



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Application for an Authorisation to Construct or Reconstruct a Generating Station

Guidance Notes for Applicants

Version 8

3rd April 2012

Authorisation to Construct or Reconstruct a Generating Station:

Guidance Notes for Applicants

1. The Electricity Regulation Act, 1999 provided for the establishment of the Commission for Energy Regulation (CER) and the necessary powers to licence and regulate the generation, distribution, transmission and supply of electricity in Ireland. One of the functions of the CER is to grant Authorisations to construct or reconstruct electricity generating stations.
2. Under the 1999 Act, anyone wishing to construct a new generating station or reconstruct an existing generating station must obtain an Authorisation from the CER prior to commencing work. All electricity generators must also hold Electricity Generation Licences. Separate guidance notes and application forms for Generation Licences are available.
3. These guidance notes are to help you apply for an Authorisation from the CER to construct or reconstruct a generating station. You should only use these notes in conjunction with the “Application for Authorisation to Construct or Reconstruct Generating Stations” form. Full details of terms and conditions under which an Authorisation is granted can be found within the Grant of Authorisation.
4. A checklist to help you ensure that you have completed your application fully is attached to these notes as Appendix A. If you need more information or advice after reading these guidance notes, please contact us on **+353 (0)1 4000 800**. We answer calls between 9am and 5:30pm, Monday to Friday. Alternatively, you can email your questions to us at info@cer.ie.
5. We may amend these notes from time to time to include changes and to improve clarity. Please contact us at the number given above for advice. These guidance notes and the Authorisation application form are also available on our website at www.cer.ie.

Note:

6. All applicants are advised that in order to trade in the market, in addition to holding the necessary licences from the CER, accession to the Trading and Settlement Code is required. Applications for market accession are to be made to the Single Electricity Market Operator (SEM-O) once the relevant licences from the CER have issued. To facilitate timely accession to the market, applications should be made as early as possible. Please contact the SEM-O Market Registration team at registration@sem-o.com or by telephone at 1800 778111 for information on this process.

Disclaimer:

7. Although every effort has been made to ensure the accuracy of the material contained in this document, complete accuracy cannot be guaranteed. The CER cannot accept any responsibility whatsoever for loss or damage occasioned or claimed to have been occasioned, in part or in full, as a consequence of any person acting, or refraining from acting, as a result of a matter contained in this document.

Eligibility to apply for an Authorisation to Construct or Reconstruct a Generating Station

8. You must apply to the CER for an Authorisation if you wish to construct or reconstruct a generating station. Each generating station construction or reconstruction project you intend to develop will require a separate Authorisation. As such, you will need to submit a separate application for each Authorisation you require. If you commence construction or reconstruction activities prior to obtaining Authorisation from the CER, you may be liable on conviction on indictment to a fine not exceeding €126,973.

Exemption from the need to apply for an Authorisation to Construct or Reconstruct a Generating Station

9. If you wish to construct or reconstruct a generating which is not greater in installed generating capacity of 1MW then you are exempted from the need to apply for an authorisation to construct or reconstruct a generating station and stand authorised pursuant to S.I. 383 of 2008.

General Criteria

10. We will only commence processing your application when we are satisfied that the application is complete (see Appendix A for Checklist) and that sufficient information has been provided. The criteria we will use to assess your application for Authorisation are detailed in S.I. 309 of 1999 made under Section 18 of the Electricity Regulation Act, 1999. In addition, authorisation applications for plants less than or equal to 40 MW shall be assessed as specified under CER Decision (CER/10/098).
11. We also have environmental responsibilities. However, it is anticipated that compliance with planning permissions as granted by local authorities and IPC licence requirements as issued by the Environment Protection Agency will in most cases be sufficient. During our assessment of your application, you may be required to submit additional information in respect of the application if we feel it is necessary for support or clarification purposes. Please respond to these requests within the time frame we specify.
12. If the CER decides to grant you an Authorisation, you will be advised in writing and the Authorisation will be issued shortly afterwards. If your application is refused, you will be notified in writing of the reasons for the refusal. Such a decision may be appealed. Please see paragraphs 42 and 43 for details.
13. Please also note that in granting an Authorisation, the CER is in no way endorsing the plans of an applicant. The Authorisation cannot be relied upon as an indication of the likely commercial success or otherwise of its holder.

Terms and Conditions of Authorisation

14. An Authorisation will be valid for 5 years or until completion of the construction/reconstruction project. The CER, at its discretion, may extend the Authorisation beyond the period of 5 years. This is subject to the Grantee complying with the

terms and conditions under which the Authorisation is granted. Details of terms and conditions under which an Authorisation is granted can be found in the Grant of Authorisation.

