

Sultanate of Oman



هيئة تنظيم الخدمات العامة
Authority for Public Services Regulation

Application Form for Licence Exemption

(Application for Generation to Support the Main Interconnected System)

1 Manner of Application

1.1 The Application shall be:

- (a) made in English, in writing, addressed to the Authority and delivered ~~or sent by prepaid post to the Authority at~~ its principal office; and
- (b) signed and dated by or on behalf of the proposed Exemption Holder, stating, where signed on behalf of the proposed Exemption Holder, the capacity of the signatory.

2 Form of Application

2.1 The Application shall:

- (a) be in the form specified in Schedule 1 and shall contain the information there specified and the declaration provided for without qualification;
- (b) be accompanied by the relevant information and documents as specified in Parts I and II of Schedule 1 and in Schedule 2; and
- (c) be accompanied by the Licence Exemption Application Fee of 1,000 RO/- (One thousand Omani Riyals).

3 Additional information

3.1 In addition to the information which an Applicant is required to provide, as specified in Schedule 1, Part II, an Applicant shall provide to the Authority such information and documentation 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~~must be attached to the Application Form).
The Application will be processed only after the payment of the applicable Fee.

SCHEDULE 1

FORM OF APPLICATION IN RESPECT OF A LICENCE EXEMPTION

PART I

General Particulars

1. Full name of the Applicant.
2. If the Applicant is not the proposed Exemption Holder, name of the proposed Exemption Holder together with an explanation of why the Applicant is applying on behalf of the proposed Exemption Holder.
3. Name, address (including e-mail address) and telephone number of person to whom correspondence or enquiries concerning the Application should be directed.
4. Address of the Applicant and the proposed Exemption Holder or, in the case of a body corporate, the registered or principal offices.
5. Where the proposed Exemption Holder is a company, the full names of the current Directors and the Company's registered name and number.
6. Where a holding of 3 per cent or more of the shares (see Note 1 below) of the proposed Exemption Holder is held, or intended upon grant of the Licence Exemption Order to be held, by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided together with their respective shareholding.
7. Date from which the Applicant(s) require the Licence Exemption to take effect.
8. Details of any Licences or Exemptions held, or other Licences or Exemptions applied for or being applied for, by the proposed Exemption Holder in respect of a Regulated Activity.

9. Details of any economic interest of the proposed Exemption Holder or any of its shareholders or Affiliates in any Licensee or Exemption Holder.

10. Details of any Event of Default which has arisen in relation to the proposed Exemption Holder or any Affiliate of the proposed Exemption Holder under any material contract or loan agreement or any Licence or Exemption or similar or analogous instrument, including any termination or revocation thereof, in any legal jurisdiction.

11. Details of any proposals made by the proposed Exemption Holder, or any Affiliate of the proposed Exemption Holder, to acquire the business or any part of the business of any other Licensee or Exemption Holder:

Declaration by Applicant (see also Note 3 below)

I confirm that the information contained in this Application is, to the best of my knowledge, accurate, comprehensive and not misleading. I am aware that under Article (132)(b) of the Sector Law it is an offence in giving any information or making an Application to make a statement known to be false in a material way or calculated to mislead. I am not aware of any additional information likely to be relevant to this Application.

I hereby enclose the Licence Exemption Application Fee of 1,000 RO/- (one thousand Omani Riyals) only.

Signature of Applicant

Where the Applicant is a body corporate, position held by person signing

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Date

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION FOR A LICENCE EXEMPTION

1. Where applicable, current statements of the accounts kept by the proposed Exemption Holder in respect of any undertaking carried on by him or his group; showing the financial state of affairs of that undertaking and its profit or loss and the statements for the most recent period, together with copies of the latest audited annual accounts for the three preceding years.
2. A certified (where applicable) copy of constitutional documents of the proposed Exemption Holder, including Memorandum and Articles of Association, copy of shareholders Agreement, Certificate of Incorporation, computer printout of Ministry of Commerce & Industry registration form, and any other document or agreement relating to the corporate governance of the proposed Exemption Holder, identifying in particular any special rights of any shareholder or other person in relation to such matters as voting and appointment of directors.
3. Details of the person(s) proposed to have overall operational responsibility for each of the Regulated Activities covered in the Licence Exemption Order and details of their experience in undertaking the Regulated Activities sufficient to demonstrate their technical and managerial competence.
4. Where any of the documents described in 1 and 3 above is not supplied, an explanation of why they have not been supplied together with such financial information to the like effect as can be reasonably provided. If the proposed Exemption Holder is a new venture and the documents described in 1 above are not be available, a letter from an authorised signatory on behalf of the proposed Exemption Holder confirming that the company is operating as a going concern shall be provided.

