



An Coimisiún
um Rialáil Fóntas
**Commission for
Regulation of Utilities**

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Commission for Regulation of Utilities

Guidance Notes

Applying for a Licence to Generate Electricity

Information Paper

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www.cru.ie



Table of Contents

1. Introduction.....	2
2. When Should I Apply?	3
3. Application Fee	4
4. Submission Format.....	4
5. Application Validity.....	5
6. How Long Will it Take to Consider my Application?	5
7. CRU Assessment and Applicant Updates	6
8. CRU Decision Making Process	7
9. Inactive Applications	7
10. Terms and Conditions of a Generation Licence	8
11. Confidentiality of Information Submitted.....	8
12. Further Information on the Irish Electricity Market	8



1. Introduction

These guidance notes are to assist applicants in applying for a Licence to Generate Electricity. They should be read in conjunction with the Commission for Regulation of Utilities (CRU) application form that is applicable to the project.

1.1 Legislative Background

The *Electricity Regulation Act, 1999* as amended (the Act) gives the CRU the necessary powers to licence and regulate the generation, distribution, transmission and supply of electricity in Ireland. One of the functions of the CRU under the Act is to grant or refuse Licences to Generate Electricity (Licences) following assessment of an associated application.

All electricity generators must hold a Licence under the Act. It is an offence to generate electricity prior to obtaining a Licence from the CRU. On conviction, a person may be liable to a fine up to €1,904, imprisonment for a term not exceeding 12 months, or both.

Authorisations to construct or reconstruct generating stations (Authorisations) are also issued by the CRU and separate Authorisation Guidance Notes are available at www.cru.ie. Dual and individual application forms are available for both Authorisations and Licences.

1.1.1 Environmental Compliance

The European Union (EU) (Birds and Natural Habitats) Regulations 2011¹ as amended (the Regulations), implement the EU Habitats Directive (92/43/EEC) and EU Birds Directive (2009/147/EC). Regulation 42(1) of the Regulations requires a screening for Appropriate Assessment (AA) of a "project" as defined in those Regulations, where an application for consent is received by a public authority. Where the project is a project of a type also requiring a development consent within the meaning of the Planning and Development Acts 2000 (as amended), the obligations on the CRU under Regulation 42 do not apply and the CRU will not undertake AA screening of that project. This will typically be the case and as such the application requirements for a Licence set out in this document are reflective of this scenario.

However, for untypical projects where planning permission or a development consent is not required, the CRU may be required to undertake AA screening and, if appropriate, an AA of the project. This will be

¹ S.I. 477 of 2011



determined on a case by case basis. If you think your project may be 'untypical' then please request a pre-submission meeting to discuss your submission requirements with the Licensing Team via licensing@cru.ie.

1.2 Exemption for <1MW Generating Stations

If a proposed generating station has an installed capacity of less than or equal to 1MW then applicants are exempted from the need to apply to the CRU for a Licence. Such generating stations stand licensed pursuant to S.I. No. 384 of 2008².

2. When Should I Apply?

Applicants should only apply when they have **all information required by the CRU** as set out in this Guidance and the application forms. See Section 6 in relation to the assessment timelines for reapplications.

Where a joint application for and Authorisation and a Licence is not submitted, applicants must hold an Authorisation from the CRU prior to submitting their Licence application.

2.1 Pre-submission Meetings

New applicants or applicants with novel or complex applications are encouraged to avail of a pre-submission meeting with the CRU. At this meeting, the CRU will set out the application and assessment process and address any questions the applicant may have following review of the guidance notes and application forms. To avoid the potential for submission of an invalid application, new applicants are encouraged to contact the CRU via licensing@cru.ie to request a pre-submission meeting.

Additionally, the CRU completeness check template is provided in Appendix I to assist applicants in developing valid applications. Page 3 of the application form also requests that the applicant supplies

² S.I. No. 384/2008 – Electricity Regulation Act 1999 (Section 14 (1A)) Order 2008



a brief description of the development and this section of the form can be used to highlight any novel or complex elements.