15. These conditions are subject to modification or amendment according to their terms or with Sections 14(3), 14(6)(a) or 19 of the Electricity Regulation Act, 1999.
16. However, the CER may revoke an Authorisation that has been granted to you if you fail to comply with the terms and conditions of the Authorisation. Your attention is drawn to the revocation terms that are detailed in Condition 10 of the Authorisation. Please note that there would be significant dialogue between the CER and the Grantee before such a serious provision was invoked.

Which form do I use to apply?

17. All applications for Authorisation to construct or reconstruct a generating station should be made using the “Application for Authorisation to Construct or Reconstruct Generating Stations” forms. Please note that there are two forms, one form for generating stations up to 40MW and another form for generating stations greater than 40MW. Please ensure that you use the correct form for your generating station.
18. Please note that if your generating station is 40MW or less you can apply for an Authorisation to Construct and a Generation Licence using the same form.
19. Under the 1999 Act, generators greater than 1MW must also hold Electricity Generation Licences. Application for a Generation Licence should be made using the “Application for Generation Licence” form. Separate guidance notes are available for this.
20. You can obtain the printed application forms and guidance notes from our office or download them from our website. Please see paragraph 49 for details.

When should I apply?

21. Once you have compiled the information requested and supporting documents for your application, you can apply whenever you wish to.

How long will it take to consider my application?

22. We will aim to acknowledge all applications within 7 working days of receiving them. The acknowledgement will include a phone number and a named contact for your enquiries. We will process all applications as rapidly as possible and keep you advised of progress.

What do I send with the application form?

23. A checklist of all documents you should enclose with your completed application form is attached to these notes as Appendix A. The Authorisation application form also details these documents. While the application form has to be submitted in paper form, the CER will receive all supporting documentation in electronic format.

24. Additionally, an application fee must be included with your submission.

What are the fees associated with submitting my application form?

25. The application fees involved are banded according to the proposed installed capacity of your generating station. The fees are set out below.

Installed Capacity	€
1MW to < 5MW	35
5MW to 40MW	100
>40MW to <50MW	995
50MW to < 100MW	1,995
100MW to < 200MW	6,635
200MW to < 500MW	16,590
500MW and greater	19,905

26. Installed capacity refers to the normal full load MW capacity of the generation unit (or the sum of the normal full load MW capacities of all generation units associated with the application) as stated on the generation unit nameplate(s). For the avoidance of doubt, the installed capacity is to include the MW consumed by generation unit auxiliary plant directly supplied from the generation unit terminals and other site load directly supplied by the generation unit(s) prior to connection with the transmission and/or distribution systems.

Will information in my application be kept confidential?

27. Information provided in your application form and supporting documents will be covered by Section 13 (Prohibition on unauthorised disclosure of information) of the Electricity Regulation Act, 1999. However the CER and the information we hold is covered by the Freedom of Information Act, 1997 as amended.

28. You should indicate clearly in your application any information you would consider to be commercially confidential. Commercially sensitive information from business plans will be kept confidential, but please ensure you mark this information as confidential. You may mark other information as confidential. The Commission will discuss disclosure of this information with you should requests arise as provided for under the Freedom of Information Act, 1997.

29. We will publish certain information relating to your application, and regarding any authorisation if granted, on our website such as your company name, contact details, address of the generating station, type and size etc. Details of the information we will publish can be seen on our website.

Where do I send the application form?

30. The completed application, together with all the support documents and application fee, should be delivered or sent to us at:

Commission for Energy Regulation
Generator Licensing Section
The Exchange
Belgard Square North
Tallaght
Dublin 24

Email address: info@cer.ie

31. While the application form has to be submitted in paper form with original signatures, we prefer if all the supporting documentation is submitted in electronic format.

Where will the CER send the Authorisation and any other letters?

32. We will assume the lead signatory on your application form to be your nominated point of contact should we need to contact you, or when we respond to your queries, unless notified otherwise. All correspondence with you will be sent to the address provided in your application form.
33. If you are an overseas applicant, we will send all letters to the address in Ireland you have provided in your application form. Where appropriate we used email correspondence and telephone calls to communicate with you during the application process and we will use the contact details you have provide in your application form.
34. Please note that an Authorisation will be issued in the name of the owner of the generating station.

How do I get advice on submitting an application for Authorisation?

35. If you want advice about completing an application form or clarification of these guidance notes, contact us at +353 (0)1 4000 800 between 9am to 5:30pm, Monday to Friday. You can also e-mail your questions to us at info@cer.ie.

