



RESS 2 Auctions

Frequently Asked Questions

December 2021

NOTE: Prospective RESS 2 Applicants should refer to the Terms and Conditions throughout. The following document is provided as a working document containing answers to frequently asked questions and is subject to change. The answers are provided for information purposes only and where there is any conflict between the answer provided here and the Terms and Conditions, the latter prevails. Please contact us if you have any outstanding queries at RESS@EirGrid.com.

Version	Change	Date
1.0.0	Publication date	14/12/2021
1.0.1	Amendment to answer for 2.5.7	14/12/2021
1.0.2	Removal of 5.1.3. Additional FAQ as presented in RESS 2 Info Session	06/01/2022

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1. Information

1.1.1 Where can I find information on the dates and times of the RESS 2 Auction?

We are currently operating to the latest [RESS 2 Auction Timetable \(R2AT\)](#) published as part of the [RESS 2 Qualification Information Pack \(R2QIP\)](#). Any update will be issued by email and made to the R2AT document.

2. Qualification

2.1 General

2.1.1 I am interested in participating in the RESS 2 Auction, how do I determine if I am eligible?

Eligibility requirements are set out in the [Terms & Conditions](#) in Section 6. These include:

- Project must be a New Project as defined in Section 2.
- Project must use one of the eligible technologies.
- Project must be of a minimum size of 0.5 MW (500 kW).
- Project must have final grant of planning permission.
- Project must have a connection offer or agreement (or be included in ECP list).
- Project must have landowner consent.
- Project must be financeable under the Terms and Conditions.

Projects that do not meet all of the above are not eligible and should not apply.

2.1.2 Does RESS cover domestic rooftop solar or other domestic renewable installations?

No. RESS does not cover projects that are smaller than 500kW. Please see www.seai.ie for details of support schemes that apply to domestic installations.

2.1.3 Will a list of all participants who have been successful in their application to compete in the RESS 2 auction be published ahead of the auction? If so when?

Qualification decisions will be issued to each Applicant on a member private basis on the Provisional Qualification Decision Date. There is no provision in the Terms and Condition for a list of Qualified Applicants and RESS 2 Projects to be published before the auction. A list of all Successful Applicants and

the location, size and Eligible Technology category of each successful Applicant will be published after the auction *in accordance with 9.5 of the Terms and Conditions*.

2.1.4 Do we submit the below forms with the qualification application? They were in the pack but I presume they are submitted at a later date, if at all:

- **R2NW Notice-of-Withdrawal-Form**
- **R2AR Application-for-Review-Form**
- **R2ND Notice-of-Dissatisfaction-Form**

R2NW, R2AR and R2ND should not be submitted as part of an Application for Qualification. These forms should only be completed and submitted if an applicant wishes to:

- 1) withdraw their application for qualification;
- 2) Submit a review following provisional qualification decisions;
- 3) Submit a notice of dissatisfaction following application for review decisions.

2.1.5 Can you clarify that the submission of documentation is via pdf upload on the RESS Auction Platform only and that hard copies of the submission are not required?

All required documentation must be sent to the RESS Operations Team in EirGrid offices via registered post. Full address is in Qualification Information Pack. See section 2.

2.1.6 In respect of 6.4.11 (b) of T&Cs "The Applicant shall also provide a certified structure chart showing the ownership of the Applicant up to ultimate beneficial owner level;". If the Applicant for instance is owned by one Principal owner with a 60% ownership and two minority owners (each a company) with each having a 20% interest; is it a requirement of the structure chart to then show the ultimate beneficial owners or the minority owners companies given they only own 20% of the Applicant and do not constitute beneficial owners?

In this example ownership details of the Principal owner and both minority owners should be provided.

2.1.7 What happens in the event that implementation agreements are not accepted? For example if 500GWhrs of implementation agreements are not accepted, are these GWhrs offered to the marginal projects that did not clear in auction or is this capacity lost?

If a Successful Applicant does not execute an Implementation Agreement or post a Performance Bond with respect to a RESS 2 Project, they will have the Award rescinded and will not receive a Letter of Offer

and the TSO will be entitled to draw down on the full amount of the Bid Bond. This Award is not made to any other Applicant.

2.1.8 6.4.13 Other Information T&Cs part (b) asks for a list of all entities with an ownership or equity interest in the RESS 2 Project and the same information required in paragraph (a) above for each such entity; What information is required here?

To satisfy 6.4.13 (b) we require the legal name and registered address or address of principal place of business of all entities with an ownership or equity interest that are listed in the Declaration of Bidding Independence. We also require the Applicant's company number. We do not require further details of entities with an ownership or equity interest beyond what is required under the Declaration for Bidding Independence.

2.1.9 Are the following answers acceptable for the sections in the RESS Auction Platform?

1) Description of the Renewable Energy Technology and the Equipment that will be Utilized for the Project.

"Up to XXXX No. Solar PV Panels with up to XXX No. String Inverters".

Is any more information required? If so, can you please provide examples of what level of detail you require?

2) Description of the Overall Plant Size – Aggregate installed Rating for the project. "Up to XX.XX MW (AC)". Is that sufficient information? If not, can you provide examples of the level of detail you require please?

For the *Description of the Renewable Energy Technology and the Equipment that will be Utilized for the Project*, we require sufficient information here to establish that the RESS 2 Project is an Eligible Technology. On this basis, it is important to refer to the main components of the equipment e.g. the RESS 2 Project will comprise approximately X to Y solar PV panels, invertors etc. or approximately X to Y wind turbines or approximately X to Y run-of-river turbines. For technologies listed in Annex A, sufficient information should be provided to show that the project will be capable of meeting the requirements set out.

For *Description of the Overall Plant Size – Aggregate installed Rating*, please provide the approximate expected Installed Capacity (which is in MW AC) which should be within the limits set out in 6.4.15. A single number should be provided rather than a range.

The TSO would like to assure prospective Applicants that (as is outlined in the RESS 2 Qualification Process R2QP published as part of the RESS 2 Qualification Information Pack) should we require

clarification with regard to these items that we will contact you. We understand that applicants are keen to provide the correct information and if we identify an issue where we consider that we do not have enough information, we would seek clarity from the Applicant before making the provisional qualification decision.

2.1.10 Is it possible however to merge two ECP assets post Qualification? For example, two assets successfully qualify on a stand-alone basis however post qualification we wish to combine the two assets and modify the grid connection agreements to merge the projects under one Connection Agreement. Will a letter from the relevant System Operator suffice?

It is not possible to merge two RESS 2 Projects post Qualification.

2.1.11 Can you clarify if it is acceptable for a chartered accountant to certify the organisation structure chart to be submitted as part of the pre-qualification application as an alternative to a solicitor?

The organisational chart must be certified by a practicing solicitor who has an up to date practicing certificate and who is enrolled with the Law Society of Ireland and / or other native law society.

2.1.12 I represent an Applicant that has registered 2 grid connection positions (one in ECP2.1 and a second in ECP2.2). I have registered both on the Auction Platform under the Applicant's name. Is it possible to bid the ECP2.1 and ECP2.2 capacity under one single bid, as that is the ultimate intended site arrangement post grid merge?

A RESS 2 Project can have only one Connection Agreement or be issued with one Connection Offer through the ECP process. Either:

- Both projects are progressed independently as two separate projects and this will remain the case over the term of the support. Or,
- Where the Applicant is seeking to submit a single RESS 2 Project based on two or more merged Connection Agreements or ECP Projects, a letter is required from the relevant System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP Applicant (legal entity) to the Applicant and to merge the projects under one Connection Agreement / ECP Project. In the case of merge between two connections, the submitted application is not sufficient and confirmation in the form of a letter is required from the relevant System Operator.

2.2 Eligible Technology

2.2.1 RESS 2 considers the target for meeting 80% renewable generation by 2030. Is offshore generation eligible?

Offshore wind is not an eligible technology in the RESS Terms and Conditions. Any project that meets the eligibility criteria set out in the RESS 2 Terms & Conditions is eligible to participate in RESS 2.

2.2.2 What information is required in the documents demonstrating compliance with Eligible Technologies?

Information that is expected in the Document Demonstrating Compliance with Eligible Technology relates to how the proposed RESS 2 Project complies with the Technical Requirements for Certain Eligible Technologies set out in Annex A. This is primarily for Biomass, Biogas and Waste HECHP and relates to how the proposed RESS 2 Project will comply with the requirements set out. Onshore Wind, Solar and Hydro do not need to provide further detail here (unless considered important by the Applicant).

2.2.3 On the "Compliance" tab on the RESS Auction Platform, we are asked for Confirmation of Compliance With Eligible Technology. It is our understanding that this item relates to eligibility of Biomass technology. Please confirm that this is not relevant for Onshore Wind and therefore Onshore Wind applicants do not have to "tick the box" or upload compliance documentation.

Confirmation of compliance with Eligible Technology is a mandatory field. This does not specifically relate to Biomass Technology only. This is to confirm compliance with your selected Eligible Technology as per the Terms and conditions.

For example, if the eligible technology selected is Onshore wind, then this box will need to be ticked confirming that your project is in compliance with section 6.4.3. If the eligible technology selected is Solar, then this box will need to be ticked confirming that your project is in compliance with section 6.4.3 and so on for all Eligible Technologies.

2.3 Planning

2.3.1 Is it considered that planning for the grid connection is required to satisfy the condition that the site has full and final planning permission?

The grid connection does not need to have a final grant of planning permission in place for the purposes of qualification (only the facility).

2.3.2 Can an Offer Quantity which exceeds the current 'full and final' permitted capacity be submitted given that the expectation would be that a revised full and final permission would be received permitting a higher quantum pre-auction?

No. The Offer Quantity should reflect the 'full and final' documents as they apply on the 13th January 2022.

2.3.3 In the scenario that a project enters the RESS 2 process, is successful and proceeds to the detailed drawing / construction phase and subsequently a decision is taken to amend the design of the site lay-out for construction and operational reasons, the amended application will not change the information in the original Application for RESS Qualification as the project site location and MEC capacity will remain unchanged. Please confirm that this scenario will not be considered a breach of the RESS 2 terms & conditions.

Minor planning amendments are allowed under the RESS 2 T&Cs so long as there are no changes specified in Section 6.4.13 other than where provided for in Section 6.4.14.

2.3.4 Can you clarify the situation regarding planning permission, assuming a project has full planning permission in place when the Auction is run, however the planning permission expires within months of winning at auction, is the project in compliance of the RESS rules if it secures a subsequent planning permission before the first planning permission expires? Or in a situation where there is a gap of time between when the first planning expiration and before the subsequent planning permission is secured?

See Declaration of Planning Consent (R2DD1) point 3. (which states):

I refer to the final grant of planning permission for the RESS 2 Project appended hereto and confirm that the planning permission for the RESS 2 Project does not have an expiry date or decommissioning obligation prior to the anticipated end of the term of RESS 2 Support for the RESS 2 Project.

To this end, a RESS 2 Project that cannot comply with this obligation should not sign the Declaration of Planning Consent (R2DD1).

2.3.5 Planning permissions—RESS2 application pack—should all planning consents be referenced (e.g. if there are 2 planning consents for the site), or the most recent? And what if there are subsequent minor planning amendments? We have two separate planning permissions that relate to one site but the cell in the worksheet only accommodates one date. So how best should we capture the second planning permission date e.g. insert the date of the oldest planning permission, or insert both, and provide a comment elsewhere in the application?

We suggest using the fields provided in the Application for Qualification to include information on the planning permission that covers the greater amount of Offer Quantity (in MW). Please note that ***both*** planning permissions must meet the obligations set out in the RESS 2 Declaration of Planning Consent (R2DD1). Please use the field titled 'other documents' to upload all additional relevant information pertinent to the second planning permission such as final grant, date granted etc.

2.3.6 Can you please clarify what exactly is defined by the planning 'expiry date' referred to in R2DD1 (Declaration of Planning Consent) point 3? Our understanding is that this refers to the expiry of the operational period allowed for in the permission e.g. 25 years from the date of the commissioning, and it is not referring to the duration of the planning permission e.g. 5 or 10 years from the date of final grant.

The 'expiry date of decommissioning' would refer to the end of the operational period. A planning permission would typically receive a condition limiting the operational period to a certain timeframe e.g. 25 years, when all structures would have to be decommissioned. The 'expiry date of permission' would refer to the end of the construction period. A planning permission would typically receive a condition limiting the construction period to a certain timeframe e.g. 5 or 10 years, when all construction would have to be completed. Expiry date in R2DD1 refers to the expiry date of decommissioning.

2.3.7 Our two grants of planning are for two separate portions of land that both utilise the same grid connection and are both owned by the Applicant. Can one planning permission get uploaded in the planning section and the second as "other" information?

We suggest using the fields provided in the Application for Qualification to include information on the planning permission that covers the greater amount of Offer Quantity (in MW). Please note that ***both*** RESS 2 planning permissions must meet the obligations set out in the RESS 2 Declaration of Planning Consent (R2DD1). Please use the field titled 'other documents' to upload all additional relevant information pertinent to the second planning permission such as final grant, date granted etc.

2.3.8 In the compliance section of the RAP, as well as the directors declarations, 2 bid bond forms and Landowner consent form, there is a requirement for "Evidence of Full Planning Permission / Approval" in addition to the Declaration for Planning Consent. Is this required, and if so what sort of evidence is required?

Yes, evidence of full planning permission/approval is required. This will be a Final Grant of Planning Permission from a local authority or an Order from An Bord Pleanála.

2.3.9 Will a project pass pre-qualification if it has planning permission, but which currently expires between the end of pre-qualification and the auction date?

The project would not pass pre-qualification as it would not be possible for the Applicant to meet point.3 of the RESS 2 Declaration of Planning Consent (R2DD1) which states *I refer to the final grant of planning permission for the RESS 2 Project appended hereto and confirm that the planning permission for the RESS 2 Project does not have an expiry date or decommissioning obligation prior to the anticipated end of the term of RESS 2 Support for the RESS 2 Project.*

2.3.10 What planning permission numbers should be referenced within the application where there is more than one planning permission relating to a RESS 2 project application.

In the case where there is more than one planning permission, the planning permission that covers the greatest amount of Offer Quantity should be included in the compliance section of the RESS Auction Platform with details on the other(s) planning permissions included in the 'other documents' section. Please note that **both** planning permissions must meet the obligations set out in the RESS 2 Declaration of Planning Consent (R2DD1).

2.3.11 We are currently awaiting the full and final grant of planning permission for a revised solar PV layout for a site which has full planning permission, but for which the original planning permission did not have a compliance condition through which to discharge the amends to the layout required. The new planning permission if received will not alter the installed capacity in AC terms, nor the Offer Quantity, purely the dc capacity of the site through the use of more efficient and modern panels. For the avoidance of doubt, the site has not expanded and the red-line remains exactly the same as in the original application. Can you confirm that it would be considered as a minor amend under 6.4.4, given that there would be no changes to the information specified in 6.4.13?

The T&Cs state that *Minor planning amendments subsequent to the submission of the Application for Qualification are permissible, so long as there are no changes required to the information specified in Section 6.4.13 other than where provided for in Section 6.4.14.*

2.3.12 In relation to projects with planning permission that are subject to a judicial review, what happens to the bid bonds for projects that lose their judicial review and this occurs post March 22nd after the Final Withdrawal Date?

If new information affecting an Application for Qualification becomes available, this should be submitted without delay to RESS@Eirgrid.com.

As per section 9.3.4 of the RESS 2 Terms and Conditions, a bid bond can be returned in four specific circumstances:

Up to 22nd March: the Application for Qualification can be **withdrawn** and the Bid Bond returned.

1. 23rd March - 29th March: it may be possible to reflect this information in the submission of Final Qualification Decisions to the Minister (such that the Applicant **does not qualify** in respect of this project and the Bid Bond would be returned). 29th March - 14th April: the Minister may be able to take this information into account (such that the Applicant **does not qualify** in respect of this project and the Bid Bond would be returned).
2. After 14th April, if the project has been qualified, where the Qualified Applicant in respect of the project is **unsuccessful** in the RESS 2 Auction (and has otherwise complied with the Terms and Conditions), then the Bid Bond would be returned.
3. Otherwise, assuming that the Applicant would not be in a position to proceed with the project (i.e. they would not be able to **execute an Implementation Agreement**), the Bid Bond would be drawn down on.

2.4 Grid Connection

2.4.1 My project has changed ownership/control and I am in the process of changing the contracting party to the Connection Agreement or the ECP Applicant (legal entity), what should I do?

A RESS 2 Project can have only one Connection Agreement or be issued with one Connection Offer through the ECP process. Where the grid contracting party or ECP Applicant (legal entity) listed on the Connection Agreement or ECP list is different from the Applicant, a letter is required from the relevant

System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP Applicant (legal entity) to the Applicant. Where a letter is not available in the timeframe, please provide the completed documentation submitted to the relevant System Operator.

2.4.2 I have merged two projects under a single Applicant and I would like to submit an Application for Qualification as one RESS 2 Project, what should I do?

A RESS 2 Project can have only one Connection Agreement or be issued with one Connection Offer through the ECP process. Where the Applicant is seeking to submit a single RESS 2 Project based on two or more merged Connection Agreements or ECP Projects, a letter is required from the relevant System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP Applicant (legal entity) to the Applicant and to merge the projects under one Connection Agreement / ECP Project. In the case of merge between two connections, the submitted application is not sufficient and confirmation in the form of a letter is required from the relevant System Operator is required.

2.4.3 My project SPV for RESS has recently been set up. My ECP grid offer however will issue to a parent company. Do I need to change the legal entity before the ECP offer issues? Or can this be completed after offer acceptance.

A RESS 2 Project can have only one Connection Agreement or be issued with one Connection Offer through the ECP process. Where the grid contracting party or ECP Applicant (legal entity) listed on the Connection Agreement or ECP list is different from the Applicant, a letter is required from the relevant System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP Applicant (legal entity) to the Applicant. Where a letter is not available in the timeframe, please provide the completed documentation submitted to the relevant System Operator.

2.4.4 Can you confirm that a Community Led project applying to be included in RESS 2 is not required to be an ECP project nor have a contracted grid position?

In section 6.4.5 of the RESS 2 Terms & Conditions, each RESS 2 Project must be (i) a Grid Contracted Project or (ii) an ECP Project that is eligible to be processed to receive a valid connection offer, in both cases with a capacity at least equal to the Offer Quantity of the relevant RESS 2 Project.

2.4.5 MEC in grid offers is provided in MVA and not in MW. Would you confirm that we should use the MVA values for our Application for Qualification?

One example: the Maximum Export Capacity for one project is 4,211kVA in our Grid Offer. Can we use 4,211 as the MEC value in the Application (and also as Offer Quantity) ?

Maximum Export Capacity and Offer Quantity are both in MW. The Connection Agreement should contain both MVA/kVA and MW/kW values and the MW value should be used.

2.4.6 Some of my projects are still waiting grid connection offers. Can you please provide guidance as to how we are to provide the following declaration; Declaration of Financeability (R2DD3) given that we don't yet know the cost of our grid connection on these projects?

In absence of grid connection offer, the Applicant should seek information from the relevant System Operator on the connection method, which should help the Applicant to form a view on the cost associated with the grid connection.

2.4.7 We have a RESS 2 targeted project with an ECP connection into the local ESB substation. We are presently developing an additional generating station near to the first project. If the first project is successful in RESS 2, can you expand the RESS 2 offer capacity if you are successful in developing the additional generating station or must the additional generating capacity go through a later RESS auction process?

A RESS 2 offer cannot be changed after Qualification Application Closing Date for RESS 2. Additional generation can participate in any future RESS auctions.

2.4.8 For the Grid Connection Contract Reference Number on the platform, can we leave TBC in the answer field? Our project is included on the ECP-2.2 Initial List of Projects for Category A.

Yes, this field can be left as TBC until a reference number is received. Once a reference number is received please email this information to RESS@Eirgrid.com.

2.5 Directors Declarations

2.5.1 Can you clarify if the director declaration forms require the director's signature on them? There does not appear to be any signature box included for the director.

Yes. The Declarations require signature by the director. The form is by way of a sworn affidavit which is sworn before a practising solicitor/ commissioner for oaths who would each know where such signature should be located on the form namely on the bottom left of the page. The format is pursuant to standard High Court templates and do not contain a line for the deponent to sign but it is understood where this takes place. Please also include the director's name in block capitals below the signature.

2.5.2 Will it be possible to have the director declarations signed digitally e.g. using software like DocuSign? This would allow for applications to proceed in the scenario where offices close due to Coronavirus impacts.

No. These are sworn affidavits and must be signed before (i.e. directly before and in the offices of) a practising solicitor or Commissioner for Oaths and not separately by the deponent at home.

2.5.3 Could you please confirm that any entities listed by the Applicant under section 6.4.11(c) will remain confidential, and will not be disclosed to anyone apart from the TSO, the Minister and the Regulatory Authority?

