

Sultanate of Oman



هيئة تنظيم الخدمات العامة
Authority for Public Services Regulation

Application Form for Article (106) Consent

January 2017

1. Manner of Application

- 1.1 The Application for a Consent under Article (106) shall be:
- 1.1.1 made in English, in writing, addressed to the Authority and delivered or sent by prepaid post to the Authority at its principal office; and
 - 1.1.2 dated and signed by an authorized signatory on behalf of the Applicant stating the capacity of the signatory.
- 1.2 An Applicant is advised to read and understand the Guidance for Article 106 Consent Applications published by the Authority before commencing the application process.

2. Form of Application

- 2.1 The Application shall:
- 2.1.1 be in the form specified in Schedule 1 and shall contain the information therein specified and the declaration provided for without qualification;
 - 2.1.2 be accompanied by the relevant information and documents as specified in Schedule 2 (N.B. the supporting copy documentation may be supplied electronically in the manner agreed by the Applicant with the Authority); and
 - 2.1.3 be accompanied by the Article (106) Consent Application Fee of 6,000 RO/- (Six thousand Omani Riyals).
- 2.2 The Applicant may apply for a Preliminary Consent prior to the execution of the documents referred to in Schedule 2. The Authority will review the draft documents and may issue a Preliminary Consent to the Applicant.
- 2.3 The final execution versions of the documents referred to in Schedule 2 together with comparison versions against any prior draft document supplied must be submitted to the Authority so that the Authority can determine whether a Final Consent can be issued.
- 2.4 Following execution of the documents, the Applicant who has been given a Preliminary Consent based on unsigned draft documents shall provide the Authority with copies of the executed documents to obtain the Final Consent.

3. Additional information

- 3.1 In addition to the information which an Applicant is required to provide, an Applicant shall provide to the Authority such information as the Authority may request to enable it to process the associated Application.

4. Application Fees

- 4.1 The Application shall be accompanied by the Fee specified in this Application Form. The Fee shall be submitted in the form of a cheque in the name of the “Authority for Public Services Regulation”, or by an alternative method of payment approved by the Authority (a copy of proof of payment should be attached to the Application Form). The Application will be processed only after the payment of the applicable Fee.

SCHEDULE 1

1. INFORMATION ABOUT THE APPLICANT

- 1.1 Full name of the Applicant (this should be the Licensee or the prospective Licensee, in the event of an application made on behalf of a prospective Licensee, a project sponsor or shareholder). (N.B. the Applicant will be liable to the Authority for the Application Fee).
- 1.2 Details of the applicable Licence or, in the event of an application made by or on behalf of a prospective Licensee, details and date of the Licence Application. In the event that an Application is made prior to the date of a Licence Application please outline the anticipated date of the Licence Application and provide details of the relevant project in respect of which a Licence Application is to be made.
- 1.3 Name, address (including e-mail address) and telephone number of the person to whom correspondence or enquiries concerning the Application should be directed.

[Primary contact person for the Applicant].

- 1.4 Contact details (including e-mail address) for any other person who may be contacted by the Authority in connection with the Application.

[e.g. Lead Arranger / Legal Advisor details]

2. INFORMATION ABOUT THE APPLICATION

- 2.1 Summary description of the Relevant Transaction which has given rise to the Application.
- [e.g. financing of [xyz]/ financing of expansion of the [xyz] plant]*
- 2.2 Please complete a parties list table in the form set out below in relation to the Relevant Transaction (including funders, sponsors and/or shareholders)

Role	Name
<i>[Applicant]</i>	<i>[Insert Name]</i>
<i>[Facility Agent]</i>	<i>[Insert Name]</i>
<i>[Onshore Security Trustee]</i>	<i>[Insert Name]</i>
...	

3. INFORMATION ABOUT THE APPROVALS SOUGHT

- 3.1 Please provide details of any previous applications made to the Authority under Article (106) or any existing consents or approvals which have been granted or provided by the Authority to the Licensee or Prospective Licensee which is the subject of the Application.
- 3.2 Please provide details of any guarantees or security entered into prior to the date of the Application by the Licensee or Prospective Licensee which is the subject of the Application.
- 3.3 Please complete the table below in relation to each approval sought through this Application:

Activity	Asset	Relevant Agreement	Cross Reference
[Security Interest]	[Property at XYZ]	[Legal Mortgage in favour of Onshore Security Trustee]	[Clause 3.1]

[N.B. It is not just the creation of security which requires the approval of the Authority but the creation of other contractual rights (such as the grant of an option or the entry into direct agreements and grant of step-in rights) can also require an approval under Article (106). In addition, in the event that any guarantee of the obligations of a third party is to be given by the Licensee this should be disclosed to the Authority and consent sought

3.4 The period of the Loan Agreement with security should not exceed the PPA period .

- 3.5 Date on which Consent Letter is sought. Please specify a date not less than 20 business days after the date on which a full and complete Application with all additional information and documents is submitted to the Authority.

[N.B. in the event that there is a delay in providing the documentation required under Schedule 2, or if any other information is requested by the Authority, there may be a corresponding delay in processing the Application]

4. INFORMATION ON HOW DOCUMENTS ARE TO BE PROVIDED TO THE AUTHORITY

4.1 By email

[only with express agreement of the Authority – given the likely size of files to be submitted]

4.2 By extranet site

Web Address: *[insert web address]*

User Name:

Password:

Any other user instructions for the Authority:

4.3 Other

[e.g. CD or any other electronic storage device]

SCHEDULE 2

1. If applying for preliminary consent prior to the execution of the documents, a copy of the final draft of each of the documents (in English, translated into English or issued in a dual language including English) as referred to in paragraph 3.3 of Schedule 1.
2. Document List (annotated to show which document have/have not been provided).
3. If applying for preliminary consent prior to the execution of the documents, a copy of the final drafts of all relevant documents in relation to financing and/or security (e.g. Master Definitions Agreements/ Facility Agreements)

[N.B. the draft documents listed above are required for Preliminary Consents to be granted prior to the execution of the documents. For Final Consents where such documents are already executed, copies of the executed documents shall be provided]