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## GOVERNMENT NOTICE

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### DEPARTMENT OF MINERALS AND ENERGY

No. 290

31 March 2006

### NATIONAL ENERGY REGULATOR

#### Rules in terms of Petroleum Pipelines Act, 2003 (Act no. 60 of 2003)

In terms of section 33(3) (c), (d), (e) and (9) of the Petroleum Pipelines Act, 2003 (Act no. 60 of 2003), the National Energy Regulator (NERSA) has prepared Rules which will affect licence applications falling under this Act. The document, "**Petroleum Pipelines Act Rules, Part One: Licensing 2006**", which contains these Rules is hereby promulgated. Please note that these Rules may be amended once the Regulations, to be issued by the Minister of Minerals and Energy, are finalized. Applications for licences should be based on "**Petroleum Pipelines Act Rules, Part One: Licensing 2006**". Electronic copies of the document may be downloaded from [www.nersa.org.za/](http://www.nersa.org.za/)

Enquiries can be directed to Mr Themba Tsela, Executive Manager: Hydrocarbons Regulation. Contact details are:

- E-mail: [themba.tsela@nersa.org.za](mailto:themba.tsela@nersa.org.za); or
- Fax: (012)401 4700; or
- Telephone (012) 401 4600

**Adv. Nomalanga Sithole**  
NERSA Acting Chief Executive Officer

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Regulator Members: Mr MC Matjila (Chairperson) Ms DD Mokgatle (Deputy Chairperson)\* Mr SS Mokoena (Chief Executive Officer)  
\*Mr T Bukula \*Dr RD Crompton Adv L Makatini Mr SS Ntshaluba Prof D Singh \*Ms E Teljeur  
\*Full-time Regulator Members

NERSA is a Regulatory Authority established in terms of the National Energy Regulator Act, 2004 (Act No 40 of 2004)

**PETROLEUM PIPELINES ACT, 2003 (ACT No. 60 of 2003)**

**RULES MADE BY THE NATIONAL ENERGY REGULATOR IN TERMS OF SECTION  
33(3) OF THE ACT**

**PART 1: LICENCING**

**EXPLANATORY MEMORANDUM**

In accordance with the provisions of Section 33(3) of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003) the Energy Regulator may make Rules regarding a number of administrative matters. The Energy Regulator is publishing the second version of the draft Rules for information. It is intended that the only changes in the short term that will be made to these Rules will be those required by Regulations once the Regulations have been gazetted.

The administrative matters concerned arise from the following provisions of the Petroleum Pipelines Act –

- a) the form, manner and contents of licence applications as provided for in section 33(3)(c) of the Petroleum Pipelines Act of 2003;
- b) the manner of publishing of licence applications and the contents thereof as provided for in section 33(3)(d) of the Petroleum Pipelines Act of 2003;
- c) the form and manner in which objections to licence applications must be lodged and the furnishing thereof to the applicant for his or her response thereto as provided for in section 33(3)(e) of the Petroleum Pipelines Act of 2003;
- d) the procedure to be followed in considering licence applications as provided for in section 33(3)(f) of the Petroleum Pipelines Act of 2003;

These Rules do not duplicate the requirements of the Petroleum Pipelines Act. These Rules and the Act must be read together when licence applications are made.

**PETROLEUM PIPELINES ACT, 2003 (ACT No. 60 of 2003)**

**RULES**

In terms of Section 33 (3) of the Petroleum Pipelines Act (Act No. 60 of 2003), the National Energy Regulator hereby promulgates the Rules in the attached Schedule. These Rules come into effect on 1 April 2006.

## SCHEDULE

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## **DEFINITIONS**

1. In these Rules any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned unless the context indicates otherwise.

“Act” means the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).

## **UNITS OF MEASURE**

2. All measurements must use metric units of measure.

## **FORM AND CONTENT OF LICENCE APPLICATION**

3. An application for a licence must be made in writing in the form specified in Annexure A and must contain the information specified therein.

