/2025 was published, creating the PNAST. The rule replaces the previous model, based on a first-come, first-served basis and dependent on an MME Ordinance, with a process structured around “Access Seasons,” coordinated by the ONS. Under this new dynamic, all requests for consumer connection to the Basic Network will be analyzed in an integrated and simultaneous manner, with competitive processes for points where demand exceeds available capacity.

With PNAST, the need for an MME approval and prior analysis based on the “minimum overall cost” criterion has been eliminated. Now, consumers request an access opinion directly from ONS at the start of the Access Season. Filed requests will be evaluated according to the availability of the electrical grid. If there is available capacity, the requests will be approved; otherwise, a competitive process will be carried out.

Competitive processes may include voluntary offers of decommissioning, contracting of future capacity conditional on investments, and offering specific margins for regional development public policies. The detailed procedures for the competitive process are still subject to regulation by ANEEL.

The Decree also establishes transition rules for requests already in progress. Requests filed with ONS prior to publication will be reviewed by the Operator within ten months, following the current rules for queuing and financial guarantees, with no possibility of revalidation or priority access for future margins. Requests in progress at the MME will be forwarded to the ONS, without prior ministerial authorization, provided that they present financial guarantees within 45 days of the publication of the Decree. Requests made after publication and before the first Season will only be accepted if there is available capacity and sufficient time for analysis by the ONS, with the same restrictions applying. If the analysis period exceeds the opening of the first Season, the request will not be accepted, and the interested party may choose to participate directly in the Access Season.

The first Season must take place within ten months after the publication of the Decree (registries expected for the first two weeks of June). Starting the following year, at least two Seasons per year must be held, with the stages and schedule being disclosed by the ONS at least 90 days in advance.

DATA CENTERS DISCUSS ACCESS TO DISTRIBUTION AND TRANSMISSION GRIDS

Since November 2025, access by data center consumer units to the distribution and transmission networks has been generating administrative and legal disputes to seek to guarantee connection, prioritization of connection, and increased contracted capacity:

Financial guarantee requirement for access to the distribution network: on November 25, ANEEL granted a preliminary injunction to Copel Distribuidora, extending the financial guarantee requirement to requests for access to the distribution network by large consumers. The signing of the Distribution System Use Agreement (“CUSD”) was conditional on proof of the guarantee contribution. For more details, see our [November 2025 Newsletter](#).

However, on December 23, the Federal Regional Court of the 1st Region suspended ANEEL’s decision, removing the guarantee requirement as a condition for signing the CUSD with Copel. In an early appeal, the Court granted additional time for the formalization of the contract, maintaining the conditions set forth in the ONS Access Opinion. On December 29, the Office of the Prosecutor General with ANEEL issued an opinion determining compliance with the court decision, considering the judge’s understanding that there is no legal basis for conditioning access to the distribution network on the offer of financial guarantees.

PNAST and judicialization: on December 29, Casa dos Ventos filed a request for a preliminary injunction with ANEEL to require ONS to preserve the capacity reserve and planning horizon as provided for in the Access Opinion already issued for the Pecém II Data Center (“DCPII”), guaranteeing this reserve until 2030 and allowing the contracting of the full transmission system use fee.

The request was made in the following context: DCPII obtained an Opinion in May 2025, but requested a review to adjust the CUST deadline and thus align the contracting of the expected demand for the entire horizon considered by ONS. With the publication of the PNAST, the request alleges that the transition rules of the decree applicable to requests already in progress mean that preliminary requests may take priority over accessors with an already approved opinion.

In view of this, it is requested that priority be ensured for those who already have a favorable Opinion, preventing a review from being treated as a new request. In addition to maintaining priority and capacity reservation, it is requested that ANEEL and ONS begin to distinguish between:

- new applicants (or cases pending with the MME), to which the PNAST rules would apply;
- applicants with a ramp already approved in an Access Opinion, who should maintain the priority and planning originally established.

The request is still awaiting review by ANEEL. Cescon Barrieu continues to closely monitor regulatory developments related to data center connections.

ANEEL OPENS PUBLIC HEARING ON THE REGULATION OF DECREE NO. 11,314/2022, WHICH REGULATES THE BIDDING AND EXTENSION OF TRANSMISSION CONCESSIONS

On December 9, ANEEL launched a 90-day public consultation, from December 11, 2025, to March 10, 2026, to gather contributions on the Regulatory Impact Assessment (“RIA”) regarding the regulation of Decree No. 11,314/2022, which governs the bidding and extension of energy transmission concessions that are about to expire.

The initiative addresses the need to regulate the Decree and the imminent expiration of transmission contracts (with expiration dates beginning in 2025), with a greater concentration of contracts expiring between 2030 and 2042. To support the AIR, the technical areas carried out two phases of Public Hearing No. 8/2024, which took place between May and July 2024 and between December 2024 and April 2025.

The RIA addresses two central themes: the contractual model for auctioning facilities at the end of the concession and the compensation models for undepreciated or unamortized assets. For the first theme, the recommended alternative provides for the inclusion of small improvements in the auction’s Allowed Annual Revenue (“RAP”), adding regulatory predictability and affordability gains through competition. For the second topic, the suggested alternative limits compensation to reinforcements and improvements authorized by the granting authority that still have an unamortized portion.

ANEEL EXTENDS DEADLINE FOR COLLECTION OF AMOUNTS RELATED TO CUST TERMINATION CHARGES

ANEEL, in response to a request from the Brazilian Association of Energy Transmission Companies (“ABRATE”) regarding Normative Resolution No. 1,125/2025, extended the deadline for collecting CUST termination charges to January 12, 2026. The Resolution defines the methodology for verifying the maximum effort of transmission companies in collecting these amounts, in addition to establishing administrative and judicial measures aimed at transmission companies and ONS to recover defaulted credits.

