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Electricity Supply Industry Regulations 2008

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Electricity Supply Industry Regulations 2008

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TASMANIA

Electricity Supply Industry Regulations 2008

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Electricity Supply Industry Act 1995 .

8 December 2008

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

D. E. LLEWELLYN

1. Short title

These regulations may be cited as the Electricity Supply Industry Regulations 2008 .

2. Commencement

These regulations take effect on 1 January 2009.

3. Interpretation

In these regulations –

Act means the Electricity Supply Industry Act 1995 ;

[Regulation 3 Amended by S.R. 2010, No. 33, Applied:01 Jun 2010] **AEMO-registered electricity entity** means an electricity entity that is required to be registered with AEMO under the National Electricity Rules;

[Regulation 3 Amended by S.R. 2009, No. 106, Applied:16 Sep 2009] *[Regulation 3 Amended by S.R. 2012, No. 52, Applied:01 Jul 2012]*

[Regulation 3 Amended by S.R. 2010, No. 33, Applied:01 Jun 2010] **licence** means a licence issued and in force under Division 1 of Part 3 of the Act.

[Regulation 3 Amended by S.R. 2010, No. 33, Applied:01 Jun 2010]

3A. Electricity generating plants of historic significance

[Regulation 3A Inserted by S.R. 2012, No. 52, Applied:01 Jul 2012] For the purposes of section 39 of the Act, the electricity generating plants specified in Schedule 2 are prescribed to be electricity generating plants of historic significance.

4. Circumstances in which licence not required

(1) A licence authorising the generation of electricity is not required if –

(a) *[Regulation 4 Subregulation (1) amended by S.R. 2009, No. 106, Applied:16 Sep 2009]* the electricity is generated by a generator with a capacity of 5 megawatts or less; or

(b) *[Regulation 4 Subregulation (1) amended by S.R. 2009, No. 106, Applied:16 Sep 2009]* the electricity is –

(i) generated by a generator that is not normally connected to a power system or has a primary function other than the generation of electricity for sale; and

(ii) not sold.

(2) A licence authorising the transmission or distribution of electricity is not required by a person transmitting or distributing electricity which was purchased from a person who is not required to be licensed to generate electricity.

(3) *[Regulation 4 Subregulation (3) amended by S.R. 2012, No. 52, Applied:01 Jul 2012]* A licence authorising the retailing of electricity in the Bass Strait Islands is not required by –

(a) a person retailing electricity who does not use any facilities that are used by another person holding a licence authorising the transmission or distribution of electricity, beyond the point of purchase of the electricity; or

(ab) *[Regulation 4 Subregulation (3) amended by S.R. 2009, No. 106, Applied:16 Sep 2009]* a person who sells electricity only to another person who holds a licence authorising the retailing of electricity; or

(ac) *[Regulation 4 Subregulation (3) amended by S.R. 2009, No. 106, Applied:16 Sep 2009]* *[Regulation 4 Subregulation (3) amended by S.R. 2012, No. 52, Applied:01 Jul 2012]*

(b) the owner of a caravan park who sells the electricity to a person occupying a site within the park; or

(c) the owner of a building who sells the electricity to a person occupying part of the building; or

(d) the owner or manager of a shopping centre who sells the electricity to tenants of the centre; or

(e)

(4)

5. Prescribed information to be published as condition of licence

[Regulation 5 Amended by S.R. 2010, No. 33, Applied:01 Jun 2010] For section 22(1)(j) of the Act, the information specified in Schedule 1 is prescribed as the kind of information to be published by the electricity entity in relation to its energy production capability if it is an AEMO-registered electricity entity.

6. How prescribed information to be published

(1) The information specified in Schedule 1 is to be published –

(a) once a week, no later than 24 hours after the measurement time referred to in that Schedule; and

(b) *[Regulation 6 Subregulation (1) amended by S.R. 2010, No. 33, Applied:01 Jun 2010]* on a website maintained by or on behalf of an AEMO-registered electricity entity in a form approved by the Regulator.