## **MANNER OF LICENCE APPLICATION**

4. (1) An application for a licence must -
  - (a) be signed and dated by the applicant or a mandated representative of the applicant in a solemn declaration certified by a Commissioner of Oaths;
  - (b) be accompanied by a copy thereof;
  - (c) be delivered by hand or sent by registered post to the address specified in Annexure A;
  - (d) include any other information that the Energy Regulator may consider necessary or appropriate and is requested by the Energy Regulator during the process of considering a licence application.
- (2) The owner of a petroleum pipeline, a loading facility or a storage facility under construction at the commencement of these Rules must apply to the Energy Regulator for a construction licence.
- (3) The owner of a petroleum pipeline, a loading facility or a storage facility in operation at the commencement of these Rules need not apply for a construction licence but must apply to the Energy Regulator for an operation licence.
- (4) An owner may, in one application, include more than one facility in that application provided that-
  - (a) the facilities concerned –
    - (i) require the same type of licence; or
    - (ii) form an integrated system as contemplated in Section 19(3) of the Act;
  - (b) the facilities concerned are wholly owned by the same owner;
  - (c) all the required details are provided for each facility.
- (5) Applicants for a licence must be provided with a receipt from the Energy Regulator recording –
  - (a) the date of receipt of the application;
  - (b) the name of the person that received it on behalf of the Energy Regulator;
  - (c) the tracking or reference number allocated to that application.

## **PUBLISHING OF LICENCE APPLICATIONS AND CONTENTS THEREOF**

5. (1) An applicant must publish a notice of a licence application in at least two newspapers on at least three different days in each newspaper, circulating in the area of the activity for which a licence is sought in any two official languages (one of which must be English).
- (2) A notice of a licence application published in terms of Section 17 (2) of the Act must–
- (a) state where the licence application will be accessible to members of the public from the date on which the notice is published until the closing date for objections, with the exclusion of Saturdays, Sundays and public holidays;
  - (b) state the closing date for receipt of objections, which is 30 days from the last date of publication of the notice;
  - (c) contain a warning that objections received after the closing date may be disregarded;
  - (d) state that persons who wish to lodge objections must do so by completing the form at Annexure B to these Rules and that such forms can be obtained from the NERSA website at the address [www.nersa.org.za](http://www.nersa.org.za); or from:

**The National Energy Regulator (NERSA)  
Executive Manager: Hydrocarbons Regulation  
Licence applications  
Postal Address: P O Box 40343, Arcadia, 0007  
Street Address: 526 Vermeulen Street, Arcadia, Pretoria  
Telephone number: (012) 401 4600; and  
Fax number: (012) 401 4700.**

- (e) state that any objection must be sent by registered mail or hand-delivered to:  
**The National Energy Regulator (NERSA)  
Executive Manager: Hydrocarbons Regulation  
Licence applications Postal Address: P O Box 40343, Arcadia, 0007  
Street Address: 526 Vermeulen Street, Arcadia, Pretoria  
Telephone number: (012) 401 4600; and  
Fax number: (012) 401 4700.**

A copy may be forwarded to the following E-mail address:

Licence.Applications@nersa.org.za;

- (f) state that the Energy Regulator will decide on the proposed licence application.
- (3) If the Energy Regulator deems it necessary when considering the specific characteristics of a licence application, it may direct that the advertisement must be published for a longer period or in more than two newspapers.

## **FORM AND MANNER OF LODGING OBJECTIONS TO LICENCE APPLICATIONS**

6. (1) An objection to a licence application shall be in the form specified in Annexure B and shall contain the information specified therein.

(2) An objection to a licence application must be -

(a) in duplicate;

(b) delivered by hand to the -

**National Energy Regulator  
Executive Manager: Hydrocarbons Regulation  
Licence applications  
526 Vermeulen Street  
Arcadia  
Pretoria**

or sent by registered post to the -

**National Energy Regulator  
Executive Manager: Hydrocarbons Regulation  
Licence applications  
PO Box 40343 Arcadia  
Pretoria  
0007**

(c) received by the Energy Regulator within 30 calendar days of the date of last publication of the licence application notice.

(3) An applicant for a licence responding to an objection to its application, must -

(a) do so within 30 calendar days of receipt of the objection to its licence application from the Energy Regulator;

(b) do so in writing to the Energy Regulator including the name of the objector and the date of the objection to which it is responding.

## **PROCEDURE TO BE FOLLOWED IN CONSIDERING LICENCE APPLICATIONS**

7. (1) When evaluating licence applications, the Energy Regulator may perform investigations, collect necessary information, consult with national, provincial and municipal authorities, hold public meetings, and, take any other action it considers necessary in order to evaluate the application subject to Regulations made in terms of the Petroleum Pipelines Act promulgated subsequent to the commencement of these Rules.

(2) In evaluating the licence application the Energy Regulator must consider *inter alia* the following -

(a) the information provided in the application;

(b) objections to the application;

(c) the applicants responses to objections; and

(d) any other information available to it;

(e) other licence applications that may affect or be affected by its decision;

(f) technical, administrative, and financial capabilities of the applicant;

(g) if applicable, the effects of the licence applied for on the activities of other licencees;

(h) methods and procedures for safely operating and maintaining the petroleum pipeline or loading facility or storage facility and its affects on any other petroleum pipeline or loading facility or storage facility;

(i) proposed general conditions for the provision of service; and

(j) technical specifications of the project.

- (3) Based on the evaluation of the licence application the Energy Regulator may request the applicant to modify the application.

**SHORT TITLE AND COMMENCEMENT**

8. These Rules are called the *Petroleum Pipelines Act Rules, Part One: Licencing, 2006* and come into operation on 01 April 2006.



**ANNEXURE A - FORM: APPLICATION FOR LICENCE**

**NATIONAL ENERGY REGULATOR**

APPLICATIONS FOR LICENCES IN TERMS OF THE PETROLEUM PIPELINES ACT,  
2003 (ACT NO. 60 OF 2003)

<b>INSTRUCTIONS</b>	<b>OFFICIAL USE ONLY</b>																		
1. Read the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003) with the associated Regulations before completing this application form.	LICENCE NUMBER <table border="1" data-bbox="831 730 1276 783"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																		

Applicants must provide the information required in this Annexure A and the attachments thereto that are required.

## **CHAPTER 1 – GENERAL INFORMATION**

### **SECTION A: PARTICULARS OF APPLICANT**

- A1. Full name of applicant or mandated representative of applicant:
- A2. Trading name of applicant if different from registered name:
- A3. Physical and postal address of principal place of business of the applicant:
- A4. Postal address of registered office if different from principal place of business:
- A5. Physical address of registered office if different from principal place of business:
- A6. Telephone number of applicant:
- A7. Fax number of applicant:
- A8. E-mail address of applicant:
- A9. Contact person at applicant:
  - (a) Designation
  - (b) Family Name
  - (c) First Name
  - (d) Telephone No
  - (e) Fax No

### **SECTION B: DESIRED COMMENCEMENT DATE**

- B1. Desired date from which the licence (if granted) takes effect.

### **SECTION C ADDITIONAL INFORMATION**

- C1. Please provide any other relevant information that the applicant wishes to include with this application.

**SECTION D LICENCE CONDITIONS**

D1. Please provide your desired licence conditions in terms of section 20(1) of the Petroleum Pipelines Act 2003.

**SECTION E SOLEMN DECLARATION**

I (full names)..... Identity Number..... hereby declare that all information provided herein is within my personal knowledge and is true and correct.

Signed at ..... (place) on this.....day of .....(month) .....(year).

.....  
**Signature**

I certify that the deponent:

- (a) has acknowledged that she/he knows and understand the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and
- (b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at ..... (place) on this.....day of.....(month) .....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Capacity:** \_\_\_\_\_

**Note:**

The applicant may request confidential treatment of commercially sensitive information, and subject to the concurrence of the Energy Regulator such information may be withheld from publicly available copies of an application.

**Submit this form to:-**

**National Energy Regulator  
Executive Manager: Hydrocarbons Regulation  
Licence applications  
P O Box 40343  
Arcadia  
0007**

**Or**

**National Energy Regulator  
Executive Manager: Hydrocarbons Regulation  
Licence applications  
526 Vermeulen Street  
Arcadia  
Pretoria**

**Enquiries:**

**Contact: Executive Manager: Hydrocarbons Regulation  
Contact No.: (012) 401 4600  
Fax No.: (012) 401 4700  
E-mail: [licence.applications@nersa.org.za](mailto:licence.applications@nersa.org.za)**

