



GUIDELINES FOR LICENCE APPLICATIONS

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Contents

1	Objective of Guideline.....	4
2	The Licensing Regime	4
3	Licence Conditions	5
3.1	Structure of the License Conditions	5
3.2	The Acronym Table	5
3.3	The Common Conditions	5
3.4	The Standard Conditions	5
3.5	The Specific Conditions	5
3.6	The Schedule of Particulars: Common Conditions	6
3.7	The Schedule of Particulars: Standard Conditions	6
3.8	The Schedule of Particulars: Specific Conditions	6
3.9	The Schedule of Approved Tariffs.....	6
3.10	The Schedule of Technical and Performance Parameters.....	6
4	The Licence Evaluation Procedure	7
5	Completing a Licence Application	9
5.1	Completing the common forms	9
5.2	Completing the forms for a Generation licence application	10
5.3	Completing the forms for a Transmission licence application	11
5.4	Completing the forms for a Distribution licence application.....	11
5.5	Completing the forms for an Import licence application	12
5.6	Completing the forms for an Export licence application	13
5.7	Completing the forms for a Supply licence application	13
5.8	Guidelines on specific documents, drawings, sheets or models to be submitted in a licence application.....	14
5.8.1	Good standing certificates	14
5.8.2	Board resolutions.....	14
5.8.3	Audited Financial Statements	14
5.8.4	Curriculum Vitaes of designated persons.....	14
5.8.5	Maps of proposed locations of facilities.....	15
5.8.6	Site Layout	15
5.8.7	Design Base Report	15
5.8.8	Single Line Diagram (SLD)	15

5.8.9	Environmental Impact Assessments or Environmental Management Plans.....	15
5.8.10	Project Schedule and Milestone Dates.....	15
5.9	Administrative Requirements	16
5.9.1	Information	16
5.9.2	Application Fees.....	16
5.9.3	Advertisement	16

List of Tables

Table 1	Version Control.....	2
Table 2:	Forms to be completed with a licence application.....	9

List of Figures

Figure 1:	Licence Conditions.....	5
Figure 2:	Licence Evaluation Procedure.....	7
Figure 3:	Sample of a Licence Application Advertisement.....	16

1 Objective of Guideline

The primary objective of these guidelines is to assist licence application processes through clarifying the procedural and information requirements as well as the licence evaluation process.

- Chapter 2 provides for an overview of the licensing regime
- Chapter 3 depicts for the structure of the different licence conditions
- Chapter 4 provides the evaluation process
- Chapter 5 provides for information on completing a licensing application

2 The Licensing Regime

The Electricity Act (Act 4 of 2007) created an independent regulatory authority, the Electricity Control Board (ECB) to control, regulate and promote the Namibian Electricity Supply Industry (ESI). As part of this mandate the ECB makes recommendations to the Minister of Mines and Energy with regard to the issue, transfer, amendment, renewal and cancellation of licenses. In terms of Section 17 of the Electricity Act (Duty to obtain a license), no person may establish or carry on generation, trading, transmission, distribution, supply, import or export of electricity unless such person holds a licence.

The legislation is supported by a number of rules and regulations, comprising the following:

1. Electricity Regulations: Administrative, 2011
2. Economic Rules, 2016
3. Technical Rules, 2016
4. Standby Generation Rules
5. Net Metering Rules, 2016
6. Customer Complaints Procedure, 2018
7. Public Hearing Rules, 2018
8. Mediation Rules, 2010
9. Transmission Codes
10. Standards of the ECB
11. Implementation of a Local Authority Surcharge in Namibia
12. Electricity Supply Industry National Connection Charge Policy
13. Development of Licensee Distribution Electrical Infrastructure
14. The Modified Single Buyer Market Rules (Draft)

The following policies and plans provide strategic guidance to the ESI

1. National Energy Policy, 2017
2. National Integrated Resource Plan, 2017
3. National Renewable Energy Policy, 2017
4. National IPP Policy of Namibia, 2018
5. The Modified Single Buyer Market, 2019

3 Licence Conditions

3.1 Structure of the License Conditions

A licence will have the following components:

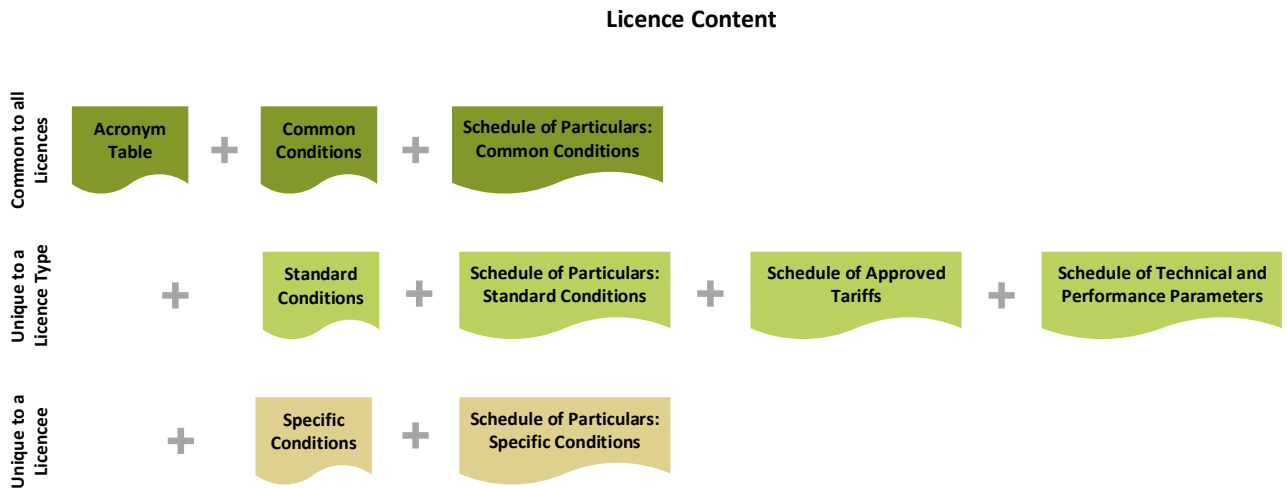


Figure 1: Licence Conditions

3.2 The Acronym Table

The **Acronym Table** contains an explanation of all the acronyms and abbreviations used in the various licence conditions and is relevant to all licenses. The table is published on the Regulator’s website and updated regularly as and when required.

3.3 The Common Conditions

The **Common Conditions** are relevant to all licenses. The Common conditions are published on the Regulator’s website. Changes to it will be in consultation with the licensees in the licensing register of the Regulator.

3.4 The Standard Conditions

The **Standard Conditions** are standard to all license types. The Standard conditions are published on the Regulator’s website. Changes to it will be in consultation with the licensees with the specific licence type in the licensing register of the Regulator.

3.5 The Specific Conditions

The **Specific Conditions** are specific to a licensee and are determined for each license application. The Specific conditions are not in the public domain and can be obtained by other licence holders upon request and motivation to the Regulator for consideration.

3.6 The Schedule of Particulars: Common Conditions

The **Schedule of Particulars** provides the specific licensee's information relevant to the particular terms in the **Common** Conditions. The template schedule is published on the Regulator's website.

3.7 The Schedule of Particulars: Standard Conditions

The **Schedule of Particulars** provides the specific licensee's information relevant to the particular terms in the **Standard** Conditions, if any. The template schedule is published on the Regulator's website.

3.8 The Schedule of Particulars: Specific Conditions

The **Schedule of Particulars** provides the specific licensee's information relevant to the particular terms in the **Specific** Conditions, if any. The schedule is derived during the determination of the Specific conditions, and is not in the public domain.

3.9 The Schedule of Approved Tariffs

The **Schedule of Approved Tariffs** provides for the tariff and indexation/tariff approval regime. The template schedule is published on the Regulator's website.

3.10 The Schedule of Technical and Performance Parameters

The **Schedule of Technical and Performance Parameters** provides for the parameters relevant to the technical design and performance of the facility. The template schedule is published on the Regulator's website for each type of facility.

4 The Licence Evaluation Procedure

The license evaluation procedure is depicted in the following flowchart:

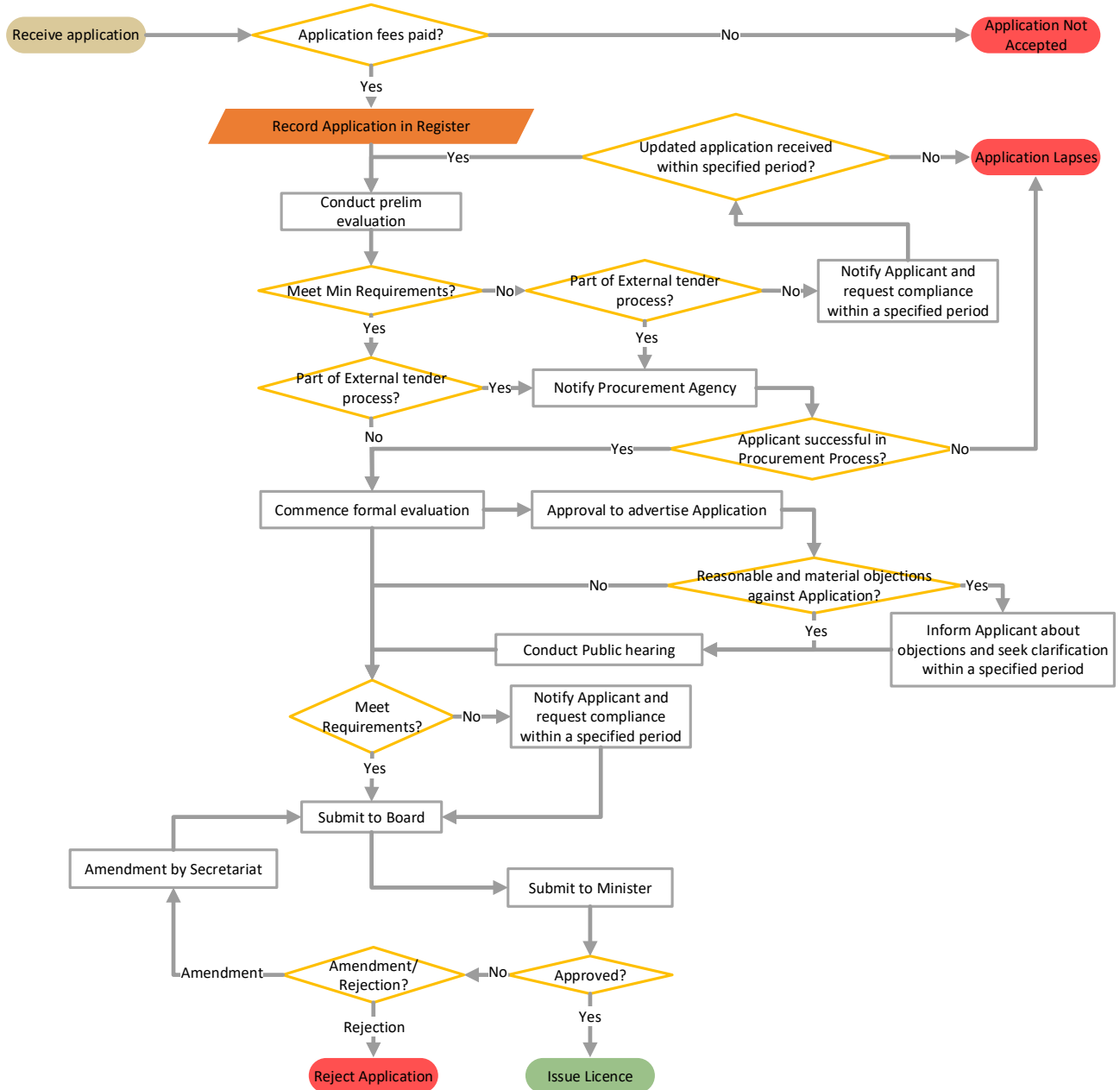


Figure 2: Licence Evaluation Procedure

The evaluation criteria for consideration of a license application by the Minister of Mines and Energy is contained in Section 19 of the Electricity Act, 2007, is followed by the ECB as well in making its recommendation to the Minister of Mines and Energy.

The evaluation process provides for interaction with the following sub-processes:

1. Procurement Process

- a. If the application for a licence is part of a procurement process (solicited bidding), the Regulator will provide information to the procurement agency on the completeness of a licence application, if required. In the case that information in the application is lacking, the procurement agency would be required to obtain additional information from the applicant. Should additional information be requested by the procurement agency, and submitted by the applicant, then the additional information by the applicant needs to be submitted to both the regulator and the procurement agency.
- b. The Regulator will only continue with the detailed evaluation of the application when the procurement agency communicates to the Regulator that the candidate was shortlisted or successful, whatever the case may be, in the procurement process. Once the application is complete and the communication made by the procurement agency, the Regulator will give permission to the applicant to advertise the application in the prescribed manner.
- c. If the applicant was not successful in the procurement process, its licence application will be rejected.

