

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

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NATIONAL ENERGY REGULATOR

Rules in terms of the Gas Act, 2001 (Act No. 48 of 2001)

The National Energy Regulator (NERSA) has, in terms of section 34(3) of the Gas Act, 2001 (Act No. 48 of 2001) made the Rules set out in the Schedule. Electronic copies of the Rules are available at www.nersa.org.za.

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4

Schedule

ARRANGEMENT OF RULES

1. Definitions 6

CHAPTER 1
**GENERAL REQUIREMENTS FOR DOCUMENTS SUBMITTED TO THE
ENERGY REGULATOR**

2. Addresses for submission of documents 8
3. Dates and times for the submission of documents 8
4. Request for confidential treatment of information submitted 8
5. Units of measure 8
6. General requirements and procedure for applications made in terms of these Rules 9

CHAPTER 2
**APPLICATIONS AND OBJECTIONS TO LICENCE
APPLICATIONS**

7. Application for a licence 9
8. Publishing of a notice of an application for a licence and the contents thereof 10
9. Changes to an application for a licence 12
10. Form and manner of an objection to an application for a licence 12
11. Applicant's response to an objection to an application for a licence 13
12. Amendment of licence 13
13. Application for the revocation of a licence 14
14. Application for registration of a gas activity 15

CHAPTER 3
CONSULTATION WITH AFFECTED AND INTERESTED PARTIES

15. Energy Regulator decisions affecting any person 16
16. Energy Regulator decisions affecting the public 17

CHAPTER 4
**COMPLAINTS, INVESTIGATIONS, INSPECTIONS, AND
INQUIRIES**

17. Form and manner of submitting a complaint 18
18. Initiation of own investigations 19
19. Procedures to be followed in investigations and inquiries 19
20. Inspection of and enquiry into licensed activities 20

CHAPTER 5
GENERAL PROVISIONS

21. Publishing of information relating to uncommitted capacity 21
22. Repeal of rules 21
23. Short title and commencement 21

FORMS AND NOTICES

ANNEXURE A	- Request for confidential treatment of information submitted to the Energy Regulator	22
ANNEXURE B	- Application for a licence	26
ANNEXURE C	- Notice of incomplete information	65
ANNEXURE D	- Objection to a licence application	66
ANNEXURE E	- Application for an amendment of a licence	71
ANNEXURE F	- Application for the revocation of a licence	75
ANNEXURE G	- Application for the registration of a gas activity	80
ANNEXURE H	- Complaint Form (optional)	86
ANNEXURE I	- Authorisation permit issued by the Energy Regulator	90

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.

"administrative action" means administrative action as defined in section 1 of the Promotion of Administrative Justice Act;

"authorisation permit" means a permit issued by the Energy Regulator in terms of these Rules;

"authorised person" means a person to whom the Energy Regulator has issued a valid authorisation permit to conduct inspections in terms of section 29(1) of the Act;

"B-BBEE Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003), as amended;

"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;

"Promotion of Administrative Justice Act" means the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);

"Protection of Personal Information Act" means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

"Regulations" means regulations made in terms of section 34(1) of the Act;

"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;

"the Republic" means the Republic of South Africa.

CHAPTER 1 GENERAL REQUIREMENTS FOR DOCUMENTS SUBMITTED TO THE ENERGY REGULATOR

Addresses for submission of documents

2. Delivery of documents in terms of these Rules may be done –
 - (1) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria;
 - (2) by registered post to: P O Box 40343, Arcadia, 0007;
 - (3) electronically to: pipedgas@nersa.org.za; or
 - (4) by fax to: (012) 401 4700.

Dates and times for the submission of documents

3. Documents delivered by hand must be delivered to the Energy Regulator from 09h00 to 16h00 only on Mondays to Fridays, excluding public holidays.

Request for confidential treatment of information submitted to the Energy Regulator

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 sub-rule (1) above, that person must –
 - (a) fully complete and submit the request in the form specified in **Annexure A** of these Rules; and
 - (b) clearly indicate and highlight those parts of the information submitted which the submitter considers to be confidential.
 - (3) The Energy Regulator will inform the applicant of its decision regarding the request for confidential treatment of information within 30 days from receipt of such request.
 - (4) Once the Energy Regulator has made a decision on the confidential nature of information specified in the request, such information will be withheld from the public and only be made available in accordance with the Act or the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Units of measure

5. (1) All measurements must use the international system of units (SI), unless otherwise specified in these Rules.

- (2) Where data is 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 be –
- (a) indexed and paginated; and
 - (b) signed and dated by the applicant or by a mandated representative of the applicant on designated sections of the relevant prescribed forms;
- (2) A mandated representative of the applicant, as contemplated in sub-rule (1)(b) above, must have intimate knowledge of the information provided in the application and must be able to attest to the accuracy of the information.
- (3) Applications contemplated in sub-rule (1) above must be delivered by hand, registered post, electronically or by fax to the addresses or fax number specified in Rule 2 of these Rules.
- (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 received;
 - (c) that the application will be assessed for adequacy and that the applicant will be informed in the event that additional information is required; and
 - (d) 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 to consider the application properly, within the reasonable period specified in such request.

CHAPTER 2

APPLICATIONS AND OBJECTIONS TO LICENCE APPLICATIONS

Application for a licence

7. (1) An application for a licence must be made in writing, in the form specified in **Annexure B**, and must contain all information specified therein.
- (2) A licence applicant may request the confidential treatment of information contained in the application, in which case the full licence application must be submitted together with –
- (a) the request for confidential treatment of information in the form specified in **Annexure A** in accordance with Rule 4 of these Rules; and

- (b) the intended non-confidential version of the licence application.
- (3) The Energy Regulator will, within 14 days of receipt of an application, inform an applicant in writing whether or not the application meets the requirements for adequacy specified in these Rules and is therefore accepted by the Energy Regulator.
- (4) Sub-rule (3) above on adequacy of licence applications should always be read independently of the process followed by the Energy Regulator regarding the requests for confidential treatment of information under Rule 4 of these Rules.
- (5) An application for a licence, which does not contain all the required information specified in these Rules, will be considered incomplete and therefore not accepted. If an application is incomplete, the Energy Regulator will issue the applicant with a Notice of Incomplete Information (**Annexure C**) within the same first 14 days of receipt of an application.
- (6) Based on the Energy Regulator's assessment and evaluation of an application, an applicant may, in accordance with section 18(b) of the Act, be requested by the Energy Regulator to alter its application to comply with applicable health, safety or environmental legislation.
- (7) Where the provisions of sub-rules (5) or (6) above have been invoked, the official date of an application shall be the date on which the applicant submits to the Energy Regulator all required information specified on the issued Notice of Incomplete Information or an application altered according to the section 18(b) directive, as the case may be.
- (8) If applicants do not submit all required information specified on the Notice of Incomplete Information and/or do not alter their applications in terms of sub-rule (6) by a stipulated date, their applications will be instantly rejected and removed from the database of applications that still await to be considered in terms of the Gas Act.

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

- 8.(1) An applicant for a licence may only publish a notice of its licence application after–
- (a) it has received confirmation from the Energy Regulator in terms of Rule 7(3) that the application meets the requirements for adequacy and is accepted by the Energy Regulator; and
- (b) it has received confirmation from the Energy Regulator that its request for confidential treatment of information contained in the application has been approved, if any such request was ever made.
- (2) If the application was never accompanied by the request for confidential treatment

of information, an applicant for a licence may only publish a notice of its licence application after it has received the confirmation contemplated in Rule 8(1)(a) above and the list of information that the Energy Regulator automatically protects from public disclosure.

- (3) The notice contemplated in sub-rule (1) above must be published –
- (a) in at least two newspapers circulating in the area of the proposed activity; and
 - (b) in any two official languages commonly spoken in the area of the proposed activity, one of which must be English.
- (4) The applicant must, within the first two working days of publication of its notice of an application for a licence, forward the copies of the relevant newspaper clippings to the Energy Regulator on the addresses or numbers specified in Rule 2 of these Rules.
- (5) If the Energy Regulator deems it necessary considering the specific characteristics of an application, it may direct an applicant to publish the notice contemplated in this Rule, in more than one issue of a newspaper circulating with the area of the proposed activity but not exceeding three issues or on more than one day but not exceeding three days; in which case the requirements of sub-rule (4) above must be adhered to within the first two working days of the last issue.
- (6) 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) for the period of 30 days from the date of publication of the notice;
 - (ii) at the offices of –
 - (aa) the applicant and must state the address, telephone number and the name of the contact person at the offices of the applicant;
 - (bb) the Energy Regulator at the address specified in Rule 2(1) of these Rules;
 - (iii) on the website of the applicant, where available; and
 - (iv) on the website of the Energy Regulator;
 - (b) state that although the 30 days' period specified in sub-rule (6)(a)(i) above includes all Saturdays, Sundays and public holidays from the day of publication, public access to the offices specified in sub-rule (6)(a)(ii) will not be available on such days;
 - (c) state the application reference number issued by the Energy Regulator;

- (d) indicate that the Energy Regulator will disregard objections received after the closing date; and
- (e) state that –
 - (i) persons who wish to lodge objections must do so by completing the form specified in **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) of these Rules; and
 - (ii) objections must be delivered by hand or sent by registered post or sent electronically or sent by fax to the addresses or numbers specified in Rule 2 of these Rules.

Changes to an application for a licence

- 9. (1) An applicant for a licence wanting to make changes to its licence application before the Energy Regulator has made a decision regarding its licence application may request permission from the Energy Regulator to do so.
- (2) If the Energy Regulator agrees, 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 in which the notice of the application for a licence to be amended was published.
- (3) The notice published in terms of sub-rule (2) above must also fully comply with Rule 8 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 request the confidential treatment of information contained in the objection, in which case the full objection must be submitted together with –
 - (a) the request for confidential treatment of information in the form specified in **Annexure A** in accordance with Rule 4 of these Rules; and
 - (b) the intended non-confidential version of the objection.
- (3) An objection to an application must be delivered by hand OR sent by registered post or sent electronically to the addresses or sent by fax to the number specified in Rule 2 of these Rules.
- (4) An objection must be received by the Energy Regulator on or before the closing date of objections mentioned in the notice of an application for a licence 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 requested in terms of Rule 9 of these Rules.

- (6) Comments on an application for a licence, which are not intended to constitute an objection, may also be submitted to the Energy Regulator: Provided they are –
- (a) submitted in writing on or before the close of the objection period concerned, clearly specifying the application to which they relate; and
 - (b) delivered by any of the methods specified in Rule 2 of these Rules.

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 of such objection from the Energy Regulator; and
 - (2) in writing, clearly stating the name of the objector, the date of the objection and the objection to which it is responding.

Amendment of licence

- 12.(1) A licensee or an affected party may apply to the Energy Regulator for an amendment of its licence through the variation, suspension, removal or addition of any licence condition.
- (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 request confidential treatment of information submitted by it as part of an application for an amendment of a licence, in which case the full licence amendment application must be submitted together with –
 - (a) the request for confidential treatment of information in the form specified in **Annexure A** in accordance with Rule 4 of these Rules; and
 - (b) the intended non-confidential version of the licence amendment application.
 - (4) Where the applicant is a person other than the licensee –
 - (a) the Energy Regulator must provide the licensee with the non-confidential version of the application for an amendment of its licence;
 - (b) the licensee must, within 30 days from receipt of such non-confidential version of the application, provide the Energy Regulator with its written response to the application; and
 - (c) the Energy Regulator will follow the procedure outlined in either Rule 15 or 16 of these Rules or both, as appropriate, to process the application.
 - (5) Where the application is made with the permission of a licensee –
 - (a) the applicant must attach a written confirmation given by the licensee under

oath or affirmation to that effect; and

- (b) the Energy Regulator will forthwith process the application in accordance with the procedure outlined in either Rule 15 or 16 of these Rules or both, as appropriate.
- (6) The provisions of Rule 7(3), (4), (5), (7) and (8) apply to all applications made under this Rule 12 with changes required by context.
- (7) Where the amendment of a licence is at the instance of the Energy Regulator, the procedure outlined in either Rule 15 or 16 of these Rules will, depending on the circumstances of each case, be followed from inception.

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 request the confidential treatment of information submitted as part of an application for the revocation of a licence, in which case the full revocation application must be submitted together with –
 - (a) the request for confidential treatment of information in the form specified in **Annexure A** in accordance with Rule 4 of these Rules; and
 - (b) the intended non-confidential version of the revocation application.
- (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 its revocation application, a written undertaking made under oath or affirmation by such other person to that effect;
 - (b) the licensee must also obtain and submit a further undertaking made under oath or affirmation by such other person to apply for a new licence in accordance with the Act and these Rules; and
 - (c) the Energy Regulator will follow the process outlined in Rule 15 or 16 of these Rules to consult with interested and affected parties.
- (4) The provisions of Rule 7(3), (4), (5), (7) and (8) apply to all applications made under this Rule 13 with changes required by context
- (5) For revocation applications made in terms of any other grounds listed in section 25(1) of the Act, the Energy Regulator will, in addition to embarking on a public consultation process with interested and affected parties in terms of Rule 15 or 16 of these Rules, also perform other verifications as may be warranted to appropriately evaluate the likely implication of the proposed revocation prior to

making a decision on the application.

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 sub-rule (1) above, owners of operations involving 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 project, 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; and
 - (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; and
- (ee) details of the network reticulating the gas for consumption.

(3) (a) In addition to sub-rule (1) above, owners of operations involving 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.

(4) An applicant for registration in terms of this Rule may request confidential treatment of information submitted as part of its application, in which case the full registration application must be submitted together with –

- (a) the request for confidential treatment of information in the form specified in **Annexure A** in accordance with Rule 4 of these Rules; and
- (b) the intended non-confidential version of the application for registration.

(5) The provisions of Rule 7(3), (4), (5), (7) and (8) apply to all applications made under this Rule 14 with changes required by context.

CHAPTER 3

CONSULTATION WITH AFFECTED AND INTERESTED PARTIES

Energy Regulator decisions affecting any person

15. (1) For any administrative action which might materially and adversely affect the rights or legitimate expectations of any person, the Energy Regulator must call for written submission of relevant views, facts and evidence.
- (2) The call for written representations –

- (a) must be published on the Energy Regulator's web site;
 - (b) may also be published on a public notice board outside the Energy Regulator's offices; and
 - (c) must comply with all the procedure outlined in section 3 of the Promotion of Administrative Justice Act.
- (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 all other decisions of the Energy Regulator which do not constitute an administrative action as defined in the Promotion of Administrative Justice Act but which may affect or are of interest to other persons, the Energy Regulator must allow such interested and affected persons an opportunity to submit their views and present relevant facts and evidence.
- (5) For purposes of sub-rule (4) above, the Energy Regulator must give at least 14 days' notice of the deadline for submission of written representations.
- (6) 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.
- (7) At the close of each consultation process, all representations received will be considered in taking a decision and compiling reasons therefor.
- (8) A non-confidential version of any such decision and reasons will be published on the Energy Regulator's website.

Energy Regulator decisions affecting the public

16. (1) For any administrative action which might materially and adversely affect the rights of the public, the Energy Regulator will follow the procedure outlined in section 4 of the Promotion of Administrative Justice Act and Regulations made in terms thereof, including a consultation period of at least 30 days with interested and affected persons.
- (2) Where the Energy Regulator chooses to hold a public hearing as contemplated in Regulation 11 of the Regulations made in terms of the Promotion of Administrative Justice Act, the Energy Regulator must give notice of the public hearing at least 14 days before the date of the hearing.
- (3) For all other decisions of the Energy Regulator which do not constitute an administrative action as defined in the Promotion of Administrative Justice Act but which may affect or are of interest to other persons, the Energy Regulator must allow such interested and affected persons a consultation period of at least 14 days.

- (4) Written representations submitted in terms of 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.
- (5) At the close of each consultation process, all representations received will be considered in taking a decision and compiling reasons therefor.
- (6) A non-confidential version of any such decision and reasons will be published on the Energy Regulator's website.

CHAPTER 4

COMPLAINTS, INVESTIGATIONS, INSPECTIONS AND INQUIRIES

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 concerned.
- (2) Complaints contemplated in sub-rule (1) above must comply with section 31(3) 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 or electronically to the addresses or sent by fax to the number 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) The affidavit referred to in sub-rule (4) must be delivered to any of the addresses or fax number stated in Rule 2 within 14 days of telephonically lodging the complaint.
- (6) A complainant may request the confidential treatment of information submitted to the Energy Regulator as part of its complaint, in which case the full written complaint must be submitted together with –
 - (a) the request for confidential treatment of information in the form specified in **Annexure A** in accordance with Rule 4 of these Rules; and
 - (b) the intended non-confidential version of the written complaint.
- (7) The provisions of Rule 7(3), (4), (5), (7) and (8) apply to all complaints lodged under this Rule 17 with changes required by context.
- (8) The Energy Regulator must conduct an investigation into any such complaint so lodged in line with Rule 19 of these Rules.

Initiation of own investigations and inquiries

18. (1) The Energy Regulator may, in accordance with the regulations made in terms of the Promotion of Administrative Justice Act read with Rule 19 of these Rules, also initiate and conduct own investigations or inquiries into activities of licensees.
- (2) Investigations conducted in terms of sub-rule (1) must be initiated within the period of validity of the licence to which the suspected transgression relates.

Procedures to be followed in investigations and inquiries

- 19.(1) On receipt of the complaint, the Energy Regulator will immediately assess if the complaint concerns the matter that the Energy Regulator is required to investigate in terms of the Act.
- (2) If the complaint falls under the investigation jurisdiction of the Energy Regulator, a copy of the non-confidential version of the complaint will be provided to the licensee who is the subject of the complaint to respond to the allegations.
- (3) In the case of own initiated investigations or inquiries, the Energy Regulator will prepare written questions based on the information contained in its investigation or inquiry initiation report and forward them to the relevant licensee with the directive to respond thereto.
- (4) The licensee must submit a written response to the complaint or written questions, as the case may be, to the Energy Regulator within 30 days from the date of receipt of the copy of the non-confidential version of such complaint or written questions in case of an own initiated investigation or inquiry.
- (5) Upon analysing the responses, the Energy Regulator may summon a licensee and/or any person believed to be in possession of relevant information to the investigation or inquiry to appear before it to give evidence.
- (6) Persons summoned by the Energy Regulator in the course of an investigation or inquiry will be reimbursed for all associated and reasonable costs within 30 days of receipt of documentary proof of such costs.
- (7) The Energy Regulator will first issue preliminary findings on its investigation or inquiry and afford the licensee and any other interested or affected parties an opportunity to make further representations in accordance with the relevant consultation process laid down in Rule 15 or 16 of these Rules.
- (8) At the close of the consultation process contemplated in the preceding sub-rule, all further representations received, if any, will be considered and the final findings will be formulated.
- (9) The final findings will be communicated to the complainant and relevant licensee in writing at the conclusion of the investigation or inquiry.

Inspection of and enquiry into licensed activities

20. (1) Licensees must at all reasonable times permit a person described in sub-rule (3) to enter any property on which a licensed activity is taking place and inspect any facility, equipment, machinery, book, account or other document found thereat; and furnish him/her with any such information as the Energy Regulator may consider necessary for monitoring compliance with or proper application of the Act.
- (2) On request, licensees must verify the accuracy of any information furnished under sub-rule (1) under oath or by affirmation to enable the Energy Regulator to properly and reliably assess it in connection with the inspection concerned.
- (3) The person referred to in sub-rule (1) must be a person duly authorised by the Energy Regulator for that purpose in the form specified in **Annexure I**; which s/he must show to an owner, operator or the person in charge of the facility or activity being inspected upon request.
- (4) 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.
- (5) An authorised person described in sub-rule (3) must adhere to all health and safety measures applicable in the licensed premises under inspection.
- (6) When an authorised person needs to remove any item that is the subject of the inspection, s/he shall, where reasonably possible, take a copy of such item rather than its original.
- (7) If an authorised person removes an original item or copies thereof from any property on which a licensed activity is taking place, for further inspection, then s/he must provide the licensee with a detailed list of such items including a full description and a serial number or file number of each item, wherever applicable.
- (8) The licensee must within 30 days of receiving the list contemplated in sub-rule (7) above, inform the Energy Regulator of the information in the list that it regards as non-generic, confidential, personal, commercially sensitive or proprietary in nature, by completing the form specified in **Annexure A** and providing all information specified therein.
- (9) All original items contemplated in sub-rule (7) above, will be returned to the licensee as soon as practicable after the Energy Regulator has concluded its further inspection on them.