## **CHAPTER 2 - DOCUMENTS TO BE ATTACHED TO THIS APPLICATION**

- 1) If the applicant is a natural person, a certified copy of the applicant's identity document and, in the case of a non - South African citizen, permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be.
- 2) If the applicant is a local government body or other statutory body, a juristic person established in terms of an Act of Parliament, government department, a company or other legal body, attach a copy of the proclamation establishing such body or state relevant legislation.
- 3) If the applicant is not a natural person, and is not contemplated in (2) above, a document stating –
  - (a) the title of legislation under which it is registered;
  - (b) the registration number given to it in terms of such legislation;
  - (c) the particulars of the owners or shareholders of the applicant if the applicant is not a natural person or similar;
  - (d) a certified copy of the identity document of the mandated representative authorized to make the application if applicable; and
  - (e) proof of such authorisation
- 4) Documents demonstrating the administrative abilities of the applicant.<sup>1</sup>
- 5) Documents demonstrating the financial abilities of the applicant.<sup>1</sup>
- 6) Documents demonstrating the technical abilities of the applicant.<sup>1</sup>
- 7) A certified copy of the Record of Decision of the relevant environmental authorities in accordance with the National Environmental Management Act, 1998 (Act No. 107 of 1998) permitting the activity for which the licence is sought, if applicable or proof and the status of such a permit application.
- 8) List of applicable health and safety regulations, operating and technical standards, codes and specifications including those relating to safety to be used in the activities for which this application is made. For example, American Society of Mechanical Engineers (ASME) Standards, American Petroleum Institute (API) Standards and European Norms (EN)..
- 9) Details of the petroleum that will be handled in the facility for which this application is made.
- 10) Declaration by the applicant that it is in compliance with the Charter for the South African Petroleum and Liquid Fuels Industry on Empowering Historically Disadvantaged South Africans in the Petroleum and Liquid Fuels Industry<sup>2</sup> or

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<sup>1</sup> Only original or certified copies will be accepted by the Energy Regulator.

<sup>2</sup> Schedule 1 of the Petroleum Products Amendment Act, 2003

detailed plans on how the applicant will meet the requirements of the charter by 2010.

- 11) Provide proof of compliance with regulations made under the Petroleum Pipelines Act, 2003 (Act no. 60 of 2003) regarding environmental rehabilitation.
- 12) If necessary, a declaration by the applicant giving reasons why any certified copy required is not provided.

### **CHAPTER 3 – DETAILS OF APPLICATION**

Complete the appropriate form, one of the following -

Construction of petroleum pipeline (PPL.p.F1)

Conversion of petroleum pipeline (PPL.p.F2)

Operation of petroleum pipeline (PPL.p.F3)

Construction of petroleum storage facility (PPL.sf.F1)

Conversion of petroleum storage facility (PPL.sf.F2)

Operation of petroleum storage facility (PPL.sf.F3)

Construction of petroleum loading facility (PPL.lf.F1)

Conversion of petroleum loading facility (PPL.lf.F2)

Operation of petroleum loading facility (PPL.lf.F3)

### **Construction of petroleum pipeline (PPL.p.F1)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the pipeline adequately specifying the route. It must include detailed maps and diagrams as appropriate. Give details of diameters, , planned pumping stations and receipt and delivery points, connections with other pipeline systems, control and communication systems etc.
2. Provisions for metering, including type of meters, accuracy, calibration arrangements.
3. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is voluntary. The Energy Regulator has to set tariffs for petroleum pipelines in terms of section 20(1)(q) of the Petroleum Pipelines Act of 2003.
4. Emergency plan: Attach a copy of the emergency plan contemplated in section 20 (1) (x) of the Act.
5. Intended pipeline operational procedures: Submit a copy of the operational procedures.
6. Security arrangements: Status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
7. Give details of proposed security arrangements.
8. Development programme -
  - (a) planned capacity of the project during the various stages of development;
  - (b) schedule of implementation and minimum investment commitments for looping, receipt and delivery points, pumping stations and other development programmes;
  - (c) deadline to commence service for each stage contemplated.



## **Conversion of petroleum pipeline (PPL.p.F2)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. Existing licence number and date of commencement of licence.
2. A technical description of the proposed pipeline conversion adequately specifying the changes to the description in the existing licence. It must include detailed maps and diagrams as appropriate. Give details of diameters, current and planned pumping stations and receipt and delivery points, connections with other pipeline systems, control and communication systems etc.
3. Any proposed changes to provisions for metering, including type of meters, accuracy, calibration arrangements.
4. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is voluntary. The Energy Regulator has to set tariffs for petroleum pipelines in terms of section 20(1)(q) of the Petroleum Pipelines Act of 2003.
5. A list of customers and their contact details.
6. Proposed changes to the Emergency plan. If relevant, attach a copy of the emergency plan contemplated in section 20 (1) (x) of the Act.
7. Proposed changes to the pipeline operational procedures. If relevant, submit a copy of the proposed new operational procedures.
8. Proposed changes to security arrangements. If relevant, specify and give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
9. Development programme:
  - (a) planned capacity of the project during the various stages of development;
  - (b) Schedule of implementation and minimum investment commitments for looping, receipt and delivery points, pumping stations and other development programmes;
  - (c) deadline to commence service for each stage contemplated.
10. Describe the mechanical properties and condition of the existing pipeline;
11. Describe the results of any programmes, surveys or studies that indicate the present condition of the pipeline.

