

Utilities (Annual Licence Fees Determination) Notice 2009

Notifiable instrument NI2009– 467

made under the

Utilities Act 2000, s 52 (Public notice of licence decisions) (see also s 45 (Determination of fee) and s 53 (Public access to licences etc))

1 Name of instrument

This instrument is the *Utilities (Annual Licence Fees Determination) Notice 2009*.

2 Commencement

This instrument commences on the day after it is notified.

3 Determination of licence fees

The Independent Competition and Regulatory Commission (the Commission) gives notice that the Commission has determined the annual licence fees, payable by licensed utilities under the *Utilities Act 2000* for the year commencing on 1 July 2009 and ending on 30 June 2010, as set out in Table 3 in the attached Schedule.

Table 1 in the Schedule sets out the costs expected to be incurred by the Commission, the ACT Civil and Administrative Tribunal – Energy and Water, and the chief executive under part 5 (Technical regulation) of the Act, in the exercise of functions in the ACT or elsewhere, in relation to utility services.

In determining the licence fee payable by each utility, the Commission had regard to:

- the costs in relation to each utility;
- any rebates payable from the previous year;
- the annual licence fees payable by all utilities; and
- the relative scope and nature of the services provided by all utilities (set out in Table 2 in the schedule).

Table 3 in the Schedule sets out the annual licence fee for 2009-10 payable by each utility. Unless otherwise agreed in writing with the Commission, determined fees are payable by the licensee to the Commission in three (3) equal instalments, to be paid by 24 October 2009, 24 December 2009, and 24 February 2010.

4 Public access to determination of annual licence fees

Copies of the Commission's determination of annual licence fees are available for inspection by members of the public:

- on the Commission's webpage (www.icrc.act.gov.au);
- at the Commission's offices (located at Level 2, 12 Moore Street, Canberra City, ACT) during ordinary office hours; and
- on the ACT Legislation Register (www.legislation.act.gov.au).

A person may inspect a determination without charge, and may make a copy of all or any part of the document. A fee may apply for making a copy.

5 Explanatory Notes

In May 2007, the *Utilities Act 2000* was amended to provide for an energy industry levy. The amendments commenced on 1 July 2007 with the effect of progressively replacing licence fees for prescribed energy utilities.

For the 2008-09 financial year, levy determinations covered both national and local regulatory costs for all licensed energy industry utilities. Annual licence fees were determined for utilities providing water and wastewater services and for gas transmission services.

For the 2009-10 financial year, annual licence fees have again been determined for utilities providing water and wastewater services and for gas transmission services.

Paul Baxter
Senior Commissioner
Independent Competition and Regulatory Commission
17 September 2009

SCHEDULE: Annual Licence Fees Determination, 2009-10

Table 1: Expected Costs relating to licensees, 2009-10¹

Licensee	Utility Service	Technical Regulator (ACTPLA) (\$)	ACAT (\$)	Independent Competition and Regulatory Commission (\$)	Totals (\$)
East Australian Pipeline Limited	Gas transmission	44,046	0	605	44,651
ACTEW Corporation Ltd	Water collection and treatment	55,274	0	24,862	80,135
	Water network	55,274	1,500	24,862	81,635
	Water distribution	55,274	0	24,862	80,135
	Water connection service	55,274	0	24,862	80,135
	Water supply	0	28,013	24,862	52,875
	Sewerage network	55,274	1,500	24,862	81,635
	Sewerage connection service	55,274	0	24,862	80,135
	Sewerage service	0	1,500	24,862	26,362
Sub-total ACTEW Corporation		331,641	32,513	198,895	563,049
TOTAL		375,687	32,513	199,500	607,700

Notes: 1. Costs take account of any rebates/additional charges payable for the 2008-09 year.

Table 2: Scope and nature of services provided by licensee

Section of the Act/ Utility Service	Scope and nature of services
9(a) Gas transmission	Transmission of gas through a gas transmission network.
11(a) Water collection and treatment	Collection or treatment of water, or both, for distribution through a water network.
11(b) Water network	Making a water network available for the provision of water connection services.
11(c) Water distribution	Distribution of water through a water network.
11(d) Water connection Services	Connection of premises to a water network; or variation of the capacity of the connection between premises and a water network.
11(e) Water supply	Supply of water from a water network to premises for consumption.
13(a) Sewerage network	Making a sewerage network available for the provision of sewerage connection services.
13(b) Sewerage connection Services	Connection of premises to a sewerage network; or variation of the capacity of the connection between premises and a sewerage network.
13 (c) Sewerage service	Conveyance, collection, treatment and disposal of sewage by a person from the premises of another person.

Table 3: Annual licence fees payable, 2009-10

Licensee	Licence fees payable (\$)
East Australian Pipeline Limited	44,651
ACTEW Corporation Ltd	563,049
TOTAL	607,700