CHAPTER 5 GENERAL PROVISIONS

Publishing of information relating to uncommitted capacity

- 21.(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 sub-rule (1) above on its website and must keep copies of the information at the relevant facility for viewing by interested parties.
- (3) For purposes of this Rule, the information on the availability of uncommitted capacity in any gas facility will be –
- (a) as declared by the licensee at the time when it applied for a licence and later verified by the Energy Regulator at any stage after the gas facility becomes operational;
 - (b) as determined by the Energy Regulator at any stage during the period of validity of a licence, whenever the need arises in terms of Regulations; or
 - (c) as furnished by licensees to the Energy Regulator.

Repeal of rules

22. The Gas Act Rules, 2009 (published under Government Notice No. R. 1251 in Gazette No. 32849 on 31 December 2009) are hereby repealed in their entirety.

Short title and commencement

23. These Rules are called the Gas Act Rules, 2021 and shall come into operation on the date of publication.



ANNEXURE A

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 five sections (A, B, C, D & E).
3. All requests must be based on and substantiated in terms of the relevant provisions of –
 - (a) the Gas Act, 2001 (Act No. 48 of 2001);
 - (b) the Promotion of Access to Information Act, 2000 (Act No. 3 of 2000);
 - (c) Protection of Personal Information Act, 2013 (Act No. 4 of 2013); or
 - (d) any other relevant legislation.
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 will be treated as not confidential and will be made available to the public, save for the type of information required by any relevant law to be automatically protected from disclosure even without a request from its owner.
7. The completed form with supporting documentation must be delivered to the Energy Regulator –
 - (a) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
 - (b) by registered mail to: P O Box 40343, Arcadia 0007; or
 - (c) electronically to: pipedgas@nersa.org.za; or
 - (d) by fax to: (012) 401 4700.

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 relates to (tick the appropriate box below):

- A licence application
- An application for an amendment of a licence
- An application for the revocation of a licence
- An application for the registration of a gas activity
- An objection to a licence application
- A complaint interms of section 31 of the Act
- A tariff application
- Other (specify)

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SECTION C: DETAILS OF THE 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 the 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 (where applicable)
Column 5	The applicable sections of the Gas Act, 2001 (Act No. 48 of 2001), the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), or any other relevant legislation supporting the request.

SECTION D: ORAL REPRESENTATIONS TO THE ENERGY REGULATOR

Indicate your wish to orally present your request to the Energy Regulator: YES

NO

SECTION E: SOLEMN DECLARATION BY REQUESTER/ MANDATED REPRESENTATIVE

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

- (a) I am authorised by to make this request (as per the attached 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 he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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
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, especially Rules 1 to 11.
2. Please note that this form has three chapters and that applicants must provide all relevant information and supporting documentation required in all those chapters. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator –
 - (a) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
 - (b) by registered mail to: P O Box 40343, Arcadia 0007; or
 - (c) electronically to: pipegas@nersa.org.za; or
 - (d) by fax to: (012) 401 4700.
4. If you want to request the confidential treatment of certain information in your application, you must make the request in accordance with Rule 4 read with Rule 7(2) of the Rules made in terms of the Gas Act.

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;
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.
9. The gas market segment/s within which the applicant already operates [tick the appropriate box/boxes]:

(a) Gas exploration	<input type="checkbox"/>
(b) Gas production	<input type="checkbox"/>
(c) Gas transmission	<input type="checkbox"/>
(d) Gas distribution	<input type="checkbox"/>
(e) Gas trading	<input type="checkbox"/>
(f) Gas reticulation	<input type="checkbox"/>
(g) Other (specify)	<input type="checkbox"/>

10. The geographic area(s) in which the applicant already operates in each of the relevant gas market segments outlined in (9) above, if applicable:
.....

11. An organogram outlining the applicant's direct and indirect interests in other gas businesses.

SECTION B: DESIRED COMMENCEMENT DATE AND DURATION

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

SECTION C: ADDITIONAL INFORMATION

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

.....

SECTION D: TYPE OF LICENCE AND DESIRED LICENCE CONDITIONS

15. Type of licence being applied for [tick the appropriate box]:

- (a) Construction of a gas transmission facility
- (b) Conversion of existing infrastructure into a gas transmission facility
- (c) Operation of a gas transmission facility
- (d) Construction of a gas distribution facility
- (e) Conversion of existing infrastructure into a gas distribution facility
- (f) Operation of a gas distribution facility
- (g) Construction of a gas storage facility
- (h) Conversion of existing infrastructure into a gas storage facility
- (i) Operation of a gas storage facility
- (j) Construction of a liquefaction facility
- (k) Operation of a liquefaction facility
- (l) Construction of a re-gasification facility
- (m) Operation of a re-gasification facility
- (n) Trading in gas
- (o) Operating (and/or trading through) an FSRU

16. State your desired licence conditions in terms of section 21(1) of the Act, and motivate for any undesired licence condition(s).

.....

SECTION E: SOLEMN DECLARATION BY APPLICANT/ MANDATED REPRESENTATIVE

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

- (a) I am authorised by to submit this application (as per the attached 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 he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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 OR INFORMATION TO BE SUBMITTED WITH A LICENCE 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 his/her:
 - (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, state the proclamation or legislation establishing such applicant.
4. If the applicant is not a natural person, and is not contemplated in 3 above, provide –
 - (a) the title of legislation under which it is registered;
 - (b) the registration number given to it in terms of such legislation; and
 - (c) any other information that you may consider relevant for the Energy Regulator or that the Energy Regulator may require.
5. Where the applicant is the company, provide –
 - (a) a certified copy of the certificate of incorporation;
 - (b) the names of current directors; and
 - (c) details regarding the ownership or shareholding structure, including particulars of the shareholders.
6. Where the applicant is a Trust as defined in the Trust Property Control Act, 1988 (Act No. 57 of 1988), provide –
 - (a) a certified copy of the trust deed or trust instrument and in the event of same having been amended, copies of the amended page(s) duly certified;
 - (b) Letters of Administration duly certified, issued to the trustees, and if this document has been amended, then a copy of the current Letters of Administration duly certified;
 - (c) certified copies of the identity documents of the trustees and beneficiaries and proof of each one's residential address;
 - (d) proof of the address at which the Trust is conducting its business such as the utility bill from the local authority which should reflect the physical address of the Trust; and
 - (e) a resolution of the trustees authorising any one or more of them to apply for the licence which reflects the names of the trustees that attended this meeting and each one's vote for or against the resolution.

7. Where the applicant has, in terms of Rule 6(1) of these Rules, authorised another person to submit the licence application on its behalf, attach –
 - (a) documentary proof of authorization to make this application; and
 - (b) a certified copy of the identity document of the mandated/authorized representative of the applicant.
8. Documentary proof that the applicant either owns the property/premises where the proposed gas facility will be physically located or is otherwise duly authorized to use such property/premises for the stated purpose (*for example, an agreement or authorization from the National Ports Authority etc. permitting the operation of proposed facility on its premises, whenever necessary*).
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 authorizing the applicant to apply for the licence on their behalf.
10. Documents demonstrating the administrative abilities of the applicant.¹
11. Documents demonstrating the financial abilities of the applicant.¹
12. Documents demonstrating the technical abilities of the applicant.¹
13. Provisions to meet any criteria specified in terms of section 19(2) of the Act (if applicable).
14. 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.
15. If the Record of Decision referred to in 14 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.
16. If the permit referred to in 14 above is not applicable, state the reasons why it is not applicable.

¹ Only original or certified copies will be accepted by the Energy Regulator. Where the documents submitted in terms of these Items 10, 11 or 12 are the same as those submitted under any relevant item in Chapter 3, a simple cross-reference to that section of Chapter 3 where the documents appear will suffice.

17. 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 South African National Standards;
 - (ii) the American Society of Mechanical Engineers (ASME) Standards;
 - (iii) the American Petroleum Institute (API) Standards; and
 - (iv) the European Norms (EN).
18. Provide a valid Broad – Based Black Economic Empowerment (B-BBEE) certificate reflecting at least the minimum qualification criteria determined by the Energy Regulator for the issuing of licences for purposes of facilitating broad-based black economic empowerment within the gas industry in line with section 10 of the B-BBEE Act.
19. If the certificate in 18 above is not available, provide an affidavit stating the reasons why it is not available and outlining the measures already put in place by the applicant to obtain one and suggesting the timeline by which this will be submitted to the Energy Regulator.

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.F3)

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)

Floating Storage and Regasification

- Operating (and/or trading through) a Floating Storage and Regasification Unit (GALA.fsru.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 detailed description of the proposed facility, adequately specifying the –
 - (a) key design codes to demonstrate technical feasibility;
 - (b) planned design capacity and pressure of each pipeline;
 - (c) planned length of each pipeline;
 - (d) planned diameter of each pipeline;
 - (e) proposed material composition of the pipeline e.g. steel or HDPE; and
 - (f) proposed average and maximum operating pressures.
2. A detailed map at a scale and with coordinates from the software program acceptable to the Energy Regulator plus a mechanical flow diagram of the proposed facility, where appropriate, clearly specifying the –
 - (a) exact route to which the application relates;
 - (b) proposed location of each compression site and its capacity;
 - (c) proposed location of each customer meter station;
 - (d) proposed location of each pressure protection or reduction station; and
 - (e) proposed point(s) of receipt and delivery of gas.
3. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed construction;
 - (d) evidence of accessible internal financial resources committed to the proposed construction, where this is self-funded;
 - (e) total estimated investment (CAPEX and OPEX) required for constructing the proposed facility; and
 - (f) other costs incidental to the project (please specify whether legal, consulting etc.).
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;
 - (b) gas production program to supply gas for the project; OR
 - (c) a copy of the gas importation agreement; and
 - (d) a copy of the gas importation permit, with a full clear description of the legal authority

under which such permit has been obtained.