12. Provide plans for any section of the pipeline that will become redundant and steps to be taken to rehabilitate land.

### **Operation of petroleum pipeline (PPL.p.F3)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the pipeline adequately specifying the route. It must include detailed maps and diagrams as appropriate. Give details of diameters, , current and planned pumping stations and receipt and delivery points, connections with other pipelines, control and communication systems etc.
2. A description of the mechanical properties and condition of the existing pipeline;
3. The results of any programmes, surveys or studies that indicate the present condition of the pipeline.
4. Provisions for metering, including type of meters, accuracy, calibration arrangements.
5. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is voluntary. The Energy Regulator has to set tariffs for petroleum pipelines in terms of section 20(1)(q) of the Petroleum Pipelines Act of 2003.
6. Emergency plan: Attach a copy of the emergency plan contemplated in section 20 (1) (x) of the Petroleum Pipelines Act.
7. Pipeline operational procedures: Submit a copy of the operational procedures.
8. Security arrangements: Status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
9. Give details of existing and proposed security arrangements.
10. Development plan:
  - (a) Investment and development plan including nature, schedule and quantum of each investment;
  - (b) Planned changes to pipeline capacity and the dates when changes will become operational.
11. Provide a copy of the maintenance policy for the petroleum pipeline

## **Construction of petroleum storage facility (PPL.sf.F1)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the proposed storage facility to be constructed. This should include the following -
  - (a) a plan layout of the proposed facility;
  - (b) the physical dimensions and capacity of the storage facility;
  - (c) the rate at which product can be taken into the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry.(specify the number of gantries and their capacities);
  - (d) the rate at which product can be taken out of the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry.(specify the number of gantries and their capacities);
  - (e) drawings showing -
    - (i) the storage facility design and piping arrangements;
    - (ii) the proposed location of the storage facility, fences and roads;
    - (iii) where applicable, a description of the containment system and the systems to prevent overflow or leakage;
    - (iv) a description of the regular inspection and maintenance procedures; and
    - (v) where applicable, a description for handling contaminated water run-off.
2. Election of access arrangements as contemplated in section 20 (1) (n) of the Act;
3. Provisions for metering, including type of meters, accuracy, calibration arrangements.
4. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is necessary since the Energy Regulator has to approve tariffs for petroleum storage facilities in terms of section 20(1)(r) of the Petroleum Pipelines Act of 2003.
5. Attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
6. Submit a copy of the intended storage facility operational procedures.
7. Security Arrangements: Give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
8. Give details of existing and proposed security arrangements;
9. Development programme:
  - (a) Planned capacity of the project during the various stages of development;
  - (b) Schedule of implementation and minimum investment commitments for the development programme; and

(c) Deadline to commence service for each stage contemplated.

## Conversion of petroleum storage facility (PPL.sf.F2)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. Existing licence number and date of commencement of licence.
2. A technical description of the proposed storage facility to be converted, specifying the changes to the description in the existing licence. This should include the following -
  - (a) a plan layout of the proposed conversion of the storage facility;
  - (b) changes to the physical dimensions and capacity of the storage facility;
  - (c) changes to the existing rate at which product can be taken into the proposed storage facility, e.g. pipeline, rail gantry and road transport gantry. Specify the number of gantries and their capacities.
  - (d) changes to the rate at which product can be taken out of the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry. Specify the number of gantries and their capacities.
  - (e) maps showing -
    - (i) changes to the existing storage facility design, piping arrangements and gantries;
    - (ii) changes to the proposed location of the storage facility, fences and roads;
    - (iii) where applicable, descriptions of changes to the containment system and the systems to prevent overflow or leakage;
    - (iv) a description of changes to the regular inspection and maintenance procedures; and
    - (v) where applicable, a description of the changes for handling contaminated water run-off.
3. Any proposed changes in access arrangements as contemplated in section 20 (1) (n) of the Act.
4. Any proposed changes to provisions for metering, including type of meters, accuracy, calibration arrangements.
5. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is necessary since the Energy Regulator has to approve tariffs for petroleum storage facilities in terms of section 20(1)(r) of the Petroleum Pipelines Act of 2003.
6. A list of customers and their contact details.
7. Any proposed changes to the emergency plan? If so, attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
8. Any proposed changes to the storage facility operational procedures? If so, attach a copy of the proposed new operational procedures.