What you can expect from us

36. We will provide understandable, accessible information and guidance. A checklist to help you completed your application is attached to these notes as Appendix A. We will aim to acknowledge all applications within 7 working days of receiving them. The acknowledgement will include a phone number and a named contact for your enquiries.
37. All letters from us will give the name and telephone number of a member of staff dealing with your application along with your file reference number (Auth 20XX/XX-XX). Please quote this reference number in all correspondence.
38. We will process all applications as rapidly as possible and keep you advised of progress. We will reply promptly to all enquiries and letters. We will continually review our standards of service.

What we need from you

39. Please make sure that you use the correct application form and answer all the relevant questions fully. Please send in any documents or information we ask for with your application form. If you do not, this may delay the decision.
40. Please ensure that the point of contact is fully knowledgeable of the application and is available for speedy return of queries.
41. If you receive a letter asking for more information, please respond quickly and cover all the points raised. Replying by fax or e-mail may save time.

General rules about appeals

42. If you want to exercise your statutory right to appeal against our decision to refuse an Authorisation application, the letter telling you about our decision will explain how to do this. Any appeal must be lodged with the Minister for Communications, Energy and Natural Resources within 28 days of our decision.
43. The appeal procedures are set out in Part IV, Sections 29 to 32 of the 1999 Act. If you need more advice on how to appeal, please talk with our contact named on the letter.

How do you make a complaint?

44. If you are unhappy with the standard of service you have received, please take this up with the contact you have been dealing with. If you are not sure who to contact, please phone our general enquiry line for advice on +353 (0)1 4000 800
45. If you wish to make a complaint please write to the CER at the following address:

Commission for Energy Regulation
The Exchange
Belgard Square North
Tallaght
Dublin 24

Fax: +353 (0)1 4000 850

Email: info@cer.ie

Where can I get an application form for Authorisation?

46. You can download the application form and guidance notes that we have published at our website www.cer.ie for your own use. Alternatively, you can get the application form and guidance notes by phoning us at +353 (0)1 4000 800 between 9am to 5:30pm, Monday to Friday.
47. You may make photocopies of the application forms for your own use. However, we will only accept copies/versions you produce if they are of good quality, clearly legible, A4 size and the design and content are the same as the printed version supplied by us.
48. Please note that applications must be submitted with original signatures.

What if I need more general information about Authorisations to Construct or Reconstruct Generating Stations?

49. Please contact our general enquiry service:

Email: info@cer.ie

Phone: +353 (0)1 4000 800

Fax: +353 (0)1 4000 850

Write to us at:

Commission for Energy Regulation

Generator Licensing Section

The Exchange

Belgard Square North

Tallaght

Dublin 24

What if I need more information about the Irish electricity market?

50. There are a number of websites that can provide you with information about developments in the Irish electricity market. including:

CER: Regulatory Information: www.cer.ie

SEMO: Market Information: www.sem-o.com

EirGrid: Connection Matters www.eirgrid.com

ESB Networks: Connection Matters <http://www.esb.ie/esbnetworks>

SEAI: Sustainable Energy: www.seai.ie

DCENR: REFIT – Renewable Subsidies: www.dcenr.ie

51. Information about the functions of the CER is also included from our website, as is a copy of the Electricity Regulation Act, 1999 under which the CER is established. This Act provides the regulatory framework for the introduction of competition in the generation and supply of electricity in Ireland.

52. Copies of documents that have been published for consultation are available for downloading from our website. You can also download application forms and guidance notes for Authorisation, Generation and Supply licences.

53. Details of applications accepted and/or approved by the CER can also be found at our website.

54. Alternatively, you may contact our general enquiry service.

APPENDIX A : CHECKLIST

AUTHORISATION APPLICATION CHECKLIST

Date received:

Received by:

Date acknowledged:

CER Contact:

The Authorisation Application Form

1. Are all questions in Part 1 answered fully and appropriately?
2. Has the declaration in Part 3 been filled in correctly and signed by all appropriate persons?
3. Has the applicant included the correct application fee?

Documents to accompany application for Authorisation

4. Environmental Impact Statement (if applicable)
5. Construction and commissioning programme (identifying the major milestones in the project development, from authorisation to completion)
6. Maps(s) or marine charts sufficient to identify the location of the generating station to which the application relates
7. Statements of accounts for the last 2 years in respect of your relevant undertakings
8. A certificate from applicant stating that no adverse change has occurred, if more than 3 months have passed since the end of the accounting year covered by the accounts submitted
9. If the company is a special purpose vehicle, a statement of the relevant parent company accounts and guarantees
10. An outline 5-year business plan in relation to application, including information on project finance
11. Water extraction Licence (if applicable)
12. Accepted Connection Offer from the Transmission System Operator or Distribution System Operator for the generating station
13. Power Purchase Agreement

APPENDIX A : CHECKLIST

14. Planning permission or confirmation of planning exemption from planning authority.
15. IPC Licence or confirmation that an application has been submitted to the EPA.