3. Application Fee

The application fee must be paid at time of submission of the application. Payment will only be accepted by Electronic Funds Transfer (EFT). The CRU bank details are:

IBAN: IE91AIBK93208677400043

BIC: AIBKIE2D

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

Installed Capacity	€
1MW to < 5MW	35
5MW to <15MW	55
15MW to < 40MW	100
40MW to < 50MW	200
50MW to < 100MW	400
100MW to < 200MW	1,330
200MW to < 500MW	3,320
500MW and greater	3,980

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.

4. Submission Format



A 'Completeness Check' listing all documents applicants should enclose with the completed application form can be found in Appendix I. The application form also details these required documents.

The CRU may require additional written confirmation or clarification of any aspect of your application. Where this is requested, the information may be submitted in the form of a letter signed by the applicant, its authorised officer or such other person duly authorised to act on the applicant's behalf.

Please ensure to number and name your application documentation in line with the Completeness Check document e.g. attach planning submissions as '4. Planning Information'. Failure to do so, or submission of additional documents not requested will result in a return of same and ultimately a delay in the assessment of your application

All documentation should be submitted electronically to licensing@cru.ie. No hardcopies are required. Files that are too large to be submitted by email should be provided by file share software.

5. Application Validity

The CRU has developed application forms and guidance documents to assist applicants in developing a valid application. The relevant application forms and guidance documents are available at www.cru.ie.

The CRU completeness check template is provided in Appendix 1 to assist applicants in developing valid applications.

On receipt of an application, the CRU assessment team will carry out a **Completeness Check** to confirm that the application is valid. Should the CRU receive an invalid application i.e. missing documentation or an incomplete application form, it will inform the applicant that their application is incomplete and will not be processed. A written list of the incomplete sections will be provided to support the applicant's development of a new and valid application.

Applicants should note that updating their application mid assessment will delay the CRU assessment process and may necessitate a full reassessment. It may also invalidate the original application and result in the requirement for a new application. The decision to require a new application or recommence an assessment will be made on a case-by-case basis and is fully at the discretion of the CRU.

6. How Long Will It Take to Consider my Application?



The CRU aims to meet the following application assessment timelines for **Licences under 40MW**:

Assessment steps	Timeline
Acknowledge receipt of application	Within 1 week of receiving application
Completeness Check	Within 2 weeks of receiving application
Assessment	Up to 6 weeks
CRU final decision-making process	3 weeks following completion of assessment

The CRU aims to meet the following application assessment timelines for **Licences of 40MW and over** and **dual applications**:

Assessment steps	Timeline
Acknowledge receipt of application	Within 1 week of receiving application
Completeness Check	Within 2 weeks of receiving application
Assessment	Up to 10 weeks
CRU final decision-making process	3 weeks following completion of assessment

The assessment timeline is dependent on the applicant’s response times to Additional Information requests. Please note that requests for an update on the application assessment progress will be responded to only by reference to the above assessment timelines.

In the case where an applicant has been recently issued with Licence to Generate but subsequently wishes to make changes, please note that in most cases this will require a full reapplication. The associated assessment timeline for such reapplications is at least 6 months. To avoid this situation, applicants are advised to wait until all required information is finalised before making any submissions to the CRU. This will support the timely assessment of applications for all applicants.

7. CRU Assessment and Applicant Updates

Once the application has passed the Completeness Check, the applicant will be notified that the assessment has formally commenced. A CRU application reference number will be assigned for assessment and this should be used in all correspondence with the CRU.



The assessment will cover the following disciplines:

- (a) Administrative;
- (b) Technical;
- (c) Environmental; and
- (d) Financial.

To keep applicants aware of assessment progress, fortnightly **Assessment Progress Reports** will be issued by the CRU for the duration of the assessment. An Assessment Progress Report template is provided in Appendix II.

Should an applicant require information that is not contained in the Assessment Progress Report, they may submit a request for information to the CRU by email via licensing@cru.ie. This will be responded to in the next Assessment Progress Report.

