
GENERAL NOTICE

NOTICE 940 OF 2009

NATIONAL ENERGY REGULATOR

Notice of intention to make rules in terms of the Gas Act, 2001 (Act No. 48 of 2001)

The National Energy Regulator (NERSA) is authorised in terms of section 34(3) of the **Gas Act, 2001 (Act No. 48 of 2001)** to make Rules. The draft Rules contained in the schedule are hereby published for public comment.

Written comments must be submitted to NERSA by **7 August 2009** and must be:

- (a) hand delivered at the NERSA offices at **Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria;**
OR
- (b) sent by registered post to **P O Box 40343, Arcadia, 0007;**
OR
- (c) emailed to: **gasrules@nersa.org.za**.

Enquires can be directed to the Executive Manager: Gas Regulation at:

Telephone: (012) 401 4600

Fax: (012) 401 4700

Email: **gasrules@nersa.org.za**



Smunda Mokoena
CHIEF EXECUTIVE OFFICER

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THE RULES

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 and unless the context indicates otherwise –

“Act” means the Gas Act, 2001 (Act No. 48 of 2001) including regulations made in terms thereof;

“activity” means

- (a) the construction of gas transmission, storage, distribution, liquefaction and re-gasification facilities;
- (b) the conversion of infrastructure into gas transmission, storage, distribution, liquefaction and re-gasification facilities;
- (c) the operation of gas transmission, storage, distribution, liquefaction and re-gasification facilities; or
- (d) trading in gas.

“amendment” means a variation, suspension, removal or addition of a licence condition as contemplated in section 24 of the Act;

“authorisation permit” means a permit issued by the Energy Regulator in terms of rule;

“authorised person” means a person who has been issued with a valid authorisation permit by the Energy Regulator;

“day” means a calendar day;

“Energy Regulator” means the National Energy Regulator established in terms section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004);

“facility” means any gas transmission, storage, distribution, liquefaction and re-gasification facility;

“large user” means a gas user consuming more than 400 000 gigajoules of gas per annum;

“licensee” means a holder of a licence issued by the Energy Regulator in terms of the Act;

“Regulations” means regulations made in terms of section 34 of the Act; and

“Schedule One to the Agreement” means Schedule One to the Agreement Concerning the Mozambican Gas Pipeline between the Government of the

Republic of South Africa and Sasol Limited, being the Regulatory Agreement between the Minister of Minerals and Energy, the Minister of Trade and Industry and Sasol Limited.

CHAPTER 1 GENERAL REQUIREMENTS FOR DOCUMENTS SUBMITTED TO THE ENERGY REGULATOR

Addresses for submission of documents

2. Where in terms of these rules, documents must be -
- (1) delivered by hand, they must be delivered at: **Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria;**
 - (2) delivered by registered post, they must be sent to: **P O Box 40343, Arcadia, 0007;** and
 - (3) delivered electronically, they must be emailed to: pipedgas@nersa.org.za

Dates and times for the submission of documents

3. (1) Documents delivered by hand must be delivered to the Energy Regulator only on Mondays to Fridays, excluding public holidays, and from 8:30 to 15:30.
- (2) Documents delivered during the period 23 December to 2 January will be deemed to be delivered on the first working day after 2 January.

Request for confidential treatment of information submitted

4. (1) Any person who submits information to the Energy Regulator may request the confidential treatment of such information.
- (2) Where a person requests the confidential treatment of information as contemplated in subrule (1) above, that person must -
- (a) make the request in writing in the form specified in **Annexure A** and must provide **all** information specified therein; and
 - (b) clearly indicate and highlight those parts of the information submitted which the submitter considers to be confidential.
- (3) A request for the confidential treatment of information must be delivered by hand **or** sent by registered post **and may** also be sent electronically to the addresses specified in rule 2.
- (4) Subject to the concurrence of the Energy Regulator regarding the confidential nature of information submitted, such information may be withheld from the public.

- (5) Any information submitted to the Energy Regulator without a written request (in the form specified in **Annexure A**) for confidential treatment **will** be made available to the public by the Energy Regulator in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- (6) The Energy Regulator will inform the applicant of its decision regarding the request for confidential treatment of information within 30 days from receipt of a request that fully complies with this rule.

CHAPTER 2

APPLICATIONS AND OBJECTIONS TO LICENCE APPLICATIONS

Units of measure

- 5. (1) All measurements must use international system of units (SI).
- (2) Where data are converted from any other system of units, details of the calculation (including conversion factors) must be provided.

General requirements and procedure for applications made in terms of these rules

- 6. (1) All applications must -
 - (a) be indexed and paginated; and
 - (b) be signed and dated by the applicant or by a mandated representative of the applicant;
- (2) A mandated representative of the applicant as contemplated in subrule (1)(b) above must be a senior manager in the employ of the applicant who has intimate knowledge of the information provided in the application and who can attest to the accuracy of the information.
- (3) Applications contemplated in subrule (1) above must be delivered by hand or sent by registered post **and must** also be sent electronically.
- (4) Upon receipt of an application, the Energy Regulator will provide an applicant with an acknowledgement of receipt of an application that states –
 - (a) the date of receipt of the application;
 - (b) the type of application; and
 - (c) the tracking or reference number allocated to that application.

- (5) An applicant must provide any information that the Energy Regulator requests and that the Energy Regulator considers necessary or appropriate during the process of considering an application.

