

# **Application form for Authorisation of Market Support Services Licensee (MSSL)**

including explanatory notes

**IMPORTANT: Please read this carefully before completing this form. Italicised words and expressions used herein (but not otherwise defined herein) shall have the same meanings respectively ascribed to them in the Singapore Electricity Market Rules.**

**Why do you need to complete this form?**

Under the *market rules*, if you are not a *market support services licensee*, you are **not permitted** to participate in the *wholesale electricity markets* or to cause or permit any *physical service* to be conveyed into, through or out of the *transmission system* unless you have been registered by the *EMC* as a *market participant*, and your facility to or from which the *physical service* is to be so conveyed has been registered by the *EMC*, in accordance with the *market rules*.

Under the *market rules*, if you are a *market support services licensee*, you are also **not permitted** to participate in the *wholesale electricity markets* for the purpose of (i) the *supply* and sale of *electricity* to non-contestable *consumers*; (ii) facilitating access to any *wholesale electricity market* for obtaining *supply* of *electricity* for contestable *consumers* and *retail electricity licensees*; or (iii) providing other services related to access to any *wholesale electricity market*, unless you have been authorised to do so by the *EMC* in accordance with the *market rules*.

The *EMC* is licensed by the Energy Market Authority (the “*Authority*”) to operate the *wholesale electricity markets* in Singapore. One of the *EMC*’s responsibilities is to manage the authorisation of *market support services licensees* in the *wholesale electricity markets*. If you are a *market support services licensee*, you must complete and submit this form to be authorised by the *EMC* under the *market rules* if you wish to participate in the *wholesale electricity markets* to:

- *supply* and sell *electricity* to non-contestable *consumers*;
- facilitate access to any *wholesale electricity market* for the purpose of obtaining *supply* of *electricity* for contestable *consumers* or *retail electricity licensees*; or
- provide other services related to access to any *wholesale electricity market*.

**Why did EMC develop this form?**

The *EMC* has developed this form for *market support services licensees* to apply for authorisation under the *market rules*. You should read the relevant sections of the *market rules* prior to completing this form. Please also read the *EMC* disclaimer at the end of this form.

**Who is eligible to apply for authorisation?**

Only *market support services licensees* may apply for authorisation under the *market rules*.

**What if EMC needs further information and clarification?**

The *EMC* shall, within 10 *business days* of its receipt of this form (unless the *EMC* agrees with you to a longer period), request in writing any further information or clarification required by the *EMC* to process your application. It is important that you respond promptly to the *EMC*’s requests in writing. If the *EMC* does not receive the requested information or clarification to its satisfaction within 15 *business days* from the date of its request (unless the *EMC* agrees with you to a longer period), then **your application shall be deemed to have been withdrawn** and you shall be required to submit a new application if you still wish to apply for authorisation under the *market rules*.

All communications between you and the *EMC* in respect of such further information or clarification shall be in writing.

**When will you know the outcome of your application?**

The *EMC* will notify you in writing of the outcome within 20 *business days* of the receipt of (i) this form; or (ii) all further information and clarification requested by the *EMC*, whichever is the later (unless the *EMC* agrees with you to a longer period). If your application is denied, the notification will identify why this was the case. A duly and accurately completed form will expedite the *EMC*’s processing of your application.

**Is there an application fee for your application to be authorised under the market rules?**

There is no application fee payable for your application to be authorised under the *market rules*.

**Summary of authorisation requirements for authorisation of a market support services licensee**

The key requirements for authorisation of a *market support services licensee* are outlined in the table below:

A <b>Meet the EMC's prudential requirements</b>	You must be sure that adequate prudential cover has been provided in accordance with the <i>market rules</i> and the applicable <i>market manual</i> if required, before you start transacting in the <i>real-time markets</i> or causing or permitting a <i>physical service</i> to be conveyed into, through or out of the <i>transmission system</i> .
B <b>Electricity licence</b>	You must have a valid and relevant <i>electricity licence</i> from the <i>Authority</i> permitting you to engage in and provide the relevant <i>market support services</i> for which you seek authorisation under the <i>market rules</i> .
C <b>Meet the EMC's technical requirements</b>	You must satisfy all applicable technical requirements under the <i>market rules</i> . The <i>EMC</i> may require tests to be conducted on, and inspection of, your facilities and equipment to ensure that you meet these requirements. Successful completion of these tests, and permitting the conduct of such inspections, are conditions for your authorisation under the <i>market rules</i> . (See section E of this form for more information on such technical requirements.)
D <b>Maintain a market participant bank account</b>	You must designate a <i>bank account</i> , opened and maintained with such bank or financial institution as is required in section 5.16.10 of Chapter 7 of the <i>market rules</i> , as your <i>market participant bank account</i> . You must also arrange for the <i>EMC</i> to be given all necessary authorisations to directly debit this <i>market participant bank account</i> for your <i>settlement</i> payments.

**How can you find more information?**

In addition to this form and the *market rules*, you may obtain more information by contacting the *EMC* Market Administration Team by telephone +65 6779 3000. Alternatively, you may visit the *EMC* website at <http://www.emcsq.com>.

Please print clearly. Illegible writing or incomplete forms may delay the processing of your application.

#### A. REGULATORY DETAILS

1. Do you hold any *electricity licence* that permits you to engage in and provide *market support services*?  Yes  No
2. Which *market support services* pertaining to the *wholesale electricity markets* are you permitted to engage in and provide under your *electricity licence(s)*?
  - supply and sale of electricity to non-contestable consumers*
  - facilitating access to any wholesale electricity market for obtaining supply of electricity for contestable consumers and retail electricity licensees*
  - providing other services related to access to any wholesale electricity market (please provide details: \_\_\_\_\_)*

*Electricity licence number(s)* \_\_\_\_\_

#### B. BUSINESS DETAILS

3. Name of Applicant (in full) \_\_\_\_\_  
\_\_\_\_\_
4. Company Registration Number \_\_\_\_\_  
GST Registration Number (if any) \_\_\_\_\_
5. Registered address \_\_\_\_\_  
Mailing address \_\_\_\_\_
6. Account number of the *market participant bank account*: \_\_\_\_\_
7. Telephone No.: \_\_\_\_\_
8. Facsimile No.: \_\_\_\_\_
9. Website: \_\_\_\_\_

### C. ORGANISATIONAL CONTACTS

**10. Meter Data Management Manager**

	<b>Manager</b>	<b>Alternate contact</b>
Full Name & Designation		
Telephone / Mobile Phone Nos.		
Email Address		
Fax Nos.		

**11. Finance / Accounts Manager**

	<b>Manager</b>	<b>Alternate contact</b>
Full Name & Designation		
Telephone / Mobile Phone Nos.		
Email Address		
Fax Nos.		

**12. Electricity Market Liaison Manager**

	<b>Manager</b>	<b>Alternate contact</b>
Full Name & Designation		
Telephone / Mobile Phone Nos.		
Email Address		
Fax Nos.		

**13. Settlements Manager**

	<b>Manager</b>	<b>Alternate contact</b>
Full Name & Designation		
Telephone / Mobile Phone Nos.		
Email Address		
Fax Nos.		

**14. IT Systems Manager**

	<b>Manager</b>	<b>Alternate contact</b>
Full Name & Designation		
Telephone / Mobile Phone Nos.		
Email Address		
Fax Nos.		

**D. PRUDENTIAL DETAILS**

The forms of *credit support* presently permitted under the *market rules* are as follows:

- a. **Guarantee or letter of credit:** *Credit support*, which is provided in the form of a guarantee or letter of credit must be provided by a financial institution which satisfies the criteria prescribed in **Appendix 1** of this application form, must be an obligation in writing and must be governed by Singapore laws, as stated in sections 7.6.2.1 and 7.6.3.1 of Chapter 2 of the *market rules*. In the case of a guarantee, the guarantee must be executed as a deed and in the form and terms set out in **Appendix 2** of this application form. In the case of a letter of credit, the letter of credit must comply with the requirements of sections 7.6.2.1 and 7.6.3.1(c) of Chapter 2 of the *market rules*.
- b. **Cash deposits:** *Credit support* which is provided in the form of cash deposits, must be made with, or assigned to, the *EMC* by or on behalf of the *market support services licensee* as stated in sections 7.6.2.3 and 7.6.3.3 of Chapter 2 of the *market rules* and must comply with the requirements of sections 7.6.2.3 and 7.6.3.3 of Chapter 2 of the *market rules*.
- c. **Singapore Government Treasury bills:** *Credit support* which is provided in the form of Singapore Government Treasury bills, as stated in sections 7.6.2.4 and 7.6.3.3 of Chapter 2 of the *market rules*, must be assigned to the *EMC* by or on behalf of the *market support services licensee*. *Market support services licensees* should permit drawings and claims by the *EMC* up to the full amount of such Singapore Government Treasury bills. Such Treasury bills shall be valued as cash at their current market value less 2% to take into account the potential eroding effects of interest rate increases. *Credit support* which is provided in the form of Singapore Government Treasury bills must comply with the requirements of sections 7.6.2.4 and 7.6.3.3 of Chapter 2 of the *market rules*.