During the assessment, the CRU may require **additional information** from the applicant to support their application, or to clarify information already submitted. These requests will be issued within the Assessment Progress Report.

Where matters arise that have the potential to result in a refusal of an application, the applicant will be informed at the earliest opportunity to afford them the time to address the matter, where possible and appropriate, through the submission of additional information.

8. CRU Decision Making Process

If the CRU determines a Licence should be granted, the applicant will be issued with a soft and hard copy of the signed Licence.

If the CRU decides to refuse a Licence application, the applicant will be notified in writing of the reasons for the refusal and will be informed of the appeals process as per Part IV, sections 29 to 32 of the Act. Please note that the appeals process is external to the CRU procedure.

In granting a Licence, the CRU is not endorsing the plans of a generating station and it cannot be relied upon as an indication of the likely commercial success or otherwise of its holder.

9. Inactive Applications



Where the CRU has not received a response to a request for additional information or has had no material contact from the applicant for a period of 2 months, the CRU will notify the applicant that the issuance of the Assessment Progress Reports will be put on hold until the applicant has provided an appropriate response or update.

Where the CRU has not received a response to a request for additional information or has had no material contact from the applicant for a period of 4 months, the CRU will write to inform the applicant that their application is deemed to be expired. If the applicant subsequently wishes to reapply, they must submit a new application form and associated documentation.

10. Terms and Conditions of a Generation Licence

A Licence is valid for a minimum of 30 years, subject to the Licence holder complying with the terms and conditions of the Licence. This 30-year period includes a 15-year initial term and the potential for the CRU to issue a 15-year notice of termination of the Licence.

The CRU may revoke a Licence if the holder fails to comply with the terms and conditions. The revocation terms of the Licence are detailed in Schedule 2 of the Licence. Details of other terms and conditions of a generation Licence can be found in the Licence.

11. Confidentiality of Information Submitted

Information provided in an application form and supporting documents may be subject to section 13 (Prohibition on unauthorised disclosure of information) of the Act. However, the information we hold is also subject to the Freedom of Information Act 2014 and legislation on the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (AIE Regulations). Details of the information we will publish can be seen on the CRU website. Applicants should ensure that any information that they consider to be commercially sensitive or confidential is clearly labelled accordingly.

12. Further Information on the Irish Electricity Market

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



- CRU: Regulatory Information: www.cru.ie
- SEMO: Market Information: www.sem-o.com
- EirGrid: Connection Matters www.eirgrid.com
- Gas Networks Ireland: Connection Matters www.gasnetworks.ie
- SEAI: Sustainable Energy: www.seai.ie
- DCCAE: REFIT – Renewable Subsidies: www.dccae.ie

Note

All applicants are advised that in order to trade in the market, in addition to holding the necessary Licences from the CRU, 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 CRU have been 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 balancingmarketregistration@sem-o.com or by telephone at 1800 778111 for information on this process.

APPENDIX I: APPLICATION CHECKLISTS

GENERATION LICENCE <40MW

CRU COMPLETENESS CHECK

Submission of Supporting Documentation

Please ensure to number and name your application documentation in line with the below e.g. attach planning submissions as '4. Planning Information'. Failure to do so, or submission of additional documents not requested will result in a return of same and ultimately a delay in the assessment of your application.

All applications must include the following information:

1. Application Form

- Signed and completed application form.

2. Application Fee

- Proof of payment of application fee.

3. Financial Information

Where the information requested below has already been provided to the CRU as part of your application for an Authorisation to Construct a Generating Station, it does not require a resubmission here. Please reference the prior submission for cross reference within this application assessment.

- Copy of signed and dated letter of offer for support scheme for the proposed generating station.

For non RESS offer holders:

- Evidence of finance. Where internally funded, proof of available funds from balance sheets is acceptable. For third party finance, a letter of commitment from a financial institution is acceptable, or where shareholders are providing finance the supporting contract documents.

