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*Date*

*form received by the CWaPE*

**Application for an electricity and/or gas supply licence**

**in the Walloon region**

***What is this form for?***

This form is used to apply for an electricity or natural gas supply licence required for any supplier of electricity or natural gas in the Walloon region.

***On what legal basis has this form been established?***

This form has been established in accordance with Article 16bis of the Decrees of the Walloon government dated 21 March 2002 concerning the electricity-supply licence and of 16 October 2003 concerning the gas-supply licence. This article authorises the CWaPE to establish and impose an application file model to be respected by any applicant for an electricity and gas supply licence.

***Who should this form be sent to?***

Send this form with the relevant evidence in one copy by registered letter or against receipt to the head office of the CWaPE:

**CWaPE, route de Louvain-la-Neuve 4 bte 12, 5001 NAMUR**

# Applicant's details and signature

|  |  |
| --- | --- |
| Company name | *Company name* |
| Legal form (SA, SPRL, etc) | *Legal form* |
| Street, number, postbox | *Street, number, postbox* |
| Postcode and town | *Postcode and town* |
| Country | *Country* |
| Company Registration No. (Banque Carrefour) |   |   |   |   |   |   |   |   |   |   |
| Person authorised to represent the company in the context of this supply-licence application | Surname | *Surname* |
| First name | *First name* |
| Role | *Role* |
| Email | *Email* |
| Tel. | *Phone* |
| Contact person for the processing of the file | Surname | *Surname* |
| First name | *First name* |
| Role | *Role* |
| Email | *Email* |
| Tel. | *Phone* |

Drawn up at: *Please indicate the location.*

On *Click here to enter a date.*

Your signature

*Surname, first name*

# Information on the nature of your future supply activity

|  |  |
| --- | --- |
| Market segment targeted | [ ]  residential and/or [ ]  professional Please provide a description of the target market ([Appendix 1](#Annex1)). |
| Activity  | When do you expect to start your supply activity? Quarter  year  |
| Do you expect to supply energy under a name other than that of the company? If yes, which name? *Please specify the brand(s) concerned*  |
| If your business details are different from those of your head office or operational base, what are they? *Please indicate these business details (address, phone number, etc.)* |

# Data concerning the supply-licence application

#### Identification of the type of supply licence(s) requested

|  |  |  |  |
| --- | --- | --- | --- |
| General  | [ ]  for all end customers | [ ]  electricity[ ]  gas | [See section 3.2.](#_Demande_de_licence) |
| Limited  | [ ]  to capped power (<10 MW) OR a capped energy quantity (< 25 GWh/year)  | [ ]  electricity[ ]  gas | [See section 3.3.](#_Demande_de_licence_1) |
| [ ]  to specific customers (max. 10 customers) | [ ]  electricity[ ]  gas |
| [ ]  to guaranteeing your own supply | [ ]  electricity[ ]  gas | [See section 3.4.](#_Demande_de_licence_2) |

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| **Application of Article 26 of the AGW of 16 October 2003 concerning the supplier of gas from renewable sources**In the case of a gas-supply licence application, the applicant can request, in application of Article 26 of the Decree from the Walloon government concerning the gas-supply licence, to be recognised as a *"supplier of gas from renewable sources*". Do you wish to be recognised as a supplier of gas from renewable sources? If yes, please provide justification in [Appendix 4](#Annex4). |

#### Application for a general electricity and/or gas supply licence

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| 1. **Location**

Is the company formed in accordance with Belgian legislation or that of another member state within the European Economic Area?Please provide the latest approved version of the company's consolidated articles of association ([Appendix 2](#Annex2)). |

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| 1. **Technical skills**

Please provide:* **a list establishing the scientific and professional** qualifications of the members of the company's management, specifically those responsible for the supply of electricity and/or gas ([Appendix 3](#Annex3));
* **a description of the technical resources** planned for the supply of electricity and/or gas ([Appendix 4](#Annex4));
* **the resources available** to comply with the provisions applicable to technical regulations and specifically to those relating to information-exchange procedures between market stakeholders ([Appendix 5](#Annex5)).
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| 1. **Management autonomy**

Please provide:* **a statement** declaring that at least half of the members of the management bodies and, if applicable, the supplier's management, are independent of the system operators active in Belgium ([Appendix 6](#Annex6)).
 |

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| 1. **Compliance with public service obligations**

Please provide:* **a statement** concerning the company's capacity to comply with public service obligations ([Appendix 17](#Annex17)).
 |

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| 1. **Conditions of access to the simplified supply licence scheme**

Are you already the holder of an electricity or gas supply licence issued at federal level, in another region or in another member state within the European Economic Area?[ ] yes - please attach a copy of the current supply licence(s) ([Appendix 7](#Annex7)) and go to [chapter 4](#_Liste_récapitulative_des)[ ]  no  |

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| 1. **Probity**

Please provide:* **a legal/administrative statement** proving that you have not suspended or ceased your activities, filed for bankruptcy, been the subject of a judicial liquidation, bankruptcy or reorganisation procedure, dated within 3 months of the application ([Appendix 8](#Annex8));
* the **list** of the members of the Board of Directors (or equivalent body) and, if applicable, the executive committee + **criminal record extract (or equivalent)**, dated less than three months from the application date**, for each of its members** (if applicable, if it is a company, the company and its representative) **and for the applicant company** proving the absence of a conviction in the 5 years preceding the application ([Appendix 9](#Annex9));
* **a statement** from the administrators (or equivalent) of the company declaring the absence of a serious misconduct in the context of their professional activities ([Appendix 10](#Annex10));
* **confirmation of the payment of the social security contributions** imposed by Belgian (ONSS) or foreign legislation, dated within 3 months of the application date ([Appendix 11](#Annex11));
* **confirmation of the payment of direct and indirect taxes**, dated within 3 months of the application date ([Appendix 12](#Annex12));
* **a statement** from the person representing the company for this licence application and certifying the accuracy of the information provided in this file ([Appendix 13](#Annex13)).
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| 1. **Professional experience**

Please provide:* **a list of the main activities carried out in the 3 years** preceding the application ([Appendix 14](#Annex14)).
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| 1. **Financial capacities**

Please provide in [Appendix 15](#Annex15):* **the annual accounts** for the last 3 financial years;

or, failing that,* **the financial plan**;

or, failing that,* **bank statements** mentioning the amount of financial assets;

or, failing that,* **a letter of comfort** from a representative shareholder.
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| 1. **Organisation quality**

Please provide:* **an organisational flow chart** with a description of the various services and sectors indicating for each of them the number and qualifications of the personnel concerned ([Appendix 16](#Annex16)).
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Please see [chapter 4](#_Liste_récapitulative_des).

#### Application for a supply licence limited

#### to capped power (electricity)

#### to a specific quantity of energy (gas)

#### to specific customers (electricity and gas)

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| 1. **Location**

Is the company formed in accordance with Belgian legislation or that of another member state within the European Economic Area?Please provide the latest approved version of the company's consolidated articles of association ([Appendix 2](#Annex2)). |

|  |
| --- |
| 1. **Technical skills**

Please provide:* **a list establishing the scientific and professional** qualifications of the members of the company's management, specifically those responsible for the supply of electricity and/or gas ([Appendix 3](#Annex3));
* **a description of the technical resources** planned for the supply of electricity and/or gas ([Appendix 4](#Annex4));
* **the resources available** to comply with the provisions applicable to technical regulations and specifically to those relating to information-exchange procedures between market stakeholders ([Appendix 5](#Annex5)).
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| 1. **Management autonomy**

Please provide:* **a statement** declaring that at least half of the members of the management bodies and, if applicable, the supplier's management, are independent of the system operators active in Belgium ([Appendix 6](#Annex6)).
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| 1. **Compliance with public service obligations**

Please provide:* **a statement** concerning the company's capacity to comply with public service obligations ([Appendix 17](#Annex17)).
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| 1. **List of customers expected as part of the future supply activity**

If your application relates to the issue of a supply licence limited to specific customers, please provide:* **the list of customers** concerned in the context of your future electricity and/or gas supply activity ([Appendix 18](#Annex18)).
 |

|  |
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| 1. **Conditions of access to the simplified supply licence scheme**

Are you already the holder of an electricity or gas supply licence issued at federal level, in another region or in another member state within the European Economic Area?[ ]  yes - please attach a copy of the current supply licence(s) ([Appendix 7](#Annex7)) and go to [chapter 4](#_Liste_récapitulative_des)[ ]  no  |

|  |
| --- |
| 1. **Probity**

Please provide:* **a legal/administrative statement** proving that you have not suspended or ceased your activities, filed for bankruptcy, been the subject of a judicial liquidation, bankruptcy or reorganisation procedure, dated within 3 months of the application ([Appendix 8](#Annex8));
* the **list** of the members of the Board of Directors (or equivalent body) and, if applicable, the executive committee + **criminal record extract (or equivalent)**, dated less than three months from the application date**, for each of its members** (if applicable, if it is a company, the company and its representative) **and for the applicant company** proving the absence of a conviction in the 5 years preceding the application ([Appendix 9](#Annex9));
* **a statement** from the administrators (or equivalent) of the company declaring the absence of a serious misconduct in the context of their professional activities ([Appendix 10](#Annex10));
* **confirmation of the payment of the social security contributions** imposed by Belgian (ONSS) or foreign legislation, dated within 3 months of the application date ([annex 11](#Annex11));
* **confirmation of the payment of direct and indirect taxes**, dated within 3 months of the application date ([Appendix 12](#Annex12));
* **a statement** from the person representing the company for this licence application and certifying the accuracy of the information provided in this file ([Appendix 13](#Annex13)).
 |

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| 1. **Professional experience**

Please provide:* **a list of the main activities carried out in the 3 years** preceding the application ([Appendix 14](#Annex14)).
 |

|  |
| --- |
| 1. **Financial capacities**

Please provide in [Appendix 15](#Annex15):* **the annual accounts** for the last 3 financial years;

or failing that* **the financial plan**;

or failing that* **bank statements** mentioning the amount of financial assets;

or failing that* **a letter of comfort** from a representative shareholder.
 |

Please see [chapter 4](#_Liste_récapitulative_des).

#### Application for an electricity and/or gas supply licence to guarantee the company's own supply

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| --- |
| 1. **Location**

Is the company formed in accordance with Belgian legislation or that of another member state within the European Economic Area?Please provide the latest approved version of the company's consolidated articles of association ([Appendix 2](#Annex2)). |

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| 1. **Management autonomy**

Please provide:* **a statement** declaring that at least half of the members of the management bodies and, if applicable, the supplier's management, are independent of the system operators active in Belgium ([Appendix 6](#Annex6)).
 |

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| --- |
| 1. **Compliance with public service obligations**

Please provide:* **a statement** concerning the company's capacity to comply with public service obligations ([Appendix 17](#Annex17)).
 |

|  |
| --- |
| 1. **Conditions of access to the simplified supply licence scheme**

