

## **5.1 TEMPLATE 024-3.5 - APPLICATIONS FOR GAS SUPPLY LICENCE (UNDER SECTION 16 OF THE GAS (INTERIM) (REGULATION) ACT 2002, AS AMENDED)**

### **THIS FORM MAY BE USED FOR APPLICATIONS FOR COMPRESSED NATURAL GAS SUPPLY LICENCE**

#### **NOTICE**

The Commission for Electricity Regulation, in exercise of its powers under Section 16 of the Gas (Interim) (Regulation) Act 2002, as amended, hereby gives notice that an application under Section 16 (a) of the Gas (Interim) (Regulation) Act 2002, as amended, shall be made to the Commission for Energy Regulation, renamed to the Commission for Regulation of Utilities (CRU), in accordance with the procedures set out in this Notice.

#### **1. Interpretation**

**(a) "Act"** means the Gas (Interim) (Regulation) Act 2002, as amended;

**"applicant"** means the person making the application;

**"application"** means an application for a licence under Section 16 (a) of the of the Act;

**"Commission"** means the Commission for Energy Regulation; renamed to the Commission for Regulation of Utilities (CRU)

**"supply licence"** means a licence to supply natural gas under Sections 16(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 natural gas supply 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 natural gas supply licence shall be accompanied by two copies 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. If certain documents do not need to be signed they can be provided in pdf format via email.

#### **4. Lodgement of applications**

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

#### **5. Manner of publishing applications**

Notice of the application may be published by the Commission. Once an application has been received an acknowledgement letter will be sent detailing this notice.

#### **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 Commission's 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. The fee is currently € 5,000 but may be revised in future. This amount includes the assessment of an application for a Gas Shipping Licence. Condition 2 of the Gas Supply Licence obligates Licensees to hold a Gas Shipping Licence. <sup>1</sup>

(2) All fees shall be paid via bank transfer when the application is lodged. Please contact the finance department within the CRU for bank details.

#### **9. Safety Case**

The Safety Case is a condition of the Gas Supply Licence. Applicants should have an accepted safety case before a Gas Supply Licence is granted. Applicants must engage with the Gas Safety Division regarding submitting a Safety Case.

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<sup>1</sup> Applicants intending on supplying Compressed Natural Gas for vehicular transport should consult CER/16/154 regarding the derogations that may apply to them.

**APPLICATIONS FOR NATURAL GAS SUPPLY LICENCE  
(UNDER SECTION 16(A) OF THE GAS (INTERIM) (REGULATION) ACT 2002, AS  
AMENDED))**

**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 the applicant is a company, please provide full names of current directors, the company's registered number and the company's address. 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. Please provide a details of the full shareholding structure of the applicant including the immediate and ultimate parent company and related groups, detailing their name, address and contact details. Please also provide a diagram of this shareholding structure.

**Note:**

**Reference to shares:**

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests:

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

**Details of supply proposals**

6. Specify the type of supply business and the market segments the Applicant aims to supply. Applicants intending on supplying Compressed Natural Gas for vehicular transport must state the same here.

7. Applicants intending to supply Compressed Natural Gas for vehicular transport, must state any derogations (if any) that the applicant is applying for.<sup>2</sup>

8. Desired date from which the licence is to take effect and the reason for this date

9. Details of any licences and/or other consents or permissions held, applied for, or being applied for by the applicant, or by affiliates of the applicant, in respect of the generation, transmission, distribution or supply of gas or in the construction of direct lines or the construction or reconstruction of any generating station(s).

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<sup>2</sup> Refer to CER Decision Paper CER/16/154

10. List of documents provided in support of the application

11. Dates covered by audited accounts and name of the business providing them

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SCHEDULE**

PART II

**DOCUMENTS TO ACCOMPANY AN APPLICATION FOR  
A NATURAL GAS SUPPLY LICENCE**

*Applicants are requested to submit two copies of each document with their application via post/email*

**1. Financial history**

(a) Statements of the accounts to cover three accounting periods kept by the applicant in respect of all undertakings carried on by it, showing the financial state of affairs of that undertaking and its profit or loss, together with copies of the latest audited accounts. Abridged versions of accounts will not be accepted.

(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. This statement must be signed off by a person of relevant authority.

(c) Where the applicant is a special purpose vehicle, a statement of relevant parent company accounts. These statements should cover three accounting periods.

(d) Where the applicant is being funded by a related or parent company, a letter of guarantee must be provided to cover the start-up costs of the business and to provide ongoing financial support as required.

Where the applicant has no parent company and no financial history, please provide a statement indicating how the business will be funded and provide proof of funding.

(e) A table showing key financial indicators for the applicant (or for its parent company where it is a special purpose vehicle) should be provided. Where there is a loss recorded for any accounting years this should be detailed in the application.



## **2. Business Plan Proposal**

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

(a) General description of the applicant and its proposed trading subject. If the applicant is currently trading please provide a description of its current business.

(b) Details of estimated start-up costs for the gas supply business.

(c) Annual forecasts of costs, sales and revenues and project financing, stating the proposed tariffs and assumptions underlying the figures provided. Please provide a projected five year profit and loss statement, balance sheet and cash flow statement.

(d) Details of the assumptions underlying the above (for example customer acquisition plans, proposed tariffs, wholesale prices etc.)

(e) Details of any expected subsequent substantial capital outflows.

(f) Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the proposal(s) to which the application relates.

(g) Information on the intended source of finance and (where relevant) confirmation from the relevant lender(s). If applicable repayment arrangements should be included. A letter of guarantee and proof of funds should be provided if applicable (for example, if a guarantee is provided by a parent company but their financial statements show a considerable loss, proof of funds and a statement of no going concern should be provided.)

(h) Details of the applicants knowledge of the market including competition, prices, and relevant CRU papers.

**3. Details of the IT system** to be employed for billing and customer care management.

4. Estimate of the **number of people to be employed** in relation to this operation and their **address of employment**.

### 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 Regulation of Utilities;

(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:

Full name(s) of Signatory (ies):

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

Date: