

APPLICATIONS FOR GENERATION LICENCES

(UNDER SECTION 14 (1) (a) OF THE ELECTRICITY REGULATION ACT, 1999)

NOTICE

The Commission for Electricity Regulation, in exercise of its powers under Section 14(1)(a) of the Electricity Regulation Act, 1999 (No. 23 of 1999), hereby gives notice that an application under Section 14(1)(a) of the Electricity Regulation Act, 1999, shall be made to the Commission for Electricity Regulation in accordance with the procedures set out in this Notice.

1. Interpretation

(a) **"Act"** means the Electricity Regulation Act, 1999;

"applicant" means the person making the application;

"application" means an application for a licence under Section 14 (1)(a) of the Act;

"Commission" means the Commission for Electricity Regulation;

"generation licence" means a licence to generate electricity under Section 14(1)(a) of the Act.

(b) References to an enactment shall include subordinate legislation and in both cases any statutory modification or re-enactments thereof.

2. Form of applications

An application for a generation licence shall be in the form, and shall contain the particulars, specified in Part I of the Schedule to this Notice.

3. Documents to accompany applications

An application for a generation licence shall be accompanied by two copies of the documents and particulars specified in Part II of the Schedule to this Notice and the declaration, duly signed, in the form specified in Part III of the Schedule to this notice.

4. Lodgement of applications

All applications shall be delivered to or sent by prepaid registered post to the Commission at its principal office.

5. Manner of publishing applications

- (1) Notice of the application may be published by the Commission;
 - (a) in a newspaper circulating in the State; and/or
 - (b) in a newspaper or newspapers circulating in every area in which the generating station is or is proposed to be located.
- (2) Where a map forms part of the documents and particulars provided in accordance with paragraph 3, there may be published together with the notice of the application a notice stating that a copy of that map is available for inspection by the public at the principal office of the Commission between 10.00am and 12.00 midday and 2.00pm and 4.00pm on any working day or by appointment with the Commission and at the local Garda station(s) in whose area the generating station is to be located.

6. Additional Information

The Commission may serve notice on the applicant, requiring the applicant to provide such further information in respect of the application and within such period as may be specified in the notice.

7. Confidentiality

The applicant's attention is drawn to the Commissions obligations under Sections 13 (Prohibition on unauthorised disclosure of information) and 46 (Amendment of Freedom of Information Act, 1997) of the Act.

8. Fees payable with application

- (1) The fee payable with an application shall be in accordance with the Schedule of Fees in the Guidance Notes accompanying the application form.
- (2) All fees shall be paid when the application is lodged.

CHEQUES SHOULD BE MADE PAYABLE TO:

The Commission for Electricity Regulation

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SCHEDULE

PART I

Where, for any question, insufficient room has been provided, the answer should be continued on a separate sheet.

General Details

1. Full name of the applicant(s).

2. Address of the applicant(s), or in the case of a body corporate, the registered (and where different, principal) place of business. Also, in the case of an overseas applicant, address in Ireland for service of process and other notices.

3. Where applicant is a company, full names of current directors and the company's registered number. If not incorporated in Ireland, the registration number which the Companies Registration Office in Ireland may have issued and the country in which the company is incorporated.

4. Where a holding of 10 per cent or more of the shares (see Note below) of an applicant is held by a body corporate or partnership or an unincorporated association or a co-operative carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

5. If the applicant is not the owner of the proposed generating station, full name and address of the owner(s). In the case of a body corporate, the address should be the registered (and where different, principal) place of business.

6. Where an owner(s) is a company, the full names of current directors and the company's registered number.

7. Where a holding of 10 per cent or more of the shares (see Note below) of an owner(s) is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

8. Full name and address of the intended operator of the proposed generating station (if different from the applicant or owner). In the case of a body corporate, the address should be the registered (and where different, principal) place of business.

9. Name, address and place of incorporation of ultimate parent undertaking(s) (if any) of the applicant.

Note

Reference to shares:

- a) in relation to an applicant and/or owner with a share capital, are to allotted shares;
- b) in relation to an applicant and/or owner with capital but no share capital, are to rights to share in the capital of the applicant and/or owner;
- c) in relation to an applicant and/or owner without capital, are to interests;

Details of proposed generation:

10. A sufficient description specifying the actual or proposed locations of those stations. e. g. by reference to townlands, postal address etc. The description should enable the areas and locations concerned to be adequately and readily identified by map, or if the applicant so desires, by any other convenient means.

