



# LICENCE AND PERMIT APPLICATION MANUAL

for  
service providers  
in the

# ELECTRICITY SUPPLY INDUSTRY

**August 2019**



**LICENCE AND PERMIT  
APPLICATION MANUAL**  
for  
*SERVICE PROVIDERS*  
in the  
**ELECTRICITY SUPPLY INDUSTRY**

**August 2019**

## Table of Contents

<b>PREFACE</b> .....	<b>IV</b>
<b>DEFINITIONS</b> .....	<b>V</b>
<i>“Manual”</i> .....	<i>v</i>
<b>CHAPTER</b> .....	<b>1</b>
<b>1</b> .....	<b>1</b>
<b>BACKGROUND</b> .....	<b>1</b>
<i>Introduction</i> .....	<i>1</i>
<i>Purpose of Licence &amp; Permit Application Manual</i> .....	<i>1</i>
<i>Obligation to be licensed</i> .....	<i>1</i>
<i>Exemptions</i> .....	<i>1</i>
<i>Transmission Connection Agreement and Distribution Network Access Agreements</i> .....	<i>2</i>
<i>Connection of Embedded Electricity Generation Facilities</i> .....	<i>3</i>
<b>CHAPTER</b> .....	<b>4</b>
<b>2</b> .....	<b>4</b>
<b>ROLE OF THE COMMISSION</b> .....	<b>4</b>
<i>Guiding Principles</i> .....	<i>4</i>
<i>Licensing and Permitting functions of the Commission</i> .....	<i>4</i>
<i>Granting of Licence</i> .....	<i>5</i>
<i>Specifying Licence conditions</i> .....	<i>5</i>
<i>Varying Licence conditions</i> .....	<i>5</i>
<i>Granting of Bulk Customer Permits</i> .....	<i>5</i>
<i>Register of issued Licences and Permits</i> .....	<i>5</i>
<i>Compliance monitoring and enforcement</i> .....	<i>5</i>
<i>Suspension and cancellation of licence</i> .....	<i>6</i>
<b>3</b> .....	<b>7</b>
<b>TYPES AND DURATION OF LICENCES AND PERMITS</b> .....	<b>7</b>
<i>Types of Licence</i> .....	<i>7</i>
<i>Duration of Licences and Permits</i> .....	<i>9</i>
<i>Renewal of Licence</i> .....	<i>10</i>
<b>CHAPTER</b> .....	<b>11</b>
<b>4</b> .....	<b>11</b>
<b>APPLICATION FOR AND APPROVAL OF LICENCE</b> .....	<b>11</b>
<i>Eligibility for acquisition of a Licence</i> .....	<i>11</i>
<i>Prohibition on cross-ownership</i> .....	<i>11</i>
<i>Application Fees</i> .....	<i>12</i>
<i>Project Registration</i> .....	<i>12</i>
<i>Approval of proposed project site</i> .....	<i>13</i>
<i>Submission of licence application</i> .....	<i>13</i>
<i>Consideration and approval of application</i> .....	<i>15</i>

<i>Operations approval (projects involving construction)</i> .....	16
<b>CHAPTER</b> .....	<b>17</b>
<b>5</b> .....	<b>17</b>
LICENCE FEES AND CONDITIONS.....	17
<i>Licence conditions</i> .....	17
<i>Licence fees</i> .....	17
<b>CHAPTER</b> .....	<b>19</b>
<b>6</b> .....	<b>19</b>
REVIEW OF DECISION AND APPEALS .....	19
<i>Review of decisions</i> .....	19
<i>Appeals</i> .....	20
<b>CHAPTER</b> .....	<b>21</b>
<b>7</b> .....	<b>21</b>
WHOLESALE SUPPLY LICENCE – ELECTRICITY GENERATION LICENCE .....	21
<b>8</b> .....	<b>29</b>
WHOLESALE SUPPLY LICENCE – ELECTRICITY BROKERAGE LICENCE .....	29
<b>CHAPTER 9</b> .....	<b>34</b>
WHOLESALE SUPPLY LICENCE – ELECTRICITY EXPORT LICENCE .....	34
PROCEDURE FOR ACQUISITION OF AN ELECTRICITY EXPORT LICENCE .....	36
<b>CHAPTER 10</b> .....	<b>39</b>
WHOLESALE SUPPLY LICENCE – ELECTRICITY IMPORT LICENCE.....	39
PROCEDURE FOR THE ACQUISITION OF AN ELECTRICITY IMPORT LICENCE.....	41
<b>CHAPTER</b> .....	<b>44</b>
<b>11</b> .....	<b>44</b>
ELECTRICITY TRANSMISSION LICENCE (LICENCE TRANSFER) .....	44
<b>CHAPTER</b> .....	<b>49</b>
<b>12</b> .....	<b>49</b>
ELECTRICITY DISTRIBUTION LICENCE (NEW CONCESSION).....	49
<b>13</b> .....	<b>56</b>
ELECTRICITY DISTRIBUTION LICENCE (LICENCE TRANSFER).....	56
<b>CHAPTER</b> .....	<b>61</b>
<b>14</b> .....	<b>61</b>
ELECTRICITY SALE LICENCE .....	61
<b>CHAPTER</b> .....	<b>67</b>

<b>15</b> .....	<b>67</b>
<b>BULK CUSTOMER PERMIT</b> .....	<b>67</b>
<b>SCHEDULE I: APPLICATION FORMS A, B, AND C</b> .....	<b>70</b>
APPLICATION FORM (FORM A) .....	71
FINANCIAL INFORMATION (FORM B) .....	72
COMPANY OWNERSHIP STRUCTURE (FORM C).....	73
<b>SCHEDULE II: SCHEDULE OF LICENCE FEES</b> .....	<b>75</b>
<b>SCHEDULE III: DESCRIPTION OF THE ELECTRICITY DISTRIBUTION SYSTEM</b> .....	<b>76</b>
<b>SCHEDULE IV – SHAREHOLDING AND CROSS OWNERSHIP DECLARATION</b> .....	<b>77</b>
<b>APPENDIX I: GUIDELINES FOR SITE ANALYSIS REPORT PRESENTATION</b> .....	<b>79</b>
<b>APPENDIX II: SITING ANALYSIS FOR ELECTRIC POWER TRANSMISSION AND DISTRIBUTION FACILITIES</b> .....	<b>81</b>
<b>APPENDIX III: MEMBERSHIP OF THE SITING COMMITTEE</b> .....	<b>87</b>
<b>APPENDIX IV: SCOPE OF PROJECT BRIEF</b> .....	<b>88</b>
<b>APPENDIX V: PUBLIC NOTICE</b> .....	<b>89</b>
<b>APPENDIX VI: GUIDELINES FOR PROJECT PRESENTATION TO EC BOARD</b> .....	<b>91</b>

## **PREFACE**

In accordance with the provisions of the Energy Commission Act, 1997 (Act 541), the Licence Application Manual for Service Providers in the Electricity Supply Industry has been developed and issued by the Energy Commission of Ghana to formally establish the framework for licensing service providers engaged in Wholesale Supply (Thermal Electricity Generation, Electricity Brokerage, Electricity Export, and Electricity Import), Electricity Transmission, Electricity Distribution and Electricity Sale, as stipulated by the Energy Commission Act, 1997 (Act 541).

The Manual for Service Providers in the electricity supply industry is significant for the development and implementation of reforms in the Power Sector, which are aimed at opening up the sector to attract private sector participation and thereby introduce competition into the power sector. The regulations and institutional reforms aim to ensure open access and transparency of transactions and operations within the sector.

In accordance with the mandate of the Energy Commission, the manual is subject to periodic review in order to improve its quality and to make it more amenable to its objects and functions as and when it deems it necessary. The previous editions were published in 2006, 2012 and 2018, respectively. The 2019 version is the fourth edition.

Finally, users of the Manual are highly encouraged to make submissions on any part that they consider needs improvement and refinement to assist in the establishment of a responsive licensing framework for the electricity supply industry in Ghana. Submission of any relevant comments and ideas in this regard should be forwarded to:

***The Executive Secretary, Energy Commission, PMB, Ministries Post Office, Accra, Ghana***

***email: [info@energycom.gov.gh](mailto:info@energycom.gov.gh) and telephones: (233-302) 813763, 813762 or 813756.***

## Definitions

"Access Code"	means Electricity Networks (Third Party Access) Code.
"Act "	means the Energy Commission Act, 1997 (ACT 541).
"Applicant"	means a person who has applied for a licence under the Act or exempted from the requirement to be licensed under Part II of the Act.
"Bulk Customer"	means a customer that purchases or receives electric power and energy of such amount or level as the Commission may specify.
"Commission"	means the Energy Commission of Ghana, as established under section 1 of Act 541.
"Connection Agreement"	means an agreement between the ETU and a GRID Participant that seeks connection of its facilities to the NITS and sets out the rights, obligations and liabilities of both parties.
"Distributed Generation"	means production of electricity utilising a generation facility that is electrically connected to a stand-alone load centre or isolated distribution network that is serving a localised or restricted area.
"Distribution System"	means electrical power and energy delivery system consisting of interconnected substation and network facilities operated at voltages of 34.5 kilovolts or less, located within the boundaries of the Republic of Ghana.
"Embedded Electricity Generation"	means the production of electricity utilising a generation facility that is electrically connected directly to a distribution system and for which the total output of the facility is distributed and utilised locally without any requirement for the use of the national interconnected transmission system.
"ETU"	means Electricity Transmission Utility; the entity charged with the operation of the NITS by virtue of the Energy Commission.
"Manual"	means the License Application and Permit Manual.
"National Interconnected Transmission System (NITS)"	means electrical power and energy delivery system consisting of interconnected generation, substation and network facilities operated at a voltage above 34.5 kilovolts located within the boundaries of the Republic of Ghana.
"Network Access"	means an agreement between distribution utility and a participant engaged in embedded electricity generation or distributed generation services that seek

	connection of its facilities to the distribution network and sets out the rights, obligations and liabilities of both parties.
"Person"	means a body corporate, whether corporation aggregate or corporation sole and an unincorporated body of persons as well as an individual.
"Power System"	means generation, transmission and distribution network facilities, which together are integral to the supply of electricity and are operated as an integrated arrangement.
"System Operator"	means the licensed service provider entrusted with responsibility for operational planning and dispatch of electric power/energy to ensure that generation and demand are matched at all times while maintaining quality and security of supplies at an economic cost and for the reliable operation of the transmission grid for the purpose of providing open access to all market participants in a non-discriminatory manner.
"Wholesale Supplier"	means a person licensed under the Act to install and operate facilities to procure or produce electricity for sale to a bulk customer or to an electricity distribution company.



## CHAPTER

# 1

## BACKGROUND

### Introduction

- 1.1** The Energy Commission was established by an Act of Parliament, Energy Commission Act, 1997 (Act 541), among other things, to license and regulate the technical operations of service providers in the electricity supply industry. The Commission performs these regulatory functions through elaborations and enforcement of licensing conditions, technical rules of practice and standards of performance rules.

### Purpose of Licence & Permit Application Manual

- 1.2** The purpose of this Licence Application Manual is to outline the Energy Commission's framework for licensing service providers in the electricity supply industry. The Manual provides an outline of procedures and processes involved in the granting of licences and permits.
- 1.3** The Manual is essentially a document developed both to guide the Commission in the performance of its licensing obligations and also to provide information to both licensed operators and prospective applicants who wish or intend to engage in operations in the industry.

### Obligation to be licensed

- 1.4** Section 11 of the Act provides that a person shall not undertake any operations in Ghana's electricity supply industry for which a licence is required unless the person either:
- (a) holds a licence granted under the Act authorising the relevant operations; or
  - (b) is exempted from holding a licence.

A breach of this requirement is an offence under the Act and may be sanctioned accordingly.

- 1.5** Whilst permits from the Environmental Protection Agency (EPA), and the relevant local authorities are required for the construction of any physical structure, acquisition of such permits does not absolve a person from the requirement to be licenced.

### Exemptions

- 1.6** The Commission may grant an exemption from some or all of the requirements in the *General Provisions on Licences* of the Act.
- 1.7** A request for an exemption under clause 1.6 should be made to the Commission in a form similar to an application for a licence.

- 1.7** An application for an exemption will be considered on its merits in the light of the relevant legislation. Exemptions would be granted by the Commission only under exceptional circumstances.

### **Local Content and Local Participation**

- 1.8** According to section 28(1) of the Local Content Regulations, L.I. 2354, before carrying out any activity in the electricity supply industry, a service provider shall submit for approval a Local Content and Local Participation Plan to the Local Content Committee, demonstrating compliance with the requirements as specified in the first to seventh schedules of L.I. 2354.