Application for a licence

Pre licence application procedure

7. (1) (a) An applicant for a licence **must**, where applicable and in accordance with rule 4, request the confidential treatment of information to be submitted as part of an application for a licence prior to officially submitting the application for consideration by the Energy Regulator.
- (b) Where a request for confidential treatment of information to be submitted as part of a licence application has been made, the applicant must officially submit its licence application only once a decision of the Energy Regulator regarding the request has been communicated to it.

Form, manner and content

- (2) An application for a licence must be made in writing, in the form specified in **Annexure B** and must contain **all** information specified therein.
- (3) The application contemplated in subrule (2) above must be accompanied by a non-confidential version of the application approved by the Energy Regulator in terms of rule 4 of these rules.
- (4) Based on the Energy Regulator's assessment and evaluation of an application, an applicant may be requested by Energy Regulator to alter its application.
- (5) The official date of an application shall be the date on which the applicant submits all required information specified in these rules to the Energy Regulator.
- (6) The Energy Regulator will, within 14 days of receipt of an application, inform an applicant in writing whether or not the application meets the application requirements specified in these rules and is therefore accepted by the Energy Regulator.
- (7) An application for a licence, which does not contain all the required information specified in these rules, will be considered incomplete. If an

application is incomplete, the Energy Regulator will issue the applicant with a Notice of an Incomplete Application (**Annexure C**).

Publishing of a notice of an application for a licence and the contents thereof

- 8.(1) When an applicant for a licence has received confirmation from the Energy Regulator in terms of rule 7(6) that the application meets the application requirements and is accepted by the Energy Regulator, the applicant **must**, in accordance with section 17 of the Act, publish a notice of the application in at least two newspapers circulating in the area of the proposed activity.
- (2) The notice contemplated in subrule (1) above must be published on at least three different days and in any two of the official languages, one of which must be English.
- (3) The Energy Regulator may direct an applicant to publish the notice contemplated in this rule, in more than two newspapers but not exceeding four or on more than three days but not exceeding 14 days, if the Energy Regulator deems it necessary considering the specific characteristics of an application.
- (4) A notice of an application published in terms of this rule must comply with all requirements listed in section 17(2) of the Act and must –
- (a) state that the licence application will be accessible to members of the public –
 - i) from the date on which the notice is published until the closing date for objections, which date must not be earlier than 30 days from the last date of publication of the notice;
 - ii) at the offices of the applicant and must state the address, telephone number and the name of the contact person at the offices of the applicant;
 - iii) on the website of the applicant, where available;
 - iv) at the offices of the Energy Regulator at the address specified in rule 2(1); and
 - v) on the website of the Energy Regulator;
 - (b) state the application reference number issued by the Energy Regulator;
 - (c) indicate that the Energy Regulator may disregard objections received after the closing date; and
 - (d) state that-

- i) persons who wish to lodge objections must do so by completing the form at **Annexure D** to these rules which is available on the website of the Energy Regulator or at the offices of the Energy Regulator at the address specified in rule 2(1) ; and
- ii) objections **must** be delivered by hand or sent by registered post to the address stated in rule 2; and
- iii) **may** also be sent electronically to the address stated in rule 2.

Changes to an application for a licence

- 9. (1) An applicant for a licence wanting to make changes to its licence application prior to a decision by the Energy Regulator regarding the application has been taken, may request permission from the Energy Regulator to do so.
- (2) If the Energy Regulator deems the changes to be substantial, it may direct the applicant to publish a notice of an amendment to a licence application in the same newspapers and in the same languages as the notice of the application for a licence to be amended was published.
- (3) The notice published in terms of subrule (2) above must also comply with rule 8(4) of these rules.

Form and manner of an objection to an application for a licence

- 10.(1) An objection to an application for a new licence must be in the form specified in **Annexure D** and must contain **all** information specified therein.
- (2) An objector may, in accordance with rule 4, request the confidential treatment of information submitted as part of an objection.
- (3) An objection to an application **must** be delivered by hand OR sent by registered post AND **may** also be sent electronically to the addresses stated in rule 2.
- (4) An objection must be received by the Energy Regulator on or before the closing date of objections mentioned in a notice published in terms of rule 8 of these rules.
- (5) This rule, with the necessary changes, applies to an objection to an amended application for a licence.

Applicant's response to an objection to an application for a licence

11. An applicant must provide the Energy Regulator with a detailed response to an objection contemplated in rule 10 of these Rules –
- (1) within 30 days of receipt from the Energy Regulator of information regarding the objection to its application; and
 - (2) in writing, clearly stating the name of the objector, the date of the objection and the objection to which it is responding.

Application for an amendment of a licence

- 12.(1) A licensee or an affected party may apply to the Energy Regulator for an amendment of a licence.
- (2) An application for an amendment of a licence must be made in writing in the form specified in **Annexure E** and must contain **all** information specified therein
 - (3) An applicant may, in accordance with rule 4 of these Rules, request confidential treatment of information submitted by it as part of an application for an amendment of a licence.
 - (4) Where the applicant is a person other than the licensee -
 - (a) the Energy Regulator must provide the licensee with information regarding the application for an amendment to its licence; and
 - (b) the licensee must provide the Energy Regulator with a written response to the application for an amendment to its licence within 30 days from receipt of information regarding the application for an amendment to its licence.

Application for the revocation of a licence

- 13.(1) An application for the revocation of a licence must be made in writing to the Energy Regulator in the form specified in **Annexure F** and must contain **all** information specified therein.
- (2) An applicant may, in accordance with rule 4, request the confidential treatment of information submitted as part of an application for the revocation of a licence.
 - (3) If the reason for ceasing the licensed activity is that another person is willing and able to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act -
 - (a) the licensee must obtain and submit with the application an undertaking by such other person, under oath to that effect; and

- (b) such other person must apply for a new licence in accordance with the Act and these rules.