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;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
6. Copies of any gas offtake agreements with existing customers, if available; or letters of intent outlining the principal terms of prospective offtake agreements from potential customers.
7. Copies of any gas transportation agreements pertaining to the facility to be constructed.
8. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
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, customer meter 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 clause 4 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. Existing licence number and date of commencement of licence for infrastructure required to be converted.
2. Details of application for revocation of a licence for infrastructure required to be converted, including a demonstration of its probability to be granted.
3. If the infrastructure sought to be converted is not licensed, provide a detailed description of this existing infrastructure adequately specifying –
 - (a) key design codes to demonstrate technical feasibility;
 - (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; and
 - (g) any adjustments needed to reconfigure its design according to the definition of transmission in the Gas Act.
4. A detailed map at a scale acceptable to the Energy Regulator plus a mechanical flow diagram, where appropriate, clearly specifying the –
 - (a) exact route of this existing infrastructure to which the conversion application relates;
 - (b) proposed location of each compression site and its total capacity;
 - (c) proposed location of each customer meter station;
 - (d) proposed location of each pressure protection or reduction station; and
 - (e) proposed point(s) of receipt and delivery of gas.
5. The reasons for the intended conversion.
6. The impact of the conversion on users of the existing infrastructure and any measures taken to ensure the continued supply or provision of services.
7. Proof of adequate financial viability of the proposed conversion through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed conversion;
 - (d) evidence of accessible internal financial resources committed to the proposed conversion, where this will be self-funded;

- (e) total estimated investment (CAPEX and OPEX) required for the proposed conversion; and
 - (f) other costs incidental to the project (please specify whether legal, consulting etc.).
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; OR
 - (c) a copy of the gas importation agreement; and
 - (d) a copy of the gas importation permit, with a full clear description of the legal authority under which such permit has been obtained.
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) the categorization of each customer, for example, as a distributor, power generator or large user;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
10. Copies of any gas offtake agreements with existing customers, if available; or letters of intent outlining the principal terms of prospective offtake agreements from potential customers.
11. Copies of any gas transportation agreements pertaining to the facility to be converted.
12. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
- (a) the estimated capacity to be reserved for the applicant's own use (if any);
 - (b) the estimated capacity to be taken up by current and potential customers; and
 - (c) the estimated spare capacity of the facility.
13. A description of the proposed allocation mechanism in terms of which third party access will be granted to the existing infrastructure proposed for conversion into a gas transmission facility, including –
- (a) grounds for refusal of access; and
 - (b) measures to ensure non-discrimination between customers.
14. If applicable, details of planned changes to the pipeline after commencement of operations regarding –
- (a) pipeline capacity such as additions of compressor stations, customer meter 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.
15. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clause 4 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 detailed description of the facility, adequately specifying the –
 - (a) key design codes to demonstrate technical feasibility;
 - (b) design capacity and pressure of the pipeline;
 - (c) length of the pipeline;
 - (d) diameter of the pipeline;
 - (e) material composition of the pipeline e.g. steel or HDPE; and
 - (f) average and maximum operating pressures.
2. A detailed map at a scale acceptable to the Energy Regulator plus a mechanical flow diagram of the proposed facility, where appropriate, clearly specifying the –
 - (a) exact route to which this application for a licence to operate a gas transmission facility relates;
 - (b) location of each compression site and its capacity;
 - (c) location of each customer meter station;
 - (d) location of each pressure protection or reduction station; and
 - (e) point(s) of receipt and delivery of gas.
3. Proof of adequate financial viability of the facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) proposed or actual (if already operating) financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed operation of the transmission facility;
 - (d) evidence of accessible internal financial resources committed to the proposed operation of the transmission facility, where this is self-funded; and
 - (e) total estimated investment (CAPEX and OPEX) required for operating the transmission facility;
 - (f) other incidental costs (please specify whether legal, consulting etc.);
 - (g) a general description of the tariff policy to be applied, to which may be attached the proposed tariff calculation formula, that is in line with the prevailing Guidelines for Monitoring and Approving Piped-Gas Transmission and Storage Tariffs in South Africa published by the Energy Regulator;
 - (h) a demonstration that the gas tariff calculation yielded by applying the abovementioned tariff policy will potentially enable the applicant to recoup its investment.

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) a copy of the gas importation agreement; and
 - (d) a copy of the gas importation permit, with a full clear description of the legal authority under which such permit has been obtained.
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;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum as contained in the actual gas offtake agreements from existing customers or letters of intent outlining the principal terms of the prospective gas offtake agreements from potential customers; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
6. Copies of any gas offtake agreements with existing customers, if available; or letters of intent outlining the principal terms of prospective offtake agreements from potential customers.
7. Copies of all existing gas transportation agreements pertaining to the facility.
8. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
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, customer meter 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. Provide a copy of the maintenance policy (and plans) for the facility.
12. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clause 4 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 detailed description of the proposed facility, adequately specifying the –
 - (a) geographic area in which gas is to be distributed
 - (b) the relevant pipeline –
 - (i) network lay-out;
 - (ii) design capacity and pressure;
 - (iii) length;
 - (iv) diameter;
 - (v) material composition e.g. steel or HDPE;
 - (vi) average and maximum operating pressures;
 - (c) capacity of any storage facilities interconnected to the distribution network; and
 - (d) key design codes to demonstrate technical feasibility.
2. A detailed map at a scale acceptable to the Energy Regulator plus a mechanical flow diagram of the proposed facility, where appropriate, clearly specifying the –
 - (a) proposed distribution pipeline network;
 - (b) proposed boundaries of the geographic area in which gas is to be distributed;
 - (c) 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;
 - (d) proposed location of each pressure protection or reduction station;
 - (e) location of any storage facilities interconnected to the distribution network; and
 - (f) proposed point(s) of receipt and delivery of gas.
3. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) commercial structure; and
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed construction;
 - (d) evidence of accessible internal financial resources committed to the proposed construction, where this is self-funded;
 - (e) total estimated investment (CAPEX and OPEX) required for the proposed construction; and
 - (f) other costs incidental to the project (please specify whether legal, consulting etc.).

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) a 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) 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; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
6. Copies of any gas offtake agreements with existing customers, if available; or letters of intent outlining the principal terms of prospective offtake agreements from potential customers.
7. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (a) the estimated capacity to be reserved for the applicant's own use (if any);
 - (b) the estimated capacity to be taken up by current and potential customers; and
 - (c) the estimated spare capacity of the facility.
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 clause 4 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. Existing licence number and date of commencement of licence for infrastructure required to be converted.
2. Details of application for revocation of a licence for infrastructure required to be converted, including a demonstration of its probability to be granted.
3. If the infrastructure sought to be converted is not licensed, provide a detailed description of the existing infrastructure adequately specifying the –
 - (a) geographic area where it is located;
 - (b) layout of its pipeline network;
 - (c) design capacity and pressure, length, diameter, material composition (e.g. steel or HDPE), as well as average and maximum operating pressures of the pipeline already installed thereat;
 - (d) key design codes to demonstrate technical feasibility;
 - (e) capacity of any storage facility interconnected to this existing infrastructure; and
 - (f) any adjustments needed to reconfigure its design according to the definition of distribution in the Gas Act.
4. A detailed description of the proposed conversion into a distribution facility, adequately specifying the –
 - (a) geographic area in which gas is to be distributed
 - (b) the relevant pipeline –
 - (i) network lay-out;
 - (ii) design capacity and pressure;
 - (iii) length;
 - (iv) diameter;
 - (v) material composition e.g. steel or HDPE;
 - (vi) average and maximum operating pressures;
 - (c) capacity of any storage facilities interconnected to the proposed converted distribution network; and
 - (d) key design codes to demonstrate technical feasibility.
5. A detailed map at a scale acceptable to the Energy Regulator plus a mechanical flow diagram of the proposed facility, where appropriate, clearly specifying the –
 - (a) proposed converted distribution pipeline network;
 - (b) proposed boundaries of the geographic area in which gas is to be distributed;

- (c) 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;
 - (d) proposed location of each pressure protection or reduction station;
 - (e) location of any storage facilities interconnected to the proposed converted distribution network; and
 - (f) proposed point(s) of receipt and delivery of gas.
6. The reasons for the intended conversion.
7. The impact of the conversion on users of the existing infrastructure and any measures taken to ensure the continued supply or provision of services.
8. Proof of adequate financial viability of the proposed conversion through any combination of the following, as may be appropriate –
- (a) commercial structure;
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed conversion;
 - (d) evidence of accessible internal financial resources committed to the proposed conversion, where this will be self-funded;
 - (e) total estimated investment (CAPEX and OPEX) required for the proposed conversion; and
 - (f) other costs incidental to the project (please specify whether legal, consulting etc.).
9. 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
10. 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; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
11. Copies of any gas offtake agreements with existing customers, if available; or letters of intent outlining the principal terms of prospective offtake agreements from potential customers.

12. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows
- - (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
13. 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.
14. 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.
15. If the applicant is Sasol Limited or its subsidiary, evidence of compliance with clause 4 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 detailed description of the proposed facility, adequately specifying the –
 - (a) geographic area in which gas is to be distributed;
 - (b) the relevant pipeline –
 - (i) network lay-out;
 - (ii) design capacity and pressure;
 - (iii) length;
 - (iv) diameter;
 - (v) material composition e.g. steel or HDPE;
 - (vi) average and maximum operating pressures;
 - (c) capacity of any storage facilities interconnected to the distribution network; and
 - (d) key design codes to demonstrate technical feasibility.
2. A detailed map at a scale acceptable to the Energy Regulator plus a mechanical flow diagram of the proposed facility, where appropriate, clearly specifying the –
 - (a) proposed distribution pipeline network;
 - (b) proposed boundaries of the geographic area in which gas is to be distributed;
 - (c) 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;
 - (d) proposed location of each pressure protection or reduction station;
 - (e) location of any storage facilities interconnected to the distribution network; and
 - (f) proposed point(s) of receipt and delivery of gas.
3. Proof of adequate financial viability of the facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) proposed or actual (if already operating) financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed operation of the distribution facility;
 - (d) evidence of accessible internal financial resources committed to the proposed operation of the distribution facility, where this is self-funded; and
 - (e) total estimated investment (CAPEX and OPEX) required for operating the distribution facility;

- (f) other incidental costs (please specify whether legal, consulting etc.);
 - (g) details of the policy or methodology to be used for calculating distribution tariffs; and
 - (h) a demonstration that the gas distribution tariff calculation yielded by applying the abovementioned tariff policy will potentially enable the applicant to recoup its investment.
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) for each customer, the average or anticipated gas consumption in Gigajoules as contained in the actual gas offtake agreements from existing customers or letters of intent outlining the principal terms of the prospective gas offtake agreements from potential customers;
 - (d) categorization of each customer, for example as a reticulator and small, medium or large user; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
6. Copies of any gas offtake agreements with existing customers, if available; or letters of intent outlining the principal terms of prospective offtake agreements from potential customers.
7. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
- (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
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. 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 clause 4 of Schedule One to the Agreement.

