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GENERAL NOTICE

Minerals and Energy, Department of

General Notice

939 Petroleum Pipelines Act (60/2003): National Energy Regulator: Notice of intention to make rules in terms of the Act 3 32375

GENERAL NOTICE

NOTICE 939 OF 2009

NATIONAL ENERGY REGULATOR

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

The National Energy Regulator (NERSA) is authorised in terms of section 33(3) of the **Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)** to make Rules. The draft Rules contained in the schedule are hereby published for public comment.

Written comments must be submitted to NERSA by **7 August 2009** and must be:

- (a) hand delivered at the NERSA offices at **Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria;**
OR
- (b) sent by registered post to: **P O Box 40343, Arcadia, 0007;**
OR
- (c) emailed to: **petroleumrules@nersa.org.za**

Enquires can be directed to the Executive Manager: Petroleum Pipelines Regulation at:

Telephone: (012) 401 4600

Fax: (012) 401 4700

Email: **petroleumrules@nersa.org.za**



Smunda Mokoena
CHIEF EXECUTIVE OFFICER

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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 and unless the context indicates otherwise

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

“activity” means the construction, conversion or operation of petroleum pipelines, petroleum storage facilities or petroleum loading facilities;

“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;

“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, petroleum storage facility or petroleum 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 GENERAL REQUIREMENTS FOR DOCUMENTS SUBMITTED TO THE ENERGY REGULATOR

Addresses for submission of documents

2. Where in terms of these rules, documents must be -
 - (1) delivered by hand, they must be delivered at: **Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria;**
 - (2) delivered by registered post, they must be sent to: **P O Box 40343, Arcadia, 0007;** and
 - (3) delivered electronically, they must be emailed to: **pipelines@nersa.org.za**

Dates and times for submission of documents

3. (1) Documents delivered by hand must be delivered to the Energy Regulator only from Monday to Friday, excluding public holidays, and from 8:30 to 15:30.
- (2) Documents delivered during the period 23 December to 2 January will be deemed to be delivered on the first working day after 2 January.

Request for confidential treatment of information submitted

4. (1) Any person who submits information to the Energy Regulator may request the confidential treatment of such information.
- (2) Where a person requests the confidential treatment of information as contemplated in subrule (1) above, that person must -
 - (a) make the request in writing in the form specified in **Annexure A** and must provide **all** information specified therein; and
 - (b) clearly indicate and highlight those parts of the information submitted which the submitter considers to be confidential.
- (3) A request for the confidential treatment of information must be delivered by hand **or** sent by registered post **and may** also be sent electronically to the addresses specified in rule 2.
- (4) Subject to the concurrence of the Energy Regulator regarding the confidential nature of information submitted, such information may be withheld from the public.
- (5) Any information submitted to the Energy Regulator without a written request (in the form specified in **Annexure A**) for confidential treatment **will** be made available to

the public by the Energy Regulator in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

- (6) The Energy Regulator will inform the applicant of its decision regarding the request for confidential treatment of information within 30 days from receipt of a request that fully complies with this rule.

CHAPTER 2 APPLICATIONS AND OBJECTIONS TO LICENCE APPLICATIONS

Units of measure

5. All measurements must be expressed in metric units.

General requirements and procedure for applications made in terms of these rules

- 6.(1) All applications must -
 - (a) be indexed and paginated; and
 - (b) be signed and dated by the applicant or by a mandated representative of the applicant.
- (2) A mandated representative of the applicant as contemplated in subrule (1)(b) above must be a senior manager in the employ of the applicant who has intimate knowledge of the information provided in the application and who can attest to the accuracy of the information.
- (3) Applications contemplated in subrule (1) above must be delivered by hand or sent by registered post **and may** also be sent electronically.
- (4) Upon receipt of an application, the Energy Regulator will provide an applicant with an acknowledgement of receipt of an application that states –
 - (a) the date of receipt of the application;
 - (b) the type of application; and
 - (c) the tracking or reference number allocated to that application.
- (5) An applicant must provide any information that the Energy Regulator requests and that the Energy Regulator considers necessary or appropriate during the process of considering an application.

Application for a licence

Pre licence application procedure

7. (1) (a) An applicant for a licence **must**, where applicable and in accordance with rule 4, request the confidential treatment of information to be submitted as part of an application for a licence prior to officially submitting the application for consideration by the Energy Regulator.
- (b) Where a request for confidential treatment of information to be submitted as part of a licence application has been made, the applicant must officially submit its licence application only once a decision of the Energy Regulator regarding the request has been communicated to it.

Form, manner and content

- (2) An application for a licence must be made in writing, in the form specified in **Annexure B** and must contain all information specified therein.
- (3) The application contemplated in subrule (2) above must be accompanied by a non-confidential version of the application approved by the Energy Regulator in terms of rule 4 of these rules.
- (4) Based on the Energy Regulator's assessment and evaluation of an application, an applicant may be requested by Energy Regulator to alter its application.
- (5) The official date of an application shall be the date on which the applicant submits all required information specified in these rules to the Energy Regulator.
- (6) The Energy Regulator will, within 14 days of receipt of an application, inform an applicant in writing whether or not the application meets the application requirements specified in these rules and is therefore accepted by the Energy Regulator.
- (7) An application for a licence, which does not contain all the required information specified in these rules, will be considered incomplete. If an application is incomplete, the Energy Regulator will issue the applicant with a Notice of an Incomplete Application (**Annexure C**).

Publishing of a notice of an application for a licence and the contents thereof

8. (1) When an applicant for a licence has received confirmation from the Energy Regulator in terms of rule 7(6) that the application meets the application requirements and is accepted by the Energy Regulator, the applicant **must**, in accordance with section 17 of the Act, publish a notice of the application in at least two newspapers circulating in the area of the proposed activity.
- (2) The notice contemplated in subrule (1) above must be published on at least three different days and in any two of the official languages, one of which must be English.
- (3) The Energy Regulator may direct an applicant to publish the notice contemplated in this rule, in more than two newspapers but not exceeding four or on more than three days but not exceeding 14 days, if the Energy Regulator deems it necessary considering the specific characteristics of an application.
- (4) A notice of an application published in terms of this rule must comply with all requirements listed in section 17(2) of the Act and 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 date must not be earlier than 30 days from the last date of publication of the notice;
 - ii) at the offices of the applicant and must state the address, telephone number and the name of the contact person at the offices of the applicant;
 - iii) on the website of the applicant, where available;
 - iv) at the offices of the Energy Regulator at the address specified in rule 2(1); and
 - v) on the website of the Energy Regulator;
 - (b) state the application reference number issued by the Energy Regulator;
 - (c) indicate that the Energy Regulator may disregard objections received after the closing date; and
 - (d) state that-
 - i) persons who wish to lodge objections must do so by completing the form at **Annexure D** to these rules which is available on the website of

- the Energy Regulator or at the offices of the Energy Regulator at the address specified in rule 2(1); and
- ii) objections **must** be delivered by hand or sent by registered post to the address stated in rule 2; and
 - iii) **may** also be sent electronically to the address stated in rule 2.

Changes to an application for a licence

9. (1) An applicant for a licence wanting to make changes to its licence application prior to a decision by the Energy Regulator regarding the application has been taken, may request permission from the Energy Regulator to do so.
- (2) If the Energy Regulator deems the changes to be substantial, it may direct the applicant to publish a notice of an amendment to a licence application in the same newspapers and in the same languages as the notice of the application for a licence to be amended was published.
- (3) The notice published in terms of subrule (2) above must also comply with rule 8(4) of these rules.

Form and manner of an objection to an application for a licence

- 10.(1) An objection to an application for a new licence must be in the form specified in **Annexure D** and must contain **all** information specified therein.
- (2) An objector may, in accordance with rule 4, request the confidential treatment of information submitted as part of an objection.
- (3) An objection to an application **must** be delivered by hand OR sent by registered post AND **may** also be sent electronically to the addresses stated in rule 2
- (4) An objection must be received by the Energy Regulator on or before the closing date of objections mentioned in a notice published in terms of rule 8 of these rules.
- (5) This rule, with the necessary changes, applies to an objection to an amended application for a licence.

Applicant's response to an objection to an application for a licence

11. An applicant must provide the Energy Regulator with a detailed response to an objection contemplated in rule 10 of these Rules –
- (1) within 30 days of receipt from the Energy Regulator of information regarding the objection to its application; and

- (2) in writing, clearly stating the name of the objector, the date of the objection and the objection to which it is responding.

Application for an amendment of a licence

- 12.(1) A licensee or an affected party may apply to the Energy Regulator for an amendment of a licence.
- (2) An application for an amendment of a licence must be made in writing in the form specified in **Annexure E** and must contain **all** information specified therein
- (3) An applicant may, in accordance with rule 4 of these Rules, request confidential treatment of information submitted by it as part of an application for an amendment of a licence.
- (4) Where the applicant is a person other than the licensee -
 - (a) the Energy Regulator must provide the licensee with information regarding the application for an amendment to its licence; and
 - (b) the licensee must provide the Energy Regulator with a written response to the application for an amendment to its licence within 30 days from receipt of information regarding the application for an amendment to its licence.

Application for the revocation of a licence

- 13.(1) An application for the revocation of a licence must be made in writing to the Energy Regulator in the form specified in **Annexure F** and must contain **all** information specified therein.
- (2) An applicant may, in accordance with rule 4, request the confidential treatment of information submitted as part of an application for the revocation of a licence.
- (3) 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 -
 - (a) the licensee must obtain and submit with the application an undertaking under oath by such other person to that effect; and
 - (b) such other person must apply for a new licence in accordance with the Act and these rules.