Application for registration of a gas activity

14.(1) (a) Owners of operations involving the activities contemplated in section 28(1) of the Act must apply to the Energy Regulator for registration.

- (b) The application for registration must be made in writing and in the form specified in **Annexure G** and must contain **all** information specified therein.

(2) (a) In addition to subrule (1) above, persons involved in gas **production** must provide the following information for each mine and/or factory -

- (i) actual gas production quantities in gigajoules per gas specification for the last calendar year;
- (ii) planned gas production quantities in gigajoules per gas specification for the current calendar year;
- (iii) where production has not commenced, planned gas production quantities in gigajoules per gas specification for the first year of operation;
- (iv) the information required in (i) and (ii) above regarding gas intended for own use;
- (v) for gas from wells in the earth or coal seams, a copy of an independent reservoir engineer's assessment of proven and recoverable gas reserves in trillions of cubic feet and the basis for the reserves determination;
- (vi) for a landfill projects, provide the number of landfills, a sitemap indicating their relative positions and for each landfill provide
 - (aa) a detailed description including, the age, the estimated remaining productive life, the dimensions (in m), the size (in m³);
 - (bb) the number of production wells and a description of the gas collection piping (e.g. length, size, capacity);
 - (cc) the details of the network reticulating the gas for consumption;
 - (dd) the details of the gas migration control system, including the number of wells, landfill monitoring measures and the gas flaring system.

- (ee) measures taken to mitigate against ground contamination, both for monitoring, preventing and remedying;
 - (ff) provisions towards retiring the landfills and towards land rehabilitation.
- (vii) for the manufacture of synthetic or artificial gas or the manufacturing of any gases in the refining process, a description of the process(es), including:
 - (aa) the nature and composition of the gas;
 - (bb) details of the feed material and by-products / waste products;
 - (cc) the details of the process flow, including design and actual production capacities;
 - (dd) a description of the key process units, including the design, maximum and normal operating conditions;
 - (ee) the details of the network reticulation the gas for consumption.
- (b) The information as contemplated in subrule (2) (a) above must be submitted in the format specified in **Annexure G** and must contain all information specified therein.
- (3)(a) In addition to subrule (1) above, persons involved in gas **importation** must provide the following information to the Energy Regulator:
 - (i) actual gas quantities imported in gigajoules per gas specification and the gas sources for the last calendar year;
 - (ii) planned gas quantities to be imported in gigajoules per gas specification and the gas sources for the current calendar year;
 - (iii) where importation has not commenced, planned gas importation quantities in gigajoules per gas specification for the first year of operation; and
 - (iv) the information required in (i) and (ii) above regarding gas intended for own use.
- (b) The information as contemplated in subrule (3)(a) above must be submitted in the format specified in **Annexure G** and must contain all information specified therein.
- (4) An applicant for registration in terms of this rule may, in accordance with rule 4, request confidential treatment of information submitted as part of its application.

CHAPTER 3

CONSULTATION WITH AFFECTED AND INTERESTED PARTIES

Administrative action affecting any person

15. (1) The Energy Regulator must, where its administrative action might materially and adversely affect the rights or legitimate expectations of any person, call for written representations to adduce the relevant facts.
- (2) The call for written representations must be published on the Energy Regulator's web site and on a public notice board outside the Energy Regulator's offices.
- (3) If considered appropriate by the Energy Regulator and where persons concerned can be readily identified, notices of the call for written representations may be communicated by the Energy Regulator directly to such persons.
- (4) For purposes of this subrule, the Energy Regulator must give at least 30 days' notice of the deadline for written representations and must comply with section 3 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (5) Written representations submitted in terms of this rule 15 must be submitted together with an affidavit signed by the submitter or a mandated representative confirming that the information submitted is true and correct.

Administrative action affecting the public

16. (1) The Energy Regulator must, where its administrative action might materially and adversely affect the rights of the public, either -
- (a) follow a notice and comment procedure; or
 - (b) hold a public hearing; or
 - (c) follow a notice and comment procedure and hold a public hearing.
- (2) (a) Where the Energy Regulator chooses to hold a public hearing, the Energy Regulator must :
- (a) comply with regulations 11, 12, 13, 14, 15 and 16 of the regulations made in terms of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000); and

- (b) give notice of the public hearing as contemplated in regulation 11 of the regulations made in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), at least 7 days before the date of the hearing.
- (3) (a) Where the Energy Regulator chooses to follow a notice and comment procedure, the Energy Regulator must comply with chapter two of the regulations made in terms of the Promotion of Access to Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (b) Written representations submitted in terms to this rule 16 must be submitted together with an affidavit signed by the submitter or a mandated representative confirming that the information submitted is true and correct..

CHAPTER 4

COMPLAINTS, INVESTIGATIONS AND INSPECTIONS

Form and manner of submitting a complaint

- 17.(1) Complaints in terms of section 31(1) of the Act must be lodged with the Energy Regulator within the period of validity of the licence issued to that licensee.
- (2) Complaints contemplated in subrule (1) above must comply with section 31(2) of the Act and must be lodged with the Energy Regulator –
 - (a) in writing by completing the form in **Annexure H**;
 - OR**
 - (b) telephonically by calling the number: +27 12 401 4600.
- (3) Written complaints must be delivered by hand **or** sent by registered post to the address stated in rule 2 **and may** also be sent electronically to the address stated in rule 2.
- (4) Where a complaint is lodged telephonically, the complainant will be required to sign an affidavit confirming details of the complaint.
- (5) A complainant may, in accordance with rule 4, request the confidential treatment of information submitted to the Energy Regulator as part of its complaint.

Procedures to be followed in investigations

- 18.(1) On receipt of a complaint, the Energy Regulator will inform the licensee who is the subject of the complaint, of the nature of the complaint.
- (2) The licensee must submit a written response to the complaint to the Energy Regulator within 30 days from the date of being informed of the nature of the complaint.
- (3) The Energy Regulator may, in accordance with the regulations made in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) read together with these rules, also initiate and conduct investigations into any other matter.
- (4) A licensee and/or any other relevant person may be summoned by the Energy Regulator during an investigation to appear before it to give evidence.
- (5) Persons summoned by the Energy Regulator in the course of an investigation will be reimbursed for all associated and reasonable costs within 30 days of receipt of documentary proof of such costs.

Inspection of and enquiry into licensed activities

19. (1) Licensees must, in accordance with the Act, permit an authorised person to, at all reasonable times, enter any property on which a licensed activity is taking place and inspect any facility, equipment, machinery, book, account or other document found thereat.
- (2) The Energy Regulator must issue an authorised person with an authorisation permit similar to and reflecting information contained **Annexure H**.
- (3) An authorised person must, upon request by an owner or operator of the facility or activity being inspected, show his or her authorisation permit to the person requesting it.
- (4) Licensees must furnish the Energy Regulator with such information as the Energy Regulator may consider necessary for the proper application of the Act.
- (5) A licensee may allow any authorised person to accompany it on any vehicular and airborne inspection of the licensee's property on which a licensed activity takes place.
- (6) A licensee must provide appropriate health and safety equipment to an authorised person conducting an inspection.

- (7) If an authorised person removes - for further inspection - books, accounts or other documents or copies thereof from any property on which a licensed activity is taking place, then the Energy Regulator must within 30 days of such removal, issue the licensee with a list of such books, accounts or other documents.
- (8) The licensee must within 30 days of receiving the list contemplated in subrule (7) above, inform the Energy Regulator of the information in the list that it regards as non-generic, confidential, personal, commercially sensitive or of a proprietary nature, by completing the form specified in **Annexure A** and providing all information specified therein

CHAPTER 5 GENERAL PROVISIONS

Publishing of information relating to uncommitted capacity

- 20.(1) A licensee must publish information relating to uncommitted capacity at its gas facility as and when directed to do so by the Energy Regulator.
- (2) The licensee must publish the information contemplated in subrule (1) above -
 - (a) on its website;
 - and
 - (b) on a public notice board in a prominent place outside its head office and the relevant facility.

Repeal of rules

- 21. The following rules are hereby repealed in their entirety-
 - (a) Gas Act Rules, Part One: Licensing 2006 (Government Notice 289 in Government Gazette 28666 of 31 March 2006); and
 - (b) Gas Act Rules, Part Two: Inspections 2006 (Government Notice 963 in Government Gazette 29258 of 29 September 2006).

Short title and commencement

- 22. These rules are called the Gas Rules, 2009 and shall come into operation on the date of publication.



ANNEXURE A
FORM: REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION
SUBMITTED TO THE ENERGY REGULATOR

Instructions:

1. This form must be used for all requests for confidential treatment of information submitted to the Energy Regulator.
2. Please note that this form has four sections (A, B, C & D)
3. All requests must be based on and substantiated in terms of the relevant provisions of:
 - the Gas Act, 2001 (Act No. 48 of 2001); and
 - the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
4. All requests must be accompanied by a detailed motivation supporting the request.
5. You must clearly indicate and highlight which information in your submission(s) is confidential as the Energy Regulator will not accept general claims of confidentiality of entire documents.
6. All information submitted to the Energy Regulator without this request shall be treated as non-confidential and will be made available to the public.
7. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia 0007;
 - OR**
 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
8. An electronic version of the completed form **may** also be e-mailed to: pipedgas@nersa.org.za.

ENQUIRIES:

Contact: Executive Manager: Gas Regulation
Contact no.: (012) 401 4600
Fax no.: (012) 401 4700

Official Use Only

Date received: _____
Reference number: _____

**SECTION A: PARTICULARS OF THE PARTY MAKING THE REQUEST FOR
CONFIDENTIAL TREATMENT OF INFORMATION**

1. Name
2. Telephone number
3. Fax number
4. E-mail address
5. Details of mandated representative, including:
 - (a) designation
 - (b) family name
 - (c) first name
 - (d) telephone number
 - (e) fax number
 - (f) email address

SECTION B: PARTICULARS REGARDING THE TYPE OF SUBMISSION

The request for confidential treatment of information is with regards to (tick the appropriate box below):

- | | |
|---|--------------------------|
| A licence application | <input type="checkbox"/> |
| An application for the amendment of a licence | <input type="checkbox"/> |
| An application for the revocation of a licence | <input type="checkbox"/> |
| An application for the registration of a gas activity | <input type="checkbox"/> |
| An objection to a licence application | <input type="checkbox"/> |
| A complaint in terms of section 31 of the Act | <input type="checkbox"/> |
| A tariff application | <input type="checkbox"/> |
| Other (specify) | <input type="checkbox"/> |
| | |
| | |
| | |
| | |
| | |

SECTION C: DETAILS OF CONFIDENTIALITY REQUEST

On separate sheets of paper, list the following information regarding each piece of information:

Column 1	The name of the document that contains the information considered to be confidential
Column 2	The page number, paragraph number and line number at which the confidential information begins and ends
Column 3	Facts and evidence supporting the request for confidential treatment of information identified in column 2
Column 4	The nature of the economic value of the information
Column 5	The applicable sections of the Gas Act, 2001(Act No. 48 of 2001) or the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

SECTION D: SOLEMN DECLARATION

I (full names)Identity Number.....
hereby declare that:

- (a) I am authorised byto make this declaration (attach the authorisation); and
- (b) All information provided herein is within my personal knowledge and is both true and correct.

.....

Signature

I certify that the deponent:

- (a) has acknowledged that she/he knows and understands 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

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

Application for a licence in terms of the Gas Act, 2001 (Act No. 48 of 2001)

Instructions:

1. Prior to completing this form, you are advised to read the following documents:
 - (a) the Gas Act, 2001 (Act No. 48 of 2001) and its regulations; and
 - (b) the Rules made in terms of the Gas Act, specifically rules 1 to 11.
2. Please note that this form has three chapters and that applicants must provide all information and supporting documentation required. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia, 0007;

OR

 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
4. An electronic version of the completed form **must** also be e-mailed to: pipedgas@nersa.org.za.
5. If you want to request the confidential treatment of certain information in your application, you must make the request in accordance with rule 4.

ENQUIRIES:

Contact: Executive Manager: Gas Regulation
Contact no.: (012) 401 4600
Fax no.: (012) 401 4700

Official Use Only

Date received _____
Reference number _____

CHAPTER 1

GENERAL INFORMATION

You are required to provide the following information / documentation:

SECTION A: PARTICULARS OF APPLICANT

1. Full registered name of the applicant;
2. Trading name of the applicant (if different from the registered name);
3. Physical and postal addresses of the principal place of business of the applicant;
4. Physical and postal address of the registered office of the applicant (if different from principal place of business);
5. Telephone number of the applicant;
6. Fax number of the applicant;
7. Email address of the applicant; and
8. Details of the mandated representative of the applicant, including:
 - (a) Designation,
 - (b) family name,
 - (c) first name,
 - (d) telephone number,
 - (e) fax number, and
 - (f) email address.

SECTION B: DESIRED COMMENCEMENT DATE AND DURATION

1. Desired commencement date of the licence applied for.
2. Desired licence period, i.e. the period for which you desire the licence (if granted) to be valid.

SECTION C: ADDITIONAL INFORMATION

Provide any other information that you consider relevant to this application.

SECTION D: LICENCE CONDITIONS

State your desired licence conditions in terms of section 21(1) of the Act.

SECTION E: SOLEMN DECLARATION BY APPLICANT/MANDATED REPRESENTATIVE

I (full names) Identity Number.....
hereby declare that:

- (a) I am authorised byto make this declaration (attach the authorisation); and
- (b) All information provided herein is within my personal knowledge and is both true and correct.

.....

Signature

I certify that the deponent:

- (a) has acknowledged that she/he knows and understands 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

CHAPTER 2

DOCUMENTS TO BE ATTACHED TO THIS APPLICATION

1. If the applicant is a natural person and a South African citizen, a certified copy of the applicant's identity document.
2. In the case of a non-South African citizen, a certified copy of her/his:
 - (a) passport;
 - (b) permanent residence permit or employment permit; and
 - (c) proof of residence in South Africa, or proof of domicile in South Africa.
3. If the applicant is:
 - (a) a national, provincial or local government;
 - (b) another statutory body;
 - (c) a juristic person established in terms of an Act of Parliament; or
 - (d) a company or other legal body established by statute or government directive, attach a copy of the proclamation establishing such a body or state relevant legislation.
4. If the applicant is not a natural person, and is not contemplated in 3 above, attach
 - (a) a document stating –
 - (i) the title of legislation under which it is registered;
 - (ii) the registration number given to it in terms of such legislation;
 - (iii) in the case of companies, the names of current directors and the ownership or shareholding structure, including particulars of the shareholders;
 - (b) a certified copy of the identity document of the mandated representative authorised to make the application, if applicable; and
 - (c) documentary proof of authorisation to make the application.
5. Provisions to meet any criteria specified by the Minister of Minerals and Energy in terms of section 19(2) of the Act (if applicable).
6. Documents demonstrating the administrative abilities of the applicant.¹
7. Documents demonstrating the financial abilities of the applicant.¹
8. Documents demonstrating the technical abilities of the applicant.¹
9. Where the facility is owned by more than one person, the applicant must provide –
 - (a) details of the co-ownership and documentary proof thereof or a solemn declaration to that effect; and
 - (b) written mandate from each of the other owners authorising the applicant to apply for the licence on their behalf.

¹ The Energy Regulator will only accept originals or certified copies of these documents.

10. 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.
11. If the Record of Decision in 10 above has not been obtained, then submit:
 - (a) proof of such a permit application; and
 - (b) a solemn declaration outlining the applicant's plans and ability to comply with all applicable labour, health and environmental legislation.
12. If 10 is not applicable, state reasons thereof.
13. List all applicable:
 - (a) legislation;
 - (b) operating and technical standards; and
 - (c) codes and specifications (including those relating to safety) to be used in the activities for which this application is made, for example:
 - (i) the American Society of Mechanical Engineers (ASME) Standards;
 - (ii) American Petroleum Institute (API) Standards; and
 - (iii) European Norms (EN).
14. Provide detailed technical specifications of the gas that will be handled at the facility for which this application is made, including:
 - (a) the chemical and physical composition of the gas;
 - (b) calorific values of the gas; and
 - (c) the combustion properties, including the Wobbe Index of the gas.
15. Provide information required by regulations made in terms of the Act concerning mechanisms to promote historically disadvantaged South Africans..

CHAPTER 3

DETAILS OF APPLICATION

Complete the appropriate form:

Transmission

- Construction of a Transmission Facility (GALA.t.F1)
- Conversion into a Transmission Facility (GALA.t.F2)
- Operation of a Transmission Facility (GALA.t.F3)

Distribution

- Construction of a Distribution Facility (GALA.d.F1)
- Conversion into a Distribution Facility (GALA.d.F2)
- Operation of a Distribution Facility (GALA.d.F3)

Storage

- Construction of a Storage Facility (GALA.s.F1)
- Conversion into a Storage Facility (GALA.s.F2)
- Operation of a Storage Facility (GALA.s.F1)

Liquefaction

- Construction of a Liquefaction Facility (GALA.l.F1)
- Operation of a Liquefaction Facility (GALA.l.F2)

Re-gasification

- Construction of a Re-gasification Facility (GALA.r.F1)
- Operation of a Re-gasification Facility (GALA.r.F2)

Trading

- Trading in gas (GALA.tr.F1)

CONSTRUCTION OF A TRANSMISSION FACILITY (GALA.t.F1)

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

1. A description of the proposed facility, adequately specifying the exact route to which the application relates. This must include key design codes to demonstrate technical feasibility and a clear and detailed map of the route, at a scale acceptable to the Energy Regulator, indicating the proposed:
 - (a) design capacity and pressure of each pipeline;
 - (b) length of each pipeline;
 - (c) diameter of each pipeline;
 - (d) material composition of the pipeline e.g. steel or HDPE;
 - (e) average and maximum operating pressures;
 - (f) location of each compression site and its capacity;
 - (g) location of each pressure protection or reduction station; and
 - (h) point(s) of receipt and delivery of gas.
2. A mechanical flow diagram of the proposed facility.
3. Proof of the financial viability of the proposed facility, including:
 - (a) commercial structure;
 - (b) projected capital outlays and cash flows; and
 - (b) tariffs to be charged for the proposed facility and details of the methodology used for these calculations.
4. Details of the gas source, including
 - (a) a copy of an independent reservoir engineer's assessment of proven and recoverable gas reserves in trillions of cubic feet and the basis for the reserves determination; and
 - (b) gas production program to supply gas for the project;

OR

 - (c) copy of the gas importation agreement.
5. Details of any existing and/or potential customers for the proposed facility, including:
 - (a) the names and physical addresses of existing customers,
 - (b) the names and physical addresses of potential customers,
 - (c) the categorization of each customer, for example, as a distributor, power generator or large user; and
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum.
6. Copies of any gas transportation agreements pertaining to the facility to be constructed.

7. A description of the proposed allocation mechanism in terms of which third party access will be granted to the proposed facility, including:
 - (a) grounds for refusal of access; and
 - (b) measures to ensure non-discrimination between customers.
8. If applicable, details of planned changes to the pipeline after commencement of operations regarding:
 - (a) pipeline capacity such as additions of compressor stations or any other infrastructure that may require a new licence;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.
9. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clauses 3, 4, 6 and 8.3 of Schedule One to the Agreement.

**CONVERSION OF INFRASTRUCTURE INTO A GAS TRANSMISSION FACILITY
(GALA.t.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. A description of the existing infrastructure.
2. The impact of the conversion on users of the existing infrastructure and any measures taken for the continued supply or provision of services.
3. A description of the proposed facility, adequately specifying the exact route to which the application relates. This must include key design codes to demonstrate technical feasibility and a clear and detailed map of the route, at a scale acceptable to the Energy Regulator, indicating the proposed:
 - (a) design capacity and pressure of each pipeline;
 - (b) length of each pipeline;
 - (c) diameter of each pipeline;
 - (d) material composition of the pipeline e.g. steel or HDPE;
 - (e) average and maximum operating pressures;
 - (f) location of each compression site and its capacity;
 - (g) location of each pressure protection or reduction station; and
 - (h) point(s) of receipt and delivery of gas.
4. A mechanical flow diagram of the proposed facility.
5. Proof of the financial viability of the proposed facility, including:
 - (a) commercial structure;
 - (b) projected capital outlays and cash flows; and
 - (c) tariffs to be charged for the proposed facility and details of the methodology used for these calculations.
6. Details of the gas source, including
 - (a) a copy of an independent reservoir engineer's assessment of proven and recoverable gas reserves in trillions of cubic feet and the basis for the reserves determination; and
 - (b) gas production program to supply gas for the project;

OR

 - (c) copy of the gas importation agreement.
7. Details of any existing and/or potential customers for the proposed facility, including:
 - (a) the names and physical addresses of existing customers,
 - (b) the names and physical addresses of potential customers,

- (c) the categorization of each customer, for example, as a distributor, power generator or large user; and
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum.
- 8. Copies of any gas transportation agreements pertaining to the facility to be constructed.
- 9. A description of the proposed allocation mechanism in terms of which third party access will be granted to the proposed facility, including:
 - (a) grounds for refusal of access; and
 - (b) measures to ensure non-discrimination between customers.
- 10. If applicable, details of planned changes to the pipeline after commencement of operations regarding:
 - (a) pipeline capacity such as additions of compressor stations or any other infrastructure that may require a new licence;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.
- 11. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clauses 3, 4, 6 and 8.3 of Schedule One to the Agreement.

