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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

THE SRI LANKA ELECTRICITY ACT, No. 20 OF 2009

Regulations made under Section 54

BY virtue of the Powers vested in me by the Section 54 of the Sri Lanka Electricity Act, No. 20 of 2009, and on the recommendation of the Public Utilities Commission of Sri Lanka, I, W. D. J. Seneviratne, the Minister of Power and Energy, do by this order make the under-mentioned regulations.

Ministry of Power and Energy,
31st August, 2009.
09-637/1

W. D. J. SENEVIRATNE,
Minister of Power and Energy.

L.D.-B. 3/2009.

SRI LANKA ELECTRICITY ACT, No. 20 OF 2009

REGULATIONS made by the Minister of Power and Energy on the recommendation of the Public Utilities Commission of Sri Lanka under Section 54 of the Sri Lanka Electricity Act, No.20 of 2009, read with Section 11 and Sub-section (1) of Section 21 of that Act.

Ministry of Power and Energy,
Colombo 10,
31st August, 2009.

W. D. J. SENEVIRATNE,
Minister of Power and Energy.

Regulations

1. These Regulations may be cited as “the Electricity (Applications for Licences and Exemptions) Regulation, 2009”.
2. An Application for the issue of—
 - (a) a generation licence to generate Electricity over and above 25 MW, shall be in such form as specified in Part I of Schedule A to these Regulations and be accompanied by the documents and information as specified in Part II of that Schedule ;

- (b) a generation licence to generate electricity up to 25MW, shall be in such form as specified in Part I of Schedule B to these Regulations and be accompanied by the documents and information as specified in Part II of that Schedule.
- (c) a transmission licence, shall be in such form as specified in Part I of Schedule C to these Regulations and be accompanied by the documents and information as specified in Part II of that Schedule ; and
- (d) a distribution licence, shall be in such form as specified in Part I of Schedule D to these Regulations and be accompanied by the documents and information as specified in Part II of that Schedule.

3. An application for the grant of an exemption from the requirement of obtaining a—

- (a) generation licence to generate electricity less than 25 MW, shall be in such form specified in Part I of Schedule E to these Regulations and shall be accompanied by the documents and information as specified in Part II of that Schedule ; and
- (b) distribution licence, shall be in such form as specified in Part I of Schedule F to these Regulations and shall be accompanied by the documents and information as specified in Part II of that Schedule.

4. Every application shall have annexed to it a signed Declaration in the form as specified in Schedule G to these Regulations and such application shall be handed over or sent by registered post to the Commission at its principal office.

5. The Commission shall have the power at its sole discretion at any time after the receipt of an application, to call upon an applicant to provide any clarifications that it may, consider necessary on the contents of the application submitted, for the purpose of processing such application.

6. (1) The application fee payable in respect of applications submitted for the issue of the following licences or for the grant of an exemption, shall be as follows :—

(a) for a generation licence	-	Rs.	10,000.00
(b) for a transmission licence	-	Rs.	10,000.00
(c) for a distribution licence	-	Rs.	10,000.00
(d) for an exemption from obtaining a generation Licence or a distribution licence	-	Rs.	1,000.00

(2) Application fees shall be paid to the Commission by money order or bank draft, drawn in favour of “the Public Utilities Commission of Sri Lanka” and documentary proof of such payment shall be submitted along with the application.

7. In these Regulations, unless the context otherwise requires :-

“Act” means the Sri Lanka Electricity Act, No. 20 of 2009 ;

“applicant” means the person or body of persons who is or are making an application under the Act for the issue of licence or a for the grant of an exemption, as the case may be ;

“commission” means the Public Utilities Commission of Sri Lanka established by the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002 ;

“distribution licence” means a licence granted under paragraph (c)(i)(c) of sub-section (1) of Section 13 of the Act ;

“exemption” means an exemption granted from the requirement of obtaining a licence to generate or distribute electricity, under sub-section (1) of Section 10 of the Act ;

“generation licence” means a licence granted under paragraph (c)(i)(a) of Sub-section (1) of Section 13 of the Act ; and

“transmission licence” means a licence granted under paragraph (c)(i)(b) of Sub-section (1) of Section 13 of the Act.

Schedule B

PART I

APPLICATION FORM FOR A LICENCE TO GENERATE ELECTRICITY UP TO A GENERATION CAPACITY OF 25 MW

1. Name of the Applicant :
2. The legal status of the applicant :
3. Official address of the applicant :
4. The following information, as appropriately applicable :
 - (a) where the applicant is a public corporation or a company, the full names of all the members of the governing body of the corporation or of the Board of Directors, as the case may be :
 - (b) where the applicant is a local authority, the full names of all the members of such local authority :
 - (c) where the applicant is a partnership, the full names of all the current partners of such partnership :
 - (d) where the applicant is a society registered under the Co-operative Societies Law, No. 5 of 1972, the full names of all the members of the governing body of such registered society ; or
 - (e) where the applicant is an unincorporated body of persons, the full names of all the office bearers of such body of persons.
4. Name and designation of the person to whom enquires may be addressed in relation to this application, together with an address for correspondence (if different from 3 above) and other contact details :
5. Desired date on which the licence is to become operative :
6. Where the applicant is a company, the names of all the shareholders of the company and the number of shares held by each such member :
7. Proposed generation capacity (KW or MW) for which the licences is being applied for :
8. Name, address and place of incorporation of a parent Company (if any) :
9. List of approvals obtained or proposed to be obtained and agreements executed or proposed to be executed, in order to carry out the activities on the licence to which the application relates :
10. A list of the administration districts included (in whole or in part) in the geographical areas on which the applicant seeks to operate seeks to operate its activities on the licence to which the application relates :

11. whether the licence is being applied for the construction of a new plant or for the expansion or refurbishment of an existing plant :

12. Details of any previous application made under the Electricity Act, No. 19 of 1950 or the Electricity Act, No. 20 of 2009, as the case may be, for the issue of a licence to generate or distribute electricity or for an exemption from obtaining a licence, and where :

- (a) such application was accepted and a licence was issued, details of all the activities carried on by the applicant under such licence ;
- (b) such application was rejected, the reasons for such rejection ; or
- (c) such licence was revoked, the reasons for such revocation ;

13. Details of any licence or exemptions obtained, applied for or being applied for by the applicant, for generation (whether over or less than 25 MW in capacity) or distribution of electricity.

PART II

DOCUMENTS TO ACCOMPANY AN APPLICATION MADE FOR A LICENCE TO GENERATE ELECTRICITY UP TO A GENERATION CAPACITY OF 25MW

1. If the Applicant is :—

- (a) a body established by an Act of Parliament, a copy of such Act ;
- (b) a company, a certified copy of the certificate of incorporation and of the Memorandum and Articles of Association of the company ;
- (c) a society registered under the Co-operative Societies Law, No. 5 of 1972, a certified copy of the certificate of registration issued and of the by-laws of such society ;
- (d) a partnership, a certified copy of the certificate of registration issued by an appropriate authority under any law or Statute relating to the registration of business names ; or
- (e) any unincorporated body of persons, the constitution of such unincorporated body.

2. The following documents :-

- (a) most recent audited annual accounts, and if more than two months have lapsed since the end of the accounting year covered by the accounts submitted, a certificate from the applicant's auditor stating that no material adverse change has occurred between the date of the end of the accounting year covered by the accounts submitted and the date of the submission of the application, and the audited accounts of the previous two years ;
- (b) annual returns for the immediately preceding year ;
- (c) statement of account for the current year ;
- (d) audited accounts of the previous two years .

3. Details of technical expertise available with the applicant, to enable it to carry on its activities in respect of which the licence is being applied for.

4. Details of the funding available for the duration of the whole period for which the licence is being issued, to enable the applicant to carry out the proposed activities under such licence.
5. Details of any expected substantial capital outflows, including major rehabilitation or decommissioning costs.
6. Estimates of net annual cash flows for the duration or the whole period of the duration of the licence, adequate to demonstrate the financial security and feasibility of the activities under such licence.
7. Any parent or bank guarantees in favour of or given by the applicant.
8. A statement of how the applicant proposes to comply and adhere to safety and performance standards and technical and other operational codes.
9. The following information, namely :—
 - (a) names of specific generating plants intended to be operated under the licence ;
 - (b) an adequate description (see Note below) specifying the actual or proposed locations of the plants. *e.g* - by reference to town, administrative district, postal address ;
 - (c) a description of how the plants will, in each case, be fuelled or driven, including both primary and back-up fuel sources ;
 - (d) the date or dates on which any proposed generating plant or plants is or are expected to be commissioned ; and
 - (e) rated capacity (MW) and type of each unit within each generating plant.
10. An outline statement of a business proposal covering a period of five years, relating to the activities which the applicant hopes to carry out under the licence, and such statement should include :—
 - (a) maximum power (MW) expected to be available from each generating plant at any given time and the aggregate energy (GWh) expected to be available from each generating plant during any given year, excluding in each case energy as is expected to be consumed at the plant ;
 - (b) expected life span of each generating plant and generation station ;
 - (c) for each generating plant, the number of generating units and the capacity of each generating unit ;
 - (d) map or maps sufficient to identify the location of all generating plants to which the application relates ;
 - (e) annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided ; and
 - (f) a quantified statement of inputs and discharges from each plant to the environment and the sources of such inputs and discharges.
11. A statement describing any lands and servitudes which the applicant has acquired or proposes to acquire for the purposes of establishing the generation plant or plants to which the application relates.
12. Copies of specifications, plans and drawings to a scale sufficient to show clearly all the buildings and structures proposed to be constructed, in order to carry out the activities under the licence to which the application relates.

13. Where the applicant is the Ceylon Electricity Board, in addition to the above, it shall be required to submit a plan specifying the geographical area on which it is operating its activities as at present and an expansion plan indicating the geographical area in which it proposes during a period of fifteen (15) years from the date of this application, to expand its activities relating to generation of electricity, prepared in accordance with the general policy guidelines approved by the Cabinet of Ministers under Section 5 of the Sri Lanka Electricity Act, No. 20 of 2009.

Note : Description

The description should enable the areas and locations concerned to be adequately and readily identified by map if the applicant so desires or by any other convenient means and must be sufficient to make clear the nature and extent of the proposed activities.

Schedule G

DECLARATION

I/We* hereby declare that,

1. I/We* shall at all times comply in every respect with the conditions attached to any License/Exemption that may be awarded to me/us* or as the same may be modified from time to time ;
2. I/We* shall at all times comply with any decision, direction, order or determination made by the Public Utilities Commission of Sri Lanka in relation to the issue of the license/exemption ; and
3. The information provided by me/us* is accurate and complete in all respects.

.....
Full name(s) of signature(y/is).

Signed by:

Position held (where Applicant is a company, partnership, co-operative or other body corporate or other legal entity):

Date:

*Strike off what is inapplicable.

09-637/2