**15. Computation of initial *credit support* amount**

Please provide us with your computation of the initial amount of *credit support* required, under the *market rules* and the applicable *market manual*. In particular, please refer to section 7 of Chapter 2 of the *market rules* and the Prudential Requirements *market manual*.

**16. What is your intended type of *credit support*?**

- Guarantee
- Letter of credit
- Cash deposits
- Singapore Government Treasury bills

**E. TECHNICAL REQUIREMENTS**

**Important notes for this section:**

You must satisfy the following conditions as part of the authorisation requirements:

- a) Certify to the *EMC* that you meet the technical requirements as set out in the *market rules* and in this section E; and
- b) Obtain proper access permission (users and systems IP) from the *EMC* through completion of the NEMS Systems User Account and IP Address Administration Form (as may be prescribed by the *EMC*).

You must ensure that the following electronic communication facilities and equipment are available:

- 1. At least one personal computer that is equipped with and capable of using an internet browser application and Microsoft Windows Operating System software (and of such version) acceptable to the *EMC* (guidelines on this can be found at [www.emcsg.com](http://www.emcsg.com) ).
- 2. A connection to the Internet (which will allow the aforesaid personal computer(s) to establish connection with Energy Market Company Application web pages or with EMC's interfaces for the exchange of messages/files).
- 3. Proper digital certificates for e-invoicing and backup offer submission (where applicable) via secure email (guideline can be found in [www.emcsg.com](http://www.emcsg.com)).

**17. Do you confirm that you meet all these technical requirements?**

- Yes
- No (go to Q18)

**18. If you don't meet all/or some of the technical requirements at the date of your application, please specify which requirements are not met, and when you expect to meet them.**

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## F. CHECKLIST OF SUPPORTING DOCUMENTS REQUIRED

You must attach the following documents with your application form:

- An original copy of your most current business profile report obtained from the Accounting and Corporate Regulatory Authority of Singapore.
- A certified true copy of your certificate of incorporation, notice of incorporation, or certificate of confirmation of incorporation issued by, or under the hand and seal of, the Registrar of Companies evidencing that you have been duly incorporated under the Companies Act (Chapter 50) of Singapore), and a certified true, and up-to-date, copy of your memorandum and articles of association.
- A certified true copy of the resolutions of your board of directors (substantially in the form and terms prescribed in **Appendix 3** of this application form) approving (among other things) your application for authorisation under the *market rules* and your participation in the *wholesale electricity markets*.
- A certified true copy of your *electricity licence(s)* obtained from the *Authority* (if any).
- A certified true copy of your audited financial statements for the last 3 years (if such financial statements have been prepared).
- Your computation of your initial *credit support* amount.
- Your *credit support* (if required).
- A certified true copy of your letter, duly signed by your authorised representatives, to the bank or financial institution at which your *market participant bank account* is maintained, authorizing that bank or financial institution to permit *EMC* to directly debit your *market participant bank account*.
- A duly completed NEMS Systems User Account and IP Address Administration Form (as may be prescribed by the *EMC*).

## G. COVENANT AND DECLARATION

We, the undersigned applicant, having read and fully understood the *market rules*, the terms of this form, the applicable *market manuals*, the *system operations manual*, the *Electricity Act*, and any other applicable laws, codes, rules, procedures or policies that are relevant to or regulate the *wholesale electricity markets* (collectively the 'Regulations'), and/or having had the benefit of relevant independent legal advice, hereby apply to be authorised under the *market rules*.

We hereby agree to be bound by, and to comply with, all the Regulations which may be applicable to us, our *application for authorisation* herein and our authorisation and participation in the *wholesale electricity markets*.

We further hereby declare that the information provided by us (or on our behalf) in or in connection with this form is true, complete and accurate and not misleading or omitting any material particular (to the best of our knowledge, information and belief after having carried out all necessary due diligence to determine the same) and hereby covenant to be subject to any sanctions, penalties or orders as may be imposed by the relevant authorities/parties under the Regulations, in the event that such information is found to be untrue, misleading or inaccurate in any material particular.

We hereby undertake to immediately notify the *EMC* of any change to any information provided in relation to the *application for authorisation* herein.

We further hereby covenant to be legally bound by the relevant dispute resolution provisions under the *market rules* and any applicable *market manual*, in the event that this *application for authorisation* is denied and a dispute arises from such unsuccessful *application for authorisation*.

We confirm and acknowledge that the information provided by us (or on our behalf) in or in connection with this form may need to be disclosed, communicated or exchanged by the *EMC* to or with other parties, including but not limited to the *Authority*, the *PSO* and other *market support services licensees*, as necessary, desirable or expedient for the purposes of processing this form under the Regulations and we hereby consent to such disclosure, communication or exchange.

Signed for and on behalf of \_\_\_\_\_ (Name of applicant)

Signature: \_\_\_\_\_

Name of officer: \_\_\_\_\_

Position/designation: \_\_\_\_\_

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

## H. EMC'S DISCLAIMER

Energy Market Company Pte Limited ("*EMC*") has produced this publication for use in connection with the Singapore Electricity Market. This publication is not a substitute for and should not be read in lieu of the Singapore Electricity Market Rules or any other applicable laws, codes, rules, procedures, manuals or policies that are relevant to or regulate the Singapore Electricity Market or the electricity industry. The contents of this publication do not constitute legal or business advice and should not be relied upon as a substitute for obtaining such advice.

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Any modifications or amendments to this publication shall be made in accordance with the relevant provisions of the Singapore Electricity Market Rules.

## APPENDIX 1

### **Criteria to be satisfied by a financial institution providing *credit support***

- The financial institution must be a local or foreign bank rated “A” or better by Standard & Poor’s (S&P) (S & P Website: [www.standardpoor.com](http://www.standardpoor.com))

## APPENDIX 2

### SAMPLE BANKERS' GUARANTEE

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[On the letterhead of the guarantor financial institution]

DATE: []

ENERGY MARKET COMPANY PTE LTD  
238 A Thomson Road  
#11-01 Novena Square Tower A  
Singapore 307684

Dear Sirs,

**BANKER'S GUARANTEE NO.[*number*] FOR S\$[*state amount in numbers*]**

1. Pursuant to your obtaining an electricity licence authorising you to operate any wholesale electricity market in Singapore and your entering into the Market Rules under the Electricity Act, Chapter 89A of Singapore (the "Rules") which set out and govern the trading of electricity in Singapore, we, [*name of guarantor financial institution*], having our registered office at [*address*], hereby guarantee and undertake unconditionally and irrevocably to you the due payment of any and all sum or sums payable under the Rules by [*name of market support services licensee*] (the "Principal") and will pay to you immediately on your first written demand or respective written first demands in respect of each such sum demanded provided that our total liability under this Guarantee shall not exceed in aggregate SINGAPORE DOLLARS [*state amount in words*] (the "Maximum Sum").

2. Every such of your written demand shall be accompanied by your signed statement reading as follows:-

"WE, ENERGY MARKET COMPANY PTE LTD, hereby certify to you that the amount of S\$ [*state amount in numbers*] represents and covers the current outstanding obligations due and payable to us by [*name of market support services licensee*] pursuant to the Rules."

This Guarantee shall not be affected by any time, arrangement or other indulgence which you may grant to the Principal, or with any other person which might operate to diminish or discharge the liability of or otherwise provide a defence to a surety.

3. You shall have the right to demand payment at any time under this Guarantee to be made in SINGAPORE DOLLARS subject to the Maximum Sum. This Guarantee shall remain in full force and effect until all sums whatsoever payable by the Principal under the Rules are fully paid.

4. Without prejudice to the provisions in clauses 1 to 3 above, upon your written demand for payment as aforementioned, we shall:-

- a in respect of any demand made before 12.00 noon local time at our office on any banking day, accept and honour your demand on or before 3.00 pm, local time of the same day;
- b in respect of any demand made after 12.00 noon local time at our office but on or before 5.00 pm local time at our office, accept and honour your demand on or before 11.00 am local time of the next banking day following presentation of your demand;

by paying you in funds immediately available the full amount of your demand.