OPERATION OF A TRANSMISSION FACILITY (GALA.t.F3)

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

Provide the following information:

1. A description of the proposed facility, adequately specifying the exact route to which the application relates. This must include key design codes to demonstrate technical feasibility and a clear and detailed map of the route, at a scale acceptable to the Energy Regulator, indicating the proposed:
 - (a) design capacity and pressure of each pipeline;
 - (b) length of each pipeline;
 - (c) diameter of each pipeline;
 - (d) material composition of the pipeline e.g. steel or HDPE;
 - (e) average and maximum operating pressures;
 - (f) location of each compression site and its capacity;
 - (g) location of each pressure protection or reduction station; and
 - (h) point(s) of receipt and delivery of gas.
2. A mechanical flow diagram of the facility.
3. Copies of close out report after construction, if applicable.
4. Proof of the financial viability of the proposed facility, including:
 - (a) commercial structure;
 - (b) projected capital outlays and cash flows; and
 - (c) tariffs to be charged for the proposed facility and details of the methodology used for these calculations.
5. Details of the gas source, including
 - (a) a copy of an independent reservoir engineer's assessment of proven and recoverable gas reserves in trillions of cubic feet and the basis for the reserves determination; and
 - (b) gas production program to supply gas for the project;OR
 - (c) copy of the gas importation agreement.
6. Details of any existing and/or potential customers for the proposed facility, including:
 - (a) the names and physical addresses of existing customers,
 - (b) the names and physical addresses of potential customers,
 - (c) the categorization of each customer, for example, as a distributor, power generator or large user; and
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum.

7. Copies of all existing gas transportation agreements pertaining to the facility.
8. A description of the proposed allocation mechanism in terms of which third party access will be granted to the proposed facility, including:
 - (a) grounds for refusal of access; and
 - (b) measures to ensure non-discrimination between customers.
9. If applicable, details of planned changes to the pipeline after commencement of operations regarding:
 - (a) pipeline capacity such as additions of compressor stations or any other infrastructure that may require a new licence;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.
10. Provide a copy of the maintenance policy (and plans) for the facility.
11. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clauses 3, 4, 6 and 8.3 of Schedule One to the Agreement.

CONSTRUCTION OF A GAS DISTRIBUTION FACILITY (GALA.d.F1)

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

Provide the following information:

1. A map of the proposed boundaries of the geographic area and a description of the geographic area in which gas is to be distributed.
2. The geographic positioning data based on WGS 84, in a shapefile format compatible with ArcGIS, for the proposed distribution network and the proposed geographic area boundaries.
3. A description of the proposed facility, adequately specifying the pipelines to which the application relates. This must include key design codes to demonstrate technical feasibility and a detailed map, at a scale acceptable to the Energy Regulator, indicating the proposed:
 - (a) pipeline network lay-out;
 - (b) design capacity and pressure of each pipeline;
 - (c) length of each pipeline;
 - (d) diameter of each pipeline;
 - (e) material composition of the pipeline e.g. steel or HDPE;
 - (f) average and maximum operating pressures;
 - (g) location of each pressure protection and reduction station;
 - (h) details including the location and capacity of any storage facilities interconnected to the distribution network; and
 - (i) point(s) of receipt and delivery of gas.
4. A mechanical flow diagram for the proposed facility.
5. Proof of viability of the proposed facility, including:
 - (a) commercial structure; and
 - (b) projected capital outlays and cash flows.
6. Details of the gas source, including
 - (a) a copy of an independent reservoir engineer's assessment of proven and recoverable gas reserves in trillions of cubic feet and the basis for the reserves determination; and
 - (b) gas production program to supply gas for the project;
7. Details of any existing and/or potential customers for the proposed facility, including:
 - (a) the names and physical addresses of existing customers,
 - (b) the names and physical addresses of potential customers,
 - (c) for each customer, the average or anticipated gas consumption in Gigajoules;

- (d) categorization of each customer, for example as a reticulator and small, medium or large user;
 - (e) the gas price per Gigajoules (to be) charged to each customer;
 - (f) the cost of the gas to be distributed per Gigajoules, as well as any transmission and distribution tariffs and any other charges; and
 - (g) copies of any supply agreements with (potential) suppliers and customers.
8. Demonstrate the ability to supply present and future potential customers at competitive prices and conditions. This must include a 10 year development plan to install a pipeline network allowing access to gas by potential customers and showing annual commitments for the installation of pipelines.
9. Details regarding the following matters during the various stages of the project's development:
- (a) investment plans and the schedule of implementation; and
 - (b) timelines for service commencement.
10. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clauses 3, 4, 6 and 8.3 of Schedule One to the Agreement.

**CONVERSION OF INFRASTRUCTURE INTO A GAS DISTRIBUTION FACILITY
(GALA.d.F2)**

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

Provide the following information:

1. A description of the existing infrastructure.
2. The impact of the conversion on users of the existing infrastructure and any measures taken for the continued supply or provision of services.
3. A map of the proposed boundaries of the geographic area and a description of the geographic area in which gas is to be distributed.
4. The geographic positioning data based on WGS 84, in a shapefile format compatible with ArcGIS, for the proposed distribution network and the proposed geographic area boundaries.
5. A description of the proposed facility, adequately specifying the pipelines to which the application relates. This must include key design codes to demonstrate technical feasibility and a detailed map, at a scale acceptable to the Energy Regulator, indicating the proposed:
 - (a) pipeline network lay-out;
 - (b) design capacity and pressure of each pipeline;
 - (c) length of each pipeline;
 - (d) diameter of each pipeline;
 - (e) material composition of the pipeline e.g. steel or HDPE;
 - (f) average and maximum operating pressures;
 - (g) location of each pressure protection and reduction station;
 - (h) details including the location and capacity of any storage facilities interconnected to the distribution network; and
 - (i) point(s) of receipt and delivery of gas.
6. A mechanical flow diagram for the proposed facility.
7. Proof of viability of the proposed facility, including:
 - (a) commercial structure; and
 - (b) projected capital outlays and cash flows.
8. Details of the gas source, including
 - (a) a copy of an independent reservoir engineer's assessment of proven and recoverable gas reserves in trillions of cubic feet and the basis for the reserves determination; and
 - (b) gas production program to supply gas for the project;
9. Details of any existing and/or potential customers for the proposed facility, including:

- (a) the names and physical addresses of existing customers,
 - (b) the names and physical addresses of potential customers,
 - (c) for each customer, the average or anticipated gas consumption in Gigajoules;
 - (d) categorization of each customer, for example as a reticulator and small, medium or large user;
 - (e) the gas price per Gigajoules (to be) charged to each customer;
 - (f) the cost of the gas to be distributed per Gigajoules, as well as any transmission and distribution tariffs and any other charges; and
 - (g) copies of any supply agreements with (potential) suppliers and customers.
10. Demonstrate the ability to supply present and future potential customers at competitive prices and conditions. This must include a 10 year development plan to install a pipeline network allowing access to gas by potential customers and showing annual commitments for the installation of pipelines.
11. Details regarding the following matters during the various stages of the project's development:
- (a) investment plans and the schedule of implementation; and
 - (b) timelines for service commencement.
12. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clauses 3, 4, 6 and 8.3 of Schedule One to the Agreement.

OPERATION OF A GAS DISTRIBUTION FACILITY (GALA.d.F3)

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

Provide the following information:

1. A map of the proposed boundaries of the geographic area and a description of the geographic area in which gas is to be distributed.
2. The geographic positioning data based on WGS 84, in a shapefile format compatible with ArcGIS, for the proposed distribution network and the proposed geographic area boundaries.
3. A description of the proposed facility, adequately specifying the pipelines to which the application relates. This must include key design codes to demonstrate technical feasibility and a detailed map, at a scale acceptable to the Energy Regulator, indicating the proposed:
 - (a) pipeline network lay-out;
 - (b) design capacity and pressure of each pipeline;
 - (c) length of each pipeline;
 - (d) diameter of each pipeline;
 - (e) material composition of the pipeline e.g. steel or HDPE;
 - (f) average and maximum operating pressures;
 - (g) location of each pressure protection and reduction station;
 - (h) details including the location and capacity of any storage facilities interconnected to the distribution network; and
 - (i) point(s) of receipt and delivery of gas.
4. A mechanical flow diagram for the proposed facility.
5. Proof of viability of the proposed facility, including:
 - (a) commercial structure; and
 - (b) projected capital outlays and cash flows; and
6. Details of the gas source, including
 - (a) a copy of an independent reservoir engineer's assessment of proven and recoverable gas reserves in trillions of cubic feet and the basis for the reserves determination; and
 - (b) gas production program to supply gas for the project;
7. Details of any existing and/or potential customers for the proposed facility, including:
 - (a) the names and physical addresses of existing customers,
 - (b) the names and physical addresses of potential customers,

- (c) for each customer, the average or anticipated gas consumption in Gigajoules;
 - (d) categorization of each customer, for example as a reticulator and small, medium or large user;
 - (e) the gas price per Gigajoules (to be) charged to each customer;
 - (f) the cost of the gas to be distributed per Gigajoules, as well as any transmission and distribution tariffs and any other charges; and
 - (g) copies of any supply agreements with (potential) suppliers and customers.
8. Demonstrate the ability to supply present and future potential customers at competitive prices and conditions. This must include a 10 year development plan to install a pipeline network allowing access to gas by potential customers and showing annual commitments for the installation of pipelines.
9. Details regarding the following matters during the various stages of the project's development:
- (a) investment plans and the schedule of implementation; and
 - (b) timelines for service commencement.
10. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clauses 3, 4, 6 and 8.3 of Schedule One to the Agreement.

CONSTRUCTION OF GAS STORAGE FACILITY (GALA.s.F1)

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

Provide the following information:

1. The proposed location (address) of the storage facility.
2. A description of the proposed gas storage facility and key design codes to demonstrate the technical feasibility, adequately specifying the site layout of the proposed facility and the physical dimensions thereof. This must include:
 - (a) detailed drawings indicating the design of each gas storage tank and the piping arrangements;
 - (b) the proposed location of each storage tank within the facility;
 - (c) the effective storage capacity of each tank;
 - (d) design pressure for each tank and for the facility;
 - (e) maximum and average operating pressures for each tank and for the facility;
 - (f) design gas flowrates (nm^3/h and GJ/h) for each tank and for the facility;
 - (g) maximum and average operating flowrates (nm^3/h and GJ/h) for each tank and for the facility; and
 - (h) where injection of storage tanks occurs off-site, provide the information required in (e), (f) and (g) above for the injection process and the location of the site.
3. Details of the gas filling and withdrawal processes for the facility.
4. Proof of viability of the proposed facility, including:
 - (a) commercial structure;
 - (b) projected capital outlays and cash flows; and
 - (c) tariffs to be charged for the proposed facility and details of the methodology used for these calculations.
5. Details of any existing and/or potential customers for the proposed facility, including:
 - (a) the names and physical addresses of existing customers,
 - (b) the names and physical addresses of potential customers,
 - (c) the categorization of each customer, for example, as a distributor, power generator or large user; and
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum.
6. Copies of any existing gas agreements pertaining to the facility to be constructed.