4. Planning Information

- Written confirmation that the planning permission information provided for the associated Authorisation to Construct a Generation Station remains valid.

5. Connection Agreement

APPENDIX I: APPLICATION CHECKLISTS

- Written confirmation that the connection agreement information provided for the associated Authorisation to Construct a Generation Station remains valid.

6. Technical Information

- Company Profile showing the qualifications and experience of the person or company who will operate the proposed generating station. The applicant must ensure that the name of the Operator on the application form corresponds with that on the company profile submitted.

The submission of additional information may be requested at any stage in the assessment process.

APPENDIX I: APPLICATION CHECKLISTS

GENERATION LICENCE >40MW

CRU COMPLETENESS CHECK

Submission of Supporting Documentation

Please ensure to number and name your application documentation in line with the below e.g. attach planning submissions as '4. Planning Information'. Failure to do so, or submission of additional documents not requested will result in a return of same and ultimately a delay in the assessment of your application.

All applications must include the following information:

1. Application Form

- Signed and completed application form.

2. Application Fee

- Proof of payment of application fee.

3. Financial Information

- Copy of signed and dated letter of offer for support scheme for the proposed generating station.

For non RESS offer holders:

Where the information requested below has already been provided to the CRU as part of your application for an Authorisation to Construct a Generating Station, it does not require a resubmission here. Please reference the prior submission for cross reference within this application assessment.

- Evidence of finance. Where internally funded, proof of available funds from balance sheets is acceptable. For third party finance, a letter of commitment from a financial institution is acceptable, or where shareholders are providing finance the supporting contract documents.
- Statements of the accounts for the last two years kept by the applicant in respect of relevant undertakings carried on by the applicant, showing the financial state of affairs of that undertaking and its profit or loss, together with copies of the latest audited accounts.

APPENDIX I: APPLICATION CHECKLISTS

- If more than three months have elapsed since the end of the accounting year covered by the accounts submitted, confirmation from the applicant stating no material adverse change has occurred.
- Where the applicant is a special purpose vehicle, a statement of relevant parent company accounts and guarantees.
- An outline statement of the proposals for the business of the applicant to which the application relates, for the next five years, including;
 - Annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.
 - Details of any expected subsequent substantial capital outflows, including major decommissioning costs
 - 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

4. Planning Information

- Written confirmation that the planning permission information provided for the associated Authorisation to Construct a Generation Station remains valid.

5. Connection Agreement

- Written confirmation that the connection agreement information provided for the associated Authorisation to Construct a Generation Station remains valid.

6. Technical Information

- Company profile showing the qualifications and experience of the person or company who will operate the proposed generating station. The applicant must ensure that the name of the Operator on the application form corresponds with that on the company profile submitted.

The submission of additional information may be requested at any stage in the assessment process.

APPENDIX II: ASSESSMENT PROGRESS REPORT**ASSESSMENT PROGRESS REPORT [DATE]**

CRU APPLICATION REFERENCE:

GENERATING STATION NAME:

DATE RECEIVED:

ASSESSMENT AREA PROGRESS REPORTS

Assessment Area	Progress Update	Additional Information request
Administrative	e.g. Complete/ In process/ On hold pending response to additional information request	
Technical	e.g. On hold	Awaiting response to additional information request of [DATE]
Environmental	e.g. Complete	
Financial	e.g. In process	

Query type	Date received	Response
e.g. voicemail query, email query	[date]	The CRU will provide responses to all written or voicemail queries received via the fortnightly progress report

Applicant responses to Additional Information requests must be sent to licensing@cru.ie. Applicants must insert the CRU application reference number into the subject line on all email correspondence.

- A delay in responding to an Additional Information request may result in a delay to the overall assessment timeline.
- Where the CRU has not received a response to a request for additional information or has had no contact from the applicant for a period of 3 months the issuance of the Assessment Progress Reports will be put on hold until an appropriate response is provided.
- Where the CRU has not received a response to a request for additional information or has had no contact from the applicant for a period of 6 months, the application is deemed to be expired.