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CONTENTS • INHOUD

No.

*Page
No. Gazette
 No.*

GENERAL NOTICE

Minerals and Energy, Department of

General Notice

1420	Petroleum Pipelines Act (60/2003): National Energy Regulator of South Africa: Notice of intention to make rules: For public comment.....	3	31609
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GENERAL NOTICE

NOTICE 1420 OF 2008

DEPARTMENT OF MINERALS AND ENERGY

NATIONAL ENERGY REGULATOR OF SOUTH AFRICA

Notice of intention to make rules in terms of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)

The National Energy Regulator of South Africa has in terms of section 34(3) of the **Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)** made the rules contained in the schedule and which are hereby published for public comment.

Comments must be submitted by **19 December 2008** and can be hand delivered at the offices of the National Energy Regulator of South Africa at **Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria** OR sent by registered post to: **P O Box 40343, Arcadia, 0007** OR emailed to: petroleumrules@nersa.org.za

Enquires can be directed to Executive Manager: Hydrocarbons Regulation. His contact details are:

Telephone: (012) 401 4600

Fax: (012) 401 4700

Email: petroleumrules@nersa.org.za



Smunda Mokoena

CHIEF EXECUTIVE OFFICER

Schedule**ARRANGEMENT OF RULES**

1. Definitions

**CHAPTER 1
LICENSING**

2. Units of measure
3. Form and content of Licence Application
4. Manner of Licence Application
5. Confidential treatment of commercially sensitive information
6. Publishing of licence applications and the contents thereof
7. Form and Manner of lodging objections to licence applications
8. Applicant's response to objections
9. Procedure to be followed in considering licence applications
10. Procedures to be followed in the amendment of a licence
11. Form and procedures to be followed in the revocation of a licence

**CHAPTER 2
INSPECTIONS AND INVESTIGATIONS**

12. Inspection of and enquiry into a licenced activity
13. Procedures to be followed in investigations

**CHAPTER 3
GENERAL**

14. Publishing of information relating to uncommitted capacity
15. Consultation with interested and affected parties
16. Repeal of rules
17. Short title and commencement

- ANNEXURE A** - FORM: APPLICATION FOR A LICENCE
- ANNEXURE B** - FORM: OBJECTION TO LICENCE APPLICATION
- ANNEXURE C** - FORM: APPLICATION FOR REVOCATION OF A LICENCE
- ANNEXURE D** - AUTHORISATION PERMIT
- ANNEXURE E** - FORM: COMPLAINT (OPTIONAL)

THE RULES

DEFINITIONS

1. In these Rules any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned unless the context indicates otherwise

“Act” means the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003) including regulations made in terms thereof;

“amendment” means to vary, suspend, remove or add a licence condition as contemplated in section 23 of the Act;

“authorisation permit” means a permit issued by the Energy Regulator in terms of these rules;

“authorised person” means a person who has been issued with a valid authorisation permit by the Energy Regulator;

“day” means a calendar day including Saturday, Sundays and Public Holidays as defined in the Public Holidays Act, 1994 (Act No. 34 of 1994)

“Energy Regulator” means the National Energy Regulator established in terms section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004).

“facility” means a petroleum pipeline, storage facility and/or loading facility as defined in section 1 of the Act;

“licensee” means a holder of a licence issued by the Energy Regulator in terms of the Act.

CHAPTER 1 LICENSING

UNITS OF MEASURE

2. All measurements must be expressed in metric units.

FORM AND CONTENT OF LICENCE APPLICATION

3. An application for a licence must be made in writing in the form specified in Annexure A and must contain the information specified therein.

MANNER OF LICENCE APPLICATION

4. (1) An application for a licence must -

- (a) be signed and dated by a mandated representative of the applicant or the applicant in a solemn declaration certified by a Commissioner of Oaths;
- (b) be accompanied by a copy suitable for public viewing in accordance with rule 5 of these Rules;
- (c) be delivered by hand at or sent by registered post to the addresses specified in Annexure A and may also be sent electronically to the email address specified in Annexure A;
- (d) include any other information that the Energy Regulator may consider necessary or appropriate and is requested by the Energy Regulator during the process of considering a licence application.

(2) An owner may, in one application, include more than one facility provided that-

- (a) the facilities concerned –
 - (i) require the same type of licence; or
 - (ii) form an integrated system as contemplated in section 19(3) of the Act;
- (b) the facilities concerned are wholly owned by the same owner(s);
- (c) all required details in terms of these rules and the Act are provided for each facility.

(3) The Energy Regulator must provide an applicant for a licence with a receipt recording -

- (a) the date of receipt of the application;

- (b) the name of the person that received the application on behalf of the Energy Regulator; and
- (c) the tracking or reference number allocated to that application.

CONFIDENTIAL TREATMENT OF INFORMATION IN A LICENCE APPLICATION

5. (1) Any person who intends to apply for a licence in terms of the Act may consult with the Energy Regulator regarding confidential treatment of commercially sensitive information in a proposed licence application prior to lodging the application with the Energy Regulator.
- (2) An applicant for a licence may request confidential treatment of commercially sensitive information, and subject to the concurrence of the Energy Regulator such information may be withheld from publicly available copies of an application.
- (3) Where the applicant requests confidential treatment of commercially sensitive information, the applicant must -
- (a) submit the request, together with reasons thereof, to the Energy Regulator before publication of the notice in terms of rule 6 of these rules;
 - (b) provide the Energy Regulator with a copy of the licence application indicating which specific paragraphs and/or pages should be withheld from publicly available copies of the application; and
 - (c) only comply with rule 6 of these rules once a decision of the Energy Regulator regarding the request has been communicated to it.
- (4) The Energy Regulator must inform the applicant of its decision regarding the request for confidential treatment of commercially sensitive information within 30 days from receipt of the request.
- (5) An applicant may appeal against the decision of the Energy Regulator regarding the confidential treatment of commercially sensitive information in its application, in writing and within 30 days of the decision being communicated to it.