11. If issued to the applicant, the reference number of the Authorisation(s) to Construct in relation to the generating station(s) specified in Question 10. Desired date from which the Licence to Generate is to take effect.

12. The date when any proposed generating stations are expected to be commissioned.

13. The number of generating stations intended to be operated under the licence (if granted).

14. The capacity (MW) and type of each unit within the generating station(s).

15. A description of how those stations will, in each case, be fuelled or driven, including both primary and back-up fuel sources.

16. Confirmation that the applicant has consulted the relevant Chief Fire Officer on fire safety aspects of the planned building(s) and in relation to the provision of access and facilities for Fire Brigade/Emergency Services in the event of a fire or other emergency.

The below questions 17 to 21 are only required to be completed if the applicant has not been issued with an Authorisation(s) to Construct or Reconstruct a Generating Station under Section 16 of the Electricity Regulation Act, 1999, or if the applicant has not received a formal acknowledgment by the Commission for receipt of a completed Authorisation application form(s), with respect to the station(s) specified in Question 10.

17. Confirmation that the application does not relate to a generating station involving the use of nuclear fission for any purpose, including for the generation of electricity.

18. Details of the ancillary services that the generating station (s) will be capable of providing.

Reactive Power Capability kVAr (lead): kVAr(lag):

Operating Reserve capability (as applicable)
Primary Operating Reserve:
Secondary Operating Reserve:
Tertiary Operating Reserve:
Other:

Frequency Control Capability (as applicable):

Black start capability (as applicable):

19. A statement confirming the declared gross efficiency of the generating station(s).

20. Details of all applicable statutory or other consents, permissions or licences held, applied for or being applied for by the applicant, or by affiliates of the applicant, necessary for the construction and operation of the proposed generating station, including planning permission (or exemption from planning permission).

21. Details of any connection agreements made or being sought with the Electricity Supply Board, including modifications to existing connection agreements.

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PART II

DOCUMENTS TO ACCOMPANY AN APPLICATION FOR
A GENERATION LICENCE

Applicants are requested to submit two copies of each document with their application.

1. Financial information

A. For plants greater than 5MW

i) Financial history

- (a) Statements of the accounts for the last two years kept by the applicant in respect of relevant undertakings carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, together with copies of the latest audited accounts.
- (b) If more than three months have elapsed since the end of the accounting year covered by the accounts submitted, a certificate from the applicant stating no material adverse change has occurred.
- (c) Where the applicant is a special purpose vehicle, a statement of relevant parent company accounts and guarantees.

ii) Project planning and feasibility

An outline statement of the proposals for the business of the applicant to which the application relates, for the next five years, including:

- (a) Annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.

- (b) Details of any expected subsequent substantial capital outflows, including major decommissioning costs.
- (c) Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.
- (d) Information on the intended source of finance and (where relevant) confirmation from the relevant lender(s).

B. For plants less than or equal to 5MW

- a) A short business plan, or
- b) Confirmation that the applicant has applied for AER funding or has a PPA

NB: While it will not routinely request or assess financial information for applications of this size the Commission will reserve the right to request its submission.

2. **Map(s) or marine charts** sufficient to identify the location of all generating stations to which the application relates.

To assist the Commission in assessing applications in a timely manner, applicants are encouraged to provide the Commission with two copies of the following documentation (where applicable):

3. **Environmental impact statement.**

4. **Planning permission** or confirmation of planning exemption from planning authority.

5. **IPC Licence.**

6. **Water extraction Licence.**

7. **Connection Offer** from the Transmission System Operator or Distribution System Operator (as applicable) or confirmation that modification of an existing connection agreement is being sought.

8. **Power Purchase Agreement.**

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SCHEDULE

PART III

DECLARATION

On behalf of the applicant, I hereby declare that:

- (a) the applicant shall at all times comply in every respect with the conditions attached to any licence that may be awarded to the applicant;
- (b) the applicant shall at all times comply with lawful directions of the Commission for Electricity Regulation;
- (c) the information provided by me on behalf of the applicant is accurate and complete in all respects; and
- (d) I am authorised to make this declaration on behalf of the applicant.

Signed :

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Full name(s) of Signator(y/ies):

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Position held (if the applicant is a company, co-operative, partnership, unincorporated association or any other body corporate):

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Date: