

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 72 Volume C dated 28th December, 2007

Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS

2007 No. 60.

THE ELECTRICITY (APPLICATION FOR PERMIT, LICENCE AND
TARIFF REVIEW) REGULATIONS, 2007.

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STATUTORY INSTRUMENTS

2007 No. 60.

The Electricity (Application For Permit, Licence And Tariff Review) Regulations, 2007.

(Under section 32, 75 and 119(2)(e) of the Electricity Act, 1999, Cap145).

IN EXERCISE of the powers conferred upon the Authority by section 119(2)(e) of the Electricity Act 1999, Cap, 145 these Regulations are made this 18th day of December, 2007.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Electricity (Application for Permit, Licence and Tariff Review) Regulations, 2007.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Electricity Act, 1999, Cap 145;

“applicant” means a person who has submitted an application for a permit, licence or tariff review;

“Authority” means the Electricity Regulatory Authority established by section 4 of the Act;

“formal presentation” means a written presentation by an interested party who has registered for a public hearing;

“Government agency” means any Government ministry, department, corporate body or individual authorised to act on behalf of that body or institution;

“informal presentation” means an oral presentation by an interested party who has registered for a public hearing;

“interested party” means a person with an interest in or who is affected by the subject matter of a public hearing;

“licence” means a licence issued under the Act;

“local language” means any indigenous language of Uganda or a dialect of an indigenous language;

“permit” means a permit issued under section 31 of the Act;

“tariff” means the approved electricity rates of charges payable by consumers.

PART II—LICENSING PROCEDURE.

3. Notice of intended application.

(1) A person who intends to establish a project for which a licence is required under the Act shall submit to the Authority a notice of intended application in Form A set out in the Schedule.

(2) The notice of intended application shall contain—

- (a) information on the financial and legal status; and the technical and industrial competence and experience of the intended applicant;
- (b) a description of the project and the time plan for the execution of the project;
- (c) a review of the use of land for the project and the relation of the project to local authorities;
- (d) a review of public and private measures necessary to carry out the project;
- (e) information relating to permissions required from public authorities;
- (f) a description of the impact of the project on electricity supply, socioeconomics, cultural heritage, the environment, natural resources and wildlife; and
- (g) any other relevant information required by the Authority.

(3) A notice of intended application shall be deemed to be incomplete where the information and requirements under subregulation (2) have not been submitted by the applicant.

(4) Where a notice of intended application is incomplete in terms of subregulation (3), the Authority shall inform the applicant in writing within thirty days after the date of submission of the notice.

(5) The Authority may, within thirty days after the date of submission of the notice, request for additional information from the applicant as the Authority may deem necessary.

4. Publication of notice of intended application.

(1) The Authority shall, within thirty days after receipt of a complete notice of intended application, cause the notice to be published in the Gazette and in at least one national newspaper of wide circulation in Uganda.

(2) The notice published under subregulation (1) shall—

- (a) contain a summary of the notice of intended application; and
- (b) inform members of the public that the notice may be inspected—
 - (i) at the offices of the Authority;
 - (ii) at a public office within the jurisdiction of the local governments affected by the project; or
 - (iii) at any other appropriate place as the Authority may determine.

(3) The Authority shall invite directly affected parties and affected public agencies to make comments on the notice within a fixed period of not less than thirty days after the date of publication of the notice.

(4) The affected parties and affected public agencies shall submit comments in writing and shall deliver them by person, post, fax or e-mail.

(5) The Authority shall confirm in writing, receipt of the comments received under subregulation (4).

(6) The Authority shall forward to the intended applicant, the comments from the affected parties and affected public agencies.

(7) The applicant shall respond to the comments of the affected parties and public affected agencies within fifteen days after receipt of the comments.

5. Grant of permit

(1) The Authority may, within thirty days after the expiration of the notice, issue a permit to the intended applicant, taking into account the responses and comments made by the applicant under regulation 4(7).

(2) A permit issued under subregulation (1) shall—

- (a) be for a specific period and is subject to review at intervals specified in the permit;
- (b) allow the intended applicant to carry out studies and any other activities that may be necessary to enable the intended applicant to prepare an application for a licence.

6. Renewal of permit

(1) The Authority may renew a permit on such terms and conditions as it may determine.

(2) A permit holder may, within ninety days before the expiry of the permit, apply to the Authority, giving a statement of reasons for the renewal of the permit.

(3) The Authority may, on receipt of an application under subregulation (2), renew the permit on such terms and conditions as the Authority may determine.

7. Form of application for licence.

(1) An application for a licence under the Act shall be submitted to the Authority and shall contain—

- (a) the legal and financial status of the applicant;
- (b) a technical and economic description of the project;
- (c) a description of how the project fits in with the existing and planned power supply system;
- (d) the planned time of commencement and completion of the construction of the project;
- (e) a view of the project's adaption to the landscape; including necessary maps and drawings;
- (f) the impact of the project on public interests and possible mitigation;
- (g) the results of assessments, including environmental impact assessments and studies carried out and reports of those assessments and studies;
- (h) impacts of the project on private interests, including the interests of affected landowners and holders of other rights; and
- (i) consents and permits required under any other law.

(2) An application for a licence under the Act shall be in Form B set out in the Schedule.

(3) The application shall be accompanied by an evaluation by the applicant of all the comments from affected parties and affected public agencies received under regulation 4(6).

(4) The Authority shall not process an application unless all the requirements and information in the application form have been submitted.

(5) The Applicant shall, where the requirements and information in the application are incomplete, inform the applicant within thirty days after the date of submission of the application, that the application is incomplete.

(6) The Authority may, within thirty days after receipt of the application, request for additional information from the applicant as the Authority may deem necessary.

(7) The Authority shall, within thirty days after receipt of a complete application, confirm in writing to the applicant, that the application is complete.

(8) The Authority—

- (a) may require an applicant to make arrangements as may be satisfactory to the Authority for the execution of a bond or other form of security for the performance and observance of the conditions to which the licence may be subject; and
- (b) shall require the applicant to take out the necessary insurance policies to protect against liabilities that may arise as a result of activities done under the licence.

8. Publication of application for licence.

(1) The Authority shall, within forty days after receipt of a complete application for a licence, cause a notice of the application to be published in the Gazette and in at least one national newspaper of wide circulation in Uganda.

(2) The notice published under subregulation (1) shall—

- (a) indicate receipt of the application for the licence;
- (b) contain a description of the nature and location of the proposed undertaking;
- (c) inform members of the public that the application may be inspected at the offices of the Authority or at any other place that the Authority may determine;
- (d) invite directly affected parties and public agencies in the area affected by the project to submit in writing, any objection and comments on the project within thirty days after publication of the notice.

9. Licences through competitive process.

(1) Where the Government or a government agency initiates a project under the Act which is likely to benefit from public finances, the Authority shall, through a fair, open and competitive process, invite applications for licences in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

(2) Where the Authority, in the public interest, identifies a need for a project under the Act, the Authority may invite applications and award licences through a fair, open and competitive process.

(3) Where a privately initiated project under section 29 of the Act is converted into a public-private partnership, the Authority may award a licence through a fair, open and competitive process.

(4) Where two or more investors or developers have interest in the same site or project to generate, sale or distribute electricity to the same community or to the national grid and the required capacity or energy can be supplied conveniently by only one investor or developer, the Authority may award a permit or licence through a fair, open and competitive process.

(5) A competitive process of issuing a licence shall not apply where a private entity has, at its expense, carried out a feasibility study, unless the Authority determines that it is in the public interest to do so.

(6) Where a private entity has carried out a feasibility study, the Authority shall refund the costs of the feasibility study and other expenses incurred by the private entity.

(7) Where the Authority uses the competitive process, Parts IV and V of the Public Procurement and Disposal of Public Assets Act, 2003 or the procurement rules of the funding agency involved in the project, shall apply.

10. Grant of licence.

The Authority shall, in granting a licence, take into consideration the policies of the Government, matters provided for under the Act and any other relevant law, the report of the public hearing and any other matter that the Authority may consider to have a bearing on the operations of the applicant.

11. Refusal to grant licence.

(1) The Authority shall, where it refuses to grant a licence, give the applicant a statement of its reasons in writing for the refusal within thirty days after the refusal.

(2) A person aggrieved by the refusal of the Authority to grant a licence may appeal to the Electricity Disputes Tribunal.

12. Transfer and assignment of licence.

(1) A licensee who intends to transfer or assign a licence shall submit an application in Form C set out in the Schedule.

(2) The Authority shall, before approving a transfer or assignment of a licence, be satisfied that—

- (a) the transferee or assignee has fulfilled the requirements for licensing under the Act;
- (b) the transferee or assignee has accepted and is willing to undertake the obligations under the licence; and
- (c) the transferee or assignee has paid the transfer fee.

(3) The Authority shall, within thirty days after receipt of an application to transfer or assign a licence—

- (a) publish the application in the Gazette or in at least one newspaper of wide circulation in Uganda; and
- (b) communicate its decision to the applicant.

PART III—COMPUTATION OF TARIFFS

13. Computation of tariffs.

(1) The computation of tariffs in respect of a licence, shall be in accordance with the tariff methodology, procedures of tariff calculation and terms of supply approved by the Authority in respect of the licence applied for and shall also be in accordance with the Electricity (Tariff Code) Regulations, 2003.

(2) The tariff computation methodology shall form part of the conditions attached to the licence.

14. Tariff review.

(1) A licensee may, if permitted in the licence to do so, apply for a tariff review where any of the costs prescribed in subregulation (2) have substantively changed since the issuance of the licence or approval of the existing tariffs.

(2) The costs referred to in subregulation (1) are—

- (a) power acquisition related costs;
- (b) operation and maintenance costs;
- (c) investment related costs;
- (d) returns on investment;
- (e) adjustment factors for system losses, inflation or foreign exchange rates;
- (f) tariff methodologies; and
- (g) other costs approved by the Authority.

(3) There shall be two categories of tariff review namely—

- (a) quarterly automatic tariff adjustments, covering fluctuation and foreign exchange fluctuations based on the agreed tariff methodology rates incorporated in the licence; and
- (b) other tariff adjustments resulting from the factors provided for in subregulation (2) or other justified cause.

15. Quarterly automatic tariff adjustments.

(1) The Authority, upon receipt of an application for an automatic tariff adjustment, scrutinise the application and verify the adjustments with the rates incorporated in the licence within fifteen days after receipt of the application.

(2) The Authority shall notify the applicant in writing where there is a disagreement or need to clarify on the proposed adjustments and the applicant shall respond in writing to clarify on the issues raised by the applicant within two weeks after receipt of the notification.

(3) The Authority shall approve or reject the tariff adjustments within thirty days after receipt of the application or the last clarification or required information, and shall notify the applicant in writing.

16. Other tariff adjustments.

(1) The Authority shall, upon receipt of an application for other tariff adjustments resulting from changes in other factors or for other justified cause, scrutinise the application and shall, within thirty days after receipt of the application, acknowledge in writing receipt of the application.

(2) The Authority shall, where there is need to clarify or provide more information in the application, notify the applicant in writing, and the applicant shall make the clarification or provide the required information within a period specified by the Authority.

(3) The Authority shall, within fifteen days after receipt of a complete application, cause a notice of the application to be published in the Gazette and in at least one newspaper of wide circulation in Uganda.

(4) The notice published under subregulation (3) shall include—

- (a) a summary of the proposed tariffs;
- (b) reasons for the changes;
- (c) an invitation for stakeholders and the public to inspect the application within fifteen days after publication of the notice; and
- (d) submit comments or objections to the application.

(5) The inspection by the public under subregulation (4) (d) of the application shall be subject to restrictions on access to confidential information of the applicant.

(6) The Authority may approve, reject or modify the required tariffs taking into account—

- (a) reasons and information submitted to justify changes in the tariffs;

- (b) factors within the control of the applicant; and
- (c) comments from stakeholders and the public.

PART IV—PUBLIC HEARINGS ON APPLICATIONS

17. Public hearing.

(1) The Authority may conduct a public hearing in respect of any application made under these Regulations.

(2) A public hearing shall promote transparency and good governance in the decision making processes of the Authority and shall—

- (a) provide an opportunity for stakeholders and the public to participate in the socio-economic, political and environmental impact assessment of the permit, licence or tariff review application;
- (b) provide comments, questions and answers in respect of applications before the Authority; and
- (c) provide information which may assist the Authority to arrive at a fair and just decision in respect of an application before it.

18. Notice of public hearing.

(1) The Authority shall give notice of a public hearing—

- (a) in at least one newspaper of wide circulation in Uganda;
- (b) in a newspaper having general circulation in the area where the proposed subject of the application is to be located; or
- (c) through any other form of mass media or communication.

(2) The notice of a public hearing shall be in Form D set out in the Schedule.

(3) The notice of a public hearing shall be published at least seven days before the hearing.

(4) The Authority shall post the notice of public hearing at the district or subcounty headquarters in which the subject or project of the application is to be located.

(5) The Authority may serve a notice of public hearing in Form E set out in the Schedule, upon any person, body, institution or organisation by ordinary mail, inviting any person, body, institution or organisation to make a presentation at the hearing.

19. Procedure at public hearing.

(1) A public hearing shall be held in public, in any place in Uganda.

(2) A public hearing shall be conducted in English and shall be presided over by the Chairperson of the Authority or any other person appointed by the Authority for that purpose.

(3) The Authority shall, where it is practicable to do so, hold at least one session of a public hearing in the community nearest to or within the area in which the proposed project or subject matter is to be located.

(4) A public hearing shall not be a judicial or quasi-judicial hearing and as such, the rules of procedure in courts of laws shall not apply.

(5) The Authority shall apply the rules of natural justice and give a fair hearing to any stakeholder and to any person wishing to give views, comments or submissions on the project or subject matter of the hearing.

(6) Where a public hearing is held in more than one session in different places, the Authority shall consider all submissions and presentations as if they were made or presented at the same location and no person shall be allowed to reappear before the Authority to submit the same facts or complaints.

(7) The Authority shall not entertain irrelevant, repetitive, embarrassing or abusive questions, presentations or answers at a public hearing.

(8) Subject to subregulation (7), the Authority may regulate the procedure at a public hearing.

20. Presentation of application at public hearing.

(1) The applicant shall orally present the application before a public hearing, giving the economic and social benefits to the community or the people of Uganda in granting the application.

(2) The applicant shall be represented at a public hearing by an authorised representative and any number of persons as the applicant may consider appropriate to present the interests of the applicant and answer questions that may be addressed to the applicant.

(3) The Authority shall provide a reasonable period of time to the applicant to enable the applicant to effectively present their case.

21. Presentations by stakeholders and the public.

(1) Any stakeholder or other interested person wishing to make a formal presentation before a public hearing shall register their interest with the Authority at least two days before the hearing, providing the name, address and affiliation of the stakeholder or interested party.

(2) There shall be two categories of presentations at a public hearing—

(a) formal presentations, given through a written statement or question submitted to the Authority at the time of registration or at least two days before the hearing; and

(b) informal presentations which shall not be in writing.

(3) The written statement or question referred to in subregulation (2)(a) shall be in English.

(4) A person registered for a formal presentation shall be given sufficient time to develop his or her case at a public hearing and shall make his or her presentation immediately after the initial presentation by the applicant.

(5) A person registered for an informal presentation shall give his or her presentation within a period not exceeding ten minutes and shall make his or her presentation after persons registered for formal presentations have made their presentations.

(6) A person registered for an informal presentation may give his or her presentation in a local language, except that the presenter shall provide a person to translate the presentation into English, at the presenter's cost.

(7) Interested parties and stakeholders may present their views as a group.

(8) The applicant may raise any question or questions to any stakeholder or interested person after the presentations of the interested parties and stakeholders.

22. Reference to journals, studies and reports.

(1) The Authority may, at a public hearing, accept written references including journals, studies or reports as part of the submission of the applicant, stakeholder or interested party.

(2) Where a written reference is provided under subregulation (1), the text shall not be read word for word but highlights may be given to develop a point.

(3) Any journal, study or report submitted under subregulation (1) shall form part of the record of the proceedings of a public hearing.

23. Closing response by applicant.

The applicant shall, before the close of a public hearing, be given an opportunity to—

- (a) answer questions raised during the hearing;
- (b) clarify on or correct any issue or matter raised during the hearing; and
- (c) conclude his or her case on the application.

24. Overview of public hearing.

At the conclusion of a public hearing, the Authority shall, for the benefit of the public, present an overview of the proceedings, including presentations and responses made during the hearing, but may not make decisions.

25. Adjournment.

(1) The Authority may, on its own motion or on the application of the applicant, a stakeholder or interested person, adjourn a public hearing to a specified date.

(2) Where the hearing is adjourned for more than four weeks, the Authority shall, at least two days before the date on which the hearing is to be resumed, communicate to the public through the media, the date, time and venue of the hearing.

26. Media coverage.

(1) The Authority may permit the media to cover a public hearing or part of a hearing, but interviews of the participants or members of the Authority shall not be conducted at the public hearing during the proceedings of the hearing.

(2) During the recording of the proceedings, interruptions by journalists shall not be allowed and the Authority may restrict the recording of all or any part of the hearing if the Authority finds that the recording may disrupt the hearing.

(3) Members of the press may, with the permission of the Chairperson of the public hearing, ask any person making a presentation at the hearing to make any clarification on his or her presentation and such a question or request shall be short, clear and to the point.

27. Decision on application by Authority.

The Authority shall make a decision on the application within a reasonable period after the close of the hearing.

28. Report of public hearing.

(1) The Authority shall, within a reasonable period after the close of the hearing, make a full report of the public hearing which shall include—

- (a) all the relevant views presented;

(b) factual findings; and

(c) the decision of the Authority on the application.

(2) A list of all persons, bodies, institutions and organisations that made contributions and presentations and all persons that attended the public hearing shall be attached to the report.

(3) The report of the public hearing shall be open for inspection at the offices of the Authority during office hours and copies may be made available to any person at a fee prescribed by the Authority.

(4) A public hearing shall not be re-opened after a report is issued by the Authority.

SCHEDULE

Regulation 3(1)

Form A

THE ELECTRICITY ACT, 1999, CAP 145

NOTICE OF INTENDED APPLICATION

(Application for a Permit)

(Under regulation 3(1) of the Electricity (Application For Permit, Licence and Tariff Review) Regulations, 2007)

Please Note: Application forms and supporting documents shall be submitted in triplicate together with a soft copy of the application. A Notice of Intended Application is not complete unless all requirements in this form are received and all questions answered.

1. Type of intended project (tick relevant option):
 - (a) Generation of electricity for own use
 - (b) Generation and sale of electricity
 - (c) Transmission of electricity
 - (d) Bulk supply of electricity
 - (e) System operator
 - (f) Distribution of electricity
 - (g) Retail supply or sale of electricity
 - (h) Export of electricity
 - (i) Import of electricity

2. Particulars of intended applicant:
 - (a) Name:
 - (b) Physical address:
.....
.....
 - (c) Postal address:
 - (d) Telephone(fixed line):
 - (e) Mobile phone:.....
 - (f) Fax:
 - (g) E-mail address:.....
 - (h) TIN:.....
 - (i) VAT Reg:

3. Name of proposed business (if different from above):
- (a) Name :
 - (b) Location:.....
 - (c) Postal address:
 - (d) Telephone (fixed line):
 - (e) Fax:
 - (f) E-mail address:.....

4. Name and details of contact person:
- (a) Name:
 - (b) Physical address:.....
 - (c) Postal address:.....
 - (d) Telephone (fixed line):.....
 - (e) Mobile phone:.....
 - (f) E-Mail address:

5. Legal status of applicant:
Indicate legal status of applicant (tick relevant option):
- (a) Sole proprietorship
 - (b) Partnership
 - (c) Public Limited Liability Company
 - (d) Private Limited Liability Company
 - (e) Cooperative Union Society
 - (f) Other (please specify)

(Attach certificate of registration, certificate of incorporation, memorandum and articles of association where applicable or other documentary evidence of legal status)

6. Particulars of directors:

Name	Address	Nationality	Country of usual residence
(a)			
(b)			
(c)			
(d)			

7. Financial status of applicant

- (a) Share capital of the applicant (fully paid):
.....
.....
.....
- (b) Loans:
.....
.....
.....
- (c) Provide certified audited financial statements and accounts for the last three (3) years prior to application, if available, or other proof of financial status.
- (d) Bankers
Name and address of bankers (including telephone and fax):

Bankers in Uganda:

Name	Address	Telephone	Fax	Contact Person

Bankers outside Uganda:

Name	Address	Telephone	Fax	Contact Person

(e) Other referees for the applicant's financial status

No.	Name and Address	Contact person

(f) Source of funding:
 Source of funding for feasibility study (specify the source and amount expected):

(g) Source of funding for the proposed project (US\$):

(i) Share capital contribution (specify foreign or local):

(ii) Loan capital (indicate source if identified):

(iii) Others (specify):

8. Main business activity of applicant.
 Indicate what business activity the applicant is currently engaged in:

9. Technical capacity and experience

(a) Technical and industrial competence of applicant.
 Provide detailed statement of applicant's technical and industrial competence and experience to undertake the proposed project (Use additional sheets if necessary):

(b) Indicate the expected technical and industrial support from external sources:

10. Description of proposed project
 Provide detailed description of intended project (Use additional sheets or report as appropriate):

11. Project site or utilities
 Project site (attach relevant map and drawing and state whether access roads are required):

12. Project concept in terms of technical design and other aspects of the project:

13. Estimated amount of power to be generated (MW):

14. Plan for feasibility study (attach relevant schedule):

15. Plan for implementation of the project (provide plan):

16. Land use at the project

17. Access roads, generation plan, transmission and distribution required for the project (attach map):

18. Local authorities (to be contacted or consulted):

19. State if there is a likely need to access public or private land:

20. Possible consents or licences required from other public authorities to undertake project:

<i>Consent required and from whom</i>	<i>Description of activity</i>	<i>Legal provisions</i>
Other (specify)		

21. Commercial aspects of the project
 State intended market for generated power:
 (a) Domestic;
 (b) Export;
 (c) Own distribution; or
 (d) Sales to national grid.

22. State the regions (areas) to which the power shall be supplied:

23. Expected impact of the project:

(a) Impact on socio-economics:

(b) Impact on cultural heritage:

(c) Impact on environment:

(d) Impact on natural resources:

(e) Impact on wildlife:

(f) Any other relevant information (use additional sheets if appropriate):

24. Declaration by the applicant:
 I/We declare that the proposed project is not unlawful and that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this day of 200.....

25. AUTHORISED SIGNATURE(S) AND SEAL OF APPLICANT/S

Signature Signature

Name Name

SEAL

26. Witness to above signatures:

<i>Name</i>	<i>Position</i>	<i>Signature</i>

FOR OFFICIAL USE ONLY

1. Date of submission of application:

2. Fees paid and receipt number:

3. Results of verification for completeness:

4. Dates and newspapers in which application was advertised:

5. Results of public hearing:.....

6. Recommendation by Electricity Regulatory Authority Secretariat:

7. Decision of Authority:

8. Date of issue of permit:

9. Expiry date of permit:

10. Other relevant information:

Form B

THE ELECTRICITY ACT, 1999, CAP 145

APPLICATION FOR LICENCE

(Under regulation 7 (2)) of the Electricity (Application For Permit, Licence and Tariff Review) Regulations, 2007)

Please Note: Application forms and supporting documents shall be submitted in triplicate together with a soft copy of the application. Your licence application is not complete unless all requirements in this form are received and all questions are answered.

- 1. Type of licence applied for:
(Tick appropriate)
 - (a) Generation of electricity for own use
 - (b) Generation and sale of electricity
 - (c) Transmission of electricity
 - (d) Bulk supply of electricity
 - (e) System operator
 - (f) Distribution of electricity
 - (g) Retail supply or sale of electricity
 - (h) Export of electricity
 - (i) Import of electricity.

- 2. Particulars of intended applicant(s):
 - (a) Name:
 - (b) Physical address:.....
 - (c) Postal address:
 - (d) Telephone (fixed line):
 - (e) Mobile phone:.....
 - (f) Fax:
 - (g) E-mail address:
 - (h) TIN
 - (i) VAT Reg:
 - (j) Website address:.....
 -
 -

- 3. Name of proposed business if different from above:
 -
 - (a) Name :
 - (b) Physical address.....
 - (c) Postal address:
 - (d) Telephone (fixed line):
 - (e) Mobile phone:.....
 - (f) Fax:
 - (g) E-mail address:
 - (h) Website address:.....
 -
 -

- 4. Name and details of contact person:
 - (a) Name:
 - (b) Physical address:.....
 - (c) Postal address:.....
 - (d) Telephone (fixed line):.....
 - (e) Mobile phone:.....
 - (f) E-Mail address:
 - (g) Website address:.....
 -
 -

- 5. Legal status of applicant (s)
Indicate legal status of applicant (tick relevant option):
 - (a) Sole proprietorship
 - (b) Partnership
 - (c) Public Limited Liability Company
 - (d) Private Limited Liability Company
 - (e) Cooperative Union Society
 - (f) Other (please specify)

(Attach Certificate of Registration, Certificate of Incorporation, Memorandum and Articles of Association where applicable or other documentary evidence of legal status).

6. Particulars of directors:

Name	Address	Nationality	Country of Usual Residence

7. Financial status of applicant:
 (Note: The Authority may independently verify this information with your bankers)

- (a) Share capital of the applicant (fully paid):

- (b) Loans:

- (c) Provide certified audited financial statements and accounts for the last three (3) years prior to application.
- (d) Name and address of bankers (including telephone and fax)

Bankers in Uganda:

Name	Address	Telephone	Fax	Contact Person

Bankers Outside Uganda:

Name	Address	Telephone	Fax	Contact Person

- (e) Sources of funding for the proposed project:
- (f) Share capital contribution (specify foreign or local):

- (g) Loan capital (specify source and provide evidence):

- (h) Others (specify):

8. Main business activity of applicant
 Indicate business activity the applicant is currently engaged in:

.....

- 9. Technical capacity and experience.
 - (a) Technical and industrial competence of applicant
Provide detailed statement of applicant's technical and industrial competence and experience to undertake the proposed project:
(use additional sheets if necessary)
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 - (b) Describe technical and industrial support from external sources:
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10. Description of proposed project.
Provide detailed description of intended project: *(attach detailed feasibility study)*
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11. Project site or utilities.
(attach relevant map and drawings and state whether there are access roads required):
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12. Capacity of proposed project.
(state amount of power to be generated transmitted, distributed or supplied):
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13. Time plan for implementation of the project:
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14. Land use at the project site:
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15. Access roads, generation plant, transmission and distribution required for the project *(attach map):*
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16. Contact or consultations with local authorities: *(attach relevant documents):*
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17. State if there is need to access public and or private land:

18. Specified consents or licences required from other public authorities to undertake project and their status (attach relevant documents):

<i>Consent required and from whom</i>	<i>Description of activity</i>	<i>Legal provisions</i>	<i>Status</i>

19. Impact of the project.
- (a) Impact on socio economics:

 - (b) Impact on cultural heritage:

 - (c) Impact on environment:

 - (d) Impact on natural resources:

(e) Impact on wildlife:

(f) Environmental Impact Assessment
(Attach the Environmental Impact Assessment study and approval by the National Environmental Management Authority (NEMA))

20. Response to comments by stakeholders.
(Attach an evaluation report and a response to comments):

21. Any other relevant information (Use additional sheets if appropriate):

22. Commercial aspects of the project.
 State intended market for generated power:
(Tick relevant option)
- (a) Domestic
 - (b) Export
 - (c) Own distribution
 - (d) Sales to national grid

23. State the regions (areas) to which the power shall be supplied:

24. Power purchase agreements or power sales agreements where applicable:
(attach copy of agreements)

25. Tariff charges and methodology:
(attach business plan for paragraphs (1),(2), (3) and(4))

(a) Provide detailed proposed terms of supply, structure of tariff calculation and methodology (*Use additional sheets if necessary*):

.....

(b) Provide detailed statement of total annual revenue requirements projected for first five years:

.....

(c) Indicate the planned investments in the first five years:

.....

(d) Indicate the required rate of return:

.....

26. Declaration by the applicant:

I/ We declare that the proposed project is not unlawful and that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this day of200.....

27. Authorised signature(s) and seal of applicant(s)

Signature Signature

Name Name

SEAL

28. Witnesses to above signatures:

<i>Name</i>	<i>Position</i>	<i>Signature</i>

FOR OFFICIAL USE ONLY

1. Date of submission of application:
2. Fees paid and receipt number:
3. Results of verification for completeness:
4. Dates and newspapers in which application was advertised:
5. Results of public hearing:
6. Recommendation by Electricity Regulatory Authority Secretariat:
7. Decision of the Authority:
8. Date of issue of licence:
9. Expiry date of licence:
10. Other relevant information:

FORM C

THE ELECTRICITY ACT, 1999, CAP.145

APPLICATION FOR TRANSFER OR ASSIGNMENT OF LICENCE

(Under regulation 9(1) of the Electricity (Application for Permit, Licence and Tariff Review) Regulations, 2007

Please note: Application forms and supporting documents shall be submitted in triplicate, together with a soft copy of the application. Your application to transfer or assign a licence is not complete unless all requirements in this form are received and all questions answered.

1. Type of licence to be transferred or assigned:

(Tick as applicable)

- (a) Generation of electricity for own use
(b) Generation and sale of electricity
(c) Transmission of electricity
(d) Bulk supply of electricity
(e) System operator
(f) Distribution of electricity
(g) Retail supply/sale of electricity
(h) Export of electricity
(i) Import of electricity

2. Particulars of intended licensee or transferor or assignor:

- (a) Name:
(b) Licence number
(c) Physical address:
(d) Postal address:
(e) Telephone (fixed line):
(f) Mobile Phone:
(g) Fax:
(h) Mobile phone:
(i) Email address:
(j) TIN:
(k) VAT Reg:
(l) Website address:

3. Reasons for transfer or assignment:
(Please indicate in detail the reasons for transfer or assignment of the licence. Indicate how the obligations, duties, responsibilities, assets and liabilities of the licensee shall be vested.)

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4. Particulars of proposed transferee or assignee:

- (a) Name:
(b) Physical address:
(c) Postal address:
(d) Telephone (fixed line):
(e) Fax:
(f) Mobile phone:
(g) Email address:
(h) TIN:
(i) VAT Reg:
(j) Website address:

5. Indicate and describe the relationship between the transferor or assignor or licensee and the transferee or assignee:

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6. Legal status of proposed transferee or assignee:

(Tick relevant option)

- (a) Sole proprietorship
(b) Partnership
(c) Public Limited Liability Company
(d) Private Limited Liability Company
(e) Cooperative Union Society
(f) Other (please specify)

(Attach, where applicable Certificate of Registration, Certificate of Incorporation, VAT Certificate, Tax Clearance Certificate, Trading Licence, Memorandum and Articles of Association, particulars of Directors and Secretaries (Company Form No. 7) statement of Nominal Capital (Company Form A1) return of allotment (Company Form A3) annual returns or resolution of authorisation to transfer or assign licence.)

