
ENERGY

EN401*

ELECTRICITY INDUSTRY ACT 2004**ELECTRICITY NETWORKS ACCESS CODE AMENDMENTS 2005**

I, Alan Carpenter, Minister for Energy for the State of Western Australia, hereby amend the *Electricity Networks Access Code 2004* established under section 104(1) of the *Electricity Industry Act 2004*.

Dated at Perth this 1st day of November 2005.

ALAN CARPENTER.

Made by the Minister

1. Citation

These amendments may be cited as the *Electricity Networks Access Code Amendments 2005*.

2. Commencement

These amendments come into operation on the date on which these amendments are published in the *Gazette*.

3. The Electricity Networks Access Code amended

These amendments are to the *Electricity Networks Access Code 2004** (“Code”).

[*Published in *Gazette* 30 November 2004, p. 5517-5700]

4. Section 1.3 amended

Section 1.3 is amended as follows—

- (a) in the definition of “associate” by deleting “ 14. ”.
- (b) in the definition of “contestable” by deleting “ exceeds ” and inserting instead—
“ is equal to or greater than ”.
- (c) in the definition of “revocation application” by deleting “ 3.7 ” and inserting instead—
“ 3.8 ”.

5. Section 1.5(e) amended

Section 1.5(e) is amended by inserting after “ this Code ” in the first place where it appears—

“ (excluding the Appendices to this Code) ”.

6. Section 1.5(ea) inserted

After section 1.5(e) the following section is inserted—

“ (ea)

where information in the Appendices to this Code is set out in braces (namely “{ and }”), whether or not preceded by the expression “Note”, “Outline” or “Example”, the information—

- (i) is provided to assist readers; and
- (ii) is to be regarded accordingly in interpreting this Code;

and

”.

7. New heading inserted before section 3.12

Before section 3.12 the following section heading is inserted—

“ Minister may dismiss a coverage application ”.

8. Section 3.12 amended

Section 3.12 is amended as follows—

- (a) by deleting “ Minister may dismiss a *coverage application* if ” and inserting instead—
“ If ”.
- (b) by deleting “ must ” and inserting instead—
“ may ”.

9. Section 4.6 amended

Section 4.6 is amended by deleting “ 4.4 ” and inserting instead—
“ 4.5 ”.

10. Section 4.7 amended

Section 4.7 is amended by deleting “ 4.4 ” and inserting instead—
“ 4.5 ”.

11. Section 5.1(f) amended

Section 5.1(f) is amended by inserting after “ Chapter 8 ”—
“ and ”.

12. Section 6.4(a)(vii) inserted

After section 6.4(a)(vi) the following section is inserted—
“ plus—
(vii) an amount (if any) determined under section 6.37A;

13. Section 6.37A inserted

After section 6.37 the following section and note is inserted—
“

Tariff equalisation contributions may be added to target revenue

6.37A If the *service provider* for the *covered network* that is *covered* under section 3.1 is or will be required to make a tariff equalisation contribution to the Tariff Equalisation Fund under Part 9A of the Act during an *access arrangement period*, then an amount may be added to the *target revenue* for the *covered network* for the *access arrangement period*, which amount—

- (a) must not exceed the total of the tariff equalisation contributions which are or will be required to be made during the *access arrangement period*; and
- (b) must be separately identified as being under this section 6.37A.

{Note: Section 7.12 deals with how the amount added under this section 6.37A is to be allocated as tariff components.}

14. Section 6.56 and its section heading deleted

Section 6.56 and its section heading are deleted.

15. Section 7.3 amended

Section 7.3 is amended by deleting “ 7.5 and 7.7 ” and inserting instead—
“ 7.5, 7.7 and 7.12 ”.

16. Section 7.4 amended

Section 7.4 is amended by deleting “ 7.5 and 7.7 ” and inserting instead—
“ 7.5, 7.7 and 7.12 ”.

17. Section 7.12 inserted

After section 7.11 the following section is inserted—
“

Tariff equalisation contributions must be included as a tariff component for distribution network users

7.12 If an amount is added to the *target revenue* under section 6.37A, then:

- (a) the *service provider's access arrangement* must include a *tariff* component for one or more *reference services* to recover the amount; and
- (b) a *tariff* component under section 7.12(a) must—
 - (i) apply only to users of reference services provided in respect of exit points on the distribution system;
 - (ii) be equitable in its effect as between users referred to in section 7.12(b)(i); and
 - (iii) otherwise be consistent with the Code objective.

18. Section 12.11(a) amended

Section 12.11(a) is amended by deleting “ 12.10 ” and inserting instead—
“ 12.11 ”.

19. Appendix 2 amended

Appendix 2 is amended by deleting after “Appendix 2—Model Applications and Queuing Policy” the note in braces which commences with the words “ {Outline: An access arrangement must ” and ends with the words “ service provider’s proposed policy.} ”.

20. Clause A2.1 amended

Clause A2.1 is amended by deleting the note in braces after the definition of “class 3 application”.

21. Clause A2.7 amended

Clause A2.7 is amended by deleting the note in braces after clause A2.7.

22. Appendix 3 amended

Appendix 3 is amended by deleting after “Appendix 3—Model Standard Access Contract” the note in braces which commences with the words “ {Outline: An access arrangement must ” and ends with the words “ service provider’s proposed *standard access contract*.} ”.

23. Clause A3.2 amended

Clause A3.2 is amended as follows—

- (a) in the definition of “affected service period” by deleting “ , ”; and
- (b) in the definition of “commencement date” by deleting “ item 2 ” and inserting instead—
“ item 1 ”.
- (c) in the definition of “termination date” by deleting “ item 3 ” and inserting instead—
“ item 2 ”.

24. Clause A3.8(b) amended

The note in braces after clause A3.8(b) is amended by deleting “ correction ” and inserting instead—
“ connection ”.

25. Clause A3.36(b) amended

Clause A3.36(b) is amended by deleting in the footnote numbered 29 “ designated controller ” and inserting instead—

“ *designated controller* ”.

26. Clause A3.40(b) amended

Clause A3.40(b) of Option B is amended in the footnote numbered 34 by deleting “ ~~To be inserted in the access contract by agreement between the parties or arbitrated award~~ ”.

27. Clause A3.110(a) amended

Clause A3.110(a) is amended by deleting “ other than by a breach of clause A3.111 ”.

28. Appendix 4 amended

The note in braces after “Appendix 4—Model Capital Contributions Policy” is amended by deleting “ clause ” and inserting instead—

“ section ”.

29. Clause A5.41 amended

Clause A5.41 is amended by deleting “ 10.38 ” and inserting instead—
“ 10.37 ”.

30. Appendix 6 amended

The note in braces after “Appendix 6—Matters to be Addressed by the Technical Rules” is amended by deleting “ clause ” and inserting instead—

“ section ”.

31. Clause A7.13 amended

Clause A7.13 is amended by deleting “ A7.15 ” and inserting instead—
“ A7.14 ”.

32. Clause 1, Schedule 10 to Appendix 3 amended

Clause 1 of Schedule 10 is amended as follows—

- (a) in the definition of “email address” by deleting “ item 3 ” and inserting instead—
“ the third item of Tables 1 and 2 ”.
- (b) in the definition of “place of business” by deleting “ item 1 ” and inserting instead—
“ the first item of Tables 1 and 2 ”.