### **Transmission Connection Agreement and Distribution Network Access**

#### **Agreements**

- 1.10** The acquisition of an Electricity Distribution or Wholesale Supply Licence does not authorise the prospective electricity service provider to connect to the National Interconnected Transmission System in Ghana or any distribution network. A *Connection Agreement* or *Network Access Agreement* with the relevant network service provider is required for that purpose.
- 1.11** A person seeking to connect to the transmission grid must negotiate and conclude a Connection Agreement with the Electricity Transmission Utility.
- 1.12** A person seeking to engage in embedded electricity generation or distributed generation services must negotiate and conclude a Distribution Network Access Agreement with the relevant licensed distribution entity.
- 1.13** To ensure transparency and non-discriminatory access to the relevant information, the Electricity Transmission Utility shall make available to the public at its offices the procedures for obtaining and terminating Transmission Connection Agreements with a licensee. The conditions for connection agreements shall at all times be in full compliance with the National Electricity Grid Code or all relevant codes. The Commission will be available to facilitate these negotiations as and when required.
- 1.14** Without prejudice to clause 1.10, the scope of a Connection or Access Agreement, shall among other things, seek to secure a network user's agreement to:
- a) Pay for services provided by the network operator according to negotiated prices up to the maximum prices approved by the Public Utilities Regulatory Commission (PURC);
  - b) Use all reasonable endeavours to ensure that:
    - i) The user's actual demand at a connection point does not exceed the contracted maximum demand for that connection;
    - ii) The quantity of electricity transferred to the electricity network by, or on behalf of the user at a connection point does not exceed the declared sent-out capacity from the user in respect of that connection and
  - c) Comply with good electricity industry practice in operating, maintaining, constructing and commissioning of the plant or equipment connected to the electricity network to facilitate the transfer of electricity to or from the network;

- d) Comply with all technical rules and codes of practices issued by the Commission and any other relevant agency regarding connection to and the use of the electricity network; and
- e) Make a contribution (after negotiating with the relevant asset owner) in respect of the capital investment associated with the designing, constructing, installing and commissioning of the connection equipment or network system assets where the granting of access necessitates the augmentation of connection equipment or network system assets that would otherwise not be "commercially viable".

### **Connection of Embedded Electricity Generation Facilities**

- 1.15** Licensed distribution service providers shall connect licensed embedded electricity installations (especially renewable energy sources and cogeneration facilities) to their distribution network.
- 1.16** This obligation shall apply to the licensed distribution service provider, whose franchise or operational area is closest to the location of the embedded electricity generation facility, providing that the network is technically suitable to receive generation from the facility.
- 1.17** A distribution network shall be considered to be technically suitable or feasible even if the network operator (or licensee) needs to upgrade its network at a reasonable economic expense in order to accept the electricity in-feed. In such a case, the licensee shall be obliged to upgrade its network without delay if this is requested by a party interested in feeding in electricity. Relevant data on both the network and the embedded electricity generation facility shall be disclosed for both parties to do their respective planning and to determine the technical suitability of the connection arrangement.

## CHAPTER

# 2

## ROLE OF THE COMMISSION

### Guiding Principles

- 2.1** In its decision making with respect to licensing and other functions, the Commission must have regard to the general factors specified in the Act.
- 2.2** The Commission will:
- a) ensure timely generation capacity addition to meet national electricity demand
  - b) ensure that the reserve generation capacity is not significantly exceeded at a cost to the regulated market.
  - c) promote competitive and fair market conduct;
  - d) prevent the misuse of monopoly or market power;
  - e) facilitate entry into and exit from the relevant markets;
  - f) ensure consumers benefit from competition and efficiency;
  - g) collaborate with the PURC to protect the interests of consumers with respect to reliability and quality of electricity supply services;
  - h) collaborate with the PURC to promote economic efficiency, fair, transparent and competitive operations in the electricity supply industry and
  - i) collaborate with the PURC in facilitating the maintenance of a financially viable electricity supply industry.
- 2.3** The Commission will also ensure the safe and efficient generation, transmission, distribution and sale of electricity in the power system by establishing and enforcing:
- a) proper standards of safety, reliability and quality in the electricity supply;
  - b) proper safety and technical standards for electrical installations;
  - c) standards to ensure efficient electricity end-use practices and promote productive uses of electricity.

### Licensing and Permitting functions of the Commission

- 2.4** The Commission has responsibility for several licensing functions under the Act, notably:
- a) granting licences and permits;
  - b) specifying licence conditions;
  - c) varying licensing terms and conditions;
  - d) maintaining a register of issued licences;
  - e) monitoring of compliance and enforcement of licence conditions; and
  - f) suspending or cancelling of Licences and Permits.

## **Granting of Licence**

**2.5** The Commission may issue a licence if satisfied that:

- a) the applicant is a suitable person to hold the licence;
- b) the facility or activity to be licensed will not place undue technical or financial stress on the regulated electricity sector; and
- c) Specified requirements are met for each licence type.

## **Specifying Licence conditions**

**2.6** The Act provides that the Commission, in granting a licence, may make the licence subject to certain statutory and other conditions in a manner determined by the Commission.

## **Varying Licence conditions**

**2.7** The Commission may vary licence conditions by written notice to the electricity service provider involved, as the Commission considers appropriate. A variation may be made only if the Commission considers it necessary to further the objects of the Act.

## **Granting of Bulk Customer Permits**

**2.8** The Commission may issue a Bulk Customer with a Permit if satisfied that:

- a) the applicant is a suitable person to hold the permit; and
- b) Specified requirements are met for each permit type.

## **Register of issued Licences and Permits**

**2.9** The Commission shall keep a register of the licences and permits granted to electricity service providers under the Act. A copy of the register will be available at the Commission's website ([www.energycom.gov.gh](http://www.energycom.gov.gh)) to facilitate access by the public.

## **Compliance monitoring and enforcement**

**2.10** The Commission shall monitor and enforce compliance with all licence conditions. A contravention of the licence is a breach of the Act and would attract penalties. The Commission may suspend or cancel the licence of an electricity service provider where that licensee contravenes a condition of the licence.

**2.11** As part of the compliance monitoring procedure, the licensee shall be required to submit to the Commission a detailed corporate performance statistic quarterly and an annual report at the end of each financial year.

**2.12** The Performance Statistics shall include, but shall not be limited to, the benchmarks stipulated in all the relevant legislation and Codes, as well as the benchmarks, stipulated in the respective licences.

- 2.13** Authorised officers of the Commission shall have the right of free access to the premises or operational area of the licensee for the purpose of inspecting and ensuring compliance with the licence conditions. In the course of such inspections, the Licensee is required to co-operate with and render assistance to such authorised officers.
- 2.14** While on the premises of the licensee, the authorised officers shall monitor and adhere to the licensee's internal rules and regulations, particularly relating to health, safety and environment.

### **Suspension and cancellation of licence**

- 2.15** The Commission has the mandate under Section 19 of the Act to suspend or cancel a licence when it is convinced that there has been:
- a) an act of default, meaning that the licensee is not complying or has not complied with any of the conditions stipulated in its licence; or
  - b) a change in circumstances under which the licence was granted such that the electricity service provider would no longer be entitled to a licence.
- 2.16** Prior to suspension or cancellation of a licence, the Commission shall serve the licensee with written notice specifying:
- a) the cause of dissatisfaction;
  - b) the directives for rectification of the breach; and
  - c) the Commission's proposed line of action in the event that the licensee does not comply within the period specified in the written notice.
- 2.17** The defaulting licensee, served with a notice under clause 2.16, shall be given an opportunity to respond to the Commission's written complaint and the proposed action of the remedy.
- 2.18** The Commission shall take into consideration in its determination to suspend or cancel a licence the extent to which any person is likely to suffer loss or damage as a result of the suspension or cancellation of a licence.
- 2.19** A licence that has been granted but has not been utilized within one (1) year from the date of issue may be cancelled by the Commission after giving thirty (30) days' notice to this effect.

CHAPTER

# 3

## TYPES AND DURATION OF LICENCES AND PERMITS

### Types of Licence

**3.1** The operations and services in the electricity supply industry for which a licence is required are:

- a) wholesale electricity supply operations and services:
  - i. electricity generation (Grid Connected/ Embedded)
  - ii. electricity brokerage,
  - iii. electricity export,
  - iv. electricity import;
- b) electricity transmission operations and services;
- c) electricity distribution operations and services; and
- d) electricity sale (retail) operations and services.

**3.2** Separate licences shall be required for each market activity and where the activity is carried out as follows:

- a) for wholesale electricity supply:
  - separate licences are required for each generation facility,
  - an electricity brokerage licence grants permission to operate in the NITS,
  - an export licence grants permission to export to any country, and
  - an import licence grants permission to import into the country.
- b) for electricity transmission activity – only one (1) licence shall be issued;
- c) for electricity distribution activity – separate licences are required for each concession area;
- d) for electricity sale activity – separate licences are required for each concession area;

**3.3** With the exception of Electricity Brokerage Licence, Electricity Export Licence and Electricity Import Licence, **all** other licences shall be site-specific and with the location, geographical limits and scope of each licence clearly specified. A new licence shall be required if an entity decides to engage in a similar industry operation at a different location or to expand or extend its operations beyond the boundaries of its licensed area of operation.

**3.4** A **wholesale electricity supply licence** may be classified under one of the following categories:

- a) Electricity Generation Licence; (Grid Connected or Embedded)

- b) Electricity Brokerage Licence;
  - c) Electricity Import Licence; and
  - d) Electricity Export Licence.
- 3.5** A **grid-connected generation licence** will authorise the licensee to procure, construct and operate an electricity generation facility to be connected to the transmission network to produce electricity for sale to Distribution Companies and Bulk Customers directly or through Electricity Brokers.
- 3.6** An **embedded generation licence** will authorise the licensee to procure, construct and operate an electricity generation facility to be connected to a distribution network to produce electricity for sale to a Distribution Company, Bulk Customer or Electricity Broker.
- 3.7** An **electricity brokerage licence** will authorise the licensee to procure electricity from wholesale suppliers for sale to Distribution Companies and Bulk Customers.
- 3.8** An **electricity export licence** shall authorise a licensed Wholesale Supplier to export electricity to any country.
- 3.9** An **electricity import licence** shall authorise a licensed Distribution Utility or licensed Wholesale Supplier to import electricity into the country.
- 3.10** The Commission shall grant a **transmission licence** to only one operator, the Electricity Transmission Utility, in accordance with section 23 of the Act.
- 3.11** An **electricity transmission licence** will authorise the licensee:
- a) to monitor and control the operation of the national interconnected network for the transmission of electricity in areas within Ghana, and to ensure the safe, reliable and economic dispatch of all electricity generation facilities connected to the national interconnected transmission system as stated in the licence;
  - b) to provide open access transmission and interconnection services without discrimination to other licensees in the Ghanaian electricity supply industry; and
  - c) to provide open access transmission and interconnection services to operators of electricity networks or power systems in ECOWAS member states, subject to the ECOWAS Energy Protocol.
- 3.12** An **electricity distribution licence** will authorise the licensee to operate a distribution network and distribute electricity without discrimination to consumers within a designated area or concession as stated in their licence.
- 3.13** An **electricity sale licence** will authorise the licensee to procure electricity from a wholesale supplier and sell to consumers without discrimination in the area or concession designated in their licence.



### Types of Permits

**3.14** The activities and services in the electricity supply industry for which a permit is required are as shown below:

Activity or Service	Permit Required
Bulk power purchase	Bulk Customer Permit
Siting of electricity generation or supply infrastructure	Siting Permit
Siting of electricity generation or supply infrastructure	Construction Permit

**3.15** A **bulk customer permit** will permit any consumer of electricity with a Maximum Demand of a minimum stipulated amount established by the Commission consistently for a consecutive period of three (3) months OR a minimum annual energy consumption of a stipulated amount established by the Commission to operate in the deregulated market and negotiate with a wholesale electricity supplier of electricity.

### Duration of Licences and Permits

**3.16** A licence shall be granted for a definite period. The duration of licences and permits shall be as indicated in Table 1 and Table 2 and may be renewed subject to compliance with the conditions of the licence.

**3.17** Notwithstanding 3.16, the duration of a license for the generation of power shall take into consideration the useful life of the plant after commissioning.

**Table 1: Duration of Licences**

Type of Licence	Duration
Wholesale Supply - Electricity Generation	Up to 20 years
Wholesale Supply - Electricity Brokerage	Up to 20 years
Wholesale Supply - Electricity Export	Up to 5 years
Wholesale Supply - Electricity Import	Up to 5 years
Electricity Transmission	Up to 25 years
Electricity Distribution	Up to 20years
Electricity Sale	Up to 20 years

**Table 2: Duration of Permits**

<b>Type of Permits</b>	<b>Duration</b>
Siting Permit (Siting Clearance)	Up to 24 months
Construction Permit	Up to 24 months
Bulk Customer Permit	Up to 60 months

### **Renewal of Licence**

**3.18** A licence shall be renewed subject to equipment or facility having been certified to be in good technical operating condition by the Commission. The procedure for renewal of a licence shall be the same as that applicable to the grant of the initial licence.

### **Prohibition of Used or Refurbished Plant (or equipment)**

**3.19** The installation of used or refurbished plant or equipment in the electricity supply industry shall not be authorised by the Energy Commission.

## CHAPTER

# 4

## APPLICATION FOR AND APPROVAL OF LICENCE

### Eligibility for the acquisition of a Licence

- 4.1** A licence may only be granted to;
- a) a citizen of Ghana; or
  - b) a body corporate registered under the Companies Code, 1963 (Act 179) or under any other law of Ghana; or
  - c) a partnership registered under the Incorporated Private Partnerships Act, 1962 (Act 152).
- 4.2** With respect to power generation licences for supply of power to the regulated market (i.e., for sale to the public through distribution concessions), the following requirements must be fulfilled;
- a) the project must have been selected through a competitive procurement process
  - b) the project must meet an anticipated demand as determined by the national electricity supply and demand projections.

### Prohibition on cross-ownership

- 4.3** In order to prevent abuse of monopoly by Distribution and Transmission Utilities, the following prohibitions shall apply;
- i. A holder of, or applicant for a Generation Licence, Broker Licence or Transmission Licence or Affiliate thereof or any stockholder, director or officer or any of their relatives within the fourth (4<sup>th</sup>) civil degree of consanguinity or affinity, legitimate or common law, and their respective spouses shall not hold any shares of stock or own any equity interest, directly or indirectly, in a Distribution Utility.
  - ii. A holder of, or applicant for a Generation Licence, Broker Licence or Distribution Licence or Affiliate thereof or any stockholder, director or officer or any of their relatives within the fourth (4<sup>th</sup>) civil degree of consanguinity or affinity, legitimate or common law, and their respective spouses, shall not hold any shares of stock or own any equity interest, directly or indirectly, in the Electricity Transmission Utility (ETU).

- iii. Except for ex-officio government-appointed representatives, no person who is an officer or director of a Distribution Utility or the Electricity Transmission Utility shall be an officer or director of the licensee.

**4.4** Notwithstanding **4.3** above, this prohibition shall not apply:

- a. To a relative by blood or marriage, if such relative of any stockholder, director or officer of a Distribution Utility or the Electricity Transmission Utility has no employment, consultancy, fiduciary, contractual, commercial or other economic relationship or interest in a Distribution Utility or the Electricity Transmission Utility; or
- b. Conversely, if such relative of any stockholder, director, or officer of the licensee has no employment, consultancy, fiduciary, contractual, commercial or other economic relationship or interest in the licensee.
- c. Ownership of shares of stock in a company listed in the Ghana Stock Exchange (GEE) even if such listed company is the licensee and if such share ownership is not more than one per centum (1%) of the outstanding local shares of the listed licensee; or
- d. Ownership of share of stock which is not more than one per centum (1%) in a company listed in the Ghana Stock Exchange (GSE) which owns or controls shares of stock in a Distribution Utility or the Electricity Transmission Utility.

## **Application Fees**

- 4.5** Applicants shall pay to the Commission the application fees stated in Schedule 2: Schedule of Licence Fees. The application fees, as stated in the Schedule, shall be approved annually by the Parliament of Ghana and published on the Commission's website ([www.energycom.gov.gh](http://www.energycom.gov.gh)).
- 4.6** The stipulated application fee will be payable in respect of each type of licence sought, regardless of whether or not applications are made separately or are aggregated into a single application document.
- 4.7** A licence application shall not be assessed unless the appropriate fee is paid by the applicant.
- 4.8** Fees paid on submission of an application shall cover the specific stage in the licensing process.
- 4.9** An amendment application filing fee shall be charged for a request to amend an approved licence, siting clearance, construction work permit or authorization to operate.
- 4.10** The amendment application filing fee shall be determined by the Commission based on the amount of work involved with the amended portion of the application.

## **Project Registration**

- 4.11** A person seeking to apply for a licence shall first register the proposed project with the Energy Commission. An application for registration shall be made with the forms approved and supplied by the Commission. Samples of the forms are provided in **Schedule 1: Application**

*Form A* and the application forms can also be accessed from the Commission's website ([www.energycom.gov.gh](http://www.energycom.gov.gh)).

- 4.12** The Project Registration is valid for a period of two (2) years and can be renewed after expiration.
- 4.13** Project Registration will allow a prospective participant in the industry to:
- a) participate in any competitive tender in the electricity supply industry;
  - b) obtain guidance from staff of the Commission in progressing the project;
  - c) engage with potential off-takers for purchase or sale of power;
  - d) engage with financiers for funding of the project;
  - e) engage sponsors for support in the initial stage of the project; and
  - f) engage with the grid operator or a distribution utility.
- 4.14** Notwithstanding **4.13** above, the registration of a project does not:
- a) guarantee the conclusion of a Power Purchase and Sale Agreement;
  - b) permit the commencement of site preparation works; and
  - c) allow commencement of construction of facilities.

## **Approval of the proposed project site**

- 4.15** For projects that require construction of facilities, the applicant shall secure a Siting Permit from the Energy Commission. The Siting Permit ensures that the site selected for the construction undergoes due diligence for environmental, power evacuation and safety concerns.
- 4.16** The applicant will be required to make a presentation to the Siting Committee of the Commission. (see Appendix III- Membership of the Siting Committee), and the Commission shall review the application based on the recommendations of the Siting Committee.

## **Submission of licence application**

- 4.17** On completion of the preliminary processes above, the applicant may begin processes towards applying for a licence as specified in the respective chapter for each licence type.
- 4.18** Once all the required submissions are available, together with all other requirements of the financial institution from which funding is sought, the applicant may submit a formal application for a licence to the Office of the Executive Secretary of the Commission.
- 4.19** The applicant shall complete the appropriate forms in their entirety and submit all required attachments, affidavits, and evidence of capability specified.
- 4.20** An incomplete application will not be processed or may be rejected.
- 4.21** Separate applications are required from an applicant to engage in different market activities that fall within different segments of the industry. The Commission may accept a single application

from an applicant in respect of multiple activities in the same segment of the industry, but separate licences will be issued for each market activity or facility where the activity is carried out and the appropriate fees charged.

- 4.22** An applicant may be requested to furnish the Commission with further information as the Commission may deem necessary, and the applicant will be required to submit such information before the application will be deemed to be complete.
- 4.23** An application shall be deemed to have been successfully lodged only if and when all relevant supporting documentation required, as indicated in the respective chapter for each licence type (as well as any additional information requested), is provided to the Commission and full payment of the required application fee has been made.
- 4.24** The Commission shall acknowledge receipt of an application for a licence **within ten (10) working days** of submission of an application and indicate whether the applicant's submissions fully satisfy the requirements expected of the relevant type of licence or otherwise.
- 4.25** In the case of Electricity Generation Licences, all related Power Purchase Agreements should capture the obtaining of the required licence as a Condition Precedent to the effectiveness of the agreement. **The Energy Commission Licencing procedures are not subject to the requirements or terms of any Power Purchase Agreement, and the refusal of the Commission to grant a licence applied for cannot be used as grounds for lodging a claim against any public entity.**
- 4.26** The applicant is required to sign a declaration indicating that all data presented to the Energy Commission in the application for a licence are true and correct to the best of the Applicant's knowledge.
- 4.27** The applicant may be required to make a presentation to the Board of the Commission as the final step in the application process.
- 4.28** **For projects that require construction of facilities** and for which financing must be sought from third parties (such as banks), a provisional licence will be issued in the first instance. This licence will provisionally authorise the commencement of the construction of the facility, **subject to achievement of financial close within 18 months of issuance of the licence.** The applicant shall pay a fee of 10% of the Initial Licence Fee as a performance guarantee against the achievement of financial close.
- 4.29** Where a licensee is unable to achieve financial close within the stipulated 18 months, **the licensee may apply for an extension of time for a period not exceeding 6 months**, providing evidence that the granting of the requested extension would, with a high degree of certainty, lead to the achievement of financial close within the extension period requested. The Commission will consider such application, and determine whether or not to grant the extension period requested on the basis of the evidence submitted. **Any application for extension must, however, be submitted at least two clear months before the expiry of the provisional licence.**
- 4.30** Failure to notify the Commission of financial close (and make full payment of the initial licence fee) within 18 months of issuance of this provisional licence or failure to secure an extension of

the 18 month window before the expiry of the licence will lead to the licence being cancelled without option for renewal, and the performance guarantee paid shall be forfeited.

- 4.31** On achieving financial close, the licensee shall apply to the Commission for the full licence, with evidence that financial close has been achieved. This licence will authorise the licensee to move to site and commence construction activities in accordance with the provisions of the licence.

## **Consideration and approval of application**

- 4.32** The Commission shall, within sixty (60) working days after acknowledging receipt of the last relevant submission from an applicant, provide an applicant with written notice of the Commission's decision on the determination of the status of an application for a licence.

- 4.33** The Commission shall issue a licence if it is satisfied that:

- (a) The applicant is suitable to hold the licence applied for;
- (b) In the case of an electricity generation licence, the proposed generating plant meets an established power demand, has been procured through a competitive bidding process and meets the requirements specified by the Commission to supply electricity safely and efficiently;
- (c) For a distribution licence – the proposed network has the necessary characteristics and integrity to distribute electricity to consumers efficiently;
- (d) For an electricity sale licence - the applicant has the financial capability to operate a sales licence and can meet all other obligations specified by the Commission;
- (e) For an electricity export licence – the applicant can meet all domestic obligations;
- (f) For an electricity import licence- the applicant shall be an Electricity Generator, Distribution Company, Bulk Customer or Brokerage licensed by the Energy Commission; and
- (g) For an electricity brokerage licence – the applicant has the financial capability to operate an electricity brokerage.

- 4.34** In deciding whether an applicant is suitable to hold a licence, the Commission will consider:

- a) The applicant's previous commercial and other dealings, within and outside Ghana, as may be deemed appropriate by the Commission (including that of its major officers, principals and shareholders) in order to determine or assess the applicant's standard of credibility and integrity and to ascertain, among other things, possible past breaches of statutory and other legal obligations in previous dealings;
- b) The financial and technical capability of the applicant and the human resources available for the operations under the licence; and
- c) Other matters as prescribed by the Act or any other relevant laws and Regulations.

### **Operations approval (projects involving construction)**

- 4.35** Once construction is fully completed, and the facility has been commissioned, operations approval must be secured by submission of the required commissioning reports. Operations approval entitles the licensed facility to commence commercial operations.



## CHAPTER

# 5

## LICENCE FEES AND CONDITIONS

### Licence conditions

- 5.1** Licences granted shall be subject to conditions. These conditions may include limitations or constraints that are determined and imposed by the Commission or statutory requirements stipulated by the Act or any other relevant legislation.
- 5.2** A licensee shall not contravene a condition of its licence. A licensee that contravenes a condition of its licence may be subject to:
- a) an order for compensation payment;
  - b) the recovery of any profits realized by the licensee from the contravention of a licence condition; and
  - c) the suspension or cancellation of the licence for a material contravention of a licence condition.

### Licence fees

#### Initial Licence Fee (ILF)

- 5.3** A new licence shall not be granted unless the licensee fully pays the appropriate Initial Licence Fee (ILF).
- 5.4** The Initial Licence Fee for a particular type of licence shall be the fee to be paid by the licensee prior to the issue of a licence.

#### Annual Licence Fee (Annual Operating Fee)

- 5.5** All licences shall be subject to payment of an Annual Operating Fee.
- 5.6** The Annual Operating Fee is made up of the Fixed charge and Variable charge.
- 5.7** The annual licence fee to apply is stated in **Schedule II: Schedule of Licence Fees**. The annual licence fees, as stated in the Schedule, shall be reviewed annually by Parliament and published on the Commission website ([www.energycom.gov.gh](http://www.energycom.gov.gh)).
- 5.8** A licensed facility under construction shall be exempted from payment of the annual licence fee during the construction period.

- 5.9** A licensee shall commence payment of the annual licence fee on the issue of an authorization by the Commission to start commercial operations.
- 5.10** The fixed portion of the Annual Fees of all licences granted after the commencement of a licence year will be waived. The variable portion shall, however, remain payable.
- 5.11** Annual Licence Fees fixed charge shall be considered due for payment on **January 1** of each year.
- 5.12** The Commission shall issue invoices for the Annual Licence Fee Variable charge every quarter based on the energy sales in the previous quarter.
- 5.13** The Commission may consider a request for payment of an annual licence fee in instalments.
- 5.14** There will be no refund of fees, whether in whole or in part, upon the cancellation of a licence.

## CHAPTER

# 6

## REVIEW OF DECISION AND APPEALS

### Review of decisions

- 6.1** The Act provides for:
- (a) persons who are dissatisfied with a decision of the Commission in relation to a licence application to have the decision reviewed by the Commission; and
  - (b) persons who have had a decision reviewed by the Commission but are dissatisfied with the results of the review, to appeal the decision to the responsible Ministry which shall within thirty (30) days of receipt of the complaint make a decision. If dissatisfied with the Decision of the Minister, or where the 30 days expire without a decision, the person may pursue the matter in the Courts (Refer to Sections 20 & 21 of the Act).
- 6.2** An application for the review of a Decision may be made to the Commission by;
- (a) An applicant for the grant or variation of the conditions of a licence, or for agreement to transfer a licence or for review of the decision of the Commission to refuse an application; or
  - (b) A licensee regarding the decision to suspend or cancel its licence or to vary the conditions of its licence.
- 6.3** An application for the review of a Decision shall:
- (a) be made in writing;
  - (b) set out the decision to which the application relates;
  - (c) set out in detail the grounds on which the applicant seeks a review of the Decision in question;
  - (d) be accompanied by any information or evidence that the applicant considers should be taken into account by the Commission; and
  - (e) be lodged with the Commission within fourteen (14) days after the notification of the decision.

- 6.4** Once the application for the review of a decision has been received, the Commission:
- (a) May stay the execution of the decision to which the application relates; or
  - (b) will take a decision on the review within thirty (30) days of the application being lodged, or otherwise the Commission shall be deemed to have confirmed the decision (on expiration of the 30 days); or
  - (c) may confirm, amend or substitute the decision; and
  - (d) will give the applicant written notice of the Commission's decision and the reasons for the Decision on the review.

## **Appeals**

- 6.5** An applicant who is dissatisfied with a decision of a review by the Commission has a right to appeal to the responsible Ministry and subsequently to the Courts, as set out in Section 20 of the Act.
- 6.6** The appeal must be made within fourteen (14) days after receipt of the written notice of the decision of the review.

**CHAPTER**

**7**

**WHOLESALE SUPPLY LICENCE – ELECTRICITY GENERATION LICENCE**

## 7.1 Stages in Acquiring an Electricity Generation Licence

Applicant Prior Activity: Business Registration, and Initial due diligence

<b>STAGE 1: ACQUISITION OF PROJECT REGISTRATION CERTIFICATE</b>	
<b>Required Submissions:</b>	
Exhibit EG1	- Completed Application form with signed Disclosure Statement
Exhibit EG2	- Document Registration
Exhibit EG3	- Ownership and Corporate Structure
Exhibit EG4	- Cross-ownership and ring-fencing
Exhibit EG5	- Project Brief
Exhibit EG6	- Local Content and Local Participation
Exhibit EG7	- Proof of Payment of Application Fee (Non-refundable)

Applicant Prior Activity: Identification, selection of site options for project and engagement with GRIDCo

<b>STAGE 2: ACQUISITION OF SITING PERMIT</b>	
<b>Required Submissions:</b>	
Exhibit EG8	- Site Analysis Report (reference Appendix I)
Exhibit EG9	- Initial search report from Lands Commission/Land Conveyance Agreement
Exhibit EG10	- Load flow study from Transmission Utility/Relevant Distribution Utility
Exhibit EG11	- Environmental Scoping Report
Exhibit EG12	- Attestation from Geological survey/ Bathymetric study (applicable to ONLY barges and powerships)
Exhibit EG13	- Proof of Siting Permit Fee Payment

Applicant Prior Activity: Preparation of project for financing

<b>STAGE 3: ACQUISITION OF WHOLESALE SUPPLY LICENCE (PROVISIONAL)</b>	
<b>Required Submissions:</b>	
Exhibit EG14	- Land Conveyance Agreement (if not presented for Siting Permit)
Exhibit EG15	- Environmental Protection Agency (EPA) Permit
Exhibit EG16	- Detailed Implementation Schedule
Exhibit EG17	- Plant and Machinery Specifications
Exhibit EG18	- Building Permit
Exhibit EG19	- Signed Power Sale and Purchase Agreements (Not Mandatory)
Exhibit EG20	- Signed Engineering, Procurement and Construction Contract
Exhibit EG21	- Local Content & Local Participation Plan for construction
Exhibit EG22	- Health, Safety & Environmental Plan
Exhibit EG23	- Safety and Technical Management Procedures
Exhibit EG24	- Supply Agreements(equipment,parts,fuel etc) (not mandatory)
Exhibit EG25	- Third Party Insurance for workers and other related personnel for construction period
Exhibit EG26	- Grid Impact Study Report and MOU
Exhibit EG27	- Local Content Plan for operations and maintenance
Exhibit EG28	- Proof of Payment of 10% of Initial Licence Fee

Applicant Prior Activity: Achieving Financial Close

<b>STAGE 4: ACQUISITION OF WHOLESALE SUPPLY LICENCE (AUTHORIZATION TO CONSTRUCT)</b>	
<b>Required Submissions:</b>	
Exhibit EG29	- Proof of Project Financial Close
Exhibit EG30	- Proof of Payment in Full of Initial Licence Fee

Applicant Prior Activity: Construction and Commissioning

<b>STAGE 5: OPERATIONS APPROVAL</b>	
<b>Required Submissions:</b>	
Exhibit EG31	- Commissioning Report
Exhibit EG32	- Fire Certificate
Exhibit EG33	- Third Party Insurance for Operation or Maintenance personnel
Exhibit EG34	- Operational Experience and Expertise or Operation & Maintenance (O&M) Agreement
Exhibit EG 35	- Connection Agreement

## **Procedure for Acquisition of a Wholesale Electricity Supply (Electricity Generation) Licence**

### **Stage 1:- Procedure for Acquisition of Registration Certificate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) hard copy of the following exhibits as separate attachments, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit EG1 "Completed Application Form"** Original application form signed by a Principal Officer (reference Schedule I -Application Form A and Form B), with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit EG2 "Document Registration"** Evidence that the applicant has registered with the Registrar General's Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second schedule to the Companies Act, 1963 (Act 179) (where applicable)
- b. For Limited Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company's registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

### **Exhibit EG3 Ownership and Corporate structure (Equity ownership)**

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable), including;

- i. A list and description of all existing, pending, or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending, or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit EG4 "Cross-ownership and ring-fencing."**

Information on cross-ownership and ring-fencing. This should outline the following:

- i. Details of cross-ownership in other businesses by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available;
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit EG5 "Project Brief"** A summary of the proposed project, including the proposed operational nature of the applicant's business, location plant type and capacity, and background of the entity(ies) to own and operate the facility.

**Exhibit EG6 – "Local Content and Local Participation"** A plan detailing

- (a) the role and responsibilities of the indigenous Ghanaian;
- (b) the equity participation of the indigenous Ghanaian; and all other shareholders and
- (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit EG7 – "Proof of payment of Application fee"** Receipt confirming the payment of the prescribed application fee (reference Schedule II – Schedule of Licence Fees)



## **Stage 2: - Procedure for Acquisition of Siting Clearance**

1. An Applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) copy and a soft copy of the following exhibits as separate attachments, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit EG8 – "Site Analysis Report"** Details as per Appendix I-Site analysis for the siting of Electric Power Generation Facility. Applicants shall be required to give a power point presentation as per Appendix I of their proposed site to the Siting Committee prior to the site visit to appraise the site. Printed copies of the presentation submitted as an Exhibit.

**Exhibit EG9- "Search Report/Land conveyance Agreement"** A search report from the Lands Commission confirming ownership and availability of the land for the project.

**Exhibit EG10 – "Load flow Study from Transmission Utility or relevant Distribution Utility"** Load flow studies and contingency analyses for proposed plant location.

**Exhibit EG11 – "Environmental Scoping Report"** A copy of your Environmental Scoping Report for the site under consideration.

**Exhibit EG12 – "Attestation from Geological Survey/Bathymetric Studies"** A report attesting to the absence of seismic activity or acceptable levels of seismic activity on and around the proposed site. **For Bathymetric Studies**, provide a report on hydrography, bathymetric map, Bottom /seabed scanning and topographic surveys.

**Exhibit EG13 – "Proof of Siting Permit Fee Payment"** Receipt confirming the payment of the prescribed permit application fee (reference Schedule II – Schedule of Licence Fees)

## **Stage 3: - Procedure for Acquisition of Wholesale Supply Licence (Provisional)**

1. An Applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide two (2) copies and a soft copy of the following exhibits as a separate attachment, clearly labelled, and all pages sequentially numbered and initialled.

**Exhibit EG14 – "Land Conveyance Agreement"** Proof of title to land and site plan.

**Exhibit EG15 – "Environmental Protection Agency (EPA) Permit"** An Environmental Protection Agency (EPA) Permit from Environmental Protection Agency.

**Exhibit EG16 – "Detailed Implementation Schedule,"** Detailed timelines for the specific activities that must be performed to produce the various project deliverables, establishing interdependences and sequencing.

**Exhibit EG17– "Plant and Machinery Specifications"** Detailed engineering design and equipment specifications.

**Exhibit EG18 – "Building Permit"** Building Permit from District on Municipal Assembly or Land Use and Spatial Planning.

**Exhibit EG19 – "Signed Power Sale and Purchase Agreements"** Signed Power Sale and Purchase Agreement between the wholesale supplier, a Brokerage, distribution utility or a bulk customer.

**Exhibit EG20 – "Signed Engineering, Procurement and Construction Contract (EPC)"** A copy of the signed EPC contract with evidence of selection process.

**Exhibit EG21 "Local Content & Local Participation"** Proof of compliance with the Local Content Policy of Ghana to the extent of recruiting personnel and procurement of equipment/services for construction.

**Exhibit EG22 – "Health, Safety & Environmental Plan"** Plans to comply with all legislation and standards relevant to the firm's activities and implement systems and structures that prevent the recurrence of injuries, ill health and hazardous conditions.

**Exhibit EG23 – "Safety and Technical Procedures"** Operational and maintenance safety rules, procedure and instructions including, Company Safety Policy Statement, Deployment of disaster management measures and Specific commitment and arrangements to operate facilities/installations to ensure safe and reliable electricity supply.

**Exhibit EG24 – "Supply Agreements (equipment, parts and fuel)"** Equipment and Parts Agreements for major spare parts and frequently changed parts and equipment; Provide Supply Agreements for fuel, water, network access, etc.

**Exhibit EG25 – "Third Party Insurance"** Third-party insurance for workers and related personnel for the construction period.

**Exhibit EG26 - "Grid Impact Study Report"** provides the Grid Impact Study Report and a signed Memorandum of Understanding with the Electricity Transmission Utility.

**Exhibit EG27 "Local Content & Local Participation"** Proof of compliance with Local Content Policy requirement of the Electricity Supply Industry of Ghana to the extent of recruiting personnel and procurement of equipment/services for operating the equipment.

**Exhibit EG28 – "Proof of Payment of 10% of Initial Licence Fee"** Receipt confirming the payment of 10% of the prescribed Initial Licence fee. (reference schedule II – Schedule of Licence Fees). The balance of the Initial Licence fee shall be due after reaching financial close.

**NOTE;**

- 1. Applicants may be required to give a powerpoint presentation of their overall project and licence application to the Board of the Energy Commission as per Appendix VI. Printed copies of the presentation should be submitted as an exhibit.***

2. *Applicant will be required to notify the Commission on reaching financial close, where the balance of the Initial Licence Fee will be due for payment.*
3. *The licence issued shall have a validity of only 18 months. Failure to reach financial close within the validity of the licence will result in the cancellation of the Licence.*
4. *Notwithstanding (3) above, the licence may be extended for a maximum period of 6 months on the provision of satisfactory evidence that the extension would lead to the project achieving financial close.*
5. *This licence, once expired, cannot be renewed.*

#### **Stage 4: - Procedure for the acquisition of Wholesale Supply Licence (Authorisation to Construct)**

1. An applicant shall submit a signed letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) printed copy and one (1) softcopy of the following exhibits.

**Exhibit EG29 – "Proof of Project Financial Close"** provide satisfactory proof that all funds required for project execution have been secured and are available for project commencement.

**Exhibit EG30 – "Proof of Full Payment of Initial Licence Fee,"** Receipts confirming full payment of the prescribed Initial Licence fee. (reference schedule II – Schedule of Licence Fees).

#### **Stage 5: - Procedure for the acquisition of an Operations Approval**

1. An Applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) copies and one (1) softcopy of the following exhibits as separate attachments, clearly labelled, and all pages sequentially numbered and initialled.

**Exhibit EG31 – "Commissioning Report"** provide satisfactory commissioning test report including as-built drawings and layout of plant or facilities.

**Exhibit EG32– "Fire Certificate"** provide a fire certificate from Ghana National Fire Service.

**Exhibit EG33- "Third Party Insurance"** provides third party insurance for O&M personnel

**Exhibit EG34 – "Operational Experience & Expertise or Operation & Maintenance (O&M) Agreement"** provide CVs of key personnel involved in the operational aspects of the applicant's business.

**Exhibit EG35 - "Connection Agreement"** provides a signed Connection Agreement with the Electricity Transmission Utility.

*The Commission may make public the information included in an application for a licence. Where the applicant considers the information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they are to be regarded as commercially sensitive to enable the Commission take a decision on the confidentiality request.*

CHAPTER

# 8

## **WHOLESALE SUPPLY LICENCE – ELECTRICITY BROKERAGE LICENCE**

## 8.1 Stages in Acquisition of an Electricity Brokerage Licence

### **STAGE 1: ACQUISITION OF PROJECT REGISTRATION CERTIFICATE**

**Required Submissions:**

- Exhibit B1 - Completed Application form with signed Disclosure Statement
- Exhibit B2 - Document Registration
- Exhibit B3 - Ownership and Corporate Structure
- Exhibit B4 - Cross-ownership and ring-fencing
- Exhibit B5 - Project Brief
- Exhibit B6 - Local Participation
- Exhibit B7 - Proof of Fee Payment – Non-refundable

### **STAGE 2: ACQUISITION OF WHOLESALE SUPPLY LICENCE (AUTHORIZATION TO OPERATE)**

**Required Submissions:**

- Exhibit B8 - Operational Experience and Expertise
- Exhibit B9 - Local Content Plan
- Exhibit B10 - Public Notice
- Exhibit B11 - Financial Capability
- Exhibit B12 - Signed Power Sale and Purchase Agreements
- Exhibit B13 - Receipt of Initial Licence Fee Payment

## **Procedure for the Acquisition of an Electricity Brokerage Licence**

### **Stage 1: - Procedure for Acquisition of Registration Certificate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) copy of the following exhibits as separate attachments, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit B1 "Completed Application Form"** Original application form signed by a Principal Officer (reference schedule 1-Application Form A and Form B), with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit B2 "Document Registration,"** Evidence that the applicant has registered with the Registrar General's Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second schedule to the Companies Act, 1963 (Act 179) (where applicable)
- b. For Limited Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company's registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

### **Exhibit B3- Ownership and Corporate structure (Equity ownership)**

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable), including;

- i. A list and description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit B4 Cross-ownership and ring-fencing**

Information on cross-ownership and ring-fencing. This should outline the following:

- i. Details of cross-ownership in other business by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available;
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit B5 "Project Brief"** A summary of the proposed project, including the proposed operational nature of applicants business.

**Exhibit B6 – "Local Content and Local Participation"** A plan detailing:

- (a) the role and responsibilities of the indigenous Ghanaian;
- (b) the equity participation of the indigenous Ghanaian; and all other shareholders and
- (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit B7 – "Proof of Payment of Application fee"** Receipt confirming the payment of the prescribed application fee (reference schedule II – Schedule of Licence Fees)

**Stage 2: - Exhibits required for the acquisition of Authorization to Operate**

1. An Applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.



2. Applicants shall provide one (1) copies and a soft copy of the following exhibits as a separate attachment, clearly labelled, and all pages sequentially numbered and initialled.

**Exhibit B8 – "Operational Experience & Expertise,"** CV of key personnel involved in the operational aspects of the applicant's business.

**Exhibit B9 – "Local Content and Local Participation Plan"** Proof of compliance with the Local Content Policy requirements of the Electricity Supply Industry of Ghana to the extent of recruiting personnel and procurement of equipment/services for your operations.

**Exhibit B10 – "Public Notice"** An affidavit of the details of the notice published and the complete original page of the newspaper in which the notice has been published as per **Appendix V**.

**Exhibit B11– "Financial Capability"** Applicant should demonstrate that all relevant industry costs, as well as overheads, have been considered, and that impacts of growth have been included.

Financial projections should be for the first two years after commencing supply and highlight the projected profitability and percentage gross and net profit margins. The Commission will consider whether appropriate preparations have been made and that the plans submitted are based on relevant and reasonable assumptions. You must demonstrate that you have given due regard to managing your risks and provide details of your operational capabilities.

Where the financial statements do not provide adequate proof of financial capability, the applicant may provide additional acceptable proof of funding, which could be in the form of cash or liquid assets, debt finance or letter of credit, guarantee from a finance backer. It is acceptable that some funding may be conditional on completing market entry steps (including licensing), but there should be no onerous conditions/limited timeframes attached to accessing the funding. A signed declaration of financial and operational adequacy will also be required.

**Exhibit B12– "Signed Power Sales and Purchase Agreement"** Power Purchase Agreement (where relevant, especially with generators) and Power Sales Agreement (where relevant especially with DISCOs or Bulk Customers).

**Exhibit B13- "Receipt of Initial License Fee Payment"** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

*The Commission may make public the information included in an application for a licence. Where the applicant considers the information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they are to be regarded as commercially sensitive to enable the Commission to determine its consideration of the confidentiality request.*

**CHAPTER**

**9**

**WHOLESALE SUPPLY LICENCE – ELECTRICITY EXPORT LICENCE**

## 9.1 Stages in the acquisition of an Electricity Export Licence

### STAGE 1: ACQUISITION OF REGISTRATION CERTIFICATE

#### Required Submissions:

- Exhibit E1 - Completed Application form with signed Disclosure Statement
- Exhibit E2 - Document Registration
- Exhibit E3 - Ownership and Corporate Structure
- Exhibit E4 - Cross-ownership and ring-fencing
- Exhibit E5 - Project Brief
- Exhibit E6 - Local Participation
- Exhibit E7 - Proof of Fee Payment – Non-refundable

### STAGE 2: ACQUISITION OF WHOLESALE SUPPLY LICENCE (AUTHORIZATION TO OPERATE)

#### Required Submissions:

- Exhibit E8 - Operational Experience and Expertise
- Exhibit E9 - Public Notice
- Exhibit E10 - Power Purchase Agreement & Power Sales Agreement
- Exhibit E11 - Transmission Service Agreement
- Exhibit E12 - Copy of Wholesale Supply License – Electricity Generation License
- Exhibit E13 - Receipt of Initial License Fee Payment

## **Procedure for Acquisition of an Electricity Export Licence**

### **Stage 1: - Procedure for the Acquisition of Registration Certificate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) hardcopy of the following exhibits as a separate attachment, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit E1 "Completed Application Form"** Original application form signed by a Principal Officer (reference schedule 1-Application Form A and Form B), with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit E2 "Documentation Registration,"** Evidence that the applicant has registered with the Registrar General's Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second schedule to the Companies Act, 1963 (Act 179)
- b. For Limited Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company's registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

### **Exhibit E3 "Ownership and Corporate structure" (Equity ownership)**

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable), including;

- i. A list and description of all existing, pending, or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.
- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or

- any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit E4 Cross-ownership and ring-fencing**

Information on cross-ownership and ring-fencing. This should outline the following:

- i. Details of cross-ownership in other businesses by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available; and
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit E5 "Project Brief"** A summary of the proposed project, including the proposed operational nature of applicants business.

**Exhibit E6 – "Local Content and Local Participation Plan"**, a plan detailing

- (a) the role and responsibilities of the indigenous Ghanaian;
- (b) the equity participation of the indigenous Ghanaian; and all other shareholders; and
- (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit E7 – "Proof of Payment of Registration fee"** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

**Stage 2: Exhibits required for the acquisition of Authorization to operate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.

2. An Applicants shall provide two (2) hardcopies and a softcopy of the following exhibits as separate attachment, clearly labelled and all pages sequentially numbered and initialled

**Exhibit E8 – "Operational Experience & Expertise** CVs of key personnel involved in the operational aspects of the applicant's business.

**Exhibit E9 – "Public Notice"** An affidavit of the details of the notice published and shall also file the complete original page of the newspaper in which the notice has been published as per **Appendix V**.

**Exhibit E10 – "Power Sales and Purchase Agreement"** Power Purchase Agreement (where relevant especially, with generators) and Power Sales Agreement (where relevant with a foreign customer or customers).

**Exhibit E11– "Transmission Service Agreement"** Agreement with the ETU for network access.

**Exhibit E12 – "Copy of Wholesale Supply License – Electricity Generation License"** Applicant to required to attach a copy of the Wholesale Supply License – Electricity Generation License

**Exhibit E13 – "Receipt of Initial Licence Fee,"** Receipt confirming the payment of the prescribed permit application fee (reference schedule II – Schedule of Licence Fees).

*The Commission may make public the information included in an application for a licence. Where the applicant considers the information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they are to be regarded as commercially sensitive to enable the Commission to determine its consideration of the confidentiality request.*

CHAPTER

**10**

**WHOLESALE SUPPLY LICENCE – ELECTRICITY IMPORT LICENCE**

## 10.1 Stages in the acquisition of an Electricity Import Licence

### ACQUISITION OF REGISTRATION CERTIFICATE

#### Required Submissions:

- Exhibit I1 - Completed Application form with signed Disclosure Statement
- Exhibit I2 - Document Registration
- Exhibit I3 - Ownership and Corporate Structure
- Exhibit I4 - Cross-ownership and ring-fencing
- Exhibit I5 - Project Brief
- Exhibit I6 - Local Participation
- Exhibit I7 - Proof of Fee Payment – Non-refundable

### STAGE 2: ACQUISITION OF WHOLESALE SUPPLY LICENCE (AUTHORIZATION TO OPERATE)

#### Required Submissions:

- Exhibit I8 - Operational Experience and Expertise
- Exhibit I9 - Public Notice
- Exhibit I10 - Power Purchase Agreement & Power Sales Agreement
- Exhibit I11 - Transmission Service Agreement
- Exhibit I12 - Receipt of Licence Fee



## **Procedure for the Acquisition of an Electricity Import Licence**

### **Stage 1: - Procedure for the Acquisition of Registration Certificate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) hardcopy of the following exhibits as a separate attachment, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit I1 “Completed Application Form”** Original application form signed by a Principal Officer (reference schedule 1-Application Form A and Form B), with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit I2 "Documentation Registration"** provide evidence that the applicant has registered with the Registrar General’s Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second schedule to the Companies Act, 1963 (Act 179)
- b. For Limited Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company’s registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

### **Exhibit I3- “Ownership and Corporate structure” (Equity ownership)**

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable), including;

- i. A list and description of all existing, pending, or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant’s financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.
- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant’s financial or operational status or ability to provide the services it is seeking to be certified to provide.

- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit I4 Cross-ownership and ring-fencing**

Information on cross-ownership and ring-fencing. This should outline the following:

- i. Details of cross-ownership in other businesses by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available; and
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit I5“ Project Brief”** A summary of the proposed project, including the proposed operational nature of applicants business.

**Exhibit I6 – “Local Content and Local Participation Plan”** A plan detailing

- (a) the role and responsibilities of the indigenous Ghanaian;
- (b) the equity participation of the indigenous Ghanaian; and all other shareholders; and
- (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit I7 – “Proof of Payment of Registration fee”** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

**Stage 2: - Exhibits required for the acquisition of Authorization to operate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide two (2) hardcopies and a softcopy of the following exhibits as a separate attachment, clearly labelled, and all pages sequentially numbered and initialled

**Exhibit I8 – “Operational Experience & Expertise,”** CVs of key personnel involved in the operational aspects of the applicant’s business.

**Exhibit I9 – “Public Notice,”** An affidavit of the details of the notice published and shall also file the complete original page of the newspaper in which the notice has been published as per **Appendix V**.

**Exhibit I10– “Power Sales and Purchase Agreement”** Power Purchase Agreement (with foreign generators) and Power Sales Agreement (where relevant, especially with DISCOs or Bulk Customers).

**Exhibit I11- “Transmission Service Agreement”** Agreement with the ETU for network access.

**Exhibit I12 – “Receipt of Initial Licence Fee,”** Evidence of payment of the appropriate prevailing licence fee to the Energy Commission.

*The Commission may make public the information included in an application for a licence. Where the applicant considers the information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they are to be regarded as commercially sensitive to enable the Commission to determine its consideration of the confidentiality request.*

**CHAPTER**

**11**

**ELECTRICITY TRANSMISSION LICENCE (LICENCE TRANSFER)**

## 11.1 Stages in acquiring Electricity Transmission Licence (Licence Transfer)

Business Registration and Initial due diligence

### **STAGE 1: ACQUISITION OF LICENCE**

#### **Required Submissions:**

- Exhibit T1 - Completed Application form with signed Disclosure Statement
- Exhibit T2 - Document Registration
- Exhibit T3 - Ownership and Corporate Structure
- Exhibit T4 - Cross-ownership and ring-fencing
- Exhibit T5 - Project Brief
- Exhibit T6 - Local Content and Local Participation
- Exhibit T7 - Proof of Licence Application Fee Payment (Non-refundable)
- Exhibit T8 - Description of the Transmission Network
- Exhibit T9 - Supply Agreements (Equipment and Parts)
- Exhibit T10 - Receipt of Initial Fee
- Exhibit T11 - Fire Certificate
- Exhibit T12 - Operational Experience or Operational & Maintenance (O&M) Agreement

## **Procedure for Acquisition of an Electricity Transmission Licence (Licence Transfer)**

### **Stage 1: - Procedure for Acquisition of Registration Certificate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) hard copy and a softcopy of the following exhibits as separate attachments, clearly labelled, and all pages sequentially numbered and initialled,

**Exhibit T1 “Completed Application Form”**) Original application form signed by a Principal Officer (reference schedule 1-Application Form A and Form B), with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit T2 "Documentation Registration,"** Evidence that the applicant has registered with the Registrar General’s Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second schedule to the Companies Act, 1963 (Act 179)
- b. For Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company’s registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

### **Exhibit T3 “Ownership and Corporate structure” (Equity ownership)**

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable) including;

- i. A list and description of all existing, pending, or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant’s financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.
- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or

- any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit T4 “Cross-ownership and ring-fencing.”**

Information on cross-ownership and ring-fencing. This should outline the following;

- i. Details of cross-ownership in other businesses by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available;
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit T5“ Project Brief”** A written explanation of the company's business model for the venture as per Appendix IV.

**Exhibit T6 – “Local Content and Local Participation”** A plan detailing (a) the role and responsibilities of the indigenous Ghanaian; (b) the equity participation of the indigenous Ghanaian; and all other shareholders and (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit T7 – “Proof of Payment of Application fee”** Applicants shall attach a receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

**Exhibit T8 – “Description of Transmission Network”** Details as per Schedule V-Description of the Electricity Transmission System.

**Exhibit T9 “Receipt of Initial License Fee,”** Receipt confirming the payment of the prescribed permit application fee (reference schedule II – Schedule of Licence Fees)

**Exhibit T10– “Fire Certificate”** A fire certificate from Ghana National Fire Service.

**Exhibit T11 – “Operational Experience & Expertise or Operation & Maintenance (O&M) Agreement,”** CVs of key personnel involved in the operational aspects of the applicant's business.

*The Commission may make public the information included in an application for a licence. Where the applicant considers the information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they are to be regarded as commercially sensitive to enable the Commission to consider the confidentiality request*

*Applicants may be required to give a powerpoint presentation of their overall project and licence application to the Board of the Energy Commission as per Appendix VI.*



**CHAPTER**

**12**

**ELECTRICITY DISTRIBUTION LICENCE (NEW CONCESSION)**

## 12.1 Stages in acquiring an Electricity Distribution Licence (New Concession)

### STAGE 1: ACQUISITION OF PROJECT REGISTRATION CERTIFICATE

**Required Submissions:**

- Exhibit D1 - Completed Application form with signed Disclosure Statement
- Exhibit D2 - Documentation Registration
- Exhibit D3 - Ownership and Corporate structure
- Exhibit D4 - Cross-ownership and ring-fencing
- Exhibit D5 - Project Brief
- Exhibit D6 - Local Participation
- Exhibit D7 - Proof of-Application Fee Payment
- Exhibit D8 - No Objection Letter
- Exhibit D9 - Public Notice

Identification, selection of site/route for a project

### STAGE 2: ACQUISITION OF SITING PERMIT

**Required Submissions:**

- Exhibit D10 - Description of the Distribution Network
- Exhibit D11 - Site Analysis Report
- Exhibit D12 - Initial search report from Lands Commission/Land Conveyance Agreement
- Exhibit D13 - Proof of Siting Permit Fee Payment
- Exhibit D14 - Attestation from Geological survey/ Bathymetric study (applicable to ONLY barges and powerships)

### STAGE 3: ACQUISITION OF CONSTRUCTION PERMIT (AUTHORIZATION TO CONSTRUCT)

**Required Submissions:**

- Exhibit D15 - Land Conveyance Agreement (if not presented for Siting Permit)
- Exhibit D16 - Environmental Protection Agency (EPA) Permit
- Exhibit D17 - Detailed Implementation Schedule
- Exhibit D18 - Plant and Machinery Specifications
- Exhibit D19 - Building Permit
- Exhibit D20 - Signed Engineering, Procurement and Construction Contract
- Exhibit D21 - Local Content Plan for construction
- Exhibit D22 - Health, Safety & Environmental Plan
- Exhibit D23 - Safety and Technical Management Procedures
- Exhibit D24 - Supply Agreements(equipment, parts, etc.) (not mandatory)
- Exhibit D25 - Local Content Plan for operations and maintenance
- Exhibit D26 - Proof of Licence Fee Payment

Prior to commercial operation

### STAGE 4: OPERATIONS APPROVAL

**Required Submissions:**

- Exhibit D27 - Commissioning Report
- Exhibit D28 - Fire Certificate
- Exhibit D29 - Operational Experience and Expertise or Operation & Maintenance (O&M) Agreement

## **Procedure for the Acquisition of an Electricity Distribution Licence (New Concession)**

### **Stage 1: Procedure for the Acquisition of Registration Certificate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) hard copy of the following exhibits as a separate attachment, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit D1 “Completed Application Form”** Original application form signed by a Principal Officer (reference schedule 1-Application Form A and Form B) with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit D2 "Documentation Registration,"** Evidence that the applicant has registered with the Registrar General’s Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second Schedule to the Companies Act, 1963 (Act 179)
- b. For Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company’s registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

**Exhibit D3 “Ownership and Corporate Structure”** (Equity ownership)

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable), including;

- i. A list and description of all existing, pending, or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant’s financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit D4 - “Cross-ownership and Ring-Fencing.”**

Information on cross-ownership and ring-fencing. This should outline the following:

- i. Details of cross-ownership in other businesses by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available; and
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit D5 – “Project Brief”** A written explanation of the company's business\_model for the venture as per Appendix IV.

**Exhibit D6 – “Local Content and Local Participation”** provide a plan detailing

- (a) the role and responsibilities of the indigenous Ghanaian;
- (b) the equity participation of the indigenous Ghanaian; and all other shareholders and
- (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit D7 – “Proof of payment of Application fee”** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

**Exhibit D8 – “No Objection Letter”** A letter of no objection stating that the concessionaire has no objection to the applicant's request to operate in an area with their concession area.

**Exhibit D9 – “Public Notice”** An affidavit of the details of the notice published and shall also the complete original page of the newspaper in which the notice has been published as per **Appendix V**.

## **Stage 2: Procedure for Acquisition of Siting Clearance**

1. An Applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide two (2) copies and a softcopy of the following exhibits as a separate attachment, clearly labelled, and all pages sequentially numbered and initialled.
3. Applicants shall give a powerpoint presentation as per Appendix I of their proposed site to the Siting Committee prior to the site visit to appraise the site

**Exhibit D10 – “Description of Distribution Network”** Details as per Schedule III- Description of the Electricity Distribution System.

**Exhibit D11 – “Site Analysis Report”** Details as per Appendix II-Site analysis for the siting of Electric Power Distribution Facilities shall include detailed Site-Layout and Right-of-Way drawings for the transmission lines and substations. A programme for compensation payments (where relevant) Applicants shall be required to give a powerpoint presentation of their proposed site to the Siting Committee prior to the site visit to appraise the site, and a printed copy of the presentation submitted as Exhibit.

**Exhibit D12 - Search Report/Land conveyance Agreement”** A search report from the Lands Commission confirming ownership and availability of the land for the project.

**Exhibit D13 – “Proof of Fee Payment of Siting Permit Fee”** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

**Exhibit D14 – “Attestation from Geological Survey/Bathymetric Studies”** A report attesting to either the absence of or acceptable levels of seismic activity on and around the proposed site. **For Bathymetric Studies**, provide a report.

## **Stage 3. Procedure for Acquisition of Construction Permit**

1. An Applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide two (2) copies and a softcopy of the following exhibits as a separate attachment, clearly labelled and all pages sequentially numbered and initialled.
3. Applicants may be required to give a power point presentation of their overall project and licence application to the Board of the Energy Commission as per Appendix VI.

**Exhibit D15 – “Land Conveyance Agreement,”** Approved documentation of proof of title to land and site plan.

**Exhibit D16 – “Environmental Protection Agency (EPA) Permit”** A Permit from Environmental Protection Agency (EPA).

**Exhibit D17 – “Detailed Implementation Schedule,”** Detailed timelines for the specific activities that must be performed to produce the various project deliverables, establishing interdependences and sequencing.

**Exhibit D18 – “Plant and Machinery Specifications”** Detailed engineering design and equipment specifications.

**Exhibit D19– “Building Permit”** Building Permit from District or Municipal Assembly or Land Use and Spatial Planning.

**Exhibit D20 – “Signed Engineering, Procurement and Construction Contract,”** A copy of the signed EPC contract with evidence of selection process.

**Exhibit D21 “Local Content and Local Participation Plan,”** Proof of compliance with the Local Content Policy of Ghana to the extent of recruiting personnel and procurement of equipment/services for construction.

**Exhibit D22 – “Health, Safety & Environmental Plan”** Plans to comply with all legislation and standards relevant to the firm’s activities and implement systems and structures that prevent the recurrence of injuries, ill health and hazardous conditions.

**Exhibit D23 – “Safety and Technical Procedures”** Operational and maintenance safety rules, procedure and instructions including, Company Safety Policy Statement, Deployment of disaster management measures and Specific commitment and arrangements to operate facilities/installations to ensure safe and reliable electricity supply.

**Exhibit D24 – “Supply Agreements (equipment, parts, etc.)”** Equipment and Parts Agreements for major spare parts and frequently changed parts and equipment; Provide network access etc.

**Exhibit D25 “Local Content and Local Participation Plan – Operation and maintenance”** Plans in accordance with the Local Content Policy of Ghana to the extent of recruiting personnel and procurement of equipment/services for the operating network.

**Exhibit D26 – “Proof of Licence Fee Payment”** Receipt confirming the payment of the prescribed Licence fee (reference schedule II – Schedule of Licence Fees)

#### **Stage 4: - Procedure for Operations Approval**

1. An Applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.

2. Applicants shall provide one (1) copies and one (1) softcopy of the following exhibits as a separate attachment, clearly labelled, and all pages sequentially numbered and initialled.

**Exhibit D27 – “Commissioning Report”** Satisfactory Commissioning Test Report including as-built drawings and layout of substation/route.

**Exhibit D28– “Fire Certificate”** A fire certificate from the Ghana National Fire Service.

**Exhibit D29 – “Operational Experience & Expertise or Operation and Maintenance Agreement”** CVs of key personnel involved in the operational aspects of the applicant’s business.

*The Commission may make public the information included in an application for a licence. Where the applicant considers the information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they are to be regarded as commercially sensitive to enable the Commission to determine its consideration of the confidentiality request.*

**CHAPTER**

**13**

**ELECTRICITY DISTRIBUTION LICENCE (LICENCE TRANSFER)**



## 13.1 Stages in acquiring an Electricity Distribution Licence (Licence Transfer)

### ACQUISITION OF LICENCE

#### Required Submissions:

Exhibit d1	-	Completed Application form with signed Disclosure Statement
Exhibit d2	-	Documentation Registration
Exhibit d3	-	Ownership and Corporate structure
Exhibit d4	-	Cross-ownership and ring-fencing
Exhibit d5	-	Project Brief
Exhibit d6	-	Local Participation
Exhibit d7	-	Proof of License Application Fee Payment
Exhibit d8	-	Public Notice
Exhibit d9	-	Supply Agreements (equipment and parts )(Not Mandatory)
Exhibit d10	-	Receipt of Initial License Fee
Exhibit d11	-	Fire Certificate
Exhibit d12	-	Operational Experience and Expertise or Operation & Maintenance (O&M) Agreement

## **Procedure for the Acquisition of an Electricity Distribution Licence (Licence Transfer**

### **Stage 1: Procedure for the Acquisition of Registration Certificate**

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) hard copy of the following exhibits as a separate attachment, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit d1 “Completed Application Form”** Original application form signed by a Principal Officer (reference schedule 1-Application Form A and Form B) with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit d2 "Documentation Registration"** Evidence that the applicant has registered with the Registrar General’s Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second Schedule to the Companies Act, 1963 (Act 179)
- b. For Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company’s registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

### **Exhibit d3 “Ownership and Corporate Structure” (Equity ownership)**

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable) including;

- i. A list and description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant’s financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.
- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending, or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or

any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.

- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit d4 “Cross-ownership and Ring-fencing.”**

Information on cross-ownership and ring-fencing. This should outline the following:

- i. Details of cross-ownership in other businesses by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available; and
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit d5 – “Project Brief”** A written explanation of the company's business\_model for the venture as per Appendix IV.

**Exhibit d6 – “Local Content and Local Participation”** provide a plan detailing

- (a) the role and responsibilities of the indigenous Ghanaian;
- (b) the equity participation of the indigenous Ghanaian; and all other shareholders and
- (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit d7 – “Proof of payment of Application fee”** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

**Exhibit d8 – “Public Notice”** An affidavit of the details of the notice published and shall also file the complete original page of the newspaper in which the notice has been published as per **Appendix V**.

**Exhibit d9 – “Supply Agreements (equipment, parts, etc.)”** Equipment and Parts Agreements for major spare parts and frequently changed parts and equipment; Provide network access, etc.

**Exhibit d10 – “Proof of Licence Fee Payment”** Receipt confirming the payment of the prescribed Licence fee (reference schedule II – Schedule of Licence Fees)

**Exhibit d11– “Fire Certificate”** A fire certificate from the Ghana National Fire Service.

**Exhibit d12 – “Operational Experience & Expertise or Operation and Maintenance Agreement”** CVs of key personnel involved in the operational aspects of the applicant’s business.

*The Commission may make public the information included in an application for a licence. Where the applicant considers information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they are to be regarded as commercially sensitive to enable the Commission to determine its consideration of the confidentiality request.*

**CHAPTER**

**14**

**ELECTRICITY SALE LICENCE**

## 14.1 Stages in the acquisition of Electricity Sale Licence

### STAGE 1: ACQUISITION OF PROJECT REGISTRATION CERTIFICATE

#### Required Submissions:

- Exhibit S1 - Completed Application form with signed Disclosure Statement
- Exhibit S2 - Document Registration
- Exhibit S3 - Ownership and Corporate Structure
- Exhibit S4 - Cross-ownership and ring-fencing
- Exhibit S5 - Project Brief
- Exhibit S6 - Local Participation
- Exhibit S7 - Proof of Fee Payment – Non-refundable

### STAGE 2: ACQUISITION OF OPERATIONAL LICENCE (AUTHORIZATION TO OPERATE)

#### Required Submissions:

- Exhibit S8 - Operational Experience and Expertise
- Exhibit S9 - Public Notice
- Exhibit S10 - Revenue Management Strategy
- Exhibit S11 - Financial Capability
- Exhibit S12 - Signed Power Purchase and Sales Agreement
- Exhibit S13 - Sales Agreement with any offtaker (not mandatory)
- Exhibit S14 - Receipt of Initial License Fee Payment

## Procedure for the Acquisition of an Electricity Sale Licence

### Stage 1: - Procedure for the Acquisition of Registration Certificate

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) copy of the following exhibits as a separate attachment, clearly labelled and all pages sequentially numbered and initialled.

**Exhibit S1 “Completed Application Form”** Original application form signed by a Principal Officer (reference schedule 1-Application Form A and Form B), with a signed declaration/disclosure statement by each Director/Principal Shareholder of the company relating to any liabilities or investigations affecting their suitability as a Director/Shareholder of a licensed company.

**Exhibit S2 "Documentation Registration,"** Evidence that the applicant has registered with the Registrar General’s Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second schedule to the Companies Act, 1963 (Act 179) (where applicable)
- b. For Limited Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company’s registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

#### **Exhibit S3 - “Ownership and Corporate structure” (Equity ownership)**

Details of ownership as in Form C (Schedule I), and diagram of corporate structure (where applicable) including;

- i. A list and description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant’s financial or operational status or ability to provide the services it is seeking to be certified to provide.
- ii. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence or had licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

- iii. Each partner, director or major shareholder (with any share ownership) is required to provide a declaration/disclosure statement (Ref: Exhibit B1) relating to any existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- iv. A statement indicating whether any of his associates, partners, promoters, or Directors was ever refused a licence or had a licence cancelled, and if so, the particulars of such application, date of making the application, date of order refusing or cancelling licence and reasons for such refusal or cancellation.

**Exhibit S4 “Cross-ownership and ring-fencing.”**

Information on cross-ownership and ring-fencing. This should outline the following:

- i. Details of cross-ownership in other businesses by shareholding as in Schedule IV;
- ii. The basis on which services and resources will be transacted between relevant operating areas of the applicants, or the applicant and its other related entities;
- iii. In the case of applicants that are wholly owned subsidiaries, information on proposed audit arrangements should be provided and also stated whether separate reports for the licensee and its parent company (if applicable) are to be prepared and made publicly available; and
- iv. Other guidelines or standards relating to financial separation, ring-fencing and separate audit arrangements which the applicant intends to follow.

**Exhibit S5“ Project Brief”** A summary of the proposed project, including the proposed operational nature of applicants business.

**Exhibit S6 – “Local Content and Local Participation”** A plan detailing:

- (a) the role and responsibilities of the indigenous Ghanaian;
- (b) the equity participation of the indigenous Ghanaian; and all other shareholders and
- (c) the strategy for the transfer of technology and know-how to the indigenous Ghanaian company.

**Exhibit S7 – “Proof of Payment of Registration fee”** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees).



## Stage 2: - Procedure for Acquisition of Operational Licence (Authorization to operate)

1. An applicant shall submit a signed application letter addressed to the Executive Secretary of the Commission.
2. Applicants shall provide one (1) hardcopy and a softcopy of the following exhibits as a separate attachment, clearly labelled, and all pages sequentially numbered and initialled,

**Exhibit S8 – “Operational Experience & Expertise”** CVs of key personnel involved in the operational aspects of the applicant’s business.