All information submitted in the Application for Qualification will be treated as confidential unless required to be published by the Terms and Conditions. The handling of Applicant information is addressed in the RESS Auction Platform on the Preference tab of an Application for Qualification. There is a comment:

Acknowledgment that for the purposes of the administration of the RESS 2, the TSO is authorised to use information related to the Applicant and the RESS 2 Project, to communicate with the Applicant, the DECC, the Regulatory Authority, the DSO and SEMO in order to ensure the proper functioning of RESS 2 and to ensure the accuracy of information included in the relevant statutory instrument for the PSO Levy for the relevant PSO Levy Year

On the Compliance tab:

I acknowledge that all information provided to EirGrid for the purposes of the RESS 2 Auction will be held by EirGrid only for the purpose of the RESS Auctions. EirGrid will hold this information securely in line with GDPR requirements and as set out in our Privacy Statement. We hold this information for the purposes of the RESS Auction procedure. The data will be stored electronically as it will be received electronically. EirGrid will hold all information in respect of the RESS 2 Auction until 31/12/2044. The data will be deleted by electronic means on 02/01/2045.

2.5.4 Will affiliates of any entities listed in Exhibit B of R2DD5 be considered included as part of the declaration?

As company structures vary considerably, it is not possible for the TSO to tell prospective Applicants what to include here. Prospective Applicants should take legal advice regarding which entities should be included here having regard to the requirements of the Terms and Conditions and their specific company structure.

2.5.5 We understand that for a project that intends to use debt financing a Director Declaration will need to be submitted as part of the qualification process. As per the Director Declaration template, a Director must certify that the project is “financeable....at the Offer Price to be submitted by the Qualified Applicant”. We understand “financeable” to mean expressions of interest have been received from funders; however the Offer Price will not be set by the closing date for applications. Please could you confirm expressions of interest received from debt funders are not required to reference the Offer Price in any way?

As part of the RESS 2 qualification process we don't require to receive expressions of interests or that they refer to the offer price. What is required is a declaration that the RESS 2 Application for Qualification is financeable under the RESS 2 T&Cs at the Offer Price to be submitted by the Qualified Applicant

2.5.6 Developers have been asked to sign each Declaration on the bottom left corner of each. Do you also require their name in block capitals there?

It would be useful to also include the name in block capitals under the signature in each director declaration.

2.5.7 Which director declarations need to be submitted with the application for qualification? Can you be precise about what is actually required to be submitted by the Application Closing Date?

Six director declarations (minimum) need to be provided in Application for Qualification; these fields are mandatory in the Application for Qualification. R2DD6 must be submitted if the Project is a Community Led project and R2DD7 must be submitted if the project is a Hybrid Project.

The Application for Qualification requires the following to be fully completed:
R2BB1, R2BB2, R2LCC, R2DD1, R2DD2, R2DD3, R2DD4, R2DD5, R2DD8

The Application for Qualification requires the following to be fully completed if the project is a Community led Project and/or a Hybrid Project:

R2DD6, R2DD7

2.5.8 As some of the declarations require witnessing by a solicitor, we are currently experiencing unforeseen complications with our office and our solicitors' office closed (everyone working from home), can you advise if there's an acceptable alternative to the declaration being witnessed by a Solicitor?

At this point in time, director declarations must be made by sworn affidavit in line with the Terms and Conditions paragraph 6.4.2.

2.5.9 Can we use electronic signatures for the Director Declarations and Commissioner for Oaths for uploading to the RESS Auction Platform?

Electronic signatures cannot be used for director declarations which must be made by way of a sworn affidavit as per the T&Cs.

2.5.10 Please confirm that it would be acceptable for a UK or Australian qualified practicing solicitor to witness the declaration/execution by the Director of the Applicant. Due to coronavirus travel restrictions it may be difficult for parties to coordinate with an Irish qualified practicing solicitor

Yes, as long as the UK or Australian qualified practicing solicitor is registered with their native law society / governing body. Evidence of same to be uploaded in 'other documents'.

2.5.11 Our client will be swearing the statutory declarations in Germany. Please confirm there will be no issue with amending swearing block to each statutory declaration in order to follow due process in Germany for swearing of documents in presence of German lawyer.

The director declarations would need to be translated into German and compliant with German legislation on statutory declarations and an English copy also furnished to the German lawyer. Evidence of the German lawyer's suitable qualifications / enrolment with German Law Society or appropriate governing body should be provided in both English and German and uploaded in 'other documents'.

2.5.12 Is there scope to amend the director declarations to ensure they are factually correct? For example, in relation to the grid connection requirement, if a grid connection agreement for a RESS 2 project is the subject of a modification application to merge two projects into a single project and EirGrid has deemed that mod application complete, should the grid connection director declaration be amended to describe this status or is it simply correct to say such an application is in compliance with grid connection requirements under the RESS T&Cs and therefore no amendment to the declaration is required?

It is not possible to amend the director declarations. Additional information should be uploaded to 'other documents'.

2.5.13 Please confirm that the purpose of the declarations of independence is to assess the level of competition in each preference category of the auction for the purposes of determining the

amount of capacity to be awarded in such preference categories. Please also confirm that applicants which are not independent will not be treated less favorably than applicants whose projects are fully independent of other projects.

The purpose of the declaration of independence is to assess the level of competition in each preference category of the auction. Applicants which are not independent will not be treated less favorably in the auction.

2.5.14 We have been advised that hard copies of the Director Declarations must, as well as being submitted via the RESS Auction Platform, be posted by registered post to the RESS Operational Team at EirGrid. This doesn't seem to have been mentioned in the Qualification Pack to date. Our question is - when is the final date for HARDCOPIES to be received by EirGrid?

Hardcopies are not required by the Qualification Application Deadline and should follow within 4 weeks after this date. .

2.5.15 On the declarations, is it the home address or office address is expected here?

In the declaration, the address following the "I" in the first line should be the home address at a high level, it does not need to specify the exact address e.g. "I, Aodhagan Downey, of Marino, Dublin"

The address of the company should be provided with the company information.

2.5.16 I already have the director declarations signed with the high-level company address on it, would you still accept this?

As is outlined in the RESS 2 Qualification Process (R2QP) published as part of the RESS 2 Qualification Information Pack, should we require clarification with regard to these items, we will contact you.

2.5.17 We are having issues uploading our completed director declarations to the online portal. When uploading we get the error message 'File could not be uploaded. Please try again'. Can EirGrid please clarify the full technical specifications of the files (e.g. MB size limits, file names etc.) which can be accepted by the portal?

Max File size is 15MB. We recommend keeping the file name to a minimum and to not use special characters.

2.6 Change of Control

2.6.1 My project is changing ownership/control between the Qualification Application Closing Date and the RESS 2 Auction, what should I do?

Change of control is provided for so long as the Applicant does not change. Where there is likely to be a change of control of the Applicant during this period, the new Principal Owners should be filled out in the RESS Auction Platform under “Entity to which Applicant has revealed Pricing Information” and then exported and appended to this Exhibit A. Where the change of control occurs after the RESS 2 Auction, the Minister should be notified in accordance with Section 11.6 of the Terms and Conditions.

2.6.2 It is clear from the RESS Terms and Conditions that a change of control in relation to an Applicant is permitted between submission of the Application for Qualification and the Offer Price provided the potential Principal Owner is listed under “Entity to which Applicant has revealed Pricing Information” in the RESS Auction Platform and then exported and appended to this Exhibit A of R2DD5. Can you please confirm that it will be sufficient to list a company group rather than the specific entity in that group that will become the Principal Owner where the exact entity is not yet incorporated or unknown? By way of example, is it acceptable to list: “Company X, any subsidiary of Company X or any group company of Company X”.

It is sufficient to list a company group rather than the specific entity in that group that will become the Principal Owner where the exact entity is not yet incorporated or unknown.

2.7 Offer Quantity

2.7.1 In the RESS T&C’s document under section 6.4.12 it states that the Maximum Offer Quantity for this category is 5MW. Does this maximum apply regardless of whether or not the project is a Community Zero Bond Project? I.e. if it is not a zero bond project can the project then compete in the All Projects Category and have a capacity above 5MW but below the respective maxima for these categories.

The Maximum Offer Quantity that can be considered in the Community Preference Category is 5 MW. If an Applicant submits an Offer Quantity of greater than 5 MW for a Community-Led Project, they will not be considered in the Community Preference Category. If the Applicant has posted a Bid Bond and all other requirements are satisfied, the RESS 2 Project can be considered in the All Projects Preference Category.

2.7.2 Please clarify the difference between the ‘Description of the Overall Plant Size – Aggregate Installed Rating for the Project’ and the ‘Offer Quantity (MW)’ fields in the Application for Qualification.

Offer Quantity is a numerical field only where applicants are to insert their Offer Quantity for RESS 2. This must be less than or equal to the Maximum Export Capacity. “Description of the Overall Plant Size – Aggregate Installed Rating for the Project” is a free text field where you can provide the expected Installed Capacity of the RESS 2 Project, which may be greater than the Offer Quantity but within the limits specified in the Terms and Conditions.

For example, a renewable generator may have a MEC of 50 MW. An Applicant when submitting an Application for Qualification can submit an Offer Quantity of no greater than 50 MW. The Applicant may be considering installing equipment with an Installed Capacity of 52 MW (and this would not result in a breach of its planning consents or other requirement). It should put 52 MW in Description of the Overall Plant Size – Aggregate Installed Rating for the Project. The Applicant may ultimately install 50 MW. So long as the actual Installed Capacity is greater than 90% and less than 120% of the Offer Quantity and does not breach any of the legal requirements of the project (planning, site control, etc.). This example is provided for information purposes. Please consult the Terms of Conditions for full specification of the limits that apply to Installed Capacity.

Material changes to the plant or equipment specified in the Application for Qualification need to be approved by the Minister in accordance with 11.2 of the Terms and Conditions. In the Application for Qualification, the basic components of the RESS 2 Project should be specified in the Application for Qualification. It is not necessary to specify equipment provider or the ratings of individual components.

2.7.3 We understand that the Offer Quantity for a Solar project would correspond to the AC Capacity of the plant, but that there would be no limitations to the DC capacity of the plant that is to be installed. Would you kindly confirm that this is the correct understanding?

The Installed Capacity in MWac does not limit the amount of DC capacity installed on the site.

2.7.4 “In all cases the Offer Quantity cannot be greater than the MEC contained in the grid connection offer or grid connection agreement” We understand that the Offer Quantity for a Solar project would correspond to the AC Capacity of the plant, but that there would be no limitations to the DC capacity of the plant that is to be installed. Would you kindly confirm that this is the correct understanding?

That is correct. The Installed Capacity in MWac does not limit the amount of DC capacity installed on the site.

2.7.5 Does the 'Offer Quantity' relate to the expected DC or AC installation? Would the bid bond be calculated on AC or DC MW power output? For example a solar farm with a 6MWac output (MEC) and a 7.98MWdc output (Max)

Offer Quantity is the amount that is being offered into the RESS 2 Auction and should be based on the expected AC output of the RESS 2 Project, which should not be greater than the Maximum Export Capacity specified in the Connection Agreement or ECP decision for the RESS 2 Project.

Bid bond should be calculated on AC MW power output (Offer Quantity <= MEC).

In the above example, the Offer Quantity should not exceed 6 MWac as the MEC is 6 MWac. The installed capacity of the project in MWac should not exceed 120% of the Offer Quantity e.g., if the Offer Quantity was 6 MWac, the installed capacity cannot be greater than 7.2 MWac (note the max export is still 6 MWac). The installed capacity in the RESS 2 Terms and Conditions is in MWac and does not limit the installed MWdc.

2.7.6 When will the competition ratios and the MW volumes of applicants for each eligible technology to compete in the auction be confirmed?

Representative Maximum Quantity and Representative Minimum Quantity are included in the Terms and Conditions. The Final Competition Ratio will be published by the Regulatory Authorities and included in the Auction Information Pack. The Total Energy Available will not be published.

2.7.7 According to the RESS 2 T&Cs, offer quantity is to be provided in MW and cannot be greater than the MEC contained in grid connection offer or grid connection agreement. Grid connection offers/agreements detail the MEC in kVA as opposed to MW. Can I simply use the kVA number in the RESS 2 application as the MEC? Or does this need to be converted into a MW number using an assumed power factor? In this example, the MEC is 5253kVA, so can I input 5.253MW as my Offer Quantity?

The Offer Quantity must be submitted in MW in the Application for Qualification. Where it is unclear what the MW value is, please contact the connection team in the relevant system operator.

2.7.8 2.7.10 Our single wind turbine project has an MEC of 499kW.

- Can you please clarify if this project can enter RESS 2 as the minimum offer quantity is 1kW less than 0.5MW.
- As the auction is for MWh, is there any reason why it should be excluded?

- **If for example this was a 4MW solar project the annual output would be equivalent to approx. 1.5MW MEC and would therefore be eligible to compete as the MEC is greater than 0.5MW.**

Minimum Offer Quantity is 0.5 MW or 500 kW as per the T&Cs (section 6.4.12). As the Offer Quantity must be less than or equal to MEC, any projects with MECs below 500 kW cannot satisfy the Minimum Offer Quantity and are not eligible for the RESS 2 competition.

2.7.9 Considering that ECP2.2 projects are eligible to take part in the auction and the nature of the ECP process is to allow the generator to work with the Network Operator to establish the optimum MEC for the project, can the Offer Quantity reduced after the project has been deemed eligible for specific cases where the network operator's advice is to do so?

Consider the case where a project has a 10MW application being considered in the ECP2.2 batch. ESB Networks advises that the 10MW export requires significant upgrades upstream of the distribution substation that would result in connection costs that would make the project to be unviable. ESB Networks also advises that if the project was to reduce the MEC to 8MW, they would avoid the significant upstream upgrades required to connect. Can the Offer Quantity be reduced to accommodate this recommendation?

Information submitted in an Application for Qualification cannot be amended after Qualification Application closing date except where there is a clarification sought by the TSO.

2.8 Bid Bonds

2.8.1 Will RESS 2 still require planning and connection offers ahead of time? If so, then why would a bid bond be considered somehow a better measure of shovel ready projects, in addition to the consents above?

Bid bonds are required to ensure that Applicants submitting an Application for Qualification and an Offer into the RESS 2 Auction follow through and sign an Implementation Agreement and post a Performance Security. In the absence of a Bid Bond, there is no adverse consequence for being successful in the RESS 2 Auction and then not signing an Implementation Agreement. It is important that Applicants that submit offers to the RESS 2 Auction are confident that they can deliver on the offer if it is successful.

2.8.2 Can you confirm the date when bid bonds must be posted?

By the Bid Bond Posting Date as per the [R2AT](#)

2.8.3 For an entity entering a number of assets and associated bid bonds, can one bank transfer be made for the total bond amount required (including a reference of all individual RESS 2 Application Reference numbers) rather than multiple individual project bank transfers?

As Per 9.3.1 (c) of the T&Cs (where 'Applicant' corresponds to a single Application per each project), EirGrid shall only accept one Bid Bond submission per project. A bank transfer covering multiple RESS 2 Projects will not be accepted.

2.8.4 Is there VAT to be paid on Bid Bonds?

No.

2.8.5 Can you please confirm that multiple payments can be made via an account from a holding company for a number of subsidiary project companies?

- **SPV 1 Bond Payment – payment made through Holding Co Bank Account**
- **SPV 2 Bond Payment – payment made through Holding Co Bank Account**
- or
- **SPV1 Bond Payment – payment made through SPV1 Bank Account**
- **SPV2 Bond Payment – payment made through SPV2 Bank Account**

On the assumption that each 'subsidiary project company' relates to a separate RESS Application then yes, a holding company's account may be used for payment. Note that it is critical that each RESS 2 Application Reference is indicated on the payment reference of the corresponding Bid Bond submission when making these payments.

2.8.6 If a project posts a bid bond, and is provisionally qualified, but following the qualification stage decides not to participate in the auction does it lose its bid bond?

Where the Applicant has submitted a Notice of Withdrawal by the Final Withdrawal Date, it would not lose its bid-bond. Where the Applicant has not submitted a Notice of Withdrawal by the above date and does not participate in the auction, it would lose its bid-bond.

2.8.7 Will a project lose its bid bond....

- 1.If it's Provisionally Qualified and then withdraws**
- 2.If it enters the Auction but withdraws before the Auction closes**
- 3.If it is successful in the Auction and then withdraws**

The answers are as follows;

1. It will not lose its bid bond if it submits the RESS 2 Notice of Withdrawal Form (R2NW) via the RESS Auction Platform by the Final Withdrawal Date.
2. It will lose its bid bond.
3. It will lose its bid bond.

2.8.8 When I post a Bid Bond can the RESS Team provide Acknowledgment of receipt?

Emails will not be issued Acknowledging receipt of Bid Bonds. Please ensure that you have evidence of this transaction with your Bank. If the TSO require any further information on Applicants for Qualification (including Bid Bonds), clarification will be sought via the Auction platform and email.

2.8.9 Can I made one payment for multiple projects if I put down all the references in the transaction description?

As stated in section 5.1 of the RESS 2 Qualification Information Pack, when an Applicant is submitting an Application for Qualification in respect of the RESS 2 Auction, they must post a Bid Bond in a single payment to be cleared in the TSO RESS Account no later than the Bid Bond Posting Date.

There must be a single payment for each Application for Qualification. Please ensure to include the Application reference number in the transaction details.

2.8.10 Bid Bond Required Amount. Our onshore wind project's expected installed capacity is 33.2 MW. However, the MEC (MW) figure included in the ECP-2.2 Initial List of Projects for Category A is 40 MW. Can our Offer Quantity (MW) be the 33.2 MW? Is our bid bond in turn based on this 33.2 MW?

Yes, the Offer Quantity can be less than the MEC.

As per section 6.4.17, the Bid Bond value in RESS 2 is €6 per MWh, where the MWh value is the **Deemed Energy Quantity** for one year for the RESS 2 Project calculated pursuant to Section 6.6.4 and multiplied by 1,000 to convert from GWh to MWh

As per section 6.6.4, for the purposes of winner selection, each such **Offer Quantity** (OQo) will be converted into a **deemed energy quantity** ("Deemed Energy Quantity" or "DEQ") in GWh/year as follows:

$DEQ_o = OQ_o \times 8760 \times RCF_t / 1000$, where RCF_t refers to the Renewable Capacity Factor for the eligible technology t .

Therefore, the Bid Bond value is based on the Offer Quantity (converted into deemed energy quantity).

2.8.11 Must the Bid Bond Applicant Submission Form (R2BB1) and Bid Bond Applicant Return Form (R2BB2) be completed on company headed paper or can we just complete the template forms as issued by RESS? Are any of the forms, landowner consents, declarations etc. required to be completed on company headed paper?

As the Bid Bond forms pertain to the deposit / withdrawal of monies to / from the TSO RESS Account, we require that they are completed on company headed paper. Other forms do not need to be completed on company headed paper. See 6.1.2 below.

2.9 Community Led Project

2.9.1 Can you please confirm if the RESS 2 DECLARATION OF COMMUNITY-LED PROJECT (R2DD6) needs to be submitted for non-community projects also? The guidelines refer to a requirement to submit 7 no. director declarations in all cases.

If not a community-led project, this declaration does not need to be submitted as it is not a mandatory field. If the project is a community-led project, this must be submitted.

2.9.2 If you post a bid bond and include yourself in the community pot, then you qualify in the community capacity section can you get your bid bond back or avoid the performance bond piece?

Only Community Zero-Bond Projects are exempt from providing Performance Bond. If an Applicant posts a Bid Bond for a Community Led Project in order to be considered in the All Projects Preference Category (and Solar Preference Category, if applicable), they are not a Community Zero-Bond Project and therefore do not benefit from the exemption to provide Performance Bonds.

2.9.3 Can Community Zero-Bond Projects post a Bid Bond at a later stage?

There is no provision for Community Zero-Bond Projects to post bid bonds after the Bid Bond Posting Date.

2.9.4 Can you clarify that the Community Benefit contribution is for the RESS term and not for the lifetime of the project?

Community Benefit Contributions are for the RESS term of the project.

2.9.5 Could we have clarification on the establishment of a Community Benefit Fund? Is the contribution still set at €2/MWh of Loss-Adjusted Metered Quantity for all RESS 2 Projects?

The contribution is still set at €2/MWh of Loss-Adjusted Metered Quantity of the RESS 2 Project.

2.10 Practical considerations

2.10.1 Where will the applications be processed and by who?

All applications will be processed by RESS Operational Team in EirGrid. Please contact RESS@Eirgrid.com if you have any questions that are not answered here.

2.10.2 Will the applications be downloaded/soft copy version and be uploaded online/postal submission?

Information on the technical submission of the application is included in the [Qualification Information Pack](#).

2.10.3 When will the link and credentials to the RESS Auction Platform be issued?

The link and registration information for the RESS Auction Platform can be found in the [RESS Auction Platform User Guide](#).