PUBLISHING OF LICENCE APPLICATIONS AND CONTENTS THEREOF

- 6 (1) An applicant must publish, on at least three different days and in any two of the official languages (one of which must be in English), a notice of a licence

- application in at least two newspapers one of which must be distributed in the area of the proposed activity.
- (2) If the Energy Regulator deems it necessary when considering the specific characteristics of a licence application, it may direct that the advertisement must be published for a longer period or in more than two newspapers.
- (3) A notice of a licence application published in terms of section 17 of the Act must—
- (a) state that the licence application will be accessible to members of the public—
 - i) from the date on which the notice is published until the closing date for objections which must be 30 days from the last date of publication of the notice;
 - ii) at the offices of the applicant and state the physical address, telephone number and the name of the contact person at the offices of the applicant ; and
 - iii) at the offices of the Energy Regulator at the address specified in Annexure A.
 - (b) contain a warning that objections received after the closing date may be disregarded;
 - (c) state that -
 - i) persons who wish to lodge objections must do so by completing the form at Annexure B to these rules; and
 - ii) any objection must be delivered by hand at or sent by registered post to the addresses specified in Annexure B and may also be sent electronically to the email address specified in Annexure B.

FORM AND MANNER OF LODGING OBJECTIONS TO LICENCE APPLICATIONS

7. (1) An objection to a licence application shall be in the form specified in Annexure B and shall contain the information specified therein.
- (2) An objection to a licence application must be –
- (a) delivered by hand at or sent by registered post to the addresses specified in Annexure B and may also be sent electronically to the email address specified in Annexure B; and

- (b) received by the Energy Regulator on or before the closing date of objections mentioned in the notice published in terms of rule 6 of these rules.

APPLICANT RESPONSE TO OBJECTIONS

8. An applicant for a licence that wishes to respond to an objection to its application must—
- (a) do so within 30 days of receipt of the objection to its licence application from the Energy Regulator; and
 - (b) do so in writing to the Energy Regulator stating the name of the objector and the date of the objection to which it is responding.

PROCEDURE TO BE FOLLOWED IN CONSIDERING LICENCE APPLICATIONS

9. (1) When evaluating licence applications, the Energy Regulator may perform investigations, collect necessary information, consult with national, provincial and municipal authorities, hold public meetings, and, take any other action it considers necessary in order to evaluate the application.
- (2) Based on the evaluation of the licence application, the Energy Regulator may request the applicant to modify the application.

PROCEDURES TO BE FOLLOWED IN THE AMENDMENT OF A LICENCE

- 10.(1) (a) A licensee or affected party may apply in writing to the Energy Regulator for an amendment of a licence.
- (b) An application for an amendment to a licence must be made in writing, and must state:
- (i) the name of the applicant if different from the licensee;
 - (ii) the name of the licensee;
 - (iii) the type of licence and licence number, if known;
 - (iv) the type of amendment being applied for; and
 - (v) the reasons for the amendment.
- (c) All applications for the amendment of a licence must be accompanied by supporting documentation, where appropriate.
- (d) Where the application for amendment is from a person other than the licensee-
- (i) the Energy Regulator must provide the licensee with a copy; and

- (ii) the licensee must respond to the application in writing to the Energy Regulator within 30 days from receipt of the application from the Energy Regulator.
- (2) Before amending a licence in terms of section 23(1) (c) of the Act, the Energy Regulator must comply with section 25 of the Act.
- (3) Before amending a licence in terms of section 23(1) (d) of the Act, the Energy Regulator must follow the process outlined in rule 15 of these rules.
- (4) Before amending a licence in terms of section 23(1)(f), the Energy Regulator must-
 - (a) declare an emergency;
 - (b) inform the licensee of the amendment; and
 - (c) inform the public of the amendment in any manner appropriate.

FORM AND PROCEDURES TO BE FOLLOWED IN THE REVOCATION OF A LICENCE

- 11.(1) An application for the revocation of a licence must be made in writing in the form specified in **Annexure C** and must contain the information specified therein.
- (2) If the reason for ceasing the licensed activity is that another person is willing and able to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act -
 - (i) an undertaking to that effect made under oath by such other person must accompany the application for revocation of a licence; and
 - (ii) such other person must apply for a new licence in accordance with the Act and these rules.

CHAPTER 2 INSPECTIONS AND INVESTIGATIONS

INSPECTION OF AND ENQUIRY INTO LICENCED ACTIVITIES

- 12.(1) The Energy Regulator must issue an authorised person with an authorisation permit similar to the one and reflecting the information contained in **Annexure D**.
- (2) The period of validity of an authorisation permit contemplated in subrule 1 must expire:
- (a) on the date specified therein; or
 - (b) within 12 months after the date of issue; or
 - (c) in the case of a NERSA employee, upon termination of service, whichever comes first.
- (3) An authorised person must, upon request by an owner or operator of the facility or activity being inspected, show his or her authorisation permit to any person requesting it.
- (4) Licensees must in accordance with the Act, permit an authorised person to enter and inspect any property on which the licenced activity is taking place.
- (5) Licensees must furnish the Energy Regulator with such information as may be necessary for the proper application of the Act.
- (6) A licensee may allow any authorised person to accompany it on any vehicular and airborne inspection of the licensee's property on which a licenced activity takes place.
- (7) A licensee must provide appropriate health and safety equipment to an authorised person conducting an inspection.
- (8) The owner or operator of a facility inspected and from which books, accounts or other documents were removed for further inspection by an authorised person, must within 30 days from receipt from the Energy Regulator of a notice indicating which books, accounts or other documents were removed, inform the Energy Regulator of information it regards as non-generic, confidential, personal, commercially sensitive or of a proprietary nature in the books, accounts or other document removed from its facilities.

PROCEDURES TO BE FOLLOWED IN INVESTIGATIONS

- 13.(1) Complaints in terms of section 31(1) of the Act must be lodged with the Energy Regulator within 3 years of the occurrence of the alleged non-compliance with the Act or licence conditions by a licensee.
- (2) Complaints contemplated in subrule 1 must comply with section 31(2) of the Act and must be lodged with the Energy Regulator -
 - (i) in writing by completing the form in **Annexure E** which form must be hand delivered or sent by registered post to the addresses mentioned in Annexure E; or
 - (ii) telephonically by calling this number: +27 12 401 4600.
- (3) Where a complaint is lodged telephonically, the complainant will be required to sign a statement recording the complaint.
- (4) On receipt of a complaint, the Energy Regulator must inform the licensee that is the subject of the complaint, of the nature of the complaint and direct the licensee to respond in writing to the allegations in the complaint within 30 days from the date of receipt of the complaint from the Energy Regulator.
- (5) The Energy Regulator may conduct investigations in accordance with the regulations made in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) read together with rule 15 of these rules or may follow another process it deems to be appropriate in the circumstances.
- (6) The Energy Regulator may reimburse witnesses summoned by it in the course of an investigation for all associated costs within 30 days of receipt of proof of such costs by the Energy Regulator.

CHAPTER 3 GENERAL RULES

PUBLISHING OF INFORMATION RELATING TO UNCOMMITTED CAPACITY

14. A licensee must, within 7 days of receipt of the decision from the Energy Regulator regarding uncommitted capacity available at its facilities, publish such a decision outside the gates of its facility and on its website.

CONSULTATION WITH INTERESTED AND AFFECTED PARTIES

- 15.(1)(a) The Energy Regulator must, where its administrative action might materially and adversely affect the rights or legitimate expectations of any person, call for written representations to adduce the relevant facts.
- (b) The call for written representations must be published on the Energy Regulator's web site and on a public notice board outside the Energy Regulator's offices.
- (c) When considered appropriate by the Energy Regulator, notices of the call for written representations may be communicated by the Energy Regulator directly to the persons concerned.
- (d) For purposes of subrule 1, the Energy Regulator must give at least two week's notice of the deadline for written representations and must comply with section 3 of the Promotion of Access to Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (2)(a) The Energy Regulator must, where its administrative action might materially and adversely affect the rights of the public, either -
- (i) follow a notice and comment procedure; or
 - (ii) hold a public hearing; or
 - (iii) follow a notice and comment procedure and hold a public hearing.
- (b) Where the Energy Regulator chooses to hold a public hearing, the Energy Regulator must :
- (i) comply with regulations 11, 12, 13, 14, 15 and 16 of the regulations made in terms of the Promotion of Access to Administrative Justice Act, 2000 (Act No.3 of 2000); and

- (ii) give notice of the public hearing as contemplated in regulation 11 of the regulations made in terms of the Promotion of Access to Administrative Justice Act, 2000 (Act No. 3 of 2000), at least 7 days before the date of the hearing.
- (c) Where the Energy Regulator chooses to follow a notice and comment procedure, the Energy Regulator must comply with chapter two of the regulations made in terms of the Promotion of Access to Administrative Justice Act, 2000 (Act No. 3 of 2000).

REPEAL OF RULES

16. The following rules are hereby repealed in their entirety:
- (a) Petroleum Pipelines Act Rules, Part One: Licensing 2006 (Government Notice 290, in Government Gazette 28667 of 31 March 2006); and
 - (b) Petroleum Pipelines Act, Part Two: Inspections 2006 (Government Notice 962, in Government Gazette 29258 of 29 September 2006).

SHORT TITLE AND COMMENCEMENT

17. These rules are called the Petroleum Pipelines Act Rules, 2008 and shall come into operation on the date of publication.



ANNEXURE A

FORM: APPLICATION FOR LICENCE

NATIONAL ENERGY REGULATOR

APPLICATIONS FOR LICENCES IN TERMS OF THE PETROLEUM PIPELINES ACT,
2003 (ACT No. 60 of 2003)

INSTRUCTIONS	OFFICIAL USE ONLY
Read the PETROLEUM PIPELINES ACT, 2003 (ACT No. 60 of 2003 with the associated Regulations before completing this application form.	LICENCE NUMBER
	<input type="text"/>

Applicants must provide the information and attachments required in this Annexure A.

NOTE: The applicant may request confidential treatment of commercially sensitive information in terms of rule 5 of these rules and subject to the concurrence of the Energy Regulator such information may be withheld from publicly available copies of the application.

SUBMIT THIS FORM TO-

POSTAL ADDRESS:

The National Energy Regulator of South Africa
Hydrocarbons Regulation – Licence Applications
PO BOX 40343
Arcadia, 0083
Pretoria

Or

Physical Address:

The National Energy Regulator of South Africa
Hydrocarbons Regulation – Licence Applications
Kulawula House
526 Vermeulen Street
Arcadia
Pretoria

You may also email the form to

petroleumpipelines.licenceapplications@nersa.org.za

Enquiries:

Contact: Executive Manager: Hydrocarbons Regulation

Contact No.: (012) 401 4600

Fax No: (012) 401 4700

E-mail: petroleumpipelines.licenceenquiry@nersa.org.za

CHAPTER 1
GENERAL INFORMATION

SECTION A: PARTICULARS OF APPLICANT

Please provide the following -

- A1. Full name of applicant and its mandated representative;
- A2. Trading name of applicant if different from registered name;
- A3. Physical and postal address of principal place of business of the applicant;
- A4. Postal and physical address of registered office if different from principal place of business;
- A5. Telephone number of applicant;
- A6. Fax number of applicant;
- A7. E-mail address of applicant; and
- A8. Contact person at the applicant, including:
 - (a) designation
 - (b) family name
 - (c) first name
 - (d) telephone number
 - (e) fax number.

SECTION B: DESIRED COMMENCEMENT DATE

- B1. Desired date from which the licence (if granted) takes effect.

SECTION C: ADDITIONAL INFORMATION

- C1. Please provide any other relevant information that the applicant wishes to include with this application.

SECTION D: LICENCE CONDITIONS

- D1. Please provide your desired licence conditions in terms of section 20(1) of the Act.

SECTION E: SOLEMN DECLARATION

I (full names)..... Identity Number..... hereby declare that all information provided herein is within my personal knowledge and is true and correct.

Signed at (place) on this.....day of (month) (year).

.....

Signature

I certify that the deponent:

(a) has acknowledged that she/he knows and understand the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and

(b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at(place) on this day of.....(month)(year).

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

CHAPTER 2

DOCUMENTS TO BE ATTACHED TO THIS APPLICATION

1. If the applicant is a natural person, a certified copy of the applicant's identity document and, in the case of a non - South African citizen, permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be.
2. If the applicant is a local government body or other statutory body, a juristic person established in terms of an Act of Parliament or other legal body, attach a copy of the proclamation establishing such a body or state relevant legislation.
3. If the applicant is not a natural person, and is not contemplated in (2) above, a document stating –
 - (a) the title of legislation under which it is registered;
 - (b) the registration number given to it in terms of such legislation;
 - (c) In the case of companies, the names of the current directors and the ownership or shareholding structure including particulars of the shareholders;
 - (d) a certified copy of the identity document of the mandated representative authorised to make the application, if applicable; and
 - (e) proof of authorisation.
4. Documents demonstrating the administrative abilities of the applicant.¹
5. Documents demonstrating the financial abilities of the applicant.³
6. Documents demonstrating the technical abilities of the applicant.³
7. Where the facility is owned by more than one person, the applicant must provide--
 - (a) details of the co-ownership arrangement and proof thereof;
 - (b) written mandate from each of the other owners authorising the applicant to apply for the licence on their behalf; and
 - (c) signed solemn declarations (Section E of this application form) from each of the owners.
8. A certified copy of the Record of Decision of the relevant environmental authorities in accordance with the National Environmental Management Act, 1998 (Act No. 107 of 1998) permitting the activity for which the licence is sought, if applicable or proof and

¹ Only original or certified copies will be accepted by the Energy Regulator.

the status of such a permit application OR a solemn declaration (Certified by a Commissioner of Oaths) stating the applicant's plans and ability to comply with all applicable labour, health and environmental legislation.

9. List of applicable regulations, operating and technical standards, codes and specifications including those relating to safety, to be used in the activities for which this application is made; for example, American Society of Mechanical Engineers (ASME) Standards, American Petroleum Institute (API) Standards and European Norms (EN).
10. Details of the petroleum that will be handled in the facility for which this application is made.
11. Information required by regulations made in terms of the Act concerning mechanisms to promote historically disadvantaged South Africans.

CHAPTER 3

DETAILS OF APPLICATION

Complete the appropriate form:

Construction of petroleum pipeline (PPL.p.F1)

Conversion of petroleum pipeline (PPL.p.F2)

Operation of petroleum pipeline (PPL.p.F3)

Construction of petroleum storage facility (PPL.sf.F1)

Conversion of petroleum storage facility (PPL.sf.F2)

Operation of petroleum storage facility (PPL.sf.F3)

Construction of petroleum loading facility (PPL.lf.F1)

Conversion of petroleum loading facility (PPL.lf.F2)

Operation of petroleum loading facility (PPL.lf.F3)

CONSTRUCTION OF PETROLEUM PIPELINE (PPL.P.F1)

Provide the following information. Each numbered item below should be copied and must appear at the top of a page with your information below.

1. A technical description of the pipeline adequately specifying -
 - (a) the route (s);
 - (b) diameter(s);
 - (c) planned pumping stations;
 - (d) receiving and launching stations;
 - (e) installed design capacity;
 - (f) initial capacity;
 - (g) receipt and delivery points;
 - (h) connections with other pipeline systems;
 - (i) auxiliary equipment like accumulation and inter mixture tanks; and
 - (j) control and communication systemsand provide detailed maps and diagrams, as appropriate.
2. Provisions for metering, including type of meters, accuracy, calibration and arrangements.
3. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to set the tariffs for this pipeline.
4. Intended pipeline operational procedures: Submit a copy of the operational procedures.
5. Security arrangements: Status or expected status in terms of the National Key Points Act, 1980 (Act No.102 of 1980).
6. Development programme -
 - (a) planned capacity of the project during the various stages of development;
 - (b) schedule of implementation and minimum investment commitments for looping, receipt and delivery points, pumping stations and other development programmes; and
 - (c) deadline to commence service for each stage contemplated.

CONVERSION OF PETROLEUM PIPELINE (PPL.P.F2)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. Existing licence number and date of commencement of licence.
2. A technical description of the pipeline adequately specifying:
 - (a) the route (s);
 - (b) diameter(s);
 - (c) planned pumping stations;
 - (d) receiving and launching stations;
 - (e) installed design capacity;
 - (f) initial capacity;
 - (g) receipt and delivery points;
 - (h) connections with other pipeline systems;
 - (i) auxiliary equipment like accumulation and inter mixture tanks; and
 - (j) control and communication systemsand provide detailed maps and diagrams, as appropriate.
3. Any proposed changes to provisions for metering, including type of meters, accuracy, calibration arrangements.
4. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to set the tariffs for this pipeline.
5. A list of customers and their contact details.
6. Proposed changes to the Emergency plan. If relevant, attach a copy of the emergency plan contemplated in section 20 (1) (x) of the Act.
7. Proposed changes to the pipeline operational procedures. If relevant, submit a copy of the proposed new operational procedures.
8. Proposed changes to security arrangements. If relevant, specify and give status in terms of the National Key Points Act, 1980 (Act 102 of 1980).
9. Development programme:
 - (a) planned capacity of the project during the various stages of development;

- (b) Schedule of implementation and minimum investment commitments for looping, receipt and delivery points, pumping stations and other development programmes;
 - (c) deadline to commence service for each stage contemplated.
10. Describe the mechanical properties and condition of the existing pipeline;
 11. Describe the results of any programmes, surveys or studies that indicate the present condition of the pipeline.
 12. Provide plans for any section of the pipeline that will become redundant and steps to be taken to rehabilitate land.

OPERATION OF PETROLEUM PIPELINE (PPL.P.F3)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the pipeline adequately specifying:
 - (a) the route(s);
 - (b) diameter(s);
 - (c) planned pumping stations;
 - (d) receiving and launching stations;
 - (e) installed design capacity;
 - (f) initial capacity;
 - (g) receipt and delivery points;
 - (h) connections with other pipeline systems;
 - (i) auxiliary equipment like accumulation and inter mixture tanks; and
 - (j) control and communication systemand provide detailed maps and diagrams as appropriate
2. A description of the mechanical properties and condition of the pipeline.
3. The results of any programmes, surveys or studies that indicate the present condition of the pipeline.
4. Provisions for metering, including type of meters, accuracy and calibration arrangements.
5. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to set the tariffs for this pipeline.
6. Emergency plan: Attach a copy of the emergency plan contemplated in section 20 (1) (x) of the Petroleum Pipelines Act.
7. Pipeline operational procedures: Submit a copy of the operational procedures.
8. Security arrangements: Status in terms of the National Key Points Act, 1980 (Act No.102 of 1980).
9. Give details of existing and proposed security arrangements.
10. Development plan:

- (a) Investment and development plan including nature, schedule and quantum of each investment; and
- (b) Planned changes to pipeline capacity and the dates when changes will become operational.

11. Provide a copy of the maintenance policy for the petroleum pipeline.

CONSTRUCTION OF PETROLEUM STORAGE FACILITY (PPL.SF.F1)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the proposed storage facility to be constructed. This should include the following -
 - (a) physical address of the facility;
 - (b) a plan layout of the proposed facility;
 - (c) the diameter and height of the tanks;
 - (d) tank type;
 - (e) design capacity;
 - (f) product to be stored in each tank;
 - (g) the physical dimensions and capacity of the storage facility;
 - (h) the rate at which product can be taken into the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry.(specify the number of gantries and their capacities);
 - (i) the rate at which product can be taken out of the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry.(specify the number of gantries and their capacities);
 - (j) drawings showing –
 - i) the storage facility design and piping arrangements;
 - ii) the proposed location of the storage facility, fences and roads;
 - iii) where applicable, a description of the containment system and systems to prevent overflow or leakage;
 - iv) a description of the regular inspection and maintenance procedures; and
 - v) where applicable, a description for handling contaminated water run-off.
2. Election of access arrangements as contemplated in section 20 (1) (n) of the Act.
3. Provisions for metering, including type of meters, accuracy and calibration arrangements.
4. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to approve the tariffs for this facility.

5. A copy of the emergency plan contemplated in section 20(1) (x) of the Act.
6. A copy of the intended storage facility operational procedures.
7. Security Arrangements: status in terms of the National Key Points Act, 1980 (Act No. 102 of 1980).
8. Details of existing and proposed security arrangements.
9. Development programme
 - (a) Planned capacity of the project during the various stages of development;
 - (b) Schedule of implementation and minimum investment commitments for the development programme; and
 - (c) Deadline to commence service for each stage contemplated.

CONVERSION OF PETROLEUM STORAGE FACILITY (PPL.SF.F2)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. Existing licence number and date of commencement of licence;
2. A technical description of the proposed storage facility to be converted, specifying the changes to the description in the existing licence. This should include the following -
 - (a) physical plan of the facility;
 - (b) a plan layout of the proposed conversion of the storage facility;
 - (c) the diameter and height of the tanks;
 - (d) tank type;
 - (e) design capacity;
 - (f) product stored in each tank;
 - (g) changes to the physical dimensions and capacity of the storage facility;
 - (h) changes to the existing rate at which product can be taken into the proposed storage facility, e.g. pipeline, rail gantry and road transport gantry. Specify the number of gantries and their capacities.
 - (i) changes to the rate at which product can be taken out of the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry. Specify the number of gantries and their capacities.
 - (j) maps showing -
 - (i) changes to the existing storage facility design, piping arrangements and gantries;
 - (ii) changes to the proposed location of the storage facility, fences and roads;
 - (iii) where applicable, descriptions of changes to the containment system and systems to prevent overflow or leakage;
 - (iv) a description of changes to the regular inspection and maintenance procedures; and
 - (v) where applicable, a description of the changes for handling contaminated water run-off.

3. Any proposed changes in access arrangements as contemplated in section 20 (1) (n) of the Act.
4. Any proposed changes to provisions for metering, including type of meters, accuracy, calibration arrangements.
5. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to approve the tariffs for this facility.
6. A list of customers and their contact details.
7. If there are any proposed changes to the emergency plan, attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
8. If there are any proposed changes to the storage facility operational procedures, attach a copy of the proposed new operational procedures.
9. If there are any proposed changes to security arrangements, specify and give status in terms of the National Key Points Act, 1980 (Act No. 102 of 1980).
10. Development programme:
 - (a) Planned capacity of the conversion project during the various stages of development;
 - (b) Schedule of implementation and minimum investment commitments for the development programme; and
 - (c) Deadline to commence service for each stage contemplated.
11. Describe the mechanical properties and condition of the existing storage facility.
12. Describe the results of any programmes, surveys or studies that indicate the present condition of the storage facility.

OPERATION OF PETROLEUM STORAGE FACILITY (PPL.sf.F3)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the proposed storage facility to be operated. This should include the following -
 - (a) physical address of the facility;
 - (b) a plan layout of the storage facility to be operated;
 - (c) the diameter and height of the tanks;
 - (d) tank type;
 - (e) tank identification number;
 - (f) operational capacity
 - (g) design capacity;
 - (h) product to be stored in each tank;
 - (i) the physical dimensions and capacity of the storage facility;
 - (j) the rate at which product can be taken into the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry. Specify the number of gantries and their capacities;
 - (k) the rate at which product can be taken out of the proposed storage facility and through what means e.g. pipeline, rail gantry, road transport gantry. Specify the number of gantries and their capacities;
 - (l) maps showing -
 - (i) the storage facility design and piping arrangements;
 - (ii) the proposed location of the storage facility, fences and roads;
 - (iii) where applicable, a description of the containment system and the systems to prevent overflow or leakage;
 - (iv) a description of the regular inspection and maintenance procedures; and
 - (v) where applicable, a description for handling contaminated water run-off.
2. Election of access arrangements as contemplated in section 20 (1) (n) of the Act.
3. Provisions for metering, including type of meters, accuracy, calibration arrangements.
4. . Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to set the tariffs for this pipeline.

5. A copy of the emergency plan contemplated in section 20(1) (x) of the Act.
6. A copy of the storage facility operational procedures.
7. Status in terms of the National Key Points Act, 1980 (Act No. 102 of 1980).
8. Details of existing and proposed security arrangements.
9. Development programme:
 - (a) Planned capacity of the project during the various stages of development;
 - (b) Schedule of implementation and minimum investment commitments for the development programme; and
 - (c) Deadline to commence service for each stage contemplated.
10. A copy of the maintenance policy for the storage facility.

CONSTRUCTION OF PETROLEUM LOADING FACILITY (PPL.LF.F1)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the proposed loading facility to be constructed, including:
 - (a) the number of loading arms;
 - (b) type of each loading arm;
 - (c) the proposed rate at which product is to be conveyed through the facility;
 - (d) details of the proposed pipeline to be connected to the storage facility including:
 - (i) diameters;
 - (ii) lengths;
 - (iii) route maps; and
 - (iv) receipts and delivery points
2. Maps and diagrams where appropriate. The maps should give details of capacities at the various stages of development, planned and potential receipt and delivery points. It should also include the rate at which petroleum can be conveyed through the loading facility and the time necessary for ships to be brought into position for loading, and the dimensions and capacities of any auxiliary pipelines connected thereto.
3. Copy of the agreement or authorisation from the National Ports Authority permitting the construction of the facility on its property, where appropriate.
4. Provisions for metering, including type of meters, accuracy and calibration arrangements.
5. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to approve the tariffs for this facility.
6. Attach a copy of the proposed emergency plan contemplated in section 20(1) (x) of the Act.
7. Submit a copy of the intended loading facility operational procedures.
8. Give status or expected status in terms of the National Key Points Act, 1980 (Act No.102 of 1980).
9. Give details of proposed security arrangements.

10. Provide details of the development programme including:

- (a) planned capacity of the loading facility project during the various stages of development;
- (b) the schedule of implementation and minimum investment commitments for the development programme; and
- (c) the deadline to commence service for each stage contemplated

CONVERSION OF PETROLEUM LOADING FACILITY (PPL.If.F2)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. Existing licence number and date of commencement of licence;
2. A technical description of the loading facility to be converted, including:
 - (a) the number of loading arms;
 - (b) type of each loading arm;
 - (c) the proposed rate at which product is to be conveyed through the facility;
 - (d) details of the proposed pipeline to be connected to the storage facility including:
 - (v) diameters;
 - (vi) lengths;
 - (vii) route maps; and
 - (viii) receipts and delivery points
4. Maps and diagrams where appropriate. The maps should give details of capacities at the various stages of development, planned and potential receipt and delivery points. It should also include the rate at which petroleum can be conveyed through the loading facility and the time necessary for ships to be brought into position for loading, and the dimensions and capacities of any auxiliary pipelines connected thereto. Please submit a copy of the agreement or authorisation from the National Ports Authority.
5. Any proposed changes to provisions for metering, including type of meters, accuracy and calibration arrangements.
6. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to approve the tariffs for this facility.
7. A list of customers and their contact details.
8. If there are any proposed changes to the emergency plan, attach a copy of the emergency plan contemplated in section 20(1) (x) of the Act.
9. If there are any proposed changes to the loading facility operational procedures, attach a copy of the proposed new operational procedures.
10. If there are any proposed changes to security arrangements, specify and give status in terms of the National Key Points Act, 1980 (Act No. 102 of 1980).

11. Provide the details of the development programme including:
 - (a) planned capacity of the project during the various stages of development;
 - (b) the schedule of implementation and minimum investment commitments for the development programme; and
 - (c) the deadline to commence service for each stage contemplated.
12. Describe the mechanical properties and condition of the existing loading facility.
13. Describe the results of any programmes, surveys or studies that indicate the present condition of the loading facility.

OPERATION OF PETROLEUM LOADING FACILITY (PPL.If.F3)

Provide the following information. Each numbered item below should be copied and appear at the top of a page with your information below.

1. A technical description of the proposed loading facility to be constructed, including:
 - (a) the number of loading arms;
 - (b) type of each loading arm;
 - (c) the proposed rate at which product is to be conveyed through the facility;
 - (d) details of the proposed pipeline to be connected to the storage facility including:
 - (i) diameters;
 - (ii) lengths;
 - (iii) route maps;
 - (iv) receipts and delivery points
2. Maps and diagrams where appropriate. The maps should give details of capacities at the various stages of development, planned and potential receipt and delivery points. It should also include the rate at which petroleum can be conveyed through the loading facility and the time necessary for ships to be brought into position for loading, and the dimensions and capacities of any auxiliary pipelines connected thereto.
3. Please submit a copy of the agreement or authorisation from the National Ports Authority permitting the operation of the facility on its property, where appropriate.
4. Provisions for metering, including type of meters, accuracy, calibration arrangements.
5. Provide information required in terms of the NERSA Tariff Methodology for the Petroleum Pipeline Industry to enable the Energy Regulator to approve the tariffs for this facility. Attach a copy of the emergency plan contemplated in section 20(1)(x) of the Act.
6. Submit a copy of the loading facility operational procedure.
7. Give status in terms of the National Key Points Act, 1980 (Act No. 102 of 1980).
8. Details of security arrangements.
9. Details of the development programme including:
 - (a) planned capacity of the project during the various stages of development;
 - (b) the schedule of implementation and minimum investment commitments for the development programme; and
 - (c) the deadline to commence service for each stage contemplated.
10. Provide a copy of the maintenance policy for the loading facility.



ANNEXURE B

FORM: OBJECTION TO LICENCE APPLICATION

(Section 33(3) (e) of the Petroleum Pipelines Act of 2003 (Act No. 60 of 2003))

For office use only

Reference number:

This form must be sent to:

National Energy Regulator of South Africa:

Executive Manager: Hydrocarbons Regulation

Licence applications

P O Box 40343

Arcadia

0007

OR

Hand-delivered to:

National Energy Regulator of South Africa

Licence applications

Kulawula House

526 Vermeulen Street

Arcadia

Pretoria

A copy of the completed form **may also** be e-mailed to:

Licence.applications@nersa.org.za

10. Section 18(a) of the Petroleum Pipelines Act of 2003 provides that:

Before considering an application for a licence in terms of this Act, the National Energy Regulator—

- (a) *if it is of the view that the proposed construction of a petroleum pipeline, loading facility or storage facility should be altered to provide access to third parties, must inform the applicant of that view and request the applicant to supply reasons as to why the application should not be considered subject to the imposition of such condition;*

If your objection relates to this section of the Petroleum Pipelines Act of 2003, state clearly your alternative proposal.

11. Representation to the National Energy Regulator

Do you request an opportunity to orally present your objection/s to NERSA? Yes No

SOLEMN DECLARATION

I (full names)..... Identity Number..... hereby declare that all information provided herein is within my personal knowledge and is true and correct.

Signed at (place) on this.....day of (month) (year).

.....

Signature

I certify that the deponent:

(a) has acknowledged that she/he knows and understand the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and

(b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at(place) on this day of.....(month)(year).