(2) *[Regulation 6 Subregulation (2) amended by S.R. 2010, No. 33, Applied:01 Jun 2010]* For the purpose of subregulation (1)(a), the measurement time is to be the same for each weekly publication, unless the AEMO-registered electricity entity and the Regulator agree on another time.

(3) *[Regulation 6 Subregulation (3) amended by S.R. 2010, No. 33, Applied:01 Jun 2010]* An AEMO-registered electricity entity must keep the data from the weekly publications, in chronological order and in a form approved by the Regulator, on the website referred to in subregulation (1)(b).

(4) *[Regulation 6 Subregulation (4) amended by S.R. 2010, No. 33, Applied:01 Jun 2010]* This regulation is not to be taken as preventing an AEMO-registered electricity entity from also publishing the information specified in Schedule 1 in other ways.

6A. Persons to whom authorised retailers, other than local area retailers, must not sell electricity

[Regulation 6A Inserted by S.R. 2012, No. 52, Applied:01 Jul 2012]

(1) For the purposes of section 43B of the Act, the class of persons who are customers in respect of premises, or a place, at which is situated a type 7 metering installation, within the meaning of the National Energy Retail Rules, is prescribed.

(2) This regulation ceases to have effect on 1 July 2017.

7. Work of minor environmental impact

For sections 52(5) and 57(b) of the Act, the following work is classified as being of minor environmental impact:

(a) the removal, repair, maintenance or modification of existing powerlines for the transmission, distribution or supply of electricity;

(b) the removal, repair, maintenance or modification of an existing substation or a transformer associated with the transmission, distribution or supply of electricity;

(c) the installation or erection of powerlines along any public street, road or highway and on public land for the distribution or supply of electricity;

(d) the laying, removal, repair, maintenance or modification of any underground cable for the distribution or transmission of electricity;

(e) the clearing or lopping of trees, branches or other vegetation to the extent necessary for the protection of electricity infrastructure or public safety;

(f) *[Regulation 7 Amended by S.R. 2016, No. 6, Applied:24 Feb 2016]* the installation and erection of any substation or transformer associated with the distribution or supply of electricity;

(g) [Regulation 7 Amended by S.R. 2016, No. 6, Applied:24 Feb 2016] the installation, erection, removal, repair, maintenance, modification, or use, on land, of any electricity-generating plant that –

(i) is not used, or intended by the Hydro-Electric Corporation to be used, to generate electricity for more than 12 months after the plant is installed or erected on the land; and

(ii) is installed or erected on land that is, or on land that is adjacent to, land on which there is already situated an electricity-generating plant, substation or switchyard or on which not less than 200 gigawatt hours of electricity was consumed during the 2015 calendar year.

8. Requirements for section 56 of Act

(1) For section 56(1)(b) of the Act, the area of the land is to be not greater than 1 500 square metres.

(2) For section 56(1)(c) of the Act, the use or proposed use of the land acquired under the Act for the purposes of electricity infrastructure is to comply with at least one of the following requirements:

(a) a substation or transformer associated with the distribution or supply of electricity is to be installed or erected on the land;

(b) an underground cable for the distribution or transmission of electricity is to be laid, removed, repaired, maintained or modified on the land;

(c) a communication tower or associated facility is to be installed or erected on the land.

9. Licence application fee

[Regulation 9 Inserted by S.R. 2009, No. 106, Applied:23 Sep 2009] The fee payable on application under section 18 of the Act for a licence to carry on operations in the electricity supply industry is 330 fee units.

10.

11. Expiry of certain regulations

[Regulation 11 Inserted by S.R. 2010, No. 11, Applied:17 Feb 2010] Regulation 4(3)(e), regulation 4(4) and regulation 10 expire on 31 December 2011.