2. Objection Process

- a. The objections procedure is dealt with in Section 18 of the Electricity Act, 2007 and Regulation 5 of the Electricity Regulations: Administrative.
- b. Objections against a licence application should be lodged in writing to the Regulator within 30 days of the advertising of the licence application. The information that should be contained in the objection is detailed in Regulation 5(2).
- c. Within 7 days of receipt of an objection, the Regulator must forward the objection to the concerned licence applicant. The Regulator may arrange for a public hearing on the objection. If a public hearing is not conducted, the concerned licence applicant must respond to the objection in writing to the Regulator within 14 days after the closing date for objections.
- d. The Board will make a ruling on the objection and include it in the recommendation to the Minister of Mines and Energy for the granting or refusal of a license. Ultimately the Minister of Mines and Energy will make the decision for the granting or refusal of a licence, taking into consideration any objections that may have been received.

3. Consultation on Specific Licence Conditions

- a. The Regulator may, in consultation with the applicant, issue Specific licence conditions in addition to the Common and Standard licence conditions.
- b. Failure between the Regulator and the applicant to agree these conditions might lead to the rejection of the licence application.

5 Completing a Licence Application

When applying for a licence, the applicant needs to complete the following forms and provide the required supporting documentation:

Table 1: Forms to be completed with a licence application

Licence Type Form Name	Generation	Transmission	Distribution	Supply	Import	Export
Licence Application Table of Contents	Table of Contents					
Particulars of Applicant	Form A					
Corporate Governance	Form A CG					
Particulars of Licence Application	Form B					
Financial Information	Form CGx	Form CTx	Form CDx			
Market Information	Form CGx MI		Form CDx MI			Form CEx MI
Tariff Information			Form CDx TI			
Technical Information	Form DGx	Form DTx	Form DDx	Form DSx	Form Dlx	Form DEx
TPP Solar PV	Form DGx PV					
TPP Wind	Form DGx W					
TPP Solid Fuels	Form DGx SF					
TPP CSP	Form DGx CSP					
TPP Hydro	Form DGx H					
TPP Gas	Form DGx G					
TPP Geo-Thermal	Form DGx GT					
TPP Liquid Fuel	Form DGx LF					
TPP Substations		Form DTx SS	Form DDx SS			
TPP Lines		Form DTx L	Form DDx L			
TPP Supply Points					Form Dlx SS	Form DEx SS
TPP Metering Points				Form DSx MP		
Development Plan	Form EGx DP	Form ETx DP	Form EDx DP			
Agreements Structure	Form FGx AS	Form FTx AS	Form FDx AS	Form FSx AS	Form Flx AS	Form FEx AS
O&M & Decommissioning	Form GGx OM	Form GTx OM SS Form GTx OM L	Form GDx OM SS Form GDx OM L			

It is a requirement that all completed forms must be signed by the **person authorised to lodge the Licence Application** as well as two witnesses. All pages not requiring signatures must be initialled by the said person.

5.1 Completing the common forms

The following forms need to be completed by applicants applying for any of the licences in the licensing regime:

- **Table of Contents** contains a list of all the forms and require the applicant to indicate which forms was completed and submitted as part of the application
- **Form A** requests the particular **information** of the **applicant** and requires the applicant to submit additional documentation annexed to the completed form, as part of the application

- **Form_A_CG** is a subset of Form_A and asks for information on the **corporate governance** and audit practices of the applicant.
- **Form_B** contains the particular **information** relevant to the **licence application** and requires the applicant to submit a map annexed to the completed form, as part of the application.

5.2 Completing the forms for a Generation licence application

In addition to the forms in section 5.1, the following forms need to be completed by applicants applying for a generation licence (for each station if more than one station is contained in the application):