CONSTRUCTION OF A 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 in accordance with item 8 in Chapter 2 of this application for a licence.
2. A detailed description of the proposed gas storage facility adequately specifying the –
 - (a) detailed drawings, including process flow diagrams, mechanical drawings; site and plant layout of the entire proposed facility;
 - (b) key design codes to demonstrate technical feasibility;
 - (c) the proposed location of each storage tank within the facility;
 - (d) the effective storage capacity of each tank;
 - (e) design pressure for each tank and for the facility;
 - (f) maximum and average operating pressures for each tank and for the facility;
 - (g) design gas flowrates (nm³/h and GJ/h) for each tank and for the facility;
 - (h) maximum and average operating flowrates (nm³/h and GJ/h) for each tank and for the facility; and
 - (i) where injection of storage tanks occurs off-site, provide the information required in (f), (g) and (h) 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 adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed construction;
 - (d) evidence of accessible internal financial resources committed to the proposed construction, where this is self-funded; and
 - (e) total estimated investment (CAPEX and OPEX) required for the proposed construction;
 - (f) other costs incidental to the project (please specify whether legal, consulting etc.).
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;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity;

HFO; diesel etc.) and the current supplier of such energy.

6. Copies of any existing gas agreements pertaining to the facility to be constructed.
7. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
8. A description of the proposed allocation mechanism in terms of which third party access will be granted to the proposed gas storage 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 storage facility after commencement of operations regarding –
 - (a) gas capacity;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.

**CONVERSION OF INFRASTRUCTURE INTO A GAS STORAGE FACILITY
(GALA.s.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. Existing licence number and date of commencement of licence for infrastructure required to be converted.
2. Details of application for revocation of a licence for infrastructure required to be converted, including a demonstration of its probability to be granted.
3. If the infrastructure sought to be converted is not licensed, provide a detailed description of the existing infrastructure adequately specifying the –
 - (a) detailed drawings, including process flow diagrams, mechanical drawings; site and plant layout of the entire proposed facility;
 - (b) key design codes to demonstrate technical feasibility;
 - (c) the location of each storage tank within the facility;
 - (d) the effective storage capacity of each tank;
 - (e) design pressure for each tank and for the facility;
 - (f) maximum and average operating pressures for each tank and for the facility;
 - (g) design gas flowrates (nm^3/h and GJ/h) for each tank and for the facility;
 - (h) maximum and average operating flowrates (nm^3/h and GJ/h) for each tank and for the facility;
 - (i) where injection of storage tanks occurs off-site, provide the information required in (f), (g) and (h) above for the injection process and the location of the site; and
 - (j) any adjustments needed to reconfigure its design according to the definition of storage in the Gas Act.
4. A detailed description of the proposed conversion into a gas storage facility in terms of item 3 of this Chapter, excluding paragraph (j) thereof.
5. Details of the gas filling and withdrawal processes for the facility.
6. The reasons for the intended conversion.
7. The impact of the conversion on users of the existing infrastructure and any measures taken to ensure the continued supply or provision of service.
8. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed conversion;

- (d) evidence of accessible internal financial resources committed to the proposed conversion, where this is self-funded; and
 - (e) total estimated investment (CAPEX and OPEX) required for the proposed conversion;
 - (f) other costs incidental to the project (please specify whether legal, consulting etc.).
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 customer;
 - (c) the categorization of each customer, for example, as a distributor, power generator or large user;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
10. Copies of any existing gas agreements pertaining to the facility to be constructed.
11. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
- (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
12. A description of the proposed allocation mechanism in terms of which third party access will be granted to the proposed facility, including –
- (a) ground for refusal; and
 - (b) measures to ensure non-discrimination between customers.
13. Details regarding the following matters during the various stages of the project's development –
- (a) gas capacity;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.

OPERATION OF A GAS STORAGE FACILITY (GALA.s.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 detailed description of the proposed gas storage facility, adequately specifying the –
 - (a) detailed drawings, including process flow diagrams, mechanical drawings; site and plant layout of the entire facility;
 - (b) key design codes to demonstrate technical feasibility;
 - (c) the location of each storage tank within the facility;
 - (d) the effective storage capacity of each tank;
 - (e) design pressure for each tank and for the facility;
 - (f) maximum and average operating pressures for each tank and for the facility;
 - (g) design gas flowrates (nm^3/h and GJ/h) for each tank and for the facility;
 - (h) maximum and average operating flowrates (nm^3/h and GJ/h) for each tank and for the facility; and
 - (i) where injection of storage tanks occurs off-site, provide the information required in (f), (g) and (h) above for the injection process and the location of the site.
2. Details of the gas filling and withdrawal processes for the facility.
3. Proof of adequate financial viability of the facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) proposed or actual (if already operating) financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed operation of the gas storage facility;
 - (d) evidence of accessible internal financial resources committed to the proposed operation of the gas storage facility, where this is self-funded; and
 - (e) total estimated investment (CAPEX and OPEX) required for operating the gas storage facility;
 - (f) other incidental costs (please specify whether legal, consulting etc.);
 - (g) a general description of the tariff policy to be applied, to which may be attached the proposed tariff calculation formula, that is in line with the prevailing Guidelines for Monitoring and Approving Piped-Gas Transmission and Storage Tariffs in South Africa published by the Energy Regulator;
 - (h) a demonstration that the gas tariff calculation yielded by applying the abovementioned tariff policy will potentially enable the applicant to recoup its investment.

4. Details of any existing and/or potential customers for the 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;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum as contained in the actual gas offtake agreements from existing customers or letters of intent outlining the principal terms of the prospective gas offtake agreements from potential customers; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
5. Copies of all existing gas storage agreements, where applicable.
6. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
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. Details of any additional planned investments or upgrading of each facility and the schedule of implementation. Provide timelines for service commencement for each item listed where applicable.
9. A copy of the maintenance policy for the storage facility.

CONSTRUCTION OF A GAS LIQUEFACTION FACILITY (GALA.I.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, where available) of the liquefaction facility in accordance with item 8 in Chapter 2 of this application for a licence.
2. A description of the proposed gas liquefaction facility adequately specifying the –
 - (a) detailed drawings, including process flow diagrams; mechanical drawings; site and plant layout;
 - (b) key design codes to demonstrate the technical feasibility;
 - (c) a description of the liquefaction process to be used at the facility;
 - (d) the design capacity of the storage tank(s) for the gas to be liquefied (if applicable);
 - (e) the design capacity of the proposed liquefaction unit(s) of liquefied natural gas (LNG) in tonnes per annum;
 - (f) the design capacity of the storage tank(s) for liquefied gas in transit; and
 - (g) LNG discharge mode and loading rate from the facility.
3. The envisaged capacity utilisation in the first year of operation.
4. If the applicant intends to liquefy gas belonging to other persons, indicate the capacity to be reserved for this purpose and details of the reserved capacity allocation including –
 - (a) measures to ensure non-discrimination between customers;
 - (b) how competing applications will be handled;
 - (c) grounds for refusal of access; and
 - (d) manner for resolving disputes relating to this.
5. Total estimated investment (in Rands) required for constructing the facility.
6. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) commercial structure; and
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed operation of the gas storage facility;
 - (d) evidence of accessible internal financial resources committed to the proposed construction of the gas liquefaction facility, where this is self-funded; and
 - (e) other costs incidental to the project (please specify whether legal, consulting etc.).
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;
- (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
8. Details of the gas source, including –
- (a) certified, proven saleable reserves; and
 - (b) gas production programme to supply gas for the project.
9. Copies of existing gas supply or offtake agreements or letters of intent.
10. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
- (a) the estimated total capacity of the facility;
 - (b) the estimated capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
11. Details regarding any proposed expansion plans including –
- (a) capacity of the facility;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.

OPERATION OF A GAS LIQUEFACTION FACILITY (GALA.I.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. The location (address) of the liquefaction facility in accordance with item 8 in Chapter 2 of this application for a licence.
2. A description of the proposed gas liquefaction facility adequately specifying the –
 - (a) detailed drawings, including process flow diagrams; mechanical drawings; site and plant layout;
 - (b) key design codes to demonstrate the technical feasibility;
 - (c) a description of the liquefaction process to be used at the facility;
 - (d) the design capacity of the storage tank(s) for the gas to be liquefied (if applicable);
 - (e) the design capacity of the proposed liquefaction unit(s) of liquefied natural gas (LNG) in tonnes per annum;
 - (f) the design capacity of the storage tank(s) for liquefied gas in transit; and
 - (g) LNG discharge mode and loading rate from the facility.
3. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated capacity of each of the tanks and units referred to in paragraphs (d), (e) and (f) of Item 2 above;
 - (c) the estimated capacity to be reserved for the applicant's own use (if any) in each of the tanks and units referred to in paragraphs (d), (e) and (f) of Item 2 above;
 - (d) the estimated capacity to be taken up by current and potential customers from each of the tanks and units referred to in paragraphs (d), (e) and (f) of Item 2 above; and
 - (e) the estimated spare capacity of each of the tanks and units referred to in paragraphs (d), (e) and (f) of Item 2 above.
4. Details of the geographic location of –
 - (a) the storage facility for liquefied gas (if separate from liquefaction facility); and
 - (b) the storage facility for gas that is to be liquefied (if separate from liquefaction facility).
5. If the applicant intends to liquefy gas belonging to other persons, indicate the capacity reserved for this purpose and details of the reserved capacity allocation including –
 - (a) measures to ensure non-discrimination between customers;
 - (b) how competing applications will be handled;
 - (c) grounds for refusal of access; and
 - (d) manner for resolving disputes relating to this.
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;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum as contained in the actual gas offtake agreements from existing customers or letters of intent outlining the principal terms of the prospective gas offtake agreements from potential customers; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
7. Copies of existing gas supply or offtake agreements or letters of intent.
8. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
- (a) commercial structure;
 - (b) proposed or actual (if already operating) financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed operation of the liquefaction facility;
 - (d) evidence of accessible internal financial resources committed to the proposed operation of the liquefaction facility, where this is self-funded; and
 - (e) total estimated investment (CAPEX and OPEX) required for operating the liquefaction facility;
 - (f) other incidental costs (please specify whether legal, consulting etc.);
 - (g) details of the policy or methodology to be used for calculating a liquefaction tariff; and
 - (h) a demonstration that the liquefaction tariff calculation yielded by applying the abovementioned tariff policy will potentially enable the applicant to recoup its investment.
9. Details of the gas source, including –
- (a) certified, proven saleable reserves; and
 - (b) gas production programme to supply gas for the project.
10. A copy of the maintenance policy for the liquefaction facility.