Are you already the holder of an electricity or gas supply licence issued at federal level, in another region or in another member state within the European Economic Area?[ ] yes - please attach a copy of the current supply licence(s) ([Appendix 7](#Annex7)) and go to [chapter 4](#_Liste_récapitulative_des)[ ]  no  |

|  |
| --- |
| 1. **Probity**

Please provide:* **a legal/administrative statement** proving that you have not suspended or ceased your activities, filed for bankruptcy, been the subject of a judicial liquidation, bankruptcy or reorganisation procedure, dated within 3 months of the application ([Appendix 8](#Annex8));
* the **list** of the members of the Board of Directors (or equivalent body) and, if applicable, the executive committee + **criminal record extract (or equivalent)**, dated less than three months from the application date**, for each of its members** (if applicable, if it is a company, the company and its representative) **and for the applicant company** proving the absence of a conviction in the 5 years preceding the application ([Appendix 9](#Annex9));
* **a statement** from the administrators (or equivalent) of the company declaring the absence of a serious misconduct in the context of their professional activities ([Appendix 10](#Annex10));
* **confirmation of the payment of the social security contributions** imposed by Belgian (ONSS) or foreign legislation, dated within 3 months of the application date ([annex 11](#Annex11));
* **confirmation of the payment of direct and indirect taxes**, dated within 3 months of the application date ([Appendix 12](#Annex12));
* **a statement** from the person representing the company for this licence application and certifying the accuracy of the information provided in this file ([Appendix 13](#Annex13)).
 |

# List of the evidence required



# Information on the processing of your application

In application of the Decrees from the Walloon government of 21 March 2002 concerning the electricity-supply licence and of 16 October 2003 concerning the gas-supply licence, your application will be processed as follows:

* Acknowledgement of receipt: within 15 days of the receipt of your application, the CWaPE issues an acknowledgement of receipt confirming that your file is complete. You may be asked to provide additional documents/information and be set a reasonable time period in which you are asked to complete your application.
* Criteria verification: in the same month as the acknowledgement of receipt confirming that your file is complete, the CWaPE verifies that it meets the licensing criteria set out by the Decrees from the Walloon government of 21 March 2002 and 16 October 2003.

If affirmative, it will notify you of its decision to issue the licence requested.

If it is not, it will specify the reasons why it considers that it does not meet the criteria and set a period of no more than a month, prescribed under penalty of forfeiture of the application, in which the applicant may provide, in a standard letter, its comments, justifications or any additional information. The CWaPE is required to hear the applicant having made the request.

It should be noted that the supply of electricity (or gas) in the Walloon region is subject to the obligation of holding an electricity (or gas) supply licence.

Contact person at the CWaPE for following-up your file:

Stéphane MARCHAND - smar@cwape.be – 081 32 50 16

\* \*

\*

APPENDIX 1: DESCRIPTION OF THE SUPPLY ACTIVITY AND THE MARKET SEGMENT(S) TARGETED

Please provide a description of your future supply activity, specifying the market segment(s) targeted.

APPENDIX 2: COMPANY'S CONSOLIDATED ARTICLES OF ASSOCIATION

Please provide a copy of your company's consolidated articles of association.

APPENDIX 3: SCIENTIFIC AND PROFESSIONAL CAPACITIES OF THE MEMBERS OF THE COMPANY'S MANAGEMENT

Please provide a description of the scientific and professional qualifications of the members of the company's management, specifically those responsible for the supply of electricity and/or gas.

APPENDIX 4: DESCRIPTION OF THE TECHNICAL RESOURCES PLANNED FOR THE SUPPLY OF ELECTRICITY AND/OR GAS

Please provide a description of the technical resources planned for the supply of electricity and/or gas.

NB: If you intend to be assisted by a specialist company, please attach proof of the existence of the contract concluded with this specialist company or a statement of intent signed by both parties.

APPENDIX 5: DESCRIPTION OF THE RESOURCES AVAILABLE TO COMPLY WITH THE PROVISIONS APPLICABLE TO TECHNICAL REGULATIONS, SPECIFICALLY THOSE RELATING TO INFORMATION EXCHANGE BETWEEN MARKET STAKEHOLDERS

Please describe the resources available to comply with the provisions applicable to technical regulations, specifically those relating to information exchange between market stakeholders.

NB: If you attend to be assisted by a specialist company, please attach proof of the existence of the contract concluded with this specialist company or a statement of intent signed by both parties.

APPENDIX 6: MANAGEMENT AUTONOMY

Please attach a statement, signed by the person authorised to represent your company for this supply-licence application, to be established based on the following model.

|  |
| --- |
| I, the undersigned, *Please indicate surname and first name*, *Please indicate the role within the company,* duly authorised to represent *Please indicate the full name of the company,* state that at least half of the members of the Board of Directors and the executive committee are independent of the system operators active in Belgium.Within the meaning of the previous paragraph, an independent person is any person who:a) exercises no role or activity, paid or not, for a system operator and has not exercised such a role or activity in the twelve months preceding their appointment to the supplier's service;b) does not benefit from any material advantage granted by a system operator or by a related or associated company which, in the CWaPE's opinion, is likely to influence their judgement.For all legal intents and purposesDrawn up at: On *Click here to enter a date.*Your signature*Surname, first name* |

APPENDIX 7: COPY(COPIES) OF THE ELECTRICITY AND/OR GAS SUPPLY LICENCES

Please attach a copy of the current licence(s)/authorisation(s) to supply electricity and/or gas issued at federal level, in another region or in another member state within the European Economic Area.

APPENDIX 8: ABSENCE OF LEGAL LIQUIDATION, BANKRUPTCY OR REORGANISATION PROCEDURE

Please attach a legal/administrative statement (in the original version) proving that the company has not suspended or ceased its activities, filed for bankruptcy or was subject to a legal liquidation, bankruptcy or reorganisation procedure within 3 months of the date of reception of the supply-licence application.

APPENDIX 9: ABSENCE OF A CONVICTION IN A FINAL COURT JUDGEMENT CONCERNING THE ADMINISTRATORS OR MEMBERS OF THE EXECUTIVE COMMITTEE

9.1. LIST OF MEMBERS OF THE BOARD OF DIRECTORS AND MEMBERS OF THE EXECUTIVE COMMITTEE

Please prepare a list of members of the Board of Directors (or equivalent body) and members of the executive committee (if such a body exists within the company). When the administrator is a legal entity, please indicate its name as well as the surname and first name of the person authorised to represent it within the Board of Directors.

|  |  |
| --- | --- |
| **Board of Directors (or equivalent)** | **Executive Committee** |
|  |  |
|  |  |
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|  |  |
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9.2. CRIMINAL RECORD EXTRACTS

Please attach, for the company and for each administrator (or equivalent) and member of the executive committee, a criminal record extract (or equivalent document) - in the original version - dated within three months of the supply-licence application date. When the administrator is an individual, please attach a criminal record extract both for the latter and for the person authorised to represent it within the Board of Directors.

APPENDIX 10: ABSENCE OF SERIOUS MISCONDUCT

Please attach, for each administrator (or equivalent) - if this relates to a company, its representative - and member of the executive committee, a statement concerning the absence of serious misconduct, to be established based on the following model*.*

|  |
| --- |
| I, the undersigned, *Please indicate your surname and first name*, *Please indicate your role within your company*, declare I have never committed serious misconduct in the context of my professional activity.For all legal intents and purposesDrawn up at: On *Click here to enter a date.*Your signature*Surname, first name* |

APPENDIX 11 : PAYMENT OF SOCIAL SECURITY CONTRIBUTIONS

Please attach confirmation of the payment of social-security contributions (original version) required by Belgian (ONSS) or foreign legislation, dated within 3 months of the supply-licence application date.

APPENDIX 12: PAYMENT OF DIRECT AND INDIRECT TAXES

Please attach confirmation of the payment of direct and indirect taxes (original version) dated within 3 months of the supply-licence application date.

APPENDIX 13: ABSENCE OF MISREPRESENTATION

Please attach a statement, signed by the person authorised to represent your company for this supply-licence application, to be established based on the following model.

|  |
| --- |
| I, the undersigned, *Please indicate your surname and first name*, *Please indicate your role within your company*, duly authorised to represent *Please indicate your company's full name* in the context of this supply-licence application, state that the information contained in this supply-licence application file is complete and accurate.For all legal intents and purposesDrawn up at: On *Click here to enter a date.* Your signature*Surname, first name* |

APPENDIX 14: PROFESSIONAL EXPERIENCE

Please describe the main activities carried out by your company in the last 3 years.