12. Time in which energisation, or re-energisation, of premises is to occur

[Regulation 12 Inserted by S.R. 2012, No. 52, Applied:01 Jul 2012]

(1) In this regulation –

distributor has the same meaning as it has in the National Energy Retail Law (Tasmania);

energisation has the same meaning as it has in the National Energy Retail Law (Tasmania);

re-energisation has the same meaning as it has in the National Energy Retail Law (Tasmania);

relevant period, in relation to premises, means –

(a) if the premises have previously been connected to the distribution network –

(i) one business day, if changes to the distribution network are not required to enable the energisation of the premises to occur; or

(ii) 10 business days, if changes to the distribution network are required to enable the energisation of the premises to occur; or

(b) if the premises have not previously been connected to the distribution network –

(i) 10 business days, if no extension of the distribution network is required to enable the energisation of the premises to occur; or

(ii) 40 business days, if extension of the distribution network is required to enable the energisation of the premises to occur.

(2) If a small customer becomes entitled to re-energisation of the customer's premises under Rule 121 of the National Energy Retail Rules and the retailer's request to the distributor for re-energisation of the premises is made before 4 p.m. on a business day, the distributor must re-energise the premises –

(a) if practicable, on the same day; or

(b) if it is not practicable to re-energise the premises on the same day, on the next business day.

(3) A distributor who has made an agreement with a retailer to provide, on a particular day, energisation of a small customer's premises is to provide energisation to the premises on that day.

(4) If a distributor has made an agreement with a retailer to provide energisation of a small customer's premises but the agreement does not specify a day on which the distributor is to provide energisation to the premises, the distributor is to provide energisation to the premises within the relevant period in relation to the premises after entering into the agreement.

13. Regulator may impose certain requirements in relation to information

[Regulation 13 Inserted by S.R. 2012, No. 52, Applied:01 Jul 2012]

(1) The Regulator may, by notice in writing to an authorised retailer or an electricity entity, require the retailer or entity –

(a) to keep, in the manner and form specified in the notice, the information specified in the notice; and

(b) to provide to the Regulator copies of such information in the manner and form, and within the time, specified in the notice.

(2) An authorised retailer, or an electricity entity, to which a notice under subregulation (1) is given must comply with the requirements of the notice.

SCHEDULE 1 - Prescribed Energy Production Capability Information

Regulations 5 and 6

1. [Schedule 1 Amended by S.R. 2010, No. 33, Applied:01 Jun 2010] For the hydro-electric power stations that the AEMO-registered electricity entity operates under a licence authorising the generation of electricity using hydro-electric generators –

(a) [Schedule 1 Amended by S.R. 2010, No. 33, Applied:01 Jun 2010] the amount of energy in storage in each headwater storage (expressed both in gigawatt hours and as a percentage of maximum storage capacity) as at a fixed time of the week determined by the AEMO-registered electricity entity (in this Schedule referred to as "the measurement time"); and

(b) whether, in the 24-hour period immediately before the measurement time, the amount of energy in storage in each headwater storage rose, fell or remained static; and

(c) the power stations that utilise the water from each headwater storage.

2. In item 1 –

energy in storage means the amount of energy that can potentially be generated from the volume of water stored in a headwater storage;

headwater storage, for a hydro-electric power station, means –

(a) if the power station is one of a series of two or more such power stations, the lakes, reservoirs or other water storages that lead into the first such power station in that series; or

(b) if the power station is not one of a series of two or more power stations, the lakes, reservoirs or other water storages that lead into that power station.

SCHEDULE 2 - Electricity Generating Plants of Historic Significance

[Schedule 2 Inserted by S.R. 2009, No. 106, Applied: 16 Sep 2009]

Regulation 3

1.	The electricity generating plant known as the Lake Margaret Power Station situated on the Yolande River
2.	The electricity generating plant known as the Lower Lake Margaret Power Station situated on the Yolande River

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 17 December 2008

These regulations are administered in the Department of Infrastructure, Energy and Resources.