- **Form_CGx** addresses the **financial** and **business** information of the application and requires the applicant to submit additional documentation and model(s), to be annexed to the completed form, as part of the application.
- **Form_CGx_MI** addresses the **market** information of the application and requires the applicant to submit additional documentation, as part of the application.
- **Form_DGx** covers the **technical** information of the application and requires the applicant to submit additional documentation, reports and drawing(s), to be annexed to the completed form, as part of the application.
- The following forms are subsets of Form_DGx requiring the **technical and performance parameters**. The applicant is required to complete the relevant form as defined by the applicable technology it wishes to use for the generation of electricity.
 - **Form_DGx_PV** is required to be completed by applicants who wish to use **Solar PV** (with or without storage) for the generation of electricity.
 - **Form_DGx_W** is required to be completed by applicants wishing to use **Wind Power** (with or without storage) for the generation of electricity.
 - **Form_DGx_SF** is required to be completed by applicants wishing to use **Solid Fuel** (with or without storage) for the generation of electricity, and includes coal, biomass, etc.
 - **Form_DGx_CSP** is required to be completed by applicants wishing to use **Concentrated Solar Power** (with or without storage) for the generation of electricity.
 - **Form_DGx_H** is required to be completed by applicants wishing to use **Hydro** (with or without pumped storage) for the generation of electricity.
 - **Form_DGx_G** is required to be completed by applicants wishing to use **Gas** (with or without pumped storage) for the generation of electricity and includes natural gas, biogas, etc.
 - **Form_DGx_GT** is required to be completed by applicants wishing to use **Geothermal** (with or without storage) for the generation of electricity.
 - **Form_DGx_LF** is required to be completed by applicants wishing to use **Liquid Fuel** (with or without storage) for the generation of electricity and includes LFO, HFO, biofuel, etc.
- **Form_EGx_DP** requests the applicant to provide information on the key **milestone** dates and the **development plan** for the generation facility and requires that a project schedule be annexed to the completed form, as part of the application.
- **Form_FGx_AS** asks for information on the **agreement structure**, key terms and agreements for regulatory oversight and requests that additional information as well as the draft agreements for regulatory oversight be annexed to the completed form, as part of the application.

- **Form_GGx_OM** requires the applicant to submit detailed information regarding the **operation and maintenance, environmental management, decommissioning** or modification of the plant to be annexed to the completed form, as part of the application.

5.3 Completing the forms for a Transmission licence application

In addition to the forms in section 5.1, the following forms needs to be completed by applicants applying for a transmission licence:

- **Form_CTx** addresses the **financial** and **business** information of the applicant and requires the applicant to submit additional documentation and model(s), to be annexed to the completed form, as part of the application.
- **Form_DTx** covers the **technical** information of the application and requires the applicant to submit additional documentation, reports and drawing(s), to be annexed to the completed form, as part of the application.
- The following forms are subsets of Form_DTx requiring the **technical and performance parameters** and the applicant is required to complete the relevant form for substations and lines respectively (a separate set for each substation or line of more than one substation or line is contained in the application).
 - **Form_DTx_SS** is required to be completed for each **substation** included in the facilities for the transmission of electricity.
 - **Form_DTx_L** is required to be completed for each **line** included in the facilities for the transmission of electricity.
- **Form_ETx_DP** requests the applicant to provide information on the key **milestone dates** and the **development plan** for the transmission facility and requires that a project schedule be annexed to the completed form, as part of the application.
- **Form_FTx_AS** asks for information on the **agreement structure**, key terms and agreements for regulatory oversight and requests that additional information as well the draft agreements for regulatory oversight be annexed to the completed form, as part of the application.
- **Form_GTx_OM_SS** requires the applicant to submit detailed information regarding the **operation and maintenance, environmental management, decommissioning** or **modification** of each **substation** included in the facilities for the transmission of electricity and to be annexed to the completed form, as part of the application.
- **Form_GTx_OM_LS** requires the applicant to submit detailed information regarding the **operation and maintenance, environmental management, decommissioning** or **modification** of each **line** included in the facilities for the transmission of electricity and to be annexed to the completed form, as part of the application.

5.4 Completing the forms for a Distribution licence application

In addition to the forms in section 5.1, the following forms needs to be completed by applicants applying for a distribution licence:

- **Form_CDx** addresses the **financial** and **business** information of the applicant and requires the applicant to submit additional documentation and model(s), to be annexed to the completed form, as part of the application.
- The following forms are subsets of Form_CDx
 - **Form_CDx_MI** seeks market information related to the applicants proposed activities in a specific area and require this information to be submitted in Excel format, annexed to the signed and completed form.
 - **Form_CDx_FI** seeks tariff information related to the applicants proposed activities in a specific area as well as any proposed tariffs to be annexed to the signed and completed form.
- **Form_D Dx** covers the **technical** information of the application and requires the applicant to submit additional documentation, reports and drawing(s), to be annexed to the completed form, as part of the application.
- The following forms are subsets of Form_D Dx requiring the **technical and performance parameters** and the applicant is required to complete the relevant form for substations and lines respectively (a separate set for each substation or line of more than one substation or line is contained in the application).
 - **Form_D Dx_SS** is required to be completed for each **substation** included in the facilities for the distribution of electricity.
 - **Form_D Dx_L** is required to be completed for each **line** included in the facilities for the distribution of electricity.
- **Form_EDx_DP** requests the applicant to provide information on the key Milestone dates and the development plan for the distribution facility and requires that a project schedule be annexed to the completed form, as part of the application.
- **Form_FD x_AS** asks for information on the agreement structure, key terms and agreements for regulatory oversight and requests that additional information as well the draft agreements for regulatory oversight be annexed to the completed form, as part of the application.
- **Form_GD x_OM_SS** requires the applicant to submit detailed information regarding the operation and maintenance, environmental management, decommissioning or modification of each substation included in the facilities for the distribution of electricity and to be annexed to the completed form, as part of the application.
- **Form_GD x_OM_LS** requires the applicant to submit detailed information regarding the operation and maintenance, environmental management, decommissioning or modification of each line included in the facilities for the distribution of electricity and to be annexed to the completed form, as part of the application.

5.5 Completing the forms for an Import licence application

In addition to the forms in section 5.1, the following forms needs to be completed by applicants applying for an import licence:

- **Form_Dlx** covers the **technical** information of the application and requires the applicant to submit additional documentation, reports and drawing(s), to be annexed to the completed form, as part of the application.

- The following form is a subset of Form_Dlx requiring the **technical and performance parameters** and the applicant is required to complete the relevant form for supply points (a separate set for each supply point of more than one supply point is contained in the application).
 - **Form_Dlx_SS** is required to be completed for each **supply point** included in the facilities for the import of electricity.
- **Form_Flx_AS** asks for information on the agreement structure, key terms and agreements for regulatory oversight and requests that additional information as well the draft agreements for regulatory oversight be annexed to the completed form, as part of the application.

5.6 Completing the forms for an Export licence application

In addition to the forms in section 5.1, the following forms needs to be completed by applicants applying for an export licence:

- **Form_CEx_MI** addresses the **market** information of the application and requires the applicant to submit additional documentation, as part of the application.
- **Form_DEx** covers the **technical** information of the application and requires the applicant to submit additional documentation, reports and drawing(s), to be annexed to the completed form, as part of the application.
- The following form is a subset of Form_DEx requiring the **technical and performance parameters** and the applicant is required to complete the relevant form for supply points (a separate set for each supply point of more than one supply point is contained in the application).
 - **Form_DEx_SS** is required to be completed for each **supply point** included in the facilities for the export of electricity.
- **Form_FEx_AS** asks for information on the agreement structure, key terms and agreements for regulatory oversight and requests that additional information as well the draft agreements for regulatory oversight be annexed to the completed form, as part of the application.

5.7 Completing the forms for a Supply licence application

In addition to the forms in section 5.1, the following forms needs to be completed by applicants applying for a supply licence:

- **Form_DSx** covers the **technical** information of the application and requires the applicant to submit additional documentation, reports and drawing(s), to be annexed to the completed form, as part of the application.
- The following form is a subset of Form_DSx requiring the **technical and performance parameters** and the applicant is required to complete the relevant form for metering points (a separate set for each metering point of more than one metering point is contained in the application).
 - **Form_DSx_MP** is required to be completed for each **metering point** included in the facilities for the supply of electricity.

- **Form_FSx_AS** asks for information on the agreement structure, key terms and agreements for regulatory oversight and requests that additional information as well the draft agreements for regulatory oversight be annexed to the completed form, as part of the application.

5.8 Guidelines on specific documents, drawings, sheets or models to be submitted in a licence application

The format of the additional documents to be submitted is indicated in the relevant forms. The following section provides additional explanatory information on the format and typical content of some of the documents. It is the responsibility of the applicant to contact the Regulator and ascertain further information if required to ensure its submission meets the required standard.

5.8.1 Good standing certificates

All good standing certificates must be submitted in the format specified and must be current, i.e. the certificate must still be current on the date the application is filed. The Regulator may request applicants to submit updated certificates if the validity of a certificate expires prior to the issuance of the licence.

5.8.2 Board resolutions

Board resolutions must be submitted in the format specified and printed on the letterhead of the company. The resolution must contain the board's decision to submit the application, as well as the designation of the person authorised to sign and submit the licence application. Subsequent allocations of authority for the designated competent persons stated in Form_A, as and when the resolutions are taken should also be submitted in this format.

5.8.3 Audited Financial Statements

Audited Financial Statements must be submitted in the format specified, legible and accompanied by a signed letter from the auditing entity on its letterhead.

5.8.4 Curriculum Vitae of designated persons

The Curriculum Vitae of the designated persons must include as a minimum the following information and must not be longer than 5 pages:

- Biographical information
- A recent photo (passport size)
- Relevant educational information
- Relevant work experience
- Certification relevant to the specific designation in the licence application
- At least two references with contact details (phone numbers and email details)

5.8.5 Maps of proposed locations of facilities

The maps must include Global Positioning System coordinates using the World Geodetic System (WGS84) as its reference coordinate system and of sufficient size (at least A4) in the required scale specified.

5.8.6 Site Layout

The site layout must include all buildings, lines access roads, water connections, waste service connections, ponds, etc. of the proposed facility.

5.8.7 Design Base Report

The design base report must be submitted in the format specified and must provide a comprehensive description of the functional design specification, methodology, calculations and options, of all components of the facility, including detail about communication, control, monitoring, protection, etc. The report should cover all engineering disciplines and include the performance parameters and standards applicable in the design and implementation of the facility. The information derived from the report should be sufficient to complete the required technical and performance parameters for the application.

The report should be signed off by a professional engineer, and contain information about the version of the report.

The report should include relevant information and not unnecessary brochures.

5.8.8 Single Line Diagram (SLD)

Single line diagrams must be professional schematics utilising standardised symbols and descriptions. The diagrams should be clear and not smaller than A4 size and contain information about the version of the diagram/submission.

5.8.9 Environmental Impact Assessments or Environmental Management Plans

The approved documents as submitted to the Ministry of Environment and Tourism should be included, and if not yet approved, the draft documents compiled by an independent environmental practitioner, as per the relevant legislation and regulation. The Environmental Impact Assessment may exclude specialist studies, which must be available upon request. If approval is obtained, then the relevant Environmental Clearance Certificate should be included.

The approved Environmental Management Plan must be submitted to the Regulator.

If the Environmental Impact Assessments or Environmental Management Plans are not ready at the time of the application, details regarding the studies, progress on the EIA/ EMP and status of application of clearance must be included in the development plan of the submission.

5.8.10 Project Schedule and Milestone Dates

The project schedule must be submitted in the format specified, utilising modern project scheduling tools, and contain all the key milestone dates required as part of the licence application and conditions.

The schedule must be clear and not smaller than A4 size and contain information about the version of the schedule/submission.

5.9 Administrative Requirements

5.9.1 Information

The requirements (especially information to be provided) for prospective licensees are detailed in Regulations 3 and 4 of the Electricity Regulations: Administrative. It should be noted that the information requirements listed in Regulation 3 are not exhaustive and the Regulator may request additional information.

5.9.2 Application Fees

The fee structure is gazetted in the Administrative Electricity Regulations (as amended) and comprise an application fee, and a fee payable on the issuance of the licence (or renewal/amendment/transfer or exemption). These fees are payable per application – i.e. if more than one licence is required (for example an additional supply licence) the same fees are payable also for the additional licence(s).

FEES

Regulation	Nature of Fee	Fee
3.	Application fee for:	
	(a) Issue of licence	N\$ 2 500,00
	(b) Renewal of licence	N\$ 2 500,00
	(c) Amendment of licence	N\$ 2 500,00
	(d) Transfer of licence	N\$ 2 500,00
4.	Application fee for exemption	N\$ 1 500,00
8.	Fee for:	
	(a) Issue of licence	N\$ 10 000,00
	(b) Renewal of licence	N\$ 10 000,00
	(c) Amendment of licence	N\$ 5 000,00
	(d) Transfer of licence	N\$ 10 000,00
	(e) Granting exemption	N\$ 2 500,00

5.9.3 Advertisement

The contents of the advertisement to be placed are detailed in Regulation 5: Advertising. It should be noted that the prospective licensee must submit a copy of the newspaper advertisement to the Regulator within 14 days of its publication, that the advertisement must be placed in a national newspaper, and that the advertisement must state that objections must be submitted to the Regulator within 30 days of publication. An example of such an application advertisement is provided below. The ECB must pre-approve the advertisement and will give the go-ahead to the applicant to advertise.