APPENDIX 15: FINANCIAL CAPACITIES

Please attach your company's annual accounts for the last three financial years or the financial plan or banking statements mentioning the amount of financial assets.

If necessary, aletter of comfort from a representative shareholder may also be added to the file. In this case, the CWaPE recommends using the following letter model.

|  |
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| **Letter of comfort**In this document, *Please indicate the full name of company A* declares to expressly and irrevocably to assist *Please indicate the full name of company B* in financial, technical or other matters in the execution of the electricity/gas supply activities *Please indicate the full name of company B* carried out.In addition, *Please indicate the full name of company A* agrees to irrevocably assume all the obligations of *Please indicate the full name of company B*, in the context of its activities to supply, in the event of the latter's failure.Moreover, *Please indicate the full name of company A* declares that it will assist *Please indicate the full name of company B* by its own means, to the extent necessary, so that *Please indicate the full name of company B* can complete the technical aspects related to the electricity/gas supply activities.This document is subject to Belgian law. The Belgian courts have exclusive competence to rule on all legal disputes which may occur in relation to this letter of comfort.The undersigned declares to be duly authorised to sign this letter of comfort on behalf of *Please indicate the full name of company A*.For all legal intents and purposesDrawn up at: *Please indicate the name of the town where this statement is signed*On *Click here to enter a date.*Your signature*Surname, first name**Role within company A* |

APPENDIX 16: ORGANISATION QUALITY

Please provide your company's organisational flow chart.

APPENDIX 17: COMPLIANCE WITH PUBLIC SERVICE OBLIGATIONS

Please attach a statement, signed by the person authorised to represent your company in the context of this supply-licence application, declaring that your company is able to meet the public-service obligations referred to in Article 34a of the Decree of 12 April 2001 concerning the organisation of the regional electricity market (or its implementing decrees) and/or referred to in Article 33 of the Decree of 19 December 2002 concerning the organisation of the regional gas market (or its implementing decrees). This statement must be based on the following model.

|  |
| --- |
| I, the undersigned, *Please indicate your surname and first name*, *Please indicate your role within your company*, duly authorised to represent *Please indicate your company's full name*, dans le cadre de la présente demande de licence de fourniture, déclare sur l’honneur que la société précitée est en mesure de respecter les obligations de service public visées à :[ ] Article 34a of the Decree of 12 April 2001 concerning the organisation of the regional electricity market or its implementing decrees[ ]  Article 33 of the Decree of 19 December 2002 concerning the organisation of the regional gas market or its implementing decrees.For all legal intents and purposesDrawn up at: On *Click here to enter a date.*Your signature*Surname, first name* |

APPENDIX 18: LIST OF CUSTOMERS EXPECTED AS PART OF THE FUTURE SUPPLY ACTIVITY

At present, the customers targeted for our future supply activity are as follows:

|  |  |  |
| --- | --- | --- |
|  | **Customer name** | **Link with the company within the meaning of Article 11[[1]](#footnote-1) of the Company Code** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| 4 |  |  |
| 5 |  |  |
| 6 |  |  |
| 7 |  |  |
| 8 |  |  |
| 9 |  |  |
| 10 |  |  |

1. 1 *"For the application of this code, the following is understood as:
  1° "companies linked to a company":
  a) companies it controls;
  b) companies that control it;
  c) companies with which it forms a consortium;
  d) other companies which, to the knowledge of its management board, are controlled by companies under a), b) et c);
  2° "people linked to a person”, natural and legal persons when there is a link between them and if this person has a filiation link within the meaning of 1°”* [↑](#footnote-ref-1)