CONSTRUCTION OF A RE-GASIFICATION FACILITY (GALA.r.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, where available) of the re-gasification facility in accordance with item 8 in Chapter 2 of this application for a licence.
2. A description of the proposed facility, adequately specifying the –
 - (a) detailed drawings, including process flow diagrams; mechanical drawings and plant layout;
 - (b) design capacity of the proposed re-gasification facility in international system of units (SI) of gas per annum and per hour;
 - (c) number of and design capacity of each storage tank in the re-gasification facility; and
 - (d) key design codes to demonstrate technical feasibility.
3. Details of the proposed geographic location of –
 - (a) the storage facility for liquefied gas that is to be re-gasified if separate from the re-gasification facility; and
 - (b) the storage facility for re-gasified gas if separate from re-gasification facility, if any.
4. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated re-gasified capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated re-gasified capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
5. If the applicant intends to grant third party access to its facility, provide details of proposed allocation mechanism including –
 - (a) economic and/or technical feasibility to do so;
 - (b) measures to ensure non-discrimination between customers;
 - (c) how competing applications will be handled;
 - (d) grounds for refusal of access; and
 - (e) manner for resolving disputes relating to this.
6. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) projected financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed construction of the re-gasification facility;
 - (d) evidence of accessible internal financial resources committed to the proposed construction of the re-gasification facility, where this is self-funded; and

- (e) total estimated investment (CAPEX and OPEX) required for operating the liquefaction facility;
 - (f) other costs incidental to the project (please specify whether legal, consulting etc.).
7. Details of the LNG source, including LNG supply to the project in SI units per annum.
 8. Details regarding the following matters during the various stages of the project's development –
 - (a) gas capacity;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.
 9. A description of the existing and potential customers, 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, large user or trader;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
 10. Copies of existing gas supply or offtake agreements or letters of intent.

OPERATION OF A RE-GASIFICATION FACILITY (GALA.r.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 proposed facility, adequately specifying the –
 - (a) detailed drawings, including process flow diagrams; mechanical drawings and plant layout;
 - (b) proposed location of the facility in accordance with item 8 in Chapter 2 of this application for a licence;
 - (c) design capacity of the proposed re-gasification facility in international system of units (SI) of gas per annum and per hour;
 - (d) number of and design capacity of each storage tank in the regasification facility; and
 - (e) key design codes to demonstrate technical feasibility
2. Details of the proposed geographic location of –
 - (a) the storage facility for liquefied gas that is to be regasified if separate from the re-gasification facility; and
 - (b) the storage facility for regasified gas if separate from re-gasification facility, if any.
3. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated re-gasified capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated re-gasified capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.
4. If the applicant intends to grant third party access to its facility, provide details of proposed allocation mechanism including –
 - (a) economic and/or technical feasibility to do so;
 - (b) measures to ensure non-discrimination between customers;
 - (c) how competing applications will be handled;
 - (d) grounds for refusal of access; and
 - (e) manner for resolving disputes relating to this.
5. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) commercial structure;
 - (b) proposed or actual (if already operating) financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (c) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed operation of the regasification facility;
 - (d) evidence of accessible internal financial resources committed to the proposed

- operation of the regasification facility, where this is self-funded; and
- (e) total estimated investment (CAPEX and OPEX) required for operating the re-gasification facility;
 - (f) other incidental costs (please specify whether legal, consulting etc.);
 - (g) details of the policy or methodology to be used for calculating a regasification tariff; and
 - (h) a demonstration that the regasification tariff calculation yielded by applying the abovementioned tariff policy will potentially enable the applicant to recoup its investment.
6. Details of the LNG source, including LNG supply to the project in SI units per annum.
 7. Details regarding the following matters during the various stages of the project's development –
 - (a) gas capacity;
 - (b) investment plans and the schedule of implementation; and
 - (c) timelines for service commencement.
 8. A description of the existing and potential customers, 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, large user or trader;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum as contained in the actual gas offtake agreements from existing customers or letters of intent outlining the principal terms of the prospective gas offtake agreements from potential customers; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
 9. Copies of existing gas supply or offtake agreements or letters of intent.
 10. A copy of the maintenance policy for the re-gasification facility.

TRADING IN GAS (GALA.tr.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. Details of the proposed network(s) to be used for trading including associated gas pressure(s);
2. Detailed specification(s) of the gas that will be traded under the licence 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;
3. Details of the origin of the gas (distinguish between sources within and outside the borders of South Africa) indicating the supply committed to the project per annum;
4. A description of the existing and potential customers, 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, large user or trader;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy;
5. Description of the gas price policy to be applied, to which may be attached the anticipated/indicative gas price calculation, that is in line with the prevailing Methodology to Approve Maximum Prices of Piped-Gas in South Africa published by the Energy Regulator;
6. A demonstration that the gas price calculation yielded by applying the abovementioned gas price policy will potentially enable the applicant to recoup its investment;
7. Copies of all contracts with suppliers giving details of volumes, names of parties and duration of contract;
8. Copies of all contracts with network operators including details of (i) the volumes of gas involved, (ii) the names of the parties to the agreement, and (iii) the duration of the contract; and
9. Copies of existing gas supply/offtake agreements, or letters of intent with potential customers.

**OPERATING (AND/OR TRADING THROUGH) A FLOATING STORAGE AND RE-GASIFICATION UNIT
(GALA.fsr.u.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. Location where the proposed FSRU facility will be sited, in accordance with item 8 in Chapter 2 of this application for a licence.
2. A detailed description of the proposed FSRU facility, adequately specifying –
 - (a) GPS coordinates;
 - (b) the technical specifications of the planned FRSU vessel including –
 - (i) design code;
 - (ii) planned design capacity (i.e. minimum, normal and maximum capacity design);
 - (iii) design life;
 - (iv) the design capacity of storage tank(s) within the vessel;
 - (v) the design capacity of the regasification unit(s) within the vessel;
 - (vi) any other relevant technical specifications;
 - (c) whether the storage tank(s) within the vessel will be used solely for purposes of providing storing feasibilities necessary to enable the constant transfer of the LNG fuel from the LNG supply tankers in order to eliminate depletion of the required amount of LNG that is to be regasified;
 - (d) whether the unloading arms or cryogenic hoses will be used to transfer the imported LNG cargo from the LNG supply tankers into the FSRU vessel;
 - (e) the advantages of opting for either unloading arms or cryogenic hoses with reference to such relevant factors as the –
 - (i) rate at which the LNG fuel can be transferred from the LNG supply tankers into the FSRU vessel;
 - (ii) timelines within which the proposed FSRU vessel must be fully operational; and
 - (iii) boil-off gas management system to be put in place to avoid over-pressurisation of the tanks;
 - (f) the type of heating medium to be used to regasify the LNG (e.g. open loop system, closed loop system or intermediate fluid vaporisation process), taking into consideration any applicable environmental regulations for the cold seawater discharged after the heat exchange with LNG; and
 - (g) details of the pipeline connecting the proposed FSRU facility to the gas power plant, in terms of the relevant information required under other applicable section(s) of Chapter 3 of this application for a licence, where applicable.
3. A breakdown of the anticipated total and spare capacity in the proposed facility, as follows –
 - (a) the estimated total capacity of the facility;
 - (b) the estimated liquefied and/or re-gasified capacity to be reserved for the applicant's own use (if any);
 - (c) the estimated liquefied and/or re-gasified capacity to be taken up by current and potential customers; and
 - (d) the estimated spare capacity of the facility.

4. Maps and diagrams, where appropriate, clearly depicting the location of the proposed FSRU vessel with its storage and regasification tanks and the connecting point for the pipeline to the gas power plant, where applicable.
5. A list of all gas activities planned to be carried out by the applicant in connection with the proposed FSRU vessel, including an explanation of whether any such activities will be for commercial purpose or own use.
6. Whether the FSRU vessel will come pre-constructed in a fully configured state ready for installation and use or if it will be constructed within the borders of the Republic.
7. If the FSRU vessel operation is intended for gas to power business, indicate –
 - (a) whether such gas to power business is an initiative of the government of the Republic, and provide details of the relevant advertised tender;
 - (b) the total LNG capacity, in million tons per annum (mtpa), planned to be imported through the FSRU terminal throughout the term of licence;
 - (c) the total capacity of such LNG after regasification in million gigajoules per annum (MGJ/a);
 - (d) total estimated or actual LNG capacity earmarked for annual customer offtake(s);
 - (e) projected power generation capacity, in megawatts per annum, to be derived from the total estimated or actual customer offtakes per annum.
8. Details of the LNG source, including LNG supply to the project in SI units per annum.
9. Detailed specification of the resulting gas molecule to be traded under the licence for the proposed FSRU vessel operations.
10. Proof of adequate financial viability of the proposed facility through any combination of the following, as may be appropriate –
 - (a) total estimated investment required for all necessary capital expenditure associated with setting up the planned FSRU vessel, including its acquisition or chartering, shipping it to allocated site, lease tenure, installation, and maintenance costs etc.;
 - (b) total estimated investment required in connection with all operational expenditure on the planned FSRU vessel per annum;
 - (c) other incidental costs (please specify whether legal, consulting etc.);
 - (d) commercial structure debt provision;
 - (e) proposed financial statements and/or discounted cash flow (DCF) model (providing assumptions used in calculations and sourcing of figures);
 - (f) letters of support/intent or actual proof of equity financing agreements and finance, including terms and conditions, demonstrating that the applicant is or will be able to fund the proposed entire FSRU project;
 - (g) evidence of accessible internal financial resources committed to the proposed FSRU project, where this is self-funded;
 - (h) description of the tariff or gas price policies, to which may be attached an anticipated/indicative tariff or gas price calculation, to be applied in calculating the gas storage and re-gasification tariffs and prices to the applicant's customer(s) in line with the prevailing following regulatory instruments published by the Energy Regulator –
 - (i) Guidelines for Monitoring and Approving gas tariffs in South Africa; and

(ii) Methodology to Approve Maximum Prices of Gas in South Africa.

- (i) demonstration that the gas tariff and price calculations yielded by the abovementioned policies will enable the applicant to recoup its investment.

11. Description of the type of customer(s) to be served through the planned FSRU activities, including –
- (a) the names and physical addresses of existing customers(s);
 - (b) the names and physical addresses of potential customer(s);
 - (c) the categorization of each customer, for example, as a distributor, power generator, large user or trader;
 - (d) for each customer, the average or anticipated gas consumption in Gigajoules per annum as contained in the actual gas offtake agreements from existing customers or letters of intent outlining the principal terms of the prospective gas offtake agreements from potential customers; and
 - (e) for each customer, the current source of energy (e.g. any type of gas; coal; electricity; HFO; diesel etc.) and the current supplier of such energy.
12. Copies of existing gas supply/offtake agreements, or letters of intent with potential customers
13. List of all applicable insurance covers that will be taken out to manage all risks associated with the proposed FSRU facility and all regulated activities occurring thereat.
14. Plans and ability of the applicant to comply with all applicable labour, environmental, health and safety laws and standards, including –
- (a) a list of all South African legislative framework applicable to the applicant's proposed facility and the extent of applicability of each to all the applicant's planned activities in that facility;
 - (b) applicable environmental permits already issued to or applied for by the applicant; and
 - (c) a list of normal worldwide industry codes for LNG storage, re-gasification and trading operations with regular dry docking and international marine safety standards that will be applicable to the applicant's FSRU ship design, and proof of that the applicant will be able to adhere to those.
15. If the applicant intends to grant third party access to its facility, provide details of proposed allocation mechanism including –
- (a) economic and/or technical feasibility to do so;
 - (b) measures to ensure non-discrimination between customers;
 - (c) how competing applications will be handled;
 - (d) grounds for refusal of access; and
 - (e) manner for resolving disputes relating to this.



ANNEXURE C

NOTICE OF INCOMPLETE INFORMATION

Notice in terms of Rules 7(5), 12(6), 13(4), 14(5) and 17(7) of the Rules made in terms of the Gas Act, 2001

(Act No.48 of 2001)

Name of applicant	
Type of application/ referral to the Energy Regulator	
Date Received	
Reference Number	

- (a) The Energy Regulator hereby informs you that your application or referral with the abovementioned details does not meet the requirements for adequacy specified in the Gas Act Rules and is therefore considered incomplete and not accepted.
- (b) You have not submitted the following required information/ documentation to the Energy Regulator:
- 1.
 - 2.
 3. (add more lines if necessary)
- (c) The abovementioned information/ documentation must be submitted by no later than (insert date) before your application or referral may be considered complete and consequently be accepted.
- (d) Failure to submit the abovementioned information/ documentation by the specified date will result in your application or referral being instantly rejected and removed from the database of matters still awaiting to be considered by the Energy Regulator.
- (e) The official date of application will be whichever occurs last between the date on which you submit **all** required information as specified in paragraphs (b) and (c) above to the Energy Regulator; or the date on which you submit an altered application in line with the directive issued to you by the Energy Regulator in terms of section 18(b) of the Gas Act read with Rule 7(5) of the Gas Act Rules, on (insert applicable date).

CHIEF EXECUTIVE OFFICER

**ANNEXURE D****FORM: OBJECTION TO A LICENCE APPLICATION**

An objection to an application for a licence in terms of the Gas Act, 2001
(Act No. 48 of 2001)

Instructions:

1. Before completing this form, 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, especially Rules 1 to 11.
2. Please note that this form has four sections (A, B, C & D). An objector must provide all relevant information and supporting documentation required in all those chapters.
3. The completed form with supporting documentation must be delivered to the Energy Regulator –
 - (a) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
 - (b) by registered mail to: P O Box 40343, Arcadia 0007; or
 - (c) electronically to: pipegas@nersa.org.za; or
 - (d) by fax to: (012) 401 4700.
4. If you want to request the confidential treatment of certain information in your objection, you must do so in accordance with Rule 4 of the Rules made in terms of the Gas Act.

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: DETAILS OF THE OBJECTOR

- 1. Full registered name of the objector
.....
- 2. Trading name of the objector (if different from the registered name, if applicable)
.....
- 3. Registration number of company (if applicable), or Identity Number if the objector is a natural person
.....
- 4. Name of mandated representative. Attach documentary proof of mandate given to representative
.....
- 5. Physical address
- 6. Postal address
- 7. Telephone number.....
- 8. Fax Number
- 9. Email address
- 10. Details of contact person at the objector, including –
 - a. designation
 - b. family name.....
 - c. first name.....
 - d. telephone number
 - e. fax number
 - f. email address

SECTION B: DETAILS OF THE APPLICATION TO WHICH YOU ARE OBJECTING

11. Type of licence application being objected to [tick the appropriate box]:

- (a) Construction of a gas transmission facility
- (b) Conversion of existing infrastructure into a gas transmission facility
- (c) Operation of a gas transmission facility
- (d) Construction of a gas distribution facility
- (e) Conversion of existing infrastructure into a gas distribution facility
- (f) Operation of a gas distribution facility
- (g) Construction of a gas storage facility
- (h) Conversion of existing infrastructure into a gas storage facility
- (i) Operation of a gas storage facility
- (j) Construction of a liquefaction facility
- (k) Operation of a liquefaction facility
- (l) Construction of a re-gasification facility
- (m) Operation of a re-gasification facility
- (n) Trading in gas
- (o) Operating (and/or trading through) an FSRU

11. Name of application to which you are objecting

12. State the licence application number of the licence to which you are objecting
 (if known)

13. Details of the facility/ area

SECTION C: DETAILS OF THE OBJECTION

14. Clearly state the nature of your objection, i.e. what does your objection relate
 to? (add additional page(s), if necessary)

.....

.....
.....
.....
.....
.....

15. Clearly state the reasons for your objection (add additional page(s), if necessary) **and** attach supporting documentation

.....
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.....
.....

16. Section 18(a) of the Gas Act, 2001 (Act No. 48 of 2001) 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 gas facility or the proposed provision of gas services 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 the above quoted section of the Act, clearly state your alternative proposal (add additional page(s), if necessary).

.....
.....
.....

SECTION D: SOLEMN DECLARATION BY OBJECTOR/ MANDATED REPRESENTATIVE

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

- (a) I am authorised by to submit this objection (as per the attached authorisation); and
- (b) All information provided herein is within my personal knowledge and is both true and correct.

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

.....

Signature

I certify that the deponent:

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

APPLICATION FOR AN AMENDMENT OF A LICENCE

Application for an amendment of a licence in terms of section 24 of the Gas Act, 2001 (Act No. 48 of 2001)

Instructions:

1. Before completing this form, 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 Rule 12.
2. Please note that this form has five sections (A, B, C, D & E). An applicant must provide all relevant information and supporting documentation required in all those sections. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator –
 - (p) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
 - (q) by registered mail to: P O Box 40343, Arcadia 0007; or
 - (r) electronically to: pipedgas@nersa.org.za; or
 - (s) by fax to: (012) 401 4700.
4. If you want to request the confidential treatment of certain information in your licence amendment application, you must do so in accordance with Rule 4 read with Rule 12(3) of the Rules made in terms of the Gas Act.

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: CATEGORY OF THE APPLICANT

1. Indicate if you are the licence holder, a party affected the licence, or applying with the permission of a licensee by ticking the appropriate box below:

- I am the licence holder
- I am a party affected by the licence
- I am applying with the permission of the licensee

SECTION B: DETAILS OF THE APPLICANT

- 2. Full registered name of the applicant
.....
- 3. Trading name of the applicant (if different from the registered name)
.....
- 4. Registration number of company (if applicable)
.....
- 5. Name of mandated representative (if applicable). Attach documentary proof of mandate given to representative.....
- 6. Physical address.....
.....
- 7. Postal address.....
- 8. Telephone number.....
- 9. Fax Number.....
- 10. Email address
- 11. Details of mandated representative, including:
 - (a) designation.....
 - (b) family name.....
 - (c) first name.....
 - (d) telephone number.....
 - (e) fax number.....
 - (f) email address.....

SECTION C: DETAILS OF THE LICENCE

- 12. Name of licensee.....
- 13. Type of licence or licensed activity to which this application is applicable
.....
- 14. Location of the facility.....
- 15. State the licence number (if known).....

SECTION D: DETAILS OF THE APPLICATION

- 16. Clearly indicate the amendments that you seek. Please indicate each amendment sought separately and provide details thereof. If the amendment is to a particular condition, cite the condition. (Add additional page(s), if necessary).
.....
.....
.....
.....
- 17. Provide detailed reasons and motivation for each of the amendments sought in 16 above (add additional page(s), if necessary).
.....
.....
.....
.....
- 18. Substantiate your reasons and motivation in 17 above by submitting documentary proof of your claims.
.....
.....
.....
.....
- 19. If you are applying with the permission of the licensee, this **Form must always** be accompanied by a written confirmation made by the licensee under oath/ affirmation to this effect.

SECTION E: SOLEMN DECLARATION BY APPLICANT/ MANDATED REPRESENTATIVE

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

- (a) I am authorised by to submit
 this application (as per the attached 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 he/she knows and understands the contents of this
 application form and its annexures, that he/she has no objection to taking the
 prescribed oath and that he/she considers the oath binding on his/her
 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 thisday (month)
 (year).