COMMISSIONER OF OATHS

Name:

Address:

Capacity:



ANNEXURE C

FORM: APPLICATION FOR REVOCATION OF A LICENCE

NATIONAL ENERGY REGULATOR

APPLICATIONS FOR REVOCATION OF A LICENCE IN TERMS OF SECTION 24 OF THE PETROLEUM PIPELINES ACT, 2003 (ACT No. 60 of 2003)

INSTRUCTIONS

1. Applicants must provide the information and attachments required in this Annexure C.
2. Submit this form to:-

Postal address:

The National Energy Regulator of South Africa
Hydrocarbons Regulation – Licence Applications
PO BOX 40343
Arcadia, 0083
Pretoria

Or

Physical Address:

The National Energy Regulator of South Africa
Hydrocarbons Regulation – Licence Applications
Kulawula House
526 Vermeulen Street
Arcadia
Pretoria

Or email the form to: petroleumlicence.applications@nersa.org.za

Enquiries:

Contact: Executive Manager: Hydrocarbons Regulation
Contact No.: (012) 401 4600
Fax No.: (012) 401 4700

SECTION A: PARTICULARS OF THE LICENSEE

Please provide the following:

1. Full name of licensee and its mandated representative of applicant;
2. Licence number
3. Type of licence
4. Date on which the licence was issued
5. Contact person, including:
 - a. designation
 - b. family name
 - c. first name
 - d. telephone number
 - e. fax number.

SECTION B: REASONS FOR APPLICATION

6. Indicate the reasons for the application by ticking the appropriate box
 - The licenced facility or activity is no longer required
 - The licenced facility or activity is not economically justifiable
 - Another person is willing and able to assume the rights and obligations of the licensee concerned in accordance with the requirements and objectives of the Act
7. If the reason for the application is that the licenced facility or activity is no longer required or is not economically justifiable, provide an explanation and submit supporting documentation.
8. If the reason for the application is that another person is willing and able to assume the rights and obligations of the licensee concerned in accordance with the requirements and objectives of the Act,
 - (a) provide the following information about the person
 - (i) the name;
 - (ii) the trading name if different from registered name;

- (iii) physical and postal address of the registered place of business;
- (iv) physical and postal address of the principle place of business if different from the registered place of business;
- (v) Telephone number;
- (vi) Fax Number;
- (vii) Email address; and
- (viii) Contact person, including
 - name;
 - designation;
 - telephone number
 - fax number; and
 - email address

(b) Submit an undertaking (Section C of this form) by the person to that effect.

SECTION C: SOLEMN DECLARATION BY THE PERSON ASSUMING THE RIGHTS AND OBLIGATIONS OF THE LICENSEE

I (full names)..... Identity Number..... hereby declare that:

- (a) all information relating to me provided herein is within my personal knowledge and is true and correct; and
- (b) I am willing and able to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act.

Signed at (place) on this.....day of (month) (year).

.....

Signature

I certify that the deponent:

- (a) has acknowledged that she/he knows and understand the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and
- (b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at(place) on this day of.....(month)(year).

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

SECTION D: SOLEMN DECLARATION BY THE LICENSEE

I (full names)..... Identity Number..... hereby declare that all information provided herein is within my personal knowledge and is true and correct.

Signed at (place) on this.....day of (month) (year).

.....
Signature

I certify that the deponent:

(a) has acknowledged that she/he knows and understand the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and

(b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at(place) on this day of.....(month)(year).

COMMISSIONER OF OATHS

Name:

Address:

Capacity:



ANNEXURE D
AUTHORISATION PERMIT

Issued by the National Energy Regulator of South Africa in terms of section 29 of the
Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)

Name:

Surname:

Identity Number:

Personnel Number (if applicable):

Issued on (date):

Expires on (date):

Passport Sized
Photo of the
authorised person

The person identified in this authorisation permit is duly authorised by the Energy Regulator of South Africa to -

- (i) at all reasonable times enter any property on which construction or operation of any gas facility or any trading in gas is taking place and to inspect any facility, equipment, machinery, book, account or other document found thereat; and
- (ii) require any person to furnish the Energy Regulator with such information as may be necessary for the proper application of the Petroleum Pipelines Act, 2003 (Act 60 of 2003).

Smunda Mokoena
CHIEF EXECUTIVE OFFICER



**ANNEXURE E
COMPLAINT FORM (OPTIONAL)**

(Section 31(2) of the Petroleum Pipelines Act of 2003 (Act No. 60 of 2003))

THIS FORM MUST BE SUBMITTED TO:

POSTAL ADDRESS:

National Energy Regulator of South Africa
Hydrocarbons Regulation - Complaints
P O Box 40343
Arcadia
0007

OR

PHYSICAL ADDRESS:

National Energy Regulator of South Africa
Hydrocarbons Regulation - Complaints
Kulawula House
526 Vermeulen Street
Arcadia
Pretoria

A copy of the complete form **may also** be e-mailed to:

petroleum.complaints@nersa.org.za

SOLEMN DECLARATION

I (full names)..... Identity Number..... hereby declare that all information provided herein is within my personal knowledge and is true and correct.

Signed at (place) on this.....day of (month) (year).

.....

Signature

I certify that the deponent:

(a) has acknowledged that she/he knows and understand the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and

(b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at (place) on this..... day of..... (month) (year).

COMMISSIONER OF OATHS

Name:

Address:

Capacity: