

Application Process for Electricity Licences

1. Manner of Application for Electricity Licences

1.1 An application for an Electricity Licence shall be:

- (a) made in writing in the form prescribed in paragraph 2, addressed to the Authority and delivered or sent by prepaid post to the Authority at its principal office or sent by electronic mail to an address specified by the Authority; and
- (b) signed and dated by or on behalf of the applicant, stating, where signed on behalf of the applicant, the capacity of the signatory.

1.2 Within 15 Business Days of it receiving an application for an Electricity Licence, the Authority shall write to the applicant to:

- (a) confirm receipt of a Proper Application; or
- (b) inform the applicant that its application is incomplete and set out what information and/or documentation the Authority requires in order to be able to start to process the application.

1.3 The Authority will assess a Proper Application within 90 Business Days of its receipt of such application, subject to the applicant's compliance with paragraph 6.1 below.

2. Form of application

2.1 An application in respect of a Bulk Generation Licence shall be made in the form specified in Part 1 of Schedule 1 and shall contain the information specified therein.

2.2 An application in respect of a TD&R Licence shall be made in the form specified in Part 2 of Schedule 1 and shall contain the information specified therein.

2.3 An application in respect of a Large Scale Self-Supply Licence shall be made in the form specified in Part 3 of Schedule 1 and shall contain the information specified therein.

3. Application Fees

3.1 Subject to paragraph 3.2, the prescribed fee in relation to an application of the description specified in the first column of the table in Schedule 2 shall be the corresponding fee specified in the second column of that table.

3.2 Where more than one fee would, but for this paragraph, be payable in respect of a particular application, the prescribed fee shall be the higher or highest such fee.

4. Publication of notice of application

4.1 In accordance with Section 21(3) of the EA, upon receipt of a Proper Application for an Electricity Licence (subject to paragraph 1.2) with the corresponding application fee as set out in Schedule 3, the Authority shall publish a notice on its Official Website

and in the Gazette in respect of such application. The Authority shall publish such notice on its Official Website within 5 Business Days of notifying the applicant pursuant to paragraph 1.2 above and in the Gazette as soon as practicable thereafter.

- 4.2 In accordance with Section 21(3) of the EA, the notice published under paragraph 4.1 shall state:
- (a) the name of the applicant;
 - (b) the objects of the application;
 - (c) that the application will be available for viewing by any member of the public at the Authority's office and on the Official Website;
 - (d) an invitation to the public to make comments;
 - (e) the period within which any comments in relation to the issue of the Electricity Licence may be lodged with the Authority;
 - (f) the address where any comments may be submitted (and that such comments may be made electronically); and
 - (g) such other particulars as may be determined by the Authority.

5. **Application for Renewal of Electricity Licences**

- 5.1 Applications for the renewal of Electricity Licences should be submitted with the information and documents required under paragraph 2 above to the Authority at least six (6) months before the expiry of their existing licence.

6. **Procedures for determination by the Authority of applications for Electricity Licences and applications for renewal of Electricity Licences**

- 6.1 During the Assessment Period, the Authority may determine that the application contains an omission or any discrepancies. In this event, pursuant to Section 22(2) of the EA, the Authority shall write to the applicant as soon as possible setting out what further information or documents need to be provided by the applicant to the Authority within the prescribed period to determine the application. The Authority has a responsibility to ensure that licenses are awarded to entities and parties that can participate on a sustainable and viable basis in the Bermuda electricity sector. Therefore, the Authority may decide to request supplemental information in support of an application within a stipulated time pursuant to Section 22(2) of the EA, including any information the Authority may deem necessary for an assessment of the technical and financial aspects of an applicant and application, as well as the operational and business competence of an applicant.
- 6.2 During the Assessment Period, the Authority shall be entitled to consider comments from members of the public, pursuant to the Authority's rules of practice and procedure regarding public consultations under Section 70 of the RAA.
- 6.3 Upon completion of its assessment, the Authority will decide whether it will:

- (a) grant an Electricity Licence with conditions; OR
- (b) grant an Electricity Licence without conditions; OR
- (c) propose to refuse the applicant's application for an Electricity Licence in which case paragraph 6.5 below applies.

6.4 The Authority may grant an Electricity Licence provided:

- (a) the applicant has paid the relevant application fee;
- (b) the applicant has paid the required Government authorisation fees;
- (c) the Authority decides such grant is consistent with the purposes of the EA and any Ministerial directions made regarding the structure of the electricity sector pursuant to the EA;
- (d) the applicant has provided a Proper Application;
- (e) the applicant has provided any further information required by the Authority pursuant to paragraph 6.1 above.

6.5 The Authority may propose to refuse to grant an Electricity Licence if:

- (a) the applicant has failed to pay the relevant application fee;
- (b) the applicant has failed to pay the required Government authorisation fees;
- (c) the grant of such licence is not consistent with the purposes of the EA and any Ministerial directions made regarding the structure of the electricity sector pursuant to section 8 of the EA;
- (d) any person(s) named in the application are disqualified to any extent from acting in connection with the affairs of any company;
- (e) any person(s) or entity named in the application are undischarged bankrupts, have been declared insolvent or are subject to a voluntary arrangement with creditors;
- (f) any person(s) or entity named in the application has an unspent criminal conviction;
- (g) any person(s) or entity name in the application has unsatisfied court judgment(s);
- (h) the applicant, or any person or entity named in the application has previously had a licence application refused or a licence revoked;
- (i) the applicant is insolvent;
- (j) the Authority considers information supplied to be false or misleading; and,

(k) the applicant has failed to provide, when requested, additional information within the required time.

6.6 If the Authority proposes to refuse an application, the Authority will provide a written notice to the applicant. Such notice will state that the Authority proposes to refuse the application, the reasons why the Authority proposes to refuse the application and the time within which representations may be made by the applicant. The applicant will have 21 days from the date of the notice to make representations about why it disagrees with the Authority's proposal to refuse the application and to provide any further information required. The Authority shall consider any representations duly made. If the applicant does not make any representations within 21 days of the notice, or if after considering any representations, the Authority is still of the view that the application should be refused, the applicant will be notified in writing of the decision to refuse the licence. Such notification will, where no representations have been made, restate the reasons for the refusal of the application; and where representations were made, state the reasons for the refusal of the application, referring to the representations made where appropriate.

6.7 On granting an Electricity Licence, the Authority will send to the successful applicant a signed and sealed licence to the address indicated in section 2.1 of the applicant's form of application.

SCHEDULE 1

Part 3: Form of Application in respect of a Large Scale Self-Supply Licence

1 Purpose of the Application

- 1.1 Pursuant to Section 21(1) of the Electricity Act 2016 (the “EA ”), a person that wishes to obtain or renew a Large Scale Self-Supply Licence shall submit to the Authority an application in respect of such licence.
- 1.2 This is an Application to the Regulatory Authority (the “Authority”) for a Large Scale Self-Supply Licence. Under Section 20(1)(c) of the Electricity Act 2016 (the “EA”), a Large Scale Self-Supply Licence authorises the licence holder to engage in the large scale self-supply of electricity in Bermuda.

2 Applicant Information

In accordance with Section 23(3) of the EA, please provide the following information on the Project and the Project’s owners, directors, Controllers and Senior Executives.

2.1 Project Information

Name and registered address of applicant in full. In the case of a partnership or other joint venture (other than a body corporate), give the names and addresses of each party concerned and indicate the preferred address for notifications	SAIL GP Stuart Gentry – Director of Operations Mobile: [REDACTED] [REDACTED]
Where the applicant is a body corporate: (i) the jurisdiction under which it is incorporated; and (ii) if applicable, its registered number.	BERMUDA TOURISM AUTHORITY 22 Church Street, Hamilton HM11
Name, address, facsimile number (where applicable), telephone number and electronic mail address of person to whom correspondence or enquiries concerning the application should be directed	See above
Is this an application to obtain a new licence or renew an existing licence?	License number LSSS20210413 was granted on 14 April 2021 , but it expired on 31 May 2021

2.2 Information on Project owners, directors, Controllers and Senior Executives

(a) Provide the following information for all owners, directors, Controllers and Senior Executives of the Site and Project (this evidence may be submitted under confidential cover, pursuant to Sections 33 and 34 of the Regulatory Authority Act (the “RAA”)).

