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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1,617/34 - 2009 සැප්තැම්බර් 03 වැනි බ්‍රහස්පතින්දා - 2009.09.03

No. 1,617/34 - THURSDAY, SEPTEMBER 03, 2009

(Published by Authority)

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.

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

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

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.

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

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

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 C

PART I

APPLICATION FORM FOR THE ISSUE OF A TRANSMISSION LICENCE

1. Name of the Applicant :
2. The legal status of the applicant :
3. Official address of the applicant :
4. Full names of all the current members of the Board of the applicant :
5. Name and designation of the person to whom enquiries may be addressed in relation to this application, together with an address for correspondence (if different from 3 above) and other contact details :
6. Desired date from which the licence is to become operative :

PART II

DOCUMENTS TO ACCOMPANY AN APPLICATION MADE FOR A TRANSMISSION LICENCE

1. A copy of the Act of Parliament by which the applicant was established :
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 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 current year ;
 - (d) the 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 while period for which the licence is being applied for, to enable the applicant to carry out the proposed activities under the licence.
5. Details of any expected substantial capital outflows, including major decommissioning costs.

6. Estimates of net annual cash flows for the duration for the whole period of the licence, adequate to demonstrate the financial security and feasibility of the activities under such licence.

7. Any 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. Information identifying the voltages of the electric lines forming part of the intended transmission system.

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) particulars of the person or persons from whom, and the points at which, the applicant expects to receive the electricity intended to be transmitted ;
- (b) particulars of transmission of the electricity and of the expected points of off-take, and quantities ;
- (c) proposed metering arrangements ;
- (d) forecast of annual maximum demands in the transmission system (GW) and energy (GWh) to be transmitted ;
- (e) summary of the large scale map, together with detailed maps providing information on areas where activities are concentrated as necessary ;
- (f) a single line diagram of the transmission system, distinguishing overhead lines from electric lines which are or will be placed underground ; and
- (g) annual forecasts of costs, sales and revenues and project financing stating the assumptions underlying the figures provided.

11. A list of consumers to whom the applicant provides or intends or provide bulk sale of electricity.

12. 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 the transmission and bulk procurement 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.

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