

Utilities Exemption 2012 (No 1)

Disallowable instrument DI2012–146

made under the

Utilities Act 2000, section 22 (Exemption)

1 Name of instrument

This instrument is the *Utilities Exemption 2012 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Exemption

I exempt Essential Energy from the requirement for a licence in relation to the provision of the following utility services:

- a) the distribution of electricity through an electricity network; and
- b) an electricity connection service

upon the conditions prescribed in this instrument.

Essential Energy means the State- owned energy services corporation constituted under section 7 of the *Energy Services Corporations Act 1995* (NSW).

4 Conditions

Essential Energy is exempt from the requirement for a licence in relation to the above utility services on the basis that it complies with the conditions detailed below.

Technical Regulation Criteria

- a) Essential Energy is required, in respect to its operations in the ACT, to comply with the ACT Management of Electricity Network Assets Code.
- b) Essential Energy must, every 12 months, demonstrate compliance with the ACT Management of Electricity Network Assets Code by

presenting the following to the Chief Executive (ACT Utilities Technical Regulator):

- (i) a maintenance plan for all assets in the ACT for the next 12 months including a statement of all maintenance and capital works undertaken on the assets in the previous 12 months;
- (ii) a bushfire mitigation plan for all assets in the ACT for the next 12 months, including a statement of compliance with the bushfire mitigation plan for the previous 12 months that should identify where non-compliance with the plan was not achieved ; and
- (iii) a current plan showing all assets in the ACT.

To the extent Essential Energy has developed and maintained a maintenance plan and/or bushfire mitigation plan for its network generally (including that part of the network located in the ACT), Essential Energy will not be required to create new plan for the purposes of compliance with the above condition.

Obligation to connect

- c) Essential Energy must, on application by a customer for any of the following utility services in relation to its network, provide that service:
 - (i) connect the premises to which the application relates ;
 - (ii) vary the capacity of the connection between the premises to which the application relates and its network.

customer has the same meaning as that in section 5 of the *National Energy Retail Law (ACT)*

National Energy Retail Law (ACT) - see *National Energy Retail Law (ACT) Act 2012*, section 6

5 Expiry of Condition 4(c)

The conditions in clause 4(c) will end on the commencement of the *National Energy Retail Law (NSW)*.

National Energy Retail Law (NSW) – see *National Energy Retail Law (Adoption) Act 2012*, section 4.

6 Expiry of exemption

The exemption will expire at the time that any licence to provide electricity distribution and connection services is granted to Essential Energy under section 37 of the *Utilities Act 2000* becomes effective.

Simon Corbell MLA
Minister for Energy
28 June 2012