7. Name and details of transferee's or assignee's contact person:

- (a) Name:.....
- (b) Nationality.....
- (c) Physical address:.....
- (d) Postal address:.....
- (e) Telephone (fixed line):.....
- (f) Mobile Phone:
- (g) Fax:.....
- (h) Mobile phone:.....
- (i) Email:.....
- (j) TIN:.....
- (k) VAT Reg:.....

8. Particulars of directors:

Name	Address	Nationality	Country of Usual Residence

9. Financial status of proposed transferee or assignee.

Share capital of the transferee or assignee (Fully paid):

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(a) Equity:

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(b) Loans:

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10. Provide certified audited financial statements and accounts for the last three (3) financial years.

Bankers and financial references:

Bankers:

Name and address of bankers (including telephone and fax):

(a) Bankers in Uganda:

Name	Address	Telephone	Fax	Contact Person

(b) Bankers outside Uganda:

Name	Address	Telephone	Fax	Contact Person

(c) Loan capital (specify source and provide evidence):

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(d) Others (specify):
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.....
.....

11. Main business activity of transferee or assignee:
(Please indicate what business activity the applicant is currently engaged in):
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.....

12. Technical capacity and experience.
(a) Technical and Industrial competence of transferee or assignee
Please provide a detailed statement of transferee or assignee's
technical and industrial competence and experience to undertake
the proposed project.
(Use additional sheets if necessary)
.....
.....

(b) Describe technical and industrial support from external sources:
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.....

13. Indicate the planned investments in the first five (5) years:
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14. Indicate the required rate of return:
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15. Declaration by the applicant:
I/we declare that proposed transfer or assignment of the licence is not
unlawful or contrary to the laws of Uganda, and that the details of the
information, stated above are, to the best of my/our knowledge, true and
correct, and we understand that Electricity Regulatory Authority is at
liberty to independently verify this information.

Dated this day of 200.....

AUTHORISED SIGNATURE(S) AND SEAL (S):

Name:..... Name:.....

Signature of transferor..... Signature of transferee.....

or or

Name:..... Name:.....

Signature of assignor..... Signature of assignee.....

FOR OFFICIAL USE ONLY:

1. Date of submission of application:

2. Fees paid and receipt number:

3. Recommendation of Electricity Regulatory Authority Secretariat:
.....
.....
.....

4. Decision of Electricity Regulatory Authority:

5. Other relevant information:
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.....

THE ELECTRICITY ACT 1999, CAP 145

NOTICE OF PUBLIC HEARING

(Under regulation 18 (2) of the Electricity (Application For Permit, Licence and Tariff Review) Regulations, 2007)

TAKE NOTICE that the Electricity Regulatory Authority shall, on theday of....., 200.... hold a public hearing regarding.....*(nature of application)* at.....*(venue)* starting at.....*(time)*.

Government agencies, electricity sector stakeholders and persons affected by the application are hereby invited to attend the hearing.

All stakeholders and affected persons wishing to make presentations may register with the Secretary to the Authority not later than the.....day of.....200....

Signed:

.....
For and on behalf of the Electricity Regulatory Authority.

Dated this day of, 200...

THE ELECTRICITY ACT, 1999, CAP 145

THE ELECTRICITY (APPLICATION FOR PERMIT, LICENCE AND TARRIFF REVIEW) REGULATIONS, 2007

NOTICE TO ATTEND PUBLIC HEARING

(Under regulation 18 (5) of the Electricity (Application For Permit, Licence and Tariff Review) Regulations, 2007)

To:
.....
.....

TAKE NOTICE that the Electricity Regulatory Authority shall on the day of, 200.... hold a public hearing regarding..... *(nature of application)* at *(venue)* at *(time)*.

You are invited to attend the public hearing in person or by representation at the above stated venue.

Please note that you may present your comments in writing or orally during the public hearing.

Signed:

For and on behalf of the Electricity Regulatory Authority.

Dated this day of, 200....

Cross References.

1. The Public Procurement and Disposal of Public Assets Act, 2003, Act No. 1 of 2003.
2. The Electricity (Tariff Code) Regulations, 2003, S.I No.23 of 2003.

BEN Z. DRAMADRI,
Chairperson
Electricity Regulatory Authority.