In its reasoning, ANEEL acknowledged the operational and legal difficulties faced by transmission companies in protesting the debts within the original deadline. Among the obstacles are the rejection of securities by notaries, additional documentary requirements to prove the legitimacy of transmission companies as creditors, and the protest procedures.

To adjust the schedule, ANEEL extended the deadlines set forth in the rule for ONS by 15 days. Thus, in 2026, ONS must send ANEEL a detailed report on collection by April 15, and transmission companies must request tariff coverage from ONS for uncollected revenues by March 16.

ANCILLARY SERVICES

ONS CONCLUDES 1ST COMPETITIVE MECHANISM FOR CONTRACTING REACTIVE POWER SUPPORT

On December 22, ONS announced the results of the first competitive process for contracting reactive power support, held between November 18 and December 2, 2025. The tender achieved an average discount of 21% in relation to the ceiling price set for the product, consolidating a milestone in the context of the Regulatory Sandbox, authorized by ANEEL Authorizing Resolution No. 16,539/2025.

The mechanism used a methodology for acquiring the service that considered, in addition to the amount offered in reais per Mvarh, effectiveness measures to meet the systemic voltage control needs at strategic points of the Basic Network indicated by ONS in the region

of Minas Gerais. The winning agents have already signed the Reactive Support Ancillary Services Agreements (CPSA-SR) and will be remunerated according to the reactive power absorbed when activated by ONS, in addition to the minimum requirements set forth in the Network Procedures.

The tender received 500 Mvarh in bids, resulting in a maximum discount of 31.5% on the ceiling price. A total of 400 Mvarh (338 Mvarh effective) were contracted, with prices ranging from R\$ 23.28/Mvarh to R\$ 100/Mvarh, and an effectiveness factor between 57% and 86%. ONS already plans new editions of the mechanism in 2026.

PUBLIC HEARINGS:

ANEEL:

N O . 4 6 / 2 0 2 5

PURPOSE:

To obtain input for discussion with the public on the automatic application of Hourly Rates (White Rates) for low-voltage consumers in subgroups B1 (residential), B2 (rural), and B3 (commercial, industrial, and others) with monthly consumption equal to or greater than 1 MWh.

Contribution period: December 10, 2025, to March 9, 2026

Link: Public Consultations - ANEEL

N O . 4 4 / 2 0 2 5

PURPOSE:

To obtain additional subsidies and information to define the budget and annual quotas for the Energy Development Account (CDE) for 2026.

Contribution period: December 10, 2025 to January 26, 2026

Link: Public Consultations - ANEEL

N O . 4 3 / 2 0 2 5

PURPOSE:

To obtain additional subsidies and information for the evaluation of the Regulatory Impact Analysis regarding the regulation of Decree No. 11,314/2022, which regulates the bidding and extension of public service concessions for electricity transmission at the end of their term.

Contribution period: December 11, 2025, to March 10, 2026

Link: Public Consultations - ANEEL

N O . 4 2 / 2 0 2 5

PURPOSE:

To obtain additional input and information for the draft Normative Resolution that improves the distribution rules and procedures related to the access and connection of electromobility facilities to the distribution system.

Contribution period: December 11, 2025 to March 10, 2026

Link: Public Consultations - ANEEL

N O . 4 0 / 2 0 2 5

PURPOSE:

To obtain additional subsidies and information to promote tax accounting regulations for the Angra 1 and 2 decommissioning fund in compliance with the determination of Judgment No. 2502/2024 of the Federal Court of Accounts (TCU).

Contribution period: December 10, 2025 to January 24, 2026

Link: Public Consultations - ANEEL

N O . 3 9 / 2 0 2 5

PURPOSE:

To obtain additional input and information for the revision of the Electric Sector Asset Control Manual (MCPSE).

Contribution period: December 4, 2025 to March 4, 2026

Link: Public Consultations - ANEEL

M M E :

N O . 2 0 9 / 2 0 2 5 _____

PURPOSE:

Guidelines for Granting Tariff Discounts to the Rural Sector (Irrigation and Aquaculture)

Contribution period: December 26, 2025 to January 27, 2026

Link: Public Consultations

N O . 2 0 8 / 2 0 2 5 _____

PURPOSE:

Establishes specific regulations for minimum energy efficiency indices for LED technology

Contribution period: December 19, 2025 to February 20, 2026

Link: Public Consultations

SUBSIDIES COLLECTION PROCESS

ANEEL:

N O . 2 5 / 2 0 2 5

PURPOSE:

To obtain subsidies for the creation of a database and review of the methodology for non-technical losses and irrecoverable revenues - Submodules 2.6 and 2.6A of PRORET.

Contribution period: December 19, 2025 to February 20, 2026

Link: Subsidies - ANEEL

N O . 2 3 / 2 0 2 5

PURPOSE:

To obtain subsidies for evaluating a study on international experiences in assessing the costs and benefits of microgeneration and distributed minigeneration and alternatives for regulating Article 17 of Law No. 14,300/2022.

Contribution period: December 4, 2025 to March 4, 2026

Link: Subsidies - ANEEL

CONTACT US

Our newsletter aims to keep our clients up to date with the latest news and regulatory changes in the electricity sector. For detailed legal advice, please contact our team of energy law specialists:

ENERGY TEAM



ANA CAROLINA CALIL

PARTNER

anacarolina.calil@cesconbarrieu.com.br



FERNANDA SILVA

ASSOCIATE

fernanda.silva@cesconbarrieu.com.br



YASMIN YAZIGI

ASSOCIATE

yasmin.yazigi@cesconbarrieu.com.br



LUCAS BUSNARDO

INTERN

lucas.busnardo@cesconbarrieu.com.br

CESCON
BARRIEU