CHAPTER 3 CONSULTATION WITH AFFECTED AND INTERESTED PARTIES

Administrative action affecting any person

14. (1) 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.
- (2) 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.
- (3) If considered appropriate by the Energy Regulator and where persons concerned can be readily identified, notices of the call for written representations may be communicated by the Energy Regulator directly to such persons.
- (4) For purposes of this subrule, the Energy Regulator must give at least 30 days' notice of the deadline for written representations and must comply with section 3 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (5) Written representations submitted in terms to this rule 14 must be submitted together with an affidavit signed by the submitter or a mandated representative confirming that the information submitted is true and correct.

Administrative action affecting the public

15. (1) The Energy Regulator must, where its administrative action might materially and adversely affect the rights of the public, either -
- (a) follow a notice and comment procedure; or
- (b) hold a public hearing; or
- (c) follow a notice and comment procedure and hold a public hearing.
- (2) (a) Where the Energy Regulator chooses to hold a public hearing, the Energy Regulator must :
- (a) comply with regulations 11, 12, 13, 14, 15 and 16 of the regulations made in terms of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000); and
- (b) give notice of the public hearing as contemplated in regulation 11 of the regulations made in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), at least 7 days before the date of the hearing.

- (3) (a) 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 Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (b) Written representations submitted in terms to this rule 15 must be submitted together with an affidavit signed by the submitter or a mandated representative confirming that the information submitted is true and correct.

CHAPTER 4 COMPLAINTS, INVESTIGATIONS AND INSPECTIONS

Form and manner of submitting a complaint

16. (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 subject matter of the complaint.
- (2) Complaints contemplated in subrule (1) above must comply with section 31(2) of the Act and must be lodged with the Energy Regulator –
- (a) in writing by completing the form in **Annexure G**;
OR
- (b) telephonically by calling the number: +27 12 401 4600.
- (3) Written complaints must be delivered by hand **or** sent by registered post to the address stated in rule 2 **and may** also be sent electronically to the address stated in rule 2.
- (4) Where a complaint is lodged telephonically, the complainant will be required to sign an affidavit confirming details of the complaint.
- (5) A complainant may, in accordance with rule 4, request the confidential treatment of information submitted to the Energy Regulator as part of its complaint.

Procedures to be followed in investigations

- 17.(1) On receipt of a complaint, the Energy Regulator will inform the licensee who is the subject of the complaint in writing, of the nature of the complaint.
- (2) The licensee must submit a written response to the complaint to the Energy Regulator within 30 days from the date of being informed of the nature of the complaint.

- (3) The Energy Regulator may, in accordance with the regulations made in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) read together with these rules, also initiate and conduct investigations into any other matter.
- (4) A licensee and/or any other relevant person may be summoned by the Energy Regulator during an investigation to appear before it to give evidence.
- (5) Persons summoned by the Energy Regulator in the course of an investigation will be reimbursed for all associated and reasonable costs within 30 days of receipt of documentary proof of such costs.

Inspection of and enquiry into licensed activities

18. (1) Licensees must, in accordance with the Act, permit an authorised person to, at all reasonable times, enter any property on which a licensed activity is taking place and inspect any facility, equipment, machinery, book, account or other document found thereat.
- (2) The Energy Regulator must issue an authorised person with an authorisation permit similar to and reflecting information contained **Annexure H**.
- (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 the person requesting it.
- (4) Licensees must furnish the Energy Regulator with such information as the Energy Regulator may consider necessary for the proper application of the Act.
- (5) A licensee may allow any authorised person to accompany it on any vehicular and airborne inspection of the licensee's property on which a licensed activity takes place.
- (6) A licensee must provide appropriate health and safety equipment to an authorised person conducting an inspection.
- (7) If an authorised person removes - for further inspection - books, accounts or other documents or copies thereof from any property on which a licensed activity is taking place, then the Energy Regulator must within 30 days of such removal, issue the licensee with a list of such books, accounts or other documents.
- (8) The licensee must within 30 days of receiving the list contemplated in subrule (7) above, inform the Energy Regulator of the information in the list that it regards as non-generic, confidential, personal, commercially sensitive or of a proprietary

nature, by completing the form specified in **Annexure A** and providing all information specified therein

CHAPTER 5 GENERAL PROVISIONS

Publishing of information relating to uncommitted capacity

- 19.(1) A licensee must publish information relating to uncommitted capacity at its petroleum storage facility as and when directed to do so by the Energy Regulator.
- (2) The licensee must publish the information contemplated in subrule (1) above -
- (a) on its website;
 - and
 - (b) on a public notice board in a prominent place outside its head office and the relevant facility.

Repeal of rules

20. 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

21. These rules are called the Petroleum Pipelines Act Rules, 2009 and shall come into operation on the date of publication.

nersa

NATIONAL ENERGY REGULATOR OF SOUTH AFRICA

ANNEXURE A

REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION SUBMITTED TO THE ENERGY REGULATOR

Instructions:

1. This form must be used for all requests for confidential treatment of information submitted to the Energy Regulator.
2. Please note that this form has four sections (A, B, C & D).
3. All requests must be based on and substantiated in terms of the relevant provisions of:
 - the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003); and
 - the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
4. All requests must be accompanied by a detailed motivation supporting the request.
5. You must clearly indicate and highlight which information in your submission(s) is confidential as the Energy Regulator will not accept general claims of confidentiality of entire documents.
6. All information submitted to the Energy Regulator without this request shall be treated as non-confidential and will be made available to the public.
7. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia 0007;
 - OR**
 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
8. An electronic version of the completed form **may** also be e-mailed to pipelines@nersa.org.za.

ENQUIRIES:

Contact: Executive Manager: Petroleum Pipelines Regulation
Contact no.: (012) 401 4600
Fax no.: (012) 401 4700

Official Use Only

Date received _____
Reference number _____

SECTION A: PARTICULARS OF THE PARTY MAKING THE REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION

1. Name

.....

2. Telephone number

.....

3. Fax number

.....

4. E-mail address

.....

5. Details of mandated representative, including:

(a) designation.....

(b) family name.....

(c) first name.....

(d) telephone number

(e) fax number

(f) email address

SECTION B: PARTICULARS REGARDING THE TYPE OF SUBMISSION

The request for confidential treatment of information is with regards to (tick the appropriate box below):

- A licence application
- An application for the amendment of a licence
- An application for the revocation of a licence
- An objection to a licence application
- A complaint in terms of section 31 of the Act
- A tariff application
- Other (specify)
-
-
-
-
-

SECTION C: DETAILS OF CONFIDENTIALITY REQUEST

On separate sheets of paper, list the following information regarding each piece of information:

- Column 1 The name of the document that contains the information considered to be confidential
- Column 2 The page number, paragraph number and line number at which the confidential information begins and ends
- Column 3 Facts and evidence supporting the request for confidential treatment of information identified in column 2
- Column 4 The nature of the economic value of the information
- Column 5 The applicable sections of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003) or the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

SECTION D: SOLEMN DECLARATION

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

- (a) I am authorised byto make this declaration
(attach the authorisation); and
- (b) All information provided herein is within my personal knowledge and is both 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 understands 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 B****FORM: APPLICATION FOR A LICENCE**

Applications for a licence in terms of the Petroleum Pipelines act, 2003

(Act No. 60 of 2003)

Instructions:

1. Prior to completing this form, you are advised to read the following documents:
 - (a) the Petroleum Pipelines act, 2003 (Act No. 60 of 2003) and its regulations; and
 - (b) the Rules made in terms of the Petroleum Pipelines Act specifically rules 1 to 11.
2. Please note that this form has three chapters and that applicants must provide all information and supporting documentation required. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia, 0007;**OR**
 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
4. An electronic version of the completed form **may** also be e-mailed to: pipelines@nersa.org.za.
5. If you want to request the confidential treatment of certain information in your application, you must make the request in accordance with rule 4 of the Rules made in terms of the Petroleum Pipelines Act.

ENQUIRIES:

Contact: Executive Manager: Petroleum Pipelines Regulation
Contact no.: (012) 401 4600
Fax no.: (012) 401 4700

Official Use Only

Date received _____
Reference number _____

CHAPTER 1 GENERAL INFORMATION

You are required to provide the following information:

SECTION A: PARTICULARS OF APPLICANT

1. Full registered name of the applicant;
2. Trading name of the applicant (if different from the registered name);
3. Physical and postal addresses of the principal place of business of the applicant;
4. Physical and postal address of the registered office of the applicant (if different from principal place of business);
5. Telephone number of the applicant;
6. Fax number of the applicant;
7. Email address of the applicant; and
8. Details of the mandated representative of the applicant, including:
 - (a) Designation,
 - (b) family name,
 - (c) first name,
 - (d) telephone number,
 - (e) fax number, and
 - (f) email address.

SECTION B: DESIRED COMMENCEMENT DATE

Desired commencement date of the licence applied for

SECTION C: ADDITIONAL INFORMATION

Provide any other information relevant to this application.

SECTION D: LICENCE CONDITIONS

State your desired licence conditions in terms of section 20(1) of the Act.