9. Any proposed changes to security arrangements? If so, specify and give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
10. Development programme:
  - (a) Planned capacity of the conversion project during the various stages of development;
  - (b) Schedule of implementation and minimum investment commitments for the development programme; and
  - (c) Deadline to commence service for each stage contemplated.
11. Describe the mechanical properties and condition of the existing storage facility.
12. Describe the results of any programmes, surveys or studies that indicate the present condition of the storage facility.

### **Operation of petroleum storage facility (PPL.sf.F3)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the proposed storage facility to be operated. This should include the following -
  - (a) a plan layout of the storage facility to be operated;
  - (b) the physical dimensions and capacity of the storage facility;
  - (c) the rate at which product can be taken into the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry. Specify the number of gantries and their capacities;
  - (d) the rate at which product can be taken out of the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry. Specify the number of gantries and their capacities;
  - (e) maps showing -
    - (i) the storage facility design and piping arrangements;
    - (ii) the proposed location of the storage facility, fences and roads;
    - (iii) where applicable, a description of the containment system and the systems to prevent overflow or leakage;
    - (iv) a description of the regular inspection and maintenance procedures; and
    - (v) where applicable, a description for handling contaminated water run-off.
2. Election of access arrangements as contemplated in section 20 (1) (n) of the Act.
3. Provisions for metering, including type of meters, accuracy, calibration arrangements.
4. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is necessary since the Energy Regulator has to approve tariffs for petroleum storage facilities in terms of section 20(1)(r) of the Petroleum Pipelines Act of 2003.
5. Attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
6. Submit a copy of the storage facility operational procedures.
7. Give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
8. Give details of existing and proposed security arrangements.
9. Development programme:
  - (a) Planned capacity of the project during the various stages of development;
  - (b) Schedule of implementation and minimum investment commitments for the development programme; and
  - (c) Deadline to commence service for each stage contemplated.
10. Provide a copy of the maintenance policy for the storage facility.



### **Construction of petroleum loading facility (PPL.If.F1)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the proposed loading facility to be constructed, including maps and diagrams where appropriate. The maps should give details of capacities at the various stages of development, planned and potential receipt and delivery points. It should also include the rate at which petroleum can be conveyed through the loading facility and the time necessary for ships to be brought into position for loading, and the dimensions and capacities of any auxiliary pipelines connected thereto.
2. Please submit a copy of the licence from the National Ports Authority.
3. Provide the provisions for metering, including type of meters, accuracy, calibration arrangements.
4. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is necessary since the Energy Regulator has to approve tariffs for petroleum loading facilities in terms of section 20(1)(r) of the Petroleum Pipelines Act of 2003.
5. Attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
6. Submit a copy of the intended loading facility operational procedures.
7. Give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
8. Give details of proposed security arrangements.
9. Provide the details of the development programme including:
  - (a) planned capacity of the loading facility project during the various stages of development;
  - (b) the schedule of implementation and minimum investment commitments for the development programme; and
  - (c) the deadline to commence service for each stage contemplated.

## **Conversion of petroleum loading facility (PPL.If.F2)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. Existing licence number and date of commencement of licence.
2. A technical description of the loading facility to be converted, specifying the changes to the description in the existing licence. It must include maps and diagrams where appropriate. The maps should give details of capacities at the various stages of development, current and planned receipt and delivery points. It should also include changes in the rate at which petroleum can be conveyed through the loading facility and the time necessary for ships, to be brought into position for loading, and the dimensions and capacities of any auxiliary pipelines connected thereto.
3. Please submit a copy of the licence from the National Ports Authority.
4. Any proposed changes to provisions for metering, including type of meters, accuracy, calibration arrangements.
5. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is necessary since the Energy Regulator has to approve tariffs for petroleum loading facilities in terms of section 20(1)(r) of the Petroleum Pipelines Act of 2003.
6. A list of customers and their contact details. :
7. Any proposed changes to the emergency plan? If so, attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
8. Any proposed changes to the loading facility operational procedures? If so, attach a copy of the proposed new operational procedures.
9. Any proposed changes to security arrangements? If so, specify and give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
10. Provide the details of the development programme including:
  - (a) planned capacity of the project during the various stages of development;
  - (b) the schedule of implementation and minimum investment commitments for the development programme; and
  - (c) the deadline to commence service for each stage contemplated.
11. Describe the mechanical properties and condition of the existing loading facility.
12. Describe the results of any programmes, surveys or studies that indicate the present condition of the loading facility.

### **Operation of petroleum loading facility (PPL.If.F3)**

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the loading facility to be operated, including maps and diagrams where appropriate. The maps should give details of capacities at the various stages of development, current and planned receipt and delivery points. It should also include the rate at which petroleum can be conveyed through the loading facility and the time necessary for ships, to be brought into position for loading, and the dimensions and capacities of any auxiliary pipelines connected thereto.
2. Please submit a copy of the licence from the National Ports Authority.
3. Provisions for metering, including type of meters, accuracy, calibration arrangements.
4. Give full details and motivation of proposed tariff policies, with expected rate of return. This information is necessary since the Energy Regulator has to approve tariffs for petroleum loading facilities in terms of section 20(1)(r) of the Petroleum Pipelines Act of 2003.
5. Attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
6. Submit a copy of the loading facility operational procedures.
7. Give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
8. Give details of existing and proposed security arrangements.
9. Provide the details of the development programme including:
  - (a) planned capacity of the project during the various stages of development;
  - (b) the schedule of implementation and minimum investment commitments for the development programme; and
  - (c) the deadline to commence service for each stage contemplated.
10. Provide a copy of the maintenance policy for the loading facility.

**ANNEXURE B - FORM: OBJECTION TO LICENCE APPLICATION**

(Section 33(3)(e) of the Petroleum Pipelines Act of 2003 (Act No. 60 of 2003))

*This form must be returned to:*  
*National Energy Regulator*  
*Executive Manager: Hydrocarbons Regulation*  
*Licence applications*  
*P O Box 40343*  
*Arcadia*  
*0007*

<i>For office use only:</i> <i>Reference number:</i>
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*OR*

*hand-delivered to:*  
*National Energy Regulator*  
*Executive Manager: Hydrocarbons Regulation*  
*Licence applications*  
*526 Vermeulen Street*  
*Arcadia*  
*Pretoria*

*A copy may be e-mailed to:*  
*licence.applications@nersa.org.za*

1. Name the licence application to which this objection is applicable  
.....
2. State the licence application number to which objection is made::  
.....
3. Name of the person or company/organization that is objecting to the licence application  
.....
4. Name and surname of objector or objector's contact person  
.....
5. Telephone number of objector or objector's contact person  
.....
6. Fax number of objector or objector's contact person  
.....
7. E-mail address of objector or objector's contact person

.....  
8. Postal address of objector or objector's contact person

.....  
9. State objection clearly with reasons for objection (add additional pages if necessary)

.....  
10. Section 18(a) of the Petroleum Pipelines Act of 2003 provides that:  
*Before considering an application for a licence in terms of this Act, the National Energy Regulator—*  
*(a) if it is of the view that the proposed construction of a petroleum pipeline, loading facility or storage facility should be altered to provide access to third parties, must inform the applicant of that view and request the applicant to supply reasons as to why the application should not be considered subject to the imposition of such condition;*

If your objection relates to this section of the Petroleum Pipelines Act of 2003, state clearly your alternative proposal.

.....  
11. Representation to the National Energy Regulator

Do you request an opportunity to orally present your objection/s to NERSA?      Yes  No

**SOLEMN DECLARATION**

I (full names).....Identity Number..... hereby declare that all information provided herein is within my personal knowledge and is true and correct.

Signed at ..... (place) on this.....day of .....(month) .....(year).

.....  
**Signature**

I certify that the deponent:

(a) has acknowledged that she/he knows and understand the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and

(b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at ..... (place) on this.....day of.....(month) .....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Capacity:** \_\_\_\_\_