

# Utilities (Annual licence fees determination) Notice 2010 (No 1)

**Notifiable Instrument NI2010-574**

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))

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## **1 Name of instrument**

This instrument is the *Utilities (Annual licence fees determination) Notice 2010 (No 1)*.

## **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 years ending on 30 June 2010 and 30 June 2011, as set out in the attached schedule (in tables 1 and 2).

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 30 November 2010, 31 January 2011 and 31 March 2011.

Table 3 in the schedule sets out the costs incurred by the Commission, the ACT Civil and Administrative Tribunal, and the chief executive under part 5 (Technical regulation) of the Act, in the exercise of functions in the in the ACT or elsewhere, in relation to utility services for the year ending on 30 June 2010.

Table 4 in the schedule sets out the costs expected to be incurred by the Commission, the ACT Civil and Administrative Tribunal, and the chief executive under part 5 (Technical regulation) of the Act, in the exercise of functions in the in the ACT or elsewhere, in relation to utility services for the year ending on 30 June 2011.

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

- the extent of 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 the utilities (set out in table 5 in the schedule).

#### **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. No charge will apply.

Paul Baxter  
Senior Commissioner  
Independent Competition and Regulatory Commission  
12 October 2010

## SCHEDULE

**Table 1: Annual licence fees (gas transmission, and water and wastewater utility services), 2009-10<sup>1</sup>**

Licensee	Licence fees payable (\$)
East Australian Pipeline Limited (gas transmission)	24,592
ACTEW Corporation Ltd (water and waste water services)	450,468
<b>Total</b>	<b>475,060</b>

Note:

<sup>1</sup>Annual licence fees for 2009-10 have been redetermined based on actual costs incurred by the Commission, the ACT Civil and Administrative Tribunal, and the chief executive under part 5 (Technical regulation) of the Act as set out in Table 3. Licensees will receive a refund where actual costs are less than expected costs determined for 2009-10.

**Table 2: Annual licence fees payable (gas transmission, and water and wastewater utility services), 2010-11<sup>1</sup>**

Licensee	Licence fees payable (\$)
East Australian Pipeline Limited (gas transmission)	52,521
ACTEW Corporation Ltd (water and waste water services)	696,356
<b>Total</b>	<b>748,877</b>

Note:

<sup>1</sup>Annual licence fees for 2010-11 have been determined based on expected costs as set out in Table 4. The licence fees will be redetermined in 2011-12 based on actual costs incurred by the Commission, the ACT Civil and Administrative Tribunal, and the chief executive under part 5 (Technical regulation) of the Act.

**Table 3: Costs incurred (gas transmission, and water and wastewater utility services), 2009-10**

Licensee	Utility Service	Technical Regulator <sup>1</sup> (\$)	ACAT <sup>2</sup> (\$)	ICRC <sup>3</sup> (\$)	Totals (\$)
East Australian Pipeline Limited	Gas transmission	23,892	0	700	24,592
ACTEW Corporation Ltd	Water collection and treatment	33,351	0	24,825	58,176
	Water network	33,351	1,500	24,825	59,676
	Water distribution	33,351	0	24,825	58,176
	Water connection service	33,351	0	24,825	58,176
	Water supply	0	47,264	24,825	72,089
	Sewerage network	33,351	1,500	24,825	59,676
	Sewerage connection service	33,351	0	24,825	58,176
	Sewerage service	0	1,500	24,825	26,325
<i>Sub-total ACTEW Corporation</i>		<i>200,106</i>	<i>51,764</i>	<i>198,598</i>	<i>450,468</i>
<b>Total</b>		<b>223,998</b>	<b>51,764</b>	<b>199,298</b>	<b>475,060</b>

Notes:

<sup>1</sup> The chief executive under part 5 (Technical regulation) of the Act is the chief executive of the ACT Planning and Land Authority.

<sup>2</sup> The ACT Administrative and Civil Tribunal (Energy and Water Unit) in hearing and deciding matters to which a utility is party.

<sup>3</sup> The Independent Competition and Regulatory Commission.

**Table 4: Costs expected to be incurred (gas transmission, and water and wastewater utility services), 2010-11**

Licensee	Utility service	Technical Regulator <sup>1</sup> (\$)	ACAT <sup>2</sup> (\$)	ICRC <sup>3</sup> (\$)	Totals (\$)
East Australian Pipeline Limited	Gas transmission	51,821	0	700	52,521
ACTEW Corporation Ltd	Water collection and treatment	71,684	0	25,720	97,404
	Water network	71,684	1,500	25,720	98,904
	Water distribution	71,684	0	25,720	97,404
	Water connection service	71,684	0	25,720	97,404
	Water supply	0	55,990	25,720	81,710
	Sewerage network	71,684	1,500	25,720	98,904
	Sewerage connection service	71,684	0	25,720	97,404
	Sewerage service	0	1,500	25,720	27,220
<i>Sub-total ACTEW Corporation</i>		<i>430,103</i>	<i>60,490</i>	<i>205,763</i>	<i>696,356</i>
<b>Total</b>		<b>481,924</b>	<b>60,490</b>	<b>206,463</b>	<b>748,877</b>

Notes:

<sup>1</sup> The chief executive under part 5 (Technical regulation) of the Act is the chief executive of the ACT Planning and Land Authority.

<sup>2</sup> The ACT Administrative and Civil Tribunal (Energy and Water Unit) in hearing and deciding matters to which a utility is party.

<sup>3</sup> The Independent Competition and Regulatory Commission.

**Table 5: 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.