Annexure B

SECTION E: SOLEMN DECLARATION BY APPLICANT OR MANDATED REPRESENTATIVE

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

- (a) I am authorised byto make this declaration (attach the authorisation); and
- (b) All information provided herein is within my personal knowledge and is both 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 understands 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 and a South African citizen, a certified copy of the applicant's identity document.
2. In the case of a non-South African citizen, a certified copy of her/his:
 - (a) passport;
 - (b) permanent residence permit or employment permit; and
 - (c) proof of residence in South Africa, or proof of domicile in South Africa.
3. If the applicant is:
 - (a) a national, provincial or local government;
 - (b) another statutory body;
 - (c) a juristic person established in terms of an Act of Parliament; or
 - (d) a company or other legal body established by statute or government directive,then, attach a copy of the proclamation establishing such a body or state relevant legislation.
4. If the applicant is not a natural person, and is not contemplated in 3 above, attach
 - (a) a document stating –
 - (i) the title of legislation under which it is registered;
 - (ii) the registration number given to it in terms of such legislation;
 - (iii) in the case of companies, the names of current directors and the ownership or shareholding structure, including particulars of the shareholders;
 - (b) a certified copy of the identity document of the mandated representative authorised to make the application, if applicable; and
 - (c) documentary proof of authorisation to make the application.
6. Documents demonstrating the administrative abilities of the applicant¹
7. Documents demonstrating the financial abilities of the applicant.¹
8. Documents demonstrating the technical abilities of the applicant.¹
9. Where the facility is owned by more than one person, the applicant must provide –
 - (a) details of the co-ownership and documentary proof thereof or a solemn declaration to that effect; and

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

- (b) written mandate from each of the other owners authorising the applicant to apply for the licence on their behalf.
- 10. 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.
- 11. If the Record of Decision in 10 above has not been obtained, then submit:
 - (a) proof of application for such permit; and
 - (b) a solemn declaration outlining the applicant's plans and ability to comply with all applicable labour, health and environmental legislation.
- 12. If 10 is not applicable, state reason therefor.
- 13. List all applicable:
 - (a) legislation;
 - (b) operating and technical standards; and
 - (c) codes and specifications (including those relating to safety) to be used in the activities for which this application is made, for example:
 - (a) the American Society of Mechanical Engineers (ASME) Standards;
 - (b) American Petroleum Institute (API) Standards; and
 - (c) European Norms (EN).
- 14. Provide details of the petroleum that will be handled in the facility for which this application is made.
- 15. Provide 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:

Petroleum Pipelines

- Construction of a petroleum pipeline (PPL.p.F1)
- Conversion of a petroleum pipeline (PPL.p.F2)
- Operation of a petroleum pipeline (PPL.p.F3)

Petroleum Storage Facilities

- Construction of a petroleum storage facility (PPL.sf.F1)
- Conversion of a petroleum storage facility (PPL.sf.F2)
- Operation of a petroleum storage facility (PPL.sf.F3)

Petroleum Loading Facilities

- Construction of a petroleum loading facility (PPL.lf.F1)
- Conversion of a petroleum loading facility (PPL.lf.F2)
- Operation of a petroleum loading facility (PPL.lf.F3)

CONSTRUCTION OF A PETROLEUM PIPELINE (PPL.p.F1)

Provide the following information/ documents. 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 systems.
2. Detailed maps and diagrams, as appropriate;
3. Provisions for metering, including type of meters, accuracy, calibration and arrangements;
4. 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 intended operational procedures;
6. Status or expected status in terms of the National Key Points Act, 1980 (Act No.102 of 1980);
7. Details of existing and proposed security arrangements.
8. 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 A PETROLEUM PIPELINE (PPL.p.F2)

Provide the following information/documentation. 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. Application for the revocation of the licence in terms of section 24 of the Act and rule 13 of these rules;
3. If the pipeline is not licensed, provide 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. A full description of the intended conversion and the reasons therefor; and
4. The impact of the conversion on users of the pipeline and any measures taken to ensure continued provision of services.

OPERATION OF A 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. A copy of the emergency plan contemplated in section 20 (1) (x) of the Act;
7. A copy of the operational procedures for the pipeline;
8. Status in terms of the National Key Points Act, 1980 (Act No.102 of 1980);
9. 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. A copy of the maintenance policy for the petroleum pipeline.

CONSTRUCTION OF A PETROLEUM STORAGE FACILITY (PPL.sf.F1)

Provide the following information/documentation. 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) the physical address;
 - (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 and the means (e.g. pipeline, rail gantry, road transport gantry) through which product can be taken in and out of the proposed storage facility and specify the number of gantries and their capacities;
 - (i) 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;
5. Provide the proposed tariffs for this facility and details regarding the methodology used to determine such tariffs;
6. A copy of the emergency plan contemplated in section 20(1) (x) of the Act;
7. A copy of the intended storage facility operational procedures;
8. Status in terms of the National Key Points Act, 1980 (Act No. 102 of 1980);
9. Details of existing and proposed security arrangements.
10. 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 A PETROLEUM STORAGE FACILITY (PPL.sf.F2)

Provide the following information/documentation. 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. Application for revocation of the licence in terms of section 24 of the Act and rule 13 of these rules;
3. If the facility is not licensed; provide 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 -
 - (a) changes to the existing storage facility design, piping arrangements and gantries;
 - (b) changes to the proposed location of the storage facility, fences and roads;
 - (c) where applicable, descriptions of changes to the containment system and systems to prevent overflow or leakage;
 - (d) a description of changes to the regular inspection and maintenance procedures; and
 - (e) where applicable, a description of the changes for handling contaminated water run-off.

4. A full description of the intended conversion and the reasons therefor; and
5. The impact of the conversion on users of the storage facility and measures taken to ensure continued provision of service.

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

Provide the following information/documentation. 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 -
 - (a) the storage facility design and piping arrangements;
 - (b) the proposed location of the storage facility, fences and roads;
 - (c) where applicable, a description of the containment system and the systems to prevent overflow or leakage;
 - (d) a description of the regular inspection and maintenance procedures; and
 - (e) 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 the proposed tariffs for this facility and details regarding the methodology used to determine such tariffs;
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 A PETROLEUM LOADING FACILITY (PPL.If.F1)

Provide the following information/ documentation. 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:
 - (a) diameters;
 - (b) lengths;
 - (c) route maps; and
 - (d) 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. These 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 the proposed tariffs for this facility and details regarding the methodology used to determine such tariffs;
6. A copy of the proposed emergency plan contemplated in section 20(1) (x) of the Act;
7. A copy of the intended loading facility operational procedures;
8. status in terms of the National Key Points Act, 1980 (Act No.102 of 1980);
9. Details of proposed security arrangements;
10. 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 A 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. Application for revocation of the licence in terms of section 24 of the Act and rule 13 of these rules;
3. If the facility is not licensed, 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:
 - (a) diameters;
 - (b) lengths;
 - (c) route maps; and
 - (d) 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. These 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. A full description of the intended conversion and the reasons therefor; and
6. The impact of the conversion on users of the loading facility and measures taken to ensure continued provision of service.

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

Provide the following information/documentation. 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:
 - (a) diameters;
 - (b) lengths;
 - (c) route maps;
 - (d) 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. These 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. 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 the proposed tariffs for this facility and details regarding the methodology used to determine such tariffs;
6. A copy of the loading facility operational procedure;
7. 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. A copy of the maintenance policy for the loading facility.



**ANNEXURE C
NOTICE OF AN INCOMPLETE APPLICATION**

Notice in terms of rule 7(7) made in terms of the Petroleum Pipelines Act, 2334(Act No. 60 of 2003)

Name of applicant	
Type of licence applied for	
Date Received	
Reference Number	

(a) The Energy Regulator hereby informs you that your licence application with the above-mentioned details does not meet the application requirements and is therefore considered incomplete.

(b) You have not submitted the following required information / documentation to the Energy Regulator.

- 1.
- 2.
- 3.
- 4.
- 5.

(c) The above-mentioned information /documentation must be submitted before your application can be accepted. The official date of application will be the date on which you submit **all** required information to the Energy Regulator.

Smunda Mokoena
CHIEF EXECUTIVE OFFICER



ANNEXURE D

FORM: OBJECTION TO A LICENCE APPLICATION

Objection to an application for a licence in terms of the Petroleum Pipelines Act, 2003 (Act No. 60 Of 2003)

Instructions:

1. Before completing this form, you are advised to read the following documents:
 - (a) the Petroleum Pipelines Act, 2003 (Act No. 60 Of 2003) and its regulations; and
 - (b) the Rules made in terms of the Petroleum Pipelines Act, specifically rules 1 to 11.
2. Please note that this form has four sections (A, B, C & D). An objector must provide **all** information and supporting documentation required.
3. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia 0007;
 - OR**
 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
4. An electronic version of the completed form **may** also be e-mailed to pipelines@nersa.org.za.
5. If you want to request the confidential treatment of certain information in your objection, you must do so in accordance with rule 4 of the Rules made in terms of the Petroleum Pipelines Act.

ENQUIRIES:

Contact: Executive Manager: Petroleum Pipeline Regulation
 Contact no.: (012) 401 4600
 Fax no.: (012) 401 4700

Official Use Only

Date received _____
 Reference Number _____

SECTION A: DETAILS OF THE OBJECTOR

1. Full registered name of the objector

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2. Trading name of the objector (if different from the registered name)

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3. Registration number of company (if applicable), or Identity Number if the objector is a natural person

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4. Name of mandated representative. Attach documentary proof of mandate given to representative.

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5. Physical address

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6. Postal address

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7. Telephone number.....

8. Fax Number.....

9. Email address.....

10. Details of contact person at the objector, including:

(a) designation.....

(b) family name.....

(c) first name.....

(d) telephone number

(e) fax number

(f) email address.. ..

SECTION B: DETAILS OF THE APPLICATION TO WHICH YOU ARE OBJECTING

11. Type of application to which you are objecting

.....

12. Name of application to which you are objecting

.....

13. State the licence application number of the licence to which you are objecting (if known)

.....

.....

14. Details of the facility/ area

.....

SECTION C: DETAILS OF THE OBJECTION

15. Clearly state the nature of your objection, i.e. what does your objection relate to? (add additional page(s), if necessary)

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16. Clearly state the reasons for your objection (add additional page(s), if necessary) **and** attach supporting documentation

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17. Section 18(a) of the Petroleum Pipelines Act, 2003 (Act No 60 of 2003) provides that:
Before considering an application for a licence in terms of this Act, the Energy Regulator -

if it is of the view that the proposed construction of a gas facility or the proposed provision of gas services 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 the above quoted section of the Act, clearly state your alternative proposal, (add additional page(s), if necessary).

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SECTION D: SOLEMN DECLARATION BY OBJECTOR/ MANDATED REPRESENTATIVE

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

- (a) I am authorised byto make this declaration (attach the authorisation); and
- (b) All information provided herein is within my personal knowledge and is both 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 understands 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 E

FORM: APPLICATION FOR THE AMENDMENT OF A LICENCE

Application for the amendment of a licence in terms of section 23 of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)

Instructions:

1. Before completing this form, you are advised to read the following documents:
 - (a) the Petroleum Pipelines Act, 2003 (Act No. 60 Of 2003) and its regulations; and
 - (b) the Rules made in terms of the Petroleum Pipelines Act, specifically rule 12.
3. Please note that this form has five sections (A, B, C, D & E). An applicant must provide **all** information and supporting documentation required. Incomplete applications will not be accepted.
4. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia 0007;
 - OR**
 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
5. An electronic version of the completed form **may** also be e-mailed to pipelines@nersa.org.za;
4. If you want to request the confidential treatment of certain information in your application, you must do so in accordance with rule 4 of the Rules made in terms of the Petroleum Pipelines Act.

ENQUIRIES:

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

Official Use Only

Date received _____
 Reference number _____

SECTION A: CATEGORY OF THE APPLICANT

- 1. Indicate if you are:
 - (a) the licence holder, or
 - (b) a party affected by the licence
 by ticking the appropriate box below:

- I am the licence holder
- I am a party affected by the licence

SECTION B: DETAILS OF THE APPLICANT

- 2. Full registered name of the applicant
.....
- 3. Trading name of the applicant (if different from the registered name)
.....
- 4. Registration number of company (if applicable)
.....
.....
- 5. Name of mandated representative (if applicable). Attach documentary proof of
mandate given to representative.
.....
- 6. Physical address
.....
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- 7. Postal address
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.....
- 8. Telephone number.....
- 9. Fax Number.....
- 10. Email address.....
- 11. Details of mandated representative, including:
 - (a) designation.....

- (b) family name.....
- (c) first name.....
- (d) telephone number
- (e) fax number
- (f) email address..

SECTION C: DETAILS OF THE LICENCE

12. Name of licensee

.....

13. Type of licence or licensed activity to which this application is applicable

.....

14. Location of the facility

.....

15. State the licence number (if known)

.....

SECTION D: DETAILS OF THE APPLICATION

16. Clearly indicate the amendments that you seek. Please indicate each amendment sought separately and provide details thereof. If the amendment is to a particular condition, cite the condition. (Add additional page(s), if necessary).

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17. Provide detailed reasons and motivation for each of the amendments sought in 16 above (add additional page(s), if necessary).

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18. Substantiate your reasons and motivation in 17 above by submitting documentary proof of your claims.

SECTION E: SOLEMN DECLARATION BY APPLICANT/ MANDATED REPRESENTATIVE

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

- (a) I am authorised byto make this declaration (attach the authorisation); and
- (b) all information provided herein is within my personal knowledge and is both 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 understands 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 F

FORM: APPLICATION FOR THE REVOCATION OF A LICENCE

Application for the revocation of a licence in terms of section 24 of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)

Instructions:

1. Before completing this form, you are advised to read the following documents:
 - (a) the Petroleum Pipelines Act, 2003 (Act No. 60 Of 2003) and its regulations; and
 - (b) the Rules made in terms of the Petroleum Pipelines Act, specifically rule 13.
2. Please note that this form has four sections (A, B, C, & D). An applicant must provide **all** information and supporting documentation required. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia 0007;
 - OR**
 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
4. An electronic version of the completed form **must** also be e-mailed to: pipelines@nersa.org.za.
5. If you want to request the confidential treatment of certain information in your application, you must do so in accordance with rule 4 of the Rules made in terms of the Petroleum Pipelines Act.

ENQUIRIES:

Contact: Executive Manager: Petroleum Pipelines Regulation
 Contact no.: (012) 401 4600
 Fax no.: (012) 401 4700

Official Use Only

Date received _____
 Reference number : _____

SECTION A: PARTICULARS OF LICENSEE

1. Name of licensee
.....
2. Licence number
.....
3. Type of licence
.....
4. Date on which the Energy Regulator issued the licence
.....
5. Details of the licensed facility/ area
.....
.....
6. Details of mandated representative, including:
 - a) designation
 - b) family name.....
 - c) first name.....
 - d) telephone number
 - e) fax number.....
 - f) email address

SECTION B: REASON(S) FOR APPLICATION

7. Indicate the reason(s) for the application by ticking the appropriate box below:
 - (a) The licensed facility or activity is no longer required
 - (b) The licensed facility or activity is not economically justifiable
 - (c) 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
8. If the reason for the application is that the licensed facility or activity
 - *is no longer required, or*
 - *is not economically justifiable,*

provide a detailed explanation and submit documentation in support of your reason(s).

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9. If the reason for the application 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*, provide the following information about that person -

(a) registered name

.....

(b) trading name (if different from registered name)

.....

(c) physical address of the *registered* place of business

.....
.....

(d) physical address of the *principle* place of business (if different from the registered place of business)

.....
.....

(e) postal address

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.....

(f) telephone number.....

(g) fax number.....

(h) email address

(i) Contact person at applicant, including:

- designation
- family name.....
- first name.....
- telephone number
- fax number.....
- email address.....

- (j) submit an undertaking (Section C of this form) by that person confirming its willingness and ability to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act and that the person will apply for the relevant licence.
- (k) submit documentary proof of the ability to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act.

SECTION C: SOLEMN DECLARATION BY THE PERSON WILLING AND ABLE TO ASSUME THE RIGHTS AND OBLIGATIONS OF THE LICENSEE

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

- (a) I am authorised byto make this declaration (attach the authorisation);
- (b) all information relating to provided herein is within my personal knowledge and is both true and correct;
- (c)is willing and able to assume the rights and obligations of the licensee in accordance with the requirements and objectives of the Act; and
- (d) will apply for the relevant licence.

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

.....

Signature

I certify that the deponent:

- (a) has acknowledged that she/he knows and understands 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 APPLICAN/ MANDATED REPRESENTATIVE

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

- (a) I am authorised byto make this declaration (attach the authorisation); and
- (b) All information provided herein is within my personal knowledge and is both 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 understands 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 G

FORM: COMPLAINT (Optional)

Complaint in terms of section 31 of the Petroleum Pipelines Act,
2003 (Act No. 60 of 2003)

Instructions:

1. Before completing this form, you are advised to read the following documents:
 - (a) the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003) and its regulations; and
 - (b) the Rules made in terms of the Petroleum Pipelines Act, specifically rule 16.
2. Please note that this form has five sections (A, B, C, & D). An applicant must provide **all** information and supporting documentation required. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator:
 - by registered mail to: P O Box 40343, Arcadia 0007;
 - OR**
 - by hand at: Kulawula House, 526 Vermeulen Street, Arcadia, Pretoria.
4. An electronic version of the completed form **may** also be e-mailed to pipelines@nersa.org.za;
5. If you want to request the confidential treatment of certain information in your application, you must do so in accordance with rule 4 of the Rules made in terms of the Petroleum Pipelines Act.

ENQUIRIES:

Contact:	Executive Manager: Petroleum Pipelines Regulation
Contact No:	(012) 401 4600
Fax No:	(012) 401 4700

Official Use Only

Date received -----

Reference number -----

SECTION A: PARTICULARS OF COMPLAINANT

1. If you are a natural person, provide:

- (a) your name and surname:.....
- (b) your Identification Number:.....
- (c) Physical address.....
.....
- (d) Postal address
- (e) Telephone number
- (f) Fax number
- (g) E-mail address.....

2. If you are not a natural person, provide:

- (a) the name of your company / organization
.....
- (b) the registration number of your company
.....
- (c) Physical address
.....
.....
- (d) Postal address
.....
.....
- (e) Telephone number
- (f) Fax number
- (g) E-mail address.....
- (h) Details of contact person, including:
 - designation.....
 - family name.....
 - first name.....
 - telephone number
 - fax number
 - email address

SECTION B: DETAILS OF THE LICENSEE

Name of the licensee _____

Licence number (if known) _____

SECTION C: DETAILS OF THE COMPLAINT

Provide full details of your complaint, including details of when (i.e. specific date or period) and where (i.e. which area, facility, etc.) the conduct took place (if the space provided below is insufficient, please attach additional page(s))

SECTION D: SOLEMN DECLARATION BY THE COMPLAINANT

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

- (a) I am authorised byto make this declaration (attach the authorisation) *if applicable*; and
- (b) All information provided herein is within my personal knowledge and is both 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 understands 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 H
AUTHORISATION PERMIT**

Issued by the National Energy Regulator (NERSA) 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 NERSA of South Africa to –

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

Smunda Mokoena
CHIEF EXECUTIVE OFFICER