2.10.4 Where will I find the RESS application Reference number as required for submission of Bond?

Your RESS Application number will be assigned when you log in to the RESS Auction Platform.

2.10.5 Will it be possible to amend any details of the Application for Qualification after submitting it, if it is before the Application Closing Date?

There will be no option for the user of the RESS Auction Platform to reverse the submission of the application so we would like to emphasise the importance of reviewing all fields and documents prior to

submitting the application. If an application is submitted in error, please reach out to the RESS Operational Team at RESS@Eirgrid.com.

2.10.6 Can you advise if it is the ITM coordinates (as per RESS 2 Landowner Consent Confirmation (R2LCC) of the substation location, or the center point of the whole Red Line boundary of the project that was submitted for planning that is required for the RESS 2 qualification application?

The ITM co-ordinates should be the approximate center point of the Site (as defined in Section 2.1 of RESS 2 Terms & Conditions).

2.10.7 Can you please confirm if the site northing and easting can be anywhere within the site boundary or should be at the approximate mid-point, customer substation, etc.

The ITM co-ordinates should be the approximate centre point of the Site (as defined in Section 2.1 of the RESS 2 Terms & Conditions). However, we will accept ITM co-ordinates for any point on the Site e.g. the substation. If prospective Applicants have already completed elements of the Application for Qualification using a point on the site that is not the centre, they do not need to change this.

2.10.8 Where a project is made up of non-adjointing sites, can you confirm the co-ordinates to be used in the application form?

Use the co-ordinates of approximate center point of Site nearest the transmission/distribution station.

2.10.9 In the preference tab there is a “Solar Preference Category” and a “All project Preference Category”, this was relevant to RESS 1 but how does this apply for RESS 2 considering there is no Solar Preference Category? What should a solar project select?

This is addressed in the RESS Auction Platform User guide in section 5.3;

Please only select a category for the Auction the Application for Qualification is being prepared for. As Solar Preference Category is not a preference category as per the RESS 2 Terms and Conditions, please do not select this.

3. Changes/Withdrawal

- 3.1.1 Is there a facility in place after the Qualification Application Closing Date to allow Applicants to notify of any changes in the Application? Example, where a project changes ownership either post submission of Qualification Application but before Final Qualification; or post Qualification but pre-Auction?**

All details of the RESS 2 Project in the Application for Qualification need to be correct by the submission deadline of Application Closing Date. This information cannot be changed except where there is a clarification sought by the TSO. Change of control is provided for so long as the Applicant does not change. Where there is likely to be a change of control of the Applicant during this period, the new Principal Owners should be listed as an entity in the Application for Qualification in the RESS Auction Platform as “Entity to which Applicant has revealed Pricing Information” then exported and appended to this Exhibit A of the Declaration of Bidding Independence (R2DD5) as included in the Qualification Information Pack. Where the change of control occurs after the RESS 2 Auction, the Minister should be notified in accordance with Section 11.6 of the Terms and Conditions.

- 3.1.2 There may be some changes to a project’s delivery risk assessment between now and final qualification whereby an applicant may wish to withdraw, can this be done?**

Where an Applicant is no longer seeking to participate in the RESS 2 Auction in respect of a RESS 2 Project, it shall submit a Notice of Withdrawal (R2NW) to the TSO prior to the Final Withdrawal Date using the required documentation set out in the Qualification Information Pack. This document can be found in the [Qualification Information Pack](#).

4. Auction Information

- 4.1.1 Can you provide more details on the offer process and winner selection?**

Details of the offer process and winner selection are set out in the Terms & Conditions. Further details on the auction process will be included in the Auction Information Pack.

- 4.1.2 Will applicants know how much volume is being procured in each auction? Certain information regarding auction volume will be published for example Representative Maximum Quantity, Representative Minimum Quantity and Final Competition Ratio.**

However, the Auction Starting Quantity calculation is also based on Total Energy Available. Will this be published?

Representative Maximum Quantity and Representative Minimum Quantity are included in the Terms and Conditions. The Final Competition Ratio will be published by the Regulatory Authorities and included in the Auction Information Pack. The Total Energy Available will not be published.

4.1.3 What information will be provided to qualified applicants regarding the overall volumes to be procured in each category (prior to the application of any adjustments due to offer spreads)?

There is currently no provision in the Terms and Conditions for the TSO to publish the Total Energy Available or Auction Starting Quantities. As such, these will not be published.

4.1.4 Please confirm that the final competition ratios will be released in line with the RESS 2 Auction Timetable. Please also confirm why would the final competition ratio change from the representative competition ratio prior to the auction.

The Final Competition Ratios will be included in the Auction Information Pack, which will be available prior to the RESS 2 Auction. The Final Competition Ratios may change among other things where the level of market concentration as evidenced by the information submitted in Applications for Qualification is different from that which was assumed for the calculation of Representative Competition Ratios. Section 6.5 of the Ts&Cs state ‘The competitive analysis undertaken by the Regulatory Authority for this purpose may consider certain factors including the distribution of ownership and commonality of control, pivotal supplier considerations, other market concentration considerations, and other factors as the Regulatory Authority in its sole discretion deems appropriate.’

5. Implementation

5.1.1 If successful in the Auction, what are the timelines for planning, implementation and delivery of the proposed project?

These are set out in Appendix 2 of the Terms and Conditions.

5.1.2 Can a RESS 2 Project be the subject of an appeal to An Bord Pleanála?

A RESS 2 Project cannot be the subject of an An Bord Pleanála appeal. As per Section 6.4.4 of the RESS 2 Terms and Conditions, any such final grant of planning permission may be the subject of a judicial review

challenge or still within the 8-week period during which such a judicial review challenge may be commenced.

6. Landowner Consent

6.1.1 Please confirm that no document needs to be signed by the landowner as part of the auction application process. In this respect, please confirm that Landowner Consent Confirmation (which gets signed by applicant) is the relevant – and only - form.

The landowner consent form does not need to be signed by a landowner. No document needs to be signed by a landowner. The landowner consent form is the only form pertinent to landowner consent.

6.1.2 Does the landowner consent form (R2LCC) need to be put on company headed paper? The template given has 'TEMPLATE WORDING' written on it, so does this need to be removed?

Please complete the landowner consent form as issued. There is no need to add/remove text or to put on company headed paper.

6.1.3 Can you clarify that the Landowner Consent Form (R2LCC) only has to be signed by the Director and Legal Witness of the Applicant as per the EirGrid Template provided?

Third parties such as Landowners and Banks do NOT need to sign landowner consent confirmation forms. These forms are similar to those that would have been submitted when prospective Applicants applied for their connection and they should be submitted on the same basis using the R2LCC template provided in the RESS 2 Qualification Info Pack.

6.1.4 There was reference to consent of any charge holder over the property being submitted as part of application process. This is not clearly set out in the information in circulation. It should be clearly set out or applicants may overlook.

Third parties such as Landowners and Banks do NOT need to sign landowner consent confirmation forms. These forms are similar to those that would have been submitted when prospective Applicants applied for their connection and they should be submitted on the same basis using the R2LCC template provided in the RESS 2 Qualification Info Pack.