All areas shaded yellow must be completed with the details of the applicant

ADVERTISEMENT IN TERMS OF SECTION 20 (1) (b) OF THE ELECTRICITY ACT, (ACT 4 OF 2007) AS READ TOGETHER WITH REGULATION 5 OF THE ADMINISTRATIVE ELECTRICITY REGULATIONS PUBLISHED IN TERMS OF SECTION 43 OF THE ACT IN GOVERNMENT NOTICE 13 OF 2011

NOTICE OF APPLICATION IS HEREBY GIVEN BY SIMPLE ENERGY (PTY) LTD ENERGY FOR A GENERATION LICENCE FROM THE ELECTRICITY CONTROL BOARD ESTABLISHED IN TERMS OF SECTION 2 OF THE ELECTRICITY ACT OF 2007 (ACT 4 OF 2007)

In accordance with the requirements of Regulation 5(3)(a) and (b) the following information is specified:

Applicant: Simple Energy (Pty) Ltd

Country of Registration: Namibia

Registration Number: xxxxx

Postal Address: xxxxxxxx

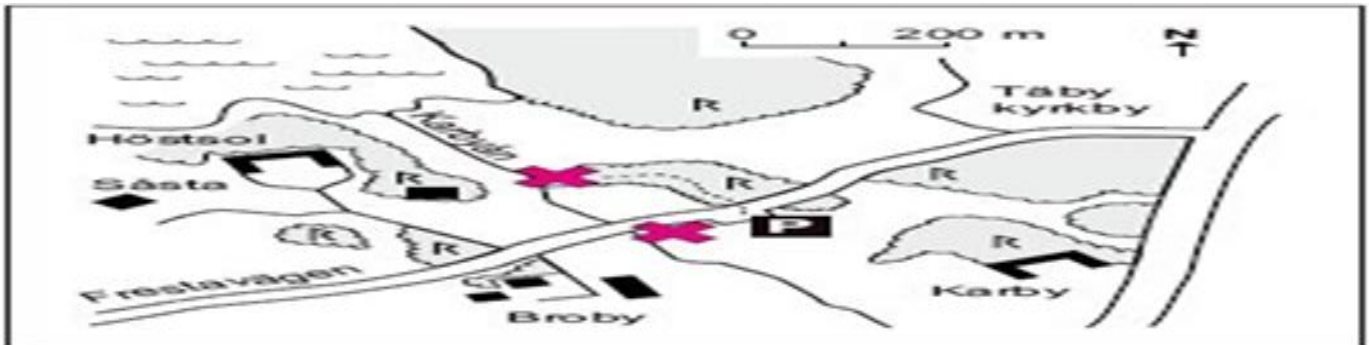
Type of Application: Generation licence

Installed Capacity: 35MWp

Technology: Solar PV

Location of Generation Station:

Plant Co-ordinates: (indicate 4 point coordinates)



The following information will be available to any interested person to inspect complete information in respect thereto at the physical address of the Electricity Control Board (ECB), No. 35 Dr. Theo-Ben Gurirab Street (former Burg Street) Klein Windhoek, Windhoek:

1. Identity of the applicant, including certified copies of its constitutive documentation in the form of memorandum and articles of association, certified copy of certificate to commence business and signed resolution of board approving the submission of the application;
2. Map showing the proposed location where Simple Energy (Pty) Ltd intends to erect the plant;
3. Description of the technical design including a one-line diagram of the proposed plant and its surrounding electrical system.

4. Description including the site layout of the area within which **Simple Energy (Pty) Ltd** intends to carry out activities authorized under the licence;
5. Calculation of net present value of the proposed plant;
6. Complete list of tariffs which the applicant intends charging to be specified in the schedule of approved tariffs;
7. Outline of intended operational and business plan;
8. Desired licence period, including a motivation for such period, and an estimate of the expected income and expenditure of the undertaking to be carried out by the applicant;
9. Such other information as the Electricity Control Board may require or as required in terms of the Electricity Act of 2007.

For interested parties to view the file for inspection, contact Mr. G. Nasima for an appointment at Tel: 061 374 300. Please note the ECB office hours 7h30-16h30. Any person wishing to object to this Application may within a period of 30 days after the date of publication of this advertisement lodge a written objection against such Application with the Electricity Control Board in a form determined by the Board and in compliance with the relevant provisions of Regulation 5 of the Electricity Administrative Regulations.