Notes

1. Reference to shares:

- (a) in relation to a proposed Exemption Holder with a share capital, references to shares shall be deemed to be references to the allotted shares of the proposed Exemption Holder;
- (b) in relation to a proposed Exemption Holder with capital but no share capital, references to shares shall be deemed to be references to rights to share in the capital of the proposed Exemption Holder;
- (c) in relation to a proposed Exemption Holder without capital, references to shares shall be deemed to be references to interests:
 - (i) conferring any right to share in the profit or liability to contribute to the losses of the proposed Exemption Holder; or
 - (ii) giving rise to an obligation to contribute to the debts or expenses of the proposed Exemption Holder in the event of a winding up.

2. Change in circumstances

If at any time prior to the grant of the Licence Exemption Order, there is a change in circumstances such that any of the information in this Application is no longer accurate or comprehensive or becomes misleading, then the Applicant must immediately advise the Authority. Any change to the information provided in this Application could affect the outcome of this Application and the timetable for grant of a Licence Exemption Order.

3. Confirmation by proposed Exemption Holder

A supporting document stating the authorisation of the signatory shall be attached to this Application. Where the proposed Exemption Holder is not the Applicant, before grant of the Licence Exemption Order the proposed Exemption Holder must provide a certificate in the form below confirming the accuracy and completeness of the information in this Application and any changes to that information.

Declaration by proposed Exemption Holder where Application submitted on proposed Exemption Holder's behalf

I confirm that the information contained in the Application submitted by [●] on my behalf is, to the best of my knowledge, accurate, comprehensive and not misleading. I am aware that under Article (132)(b) of the Sector Law it is an offence in giving any information or making an Application for a Licence Exemption to make a statement known to be false in a material way or calculated to mislead. I am not aware of any additional information likely to be relevant to this Application.

Signature of proposed Exemption Holder

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Where the Applicant is a body corporate, position held by person signing

.....

Date

SCHEDULE 2

ADDITIONAL DOCUMENTS AND PARTICULARS

The Application shall include an attachment which provides the relevant information as specified below.

For Generation and Generation/Desalination Applications, the following information shall be provided:

1. (a) The number, capacity and type of each Generation unit within the Production Facilities (MW) to be operated under the Licence Exemption (if granted).

Reference/ ID of each Generation unit	Capacity of each Generation unit (MW)	Type of each Generation unit (e.g. technology and make)
Total Capacity of Generation units (MW)		

- (b) If appropriate, the number, capacity and type of each Desalination unit within the Production Facilities (m³/day) to be operated under the Licence Exemption (if granted).

Reference/ ID of each Desalination unit	Capacity of each Desalination unit (m ³ /day)	Type of each Desalination unit (e.g. technology and make)
Total Capacity of Desalination units (m³/day)		

2. A sufficient description, including maps, adequately specifying the actual or proposed locations of those units. Any description of proposed locations must be sufficient to make clear the nature and extent of any proposed development.
3. A description of how those units will, in each case, be fuelled or driven. In relation to Desalination, a description of the proposed water intake and discharge arrangements.
4. The dates when any proposed Generation and (if appropriate) Desalination units are expected to be commissioned and the expected life of each Generation and (if appropriate) Desalination unit.

5. Details of any storage to be operated by the proposed Exemption Holder together with an explanation of why this storage is considered to be ancillary to the activity to which this Application relates.
6. Details of the extent to which the Production Facilities and their Output will be under contract to PWP and from when they will be under such contract.
7. Details of the proposed or existing arrangements for Connection of the Production Facilities to the System of any Licence Holder.
8. Details of the Production Capacity of any Production Facilities in which the proposed Exemption Holder or any Affiliate of the proposed Exemption Holder is economically interested:
 - (a) in Oman, together with the proposed estimate of the percentages of the market shares of the Production Capacity which are held by those persons or in which they are interested;
 - (b) outside Oman, but which sell Production Capacity or Output to the PWP under contract, or which are proposed to do so, for Import.