6.1.5 Taking the below bullet points into consideration -Can the Landowner contract be novated from Holding Company A to SPV1 following RESS Application and prior to Auction Offer Price

being submitted and if so what should be included in the company name for the Landowner Consent Confirmation Form (R2LCC).

- **SPV 1 is owned by Company Holding A**
- **Applicant of RESS Project is SPV 1**
- **Contract with Landowner is Holding Company A**
- **Holding Company has same directors and SPV 1**

Suggest including in the Landowner Consent Confirmation Form (R2LCC) - Application for Qualification of RESS 2 Project Name (XYZ) by (Holding Company A which owns SPV 1) with a note stating that Holding Company A and SPV 1 have the same directors.

7. Principle Owner

7.1.1 We have a query with regards to the Relationship to Applicant dropdown options in the Entity Details tab. Pricing information on our project has been revealed by the Principal Owner and not by the applicant. With regards to the options available in the dropdown list for Entity Relationship to the Applicant could the list of dropdown options also include the below options please?

Entity to which (a) Principal Owner has revealed Pricing Information

Entity which (a) Principal Owner is aware of Pricing Information

Entity which (a) Principal Owner is aware of Contingent Arrangements

For the purposes of inputting this information in the RESS Auction Platform, if it is the Principal Owner that has revealed pricing information to the entity, they should simply choose “Entity to which Applicant has revealed Pricing Information”. The same applies in the other two cases.

7.1.2 Can you please clarify what should be done if the Principal Owners listed in Exhibit A of R2DD5 are individuals instead of companies. Must the individual's details be filled out in the Entity Details of the RESS Auction Platform in the same way as a company's would?

Yes, please list the individual's details in the Entity Details of the RESS Auction Platform.

7.1.3 When a holding company owns different SPV, each an Applicant, how is the inter-SPV relationship to be considered in the “Relationship to Applicant” field, considering “Entity

which Applicant is Aware of pricing information” and “Entity to which Applicant has revealed Pricing Information” would both apply?

Entities should be entered for all *Relationships to Applicant* that apply or may apply in the future.

If an entity is ‘aware’ of pricing information, then select “Entity which Applicant is Aware of pricing information”

If an applicant has ‘revealed’ pricing information to an entity, then select “Entity to which Applicant has revealed Pricing Information”.

7.1.4 On the entity details tab of the platform, must we provide details for each of the below or can we just provide details of the Principal Owner if this is the only one relevant?

- Applicant
- Entity to which Applicant has revealed pricing information
- Entity which applicant is aware of contingent arrangements
- Entity which applicant is aware of pricing information
- Principal owner

Entity details must be provided for all entities that fit into one of the above categories. In the above example if principle owner if the only relevant entity, then 2 entities but be populated; Applicant and Principle Owner. It is not necessary to enter entities for categories that do not apply in respect of the RESS 2 Project.

7.1.5 In the “Relationship to Applicant” field. The “Applicant Owner”, should it apply to all indirect owners of the applicant, only the direct owner or only the final beneficiary owner?

To satisfy 6.4.13 (b), we require the legal name and registered address or address of principal place of business of all entities with an ownership or equity interest that are listed in the Declaration of Bidding Independence. We also require the Applicant's company number. We do not require further details of entities with an ownership or equity interest beyond what is required under the Declaration for Bidding Independence.

8. Declaration of Bidding Independence

- 8.1.1 In R2DD5 Declaration of Bidding Independence - in Item 7 and Exhibit B - what is the meaning of the word "certified"? What are the practical implications of the structure chart needing to be certified? Is reproducing the structure chart in Exhibit B with the Director signing it sufficient? As the Certified Structure Chart is provided in R2DD5, is it still required to be uploaded separately to the RESS Auction Platform?**

Certified means certified by a solicitor to be a true and accurate depiction of the Certified Structure having regard to any corporate documents. This is distinct from the declaration which is a sworn statement by the director. This needs to be added to R2DD5 and signed by the director making the declaration. All exhibits in R2DD5 must be signed by the director in accordance with the declaration at the beginning and then the declaration must be sworn in accordance the normal process for sworn affidavits. This document and the other director declarations should be uploaded to the RESS Auction Platform. Separately, the Certified Structure should be uploaded to the RESS Auction Platform in Certified Applicant Structure Chart field. This is mandatory field so please upload the certified structure here.

- 8.1.2 *"A list that describes the party to and nature of any agreements or arrangements that the Applicant or its Principal Owners are aware of that are contingent upon the result of the RESS 2 Auction"* is to be appended to the declaration of bidding independence. The definition is very broadly worded. Is it meant any agreement or arrangement that relates to the ownership of the applicant? Or would any potential arrangements with lenders, construction companies, Suppliers...also need be disclosed there? What type of description is expected?**

The purpose of this declaration is to understand to what extent one Applicant's offer is independent of another Applicant's offer for the purposes of competition assessments carried out by the CRU. As such, this requirement relates primarily to contingent arrangements that materially impact the offer submitted by the Applicant. e.g. Applicant A has entered into agreements or arrangements with Party C whereby Party C will enter into a PPA subject to certain conditions related to the price of the PPA being satisfied in the RESS 2 Competition. Applicant B has also entered into similar agreements or arrangements with Party C. While Applicant A and B based on their Declaration of Independence are otherwise independent, the CRU may form a view that Applicant A's offer and Applicant B's offer are not independent for the purposes of RESS 2.

8.1.3 Should any expressions of interest letters received from debt funders be listed under Exhibit A (*Entity to which Applicant is aware of Contingent Arrangements*) of the Director Declaration on Bidding Independence?

This section refers to *A list that describes the party to and nature of any agreements or arrangements that the Applicant or its Principal Owners are aware of that are contingent upon the result of the RESS 2 Auction.* To this end, the expressions of interest letters from debt funders should be listed but we do not need to see the expression of interest letters.

8.1.4 Please confirm that:

- **the Declaration of Bidding Independence is just shared with the Minister/regulatory entities as detailed in the T&Cs; and**
- **the contents of the Declaration of Bidding Independence (and anything disclosed therein), will not be made public.**

EirGrid can confirm that the contents of the RESS 2 Declaration of Bidding Independence (R2DD5) will only be shared with the Minister/DECC/Regulatory Authorities and will not be made public.

8.1.5 A certified structure chart must be uploaded to the RESS Auction Platform and appended at Exhibit B to the Declaration of Bidding Independence (R2DD5). Does this need to be certified by a solicitor and if so is the solicitor certifying the actual content of the structure chart or just certifying that the structure chart uploaded is a true and accurate copy of the original document?

Certified means certified by a solicitor to be a true and accurate depiction of the Certified Structure having regard to any corporate documents. This is distinct from the declaration which is a sworn statement by the director. This needs to be added to R2DD5 and signed by the director making the declaration. All exhibits in R2DD5 must be signed by the director in accordance with the declaration at the beginning and then the declaration must be sworn in accordance the normal process for sworn affidavits. This document and the other director declarations should be uploaded to the RESS Auction Platform. Separately, the Certified Structure should be uploaded to the Certified Applicant Structure Chart field. This is mandatory field so please upload the certified structure here.