Legal name of person	Role (applicant, etc.)	Principal business office address	Social Insurance number	Date of birth	Data Universal Numbering System (DUNS) number (applicant and owners only)
Not Applicable					

(b) Describe the legal interest of each owner, director, Controller and Senior Executive in the Project.

Person	Legal Interests
Not Applicable	

(c) Provide legal names for all of applicant’s Affiliates (including Affiliates of the firm and the firm’s owners).

Entity	Affiliates
Not Applicable	[list of affiliates of the applicant]
[Owner 1]	[list of affiliates of the applicant]
[Owner 2]	[list of affiliates of the applicant]
[Owner 3]	[list of affiliates of the applicant]

(b) Describe the maintenance schedule for the units.

Unit Name	Maintenance Schedule
Generator #1	Daily as required
Generator #2	Daily as required
Generator #3	Daily as required

(c) Provide information on the load demands that will be serviced by the generating units for this Project.

Describe the facilities that will consume the electricity	8 Team tents, 1 Foil tent and 2 hangar tents, Broadcast facilities, Merchandise sales area, VIP area and Food/beverage areas
Describe the proposed facilities that will be used to connect the generating equipment to your facilities that will consume the electricity.	Temporary panels and above ground cabling provided by Aggreko

d) Describe the contingency plans in the event that the generating units fail to meet the required load.

Not applicable

3.3 Fuel Characteristics

Describe the following fuel characteristics for the Project.

What type or types of fuel will be used	Diesel Low Sulphur
Company or companies that will supply the fuel (attach fuel supply agreement)	Rubis Energy
Origin of fuel	Rubis Energy
Description of facilities used to import and store (attach technical plans and/or photographs)	Double skinned above ground tank 1000gal
Attach scenarios with projections of the amount of each fuel that the Project will use	Not applicable

3.4 **Permits**

In accordance with Section 23(1)(a) of the EA, provide evidence that the applicant has obtained such permission as required under the Companies Act 1981, the Development and Planning Act 1974, the Building Act 1988, the Clean Air Act 1991, and any other relevant legislation. Attach copies of such permissions.

**Sail GP (F50 LEAGUE (Bermuda) LTD. REG 49815
Planning Application (PDP) B-160-22
Clean Air Act Operating Licences OL-1110, OL-1111, OL-1170**

3.5 **Safety**

Installation will be carried out by Aggreko and by local electrical company Universal Electric. Design has been reviewed and stamped by Terry Barrow CEng PEng (Engineer of Record) and upon installation will be further inspected by Terry Barrow and by the Government Electrical Inspector

3.6 **Water supply routes and facilities**

Not applicable

3.7 **Projected timeline and cost**

Submit:

(a) **Generators and Solar panels will operate from 28 April 2022 until 17 May 2022**

4 **Business Plan and Audited Financial Statements**

Section 23(1)(c) of the EA requires that the applicant has demonstrated the necessary financial capacity to build and maintain the Project.

Accordingly, attach a business plan and audited financial statements, as described below. You may submit these documents under confidential cover, pursuant to Sections 33 and 34 of the RAA.

4.1 Business Plan and Financial Information

The applicant must provide a business plan. The business plan must, at a minimum, describe:

- (a) The applicant's business goals, objectives, and mission;
- (b) The ownership structure of the applicant, and what experience the applicant and its owners have in developing and operating similar projects;
- (c) The resources that the applicant will use to provide its contracted services; and
- (d) The applicant's financial plan, including estimates for key financial indicators against which the applicant, its owners, and creditors will measure its financial performance.

In addition, the applicant must provide information and explanation as to the how it will finance the proposed activities that would occur under a license.

4.2 Audited Financial Statements

Submit audited financial statements for the applicant and for each of its owners for the last three fiscal years. You must submit financial statements prepared in accordance with International Financial Reporting Standards, or other generally accepted accounting principles as you may select with the Authority's written approval.

Schedule 2

Application Fees

Description of Application	Fee Payable (\$)
Bulk Generation Licence (25MW or above)	\$40,000
Bulk Generation Licence (less than 25MW)	\$25,000
TD&R Licence	\$40,000
Large Self-Supply Licence	\$15,000