5. We agree that any written demand furnished by you to us under clause 2 shall be conclusive evidence that the said sum or sums referred to therein is/are due and payable to you by the Principal. We further agree that this Guarantee shall be effective from [date] to [date] (hereinafter called the "expiry date"). Demands, if any, must be made in writing and received by us at our [Banker's Guarantee Section] at [address]

on or before the expiry date. Thereafter this Guarantee shall automatically cease to have any effect whatsoever, whether or not it is returned to us for cancellation.

6. You may make more than one claim under this Guarantee so long as the claims are made in accordance with the terms set out herein and the total amount of the claims does not exceed the Maximum Sum.

7. This Guarantee is non-assignable.

8. This Guarantee shall be governed by and construed in all respects in accordance with the laws of the Republic of Singapore and all parties hereby agree to submit to the exclusive jurisdiction of the Courts of Singapore.

**SIGNED, SEALED AND DELIVERED for and on behalf of the GUARANTOR**

**[name of guarantor financial institution in capital letters]**

by its Attorney(s):

\_\_\_\_\_  
[name]  
[designation]

\_\_\_\_\_  
[name]  
[designation]

acting under a Power of Attorney dated [date] (a copy of which was deposited in the Registry, Supreme Court, Singapore on the [ ] day of [ ] [20 ] and registered as No.[registration number] of [20 ])

in the presence of:

\_\_\_\_\_  
[name of witness]

## APPENDIX 3

### SAMPLE BOARD RESOLUTION

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CERTIFIED TRUE EXTRACT OF RESOLUTIONS OF  
THE BOARD OF DIRECTORS OF \_\_\_\_\_

We, the undersigned, hereby certify to the Energy Market Company Pte Ltd (the “**EMC**”), that:

[at a meeting of the Board of Directors of \_\_\_\_\_ (the “**Company**”), a company having its registered office at \_\_\_\_\_, duly convened and duly held on \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_, the following resolutions were duly passed and adopted and have been entered in the minute book of the Company and are now in full force and effect.]\*

OR

[the following resolutions in writing have been duly passed and adopted pursuant to Article \_\_\_\_\_ of the Articles of Association of \_\_\_\_\_ (the “**Company**”), a company having its registered office at \_\_\_\_\_, and have been entered in the minute book of the Company and are now in full force and effect.]\*

“RESOLVED THAT:

1. the Company shall participate in the wholesale electricity markets operated and maintained by the EMC, in accordance with the Singapore Electricity Market Rules and the market manuals for the time being issued (and as may be amended) by the EMC (collectively, the “**market rules**”), and such participation be and is hereby approved;
2. the Company apply to the EMC (the “**MSSL Authorisation Application**”) for authorisation to participate in the wholesale electricity markets (“**Authorisation**”) in accordance with the market rules and such application for Authorisation be and is hereby approved;
3. it be noted and agreed that, upon submission of the Company’s MSSL Authorisation Application to the EMC (and whether or not Authorisation is eventually granted by the EMC), the Company shall be bound by and shall comply with the market rules as may be applicable (i) to the Company’s MSSL Authorisation Application, and (ii) if such Authorisation is eventually granted by the EMC, to the Company’s Authorisation and participation in the wholesale electricity markets;
4. [each of [•^] and [•^] singly] / [both of [•^] and [•^] jointly]\* (the “**Authorised Officers**”) be and [is/are]\* hereby authorised to sign, execute and deliver the MSSL Authorisation Application and such other supporting or required documents for and on behalf of the Company and to agree, as such person(s) may deem fit, to any amendment or variation thereof as may be required by the EMC;
5. in pursuance of the foregoing, [each/both]\* of the Authorised Officers [singly/jointly]\* be and [is/are]\* hereby authorised to sign, execute and deliver such other documents, and to do all such other acts and things, as may be necessary, desirable or expedient in pursuance of, in relation to, or in connection with the Company’s MSSL Authorisation Application, Authorisation and participation in the wholesale electricity markets; and if any document is required to be executed under the common seal of the Company, the affixing of the common seal of the Company in accordance with the Company’s Articles of Association be and is hereby authorised; and

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\* Delete where inapplicable or inappropriate.

^ The full name of each Authorised Officer (as set out in his/her NRIC or passport) should be stated in these resolutions. If it is desired to state an office/designation without stating the name of any specific person in these resolutions, the EMC will only accept persons holding the offices of a director or a company secretary of the Company as Authorised Officers.

6. any Authorised Officer be and is hereby authorised to deliver a certified true copy of these resolutions to the EMC in connection with the Company's MSSL Authorisation Application."

CERTIFIED AS A TRUE EXTRACT BY

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

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