

Utilities (Annual Licence Fees Determination) Notice 2012

Notifiable Instrument NI2012-561

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 2012*.

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 ending on 30 June 2013, as set out in the attached schedule (tables 1 to 4). These utilities include East Australian Pipeline Limited (licensed to supply gas transmission services) and ACTEW Corporation Limited (licensed to supply water and waste water services).

Tables 1 shows the licence fees for 2012-13 payable by East Australian Pipeline Limited (licensed to supply gas transmission services) and ACTEW Corporation Limited (licensed to supply water and waste water services).

Table 2 in the schedule sets out the breakdown of costs incurred by the three agencies, namely the Commission, the ACT Civil and Administrative Tribunal, and Director General of the Energy and Sustainable Development Directorate (ESDD) on behalf of the Territory.

Table 3 shows details of derivation of the licence fees payable including the adjustment for differences between the licence fees paid in 2011-12 based on estimates and the licence fees calculated using the actual costs for 2011-12.

Table 4 details the scope and nature of services provided by the two utilities.

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

- What it considered the utilities should make as a reasonable contribution towards the costs incurred or expected to be incurred by the three agencies;
- the amount of the fee and the way it is worked out; and

- the Commission's reasons for the amount of the fees and any instalments to be paid.

Unless otherwise agreed in writing with the Commission, determined fees, shown in table 1, are payable by the licensee to the Commission in three (3) equal instalments to be paid by

- 30 November 2012
- 31 January 2013, and
- 31 March 2013.

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 8, 221 London Circuit, 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. No charge will apply.

Malcolm Gray
Senior Commissioner
Independent Competition and Regulatory Commission
30 October 2012

SCHEDULE

Table 1: Licence fees payable for gas transmission, and water and wastewater utility services, 2012-13¹

Licensee	Licence fees payable (\$)
East Australian Pipeline Limited (gas transmission)	27,221
ACTEW Corporation Ltd (water and waste water services)	670,219
Total	697,441

Note:

¹ licence fees determined for 2012-13 are based on estimated costs incurred during 2012-13 by the three agencies (the Commission, the ACT Civil and Administrative Tribunal, and the Director General of the Energy and Sustainable Development Directorate (ESDD), on behalf of the Territory) but also take account of any rebates or surcharges payable for differences in costs between those estimated for 2011-12 and the actual costs incurred by the agencies for that year.

Table 2: Breakdown of licence fees as cost components incurred by the three ACT agencies for gas transmission and water and wastewater utility services, 2012-13

Licensee	Utility service component provided	ESDD ¹ (\$)	ACAT ² (\$)	ICRC ³ (\$)	Totals (\$)
East Australian Pipeline Limited	Gas transmission	27,021	0	200	27,221
ACTEW Corporation Ltd	Water collection and treatment	120,843	0	-14,380	106,462
	Water network	120,843	1,500	-14,380	107,962
	Water distribution	120,843	0	-14,380	106,462
	Water connection service	120,843	0	-14,380	106,462
	Water supply	0	55,705	-14,380	41,325
	Sewerage network	120,843	1,500	-14,380	107,962
	Sewerage connection service	120,843	0	-14,380	106,462
	Sewerage service	0	1,500	-14,380	-12,880
Sub-total ACTEW Corporation		725,057	60,205	-115,043	670,219
Total		752,078	60,205	-114,843	697,441

Notes:

¹ Environment and Sustainable Development Directorate.

² ACT Civil and Administrative Tribunal.

³ Independent Competition and Regulatory Commission.

Table 3: Licence fees determined for 2012-13 showing aggregated rebates/surcharges payable from 2011-12

Licensee	Licence fees determined for 2011-12 based on estimated costs (\$)	Licence fees based on actual costs for 2011-12 (\$)	(Rebates) or surcharge due (\$)	Licence fees based on estimated costs for 2012-13 (\$)	Licence fees determined for 2012-13 (\$)
East Australian Pipeline Limited	64,637	39,769	- 24,868	52,089	27,221
ACTEW Corporation Ltd	813,436	630,406	-183,031	853,250	670,219
Total	878,073	670,175	- 207,898	905,339	697,441

Table 4: Scope and nature of services provided by licensees (gas transmission, and water and wastewater)

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.