**Exhibit S9 – “Public Notice”** An affidavit of the details of the notice published and shall also file the complete original page of the newspaper in which the notice has been published as per **Appendix V**.

**Exhibit S10– “Revenue Management Strategy”** An outline of how revenue would be collected from prospective customers. The strategy should also include metering and any other technologies to be employed.

**Exhibit S11– “Financial Capability”** Applicant should demonstrate that all relevant industry costs, as well as overheads, have been considered and that impacts of growth have been included.

Financial projections should be for the first two years after commencing supply and highlight the projected profitability and percentage gross and net profit margins. The Commission will consider whether appropriate preparations have been made and that the plans submitted are based on relevant and reasonable assumptions. You must demonstrate that you have given due regard to managing your risks and provide details of your operational capabilities.

Where the financial statements do not provide adequate proof of financial capability, the applicant may provide additional acceptable proof of funding, which could be in the form of cash or liquid assets, debt finance or letter of credit, guarantee from a finance backer. It is acceptable that some funding may be conditional on completing market entry steps (including licensing), but there should be no onerous conditions/limited timeframes attached to accessing the funding. A signed declaration of financial and operational adequacy will also be required.

**Exhibit S12– “Signed Power Purchase & Sale Agreement”** Power Purchase Agreement with a distribution company.

**Exhibit S13–“Sales Agreement”** Supplier Agreement(s) with potential customers.

**Exhibit S14- “Receipt of Initial Licence Fee Payment,”** Receipt confirming the payment of the prescribed permit application fee (reference schedule II – Schedule of Licence Fees)

*The Commission may make public the information included in an application for a licence. Where the applicant considers the information contained in an application to be commercially sensitive, the applicant should clearly identify such information and state the reasons why they*

*are to be regarded as commercially sensitive to enable the Commission to determine its consideration of the confidentiality request.*

**CHAPTER**

**15**

**BULK CUSTOMER PERMIT**

## 15.1 Acquisition of Bulk Customer Permit

### Required Submissions:

Exhibit BC1	-	Project Summary
Exhibit BC2	-	Completed Application form with signed Disclosure Statement
Exhibit BC3	-	Company Registration
Exhibit BC4	-	Proof of Permit Application Fee Payment
Exhibit BC5	-	Annual Energy Consumption data (electricity bills)

**Exhibit BC1 – “Project Summary,”** A summary of the proposed operational nature of the applicant’s project and background of the entity(ies) to own and operate the Network.

**Exhibit BC2 “Completed Application Form”** Original application form signed by a Principal Officer (reference schedule 1-Application form A).

**Exhibit BC3 "Company Registration,"** Evidence that the applicant has registered with the Registrar General’s Department. Exhibits required include

- a. Business Registration Documents
  - i. Certificate of Registration
  - ii. Certificate to Commence Business
  - iii. Regulations 8 to 82; Second schedule to the Companies Act, 1963 (Act 179)
  
- b. For Limited Liability Companies; names, titles, nationalities, addresses and telephone numbers of the Company’s registered Directors or/and Company Secretary (where applicable), with at least one (1) Director being a citizen of Ghana, and also one (1) Director being resident in Ghana.

**Exhibit BC4 – “Proof of Fee Payment”** Receipt confirming the payment of the prescribed licence application fee (reference schedule II – Schedule of Licence Fees)

**Exhibit BC5- “Annual Energy Consumption Data”** Twelve (12) month electricity consumption bill or estimate of electricity consumption for 12 months.

*This Manual is based on the Energy Commission Act, 1997 (ACT 541), as amended.  
If the legislation or other material underlying this Manual  
is amended, the Commission reserves the right  
to amend the Manual.*

**SCHEDULE I: APPLICATION FORMS A, B, and C**

**APPLICATION FORM (Form A)**

**A-1 Applicant/Company intends to be licensed for the service of (check all that apply)**

- Wholesale Electricity Supply – Electricity Generation (Grid Connected Generation)
- Wholesale Electricity Supply – Electricity Generation (Embedded Electricity Generation)
- Wholesale Electricity Supply - Electricity Brokerage
- Wholesale Electricity Supply - Electricity Export
- Wholesale Electricity Supply - Electricity Import
- Electricity Transmission
- Electricity Distribution
- Electricity Sale
- Bulk Customer Permit

**A-2 Applicant/Company’s legal name, addresses, telephone number and website**

Legal Name \_\_\_\_\_  
Postal Address \_\_\_\_\_  
Physical Address \_\_\_\_\_  
Digital Address: \_\_\_\_\_  
Town/City \_\_\_\_\_ Region \_\_\_\_\_  
Telephone # \_\_\_\_\_ Email \_\_\_\_\_  
Website address (if any) \_\_\_\_\_

**A-3 Contact person for regulatory matters**

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Address (if different) \_\_\_\_\_  
Digital Address: \_\_\_\_\_  
Telephone # \_\_\_\_\_ Email \_\_\_\_\_

**A-4 Location where applicant intends to establish activity (where applicable)**

Community \_\_\_\_\_ Town/City \_\_\_\_\_  
District \_\_\_\_\_ Region \_\_\_\_\_

**A-5 Approximate proposed date to begin operation: \_\_\_\_\_**

**SIGNATURE**.....  
**DATE**.....

**FINANCIAL INFORMATION (Form B)**

**B-1 Applicant/Company’s legal name:** \_\_\_\_\_

**B-2 Net worth:**

As per the audited accounts for immediate past three (3) years or such shorter period as may be applicable, (specify financial year as applicable)

#	From (dd/mm/yyyy)	To (dd/mm/yyyy)	Net Worth (GH ₵)
1			
2			
3			

**Note:** Copies of Annual Reports or certified audited accounts to be enclosed in support of above

**B-3 Annual turnover for immediate past three (3) financial years or such shorter period as may be applicable, (specify financial year as applicable)**

#	From (dd/mm/yyyy)	To (dd/mm/yyyy)	Annual Turn Over (GH ₵)
1			
2			
3			

**B-4 List of supporting documents enclosed:**

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

\_\_\_\_\_  
 (Signature of the Applicant)  
 Or the authorised person

Place: \_\_\_\_\_

Date: \_\_\_\_\_



**COMPANY OWNERSHIP STRUCTURE (Form C)**

**C-1 Applicant/Company's legal name:** \_\_\_\_\_

**C-2 Licences held by applicant (if any)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C-3 Incorporation**

Place of Incorporation /Registration

\_\_\_\_\_

Year of Incorporation/ Registration

\_\_\_\_\_

**C-4 Shares**

Authorised share capital \_\_\_\_\_

Issued share capital \_\_\_\_\_

Subscribed share capital \_\_\_\_\_

Paid up share capital \_\_\_\_\_

**C-5 Details of shareholding as of the date of making the application (Give details of each of the shareholders holding 5% and above of the shares of the applicant directly or with relatives)**

#	Name of shareholder	Citizenship	Residential Status	No. of shares held	% holding of total paid-up capital of the company
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

**Note:** Copies of the following documents shall be enclosed

- a. Memorandum of Association and Articles of Association
- b. Original power of attorney in favour of the signatory to commit the applicant

**SCHEDULE II: SCHEDULE OF LICENCE FEES**

Type of Licence	Application Fee US\$	Initial Licence Fee (ILF) US\$		Annual Operating Fee (AOF)	
		Fixed (USD)	Variable (USD)	Fixed (USD)	Variable (GH¢)/KWh
<b>Wholesale Supply (Electricity Generation)</b>					
Combined Cycle Power Plants	10,000	0.1% of EPC Cost		37,500	0.25% of PURC Approved Tariff or PPA
Simple Cycle Power Plants	10,000	0.1 % of EPC Cost		62,500	0.25% of PURC Approved Tariff or PPA
		<b>Fixed (USD)</b>	<b>Variable (USD)</b>	<b>Fixed (USD)</b>	<b>Variable (GH¢)/KWh</b>
Electricity Transmission Services	10,000	66,000	NIL	100,000	0.25% of Transmission Service Charge
Electricity Distribution Services	10,000	100,000	NIL	50,000	0.25% of Distribution Service Charge
Electricity Retail Sale Services	10,000	100,000	NIL	50,000	0.25% of Retail Service Charge
Electricity Brokerage Services	10,000	10,000	NIL	10,000	GH¢ 0.00034/kWh
Electricity Export Services	10,000	20,000	NIL	20,000	GH¢ 0.00034/kWh
Electricity Import Services	10,000	20,000	NIL	20,000	GH¢ 0.00034/kWh
Siting Fee	10,000	-	-	-	-
Construction Permit Fee	0.1% of EPC* Cost	-	-	-	-
Bulk Customer Permit Fee	GH¢3,000	-	-		GH¢ 0.00075/kWh of energy consumed

**Notes:**

1. Energy Commission reserves the right to review licence fees by Public Notice.
2. EPC is the Engineering and Procurement Contract
3. Initial Licence Fee: This is a one-time payment fee for a new licence for construction of a facility
4. Annual Licence Fee: This is an annual payment for the maintenance of valid existing licences
5. Amendment Fee of 50% of the Application fee shall be charged.

**SCHEDULE III: DESCRIPTION OF THE ELECTRICITY DISTRIBUTION SYSTEM**

<b>Type of Distribution Line</b>	<b>Overhead Lines (OHL)-km</b>		<b>Underground (UG) Cables -(km)</b>
High Voltage/Sub-transmission (33KV)			
Medium Voltage (11KV)			
Low Voltage (415/230V) - Bare			
Low Voltage (415/230V) Service Lines – Insulated			
Other Voltage Levels			
<b>Description</b>	<b>Location</b>	<b>Total No.</b>	<b>Voltage Levels</b>
Bulk Supply Points  Transformers <ul style="list-style-type: none"> <li>➤ Power Transformers</li> <li>➤ Distribution Transformers</li> </ul> Primary Stations  Secondary Substations			

**SCHEDULE IV – SHAREHOLDING AND CROSS OWNERSHIP DECLARATION**

Item No	Name and Contact Details (Telephone & Email) of Shareholders	Wholesale Supply		Transmission		Distribution		Sale		Signature
		Name of Company	%	Name of Company	%	Name of Company	%	Name of Company	%	
<b>1</b>	Name:  Nationality: Tel: Email:									
<b>2</b>	Name:  Nationality: Tel: Email:									
<b>3</b>	Name:  Nationality: Tel: Email:									

**\*\* Declaration:** Signing this document means information provided in the Cross-Ownership Declaration Form is correct and complete. Any subsequent changes to the information provided above shall be duly communicated to the Energy Commission.

Name of Company/Applicant:.....

Name of Managing Director/ Director/Principal Officer:.....

Signature:.....

Date:.....

## APPENDICES

## **APPENDIX I: GUIDELINES FOR SITE ANALYSIS REPORT PRESENTATION**

### **1. Company Background;**

- (i) Profile of the Company
- (ii) Industry experience

### **2. Description of proposed facility:**

A description of the proposed facility including;

- (i) Project type (generation, transmission, or distribution)
- (ii) Technical details (technology, capacity/number, special features etc.)
- (iii) Connection required with Transmission/Distribution network
- (iv) Other associated facilities required (e.g. water, drainage etc.)
- (v) Size and scope of infrastructure to be installed and land size to be encumbered
- (vi) Proposed equipment layout design
- (vii) Electrical single line diagram showing connection with existing network

### **3. Site Analysis/Selection Process**

- (i) Specification of key site selection criteria used
- (ii) Overview of major site alternatives considered
- (iii) Identification of preferred site with justification based on selection criteria (a summary table comparing the sites is recommended)
- (iv) Map(s) of suitable scale (e.g. Google map) of preferred site showing
  - a. Location of site in the country with respect to major towns etc.
  - b. Site and areas on its borders or in close proximity to site
  - c. Satellite map of site
- (v) Proposed Site layout
- (vi) Land use and classification of selected site

### **4. Geology and seismology:**

A geological and structural map of suitable scale of the proposed facility site and also describe:

- (i) topographic contours
- (ii) existing vegetative cover that may be removed during construction
- (iii) surface water bodies
- (iv) the suitability of the site with respect to seismic sensitivity status; and

**5. Environmental**

- (a) Key environmental issues expected to arise and proposed mitigation
- (b) Studies to be undertaken prior to construction

**6. Social**

- a) Principal socioeconomic considerations of the preferred and alternate sites
- b) community engagement planned/undertaken

**7. Timeline for key projects milestones:**

- a) acquisition of land and land rights;
- b) PPA, EPC selection and Financial close;
- c) preparation of the final design;
- d) construction of the facility; and
- e) commercial operation of the facility.



## **APPENDIX II: SITING ANALYSIS FOR ELECTRIC POWER TRANSMISSION AND DISTRIBUTION FACILITIES**

- A. Project summary and facility overview.**
- B. Review of need for proposed project.**
- C. Site and route alternatives analyses**
- D. Technical data**
- E. Environmental Data**

### **A. Project summary and facility overview**

1. An applicant for clearance to site an electric power transmission and distribution facility shall provide a project summary and overview of the proposed project. The summary and overview shall include:
  - (a) a description of the site or route selection process, including descriptions of the major alternatives considered;
  - (b) a discussion of the principal environmental and socioeconomic considerations of the preferred and alternative sites; and

### **B. Review of need for proposed project**

1. An applicant shall provide a statement explaining the need for the proposed facility, including a listing of the factors upon which it relied to reach that conclusion and references to the most recent long-term forecast report (if applicable).
2. The statement shall also include, but not be limited to, the following:
  - (a) a statement of the purpose of the proposed facility;
  - (b) specific projections of system conditions or local requirements that impacted the applicant's opinion on the need for the proposed facility;
  - (c) relevant load flow studies and contingency analyses, if appropriate, identifying the need for system improvement; and

- (d) one copy of the relevant power flow base case model data with appropriate directions to recover data if compressed.

### 3. Expansion plans:

For electric power transmission and distribution lines and associated facilities, the applicant shall provide a brief statement of how the proposed facility and site/route alternatives fit into the applicant's most recent long-term electricity demand forecast report and the plans for expansion, including, but not limited to the following:

- (i) reference to any description of the proposed facility and site/route alternatives in the most recent long-term electricity demand forecast report of the applicant;
  - (ii) if no description was contained in the most recent long-term electricity demand forecast report, an explanation as to why none was filed in the most recent long-term electricity demand forecast report; and
  - (iii) reference to sub-regional expansion plans, including the West Africa Power Pool bulk power transmission plans, when applicable (if the transmission project will not affect regional plans, it shall be stated by the applicant).
4. An applicant for electric power transmission and distribution facilities shall provide an analysis of the impact of the proposed facility on the electric power system economy and reliability. The impact of the proposed facility on all interconnected utility systems shall be evaluated, and all conclusions shall be supported by relevant load flow studies.
5. An applicant for electric power transmission and distribution lines shall provide an analysis and evaluation of the options considered which would eliminate the need for construction of an electric power transmission line, including electric power generation options and options involving changes to existing and planned electric power transmission substations.
6. The applicant shall describe why the proposed facility was selected to meet the projected need.
7. **Facility schedule:**
- (a) *Schedule:* The applicant shall provide a proposed schedule in bar chart format covering all applicable major activities and milestones for the project, including:
    - (i) Preparation and submission of the Siting Clearance application;
    - (ii) Consideration and grant of Siting Clearance;
    - (iii) Acquisition of rights-of-way and land rights for the facility;
    - (v) Preparation of the final design;

- (vi) Construction of the facility; and
  - (vii) Commercial operation of the facility.
- (b) *Delays*: The applicant shall describe the impact of critical delays on the eventual commercial operation date.

### **C. Site and route alternative analyses**

1. The applicant shall conduct a site and route selection study prior to submitting an application for an electric power transmission or distribution line, electric power transmission or distribution. The study shall be designed to evaluate all practicable sites, routes, and route segments for the proposed facility identified within the project area.
  - (a) The applicant shall provide the following:
    - (i) a description of the study area or geographic boundaries selected, including the rationale for the selection;
    - (ii) a map of suitable scale which includes the study area and which depicts the general routes, route segments, and sites which were evaluated;
    - (iii) a comprehensive list of all siting criteria utilized by the applicant, including any quantitative or weighting values assigned to each;
    - (iv) a description of relevant factors or constraints identified by the applicant and utilized in the route and site selection process;
    - (v) a description of the process by which the applicant utilized the siting criteria to determine the preferred and alternative routes and sites;
    - (vi) a description of the routes and sites selected for evaluation, their final ranking, and the rationale for selecting the preferred and alternative routes and sites; and
    - (vii) a description of any qualitative or other factors utilized by the applicant in the selection of the preferred and alternative routes or sites.
  - (b) The applicant shall provide one copy of any constraint map utilized for the study to the Committee for review.
2. The applicant shall provide a summary table comparing the routes, route segments, and sites, utilizing the technical, financial, environmental, socioeconomic, and other factors identified in the study.

Design and equipment alternatives shall be included where the use of such alternatives influenced the siting decision.

3. The applicant may provide a copy of any route and site selection study report produced by or for the applicant for the proposed project as an attachment to the application. The study report may be submitted in response to paragraphs (1) and (2) of this section, provided that the information contained therein is responsive to the requirements of the referenced paragraphs.

#### **D. Technical data**

1. *Site/route alternatives:* Information on the location, major features, and the topographic, geologic, and hydrologic suitability of site/route alternatives shall be submitted by the applicant. This information may be derived from the best available reference materials.
  - (a) **Geography and topography:** The applicant shall provide map(s) of not less than 1:50,000 scale, including the area
    - 20 meters on each side of a 330 KV Extra High Voltage (EHV) transmission line alignment,
    - 15 meters on each side of a 161 KV High Voltage (HV) transmission line alignment,
    - 10 meters on each side of a 33/34.5 KV Medium Voltage (MV) transmission or sub-transmission line alignment,
    - 10 meters on each side of 11kv distribution line
  - (b) **Map features:** The map(s) required in paragraph (a) shall include the following features:
    - (i) the proposed transmission or distribution line including proposed turning points;
    - (ii) the proposed substation site locations;
    - (iii) major highway and railroad routes;
    - (iv) identifiable air transportation facilities, existing or proposed;
    - (v) utility corridors;
    - (vi) proposed permanent access roads;
    - (vii) lakes, ponds, reservoirs, streams, canals, rivers, and swamps;
    - (viii) topographic contours;
    - (ix) soil associations or series; and
    - (x) population centres and legal boundaries of cities, villages and townships.
  - (c) **Slope and soil mechanics:** The applicant shall:
    - (i) provide a brief, but specific description of the soils in the areas depicted on the above map(s) where slopes exceed twelve per cent. This information may be extracted from published sources; and
    - (ii) discuss the rationale as to suitability of the soils for foundation construction.

2. **Layout and construction:** The applicant shall provide information on the proposed layout and preparation of route/site alternatives, and the description of the proposed major structures and their installation as detailed below.
- (a) **Site activities** - The applicant shall describe the proposed site clearing, construction methods and reclamation operations, including:
- (i) surveying and soil testing;
  - (ii) grading and excavation;
  - (iii) construction of temporary and permanent access roads and trenches;
  - (iv) stringing of cable or laying of pipe;
  - (v) removal and disposal of construction debris such as crates, pallets, etc.; and
  - (vi) post-construction reclamation.
- (b) **Layout for associated facilities**- The applicant shall:
- (i) provide a map of 1:2,500 scale of the site of major transmission line associated facilities such as substations, and other stations, showing the following proposed features:
    - Final grades after construction, including the site and access roads,
    - Proposed location of major structures and buildings,
    - Fenced-in or secured areas, and
    - Estimated overall dimensions;
  - (ii) describe reasons for the proposed layout and any unusual features; and
  - (iii) describe plans for any future modifications in the proposed layout, including the nature and approximate timing of contemplated changes.
3. **Transmission or distribution equipment:** The applicant shall provide a description of the proposed transmission lines, as well as switching, capacity, metering, safety and other equipment pertinent to the operation of the proposed electric power transmission/distribution lines and associated facilities. Include any provisions for future expansion.
- (a) The applicant shall provide the following data for electric power transmission and distribution lines:
- (i) design voltage;
  - (ii) tower designs, pole structures, conductor size and number per phase, and insulator arrangement;
  - (iii) base and foundation design;
  - (iv) cable type and size, where underground; and
  - (v) other major equipment or special structures.

- (b) The applicant shall provide a description for electric power transmission/distribution substations that includes a single-line diagram and a description of the proposed major equipment, such as:
- (i) breakers;
  - (ii) switchgear;
  - (iii) bus arrangement and structures;
  - (iv) transformers;
  - (v) control buildings; and
  - (vi) other major equipment.

**E. Environmental data**

1. The information requested in this section shall be used to assess the environmental effects of the proposed facility.
2. The requirements for environmental disclosure on the facility at the proposed site and all alternatives considered shall be in accordance with Environmental Protection Agency Regulations, LI 1652 and Energy Sector Guidelines for environmental assessment.

### **Appendix III: Membership of the Siting Committee**

1. Representative of Energy Commission (chair)
2. Representative of Environmental Protection Agency
3. Representative of the Ministry of Defence
4. Representative of Land and Spatial Development Authority
5. Representative of Water Resources Commission
6. Representative of Electricity Transmission Utility (Gridco)
7. Representative of the District Assembly where the facility is to be built
8. Public Stakeholder from the community where the facility is to be built
9. Ghana Maritime Authority (applicable to ONLY Barges and Powerships)
10. Ghana Ports and Harbour Authority (applicable to ONLY Barges and Powerships)
11. Marine Police (applicable to ONLY Barges and Powerships)
12. Representative of Distribution Company (applicable to ONLY Embedded Licence Applications)

## **APPENDIX IV: SCOPE OF PROJECT BRIEF**

The project brief provided must provide the following information:

### **A. Overview of Applicant**

This should provide a concise description of the applicant's profile, history and principal business interests, both within and outside the electricity supply industry. It should include all jurisdictions in which the applicant or any affiliated interest of the applicant is (as at the date of filing the application) providing services or engaging in business.

### **B. Project Overview**

This should include;

- (a) a description of the proposed facility\*;
- (b) an indication of the general location at which the project is planned to be sited
- (c) an indication of the expected impact of the project on the national grid.
- (d) indicative timelines for when the project is expected to reach financial close, begin construction, and enter into operation (as appropriate to the type of project).

#### **\*Note**

The description of the facility provided should include the technology proposed/envisaged to be deployed. In the case of generation projects, this should include the proposed plant capacity (including number of units), projected annual generation of electricity, and additional features proposed to be provided such as possibility of black start, and the possibility of secondary and tertiary frequency regulation.



## APPENDIX V: PUBLIC NOTICE

- A** The applicant shall post the complete application along with attachments (reference 8.10) on the applicant's official website so as to facilitate access to the application by any person, and shall make same accessible on the website until the disposal of the application.
- B** The applicant shall within 7 days of making the application, publish a notice in two daily papers having circulation in all of Ghana's regions with the following particulars: -
1. Name of the applicant (in bold) at the top clearly bringing out whether the applicant is an individual/sole proprietor, an association or body of individuals, a registered partnership, a private limited company or a public limited company, giving full particulars of its registered office address, and address for correspondence;
  2. A statement that the applicant has made an application for grant of licence under Section 13 of the Act, and the Category of licence applied for.
  3. Volume of electricity intended to be traded per year (if applicable);
  4. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors has been declared insolvent, and if so, the details thereof and whether or not they have been discharged;
  5. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence, and if so, the particulars of such application, date of making the application, date of order refusing licence and reasons for such refusal;
  6. A statement whether an order cancelling the licence of the applicant or any of his associates, or partners, or promoters, or Directors has been made by the Commission and if so the details thereof;
  7. A statement whether the applicant or any of his associates, or partners, or promoters, or Directors has been found guilty of non-compliance of any of the provisions of the Act or the rules or the regulations made thereunder or an order made by the appropriate legal entity;
  8. A statement to the effect that the application and other documents filed before the Commission, are available with the applicant for inspection by a member of the public;
  9. Name and address and other relevant details of the person under the control of the applicant with whom the application and other documents can be inspected;
  10. Address of the website where the complete application along with attachments has been posted;
  11. A statement that objections or suggestions, if any, be filed before the Energy Commission, with a copy of the objections or suggestions to the applicant, **within 30 calendar** days of the publication of the notice;
- C** The applicant shall within 7 days from the date of publication of the notice as aforesaid, submit to the Commission on affidavit, the details of the notice published and shall also file the original complete page of the newspaper in which the notice has been published.

- D** The applicant may file his reply to the objections or suggestions received in response to the Notice within 30 days of its publication in the newspapers.
- E** The Commission after consideration of the objections or suggestions received in response to the notice published by the applicant and his reply may propose to grant licence.
- F** When the Commission proposes to grant licence, it shall publish its proposal in two daily newspapers, as the Commission may consider appropriate, stating the name and address of the person to whom it proposes to issue the licence, with such other details as the Commission considers appropriate, to invite further suggestions or objections to its proposals.
- G** On consideration of further objections or suggestions received and the reply of the applicant thereto, if any, the Commission may grant the licence or reject the applications, for reasons to be recorded in writing, provided that no application shall be rejected, unless the applicant has been given an opportunity of being heard.

## **APPENDIX VI: GUIDELINES FOR PROJECT PRESENTATION TO EC BOARD**

The presentation to the EC Board should cover the following areas:

### **1. Company Background**

- a) Profile of the Company
- b) Ownership structure
- c) Principal officers, directors and partners
- d) Industry experience

### **2. Technical Description of project**

- a) Project objective and scope
- b) Technical details of facility;
- c) History of use of similar facilities in Africa
- d) fuel source, fuel supply considerations (where applicable)

### **3. Site Selection Criteria**

- a) location of site
- b) land area required;
- c) proximity to settlement
- d) existing land use of the land
- e) proposed layout and description of the proposed major structures and their installation as detailed below (preferably a map).

### **4. Environmental**

- a) Major effluents produced (flue gas, wastewater etc.) and their handling
- b) Other environmental impacts produced (e.g. noise) and planned mitigation;
- c) Principal environmental considerations of the preferred sites; and
- d) community engagement;

### **5. Social**

- a) Principal social considerations of the preferred sites; and
- b) community engagement undertaken;

**6. Grid Connection**

- (i) Power evacuation arrangement
- (ii) Results from Load flow study from GRIDCo
- (iii) Connection Agreement

**7. Commercial Agreements**

- a) Power Sale and Purchase Agreements
- b) Land Conveyance Agreement
- c) Engineering, Procurement and Construction Contract

**8. Construction**

- a) Environmental Protection Agency (EPA) Permit conditions (if any)
- b) Building Permit conditions (if any)
- c) Local content plan
- d) Traffic management (Plan for the transportation of heavy equipment if applicable)
- e) Health and Safety plan
- f) Insurance for third party on site
- g) Security

**9. Project schedule**

- a) preparation of the final design;
- b) Timelines for the construction of the facility; and
- c) Commercial operation of the facility.