COMMISSIONER OF OATHS

Name

Address

Capacity

**ANNEXURE F****APPLICATION FOR THE REVOCATION OF A LICENCE**

Application for the revocation of a licence in terms of section 25 of the Gas Act, 2001 (Act No. 48 of 2001)

Instructions:

1. Before completing this form, 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 Rule 13.
2. Please note that this form has four sections (A, B, C, & D). An applicant must provide all relevant information and supporting documentation required in all those sections. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator –
 - (a) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
 - (b) by registered mail to: P O Box 40343, Arcadia 0007; or
 - (c) electronically to: pipegas@nersa.org.za; or
 - (d) by fax to: (012) 401 4700.
4. If you want to request the confidential treatment of certain information in your application, you must do so in accordance with Rule 4 read with Rule 13(2) of the Rules made in terms of the Gas Act.

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 LICENSEE

1. Name of licensee.....
2. Licence number.....
3. Type of licence.....
4. Date on which the Energy Regulator issued the licence.....
5. Details of the licensed facility/ activity.....
.....
.....
6. Details of mandated representative, including:
 - (a) designation
 - (b) family name.....
 - (c) first name
 - (d) telephone number
 - (e) fax number.....
 - (f) email address

SECTION B: REASON(S) FOR APPLICATION

7. Indicate the reason(s) for the application by ticking the appropriate box below:
 - (a) The licensed facility or activity is no longer required
 - (b) The licensed facility or activity is not economically justifiable
 - (c) Another person is willing and able to assume the rights and obligations of the licensee concerned in accordance with the requirements and objectives of the Act
8. If the reason for the application is that the licensed facility or activity
 - (a) is no longer required, or
 - (b) is not economically justifiable,
 provide a detailed explanation and submit documentation in support of your reason(s).

9. If the reason for the application 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, provide the following information about that person –
- (a) registered name.....
 - (b) trading name (if different from registered name)
.....
 - (c) physical address of the registered place of business
.....
.....
 - (d) physical address of the principal place of business (if different from the registered place of business)
.....
.....
 - (e) postal address.....
 - (f) telephone number.....
 - (g) fax number.....
 - (h) email address
 - (i) contact person including:
 - (i) designation
 - (ii) family name.....
 - (iii) first name
 - (iv) telephone number
 - (v) fax number.....
 - (vi) email address.....
 - (j) an undertaking (**Section C of this Form**) by that person confirming their willingness and ability to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act and that the person will apply for the relevant licence.
 - (k) any documentary proof already available to demonstrate the ability to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act.

**SECTION C: SOLEMN DECLARATION BY THE PERSON WILLING AND ABLE TO ASSUME
THE RIGHTS AND OBLIGATIONS OF THE LICENSEE OR MANDATED REPRESENTATIVE**

I (full names) Identity

Number..... hereby declare that:

- (a) I am authorised by to make this undertaking
(asper the attached authorisation);
- (b) all information relating to..... (i.e. the person mentioned in (a)
in this section) provided herein is within my personal knowledge and is both true and
correct;
- (c) is willing and able to assume the rights and obligations
of the licensee in accordance with the requirements and objectives of the Act; and
- (d) will apply for the relevant licence.

Signature

I certify that the deponent:

- (a) has acknowledged that he/she knows and understands the contents of this application
form and its annexures, that he/she has no objection to taking the prescribed oath
and that he/she considers the oath binding on his/her 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 thisday of..... (month).....
(year).

COMMISSIONER OF OATHS

Name _____

Address _____

Capacity _____

SECTION D: SOLEMN DECLARATION BY THE LICENSEE/ MANDATED REPRESENTATIVE

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

- (a) I am authorised by to submit this application (as per the attached 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 he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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 G****APPLICATION FOR THE REGISTRATION OF A GAS ACTIVITY**

Application for the registration of a gas activity in terms of section 28 of the Gas Act, 2001 (Act No. 48 of 2001)

Instructions:

1. Before completing this form, 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 Rule 14.
2. Please note that this form has three sections (A, B, C) and an applicant 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 –
 - (a) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
 - (b) by registered mail to: P O Box 40343, Arcadia 0007; or
 - (c) electronically to: pipedgas@nersa.org.za; or
 - (d) by fax to: (012) 401 4700.
4. If you want to request the confidential treatment of certain information in your application, you must do so in accordance with Rule 4 read with Rule 14(4) of the Rules made in terms of the Gas Act.

ENQUIRIES:

Contact: Executive Manager: Gas Regulation

Contact no.: (012) 401 4600

Fax no.: (012) 401 4700

Official Use Only

Date received: _____

Reference number: _____

SECTION B: DETAILS OF THE ACTIVITY

9. Indicate the gas activity that you are engaged in by ticking the appropriate box:

- (a) The production of gas
- (b) The importation of gas
- (c) The transmission of gas for personal exclusive use
- (d) Small biogas projects in rural communities

10. The address or location of the gas activity to be registered.

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11. Provide a detailed description of the gas activity to be registered (use a separate page, if necessary):

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Production and importation of gas

12. (a) If you are involved in *the production of gas* you must complete the section below, and also provide the information set out in Rule 14(2) of these Rules on additional page(s):

*Gas production***1. Type of gas (tick appropriate box)**

- Natural gas
- Coal Bed Methane
- Produced from coal
- Produced from landfill
- Produced by other method

(specify)

	Previous calendar year	Current calendar year/first year of operation
2. Total gas production		
a. Volume in Gigajoules per annum		
b. Gas specifications		
3. Gas used in-house (for own use)		
a. Volume in Gigajoules per annum		
b. Gas specifications		
4. Gas reserves (except for producers of synthetic gas)		
a. Reserves in trillion cubic feet		
b. Basis for reserve estimate (e.g. P50, P90)		

12. (b) If you are involved in *the importation of gas* you must complete the section below, and also provide the information set out in Rule 14(3) of these Rules on additional page(s):

*Gas importation***1. Type of gas (tick appropriate box)**Natural gas Coal Bed Methane Other (specify)

	Previous calendar year	Current calendar year/ first year of
2. Total gas imports		
a. Volume in Gigajoules per annum		
b. Gas specifications		
3. Gas used in-house (for own use)		
a. Volume in Gigajoules per annum		
b. Gas specifications		
4. Gas reserves (where available)		
a. Reserves in trillion cubic feet		
b. Basis for reserve estimate (e.g. P50, P90)		

13. For both *production* and *importation*, provide:

- (a) details of the gas usage;
- (b) the type of users of the gas, for example industrial users or households;
- (c) the number of users of the gas per type of usage; and
- (d) details of the gas reticulation network utilised (where applicable).

Small biogas projects

14. If you are engaged in *small biogas projects in rural communities not connected to the national pipeline grid*, then provide the following information (on separate page/s) for each of the small biogas projects –

- a. the name of project;
- b. location of the project;
- c. a description of the material used to produce the biogas;
- d. a description of the production process;

- e. the technical specifications of the gas produced;
- f. the quantity of gas produced in Gigajoules per annum;
- g. details of the reticulation network (where applicable); and
- h. the number of customers/ users of the gas.

SECTION C: SOLEMN DECLARATION BY THE APPLICANT/ MANDATED REPRESENTATIVE

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

- (a) I am authorised by to submit this application (as per the attached 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 he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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 H
COMPLAINT FORM (Optional)**

Complaint in terms of section 31 of the Gas Act, 2001
(Act No. 48 of 2001)

Instructions:

1. Before 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 Rule 17.
2. Please note that this form has four sections (A, B, C, & D). An applicant must provide all relevant information and supporting documentation required in **all** those sections.
3. The completed form with supporting documentation must be delivered to the Energy Regulator –
 - (a) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
 - (b) by registered mail to: P O Box 40343, Arcadia 0007; or
 - (c) electronically to: pipedgas@nersa.org.za; or
 - (d) by fax to: (012) 401 4700.
4. If you want to request the confidential treatment of certain information in your application, you must do so in accordance with Rule 4 read with Rule 17(5) of the Rules made in terms of the Gas Act.

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 COMPLAINANT

1. If the complainant is a natural person, provide:

- (a) Name and surname
- (b) Identification Number:
- (c) Physical address
- (d) Postal address
- (e) Telephone number
- (f) Fax number
- (g) E-mail address

2. If the complainant is not a natural person, provide:

- (a) the company / organization name
- (b) the company, organization registration number
- (c) Physical address
- (d) Postal address
- (e) Telephone number
- (f) Fax number
- (g) E-mail address
- (h) Details of contact person, including:
 - (i) designation
 - (ii) family name.....
 - (iii) first name.....
 - (iv) telephone number
 - (v) fax number
 - (vi) email address

SECTION B: DETAILS OF THE LICENSEE

- 3.(a) Name of the licensee
- (b) Licence number (if known)

SECTION C: DETAILS OF THE COMPLAINT

4.(a) Provide full details of your complaint, including details of when (i.e. specific date or period) and where (i.e. in which area, licensed facility or activity etc.) the conduct took place; and the description of conduct being complained about (if the space provided below is insufficient, please attach additional page/s)

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4.(b) Provide a detailed description of the efforts that you have made to resolve the dispute before lodging the complaint with the Energy Regulator (if the space provided below is insufficient, please attach additional page/s)

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SECTION D: SOLEMN DECLARATION BY THE COMPLAINANT/ MANDATED REPRESENTATIVE

I (full names)

Identity Number..... hereby declare that:

- (a) I am authorised by to submit this complaint on his/her/its behalf (attach the authorization, *if applicable*); 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 he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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 I
AUTHORISATION PERMIT

Issued by the National Energy Regulator (NERSA) in terms of section 29
of the Gas Act, 2001 (Act No. 48 of 2001)

Name:

Surname:

Identity Number:

Personnel Number (if applicable):

Issued on (date):

Expires on (date):

Passport Sized
Photo of the
authorised person

The person identified in this authorisation permit is duly authorised by NERSA to –

- (a) at all reasonable times enter any property on which the construction or operation of any gas facility or any trading in gas is taking place and to inspect any facility, equipment, machinery, book, account or other document found thereat; and
- (b) require any person to furnish NERSA with such information as may be necessary for the proper application of the Gas Act, 2001 (Act No. 48 of 2001).

CHIEF EXECUTIVE OFFICER