

# Utilities (Annual Licence Fees Determination) Notice 2008

Notifiable instrument NI2008– 582

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 2008*.

## **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 2009, set out in the attached schedule (in table 3).

Table 1 in the schedule sets out the costs expected to be incurred by the Commission, the Energy and Water Consumer Council 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;
- 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 2008-09 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 9 January 2009, 9 February 2009, and 9 March 2009.

#### **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](http://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](http://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 2007-08 levy year, the energy levy was determined only for national costs. Separately, the Commission continued to determine licence fees for local regulatory costs.

For the 2008-09 financial year, levy determinations covered both national and local regulatory costs for all licensed energy industry utilities. Annual licence fees for prescribed energy industry utilities have not been determined for 2008-09. From 2008-09, annual licence fees will continue to be determined for utilities providing water and wastewater services, and for gas transmission services.

Paul Baxter  
Senior Commissioner  
Independent Competition and Regulatory Commission  
5 December 2008

## **SCHEDULE: Annual Licence Fees Determination, 2008-09**

**Table 1: Expected Costs relating to licensees, 2008-09**

Licensee	Utility Service	Technical Regulator (ACTPLA & Workcover) (\$)	Energy & Water Consumer Council (\$)	Independent Competition & Regulatory Commission (\$)	Totals (\$)
East Australian Pipeline Limited	Gas transmission	31,000	0	535	31,535
ACTEW Corporation Ltd	Water collection and treatment	45,942	0	21,920	67,862
	Water network	45,942	1,500	21,920	69,362
	Water distribution	45,942	0	21,920	67,862
	Water connection service	45,942	0	21,920	67,862
	Water supply	0	79,400	21,920	101,320
	Sewerage network	45,942	1,500	21,920	69,362
	Sewerage connection service	45,942	0	21,920	67,862
	Sewerage service	0	1,500	21,920	23,420
Sub-total ACTEW Corporation		275,653	83,900	175,361	534,914
TOTAL		306,653	83,900	175,896	566,449

**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, 2008-09**

Licensee	Licence fees payable (\$)
East Australian Pipeline Limited	31,535
ACTEW Corporation Ltd	534,914
<b>TOTAL</b>	<b>566,449</b>